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Search Terms: "joseph salvati"

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news

Narrowed by

-None-

1. Joseph Salvati Discusses Serving 30 Years for Wrongful Murder Conviction
2. JOSEPH SALVATI, HIS WIFE, MARIE, AND LAWYER, VICTOR GARO, DISCUSS SALVATI'S WRONGFUL 30 YEAR IMPRISONMENT
3. TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI
4. Profile of Joseph Salvati Senior Vice President & Senior Financial Counselor of The Colony Group
5. UP CLOSE JOSEPH SALVATI
6. Smartengeld smaakt zuur in Boston; Joseph Salvati: Natuurlijk wil ik het geld. Al was het maar om er zeker van te zijn dat mijn kinderen en kleinkinderen krijgen wat ik heb moeten missen
7. HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE IN HIS 30- YEAR PRISON TERM FOR MURDER
8. HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE IN HIS 30- YEAR PRISON TERM FOR MURDER

9. JOSEPH SALVATI TESTIFIES TO CONGRESSIONAL COMMITTEE AGAINST FBI WHO INCARCERATED HIM BASED ON FALSE TESTIMONY
10. TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI
11. TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI
12. TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI
13. A VICTIM OF FBI WILL SUE;FORMER TRUCK DRIVER JOSEPH SALVATI WAS IMPRISONED FOR 30 YEARS FOR A MURDER HE DID NOT COMMIT.
14. JOSEPH SALVATI
15. TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI
16. Furnace Brook announces honor rolls
17. NIGHTLINE WRONGLY ACCUSED
18. HEARING OF THE SENATE GOVERNMENT REFORM COMMITTEE SUBJECT: THE FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON: WILL THE JUSTICE DEPARTMENT COMPLY WITH CONGRESSIONAL SUBPOENAS? CHAIRED BY: REPRESENTATIVE DAN BURTON (R-IN) LOCATION: 2154 RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.
19. PREPARED TESTIMONY OF REP. CHRISTOPHER SHAYS BEFORE THE HOUSE GOVERNMENT REFORM COMMITTEE NATIONAL SECURITY, VETERAN'S AFFAIRS AND INTERNATIONAL RELATIONS SUBCOMMITTEE
20. U.S. REPRESENTATIVE DAN BURTON (R-IN) HOLDS HEARING ON JUSTICE DEPARTMENT DOCUMENT POLICIES
21. Wrongfully Imprisoned Man Blames FBI
22. Why I'm Signing Off the Podcast I've Done for 13 Years

23. MUELLER'S MAFIA MYSTERY;Special counsel mum on FBI scandal in Hub
24. LOST TIME - `Things got worse' without them Framed men's relatives recall lives left behind
25. SALVATI CASE TAKES A TWIST; Hub DA had information on frame-up
26. THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.
27. US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.' FBI withheld evidence in '65 gangland slaying
28. Convict speaks softly, sadly at his commutation hearing
29. For September 7, 2007 MSNBC
30. SALVATI SUES THE FBI IN MURDER FRAMEUP
31. Salvati wants meeting with Bush on FBI files
32. Eleanor F. Salvati
33. Low-profile prosecutor leads high-profile huntJohn Durham of Connecticut digs into origin of Trump collusion claims
34. A história do maior assassino da máfia que era português
35. Furnace Brook Middle School first trimester/semester honor rolls
36. Durham rebuttal fueling debateWhy did US attorney publicly reveal dissent over Horowitz report?
37. \$100 MILLION VINDICATION
38. Another day in court; DA to seek new trials for convicts in Mob hit
39. Council commutes life term of N. End man

40. Death, deceit, then decades of silence
41. Dommages et intérêts pour des Américains condamnés à tort pour un meurtre en 1965
42. Ex-FBI agent sheds no tear in Salvati case
43. FBI chief admits blunders in Salvati case
44. FBI VICTIM GETS AN APOLOGY
45. Men jailed in Mob hit clear final hurdle
46. OP-ED; AS YOU WERE SAYING . . . Salvati attorney stands out in uphill battle for justice
47. Peine de mort aux Etats-unis. Les défaillances de la justice sont illustrées par des dizaines de cas. Depuis 1973, près de 100 condamnés à mort ont été libérés des prisons, faute de preuves ou innocentés. Des ratés terribles de la machine judiciaire.
48. President Bush Warns Energy Supplies Running Low; Man Wrongly Imprisoned for 30 Years Testifies Before Congress
49. Second man exonerated in 1965 Mob killing case
50. The justice system relies on people to tell the truth. But people lie.
51. The Story of Joe Salvati
52. Assessing Robert Mueller
53. Hannity's Mueller-Bulger claims don't hold up
54. Orrin S. Estebo Dollars for Scholars chapter scholarship list is growing
55. Redwood Valley High School Class of 2018 to graduate May 20

56. Jeffery Salvati
57. Susan Jo Peal Sumner
58. he paid for fbi's mistake;Limone spent 33 years in prison for murder he didn't commit
59. Peter Limone, in prison 33 years for murder he didn't commit, dies at 83
60. Redwood Valley High School thespians preparing for One-Act contest
61. Stella Salvati
62. 21 Counselors at The Colony Group Recognized as Five Star Wealth Managers(TM)
63. Former White House Chief of Staff to Lead Free March 30 Event
64. 33 Jahre lang unschuldig im Knast gesessen;... und das FBI wusste Bescheid
65. \$102 million awarded to men for wrongful convictions
66. AT 78, RICO DIES UNDER GUARD; Former G-man was to be tried for murder
67. AT WHAT PRICE THE FBI'S TREACHERY?; 4 families abused by feds await justice
68. Board OKs commutation of Salvati life sentence
69. BOSTON MAN SUES THE U.S. FOR WRONGFUL IMPRISONMENT
70. Charges Dropped 36 Years After Mob Hit;2 men imprisoned for decades say FBI let them be framed
71. Charges dropped in 1965 Boston mob hit
72. Chelsea slaying spawned years of injustice
73. CITY CLASSROOMS WIRED TO THE WEB / CONTROVERSIAL E-RATE FUNDS WEB CONNECTIONS

74. Civil trial begins for men framed in mob killing Millions sought from government
75. Cleared in mob slaying, 2 men want feds to pay;FBI is accused of withholding key evidence to protect hitman informant
76. Colony Group names 6 new principals
77. DEAD BODIES, SECRET FILES;LAWSUITS SEEK ACCESS TO FBI DOCUMENTS
78. Egregious injustice
79. Egregious injustice
80. Evidence concludes in framed men's suit
81. Ex-agent retraces gang war;Tells how FBI cultivated mob pair in violent '60s
82. Ex-agent tells panel jailed man is innocent
83. FBI agent denies framing innocent man
84. FBI agent doesn't apologize to wrongfully convicted man: Emotional testimony during hearings on FBI informants
85. FBI denies hiding evidence in Deegan murder case
86. FBI's misconduct yields nearly \$102M for wrongful convictions
87. FBI stung by record payout;Agents withheld evidence, let 4 men wrongly go to jail
88. Feds face possible \$100 mil. payout for false convictions
89. Framed men take stand at trial Tearfully recall decades in prison
90. HANGING WITH THE MOB? JOE, SAY IT AIN'T SO

91. Her husband's coming home after a 30-year absence
92. Hidden truth; Hoover's FBI may have suppressed info on Mob hit
93. Hoover's F.B.I. and the Mafia: Case of Bad Bedfellows Grows
94. HOUSE COMMITTEE BEGINS HEARINGS ON HOW FBI USES INFORMANTS
95. Inocente convicto pede compensacao de US\$ 300 mi ao governo dos EUA
96. Investigators call on 'ailing' ex-FBI agent
97. Judge orders government to pay \$101
98. Judge orders government to pay nearly \$102M for wrongful convictions
99. Judge orders government to pay nearly \$102M for wrongful convictions
100. Judge vacates man's murder conviction
101. JUSTICE DEPT. IS SCOLDED FOR SECRECY
102. Lifer won't be home for Christmas _ again
103. MAN JAILED 30 YEARS TALKS OF FBI DECEIT
104. Man wrongly held in prison for 30 years gets apology; FBI hid evidence proving innocence
105. MEMOS POINT TO FBI MURDER COVERUP
106. National briefs
107. NO APOLOGIES TO AN INNOCENT MAN;EX-AGENT: SURPRISES PANEL WITH TESTIMONY

108. NO APOLOGY FROM AGENT IN SALVATI CASE BUT HE ACKNOWLEDGES A MAN'S INNOCENCE

109. No Headline In Original

110. No Headline In Original

111. No Headline In Original

112. Panel probing FBI apologizes to man jailed 30 years

113. President Bush uses executive privilege to block a congressional inquiry into the FBI

114. Prosecutor drops mob murder charges

115. ROBERT JOHNSTON

116. ROBERT L. JOHNSTON

117. SALVATI LAWYER SEES A PLAN IN IRS AUDIT

118. Salvati released, asserts innocence

119. Settlement awarded (STAND ALONE PHOTO)

120. 'Smoking gun'; Probers unveil memo showing Boston FBI protected killer

121. The Colony Group Names Six New Principals

122. The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

123. The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

124. The law: President Bush's first executive privilege claim: the FBI/Boston investigation.

125. Un innocent condamné à 30 ans de prison réclame 300 millions de dollars
126. U.S. Must Pay \$101.8 Million For Role in False Convictions
127. U.S. must pay \$101 million for wrongful convictions
128. U.S. must pay \$101 million for wrongful convictions
129. U.S. ordered to pay \$100M; Wrong men spent years behind bars
130. U.S. REPRESENTATIVE THOMAS DAVIS (R-VA) HOLDS HEARING ON CONTINUING INVESTIGATIONS OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE
131. U.S. TOLD TO PAY \$101 MILLION FOR FRAMING FOUR FOR MURDER
132. U.S. told to pay up for unjust verdicts
133. Weld asks council to commute term of man in '65 plot
134. WIPEOUT; Public safety trio axed in shakeup
135. WRONGED BY THE FBI, FREE AT LAST;MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON
136. Wrongful conviction could cost taxpayers \$100 million
137. Wrongfully jailed men file suit
138. 2 FORMER FBI AGENTS SUBPOENAED BY PANEL QUESTIONS' FOCUS IS '65 SLAY PROBE
139. 2 FREED IN ' 65 MURDER CASE;FBI ALLOWED FRAMEUP TO PROTECT MOB INFORMANT
140. 32-YEAR WAIT NOT OVER YET FOR CONVICT;FBI MEMOS INDICATE MAN WAS FRAMED IN MURDER TRIAL; JUDGE DELAYS DECISION

141. 33 years
142. 72 Millionen Euro nach Fehlurteil
143. 75 miljoen euro schadevergoeding voor onterechte celstraffen
144. 102 Millionen für ein Fehlurteil; Vier Männer saßen unschuldig im Gefängnis
145. 1965 MURDER CHARGES AGAINST TWO MEN DROPPED
146. 1997 YEAR IN REVIEW
147. \$100m damages for men framed by FBI in mafia hunt
148. \$100 million to four falsely convicted
149. \$100m judgment grows as Justice Department weighs appeal
150. \$100M wrongful conviction ruling appealed by feds
151. \$102 million awarded for false convictions; BRIEFLY: UNITED STATES: BOSTON
152. \$102 million judgment for 4 men FBI framed
153. \$117m frame-up payout
154. \$ 375M lawsuit filed vs. FBI
155. Accused FBI agent dies in Tulsa hospital
156. Accused FBI agent had storied career
157. Across the Nation
158. ACROSS THE USA: NEWS FROM EVERY STATE

159. ACROSS THE USA: NEWS FROM EVERY STATE
160. ACTOR COLIN FARRELL WELCOMES A BABY BOY;BUT FROM A DISTANCE
161. A Decade's Blunders;Critics say McVeigh debacle is one of many FBI mistakes
162. ADRIAN WALKER;POSTHUMOUS PARDONS DUE
163. A FATE ACCOMPLI; Long lost lovebirds tie knot
164. Agents of chaos
165. A GOOD AGE;Facing fed heat? They'll be there
166. AG urges pols to find Bulger truth
167. AIAA WELCOMES NEW MEMBERS
168. Albano comes out swinging
169. Albano may testify in Bulger trial
170. Albano out in Bulger trial
171. A life is destroyed for feds' convenience
172. ALLEGATIONS OF IMPROPRIETIES BY FLORIDA PROSECUTORS
173. American fascism: Not a far-fetched notion
174. ANALYSIS; Staggering judgment clear warning to law enforcement
175. An Innocent Man Goes Free 33 Years After Conviction
176. Another dropped ball for the bureau

177. ANOTHER SCANDAL FOR THE FEDS

178. Answers for energy crisis

179. AP Massachusetts News In Brief

180. APOLOGY ISSUED BY PANEL;MAN WAS WRONGLY JAILED FOR 30 YEARS

181. A post-9/11 American nightmare

182. Appeals court: lawsuit alleging FBI-police frameup can proceed

183. Appeals court OKs \$100M wrongful conviction awards

184. Appeals court OKs \$102M for wrongful convictions; Boston judge found FBI withheld evidence

185. Appeals court OKs \$102M for wrongful convictions; Boston judge found FBI withheld evidence

186. Appeals Court Upholds \$101.7 Million Verdict Against FBI

187. AP Top News at 1 p.m. EST Thursday, Jan. 18, 2001

188. AROUND THE U.S.

189. As FBI bungling increases, confidence in agency sinks

190. A STEVEN SPIELBERG BLOCKBUSTER; I WAS FRAMED: THE JOE SALVATI STORY; Salvati film in the (Dream) Works

191. ...A TIME TO FIX THE FBI

192. Authorities search home of reputed Boston-area mob leader wrongly imprisoned for 30 years

193. Bad news from the vaults

194. BAIL DENIED IN REVIEW OF REPUTED MOBSTER'S CONVICTION
195. BC-FBI-LAWSUITS-[TRIMS]-NYT
196. BEACON HILL;Patrick mulls first commutations
197. Bill would remove Hoover's name from FBI building
198. BLINDED JUSTICE
199. BLOG: Herald Bulldog: Gov. Patrick 'running out of time' for more pardons
200. Blunders in big cases haunt FBI
201. Blunders in big cases plague FBI
202. Blunders in big cases plague FBI
203. Blunders in big cases plague FBI
204. Blunders in Big Cases Plague FBI
205. Blunders in major cases continue to plague FBI
206. Blunders plague FBI in high-profile cases
207. Boston FBI chief promoted to Washington
208. Boston FBI promises changes following former agent's corruption conviction
209. Boston FBI promises changes following former agent's corruption conviction
210. BOSTON FEDERAL JUDGE TO TESTIFY IN PROBE OF FBI

211. Boston jail is transformed into a luxury hotel; Liberty Hotel, which was once a notorious jail, is now a great place to stay

212. BOSTON MAN LINKED TO SPRINGFIELD MOBSTER;SALVATI, FRAMED IN 1965 KILLING, SAID TO SET UP MEETING WITH BRUNO

213. Boston Men Cleared in Slayings Sue Gov't

214. Boston men seek damages from federal government after exoneration in mob killing

215. Boulder, Broomfield, Weld home sales: Nov. 26, 2012

216. BRAZIL

217. Breakdown of \$101M award to men wrongly convicted of murder

218. BRIEFING

219. BRIEFS: Board wants altitude changes for Hudson aircraft

220. Briefs: Confederate emblem to shrink on flagShooter collapses in his jail cell/Charges dropped in decades-old case

221. Brother: Mob hitman plans to return to Boston, live quiet life

222. BULGER'S DUTY

223. Bulger's lawyers narrow witness list

224. Bulger's lawyers pare down mob trial witness list

225. Bulger's lawyers pare down mob trial witness list

226. Bulger under fire as source says: Billy talked with Whitey

227. Bureau's dirty star founded original trenchcoat mafia

228. Burton Critical Of Administration For Not Turning Over Documents
229. BURTON, JUSTICE DEPARTMENT REACH AGREEMENT ON BOSTON FBI DOCUMENTS
230. Burton Out Front in Drive to 'Clean Up the FBI'
231. Burton renewing efforts to get documents in Boston mob informant case
232. Burton renewing efforts to get documents in Boston mob informant case
233. Burton Takes Administration To Task Over Refusal To Share Documents.
234. BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS
235. BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS
236. Burton Threatens To Sue Administration Over FBI Documents.
237. Burton To Probe FBI Wrongdoing Despite Bush's "Executive Privilege" Claim.
238. Bush Administration: Bush Withholds Records From Congress; Other Developments
239. Bush Administration Under Fire For Claiming Privilege In FBI Informant Case.
240. Bush Aides Reportedly Furious Over FBI's Failure To Disclose Evidence In McVeigh Case.
241. Bush blocks bid to get documents; Privilege used to deny request
242. Bush blocks release of papers in Hub FBI probe
243. BUSH DENIES CONGRESS PAPERS FOR FBI PROBE PANEL DENOUNCES CLAIM OF EXECUTIVE PRIVILEGE
244. BUSH HALTS INQUIRY OF FBI AND STIRS UP A FIRESTORM
245. Bush Invokes Executive Privilege

246. BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS DENIED ACCESS TO JUSTICE DOCUMENTS

247. BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS IS DENIED SALVATI DOCUMENTS

248. Bush invokes executive privilege over case memos

249. Bush invokes executive privilege to block Congress from memos Move draw cry of 'imperial presidency' from lawmakers

250. Bush invokes executive privilege to keep Justice Department documents secret

251. Bush invokes executive privilege to keep Justice Department documents secret

252. Bush invokes executive privilege to keep Justice Department documents secret

253. Bush invokes executive privilege to keep Justice Department documents secret

254. Bush invokes executive privilege to keep Justice Department investigative documents secret

255. Bush invokes executive privilege to keep Justice Department investigative documents secret

256. Bush invokes privilege on documents; House committee is denied records about prosecution decisions

257. Bush invokes privilege to keep memos secret

258. Bush irks Congress by invoking 'privilege'

259. BUSH KEEPS DOCUMENTS FROM CONGRESS; EXECUTIVE PRIVILEGE UPSETS LAWMAKERS

260. Bush Makes Justice Papers Secret

261. BUSH POLICY COULD FOIL SUITS ON FBI DEALINGS

262. 'Cadillac Frank' Salemme set for early prison release

263. CALLING FBI TO ACCOUNT;DID BAY STATE AGENTS HAVE OWN AGENDA?

264. CANARY FRANK: FLEMMI, WHITEY WORTH MILLIONS

265. - Capital Comment -- Daily news notes, political rumors, and important events that shape politics and public policy in Washington and the world from United Press International.

266. Capital Watch

267. Capitol Hill hearings scheduled on link between FBI and mob

268. CARMELA H. SALVATI

269. CARMELA H. SALVATI

270. Cell blocks transformed into suites

271. Charges Dropped in 1965 Mob Case

272. Charges Dropped in 1965 Mob Case

273. Charges Dropped in 1965 Mob Case

274. Charges Dropped in Mob-Related Frame-Up

275. CLEARED EX-INMATE TO SUE FBI

276. Coakley defends death penalty shift

277. -Colony Group Announces plans Florida expansion

278. -Colony Group Announces plans Florida expansion

279. -Colony Group Announces plans Florida expansion
280. Colony Group announces plans to expand in Florida
281. Colony Group to Expand in Florida
282. COMMENTARY ; Connolly case may only be beginning
283. Commutation plea carries a political risk for Patrick Killer's request OK'd by Parole Board
284. Compensation for men FBI let be framed
285. Condon defends handling of FBI mob informant
286. Congress calls ex-agents in FBI crime probe
287. Congress demands records on Mob probes
288. Congress digs deeper in feds' ties to Barboza
289. Congress Grills Freeh Over McVeigh Documents.
290. CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS
291. CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS
292. Congressional hearings on FBI in Boston
293. Congressional hearings on FBI misconduct come to Boston
294. Congressman Wants FBI Records
295. Congressmen say ex-agent cooperated in FBI probe
296. Congress probes FBI's alleged threats to board

297. Congress rejects immunity for FBI agent
298. Congress to launch new FBI probe
299. Connolly lawyers to say statie tipped Mob
300. Connolly letter may be ethics violation
301. CONNOLLY ON TRIAL; Congressional probe comes to Boston; Reps eye federal misconduct
302. Connolly says he never intended to commit any crime
303. Conservatives and liberals agree.;Effort to rename FBI building grows
304. Constitutional Chaos;Book review
305. Convicted rapist LaGuer seeks clemency;Before he was gov, Patrick donated \$5G to his defense fund
306. CONVICT IN '65 SLAYING MAY GAIN FREEDOM
307. Convict in Mob hit may go free today
308. CONVICTION THROWN OUT IN MOB MURDER CASE
309. CONVICT MAY BE FREED IN 1965 SLAYING
310. CONVICT MAY GET MURDER HEARING JUDGE MULLS FACTS IN MAFIA SLAYING
311. Convicto inocente pide compensacion de 300 millones de dolares al Gobierno
312. Convict seeks new trial for 1965 murder
313. Cops were suspicious of Deegan charges

314. Corporate Report

315. Council expected to free Salvati

316. Council to OK commutation for inmate

317. COUNTY'S AD AND PR COMPANIES STRUT THEIR STUFF AT AWARDS SHOW; ADVERTISING: COMPETITION GIVES 102 AGENCIES A CHANCE TO DISPLAY THEIR WARES TO EACH OTHER AND POTENTIAL CLIENTS.

318. COURT ALLOWS SUIT AGAINST TWO LAW OFFICERS

319. Court drama going high tech

320. COURT FREES LIMONE AFTER 33 YEARS IN PRISON

321. Crime; FBI Liable for \$101.8 Million in Framing

322. Crime: Real Estate Heir Charged With Murder; Other Developments

323. Criminally Unjust

324. DANIEL SALVATI Jr.

325. DA: NO NEW TRIALS AGAINST 2 IN '65 CASE

326. Dan Rea's mission impossible; The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

327. Dead Inmate Exonerated In a Murder

328. Death And All His Friends

329. Death penalty debated in Statehouse, but passage is unlikely

330. Death penalty used as wedge issue; Capuano hopes to lure voters from Coakley in Senate primary

331. DEEGAN DEFENDANT FREED AFTER 34 YEARS

332. DELAHUNT CRITICIZES MOVE TO HALT LAWSUITS FEB. RULING EXPECTED IN CASES AGAINST FBI

333. Delahunt sits in on hearings

334. DELAYED JUSTICE

335. Delay, not reprieve: FBI foul-up will delay McVeigh's execution -- experts

336. Democrat Coakley concedes death penalty change

337. Did FBI get help 'flipping' Mob killer Barboza?

338. Digging in; Committee subpoenas Hub FBI office memos

339. District attorney's office drops charges against posthumously

340. District attorney's office drops charges posthumously in frame-up related to New England mob

341. District attorney's office drops charges posthumously in frame-up related to New England mob

342. Divine right

343. Divine right

344. Document fumble increases FBI embarrassment

345. Document fumble increases FBI embarrassment

346. Documents on Boston FBI-mob ties reveal killers shielded; 4 wrongly convicted; men, families suing

347. DOJ Appeals \$100M Wrong Conviction Order
348. DOJ Argues FBI Had No Duty to Disclose Evidence of Perjury
349. DreamWorks Buys Rights to Salvati Story
350. DreamWorks to make film about wrongly convicted man jailed for 30 years
351. DreamWorks to make film about wrongly convicted man jailed for 30 years
352. Drumgold says he has no anger against prosecutors for flawed murder case
353. Dukakis testifies he was urged to reject clemency for Limone
354. Editorial; Setting right the wrongs
355. Editorial; Airing FBI's dirty laundry
356. Editorial; Letters to the Editor
357. Editorial Roundup
358. Editorial Roundup
359. Editorial; True justice still denied
360. EEUU-INOCENTE (cronica) LIBERADO DESPUES DE 33 ANOS EN PRISION POR CRIMEN QUE NO COMETIO
361. EEUU: jueza ordena indemnización de 100 millones USD por condena equivocada
362. 'END OF END' AS FEDS DROP APPEAL; Lets four framed by FBI get \$1M to cover attorney fees
363. ENGAGEMENTS

364. Er saß 30 Jahre unschuldig im Knast ... und lacht jetzt über 101 Millionen Dollar Entschädigung

365. Estate of wrongfully convicted man gets \$500K

366. EUR 100m for men framed by Mafia

367. Evelyn M. (Salvati) Liantonio

368. EVENT: HOUSE GOVERNMENT REFORM COMMITTEETIME: 10:00 am

369. EVENT: HOUSE GOVERNMENT REFORM COMMITTEETIME: 10:am am

370. EVENT: HOUSE GOVERNMENT REFORM COMMITTEETIME: 10:am am

371. EVENT: HOUSE GOVERNMENT REFORM COMMITTEETIME: 10:am am

372. EVENT: NEWS BRIEFING - EDUCATION AND LIBRARY NETWORKS COALITION (EDLINC)TIME: 10:30 am

373. EX-AGENT CHARGED IN 1981 MOB HIT;SOME EXPECT ARREST TO UNRAVEL TIES BETWEEN FBI AND UNDERWORLD

374. EX-AGENT OF FBI ARRESTED IN MOB HIT

375. Ex-Boston FBI agent charged in 1981 killing;H. Paul Rico's arrest may widen a scandal overthe local agency's ties to its informants in the mob.

376. Executive error

377. EXECUTIVE PRIVILEGE;WHY IS BUSH BLOCKINGCONGRESSIONAL PROBES?

378. Ex-FBI Agent Faces Charges in Mob Hit

379. Ex-FBI agents, attorney Bailey to testify

380. Ex-hitman looks to lead quiet life John Martorano to return to Hub after prison term

381. Ex-Hub FBI agent seeking immunity - Reps want Rico's testimony
382. Ex-inmate hits U.S. with suit
383. Exonerated in mob killing, men seek restitution from government
384. Exonerated in mob killing, men seek retribution from government
385. Exonerated in mob killing, men seek retribution from government
386. EXPERTS SAY FBI'S ERROR IS LIKELY TO DELAY EXECUTION
387. Experts: Stay likely for bomber
388. Ex-prosecutor apologizes to Salvati, Limone
389. Ex-wife recounts plight of wrongfully imprisoned man
390. FACES IN THE NEWS
391. Failure stalks the halls in L.A.; Nearly four in 10 abandon education
392. Family applauds \$101.7m award - Voices frustration that suit vs. FBI never went to trial
393. Family ups ante in lawsuit for botched mob murder case
394. FBI admits McVeigh records bungled; Director reports discovery of another set of documents
395. FBI agent denies framing innocent man
396. FBI agents aided mob informants, Mafia boss says
397. FBI Agent's Cozy Relationship With Informant Leads to Murder Conviction

398. FBI agents helped Mob hit man avoid death penalty
399. FBI aided killer - Hub FBI men helped Mob hit man escape death row
400. FBI 'ALLOWED MAFIA TO CONTINUE WITH PLOT TO KILL GANGSTER'
401. FBI 'ALLOWED MAFIA TO CONTINUE WITH PLOT TO KILL GANGSTER'
402. FBI blunders are nothing new; Agency suspected of withholding info to protect image
403. FBI BLUNDERS BEDEVIL BUREAU IN BIG CASES
404. FBI claims police got evidence in '65 Mob hit
405. FBI CORRUPTION COSTS MORE THAN CREDIBILITY
406. FBI CORRUPTION EXPOSED
407. F.B.I. Covered Up for Boston Mobsters, Lawsuits Assert
408. FBI director calls Salvati case a 'sad chapter' in FBI history
409. FBI DIRECTOR PLEDGES HELP Focus on gang violence
410. FBI documents suggest wrong men convicted of murder
411. FBI DROPS MOB KILLING CASE
412. FBI DUTY IN SLAYING TRIAL OF 4 DISPUTED;US SEEKS DISMISSAL OF NEGLIGENCE SUIT
413. FBI evidence gaffe another 'black eye': MCVEIGH EXECUTION DELAY
414. FBI faces suits for 'framing' 4 in killing
415. (FBI) Federal Bureau of Incompetent's latest

416. FBI floundering: McVeigh case latest in series of blunders
417. FBI frame-up;A cautionary tale about lawless law enforcers
418. FBI frame-up; A cautionary tale about lawless law enforcers;EDITORIAL;Editorial
419. FBI frame-up costs government \$101.8M;Judge grants huge award for false convictions of four men in 1965 gangland killing case
420. FBI FRAME-UP SUIT TO PROCEED
421. FBI has built solid case for... its own reform
422. FBI hit with \$375m suit
423. FBI INFORMANT SYSTEM CALLED A FAILURE HOUSE REPORT FINDS NO PROOF AGAINST BULGER
424. FBI 'knew innocent men were jailed'
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[Joseph Salvati Discusses Serving 30 Years for Wrongful Murder Conviction](#)

CNN CNN BURDEN OF PROOF 12:30

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Guests: [Joseph Salvati](#), Victor Garo, Marie Salvati, F. Lee Bailey, Jim Wilson

Highlight: [Joseph Salvati](#) spent 30 years in prison for a 1965 killing north of Boston. But new evidence shows he was innocent and that the government knew he was innocent. Salvati speaks out about his wrongful conviction.

Body

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(BEGIN VIDEO CLIP)

JOSEPH SALVATI, WRONGFULLY CONVICTED OF MURDER: I have served 30 long and hard years in prison for a crime I did not commit.

(END VIDEO CLIP)

ROGER COSSACK, HOST: A Congressional committee calls it a travesty of justice. **Joseph Salvati** was fingered for a 1965 killing north of Boston. But new evidence shows he was innocent and the government knew he was innocent.

(BEGIN VIDEO CLIP)

VICTOR GARO, ATTORNEY FOR **JOSEPH SALVATI**: With one witness, Joseph "The Animal" Barboza, who gave uncorroborated testimony in three cases, the government had what they wanted.

PAUL RICO, RETIRED FBI SPECIAL AGENT: I believe the role I played was the role I should have played. I believe that we...

GARO: But now -- but now you know you...

RICO: ...supplied the witness and that we gave him to the local police. And they are supposed to be able to handle the case from there on. That's it.

(END VIDEO CLIP)

Joseph Salvati Discusses Serving 30 Years for Wrongful Murder Conviction

COSSACK: Today on BURDEN OF PROOF: After three decades behind bars, Joseph Salvati is rattling out the United States criminal justice system.

ANNOUNCER: This is BURDEN OF PROOF with Roger Cossack and Great Van Susteren.

COSSACK: Hello and welcome to BURDEN TO PROOF.

On March 12, 1965, Edward Deegan was murdered near Boston. Six men were convicted of the killing, based primarily on the testimony of an alleged contract killer -- among them, Joseph Salvati.

He served 30 years in prison for a murder he did not commit. But recently uncovered evidence in the case shows that an informant tipped off the FBI before the murder, and agents were later told that Vincent Flemmi and Joseph "The Animal" Barboza had participated in the killing. Flemmi was being courted by the FBI as a top echelon informant. And Barboza, an alleged contract killer from the Patriarca family, was the prosecution's key witness in the conviction of Joseph Salvati.

In 1970, Barboza hired criminal defense attorney F. Lee Bailey, who joins us today from Boston. And joining us here in Washington: Joseph Salvati and his wife, Marie, and Salvati's attorney, Victor Garo. In the back, Jackie Stocklin (ph), Josh Pavlock (ph) and Jim Wilson, chief counsel for the House Committee on Government Reform.

Joe, I want to start right with you because this a story that is just beyond belief, but did it happen to you. Joe, why you? Why did they decide to incorrectly -- and lie and put you in prison for a crime you didn't commit?

J. SALVATI: Because Barboza told them to. Barboza and I didn't get along. And I made a loan from him and never paid him back. And, to him, like, that's defiance. And he doesn't like that. And that's his way of getting people -- besides shooting them.

COSSACK: And then so -- Barboza -- Barboza just went ahead and lied about you and put you in prison. You went ahead and said that you had nothing to do with it and had a trial. What was the trial like?

J. SALVATI: The trial, it was like, you had a better chance if you faced the Ku Klux Klan. The trial was over before it started. Everything was -- there was more signals than a third base coach would give you there. And everything just, you know, was all against us.

COSSACK: Did you testify in the trial?

J. SALVATI: Yes.

COSSACK: And you told the jury you had nothing to do with it?

J. SALVATI: Yes.

COSSACK: But they didn't believe you.

J. SALVATI: No.

COSSACK: Marie, what was it like for you? All of a sudden, one day, you're minding you're own business and suddenly you hear that your husband has been arrested for murder.

MARIE SALVATI, WIFE OF JOSEPH SALVATI: Well, it was a nightmare, for sure. You know, I was numb. I couldn't believe this was happening to my life. My whole world went upside down.

COSSACK: How old were you then?

M. SALVATI: I was 32 years old. COSSACK: And had how many children?

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M. SALVATI: And we had four children, we had. And they were little. My youngest was 4. My son was 4. My daughters were 7, 9 and 11 when their dad went away. You know -- so it was devastating. It really, you know, changed our lives completely.

COSSACK: And yet you never lost confidence in your husband. You never believed that he was anything but innocent. How did you manage -- the two of you, how did you manage to keep together during those 30 years?

M. SALVATI: Well, I would go visit Joe every week. First of all, we talked to the children about what had happened, you know. And I told them their dad had no part of what was happening to him. He needed our love, our support.

Joe was always a good father and a family man. The respect was there. We have old-time values from marriage and nurturing and family. And then I would take the children up. I would go every week, but I'd take the children up, like, every other week, pack a lunch bag, get them ready to go. And you know, they needed that. He needed that for the children: the hugs, the kisses, the nurturing.

And I would tell him, like, all the good stuff would happen. And he -- I said to him, "You take care of yourself in jail, and I will take care of the family outside."

COSSACK: Joe, how did you manage to keep your sanity in there? You knew, for 30 years, that you had absolutely nothing to do with this murder, that you were just plucked off the street and put in prison. How did you manage to keep your sanity?

J. SALVATI: Well, I had to stay strong. I had to do the time. You know, you sit down and you get together with yourself. And you can either do it the hard way or the easy way. You do the time or let the time do you. And I had my family, I had my children and Victor. And you do it a day at a time. You have to stay strong for your family and yourself.

COSSACK: You would get a card from him every week, wouldn't you?

M. SALVATI: Yes.

COSSACK: Tell us about that.

M. SALVATI: Every -- once a week, usually every weekend, you know, I get this card in the mail, and I'd leave it out on my TV, and it was what kept us going. It was our little package, with little love notes, little personal notes sometimes, and, "I love you," things like that, would be on the card. And I'd keep it out until -- and I wouldn't put it away until the next card came.

And let me tell you, for like 30 years, I want to say I felt like my life was in the shoe box. And as the boxes got full I tied them with a ribbon. And, you know, I felt like I was married to the state. I felt the state owned my husband. It was really -- it was a hard thing. In the meantime, I knew I needed strength to go on, and you do what you have to do.

COSSACK: Victor, you're a heroic lawyer and it's a delight to have you here. Lawyers get such bad reputations for things, sometimes undeservedly. But you are a lawyer who defended and stuck with him for many, many years free of charge, because you knew and believed he was innocent.

First of all, why -- it's clear that there's two parts of this story. First, an innocent man goes to prison for 30 years. But the other part, perhaps equally as important, is the notion that law enforcement knew he was innocent, knew he was innocent before the murder was even committed, knew who committed the murder, and yet let him go to prison. Tell us about that.

GARO: Back in the days of the '60s, there were gang wars going on, there was a lot of killings, and the government was not able to prove who were doing the killings.

COSSACK: This is in Boston.

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GARO: In Boston, the Boston gang wars in the '60s. And the government, under J. Edgar Hoover at that time, found a way to wipe out and eradicate organized crime in the entire northeast area through one witness, and that was Joe "The Animal" Barboza.

The FBI flipped him to become a witness against -- in three different cases. First, against Gennaro Angiulo in Massachusetts, who was the alleged head of organized crime in Massachusetts. Two: against Raymond Patriarca, the alleged head of organized crime in New England. Three: the Deegan murder case, the right arms of Gennaro Angiulo and Raymond Patriarca, and other people they wanted off the street.

So in one fell swoop, with one witness giving uncorroborated testimony, here we go. The FBI, through its propaganda, was able to say: We are still the best crime-fighting force in the world. Look what we're going to do.

And that's the reason why I say that J. Edgar Hoover crossed over the line in this case. J. Edgar Hoover became a criminal in this case because he let Joe "The Animal" Barboza testify perjurally on October 25, 1967.

COSSACK: Victor, records now -- newly discovered or newly released records, now indicate clearly that law enforcement absolutely knew about this. Why would they trade Barboza, who they believed was going to be an informant? Or is that the reason that they traded Barboza, for him, just because they believed Barboza could give them the rest of the Mafia?

GARO: It was all about PEG: power, ego and greed. That's what it was with J. Edgar Hoover. He had to have the power. The only way he could have the power was go after organized crime. Go after it and wipe it out in the entire northeast area. The FBI sold its soul to Joe Barboza. It was more important for the FBI to protect prized informants and witnesses like Barboza, than it was for innocent people to be framed. And they knew they were being framed.

COSSACK: They also wanted Stephen Flemmi to be an informant, too. Was he part of this?

GARO: If I could give you a little chronology on the evidence: In February of 1965, H. Paul Rico and Dennis Condon targeted Stephen "the Rifleman" Flemmi...

COSSACK: Now, those are two FBI agents.

GARO: That is correct.

COSSACK: Former FBI agents.

GARO: Targeted Stephen "the Rifleman" Flemmi as a top echelon informant. On March 9th of 1965, the records show and the evidence shows that H. Paul Rico and Dennis Condon, retired FBI agents, targeted Vincent Flemmi, who was Stephen Flemmi's brother, as an informant.

On March 10th of 1965, Vincent Flemmi told an informant, who I say was his brother, Stephen Flemmi, that he and Barboza were going to go kill Teddy Deegan. On March 12th, Teddy Deegan was shot. On March 13th, Vincent Flemmi tells the informant -- same informant who I say is his brother -- that he and Barboza and three others last night killed Teddy Deegan, how they killed him, that they had done a sloppy job, and all the facts surrounding that...

COSSACK: That information, definitely, in your allegations and what the papers seem to show, was in the hands of law enforcement.

GARO: I have the documents. I have the initials of H. Paul Rico on the documents. But more importantly, on March 19th, all this information was sent up to J. Edgar Hoover. J. Edgar Hoover knew in March of 1965 who the innocent and who the guilty were, but he allowed Barboza, who then had flipped as a witness for them in 1967.

COSSACK: I've got to take a break. When we come back, how, after three decades, top-secret FBI -- I'm sorry, I have to go to Jeanne Meserve now in Washington.

(INTERRUPTED BY BREAKING NEWS)

Joseph Salvati Discusses Serving 30 Years for Wrongful Murder Conviction

(COMMERCIAL BREAK)

COSSACK: All right, let's take a break from BURDEN OF PROOF -- more on this story of this innocent man who went to prison for 30 years for a crime he did not commit. Stay with us.

(BEGIN LEGAL BRIEF)

An Indiana Baptist school principal was charged Thursday in connection with the disappearance of an 11-year-old girl who has been missing for more than two days. (END LEGAL BRIEF)

(BEGIN VIDEO CLIP)

REP. DAN BURTON (R), INDIANA: I think this whole episode is disgraceful. It's the greatest -- one of the greatest, if not the greatest failure in the history of federal law enforcement. If there's one institution that the American people need to have competence in, it's the FBI.

(END VIDEO CLIP)

COSSACK: After serving 30 years in prison, the truth about Joseph Salvati is finally coming out. In an effort to protect a potential government informant, he was prosecuted for a crime he absolutely did not commit. Joining us now is famed attorney F. Lee Bailey.

Lee, there came a time when this Joseph "The Animal" Barboza came to you and said: Listen, I want to recant this testimony.

Tell us about that.

F. LEE BAILEY, FMR. ATTY FOR JOSEPH BARBOZA: I had represented him earlier in an unrelated case, and to his surprise, we won it. So when he decided that he'd better do things right, he sought to hire me. Bear in mind, four of these people were under sentence of death, and they upheld that sentence in the Supreme Judicial Court.

He gave me a short affidavit naming the four people who were innocent. Of the six, two had actually been involved. I filed it in federal court. Federal officials went to Barboza who, by now, was back in prison for a probation violation, and said: Cancel Bailey's lie detector test. Fire Bailey or you'll never walk the streets again.

So he did, and they covered up what was staring them in the face, and that was that he had made up a story, that he had help from the FBI, and how he made it up, and who told him to target the supposed right-hand man of Patriarca and Gennaro Angiulo.

COSSACK: Now, Lee, when you started to represent him, he came to you and the issue was he wanted to recant his testimony, because in Massachusetts, at least as I understand it, that if you are caught committing perjury in a case in which there's a possible death penalty, you can -- you, yourself, the perjurer, can go to jail for life. Is that true?

BAILEY: Absolutely, and Barboza knew it. And he wanted me to find a way that he could recant the testimony, vindicate these men, Patriarca, and these four, without going to prison. And I said I would try to find a way, and I wrote the Mass. attorney general to tell him what was up. He didn't bother to answer my letter.

COSSACK: Now, when did you find out, Lee, that -- I mean, when did you find out that the FBI or federal agents -- was it the FBI or federal agents who visited Barboza and told him to fire you?

BAILEY: It was federal people.

COSSACK: Do you know who they were?

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BAILEY: Well, the testimony has shown that it was Edward Harrington of the strike judge, now a judge, and a very fine judge, and an associate named Cliff Barnes. And, although their conduct, I don't think, was inappropriate, someone followed on and said, "Fire Bailey." They did not.

COSSACK: Did you -- when did you learn this, Lee?

BAILEY: Well, I've learned it by degrees, but bear in mind something, Roger. Everybody in our profession knew these guys were innocent and they'd been framed. We knew it before trial, during trial and after trial, and we knew it was orchestrated by the FBI. But nobody would do anything about it. The court system simply failed because it didn't have the machinery to catch a perjurer.

COSSACK: All right. Let's talk to Jim Wilson now. Jim, you're the attorney for the government committee that is -- the Congressional committee that is hearing this and reviewing this. Where do you start in a situation like this?

What kind of legislation can your committee produce to make sure things like this don't happen again?

JIM WILSON, HOUSE CMTE. ON GOVT. REFORM: Well, I think there are two things that are important. This is Congressional oversight at its best. Victor Garo worked for 26 years and he vindicated the rights of his client, But something that people should know about: Mrs. Salvati was asked a question yesterday, the first question she was asked was: "Has anybody ever said they were sorry?"

And the answer was no. So the first thing we did accomplish yesterday was at least there was a recognition of the suffering that went on in this case. Now, moving to what we can do, we need to take a long, hard look at the way informants were used and are currently being used, because the way informants were used in Boston in the '60s and '70s and '80s and '90s was absolutely disgraceful. And it should never happen again. You can't legislate out bad conduct and bad actors, but you've got to set up a system that has checks and balances so that people can understand what is going on at the time.

COSSACK: Jim, what are you going to do with a system that rewards people, oftentimes bad people, Barboza was a bad guy -- that rewards bad people for giving information to the government, when they have an absolute, that gives them an absolute reason not to tell the truth. How do you put a brake there? What do you do?

WILSON: Well, you can't -- we're not painting the FBI with the same brush. There are an awful lot of good people who do the right thing.

COSSACK: And I want to make that clear that I agree with you on that.

WILSON: And that's a critical thing.

COSSACK: I'm talking about a specific set of facts, and only a specific set of facts.

WILSON: We had a situation here where there was an informant who was never asked the critical question by his FBI handlers. The critical question in this case was: You knew that Vincent Flemmi was going to kill Deegan. You knew afterwards he did kill Deegan. What did he say when you asked him why didn't you testify against Vincent Flemmi? They just didn't ask that question.

So here we've got somebody who did the wrong thing. But it was also exacerbated by the fact that there were no checks, there were no balances. The FBI was never -- never disclosed their informants or any of the information to anybody outside of the Bureau. There's got to be a check or a balance on the use of confidential informants.

COSSACK: Lee, any suggestions on what you do with confidential informants? I know as a criminal defense attorney you have fought this battle your entire life.

BAILEY: There's only one thing that can be done to stop the Barboza and the H. Paul Ricos of this world. And that is for the FBI, which runs over 10,000 polygraph tests a year when it wants to, but will not test its dirty and lying

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witnesses -- to be required to do that before people are put in the electric chair based on the testimony of a man who killed 20 people and made it known that he was getting vengeance.

COSSACK: Joseph, what do you intend to do with the rest of your life now? Tell us about it.

J. SALVATI: Well, I retired and I do a little real estate work, and spend a lot of time with the grandchildren, my children and family. About three, four weeks ago, we took our first vacation together, Marie and I. We went to Florida for a week. And just live our lives.

COSSACK: What's it like, having him home after all this time, Marie?

M. SALVATI: Oh, it's wonderful. It's a new life for the both of us. And we've still got a lot of years ahead of us, so we're upbeat about all the good stuff that's happening. And it's going to get better for us.

COSSACK: Mr. Garo, what do you intend to do now with this case? Are you going to bring a suit on behalf of them?

GARO: I've been asked that question many times, and I'd like to answer that, if I may, that I keep asking: Why do I have to file a civil lawsuit in this case when a superior court judge has already thrown out the case and has lambasted the FBI of wrongdoing? The district attorney's office in Suffolk County has nol-prossed the case and said we will never prosecute this because of the FBI documents. We have the FBI documents showing what they have done. In order for me to go bring a civil lawsuit, which is complex civil litigation, it will be another five to eight years before this couple will receive a dollar.

Therefore, the federal government, once again, has Mr. Salvati on the hook, so that he'll be about 78 years of age, maybe, before he receives any money. There's something wrong with that system.

COSSACK: With that, I'm afraid that's all the time we have today. Thanks to our guests, thank you for watching. Today on "TALKBACK LIVE," it's "free-for-all-Friday." What's making news in your community? So send your e-mail to Bobbie Battista and tune in at 3:00 p.m. Eastern time.

And on Monday, we'll be joined by Michael Shiavo. His wife has been in a coma for 11 years and he says it's time to let her go. But her parents are fighting to keep her on a feeding tube. So join us Monday for another edition of BURDEN OF PROOF. I'll see you then.

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Load-Date: May 4, 2001

JOSEPH SALVATI, HIS WIFE, MARIE, AND LAWYER, VICTOR GARO, DISCUSS SALVATI'S WRONGFUL
30 YEAR IMPRISONMENT**JOSEPH SALVATI, HIS WIFE, MARIE, AND LAWYER, VICTOR GARO,
DISCUSS SALVATI'S WRONGFUL 30 YEAR IMPRISONMENT**

ABC NEWS GOOD MORNING AMERICA (7:00 AM ET)

May 4, 2001, Friday

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Section: Interview**Length:** 880 words**Body**

CHARLES GIBSON, co-host:

As we mentioned, we're going to show you beautiful pictures of New York all morning, but keep you up on the news as well. And we're going to start with a truly stunning injustice that seems to have had the sanction of the FBI. A man named **Joseph Salvati** spent 30 years in prison for murder, even though he was innocent, and apparently the FBI knew it. In a few moments we're going to hear from Mr. Salvati and his wife and his lawyer. But first, ABC's Pierre Thomas gives us a rundown of this case that shook up Capitol Hill yesterday.

Ms. MARIE SALVATI (**Joseph Salvati's** Wife): The government stole 30 years from my children because they grew up without their father.

PIERRE THOMAS reporting:

(VO) Tears for three decades lost for a murder **Joseph Salvati** did not commit.

Mr. **JOSEPH SALVATI** (Wrongly Imprisoned For 30 Years): My life as a husband and father came to a tumbling halt.

THOMAS: (VO) Salvati's nightmare began with the 1965 murder of a Boston area mobster. He was convicted based solely on the testimony of a top FBI informant, Joseph "The Animal" Barboza. Shortly after the murder, the FBI received information that implicated Barboza, not Salvati. But Salvati's attorney says the Bureau never pressed for his freedom.

Mr. VICTOR GARO (**Joseph Salvati's** Attorney): The truth be damned! It didn't matter, the truth. We want convictions!

THOMAS: (VO) Mrs. Salvati tried to fight back the emotion as she remembered 30 years of family visits to prison.

Ms. SALVATI: We would go off to see him for their hugs and their kisses and whatever went on. And he would give them their 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.

JOSEPH SALVATI, HIS WIFE, MARIE, AND LAWYER, VICTOR GARO, DISCUSS SALVATI'S WRONGFUL
30 YEAR IMPRISONMENT

Mr. SALVATI: Prison may have separated us physically, but our love has always kept us together.

THOMAS: (VO) The only good thing to come out of decades in prison was fully understanding his wife's devotion.

Mr. SALVATI: When God made my Marie, she--they threw the mold away.

GIBSON: Joining us now from Washington, where he will testify again today, is Joseph Salvati and his wife, Marie. And also joining us, their attorney, Victor Garo. And I appreciate your all being here.

Mr. Garo, let me start with you. This was a mob killing apparently carried out by an informant, as Pierre mentioned, that the FBI wanted to protect. How many in the FBI knew that Mr. Salvati was innocent, from the documents you've seen?

Mr. GARO: Not only the agents that were involved in the investigation of the case, but the agent in charge of the Boston office. And it goes all the way up to J. Edgar Hoover, because--the evidence warrants me saying that.

GIBSON: So you think it was known up and down the ranks of the FBI?

Mr. GARO: It was up and down the ranks of the FBI. They knew that--they hid the evidence. They asked for the death penalty. And they knew he was innocent before they indicted him.

GIBSON: The--I know these hearings that are going on on the Hill are on the use of informants, and one of the two agents who was involved in falsifying these reports on Mr. Salvati testified yesterday. Have they said anything in terms of expressing regret?

Mr. GARO: No one has expressed any regrets at all from the FBI. As a matter of fact, the FBI in Boston said they have done nothing wrong, even though the superior court has thrown out the charges and the district attorney's office will not prosecute anymore. There is still complete denial by the FBI in Boston.

GIBSON: Mr. Salvati, let me turn to you. You've been out--what?--since 1997--is that right?

Mr. SALVATI: Right.

GIBSON: And--and let me ask--give me some sense of the frustration you must feel, and whether you harbor a bitterness toward the government, toward the FBI.

Mr. SALVATI: Well, I was bitter at the beginning. And you have to put that all behind you and--and live your life. I have my family and my children to worry about. And you try to forget things. You just put it in the back of your mind and go on living. I was bitter. I was plenty bitter.

GIBSON: You missed thir--you missed 30 years of your kids' lives...

Mr. SALVATI: Yeah.

GIBSON: ...of your own life. Can you come out of that believing in the criminal justice system or in the government?

Mr. SALVATI: It is. We still have the greatest criminal justice system around. There's--there's none better. And--and they're--they're not all bad, just a handful, and you kind of have to whitewash them all.

GIBSON: Extraordinary that you--extraordinary that you--extraordinary that you say that. Mrs. Salvati, you never gave up.

Mr. SALVATI: No.

JOSEPH SALVATI, HIS WIFE, MARIE, AND LAWYER, VICTOR GARO, DISCUSS SALVATI'S WRONGFUL
30 YEAR IMPRISONMENT

Ms. SALVATI: No, I never gave up. And I--I wouldn't have it any other way. I knew I needed the strength for the family. And, you know, that's how I saw myself. And we supported our husband all the way.

GIBSON: Well, as the FBI--present FBI director Louis Freeh said yesterday, this is an alarming--alarming case that this could have happened. Mr. Salvati, I know you're back on the Hill to testify today. We appreciate your being with us. Mrs. Salvati and Victor Garo, thank you for being here.

Mr. GARO: Thank you for having us.

Ms. SALVATI: Thank you. Thank you.

Mr. SALVATI: Thank you.

DIANE SAWYER, co-host:

Good morning. That is--we thank them as well.

Load-Date: May 5, 2001

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

Federal Document Clearing House Congressional Testimony

May 3, 2001, Thursday

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Section: CAPITOL HILL HEARING TESTIMONY**Length:** 1214 words**Byline:** HOUSE GOVERNMENT REFORM

CHRISTOPHER SHAYS , CONGRESSMAN

Body

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. 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

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

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.

Load-Date: May 10, 2001

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[Profile of Joseph Salvati Senior Vice President & Senior Financial Counselor of The Colony Group](#)

Plus Company Updates(PCU)

August 7, 2017 Monday

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Length: 155 words

Body

Boston: Following is the Profile of [Joseph Salvati](#) Senior Vice President & Senior Financial Counselor of The Colony Group:

Joe is a Senior Financial Counselor and a Principal of The Colony Group. He guides corporate executives and high net worth individuals and families through the creation and implementation of long-term wealth management plans. As a CERTIFIED FINANCIAL PLANNER™ professional, Joe uses his experience in financial, investment, and tax planning to provide comprehensive wealth management and investment advisory services that are customized to meet each client's needs.

Before joining the firm, Joe was a Senior Financial Planner at The Ayco Company, where he provided financial and investment planning services to corporate executives. He began his career as a Financial Advisor for Ameriprise Financial.

Joe earned a Bachelor of Arts from Brandeis University. In his free time, he enjoys hiking and skiing.

Load-Date: August 7, 2017



UP CLOSE JOSEPH SALVATI

ABC News Transcripts UP CLOSE (12:05 AM ET) - ABC

August 29, 2002 Thursday

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Length: 3295 words

Body

TED KOPPEL, ABC NEWS

(Off Camera) ***Joseph Salvati***, whom some of you met on "Nightline" earlier this evening, is suing the government for \$300 million. The amount may seem excessive, but consider this, Salvati was framed for a murder he didn't commit. A number of people inside the FBI, possibly including then-FBI Director J Edgar Hoover, knew that Salvati was innocent, but helped send him to prison, in order to protect a couple of their informants who were the actual murderers. It was only through the dogged efforts of Defense Attorney Victor Garo, who has invested 25 years and an estimated 25,000 hours of unpaid legal assistance that Salvati is free today. Even so, Joe Salvati spent 30 years in prison, during which time his wife, Marie, visited him every single week. This is their story, "Up Close."

TED KOPPEL (CONTINUED)

(Off Camera) Every week, Marie, you would go up to the prison to visit Joe. Every week?

MARIE SALVATI, FAITHFUL WIFE

Yes.

TED KOPPEL

(Off Camera) Never missed a week?

JOE SALVATI, FREE MAN

Other than when it was storming or raining.

MARIE SALVATI

Other than it was stormy or weather or, you know, if it was bad weather. But, you know, on the whole, it was a weekly visit. It was always a weekly visit.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) There must have come a time, Joe, maybe even early on, when either some of the, some of the officers up there or some of your fellow inmates up there took you aside and said, Joe, get yourself ready, the wives don't last. She's gonna dump you one of these days. Anybody ever say that to you?

JOE SALVATI

No. And I never thought she would. We never discussed it. Never discussed divorce. Never entered our mind.

TED KOPPEL

(Off Camera) Never entered yours?

JOE SALVATI

No.

TED KOPPEL

(Off Camera) You never thought for a moment, how is this woman gonna raise four kids on her own and keep coming up here every week?

JOE SALVATI

She wouldn't hear it. My wife wouldn't hear that. She, for better or for worse. That was it.

TED KOPPEL

(Off Camera) But, Marie, you said, that at one point, what was it, after ten years, one of the . . .

MARIE SALVATI

One of the correction officers, after I was visiting him, I think, I want to say it was after 20 years, 'cause he was at, like, a, a maximum, a minimum prison at the time. And one of the correction officers, while I was waiting for a cab to pick me up to take me to the train home, he said to me, he said, you know, he said, I have to tell you, he said, after ten years, usually wives don't, you know, they, they don't hang in there and, and they just, you know, get out of it and they ask for a divorce. I says, I wouldn't even think of that, really.

TED KOPPEL

(Off Camera) Why is that? I mean, you know, when I ask you that question, I ask you that question in the context of the times in which we live. So many people, life gets a little bit tough, after two years, five years, seven years. Husband dumps a wife, wife dumps a husband. Happens all the time. One out of every two marriages in this country breaks up. And they're not putting up with anything like what you had to put up with. When you say it never occurred to you, come on, now, Marie. Lying there at night in bed, sometime . . .

MARIE SALVATI

Right.

TED KOPPEL

(Off Camera) After 10 years, 15 years, and you're thinking this is gonna go on for the rest of your life, you never once thought of it?

MARIE SALVATI

Well, let me tell you, Ted. I have old-time values, family values, I mean family values. I love my husband. And for better or worse, yes, I'll hang in there. And, I was there for him and my family.

UP CLOSE JOSEPH SALVATI

JOE SALVATI

She wouldn't have that kind of . . .

MARIE SALVATI

I wouldn't have it no other way. We have the faith and we have the hope. And, you know, you just, and then like I said, our attorney came into our life, which even made that stronger. And I knew things would get better. And they did. You know, it took 30 years. All of our adult life was taken away from us. He, he was 34. I was 32 years old. Yes, I do get angry when you, when you talk about, you know, compensation. It was hard. Life was very hard. Let me tell you with four little kids. It was not easy.

TED KOPPEL

(Off Camera) How did you survive?

MARIE SALVATI

Well . . .

TED KOPPEL

(Off Camera) Where did, where did the money come from?

MARIE SALVATI

I had to stay strong, for one thing. I could never, I never spoke about my problems to anybody. I was fortunate to have a good job. I went on. I became a Head Start Director. I got my state qualifications. And we had a, we, we went from paycheck to paycheck. My kids had to wait. I did the best I could for them. And thank God I've got four great children. I'm, I'm not sorry one bit, one bit.

TED KOPPEL

(Off Camera) But you're . . .

JOE SALVATI

But we, we stayed close. I, I wrote every week. I sent a card for 30 years.

TED KOPPEL

(Off Camera) Every week?

JOE SALVATI

I sent the card to her. And I wrote in between. And I had, we were allowed phone calls.

MARIE SALVATI

He would call.

JOE SALVATI

I didn't put too much burden on the calls because they cost a lot of money. And that's how we lived, through the visits and, we live through Victor. Victor gave us hope. And we, when, when, when all our appeals were exhausted, Victor walked in our life.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) How many years ago was that?

JOE SALVATI

25 years ago.

MARIE SALVATI

And talk about 25 years, my 25th anniversary, he was in prison. And I don't know. I just always kept the cards and the letter. And I kept everything in a shoe box. And I said, I, I, you know what I realized, that I took everything out one night, I just felt like reading letters and feeling sentimental or whatever. It was 25 years. And I said to myself, my life has been in a shoe box for all these years. And that's all it was.

graphics: nightline up close

joseph salvati

JOE SALVATI

Take 30 years out of your life. Where were you 30 years ago?

ANNOUNCER

"Up Close" brought to you by . . .

commercial break

TED KOPPEL

(Off Camera) When, when Marie and the kids would come up to see you, Joe, how much time could you spend together? And, describe where you would be allowed to meet.

JOE SALVATI

Well, we were confined into a visiting room.

TED KOPPEL

(Off Camera) Right.

JOE SALVATI

And, we sat next to each other. And I talked all to the kids, you know, one at a time. And they sat around me. And just discussed how's school, and you know, how's, everything's doing. Marie would never burden me with the problems outside.

MARIE SALVATI

No I wouldn't.

JOE SALVATI

And I never told her about prison life. That's, you know, that didn't concern her. And that's how she raised our children, beautiful.

TED KOPPEL

(Off Camera) You've been talking about all the things you lost over 30 years. In Massachusetts, did they have conjugal visits?

UP CLOSE JOSEPH SALVATI

JOE SALVATI

No.

TED KOPPEL

(Off Camera) So, among the things you lost was the ability to love one another physically . . .

JOE SALVATI

Right.

TED KOPPEL

(Off Camera) Over, over 30 years?

MARIE SALVATI

Well, he did come home for furloughs.

JOE SALVATI

We had furloughs for awhile.

MARIE SALVATI

He was the first lifer . . .

TED KOPPEL

(Off Camera) Really?

MARIE SALVATI

In Massachusetts to be granted a furlough. So, he had over 200 furloughs, which after seven years that he was away . . .

JOE SALVATI

Four.

MARIE SALVATI

Was, was it four, honey? I'm not sure.

JOE SALVATI

I got a furlough, four years.

MARIE SALVATI

And . . .

JOE SALVATI

I could have just walked away.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) Why didn't you?

JOE SALVATI

I couldn't do that.

TED KOPPEL

(Off Camera) Because?

JOE SALVATI

I couldn't leave my family.

TED KOPPEL

(Off Camera) What do you mean? If you say walked away, you would've had to leave them behind?

JOE SALVATI

Oh, yes. Where would I go?

TED KOPPEL

(Off Camera) So, going back to prison . . .

JOE SALVATI

Was hard.

TED KOPPEL

(Off Camera) Was the only way you could stay together with your family.

JOE SALVATI

Right. 'Cause I'd, I'd look forward to the next furlough. And I had quite a few of them, until someone fouled up, and that was the end of the furloughs. But, it was something we weren't gonna, you know, we weren't supposed to have and it ended. That's how I looked at it. Thirty years. You can't, it's, it's unimaginable. Thirty years in prison. Thirty, count the, count the hours and days and months, take 30 years out of your life. Where were you 30 years ago? You look at it and still survive and have your family and children.

TED KOPPEL

(Off Camera) Why do you think the two of you succeeded in that sense? I mean, this is really, are we going to . . .

JOE SALVATI

Because we love each other.

TED KOPPEL

(Off Camera) I was gonna say, this is really a great love story.

JOE SALVATI

It is. I married her when, my childhood sweetheart. And, we've been together ever since.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) This still tears you up, doesn't it, Marie?

MARIE SALVATI

It, it, it rips me apart. It rips me apart. Because so much was lost, like, in those, in, in those 30 years. And more for my, my children. My son was only five years old. Communion, confirmation, graduations. All special occasions, there was always a void in our life. Always a void. As much as we tried to be part of his life, be there for him, it was always, he was always missing. The void was there. His, their father, my husband, was never there. And that's what, that's what was the part that was so, so painful.

TED KOPPEL

(Off Camera) After the evidence came out, that you'd been framed by the FBI, after that evidence came out, did you ever sit down with your kids and say, we need to have a conversation about this?

JOE SALVATI

I did, yes.

MARIE SALVATI

Yeah he did.

TED KOPPEL

(Off Camera) What, what . . .

JOE SALVATI

We all sat down. And they said, we, in our hearts, we never thought you were guilty.

MARIE SALVATI

Mm hmm. Right.

JOE SALVATI

Never thought you could do a thing like this.

TED KOPPEL

(Off Camera) What did they think? What did they think had happened to you? I mean, you know, as kids get older, sure, at the ages they all were when you . . .

JOE SALVATI

They didn't understand.

TED KOPPEL

(Off Camera) They didn't understand, they couldn't possibly understand. But, as they get older, and you, you said it, Joe, kids can be cruel to one another.

JOE SALVATI

Right.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) Right? So, as far as the other kids in school were concerned, their old man was in the slammer 'cause he killed a guy.

JOE SALVATI

Right.

TED KOPPEL

(Off Camera) Right? How did they deal with that? Did the boys get into fights over it?

JOE SALVATI

Well, I had three girls, and they ain't gonna fight there. I mean, people bother, the, the kids bothered them.

TED KOPPEL

(Off Camera) Yeah.

JOE SALVATI

And Marie would have to go down and speak to the teacher and talk to her.

MARIE SALVATI

And one of my daughters, you know, one time, one time, a few times she'd come home and one of the little kids, I guess one of the little boys liked her, and she wasn't giving him any attention. So, he would go, shoot, shoot, bang, bang. You know, he could get back at her like with little things like that. And she'd come home crying to me, and feeling very, you know, very hurt. And, I'd tell her, look honey, we'll get through this here. We know those things are not true. You, you know, and I'd, I'd have to handle things as they'd come along, you know, come up. But the community, the other part of the story, is people knew Joe in the community. And they always would tell me, what a raw deal, Marie. It's just not fair. We know, you know, the support was there for him. And, but it's something we still had to live and I still had to go through. And I tried to do the best I could with it.

graphics: nightline up close

joseph salvati

JOE SALVATI

People have to know what happened. How powerful the government is over, over the people.

commercial break

TED KOPPEL

(Off Camera) The two of you are living, now, on your pension?

MARIE SALVATI

Yes.

TED KOPPEL

(Off Camera) And Social Security?

MARIE SALVATI

Yes.

UP CLOSE JOSEPH SALVATI

TED KOPPEL

(Off Camera) Right?

MARIE SALVATI

Yes.

TED KOPPEL

(Off Camera) Of course, Social Security is based in part on what you've been able to earn over your, over your working lifetime, right? So, you probably don't get a whole hell of a lot of Social Security.

MARIE SALVATI

That's right.

JOE SALVATI

No, I don't. And I, I just made the quotas. And I get like three, 400 a month. And Marie's Social Security, and that's what we live on.

TED KOPPEL

(Off Camera) So, I mean, life is a lot better than it was, but . . .

MARIE SALVATI

Yes.

JOE SALVATI

Yeah.

MARIE SALVATI

Yeah.

TED KOPPEL

(Off Camera) You, you guys don't have a, a lot of money.

MARIE SALVATI

Right, no, no.

TED KOPPEL

(Off Camera) How do you feel about the lawsuit?

MARIE SALVATI

Well, I, I'm, I'm definitely for the lawsuit. 'Cause I get angry. I feel like I've been victimized twice because, even now with this lawsuit going on, you know, why should we have to go through a trial again? Why should we have to be put through this? This is a real story. This happened to us. Why do we have to be victims again and go through this pain and heartache? It's not an easy thing. Believe me, it's not.

JOE SALVATI

UP CLOSE JOSEPH SALVATI

This is our government doing this.

TED KOPPEL

(Off Camera) If the government had come to you, if the government came to you tomorrow and said, you know something, sorry, we've been kind of busy. We've, you know, we hadn't paid proper attention to this. Let's, let's reach a settlement, would you be open to that?

JOE SALVATI

Well, that's up to my attorney, and . . .

TED KOPPEL

(Off Camera) But, I'm asking . . . yes, and it will be, you know, your attorney's decision. But he's not . . .

JOE SALVATI

Right. I'd have to look.

MARIE SALVATI

Yes.

TED KOPPEL

(Off Camera) He's not gonna, he's not gonna make it without you.

JOE SALVATI

Right. Absolutely.

MARIE SALVATI

Exactly. Right.

TED KOPPEL

(Off Camera) Absolutely what?

JOE SALVATI

Would settle, would, would talk settlement, yes. But would still go on. People have to know what happened, how powerful the government is over, over the people. Powerful to do what they done, to hide behind a, a badge and do what they done.

TED KOPPEL

(Off Camera) When you, when you hear or read stories today, and I'm really going back to the way I began with Victor on, on "Nightline" earlier this evening. And they say, look, we're fighting an important battle against terrorism. And that's why, with some of these people, they've just got to be held indefinitely, or we can't let them have a lawyer, or we can't have a session in open court, do you view that a little differently than, than some Americans might?

JOE SALVATI

Well, they're doing the same thing they're doing, they're doing to them as to me, in a round-about way.

TED KOPPEL

UP CLOSE JOSEPH SALVATI

(Off Camera) What do you mean?

JOE SALVATI

That they kept me in prison, they done what they wanted to do. And they say for the good of the country, we're gonna do what's good. We know what's best for Joe Salvati and Marie and the kids. We're gonna put the husband in prison.

TED KOPPEL

(Off Camera) All right. Let me play devil's advocate for a moment.

JOE SALVATI

Now, let me give you, another for instance. They catch this rat in a hole in the al-Qaeda.

TED KOPPEL

(Off Camera) Right.

JOE SALVATI

Capture him, take him to America, clean him up, read him his rights, scare him to death, and then, what do they do?

TED KOPPEL

(Off Camera) Make a deal.

JOE SALVATI

They make a deal with him. For the good of the people, they tell you. The President gets up and says, well, they'll never take our freedom away from us. He took it away from me for 30 years. Our government.

TED KOPPEL

(Off Camera) You strike me as . . .

JOE SALVATI

You don't think I deserve compensation? They just don't care. That's the bottom line.

graphics: nightline up close

Joseph Salvati

JOE SALVATI

And even if we don't get a penny, I got my family. Who cares?

commercial break

TED KOPPEL

(Off Camera) How do we wrap this up, Marie? How do you, how do you summarize, the two of you now are still fighting. You're still holding hands after how many years? you told you've been married 49?

JOE SALVATI

49.

UP CLOSE JOSEPH SALVATI

TED KOPPEL

(Off Camera) 49 years.

MARIE SALVATI

49 years, last week. God willing, we're going to have our 50th year, with health. We're gonna be still in love as ever . . .

TED KOPPEL

(Off Camera) Right.

MARIE SALVATI

And, we're gonna pick and choose our battles.

TED KOPPEL

(Off Camera) Thank you both. Anything else you wanted to say, Joe?

JOE SALVATI

Thank you. Well, you know, we had our bad times and good times, when I come home, and I wanted to tell you just a little story.

MARIE SALVATI

Oh, yes. Yeah. This, you have to hear. Just get your bearings.

JOE SALVATI

The first person I went to see was my mother. She was 94 years old.

TED KOPPEL

(Off Camera) This is when you came out. Take a, you know, you can take a moment.

MARIE SALVATI

Take a little break, Joe.

TED KOPPEL

(Off Camera) You can take a moment.

MARIE SALVATI

It was, it was. His mother had Alzheimer's disease.

TED KOPPEL

(Off Camera) This was when, this was when Joe came out.

MARIE SALVATI

When he come home. And everyday, he would go up to see his mother. Every single day, he wouldn't miss a day when he came home. And he'd, he'd, you know, and he'd rub his mother's arm and things. So, honey, you could take it from there.

UP CLOSE JOSEPH SALVATI

JOE SALVATI

She was like a little baby.

TED KOPPEL

(Off Camera) Right. That's all right, I . . .

JOE SALVATI

One day, I went up there, and I'm looking at her. And she knew I was the one that gave her this candy that she liked. And, and after I get through hugging and kissing her, I said, hey, and I said, do you love me? And she says, of course, I do. I almost fell off the chair. And my sister had the speaker saying, who the hell were you talking to upstairs? I says, do you know who I am? She said yes, you're my son. I just, I fell apart. And I had my head in her lap. And she was patting my head. And she said, it's been a long time. She said, but you'll be all right.

MARIE SALVATI

Imagine. She got an awakening.

JOE SALVATI

She woke up. Unbelievable.

MARIE SALVATI

It's unbelievable. And then, she just went back into her . . .

JOE SALVATI

She went back into a coma, and she died in my arms.

TED KOPPEL

(Off Camera) A lot of, a lot of people got hurt. Right?

MARIE SALVATI

A lot, a lot.

TED KOPPEL

(Off Camera) Not just the two of you. Not just the kids.

JOE SALVATI

It's cruel. It's cruel. She just looked at me and died.

TED KOPPEL

(Off Camera) All right, Joe and Marie, I thank you both very much.

MARIE SALVATI

Thank you.

TED KOPPEL

(Off Camera) How long has it been since you cried, Joe?

UP CLOSE JOSEPH SALVATI

JOE SALVATI

I cry everyday.

MARIE SALVATI

We haven't done our healing, yet? You really want to know something?

JOE SALVATI

I'm not ashamed to cry.

MARIE SALVATI

We, we went through a lot. And I, and . . .

JOE SALVATI

I'd sit nights and I, a lot of times I'd just think, I'd sit in the dark. About what happened. What the, what the hell happened?

MARIE SALVATI

And you need that. You have to, you have to let it go.

TED KOPPEL

(Off Camera) Of course, you do. Of course, you do. Were you able to cry in prison?

MARIE SALVATI

To be strong for so long.

JOE SALVATI

I cried after every visit, when my children had to leave me.

MARIE SALVATI

We suffered in silence, Mr. Koppel.

JOE SALVATI

But, I had to stay strong. I, I had to stay strong for myself and for my family. It's that, and I knew someday something was going to happen, I didn't know what. It's was gonna, I wasn't going to die in prison. But, I'm home. And even if we don't get a penny, I got my family. Who cares? Really. From my bottom of my heart.

TED KOPPEL

(Off Camera) You bet. You bet. All right. Time to take a deep breath and relax. We're done. We're done. Thank you.

MARIE SALVATI

Thank you.

ANNOUNCER

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UP CLOSE JOSEPH SALVATI

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Smartengeld smaakt zuur in Boston; Joseph Salvati: Natuurlijk wil ik het geld. Al was het maar om er zeker van te zijn dat mijn kinderen en kleinkinderen krijgje....



Smartengeld smaakt zuur in Boston; Joseph Salvati: Natuurlijk wil ik het geld. Al was het maar om er zeker van te zijn dat mijn kinderen en kleinkinderen krijgen wat ik heb moeten missen

De Morgen

28 Juli 2007 Zaterdag

algemeen Editie

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Section: REPORTER; Blz. 8

Length: 988 words

Byline: Lotte Beckers

Body

Meer dan dertig jaar zaten ze in de gevangenis voor een moord die ze niet gepleegd hadden. Twee bejaarde mannen uit Boston krijgen van de Amerikaanse staat nu een schadevergoeding van 102 miljoen dollar, maar twee andere onschuldigen overleden in de gevangenis. De FBI, zo bleek, had valse bewijzen tegen de vier gecreëerd om een informant buiten schot te houden.

door lotte beckers

Het verhaal begint in 1965, wanneer de FBI via een illegale telefoontap een moordcomplot op maffialid Edward Deegan op het spoor komt. Ze doet niets om de moord te verhinderen, maar een paar dagen na de feiten circuleert wel een lijst met de namen van de moordenaars, waaronder die van Joseph 'The Animal' Barboza, een huurmoordenaar in dienst van de maffia. **Joseph Salvati**, Peter Limone, Henry Tameleo en Louis Greco staan niet op de lijst, maar worden toch aangeklaagd voor moord. Hoewel de vier lid waren van de New Englandmaffiaclan uit Boston had alleen Salvati een strafblad. Hij werd als tiener veroordeeld voor inbraak. De vier worden veroordeeld. Salvati krijgt levenslang, de rest de doodstraf, die in 1974 wordt omgezet in levenslang.

Doorslaggevend tijdens het proces tegen de vier was de getuigenis van Barboza. Die werd in 1967, een jaar voor het proces, benaderd door FBI-agenten Paul Rico en Dennis Condon. Ze wilden Barboza gebruiken als informant. In ruil voor informatie over de interne keuken van de maffia en enkele afrekeningen binnen het milieu, kreeg hij levenslange immuniteit en bescherming. De agenten bereidden samen met Barboza de getuigenis voor: Barboza zou verklaren dat Peter Limone hem geld had aangeboden om Deegan te doden, een aanbod dat hij afwees. Getuigen zagen na de moord een man met een kale plek op het achterhoofd wegvlugten. Dat was **Joseph Salvati** met een pruik, verklaarde Barboza.

Smartengeld smaakt zuur in Boston; Joseph Salvati: Natuurlijk wil ik het geld. Al was het maar om er zeker van te zijn dat mijn kinderen en kleinkinderen krijgen....

Na de veroordeling kregen de agenten persoonlijke felicitaties van FBI-hoofd Edgar Hoover. Barboza werd in het Witness Protection Program gestopt, waardoor hij een nieuwe identiteit kreeg om uit de klauwen van de maffia te blijven. Hij werd later naar Californië gestuurd, waar hij drie tot vijf mensen gedood zou hebben, voor hij zelf vermoord werd door de maffia. Later zou ook blijken dat het Barboza zelf was die de moord op Deegan pleegde.

De advocaat van Salvati vroeg in 1986 de vervroegde vrijlating van zijn cliënt, maar botste veelvuldig op een njet. Eerst werkte de FBI zagezegd aan een ander onderzoek waarbij Salvati betrokken zou zijn, daarna verwezen ze naar zijn strafblad, waarop één veroordeling stond voor inbraak, tijdens zijn puberteit. In 1997 werd Salvati dan toch voorwaardelijk vrijgelaten, nadat een journalist zich vragen was beginnen te stellen over zijn betrokkenheid.

De bal ging pas echt aan het rollen in 2000, toen een onderzoekscommissie van het ministerie van Justitie tijdens een corruptieonderzoek op documenten stootte die aantoonde dat de FBI al in 1965 de identiteit van de moordenaars van Deegan kende. Op basis daarvan werden Salvati en Limone vrijgesproken. Tameleo was in 1985 overleden, Greco stierf in 1995. Tijdens de rechtszaak die Salvati en Limone daarop aanspanden, ontkenden de FBI-agenten dat ze de mannen bewust lieten opdraaien voor de moord, al erkenden ze wel hun onschuld. Spijt toonden ze evenwel niet. "Wat wilt u, tranen?", zei FBI-agent Rico op het proces. Rico overleed in 2004 terwijl hij in voorhechtenis zat voor de moord op een zakenman. Opmerkelijk is ook dat president Bush zijn 'executive privilege', waardoor hij bepaalde informatie kan achterhouden als dat het algemeen belang dient, inriep toen het Congres het dossier opvroeg. Vermoed wordt dat hij daarmee huidig FBI-baas Robert Mueller wilde beschermen, die ten tijde van het proces in Boston werkte.

Limone, nu 74, en Salvati, 75, kregen deze week van een rechter uit Boston een schadevergoeding van 102 miljoen dollar. "Wil ik het geld? Ja, ik wil dat mijn kinderen en kleinkinderen kunnen krijgen wat ik nooit gehad heb. Maar niets kan compenseren wat ze mij aangedaan hebben", zegt een opgeluchte Salvati. Vraag is inderdaad of de gigantische som het leed kan goedmaken dertig jaar onschuldig in de gevangenis gezeten te hebben.

Limone en Salvati, die beiden een vrouw en vier kinderen hebben, hebben altijd op de steun van hun familie kunnen rekenen. Olympia Limone bezocht haar man twee keer per week, zijn kinderen kreeg hij echter maar vier keer per jaar te zien. Ook Marie Salvati getuigde over de moeilijke periode: "Ik moest plotseling vier kinderen helemaal alleen opvoeden. Ik moest een job zoeken en leren autorijden. Om mijn man te bezoeken heb ik een wagen moeten kopen. Ik deed mijn best om de kinderen te ontzien, ik hilde in stilte." Elke week stuurde Salvati zijn vrouw een kaart, waarin hij zijn hoop uitdrukte dat ze het jaar erop weer samen konden zijn. Henry Tameleo's vrouw was op het moment van zijn arrestatie ernstig ziek en zou enkele jaren later sterven.

De familie van Louis Greco verging het minder goed. Zijn vrouw bleef alleen achter met hun twee jonge zonen en belandde in een zware depressie. Ze raakte verslaafd aan alcohol, en verwaarloosde en sloeg haar kinderen. Uiteindelijk besloot ze haar kinderen in de steek te laten. Haar twee jongens gingen bij hun oom en tante wonen, die hen dwongen te werken voor de kost. Na het overlijden van de tante werden ze op straat gezet. Edward, dertien toen zijn vader veroordeeld werd, raakte aan de drugs en belandde zelf in de gevangenis. Later beterde hij zijn leven en getuigde op het proces tegen de FBI-agenten over hoe zijn leven verwoest werd na de arrestatie van zijn vader. Zijn drie jaar jongere broer Louis jr. pleegde op 42-jarige leeftijd zelfmoord.

n Peter Limone met zijn vrouw Olympia (boven), **Joseph Salvati** met zijn kleindochter Jennifer (onder). Beide mannen kregen een schadevergoeding van 102 miljoen dollar toegewezen. Of dat monsterbedrag het leed enigszins kan goedmaken, is echter zeer de vraag.

Load-Date: March 26, 2009

HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE IN HIS 30- YEAR PRISON TERM FOR MURDER



**HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE
IN HIS 30- YEAR PRISON TERM FOR MURDER**

ABC NEWS WORLD NEWS NOW (2:00 AM ET)

May 4, 2001, Friday

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Section: Newscast**Length:** 327 words**Body**

DEREK MCGINTY, anchor:

A House committee has apologized to a man who sent--spent three decades in prison for a crime he didn't commit. The committee is investigating the FBI's relationship with mob informants. ABC's Pierre Thomas has the details.

PIERRE THOMAS reporting:

(VO) **Joseph Salvati** spent 30 years in prison because the FBI, he says, allowed him to be framed for murder. He says the FBI knew he was innocent and had the evidence to prove it but did nothing.

Mr. **JOSEPH SALVATI**: They took my family, they took birthdays of my children, they took christenings, and they took when my kids were sick I wasn't there to hold them, and it's just a horrendous thing.

Ms. MARIE SALVATI (Wife): Even though I had a husband, he belonged to the state. He never really belonged to me while he was incarcerated.

THOMAS: (VO) Salvati's nightmare began with the 1965 killing of a Boston area mobster. Salvati was convicted based solely on the testimony of a top FBI informant, Joseph "The Animal" Barboza. But Barboza, a known killer, may have actually planned the murder himself. And internal FBI memos show FBI officials, including Director J. Edgar Hoover, knew their informant might have been involved, but wanted to protect him even from a murder charge.

(OC) Salvati's attorney says the FBI protected Barboza because he was crucial to taking down the New England Mafia.

(VO) The hearing highlighted the Salvati story.

Ms. SALVATI: And he would give them their father's guidance even though he was not home with us.

Mr. SALVATI: When God made my Marie, they threw the mold.

HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE IN HIS 30- YEAR PRISON
TERM FOR MURDER

THOMAS: (VO) Later a congressman challenged one of the FBI agents who had information that might have cleared Salvati years ago.

Unidentified Congressman: You don't really care much, and you don't really have any remorse. Is that true?

Mr. PAUL RICO: Would you like tears or something, what?

THOMAS: (VO) The Salvati's have spent more than 30 years' worth of tears.

Pierre Thomas, ABC News, Washington.

Load-Date: May 5, 2001

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HOUSE COMMITTEE APOLOGIZES TO JOSEPH SALVATI FOR FBI'S ROLE IN HIS 30- YEAR PRISON TERM FOR MURDER



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Ms. MARIE SALVATI (Wife): Even though I had a husband, he belonged to the state. He never really belonged to me while he was incarcerated.

THOMAS: (VO) Salvati's nightmare began with the 1965 killing of a Boston area mobster. Salvati was convicted based solely on the testimony of a top FBI informant, Joseph "The Animal" Barboza. But Barboza, a known killer, may have actually planned the murder himself. And internal FBI memos show FBI officials, including Director J. Edgar Hoover, knew their informant might have been involved, but wanted to protect him even from a murder charge.

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Pierre Thomas, ABC News, Washington.

Load-Date: May 8, 2001

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JOSEPH SALVATI TESTIFIES TO CONGRESSIONAL COMMITTEE AGAINST FBI WHO INCARCERATED HIM BASED ON FALSE TESTIMONY

**JOSEPH SALVATI TESTIFIES TO CONGRESSIONAL COMMITTEE AGAINST FBI WHO INCARCERATED HIM BASED ON FALSE TESTIMONY**

ABC NEWS WORLD NEWS THIS MORNING (6:00 AM ET)

May 4, 2001, Friday

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Section: Profile**Length:** 335 words**Body**

DEREK MCGINTY, anchor:

A man who spent decades in prison for a mob killing he did not commit, says the government stole his life. He testified yesterday before a House committee investigating the FBI's use of mob informants. ABC's Pierre Thomas has his story.

PIERRE THOMAS reporting:

(VO) **Joseph Salvati** spent 30 years in prison because the FBI, he says, allowed him to be framed for murder. He says the FBI knew he was innocent and had the evidence to prove it but did nothing.

Mr. **JOSEPH SALVATI**: They took my family, they took birthdays of my children, they took christenings, and they took when my kids were sick, I wasn't there to hold them. And it's just a horrendous thing.

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THOMAS: (VO) Salvati's nightmare began with the 1965 killing of a Boston area mobster. Salvati was convicted based solely on the testimony of a top FBI informant, Joseph "The Animal" Barboza. But Barboza, a known killer, may have actually planned the murder himself, and internal FBI memos show FBI officials, including Director J. Edgar Hoover, knew their informant might have been involved, but wanted to protect him even from a murder charge.

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JOSEPH SALVATI TESTIFIES TO CONGRESSIONAL COMMITTEE AGAINST FBI WHO INCARCERATED
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Unidentified Congressman: You don't really care much, and you don't really have any remorse, is that true?

Unidentified FBI Agent: Would you--would you like tears or something, or what?

THOMAS: (VO) The Salvati's have shed more than 30 years worth of tears. Pierre Thomas, ABC News, Washington.

Load-Date: May 5, 2001

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

Federal Document Clearing House Congressional Testimony

May 3, 2001, Thursday

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Section: CAPITOL HILL HEARING TESTIMONY**Length:** 2440 words**Byline:** HOUSE GOVERNMENT REFORM

DAN BURTON , CONGRESSMAN

Body

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

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

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. 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 got a memo that Vincent Flemmi, one of the FBI's own informants, was going to kill Deegan. The author of the memo was H. Paul Rico, who will testify later today. 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 of this information that Joe Salvati was innocent, but they let Joseph "The Animal" Barboza testify anyway and put him away for life. 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. I think that's just criminal. Not only did the FBI conceal the evidence they had that Joe Salvati was innocent, they went out and actively suppressed other evidence. To say that what they did was unseemly would be 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 cultivated in Boston. There was James "Whitey" Bulger. There was Steve "The Rifleman" Flemmi. 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 got tips from the FBI, and the informants were murdered. It was apparently a very cozy relationship. We understand that there were FBI agents who got cash from the mobsters. They got cases of wine, tickets for girlfriends, and other favors. We'll get to these 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. So did a man who is now a Federal judge. I've issued subpoenas to two of the principle FBI agents who were involved with Joseph Barboza -- Paul Rico and Dennis Condon. Mr. Condon is not here today. I understand that he is in very poor health. But that doesn't excuse the things he's accused of doing, and we 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's a possibility he may take the Fifth because he's under criminal investigation. I hope that won't be the case. We have a lot of questions, and I think that Joe Salvati and the American people deserve some answers. Years ago, FBI agents would heap scorn when organized crime figures took the Fifth. I hope Mr. Rico does the right thing today and testifies. One thing that really troubles me about our third panel comes from a document we just got. Paul Rico and Dennis Condon interviewed Joseph Barboza in 1967. Their report is Exhibit 24. Barboza told them that 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 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.

Load-Date: May 10, 2001

TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN
BOSTON: THE CASE OF JOSEPH SALVATI**TESTIMONY THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED
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Federal Document Clearing House Congressional Testimony

May 3, 2001, Thursday

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Section: CAPITOL HILL HEARING TESTIMONY**Length:** 1560 words**Byline:** HOUSE GOVERNMENT REFORM

VICTOR J. GARO , LAWYER

Body

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

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

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, 1967 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 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"

Load-Date: May 10, 2001

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

Federal Document Clearing House Congressional Testimony

May 3, 2001, Thursday

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Section: CAPITOL HILL HEARING TESTIMONY**Length:** 720 words**Byline:** HOUSE GOVERNMENT REFORM**JOSEPH SALVATI****Body**

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.

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

Load-Date: May 10, 2001

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A VICTIM OF FBI WILL SUE;FORMER TRUCK DRIVER JOSEPH SALVATI WAS IMPRISONED FOR 30 YEARS FOR A MURDER HE DID NOT COMMIT.



**A VICTIM OF FBI WILL SUE;
FORMER TRUCK DRIVER JOSEPH SALVATI WAS IMPRISONED FOR 30
YEARS FOR A MURDER HE DID NOT COMMIT.**

Hartford Courant (Connecticut)

August 15, 2002 Thursday, 7 SPORTS FINAL

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Section: MAIN; Pg. A16

Length: 565 words

Byline: EDMUND H. MAHONY; Courant Staff Writer

Body

A Boston man who was wrongly convicted of murder and imprisoned for 30 years -- even though the FBI had evidence of his innocence -- filed notice Wednesday in Boston and Washington of his intention to sue the federal government for \$300 million.

Former truck driver ***Joseph Salvati*** filed the notice under the federal tort claims act after having tried, unsuccessfully, to settle with the U.S. Department of Justice. The FBI and the Justice Department will not discuss the case.

Salvati's case may be the strongest of more than a dozen claims and potential claims by people who say they are victims of decades of wrongdoing by FBI agents and federal prosecutors assigned to the bureau's organized crime and informant development programs in Boston.

About a half dozen people already have sued or filed notices of intention to sue for more than \$2 billion, including the family of Roger Wheeler Sr., the former owner of the World Jai Alai company.

Two FBI informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, have been indicted in the murder of Wheeler, who was slain not long after he sold his Hartford fronton.

It was another unscrupulous FBI informant, Joseph "The Animal" Barboza, who wrongly accused Salvati of participating in the 1965 murder of a small-time Boston hoodlum named Edward "Teddy" Deegan.

In the Salvati and Wheeler cases, and in others, FBI agents and federal prosecutors are accused of covering up crimes committed by informants. In many of the cases, the crimes committed by the informants are far more serious than those committed by people the FBI was targeting for prosecution.

A VICTIM OF FBI WILL SUE;FORMER TRUCK DRIVER JOSEPH SALVATI WAS IMPRISONED FOR 30 YEARS FOR A MURDER HE DID NOT COMMIT.

In Salvati's case, Deegan's murder was planned and carried out by Barboza and his partner, whom the FBI also was cultivating as an informant. But Barboza implicated Salvati and three other innocent men. Salvati may have been implicated because he owed \$400 to a loan shark who worked for Barboza.

Two years ago, the Justice Department admitted that it had in its possession for nearly four decades investigative documents showing that the FBI knew the identities of Deegan's real killers within hours of his murder. But the FBI and Justice Department permitted the trials and convictions of Salvati and the other three men to proceed.

Salvati was imprisoned for 30 years. After former Massachusetts Gov. William Weld commuted his sentence in 1997, Salvati served three years and nine months on parole. A Massachusetts state court judge dismissed his murder conviction in January 2001 after the Justice Department made public the documents pointing to his innocence.

Salvati was not available Tuesday to discuss his planned lawsuit. Attorney Victor Garo, who represents Salvati, his wife, Marie, and their four children, said the family was forced to sue because of the government's refusal to negotiate a settlement.

"Joe and Marie were placed in this position by the federal government," Garo said.

Garo said the \$300 million figure was based on a calculation, adopted by the U.S. Congress, that was used to compensate reporter Terry Anderson for the 6 years and 7 months he was held hostage by Iranian revolutionaries in the 1970s. Anderson's settlement was based on a payment of \$10,000 for each day he was held.

Garo said Salvati is seeking \$125 million for himself, \$50 million for his wife and \$125 million to be divided among his four children.

Load-Date: August 15, 2002

JOSEPH SALVATI

**JOSEPH SALVATI**

The Post-Standard (Syracuse, NY)
November 14, 1997 Friday Metro Edition

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Section: OBIT; Pg. B4; OBITUARY

Length: 103 words

Body

Joseph Salvati, 79, of Franklin Park Apartments, Syracuse, died Thursday at St. Joseph's Hospital Health Center.

He was a Brooklyn native and lived in Syracuse for nine years.

Mr. Salvati was a retired salesman for the New York State Racing Association.

Surviving are his granddaughter, Valerie Carducci of Lakeland; his longtime companion, Connie Favalo of Syracuse; and three great-grandchildren.

Services are 8:30 a.m. Saturday at Bagozzi Twins Funeral Home and 9 a.m. at St. Cecilia's Church. Burial is in Greenlawn Memorial Park, Warners.

Calling hours are 4 to 6 p.m. today at the funeral home, 2601 Milton Ave., Solvay.

Load-Date: January 30, 2003

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

Federal Document Clearing House Congressional Testimony

May 3, 2001, Thursday

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Section: CAPITOL HILL HEARING TESTIMONY**Length:** 787 words**Byline:** HOUSE GOVERNMENT REFORM

MARIE SALVATI

Body

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 be 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

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

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 love each other very much. God Bless all of you.

Load-Date: May 10, 2001

End of Document



Furnace Brook announces honor rolls

Marshfield Mariner (Massachusetts)

March 24, 2021

FRA-MarshfieldMariner Edition

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Section: NEWS; Pg. B4

Length: 1324 words

Byline: Community Content

Body

Furnace Brook Middle School recently announced the honor rolls for the second term of the 2020-21 school year.

Eighth grade students who earned first honors are Delaney Allen, Jeffrey Ambrose, Kaylee Ames, Marissa Ames, Eleanor Angeles-Whitfield, Anabel Apgar, Olivia Audette, Elizabeth Barrett, Emily Barrett, Cyrus Belezos, Paige Belezos, Molly Beston, Brooke Billikas, Julie Bogni, Sienna Bossey, Chance Brown, Ava Brunswick, Alyssa Budd, Mia Cammarata, Theresa Canavan, William Carey, Julia Carpenito, Charles Carroll, Chloe Catalano, Grace Chesebro, Christian Chiusolo, Violet Chrisman, Joseph Ciocca, Avery Clark, Madison Cleary, Savannah Coffey, Ava Conn, Emma Conn, Hannah Conn, Haley Coyle, Owen Cregan, Corinne Daly, Aidan Delaney, Riley DeWolfe, Kayla Dipasquale, Gia Doherty, Jack Doherty, Ainsley Dunn, Jacob Ekstrom, Lee Ellwood, Brendan Enwright, Piper Eonas, Jane Farrell, Jack Ferris, Aubrey Finn, Bridget Finn, Ryan Foley, Andrew Fortin, Sophia Francis, Abigail Graves, Brody Greland, Emily Guilfoyle, Elyce Hardenbergh, Emily Harper, Graham Heinrich, Sarah Hubbard, Hailey Johnson, William Jones, Camryn Jordan, Gabriella Kelley, Elijah Kennedy, Jack Kenny, Lauren King, Brady Lauria, Luke Leary, Eva Lindsay, Nathan Looney, Tor Maas, Logan MacAllister, Colin MacQuade, Laura Magowan, Lily Masterson, Delaney Mayo, Matthew McCabe, Therese McCormack, Anabel McDonald, Michaela McDonnell, Carter McDonough, Evelynn McRae, Meredith Miller, Liliana Minchello, Emilia Morisseau, Ava Murphy, Dylan Murphy, Meghan Murphy, Brooks Nabors, Mallory Nappi, Aidan Parry, Courtney Pateras, Ella Perfetuo, Charlotte Perreault, Camryn Picard, Trey Picard, Koleby Pina, James Robbins, Chloe Roof, Maren Sands, Robert Scott, Katherine Sickorez, Grace Skowron, Sophia Sorrento, Anne Spencer, Cara Steinbergher, John Stevens, Jacob Taylor, Grace Thomas, Abigail Thornell, Cooper Thornell, Colleen Tierney, Emily Tobin, Conor Walsh, Haylee Welch, Connor Withers, Andrew Youngworth, Evan Zielinski, Kate Zimmer and Sarah Zimmer.

Eighth grade students who earned second honors are Leeana Bernick, James Blades, Thomas Bongiolatti, Jake Brilliant, Jake Burton, George Clarke, Tucker Collins, Arielle Comer, Madeleine Devin, Emma Gracia, Xavier Green, Brendan Hanlon, Audrey Hannigan, Ryan Hay, John Hayes, Eli Hession, Brady Holte, Samuel Holte, Charlotte Hood, Samuel Johnson, Jackson Jones, Giovanni Joseph, Olivia Kelley, Max Landry, Samantha Lloyd, Rose Lydiard, Teagan Mann, Cheyanne Manning, Owen McCall, Isabella McCredie, Seamus McGonagle, Alice Melvin, Samantha Middleton, Maxwell Misiaszek, Leah Murphy, Chloe Nerino, Adrian Newman Jr., Gianna Norton, Gavin

Furnace Brook announces honor rolls

O'Donoghue, Colton Pesko, Evan Re, Gabriella Reardon, Addison Rhodes, Angelina Rosales, Joseph Russo, Amanda Shea, Colten Spano, Charlotte Stafford, Jayden Toland, Taylor Twomey, Norah Walker, Liam Walsh, Sofia Walsh and Patrick White.

Seventh grade students who earned first honors are Ianna Amado, Zoe Baker, Katherine Barrow, Maryjane Bernard, Sienna Brearley, Dylan Burhoe, Salvatore Camera, Izabell Cannon, Arianne Carter, Justin Casado, Thomas Casey, Braden Catalano, Xavier Chalhub, Evan Concannon, Andrew Cosman, Chloe Cupples, Jake D'Antonio, Olivia David, Riley Devlin, Liam Dillon, Benjamin Doran, Reilly Egelstrom, Elle Emond, Gavin Fahey, Clara Fecteau, Noah Feldman, Jessica Follett, Dylan Gillis, Sean Greene, Sydney Grice, Ethan Hall, Harrison Hartwell, Grady Holmes, Nolan Holmes, John Hughes, Brooke Jackson, Lila Johnson, Eamonn Joyce, Nolan Keeler, Brooke Kelly, Isabel Lam, Riley Lanzillo, Charles Leach, Jack Leahy, Kailyn Love, Mia LoVuolo, Ella Luongo, Riley Maginnis, Kira Mahoney, Rowan Malvey, Ryan McCabe, Nathaniel McGowan, Clara McGrath, Brendan McLaughlin, Ryan Medeiros, Delaney Mitchelson, Lauren Morris, Brendan Murphy, Tessa Newmann, Melanie Noyes, William Noyes, Chloe O'Brien, Julia O'Brien, Samuel O'Brien, Delaney O'Neil, Aine Palumbo, Tessa Panagrossi, Georgia Pearson, Natalie Pereira, Julia Pozerski, Nisha Prabhu, Pdraig Purcell, Caroline Robbins, Michael Roosevelt, Callie Santacroce, Connor Scott, William Scott, Harrison Serino, Katherine Simcik, Abigail Simpson, Carly Smith, Timothy Stiles, Brendan Tierney, Caitlin Todd, Eleanor Van Steenburgh, Anna White, Abigail Wolff, Elizabeth Wolff, Evan Young and Sophia Young.

Seventh grade students who earned second honors are Sofia Afanasiw, Alexis Andrews, Allan Archibald IV, Ryan Bergamesca, Lauryn Bonarrigo, Jameson Bongiolatti, Erin Boyd, Nolan Cavanagh, Max Coakley, Giana Cordasco, Mason Cunio, Liam Derby, Katy Devine, John Dineen, Bianca Domingues, Kevin Drake Jr., Madeline Eagan, Claudia Ferris, Kyle Fickeisen, Isabelle Flynn, Livia Flynn, Sarah Foley, Paige Green, Angel Hernandez, Callie Johnson, Brody Jordan, Audrey Litchfield, Luke Mamet, Cassie McCarthy, Maeve McCue, Baile McDonough, Nolan McDonough, Ava McNamara, Lilyana Newman, William Noenickx, Bianca Nogueira, Alexis Panasuk, Theodore Parrell, Jake Pinheiro, Brooke Quigley, Thomas Rice, Jaylynn Rodriguez, Hannah Rousayne, **Joseph Salvati**, Joseph Schmid, Jack Sears, Lillian Silva, Ava Sullivan, Thomas Sullivan, Cole Summers, Paige Valentine, Brady Ward, Jude Waud, Hannah Williams and Elijah Yang.

Sixth grade students who earned first honors are Anaya Allen, Blake Allen, Shea Allen, Samantha Apgar, Paige Bartlett, Jessica Beal, Charles Bioty, Camryn Bonarrigo, Kaydence Boreland, Samuel Bradley, Shaye Brady, Eve Burke, Remy Cahill, Anna Castiglione, Avery Catalano, Lucas Chiano, Alexandra Colomey, Madison Connor, Marian Corwin, Chloe Couillard, Fiona Cregan, Emma Daly, Christopher Devitt, Tomas Deware, Ailey Donovan, Jacob Doran, Abigail Dorgan, Evan Drunsic, Jillian Dwyer, Colleen Eddy, Josie Ellwood, Emily Emond, Samuel Fantasia, Lucas Fickeisen, Sarah Foley, Aislinn Friday, Michael Gardner, Olivia Gilbert, Chloe Gillis, Brady Hanson, Seamus Healey, Siena Healy, Brody Hession, Miranda Hoey, Ashley Hubbard, Daragh Hume, Adam Ingraham, Christopher Johnson, Shane Kelly-Twigg, Christopher Kenny, Braeden Lamb, Michaela Lamb, Trevor Lamont, Anna Lang, Julia Lemire, Lilliana Lencki, Ethan Licis, Maeve Lowney, William Lowney, Noah Luciano, Peri MacAllister, Nicolas Marini, Cara McDonough, Maeve McDougall, Carolyn McGrath, Lily McGrath, Anna McNealy, Ava Medeiros, Maeve Miller, Tristan Murphy, Charlotte Nabors, Sadie Nerino, Ryan Nichol, Conroy Norcott, Matthew North, Adam Nutley, Jackson O'Neil, James O'Neill, Ava Parry, Kate Pateras, Remy Pesko, Charles Petrie, Reese Picard, Sloane Pifer, Jared Plausse, Anthony Polcari, Margaret Rollins, Nathaniel Rollinson, Emmett Roof, Ian Sarabia, Audrey Sears, Keira Sharkey, Jessica Shinney, Sydney Smolcha, Jack Sorrento, Jack Spignesi, Ethan Strand, Patrick Sullivan, Donovan Swain, Margaret Tarsa, Sophia Tengberg, Owen Thomas, Olivia Tucker, Finlay Turner, Ava Van Kauwenberg and Mason Youngworth.

Sixth grade students who earned second honors are James Aikey, Jason Bernard, Kyle Bossey, Aiden Campbell, Brayden Campbell, Natalie Chandler, Alyssa Charlebois, Lyla Chiusolo, Caroline Clark, Benjamin Cochran, Owen Colameco, Emily Coleman, Joseph Connor, Norah Curran, Avery Davis, Nicholas Decesare, Cameron Delaney, Phoebe Dunn, Estella Ewell, Kylie Finn, Sean Folan, Molly Folkard, Ryan Gales, Avery Hanson, Dustin Hoitt, Andrew Jones, Robert Jordan Jr., Grace Keene, Emerson Kelley, Sean Lawlor, John MacNeil, James Mamary III, Caroline McGrath, Jillian McInerney, Jarrod Morrison, Gabriel Nelson, Lucy O'Mara, Erin O'Toole, Kyle Paris, Luke Peckham, Cole Perreault, Shayne Perry, Crosby Powers, Matthew Powers, Christopher Purdy, Robert Regan, Drew Robertson, Samantha Robinson, Taylor Rochelle, William Roman, Zachary Russell, Sophia Sargent, Harrison

Furnace Brook announces honor rolls

Sharp, Joyce Silva, Austin Smith, Charlie Spencer, London Trottier, Liam Verlicco, William Wallace, Ainsley Ward, Garret Webber, Matthew Wedge, Addyson Welch, Benjamin Wilson and Michael Zides.

Load-Date: March 24, 2021

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NIGHTLINE WRONGLY ACCUSED

**NIGHTLINE WRONGLY ACCUSED**

ABC News Transcripts NIGHTLINE (11:35 PM ET) - ABC

August 28, 2002 Wednesday

Copyright 2002 American Broadcasting Companies, Inc.

Length: 3630 words**Body**

graphics: AUGUST 28 2002

ANNOUNCER

August 28, 2002.

TED KOPPEL, ABC NEWS

It was a brutal, gangland murder in this back alley. And the FBI knew that this man was the killer before it happened. But this man served 30 years in prison for the crime.

JOSEPH SALVATI, WRONGLY ACCUSED

See, I never accept what they charged me with. But I had to accept the punishment and I accepted it. And I done it.

MARIE SALVATI, WIFE OF ACCUSED

You know, it was so important for the family to stay together. And that meant a lot to me. And my children, he needed it, we needed it.

TED KOPPEL

He was set up to protect the real killers.

JOSEPH SALVATI

Law enforcement that does wrong must be held accountable. They must. It's, this can't go on. They hid behind their badge and, and, and, and done this.

TED KOPPEL

Tonight, the fall guy betrayed by his own government.

graphics: FALL GUY

NIGHTLINE WRONGLY ACCUSED

ABC NEWS NIGHTLINE

ANNOUNCER

From ABC News, this is "Nightline." Reporting from Washington, Ted Koppel.

TED KOPPEL

Back in 1967, four men were indicted in a gangland killing. All four were found guilty. Three were sentenced to death, the fourth was sentenced to life in prison. All four men were innocent and the FBI knew it. But the Bureau did nothing because the actual killers were also FBI informants and considered critical to the battle against organized crime. It's the kind of thing you would like to believe could not happen in the United States. But it did. There were no executions. Massachusetts dropped the death penalty in 1974. But two of the innocent men died in prison. And each of the other two spent over 30 years behind bars. You'll meet one of them, and the woman who stood by his side all of those years, in a few minutes. But first, a little more background from "Nightline" correspondent Chris Bury.

CHRIS BURY, ABC NEWS

(Voice Over) On a chilly March day in 1997, Joseph Salvati emerged from this Massachusetts prison after 30 years inside. His life sentence commuted, Salvati had his freedom back but not his name.

JOSEPH SALVATI

In the eyes of the law, I am still guilty of crimes that sent me to prison. However, I still maintain that I'm innocent and I promise you that you have not heard the last of my case.

CHRIS BURY

(Voice Over) Nearly four years later, a judge cleared him of murder, and in this bombshell from the bench, accused the FBI of knowing he was innocent all along.

JUDGE MARGARET HINKLE,

MASSACHUSETTS SUPERIOR COURT

The FBI had information at the time of the murder, at the time of the investigation of the murder and at the time of the trial of Mr. Salvati and his co-defendants, that the individuals who were involved in the murder did not include Mr. Salvati.

CHRIS BURY

(Off Camera) In March 1965, FBI agents eavesdropped as two gangsters asked the local mob boss, Raymond Patriarca, for permission to kill a petty criminal named Edward Deegan. The mob boss agreed, according to this FBI memo detailing the conversation. Raymond Patriarca has put out the word that Edward "Teddy" Deegan is to be hit, and that a dry run has already been made.

graphics: " . . . RAYMOND PATRIARCA HAS PUT OUT THE WORD THE EDWARD "TEDDY" DEEGAN IS TO BE "HIT" AND THAT A DRY RUN HAS ALREADY BEEN MADE . . . "

CHRIS BURY

(Voice Over) Two days later, Deegan is shot to death in an alleyway. Another FBI memo quoted informants naming the four prominent local hoodlums responsible for the killing. But only two of the real killers were charged and four innocent men, including Salvati, were convicted of murder, even though the FBI knew they were not guilty.

graphics: " . . . PROMINENT LOCAL HOODLUMS, WERE RESPONSIBLE FOR THE KILLING."

NIGHTLINE WRONGLY ACCUSED

RALPH RANALLI, AUTHOR, JOURNALIST

They let it happen. They knew who had really done it. And then three years later, they let the wrong guys be indicted. And it was all in the name of going after the Mafia.

CHRIS BURY

(Voice Over) The real killers protected by the FBI included two notorious mob hit men, Vincent Flemmi and Joseph Barboza. They were crucial in the Bureau's efforts to get mob boss Raymond Patriarca.

graphics: VINCENT FLEMMI JOSEPH BARBOZA

JOSEPH " THE ANIMAL " BARBOZA, HITMAN

You know, I've been termed, termed like a, a, a canary, a song bird. Well, I may be all kinds of birds, but, you know, Patriarca is a jailbird today.

CHRIS BURY

(Voice Over) His testimony also sent Salvati, then a local truck driver, to prison. Two other falsely accused men died serving time. A fourth spent 33 years in prison until his release last year.

JIM WILSON, CHIEF COUNSEL

It's a tragic case. It's the sort of thing that should never happen in the United States.

CHRIS BURY

(Voice Over) Jim Wilson is Chief Counsel for a House Committee investigating the FBI's conduct in the Boston cases. It discovered that Hoover's own creation, the top echelon informant program, routinely protected vicious criminals, including repeat killers, in exchange for inside information.

JIM WILSON

The Salvati case isn't the only element of what went on in New England. There's a, a pattern that went for nearly 40 years of government misconduct.

REPRESENTATIVE CHRISTOPHER SHAYS,

REPUBLICAN, CONNECTICUT

Do you have any remorse?

H PAUL RICO, FORMER FBI AGENT

Remorse? For what?

CHRIS BURY

(Voice Over) In hearings last year, the former FBI agent responsible for cultivating mob informants in Boston defended the practice.

REPRESENTATIVE CHRISTOPHER SHAYS

So you really, don't really, you don't really care much and you don't really have any remorse, is that true?

H PAUL RICO

Would you, would you like tears or something? Or what?

NIGHTLINE WRONGLY ACCUSED

REPRESENTATIVE CHRISTOPHER SHAYS

Pardon me?

H PAUL RICO

What do you want, tears?

CHRIS BURY

(Off Camera) ***Joseph Salvati*** is now suing the FBI for 300 million dollars. In all, the damages sought by those falsely imprisoned and their families exceed two billion dollars. The chairman of the House Committee investigating all this, Republican Dan Burton, is so outraged, he's asked Congress to remove J. Edgar Hoover's name from FBI Headquarters. This is Chris Bury, for "Nightline" in Washington.

TED KOPPEL

I'll be talking with Joe and Marie Salvati in just a few minutes. But first, I wanted to introduce you to the man who, for the past 25 years, has represented the Salvati family, Joe Salvati in particular. You estimate that you've put in 25,000 hours of your time. Victor Garo incidentally, is the man that I'm talking to here. 25,000 hours?

VICTOR GARO, SALVATI FAMILY LAWYER

That's right. 25,000 free hours of my time because I felt that this was, it was such a great injustice to this family. I thought that it had to be fought and I have been fighting it for over this period of time.

TED KOPPEL

Was it your idea to sue the government now for \$300 million?

VICTOR GARO

We have talked about it. I don't make any decisions by myself. Mr. Salvati, his wife and the kids, we all sit down and talk about the moves that we make.

TED KOPPEL

I know there were a lot of memos that went all the way up to J. Edgar Hoover's desk.

VICTOR GARO

Absolutely.

TED KOPPEL

Are you, are you convinced, and when I say are you convinced, do you have evidence that Hoover actually knew what was going on?

VICTOR GARO

The evidence shows that J. Edgar Hoover knew everything that was going on in this case. And, in my opinion, he conspired with other FBI agents to murder Joe Salvati. The manner and means to commit that murder by, was by way of an indictment on October 25th of 1967, wherein the punishment and the penalty at that time was death in the electric chair. And allowing an informant of theirs to commit perjury. And the FBI agents in Boston at that time had evidence to show that Mr. Salvati was innocent of the crime that they were charging him with.

TED KOPPEL

NIGHTLINE WRONGLY ACCUSED

And lest anybody think that you're exaggerating here, in fact, one of four men who was in there was in there on a, on a death penalty sentence, right? In other words, one of the four men that the FBI knew was innocent of the charges against him?

VICTOR GARO

There were, there were others that were, were sentenced to death. Mr. Salvati was sentenced to life in prison. But his family, from October 25th of 1967 until July 31st of 1968, when he was found guilty and the jury recommended leniency for him, they thought that their father or their husband was going to die in the electric chair. As a matter of fact, one of the children, on one of the visits to Joe, his youngest daughter, said to him, "Daddy, I hear you're gonna get a present. They're gonna, you're gonna get the electric chair. Daddy, what does it mean, they're gonna give you the electric chair?" You tell me how anybody with a conscience can allow an eight or 9- year-old girl to come to her father and say, "Daddy, what's, what are you going to get, the electric chair?" I just don't understand how people can live with their consciences, knowing that they're trying and attempting to destroy a family that is supposed to be protected by the Constitution of the United States.

TED KOPPEL

Mr. Garo, I thank you. We're gonna ask you to relinquish your chair. When we come back, I'll be here with Joseph and Marie Salvati.

graphics: NIGHTLINE

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commercial break

TED KOPPEL

And I'm joined now by Joe and Marie Salvati. Thank you for coming. Joe, I want to begin with you. And I'm gonna begin. Let's get something out of the way. When you were a kid you were not exactly a model citizen, right.

JOSEPH SALVATI

Oh, yes, I was.

TED KOPPEL

Except for, I mean, there was one charge against you, right?

JOSEPH SALVATI

I had a breaking and entering charge about 45 years ago.

TED KOPPEL

When you were 19?

JOSEPH SALVATI

Right.

TED KOPPEL

Other than that, clean record?

NIGHTLINE WRONGLY ACCUSED

JOSEPH SALVATI

That's it.

TED KOPPEL

You were a truck driver?

JOSEPH SALVATI

I, I drove truck and I drove trailer. And I unloaded fish. And I even worked as a doorman for nothing, just for tips, and . . .

TED KOPPEL

How did these guys in the mob come to know you at all? I mean, why did they have any views about you at all, even in terms of setting you up as a victim?

JOSEPH SALVATI

Well, let's see, I borrowed \$400 from a shylock and things were slow and I had to pay the bills, so I went to him and borrowed the money.

TED KOPPEL

And you weren't able to pay it back?

JOSEPH SALVATI

And I paid the vigors every week. And about a month, two months later, I, I, I needed two more hundred. And I went and borrowed two more hundred, but Joe Barboza became partners with this fella that I borrowed the money from. And he was like the enforcer and said, "Yeah, I give him the money." He said, "I hope you don't pay."

TED KOPPEL

When one of the wise guys says to you, "I hope you don't pay," what is he really telling you?

JOSEPH SALVATI

Well that's, he's telling you he'd come after you and hurt you.

TED KOPPEL

They hurt you, but it must have come out of the blue. I mean, the way they hurt you, you can't have anticipated that. You can't have expected that.

JOSEPH SALVATI

Oh, of course not. He killed me with his mouth.

TED KOPPEL

Tell me what you mean.

JOSEPH SALVATI

Well, he, he, he sentenced me to death. He, he replaced me with, with his friend that really committed the crime, because when he was collecting his money, see, just at the time when Barboza was becoming an informant, he sent someone out to collect his money. He had a bat under his arm. And he said, Joe said he wants the money

NIGHTLINE WRONGLY ACCUSED

and he wants it now. And they come after me and were gonna hurt me. And I went after them and hurt them. I took the bat and we struggled and they ran out. And I said, "Now you can tell Joe Barboza he's not getting anything," with a few choice words in it. He sent word back to us through a lawyer and said, you tell Mr. Joe I'll take good care of him.

TED KOPPEL

And he did, didn't he?

JOSEPH SALVATI

And I said, what the hell can you do to me? I never done nothing with him. But he did.

TED KOPPEL

When the cops first came after you, when they arrested you, what did you think?

JOSEPH SALVATI

I think I was numb. I couldn't talk. This, the sergeant, I knew him, he said, "Joe", he said, "Can I talk to you?" I said, "Sure." He said, "I got a warrant for your arrest." I said, "For what?" He said, "For murder." I got weak. I was, you know, I got numb. I said, "You, come on, you gotta be kidding me." "Sit down," he said, "and read this."

TED KOPPEL

How did you tell Marie?

JOSEPH SALVATI

I didn't. She found out when she got through work, through with the children. Someone had told her that your husband just got arrested.

TED KOPPEL

Now, you, you had, you'd been married for quite a while already at that point, hadn't you, Marie?

MARIE SALVATI

Well, yes. Yes.

TED KOPPEL

How many years?

MARIE SALVATI

Thirteen years.

MARIE SALVATI (CONTINUED)

Thirteen years?

MARIE SALVATI (CONTINUED)

Yeah.

TED KOPPEL

Did it ever occur to you that you might be married to a murderer?

NIGHTLINE WRONGLY ACCUSED

MARIE SALVATI

Not in my wildest dreams. Never.

TED KOPPEL

So when you heard this, when you heard that he was . . .

MARIE SALVATI

When I, when I heard this, this here, I was shattered. I was devastated. I, I, like I, I just couldn't believe it. The children were coming out of school. It was like during the daytime when they picked him up. And it was very hard because we live in a small neighborhood. And it's, you know, you just walk down the street and everybody knows who you are. And this, this spread like wildfire in the community. You know, that Joe got picked up and was arrested. And no matter who you talked to in the neighborhood, they know my husband is a good person. It's impossible, can't be. Never would hurt anybody. That was, that's what even made it more like shocking that he would get picked up for something like this.

TED KOPPEL

But this was, this was a nightmare that had to keep getting worse, day by day, week by week. 'Cause you think, okay, there's been a mistake. They got the wrong guy, they're going to figure it out.

JOSEPH SALVATI

This can't happen. Something's wrong here.

TED KOPPEL

This can't happen. So then you go to trial, right?

JOSEPH SALVATI

Waited ten months and then went to trial.

TED KOPPEL

How long did the trial last?

JOSEPH SALVATI

Thirty, 30 some-odd days.

TED KOPPEL

Thirty days. And then there, you had a jury trial, right. The jury goes out and how long did it take the jury to come back with a verdict?

JOSEPH SALVATI

They had a verdict within hours.

TED KOPPEL

So, when they came back, and the judge turns to the foreman of the jury, we've all seen it, 100 times, right, in movies, right? Mr. Foreman, Madame foreman, whatever it is, have you reached a verdict? Do you remember that moment?

NIGHTLINE WRONGLY ACCUSED

JOSEPH SALVATI

Mm hmm. Very clear.

TED KOPPEL

Describe it for me.

JOSEPH SALVATI

When the jury came back, they all had their heads down. I said we're in serious trouble here. When they got up and read the verdicts, he had, I had to stand up one at a time and asked us, do you have anything to say? And some said yes. When he pronounced the death sentence on four of them, he said, "you're to die in the electric chair with the current running through your body until you are dead" on certain given date. He done this like he was enjoying it. He come to me and said, do you have anything to say and I said no. And he pronounced, he said I sentence you to the rest of your life, natural life in prison.

TED KOPPEL

And in point of fact, your collective nightmare at that point was just beginning. You had no idea what was still awaiting you. But we're going to try and jam, we're gonna try and jam 30 years into six or seven minutes when we come back. we'll be back in a moment.

commercial break

TED KOPPEL

And we're back once again with Joe and Marie Salvati. Joe, as a young man, you had to be a pretty tough guy. I mean, if you would take on some guy from the mob that was coming after you with a baseball bat. But still, on that first day, state prison? Federal prison?

JOSEPH SALVATI

State prison.

TED KOPPEL

State prison. How do you survive that? In other words, you're going in there. They are told you're gonna be in there for the rest of your natural life. And you know something that even Marie doesn't know. She loves you, she believes in you, she trusts you. She cannot believe that you're guilty. But you're the only one on earth who knows "I'm not guilty."

JOSEPH SALVATI

And the people who put me there.

TED KOPPEL

And the people who put you there are not just a bunch of hoodlums. Right? Some of them, . . .

JOSEPH SALVATI

Are law enforcement.

TED KOPPEL

Are law enforcement.

NIGHTLINE WRONGLY ACCUSED

JOSEPH SALVATI

Most of them were.

TED KOPPEL

FBI agents.

JOSEPH SALVATI

Right.

TED KOPPEL

Right. Justice department.

JOSEPH SALVATI

Justice, FBI.

TED KOPPEL

What are you thinking?

JOSEPH SALVATI

I was thinking how am I going to do this time? I sat down and, you know, you hear a lot of stories about how people go nuts thinking about the time they're doing. I said I'm either going to do it the easy way or the hard way. I done the time and I didn't let the time do me.

TED KOPPEL

But what does that mean?

TED KOPPEL (CONTINUED)

That means I done the time. See I never accept what they charge me with. But I had to accept the punishment. And I accepted it. And I done it.

TED KOPPEL (CONTINUED)

How did you grow accustomed to being in prison? Did you grow accustomed to that?

JOSEPH SALVATI

You never, you live day-to-day. You know, you do what you have to do.

TED KOPPEL

What was the worst part about it?

JOSEPH SALVATI

Being in prison. Being away from your family. You get a visit. They're here. You love your kids. You hold them, hug them and then have to leave. Get back in your room and you sit down and think.

TED KOPPEL

How often could you see Joe?

NIGHTLINE WRONGLY ACCUSED

MARIE SALVATI

Well, I would go up every week.

TED KOPPEL

How far, how far was it from where you lived?

MARIE SALVATI

It's a good, It was a good hour and a half drive, 2-hour drive. I didn't, I didn't have a car in the beginning. And I didn't drive. So, I would, I would network with somebody that was visiting and I'd take the four kids. You know, and I made sure he got a visit every week. And then, about after a a year and a half or two years, I got my driver's license. And I got myself a little car. And, you know, we were in for it for the long haul.

TED KOPPEL

Joe, did you ever, were you ever able to talk to some of the other guys who'd been sentenced with you? I mean, they were innocent too.

JOSEPH SALVATI

They were on death row. And two of us got life sentences. So, you'd see them when they went to mass. General hello, goodbye. It's just a walk down the corridor. If they were on death row, you can't go near them.

TED KOPPEL

If anything is worse than what you're going through, it's what those two guys are going through.

JOSEPH SALVATI

Right.

TED KOPPEL

So you actually had gotten a little bit of mercy.

JOSEPH SALVATI

Right.

TED KOPPEL

But these guys, do you have any idea what was going through their heads?

JOSEPH SALVATI

Oh, I could imagine. When I'd get visits, you know, all I had to do is stall my children. You know, they'd come up, "Daddy, you coming home for this? You coming home for the Birthday? We're having a party and can you come home? Or when are you coming home?" And this went on for a year, two years, three years. And like I told you, my daughter came up and said, "Daddy, what's an electric chair?" And I said, "where did you hear that?" The kids in school they go by me and they go. Your Father's got an electric chair. And bang bang, they're dead, children are cruel. That's what you had to live with.

TED KOPPEL

Three of us are going to talk on "Up Close," which will be a little later this evening, about what you both went through. But I just want to close this part of the conversation, Joe. You're suing the government for \$300 million.

NIGHTLINE WRONGLY ACCUSED

Does that mean anything to you? I mean, what's the point here? I don't know whether the money's going to make it, . . .

JOSEPH SALVATI

Are you asking me do I want my children to have the things I couldn't give them? Yeah. You want my grandchildren to go to school and have things, nice things? Yeah, yes. I want the money. I deserve it. For what they done to my family and me.

TED KOPPEL

What about punishment? What about a little bit of vengeance here where you say, I want people to pay for what they did?

JOSEPH SALVATI

Law enforcement that does wrong must be held accountable. They must. It's, this can't go on. They hid behind their badge and done this.

TED KOPPEL

And you know what those guys would say, what these guys have said. They've said, "Look . . . "

JOSEPH SALVATI

We done our job.

TED KOPPEL

"We done our job. We went after the big guys. We were after the Mafioso. And, you know, if a few people, if they had to do the time, I mean, what is it, what was it? Rico?"

JOSEPH SALVATI

Yeah, Paul Rico. The con man.

TED KOPPEL

Paul Rico. He said, what do you want me to do? Cry?

JOSEPH SALVATI

That's what he told that, this is the FBI. This is the guy that done all the framing. Knew it. And Congressman asked him do you think, after hearing all this, Joe Salvati's innocent? He said yes. But the Congressman kept looking at him, looking. He said well, I answered your question. He says I know, but I just want to look at you. He said, how do you live with yourself? How do you go to sleep at night? He says, Ah, what do you want? He said, I'll make a good book. This is the FBI. The Justice Department.

TED KOPPEL

All right. We're going to continue our conversation a little bit later this evening on "Up Close," we hope you'll join us for that. But I'll be back in a moment.

commercial break

TED KOPPEL

Coming up on "Up Close," I'll have the rest of my interview with Joe and Marie Salvati.

NIGHTLINE WRONGLY ACCUSED

TED KOPPEL (CONTINUED)

How long has it been since you cried, Joe?

JOSEPH SALVATI

I cry everyday.

TED KOPPEL

And that's our report for tonight. I'm Ted Koppel in Washington. I hope to see you shortly on "Up Close."

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HEARING OF THE SENATE GOVERNMENT REFORM COMMITTEE SUBJECT: THE FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON: WILL THE JUSTICE DEPARTMENT COMPLY WITH CONG....



HEARING OF THE SENATE GOVERNMENT REFORM COMMITTEE

SUBJECT: THE FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON: WILL THE JUSTICE DEPARTMENT COMPLY WITH CONGRESSIONAL SUBPOENAS?

CHAired BY: REPRESENTATIVE DAN BURTON (R-IN)

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Byline: MICHAEL HOROWITZ, CHIEF OF STAFF, U.S. DEPARTMENT OF JUSTICE; EDWARD WHELAN, PRINCIPAL DEPUTY, ASSISTANT ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE

Body

REP. DAN BURTON (R-IN): Okay, I think we will go ahead and start.

I have a prepared statement here, but I'm not going to read it today. I'll put it in the record because I want to speak extemporaneously about this issue because I feel very strongly about it. The media's not here, a lot of them, but I'm sure they will hear about this very quickly.

The Congress has the right of oversight over the Executive Branch of the United States of America. This committee has oversight responsibilities over the entire Government of the United States. Every single branch of the executive branch, in one or another, comes under the purview of this committee as far as oversight's concerned. Now for the past five years, four and a half years, we have investigated the Clinton Administration and my colleagues on my right here have been concerned because I was so partisan. Well, today I think they're going to find that it was because I really believe what we trying to get to the bottom of.

President Bush, I think is doing an outstanding job in the war effort, and I think the American people share that view. I think about 85 percent approve of his handling of the war. And I think everybody's giving him a lot of latitude on the economy because he's trying his best, and I believe rightfully, to get the economy moving with an economic stimulus package. But where I disagree with the president, and I believe most of my colleagues on both sides of the

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aisle would disagree with the president, is his use of executive privilege that we just received today -- notification of today.

Now, I've met with the White House Counsel, Chief Counsel Mr. Gonzales, and I talked to him this morning, and I've met with the attorney general, and the Congress of the United States has the right and the obligation to oversee the executive branch, the White House and the Justice Department. The president has the right, in certain cases, to claim executive privilege but it's a real stretch for him to claim executive privilege on the issues that are before us today. And I think it's wrong and I believe the Congress will think it's wrong.

Now, the reason we asked for information from the Justice Department in the past was because we were concerned about campaign finance scandals and we were concerned about espionage. We were concerned about all kinds of things and we were ultimately able to get most of those things from the Reno Justice Department and from the White House.

This White House has issued an executive order that pretty much blocks us from getting any information on previous branch -- executive branch personnel, including the President of the United States, and we are chagrined by that, because in the past we've been able to get those documents so we could fulfill our oversight responsibilities. As far as the Justice Department is concerned, we have in the past, had difficulties getting things like the LaBella and Freeh memo from the Reno Justice Department, but ultimately we did get those.

Today we were here to talk to the Justice Department about Joseph Salvati. Joseph Salvati was put in prison when J. Edgar Hoover was the FBI Director. And we have reason to believe -- very strong evidence that leads us to believe that even J. Edgar Hoover knew that Mr. Salvati was innocent of the charges brought against him, but he was put in jail and they were going to give him the death sentence -- the death penalty, but they didn't, they gave him life in prison. He spent 30 years in prison and time after time, the FBI tried to keep him from getting out of prison.

And finally, he was released on parole and then documents were revealed which showed he was innocent. He was innocent. A man spent his whole life, his children grew up and his wife grew older and she had to learn a new trade. She didn't even drive a car. She had to go out to the prison with friends. It was such a tragic thing. She waited on him for 30 years.

And so we wanted to get documents from the Justice Department to show what happened. We have some documents which pretty conclusively show that the FBI was involved in this cover-up, that they were working with the underworld figures who were informants to pacify them and to help them so that they could get other Mafia individuals. And so they threw Salvati and some others to the wolves, but Salvati in particular was a case that was very, very wrong.

And so we've asked the Justice Department for documents for Mr. Salvati and today they're hiding behind campaign finance scandals and things that happened in the previous administration or administrations. And they're not going to give us documents for Mr. Salvati, which might help us get compensation for him for the 30 some years he spent in prison for something he didn't do. And the White House has issued this executive order and they're blocking us.

Now I don't intend as the chairman of this committee to let this stand. And I am prepared -- and I talked to the president's counsel this morning about this -- I am prepared to hold a whole series of hearings based upon the use of executive privilege in the past and whether or not the president is rightfully using executive privilege now. I don't believe he is and I don't believe anybody who's followed these cases believe he's right either. Now bear in mind that I think he's doing an outstanding job as president of the United States. But this is not a monarchy, this is an equal branch government. We have the judicial, the executive and the legislative and the legislative branch has oversight responsibility to make sure there is no corruption in the executive branch.

There's many corruption scandals in the past. There's been Teapot Dome, there's been Watergate. There's been a whole host of scandals in the past. We even had scandals that we looked down in the last administration. But at

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least, we could look at those. And the doors are being closed to the Congress of the United States by the executive branch as far as the White House is concerned and now they are closing that door as far as the Justice Department is concerned. And it's wrong.

It's wrong. You're hearing this from a Republican congressman who supported President Bush and who still supports him in his efforts as far as the economy and the war is concerned. I supported Reagan, I supported Bush and George W. Bush. And I don't know if George W. Bush knows the gravity of this or not. He's probably taking the advice of his legal counsel and the attorney general and the people over at the Justice Department, some of whom we have here today. But this is wrong.

And I want all of those involved to know that we may not be able to get standing in court because we probably have to go to the leadership to get the whole House involved in a suit to get this edict by the president reversed and we might not even get it done then.

But what I can do is I can hold hearing after hearing after hearing and these television cameras -- you see one here today -- there's going to be a whole raft of them in here before it's over with, because the American people need to know that while we appreciate what the president of the United States is doing in the war and as far as the economy is concerned, we believe that the Congress of the United States has a justifiable position and right to oversee the executive branch of this government. And if this president and if his legal staff continues to try to block us from getting access to records at the White House or at the Justice Department to which we're entitled, then they are going to be having to deal with this committee, day in and day out, for as long as I am chairman.

And I realize the political realities of my position. I'm sure that a lot of my colleagues on the Republican side are going to say, "Hey, why are you doing this?" I am doing it because I am a Republican or because I might have been a Democrat. I am doing it because it's right. The Congress of the United States has the right of oversight over the executive branch and when any president, Democrat or Republican, tries to block that right, then we have the obligation to take them to task.

With that, I yield to Mr. Waxman.

REP. HENRY A. WAXMAN (D-CA): Thank you very much, Mr. Chairman, for yielding to me and I want to commend you on holding this hearing.

And I want to tell you that your determination is one that's shared by others on this committee as well, because what you're fighting for is a matter of principle.

This hearing addresses a fundamental issue in our democracy, the accountability of the executive branch to Congress and to the American people. I agree with Chairman Burton the Justice Department's new policy not to turn over any deliberative documents to Congress that related in any way to criminal cases, even closed criminal cases, goes too far. Over the past five years, Chairman Burton often complained of stonewalling by the Clinton administration. I have to say that, compared to this administration, the Clinton administration was an open book. The sheer volume of information provided to this committee over 1.2 million pages dwarfs what the Bush administration has supplied. Moreover, we received details of discussions between President Clinton and his closest advisers, internal emails from the office of the vice-president, documents describing contacts between the administration and campaign contributors and confidential communications from the White House Counsel's office.

In the pardon controversy after he left office, President Clinton allowed his lawyers and most senior advisers to testify before our committee and he allowed the committee staff to review raw notes of his conversation with a foreign head of state. My staff has prepared a report detailing the extent of the information produced by the Clinton administration and I ask unanimous consent that it be introduced in the record.

REP. BURTON: Without objection so ordered.

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REP. WAXMAN: The Bush administration is taking a completely different approach. The Bush administration appears to believe it is entitled to operate outside the public eye and outside the view of elected representatives in Congress. They enthusiastically embraced secrecy and they've operated as if they had no reason to be accountable to the public or to the Congress. The fact of the matter is -- and the chairman so eloquently expressed this -- that our system is one of checks and balances and the Congress, through its oversight responsibility, provides an important check to abuse of power. That is why the Constitution gave us this specific obligation to look at the actions of the executive branch.

President Bush unilaterally issued an executive order that changed the disclosure requirements of the Presidential Records Act of 1987. He's ordered drastically restricted public access to important presidential records. Congressman Dingell and I, along with the General Accounting Office, have been trying since April to find out how Vice President Cheney's energy task force operated. There's been news reports that the task force met privately with major campaign contributors to discuss energy policy while environmental consumer organizations were denied similar access. One of those contributors, of course, is Kenneth Lay, the CEO of Enron. But the White House has refused to turn over the relevant information to us of the General Accounting Office. Compare that with the Clinton administration, making available to the General Accounting Office all the information about the Clinton health care task force chaired by Mrs. Clinton.

The Bush administration has adopted positions in the international negotiations over the Framework Convention on Tobacco Control that would weaken the treaty and benefit the tobacco companies, that have been major contributors to the Bush campaign. In fact, I obtained information that indicates U.S. negotiators supported 10 of the 11 weakening changes sought by Phillip Morris. I've written to the president and other executive branch agencies to learn the basis for these positions. But the administration's refused to provide most of the relevant information.

This hearing today focuses on another troubling example of an administration loath to face scrutiny. There have been well publicized allegations that FBI agents in the Boston office of the FBI willfully ignored crimes committed by confidential informants and cooperative witnesses who gave them information on organized crime in New England. These allegations had been substantiated. Judge Mark Wolfe, a United States district judge in Boston, conducted extensive evidentiary hearings in 1998. He found instances of extensive misconduct and criminal conduct in that office. A former special agent, John Connolly, is now under indictment.

Yet, despite this record, the attorney general is refusing to turnover key materials relating to these allegations. These materials include documents that relate to closed cases that this committee is clearly entitled to received.

I believe the administration needs to be more forthcoming with this committee and the Congress. An imperial presidency or an imperial Justice Department conflicts with the fundamental democratic principles of our nation.

I thank the Chairman again for this hearing and yield back the balance of my time.

REP. BURTON: Thank you, Mr. Waxman.

We will go to Mr. Gilman in just a second -- I want to get a couple of formal things done. I ask unanimous consent that all members' and witnesses' written and opening statements be included in the record, and without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular material referred to be included in the record and without objection, so ordered.

I also ask unanimous consent that questioning in the matter under consideration proceed under clause 2(j)(2) House Rule XI, and Committee Rule 14, in which the chairman and ranking minority member allocate time to committee counsel as they deem appropriate for extended questioning not to exceed 60 minutes, divided equally between the majority and minority, and without objection, so ordered.

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I also ask unanimous consent that our good friends, Representatives Frank, Delahunt and Meehan, who are not members of the committee, be permitted to participate in today's hearing, and without objection, so ordered.

And I will now yield to Mr. Gilman.

REP. BENJAMIN A. GILMAN (R-NY): Thank you, Mr. Chairman. I want to thank you for conducting this hearing on a matter of importance, not only for this committee, but also for the future of congressional relations with the Justice Department, and we want to make certain those relations are going to be in good stead. And the Justice Department has recently indicated it will no longer comply with congressional requests for deliberative documents pertaining to criminal investigations, whether open or closed.

Such a move signals a troubling, and arguably unconstitutional, shift in policy between the executive and legislative branches of our government. Although it's possible to understand that matters of national security may be grounds for limiting congressional access to federal criminal investigation documents, I cannot understand Justice blocking congressional oversight entirely.

It's particularly troubling that the Justice Department is restricting this committee's access to documents that would be germane to the case of the FBI's handling of confidential informants in the Boston organized crime investigation.

At the initial hearing on this issue on May 3rd, we heard some very strong testimony of Mr. Joseph Salvati who had been wrongly accused and imprisoned for murder for nearly three decades, and at that hearing questions were raised about the FBI's knowledge of Mr. Salvati's innocence. Therefore, it would seem particularly irresponsible for Justice to deny this committee access to relevant documents on that matter.

Accordingly, we will welcome the comments of the representatives of Justice, who are before the committee today and we look forward to their clarification of this new policy.

Thank you, Mr. Chairman.

REP. BURTON: Thank you, Mr. Gilman.

Mr. Tierney.

REP. JOHN F. TIERNEY (D-MA): Thank you, Mr. Chairman, and I want to thank you, Mr. Chairman, for holding this hearing today. I think we were all moved and deeply troubled by the testimony that we heard during our May hearing concerning the FBI's controversial handling of the organized crime investigations in Boston, and the case, in particular, of Joseph Salvati.

I appreciate the opportunity to hear today from the department of Justice about why it continues to obstruct efforts to bring about more information on this situation. As others have mentioned here, the genius of our political system lies in its checks and balances, and as members of this committee we have a responsibility to perform an oversight over all other branches of government. As a member of Congress from the commonwealth of Massachusetts I feel particularly responsible to see that the FBI cooperates with efforts to ensure that the victims of potentially grossly improper relationships between FBI agents and members of Boston's organized crime see justice done.

For this reason, I'm concerned about the Justice Department's decisions not to turn over any internal deliberative documents pertaining to criminal investigations, even if such documents are responsive to committee subpoenas. This has a direct impact on information subpoenaed by the committee related to the FBI's use of informants in New England's organized crime investigations.

The FBI has claimed that the committee's ability to subpoena documents may lead to a chilling effect, where agents are unable to act freely for fear of their decision making documents being subpoenaed. I'm more concerned about the affect of unchecked secrecy on the FBI's behavior. For almost 40 years FBI agents in Boston are said to have recruited members of organized crime to act as bureau informants. At the same time, it can argued that these

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agents may well have been recruited themselves by organized crime. Instead of upholding the law and protecting the innocents, these agents are alleged to have protected their informants.

The most disturbing aspect of these cases, of course, is that the FBI and other branches of law enforcement, knew that some of the men they help send to prison were innocent of crimes for which they were found guilty. Evidence also indicates that FBI director, J. Edgar Hoover, may well have known himself that innocent men were being convicted on the basis of perjured testimony.

As a result of these actions, the FBI's credibility has been seriously damaged and, more importantly, the lives of countless individuals were ruined. Men innocent of the crimes for which they were convicted were sent to jail for decades. Joseph Salvati, from whom we heard in May, was sentenced to the electric chair. Thankfully he has survived, but other were not as fortunate -- two of them died in prison.

If we're going to get to the bottom of these cases and prevent other similar situations from occurring in the future we must ensure that the committee has access to the documents it needs. I hope we can get some of these satisfactory answers from the Justice department witnesses today. I look forward to Mr. Horowitz' testimony, and I hope particularly that he'll elaborate on some of the points where the Justice Department argues that this committee legitimate oversight role doesn't extend to the Justice Department's exercise of prosecutorial discretion in individual cases. I want to know how is that so when, in fact, it appears that it may well be a policy? Not just a decision on an individual case, but a policy by the department to engage in this kind of behavior. And I think that's something this committee should obviously look into.

And it's not just in New England and in Boston -- we have cases, that we're hearing about now, across the country, where there's been evidence that has been testified to improperly, the DNA evidence situations from many people incarcerated over a long period of time. And I think we ought to take this investigation, Mr. Chairman, on a whole range of issues, of people that have been unjustly imprisoned, from what appears to be very wrongful conduct on the part of law enforcement agencies under the federal purview. Those people are every bit as deserving as the people we focus on today, of some attention.

Of these deliberative documents -- Mr. Horowitz, I'd like you to define for us, what you think your definition of deliberative documents are and why they fit the nature of privileged as deliberative process here. I think that we are supposed to -- according to the case law, as most of read it, analyze this as a case- by-case basis because it's a qualified privilege, not an absolute privilege. And when we balance the factors of the relevance and availability of the evidence, the role of the executive branch and the possibility of future timidity by government employees against what has happened here, I think that it clearly comes down that this evidence, this information ought to be reported to this committee and given to them, so that we can make some policy decisions, going forward, about this range of cases and what has happened.

And lastly, you've contended that the release of the Boston FBI documents would undermine an active criminal investigation -- presumably the investigations that are going on are closed in a lot of these instances right now. And there's no argument, I think, that can be made as to why documents shouldn't be released with respect to closed criminal cases.

So if you would address those matters for this committee, I think we could get on with our work on dealing with the particulars of the cases mentioned here today, and that range of cases across the country where the behavior of the FBI in dealing with informants on tainted evidence, on testimony in courts, or DNA evidence that have resulted in people being incarcerated improperly, is something we can continue to do, and maybe make some policy decisions and legislative changes here, so that American citizens are less likely to find that -- to be subject to those procedures as we go forward.

Mr. Chairman, I yield back the balance of my time.

REP. BURTON: Thank you, Mr. Tierney.

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Ms. Morella.

REP. CONSTANCE A. MORELLA (R-MD): Thank you, Mr. Chairman. I want to thank you, Chairman Burton, and Ranking Member Waxman for holding this hearing today. Today's hearing on whether Congress can ever review deliberative documents prepared during an investigation by the executive branch, I think is about utmost importance. The Justice Department's proposed new policy that Congress would never be able to review deliberative documents is a radical change in policy.

Up to this point Congress has always been permitted access to deliberative documents and three years ago, then Senator Ashcroft admonished Attorney General Reno for refusing to turnover deliberative documents in regard to a certain investigation and accused her of stonewalling. Now it seems that Attorney General Ashcroft and the administration feel that allowing Congress to review deliberative documents is bad policy.

I look forward to the testimony today from the Justice Department, so they can explain why the previous policy is now such a threat. Why does the department feel that Congress should have basically no oversight in situations involving an act of corruption by a high Justice Department official, or a high White House official?

This new policy also seems puzzling, given Attorney General Ashcroft's remarks upon confirmation last winter, when he said, "I will confront injustice by leading a professional Justice Department that is free from politics, that is uncompromisingly fair, a department defined by integrity and dedicated to upholding the rule of law. The Justice Department will vigorously enforce the law, guaranteeing rights for the advancement of all Americans."

I wonder if Mr. Salvati's family feel that this new policy is "uncompromisingly fair," or would advance the rights of all Americans. I look forward to the testimony and I yield back the balance of my time, Mr. Chairman.

REP. BURTON: Thank you Ms. Morella.

Mr. Shays.

REP. CHRISTOPHER SHAYS (R-CT): Thank you, Mr. Chairman, for holding this very important hearing. The grossest imaginable miscarriage of justice consigned Joseph Salvati to a prison cell for 30 years for a crime he did not commit. Law enforcement officials from the Federal Bureau of Investigations, FBI headquarters to local police department knew he was innocent. The man was innocent. But these governments hid exculpatory evidence to protect informants in so-called bigger cases. Today we are still trying to uncover some of that hidden evidence, concealed for so long by the prosecutory system, now claiming the need for almost total immunity from public scrutiny.

If any case rebutted that claim, it is Mr. Salvati's. An innocent man sent to prison for 30 years by his own governments for a crime they knew he never committed. We want, and more importantly need, to know how that could happen in the United States of America. But unfortunately the government that facilitated this injustice fights to cover it up. The protection of confidential informants by law enforcement in what can amount to a non-judicial street immunity, and an official license to commit further crimes is a national practice and a national outrage. Only thorough and timely oversight can address the corruption that plagues the use of informants.

To do that oversight we need access to the documents supporting prosecutory decisions. No entire class or category of document can be arbitrarily declared beyond congressional reach. Conceding total exclusion of so-called pre-decisional material produced by the Department of Justice, the Department of Defense or any agency, fatally undermines congressional oversight authority, and cannot be allowed to stand, no matter which political party constitutes the majority of Congress, and no matter which political party is in charge of the White House. Thank you, Mr. Chairman.

REP. BURTON: Thank you, Mr. Shays.

Mr. Horn.

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REP. STEPHEN HORN (R-CA): This has to be one of the major hearings we have and I want to put on the record that there's a new attorney general, there's a new director of the FBI, and it needs to clean house in the Boston area of FBI agents that did not be a person that would be of honor, and we need to clean that house. It's like the little boy outside the stadium, "Hey, say you didn't do it, Joe." Well, if Joe did it, let's clean house. All of us that grew up in the 30's, 40's, 50's, we looked to the FBI as a great service and when Mr. Hoover was brought over by Attorney General Stone to clean house after the First World War, he cleaned house.

On the other hand, Mr. Hoover didn't tangle with the Mafia. He tangled with cars, bank robberies, all the rest. And now, we need to make sure that people that are in jail, should not be in jail or prison. And that they must be let out, and there ought to be compensation for them, if they've got 10, 20, 30 -- and we saw the person for 30 years. It's wrong and a country that prepares itself and thinks that we are a good laws, good regulations and we expect that of the Department of Justice, the Federal Bureau of Investigation, and I would hope that people come forth within the FBI to make sure we don't have to go through this again.

REP. BURTON: Thank you, Mr. Horn.

Mr. LaTourette?

REP. STEVEN C. LATOURETTE (R-OH): Thank you, Mr. Chairman. Mr. Chairman, I have to admit to being behind the curb. I came down this morning thinking that we were going to receive information and evidence from the Department of Justice, relative to the prosecution to Joseph Salvati. I was looking forward very much to that hearing, because of the fact that the previous hearing that this committee had held horrified me that our government could participate in the type of activity that led to his incarceration of some of the other activities. After that hearing, my friend and colleague, Mr. Delahunt was kind enough to give me a book called Black Sabbath that I read from cover to cover, and I was further horrified. It made me all the more anxious to receive the information we expected to receive today.

And when I stand behind the curb, it's because ever since the terrorist attacks of September the 11th, we all are equipped with these blackberries. And it was on my blackberry as I walked from my office, that I read the wire story that indicated that the president had issued this executive order. I've had the pleasure of serving on this committee for seven years. I was here when Chairman Clinger was here, and I've served every year that you've been the chairman, Chairman Burton. And I can remember vividly the frustration that many of us on this side of the aisle felt when we would make document requests, when we would ask for stuff from the previous administration and we were met with silence.

I know that one of our colleagues who isn't here, Mr. Souder, his favorite opening statement always was to put up a chart of all the people who had fled the country and escaped the committee's jurisdiction. And it seems to me that the new administration has avoided that problem of having people leave the jurisdiction or not answer things, because they're now covered by a blanket of a kind of executive privilege. It really is beyond me how this is a legitimate exercise of executive privilege. It is beyond me that the Justice Department and the administration would not want those who participated in what is nothing less than a conspiracy to deprive a man of his freedom for 30 years, wouldn't want that to be known by a co-equal branch of the government and then by the American public, so that then this thing could be sorted out.

It causes me a great deal of difficulty as a Republican, because we're being asked by the same administration and Justice Department to look at, in light of what's happened in this country, as a result of terrorist activity, on restricting perhaps some individual liberties and enhancing police powers. And that combination of enhanced police powers and then saying, "Well, we're going to enhance police powers, but we're not going to tell you anything about it after we've done it," I think is the most obnoxious form of doing business that I can think of.

And I really hope as a supporter of the president that the president revisits this, and the attorney general revisits this, and you guys give to the United States Congress the documents that I think we're entitled to, so we can do our job just like you're expected to do yours. Thank you.

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REP. BURTON: Thank you, Mr. LaTourette.

Chas Duncan.

REP. JOHN J. DUNCAN JR (R-TN): Thank you, Mr. Chairman.

And first I want to commend you for calling this hearing and say that I agree with everything you've said in your opening statement, and I hope that you do continue to call hearings on this. And I intend to speak about this in special orders from the floor of the House over at C-Span to hopefully call more attention to it, because I think this is one of greatest miscarriages of justice that has ever occurred in this nation. To keep a man in prison for more than 30 years when the FBI knew all along that he was innocent of the charges.

Just last week in the Washington Post, Joseph Califano, who was a former top assistant to President Johnson, and a former Secretary of Health and Human Services under President Carter, wrote that in all of our concerns about terrorism, he said, "We're missing an even more troubling danger: the extraordinary increase in federal police personnel and power."

And that brought to my mind a cover story that was written in 1993 in Forbes magazine about the Justice Department. And Forbes magazine, as all of us know, is a very conservative, pro-business magazine but certainly not any radical left-wing magazine, but they reported that the Justice Department had more than quadrupled in size and in budget, since 1980. And they said that the U.S. attorneys are falling all over themselves trying to come up with cases to prosecute and the article said too often in federal law enforcement, the name of the game is publicity, not a reduction in the amount of crime.

It was a stinging indictment of the Justice Department, but the arrogance of the federal bureaucracy seems to grow with each passing year, so that now we've ended up with a government of by and for the bureaucrats instead of one that's of by and for the people. And this is another example of that increasing arrogance and abuse of power I think, that we are seeing far too often within the federal government.

I remember, I don't usually see the publications of the ACLU but in 1996 I received a notice that I had received a zero rating from the ACLU, and I spent seven and a half years as a criminal court judge in Tennessee trying the felony criminal cases, the murders, rapes, armed robberies, the more serious criminal cases. I am certainly no great civil libertarian and I've always been considered very pro-law enforcement. But I agree with Secretary Califano and I am becoming very concerned about the arrogance that we're seeing within the FBI and within the Justice Department and I hope, Mr. Chairman, that you and this committee stays on top of this because if it gets any more out of control, we're going to be in serious trouble in this nation. And I yield back the balance of my time.

REP. BURTON: Thank you, Mr. Duncan, and you may rest assured that there will be numerous hearings on this and I'm sure the gentlemen before us today will get to know us quite well.

Mr. Delahunt.

REP. WILLIAM D. DELAHUNT (D-NA): Thank you, Mr. Chairman, for the invitation extended to participate in these hearings.

Let me preface my remarks by saying if you and the committee make a decision to go to the floor of the house in terms of enforcing the subpoena, you will have my support and I'm sure that Mr. Frank would be so inclined also. And I would encourage our leadership to support any move along those lines. Let me thank you, by the way, for your perseverance, your persistence and even your courage. You know, these days when a member of Congress speaks out on something popular, he takes -- or she, takes the risk of being called some rather ugly names, merely for questioning the exercise of the department's authority. I want to commend you, Mr. Chairman, for not being intimidated.

In the use of executive privilege to shield officials from embarrassing revolutions is nothing new. Every administration has done it. You pointed out instances where the Clinton Administration was guilty of it. It doesn't

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make any difference whether it's Republican or Democratic. But I'm unaware of any previous claim of privilege that is as sweeping as this particular claim. And that is that the Justice Department would curtail, even in closed cases, cases that have been in the archives for some time, access to all deliberative documents pertaining to criminal investigations. To me, it's just unimaginable that the department should take that position. You know, others have used the term arrogance. In my opinion that is mild, at best, in its description.

You know, there's no doubt that the courts, in a long line of decisions have recognized the so-called deliberative process privilege on which, at least until this point in time, the department seems to have relied. But the privilege has never been absolute, never been absolute. And it can be overcome according to those decisions when the public's need for information outweighs the government's need to withhold it.

I have a quote here, I want to read this. This is from a 1997 case and I would suggest it's a leading case in the subject: "When there is reason to believe the document sought may shed light on government misconduct, the privilege is routinely denied on the grounds that shielding internal government deliberations in this context, does not deserve" -- or does not serve rather -- "the public's interest in honest, effective government." Now the department seeks to free itself from the burden of making its case by asserting this blanket privilege.

I would infer that, on the one hand there is a lack of confidence in its ability to withstand scrutiny, and by the way, it wasn't this Department of Justice where these instances occurred. But either that -- or on the other hand, it's the arrogant assumption that in light of recent events, Congress will not have the nerve to hold them to account. Well I think they ran into the wrong chairman and the wrong committee, and hopefully, the wrong Congress, because everybody supports obviously, the administration's efforts to address what happened in the aftermath of September 11th.

But we can't prevail in our fight against terrorism and tyranny by scrapping the checks and balances that preserve us from tyranny here at home. We should never give cart blanche to executive agencies to make their own rules without congressional oversight, particularly when these agencies have a well documented history of abusing the formidable powers entrusted to them. Particularly when we had just conferred upon them, within the last three months, additional broad powers.

Now it's been said many times over and it will be, I'm sure, a mantra that will be repeated again and again, that the FBI's mishandling of confidential informants in Boston is among the most infamous and cynical episodes in the modern history of law enforcement in this country. But what we see now are repeated attempts which really exacerbates that reality to cover up its wrongdoing by withholding documents and information subpoenaed by Congress. And it should be noted that the court, Judge Wolf had the same exact problem in those criminal proceedings that are currently being prosecuted in the Federal District Court of Boston.

Now, I know you're frustrated, Mr. Chairman, but just imagine Judge Wolfe, what his frustration was. Again and again and again, he expresses his frustration with the Department of Justice, and again I have a quote I want to issue from his decision.

This is quoting Judge Wolfe: "I issued general orders that had the effect of requiring the production of FBI documents, memorializing Brian Halloran's claim that Bulger and Flemmi" -- those are the FBI's prized informants -- "were responsible for the murder of Roger Wheeler. When found by Special Agent Stanley Moody, the documents were given to Barry Mawn, the special agent in charge of the FBI in Boston, to review because, Moody said in an affidavit, they contained information that was obviously highly singular and sensitive. They were not, however, produced in discovery in this case in time for the key witnesses" -- those were the FBI officials -- "Rico and Morris to be questioned about them. They were not produced in time for the court and the lawyers involved in that particular case to have them available to them. Rather, they were belatedly disclosed after repeated inquiries by the court. Similarly, important FBI documents concerning a murder victim, John McIntyre, were also improperly withheld by agents of the Boston FBI until it was too late to question relevant witnesses concerning them."

That's the end of the quote by -- the end of the applicable extract from Judge Wolfe's decision.

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And you know, and Mr. Chairman, you ought to be aware that myself and my colleagues that serve on the Judiciary Committee, Mr. Frank, and Mr. Meehan sent a letter to the attorney general expressing shock, I guess and outrage, that in the case of John McIntyre, the position of the Department of Justice was in a suit brought by the family that they didn't bring it in a timely fashion, because they should have known -- they should have known that this was murdered pursuant to information provided by FBI agents, Flemmi and Bulger.

Now, Judge Wolfe goes on to note in that same decision, that -- and I'm quoting again, "Despite my published judicial findings for misconduct, Mawn has been promoted to assistant director of the FBI."

The judge concluded that these experiences were not isolated occurrence, but again, I'm quoting him, "of a long pattern of the FBI ignoring the government's constitutional and statutory duties to be candid with the courts." He quoted with approval the comments of two Senate Republicans at the confirmation hearings of Bob Mueller, regarding and again, "a culture of concealment at the FBI," and another quote, "a management culture, so arrogant that ignoring the rules and covering up is the order of the day."

These are quotes by those two referenced members of the Senate Judiciary Committee. One can just imagine where we would be today without Judge Wolf. We wouldn't be here, and nobody would know that Joe Salvati spent 30 plus years of his life in jail for a crime that he didn't commit. Nor would we be aware of the absolutely egregious misconduct of FBI agents in the Boston office. You know, I guess I shouldn't be surprised that the Department of Justice wants to set its own rules. Recently there was, several years ago, legislation passed called the Mandate Act (ph). They're up here lobbying all the time, trying to erode it, so they can write their own rules.

Well, you know, thank you, Mr. Chairman, for this hearing, and thank you for your refusal to accede to intimidation. I yield back.

REP. BURTON: Thank you very much.

Mr. Frank.

REP. BARNEY FRANK (D-MA): Mr. Chairman, I want to begin by apologizing to you. Very seriously, like many others, you and I differed on some things. And I did think in that in the past, I had a question about whether there was too much partisanship in some of your approaches. And by the intellectual integrity you were displaying today, I think you've made it clear that that was not a basis for what you were doing. And I admire you enormously. Your commitment to honesty and to the separation of powers properly understood. I from time to time, during the previous administration, and I understand that there are people in any administration who regarded as absolutely impermissible that members of Congress of their own party were to disagree with them.

The general view of most people in the administration, when it comes to the House of Representatives, is that the only place is where there should be checks and balances is in the members' bank accounts. And any expression of independence by the members is taken as somehow disloyalty. And you are showing today a commitment to fundamental principle that is rare in this city, and I want to acknowledge it. I want to also stress the importance of what we are talking about. We were long in the FBI. We gave the FBI significantly increased law enforcement powers and self-defense.

The problem is that there are fears that those powers will not be wielded with the sensitivity, the individual rights, that is necessary. I was struck in the president's executive order, by this phrase: "The founder's fundamental purpose in establishing the separation of powers in the Constitution was to protect individual liberty." I would note, by the way, that in that regard the most important separation of powers is the one between the judicial and executive branches. And I hope the people who wrote this executive order will remember that when we talk about the who tries whom that the relevance of the separation of powers to protect the individual liberty means that you separate the executive and judicial branches in individual adjudications.

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You don't just use the separation of powers to keep Congress from being annoying. My colleague from Massachusetts made reference to this McIntyre case, and I would ask, Mr. Chairman, if you would put this letter that Mr. Meehan and Mr. Delahunt and I sent into the record.

REP. BURTON: Without objection.

REP. FRANK: And I should note how much I appreciate the fact that you have found a place for refugees from the somewhat somnolent judiciary committee in this regard by exercising your legitimate jurisdiction in this important case in accommodating those of us from the judiciary committee who were homeless on this particular issue. But what happens, as Mr. Delahunt said, is very clear.

First the FBI withholds documents that would give evidence about a murder that was committed by informants working for the FBI. Then when the information is finally forced out by a courageous judge, Mark Wolfe, a Republican appointee, both as a member of the Justice Department and as a judge -- when he courageously forces this into the public eye and the family of the murdered man says, "Wait a minute. The FBI, the federal government may have been complicit in the murder of our relative. We're going to sue them."

The FBI having withheld the information, now says, "Oh, we're sorry. It's too late for you to sue, because you should have sued earlier, during the period when the FBI was withholding the information which would have been the basis for the law suit."

It is just appalling that they would do this. And it is equally appalling that the current administration would somehow feel the need to cover up the mistakes of previous administrations. I don't know what bureaucratic reflex drives people to do this. Again, I've seen it when -- I saw the Clinton administration defending the errors of the Bush and Reagan administration. Now we see the Bush administration defending the errors of the Clinton administration. There's no legitimate purpose here.

And I would finally close with this. I invite the Justice Department, the FBI and others -- I read the executive order which the FBI prepared so the president can send them the instruction that they wanted him to give them. And I do believe the president is kind of busy right now.

And I would hope that if we were in a situation in which more attention could have been given I would have been hoped that something this sweetening would not have been issued. The FBI successfully lobbied to get this kind of blanket exemption for itself. But I would invite you -- give us the evidence that previous efforts by the Congress to do oversight somehow interfered with your function. Give us the evidence that crimes went unprosecuted, and evil went unchecked, because the members of Congress thought in a responsible way to exercise oversight. I can't think of any, and I must tell you, Mr. Chairman, that I believe that if there was such cases, we'd be confronting them now.

So, it's precisely because this is a time when enhanced law enforcement is so important, that responsible law enforcement is equally important. And by this sort of refusal to -- just one other point, and I appreciate your indulgence. One of the problems civil libertarians have is -- and I would just say to my colleague from Tennessee, I'll be glad to make sure he gets more ACLU publications, if he's having trouble reaching them. We'll get them on the mailing list. They have to be emailed of course, since they can't be mailed. But one of the problems that civil libertarians have is they have a counterintuitive point to make.

When people decline to testify using their self-incrimination privilege, legally you want to draw no inference from that. But practically, anybody with a brain does draw inferences from it. It is overwhelming human instinct to say, "Hey, if she had something to say in our defense, she probably would have said it." It is very rare that you look at the privilege of self-incrimination being involved and don't assume that people have got something to hide.

Now, legally we have to abide by the privilege of self-incrimination in any kind of a prosecution. But as a practical matter, no. Very few of us accept the notion that people refuse to testify just because they are defending some abstract principle in every case.

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And so the blanket refusal to share these documents, the absolute insistence on not sharing this information, in my mind, creates a very strong presumption that the FBI and the Justice Department know that these mistakes were made by their predecessors. And the refusal to let us work together so that we can prevent these kinds of mistakes from being made in the future is very troubling.

Mr. Chairman, I again want to express my appreciation and my admiration for the role you're playing in this regard.

REP. BURTON: Thank you, Mr. Frank.

Mr. Cummings, did you have a comment?

REP. ELIJAH E. CUMMINGS (D-MD): I don't have anything, Mr. Chairman. I have a statement that I'll submit for the record.

REP. BURTON: Okay. We'll accept that for the record, without objection.

Let me just say, in opening, before we go to you, Mr. Horowitz, because I know you probably have an opening statement and I hope all of your compatriots here from the Justice Department and the White House have paid particular attention. We have liberals, moderates and conservatives on both sides of the aisle here and everyone is in agreement. You guys are making a big mistake, because we might even be able to go the floor and take this thing to court. I just don't understand it. And with that, Mr. Horowitz, do you have an opening statement? Oh excuse me, we'd like you to be sworn in first.

Please stand. Do you swear to tell the whole truth and nothing but the truth, so help you God?

MR. MICHAEL HOROWITZ: I do.

REP. BURTON: Are you going to have anybody else testifying with you from the Justice Department?

MR. HOROWITZ: Mr. Whalen is here from our office of legal counsel in case there are particular questions you might have.

REP. BURTON: Yes. If there is anyone else who may be participating in the testimony, will you please stand and be sworn?

Do you swear to tell the whole truth and nothing but the truth, so help you God?

MR. WHALEN: I do.

REP. BURTON: Okay, you may start, Mr. Horowitz.

MR. HOROWITZ: Thank you, Mr. Chairman. I appreciate the opportunity to be here today before the committee to present the department's views concerning the president's invocation of executive privilege. Let me stress at the outset that the department fully understand that the committee's interest in these documents is based upon its concern about the integrity of the department's actions in prosecuting or declining to prosecute particular individuals. We all want to be sure that such decisions are based upon the evidence in the law, free from political and other improper influences. Indeed, it is for that very reason, to protect the integrity of federal prosecutive decisions, that the attorney general, supported by the president, has declined to produce the internal deliberative memoranda you seek.

The department has long recognized the interests of the Congress in gathering information about how statutes are applied and how funds are spent. And Congress has articulated an interest in obtaining information about specific cases in order to make informed decisions about legislative and policy issues. And that is why the department has promptly responded on numerous occasions to this committee's request for briefings about prosecutive decisions by the departments, including several of the matters referenced in the committee's subpoenas. During those briefings, senior department officials have advised the committee of the reasons why a particular determination was

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made by the ultimate decision maker of the department, whether the decision maker was the attorney-general, an assistant attorney-general or some other supervisory official. , the department has conducted literally dozens of briefings for this committee about a variety of topics and has produced thousands of pages of documents specifically concerning the FBI matter and handling of confidential informants in Boston. The department appreciates the acknowledgement in the chairman's September 6, 2001 letter to the attorney general which said, "For the most part, the Justice Department has been very cooperative and responsive to the committee's requests for information." What the department has not provided to the committee is a small group of documents, namely internal deliberative memoranda which outline the specific advice to the decision makers by the line attorneys who handle the cases. We've also declined to provide memoranda that reveal confidential advice to the attorney-general or other high-ranking department officials on particular criminal matters.

Consistent with long-standing department policy, we've declined these committee requests because the disclosure of those deliberations would undermine the integrity of the core executive branch decision-making function at issue. And that is why the president has determined that an invocation of executive privilege is necessary and proper. It is important to emphasize what is at stake: the power to investigate and prosecute for violation of federal criminal law as a uniquely executive branch power and we recognize the importance of public confidence in those decisions. The fairness of our system depends in large part on ensuring those important decisions are made solely on the basis of merits of the case, as outlined in the department's principles of federal prosecution.

Certainly we agree with you that political considerations must have no place in that process. Congressional inquiries can help those of us in executive branch do our jobs better. But oversight of internal pre-decisional deliberations in particular criminal cases does not lead to better prosecutorial decision-making. Respectfully, we submit that having thousands of federal prosecutors throughout the country writing prosecution and declination memoranda, knowing the Congress may some day dissect and second guess their assessment of witness credibility and their exercise of prosecutorial discretion will not promote justice. Nor will it lead to fairer decisions in sensitive matters if we deprive the attorney-general of the benefit of frank and unvarnished recommendations from his closest advisers.

As the Supreme Court has noted: "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interest to the detriment of the decision-making process." The court further observes that "the importance of this confidentiality is too plain to require further discussion." This chilling effect concern applies with particular force to communications at the attorney general level. Certainly the ability of the executive branch to fulfill its constitutional duty to see that the laws are faithfully executed would be substantially undermined if the attorney general were unable to receive frank and confidential advice.

It is also clear that the integrity of federal law enforcement, the rights of persons who may be subject to federal investigation can be seriously implicated if the executive fails to insulate career line prosecutors and their internal deliberations from political pressure. The founders' fundamental purpose in establishing the separation of powers in the Constitution is to protect individual liberty. Legislative branch political pressure on executive branch prosecutorial decision-making is inconsistent with the separation of powers and threatens individual liberty. These concerns, however, do not prevent us from cooperating with Congress while otherwise impeding a legitimate congressional oversight and the department has certainly been willing to disclose to the Congress and to this committee the reasons for our file prosecutive decisions and equipped with this information, Congress has been able to carry out its constitutional responsibilities.

This is not a new issue between our branches of government. As President Washington said over 200 years ago, "The executive ought to communicate such papers as the public good will permit and ought to refuse those the disclosure of which would injure the public." And on that basis, President Washington subsequently refused a congressional request for confidential executive branch documents.

Moreover, concern about the specific dangers of exposing prosecutorial deliberations to undue congressional pressure has been expressed by both Democratic and Republican administrations and by members of

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congressional oversight committees. For example, a 1993 letter to the vice chairman of the House Energy and Commerce Committee, then Judiciary Chairman Hyde called on his colleagues to stop intrusive oversight of the department's environmental crimes section, warning, "We should not open the door to congressional micro-management of prosecutions. That would threaten the integrity of the Justice Department and undermine public respect for our entire judicial system." And just last year, Senator Patrick Leahy, in objecting to congressional questioning of line attorneys, emphasized, "It is critical to our system of justice that prosecutors have the ability to freely and candidly exchange opinions and ideas without threat of political criticism or pressure.

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Current and former Justice Department's officials have also spoken out on this issue. In an October 1, 1992, letter, Assistant Attorney General Rawls objected forcefully to an oversight investigation of the Rocky Flats criminal case, noting, quote, "Scrutiny of FBI street agents including prosecutors and their activities in a political arena is inconsistent with the apolitical character of law enforcement. We are gravely concerned that this process will choke the aggressive and investigative efforts of agents and prosecutors who will be obliged to consider the congressional response to their actions in a particular case, all to the certain detriment of the public interest."

In a 1994 article published by the Washington Legal Foundation, Stuart Gerson, who served as an assistant attorney general in the first Bush administration and was acting attorney general at the beginning of the Clinton administration, similarly warned that, quote, "If career prosecutors are subject to pressures and threats of punishment because of the decisions they make, they will be less inclined to make such decisions in the future. If congressional committees are able to reverse decisions and prosecutive policies, the legislature will be performing an executive function. The net loss is less one of branch prerogatives than it is of civil liberties and individual rights."

And finally, in remarks to the Heritage Foundation, former Attorney General Civiletti presented the point in a way that captures quite vividly the department's long standing concern about the potential threat. General Civiletti asked the audience to imagine a hypothetical circumstance where an individual under investigation, who was trying to persuade a prosecutor not to indict him, quote, "to be heard by the prosecutor has to shout over the loud protestations of members of Congress, urging indictment of this very individual, or that members of Congress were standing ready to chastise the prosecutor if no indictment is brought. To imagine such a scenario," former Attorney General Civiletti observed, "is to understand why congressional involvement in prosecutorial decisions can be powerless to civil liberty."

Based on the foregoing reasons, Mr. Chairman, the president has concluded that congressional access to the subpoena documents would be contrary to the national interest and he has therefore asserted executive privilege with respect to the documents, and instructed the department not to release them, or otherwise make them available to the committee. However, let me stress that we remain willing to work informally with the committee to provide the information to the committee about the decisions relating to these subpoenaed documents that you had not previously requested, consistent with the president's assertion of privilege and our law enforcement responsibilities.

Mr. Chairman, thank you for giving me this time to explain our position on prosecutorial decision making documents.

REP. BURTON: We have a vote on the floor, and I'd like for those who are interested in this, to come back as quickly as possible so we can get to the question period of the hearing. So we will stand in recess until we get back from the vote.

(Vote recess.)

REP. BURTON: We will reconvene knowing that other members, in all probability, will be back shortly.

Let me start off the questioning period by saying that I listened very carefully to everything you said, Mr. Horowitz, but if we follow the logic of this executive order and of the decision that was made to not allow anyone to have

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access to previous president's papers without their consent, which was issued by the president, then in effect what has happened is Congress will not have any oversight ability unless the president says okay.

That is the problem. And as I said in my opening remarks, this is not a monarchy, this is not a single branch of government that runs the government -- there are co-equal branches, and if the chief executive -- let me put it this way -- if the Congress does not have the ability to oversee the executive branch and the chief executive, then he in effect, can do anything he wants without having to worry about it. And people in his administration can do anything they want without having to worry about it. And that is a recipe for all kinds of mischief.

And so I certainly don't agree with the premise that this administration has come up with, and that is that Congress has no responsibility other than to legislate, and we have no authority to oversee the executive branch. Because that, in essence, is what your opening statement -- I know all the things that you referred to and all the people you quoted -- you made a few mis-statements. Mr. Hyde was not the chairman in 1993 -- we unfortunately didn't have control of the House at that time.

But, in any event, the whole argument's going to boil down to, and the whole fight is going to boil to, whether or not the Congress has the authority and the ability to oversee the executive branch of government or whether we don't. That's what it amounts to. And if the chief executive of this country has the ability to say, yes, Congress you can look at this, and no, Congress you can't look at that, then we have, in effect, a government run only by the executive branch and all the rest of us are superfluous, except for legislation. And that ain't right, it's just not right.

And now let me get to the Salvati case. The Salvati case was 30- some years ago. The case has been closed forever, and it wasn't until recently that we found out that Mr. Salvati was innocent. And it wasn't until recently that we found out, through documents that we were able to obtain before these decisions were made, that the FBI was involved in a cover-up about Mr. Salvati's innocence, in order to placate and protect members of the underworld who were informants.

Now, how does one clean up a mess like that -- how does the Congress help clean up a mess like that if we have no authority to look at documents that will help give us a real picture of what happened. And what's happening here is you're throwing a wall of secrecy down over this whole issue, and other issues too, I might add, so that Congress cannot review those. And if we're to clean up the mess, if we need to take legislative action, we need to know what the heck went wrong. And why it was allowed to happen. And then of course, if we find that the people did things that were wrong, it will be up to the Justice Department to prosecute those individuals.

But at this point, we need information and you're not going to give it to us and that's not right. And that's why we're going to be at loggerheads, probably for the next several months. And this is going to be very a highly publicized issue. Now we've subpoenaed documents related to our Boston investigation three months ago, Mr. Horowitz. Has the Justice Department asked us a single question about why we want these documents? Did you ask us anything about why we wanted these documents?

MR. HOROWITZ: I personally did not.

REP. BURTON: Well do you know of anybody at the Justice Department that asked us why we wanted these documents?

MR. HOROWITZ: I know there were discussions back and forth between the committee and the department. I can't say that --

REP. BURTON: Well I was a participant in those discussions that included even the attorney-general. And they did not discuss why we wanted those documents or what we wanted to find out in those documents. They just was flat out saying, you can't have them. There was no discussion about the reasons or the contents. Before the president asserts executive privilege, don't you think it's appropriate that the executive branch makes a good faith effort to understand Congress's need for the documents? I mean, before he says, no you can't have them, don't you think there ought to be some discussion and have us explain why we want the documents?

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MR. HOROWITZ: Mr. Chairman, I obviously do believe there should be discussion with the committee and with the department over what the need is for the documents, and why the documents are requested.

REP. BURTON: There was none. There was none. I met with the attorney general.

I was there and the only thing they said was -- we said we want the documents and they said you couldn't have them -- you can't have them. And so they wouldn't even ask us why we wanted them. Doesn't it show a lack of good faith that you don't even care why we want these documents?

MR. HOROWITZ: Mr. Chairman, as we have done in the campaign finance related investigations, when the committee asked for declination in those, we provided extensive briefings. We are certainly prepared, and are willing to provide briefings. We've produced documents, indeed to this committee, concerning the investigation. What we are talking about here are a very small number of declination memos written by lower level line attorneys, in many cases, concerning those matters. And we're prepared to brief on those decisions and discuss with the committee what happened in those cases. And indeed Salvati was a state prosecution as you know, and so we actually would not have --

REP. BURTON: But it involved FBI officers. Let me just say this. I talked not only to the attorney-general about this, I talked to the president's Chief Counsel, Mr. Gonzales, and we talked to them about giving us these documents to look at, and to discuss in private, if they were so sensitive that the public shouldn't know about them. If there was a question of classified information or things that would hurt the United States of America. There was a cart blanche statement, you can't have them, you can't look at them for any reason. Even though we were willing to do that in closed session. So we've been stone walled by this administration regarding these documents, and other documents.

And we had another investigation that was going on, that was not concluded from the previous administration, and because of the executive order that was issued by the President of the United States, a veil of secrecy has been brought down on that as well, because now we can't get any information unless the previous president, or any other president in history, doesn't allow us to get those. Not only is that a problem for us, it's a problem for history because the archives will not be allowed to be open to people who want to write historical documents, or historical references, to what happened. History books if you will, on presidencies like Teapot Dome or Watergate, or anything else, unless those presidents give their specific approval. That's not right.

I see my time has expired, let me go to Mr. Tierney and then we'll go to Mr. Shays.

REP. TIERNEY: Thank you, Mr. Chairman.

Mr. Horowitz, was it your advice to the president or to the attorney general, to claim privilege in this instance?

MR. HOROWITZ: It was not my personal advice.

REP. TIERNEY: So, you're just left here holding the bag, sort of, on that. Let me ask you, can you tell us then, with respect to these declination memos that were made by lower level or line attorneys, what was the principle that the declaration of privilege was intended to protect.

MR. HOROWITZ: Well the concern that the department has, is that in preparing these memos, what the line attorneys are doing is writing to their supervisors up the chain, their thoughts on a case -- their views on a case. The ultimate decision is not made by the line attorney, or writer of the memo. It's ultimately made either by the recipient of the memo, or someone further up the chain of command within the Department of Justice. And the concern is that as they write these memos, line attorneys are encouraged to give full frank advice to discuss their assessment of witness credibility, their assessment of the strength of the case, and to give that advice to the supervisor. But ultimately, it's not their decision as to whether a case is prosecuted or not.

REP. TIERNEY: So take for instance then, the Salvati case, if some line attorney was writing up saying I don't think we can prosecute on this because the FBI has been lying through their teeth and they're up to their knees in

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involvement with the informants and this is never going to withstand trial, you don't think that the public policy of knowing that kind of assessment, having that information, would far outweigh the claim of privilege?

MR. HOROWITZ: No, Congressman, I actually do think our obligation at that point is to brief the committee on the decision that was made and why the decision was made.

REP. TIERNEY: The briefing is one thing -- why isn't it to turn over the -- why doesn't it just turn over the document. Never mind briefing the committee. That's an instance where you strike the balance. It would seem to be a clear call. If that's the potential of what could be in there, you're 30 years later, you certainly can't be worried about the timidity of those line officers and you can't expect that anybody else is going to be timid later on because it would be their obligation to put that kind of information in a briefing. What's the reason? I mean, why not just turn over the document?

MR. HOROWITZ: Because, Congressman, the -- we're not talking about preventing the Congress from getting the information. We're talking about providing the information --

REP. TIERNEY: But then we're stuck with your interpretation or somebody else's interpretation of what the document says, as opposed to having the authentic, original document.

MR. HOROWITZ: No, actually what happens here, and having been a line prosecutor and a supervisor in the U.S. Attorney's office, I've seen it from both sides. When a supervisor -- and having dealt with U.S. attorneys and others who have to ultimately make the decision -- when the line attorney writes up the memo, or prepares the analysis, that is sometimes the ultimate outcome of the -- and the decision that is reached or accepted. Sometimes it's not. Sometimes there are more factors, more information that goes into the decision.

And in many instances, certainly in those instances, a briefing can provide the committee with the full picture of what happened and why it happened. And we are not talking about not providing the information. We're talking about providing the information. The discussion here is over what form the information is going to go. Whether it's going to be in the form of pre-decisional deliberative documents written by line attorneys. In the connection with the Boston --

REP. TIERNEY: Or you explain to us verbally what it says. I mean are we drawing a fine line here, or a distinction that is worth your fight here. So you're going to read this document as opposed to showing us the document? Is that the idea?

MR. HOROWITZ: The idea is to brief the committee on all of the various reasons for what the decision is, whether they were in the memo or not in the memo and we've done that. And I've had the opportunity to do that for this committee and the staff has been extremely courteous and professional as we've done these. And I think they've been useful. And I --

REP. TIERNEY: Are you familiar with the in Re Sealed case, the 1997 case that Congressman Delahunt was referring to, where the court indicated and quoted in fact, that "shielding internal government deliberations in this context, does not serve the public's interest in honest and effective government?"

MR. HOROWITZ: I'm not. I'd have to take a look at that.

REP. TIERNEY: Well I think you should, because I think that's the case that this thing turns on. The fact of the matter is, that you're claiming deliberative process privilege, am I right?

MR. HOROWITZ: That's correct.

REP. TIERNEY: As a principle, would you agree with me, that shielding internal government deliberations in this context, does not serve the public interest in honest, effective government?

MR. HOROWITZ: No, actually, I think what the president is saying is that when a memo is --

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REP. TIERNEY: No, no. What I'm asking is, just you. Do you agree with that statement? I mean do you have a problem with that, or do you agree with it?

MR. HOROWITZ: I think it depends very much on the facts and the circumstances of a particular case. I think preventing the information from coming to the Congress would certainly be problematic. But we are talking about providing the information.

REP. TIERNEY: You're exactly right. The court in fact said that it was a qualified privilege and it depends on a case-by-case basis. So I think you're right on the money there. So now we have to see whether there's a reason to think that these documents, somehow in the balance, should not be disclosed, as opposed to should be disclosed. And I think that the court has been clear on that. When the balance strikes to the public, in the interest in having honest, effective government, that it ought to be turned over. And here we're talking about trying to determine what went on in a situation where the FBI clearly is in some situation here where Judge Wolfe and others have said they're in it up to their eyebrows.

I think it's in the public interest for us to have all the documentation on that. And if the balance clearly comes down on disclosure and not some claim of privilege, where what seems to me, is putting form over substance.

MR. HOROWITZ: Well, I do think, Congressman, that what we are prepared to do and what we are going to do from this point forward, as we did on the campaign taskforce matters that were under subpoena as well, is come up, brief the committee, provide the committee with the information that the committee is seeking concerning those matters. And let me just add that we recognize the problems that happened in Boston with the FBI. We created a task force of prosecutors to look into that. We've indicted an FBI agent who's actually scheduled, as I'm sure you know, for trial next month in Boston on this very matter.

REP. TIERNEY: I take it you think some of those documents haven't been turned over, either. We asked for some of the documents, but it was a Connecticut attorney -- U.S. attorney I think that was the head of that investigation. And he's keeping some documents out on this. I hear what you're saying and I just have to say clearly that I hope that this committee prevails in changing your mind, if not change your mind in overruling that ruling, whether it means we have to go to the floor and vote it otherwise, because I think you're strictly putting form over substance, and disregarding what in Ray Seal's (sp) case, clearly sets out, I think is the controlling language here. And that when we strike a balance, the balance comes down in disclosing that.

And it's just out of curiosity, are all these gentlemen behind you working for department?

MR. HOROWITZ: Yes. Well, all the ones in the row directly behind me. I don't know the individuals behind them.

REP. TIERNEY: One, two, three, four, five, six, seven and you. Thank you.

REP. BURTON: Let, me, before I go to Mr. Shays, make one comment. I was sitting in this chair for the last five years, and I remember when we were trying to get documents from the previous Justice Department and they would come up and say, "Well, we'll tell you what's in them, but we won't let you see them."

Well, ultimately, the Freeh and LaBella memos we did see. We were able to force that issue. It took a long, long time, but we were able to force it. What we were being told was an incomplete story. It did not cover everything that was in those documents.

So what you are saying in essence is, is "Look, we'll sit down and talk to you and we'll tell you what's in them. But it's your interpretation." And when we're talking about something as important as the Salvati case, we don't want your opinion. We want to see what's in those documents to find out whether or not justice was done. We know justice was not done. And the only way we can correct those things legislatively, or deal with the problem is for us to know what's in those documents, not your opinion, not the opinion of seven or eight attorneys from the Justice Department. The Congress of the United States, in our oversight responsibilities, needs to take a hard look at those things.

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Mr. Shays.

REP. SHAYS: Mr. Horowitz, I moved to a city called Bridgeport. It has a mayor of one party and a counsel of the same party with no minority members whatsoever, a very honest, good man, I thought. And over time, he just accumulated so much power, and there really was no oversight by the counsel because it was the one party and they didn't want to ever find themselves embarrassing them. Well in the process of that, he now has 24 indictment counts against them. And he's probably going to spend some time in jail. And it was, to me some of the best examples of how power ultimately corrupts absolutely.

The order that the president signed is almost intimidating to me, because I think, he's my president in general, my president just like Mr. Clinton was my president. I view him to be extraordinarily honest, and positive. And I view him as well to be needing our support in every way we can give it to him. That's why I voted and support the tribunals, the wire-tap law, the arrests that I think will help break up cells. And now I'm learning I'm not going to have very little oversight of that. I promise people who didn't want me to vote for that law that we would watch the Justice Department, and when we had to, we would subpoena information and we would get information.

I think the best thing I can do for this president, and in this the administration, is to make sure that this order doesn't stand. I found your testimony insulting. I'm not saying you're insulting, but the testimony was. You made an extreme argument, that because a congressional inquiry might impede candor under some circumstances, congressional oversight must be always resisted under all circumstances. You assume congressional inquiries infect the decision-making with untoward political considerations, when we are trying to purge the process from corruption, within internal politics.

You posit examples of the damage to current investigations of prosecutors knew Congress would dissect and second-guess their decisions. In fact, we're talking about decisions that were made many years ago. I also think in effect, that the department is saying, "We're fine. Nothing can go wrong here. Trust us. We've got important work to do and you don't so leave us alone."

That's why I think what you have said is extraordinarily insulting. And at the risk of offending people I love in the administration, I have more than five minutes of questions, so I'll look forward to having my time come back.

I'd like you to turn to -- I'm going to go over this statement with you. I'm going to have you explain it to me. And then I'm going to have you tell me about the Salvati case. And I want you to remember the person who is sitting in the second chair over, having been the FBI guy who got him sent there. And he didn't give a damn about it. And for you to suggest somehow this is local when it was the FBI, corrupt FBI. Would you look on statement, page 2. I want you to read me that whole paragraph on page 2 when it says that "It's important to emphasize what is at stake". Page 2 of your statement.

MR. HOROWITZ: Well, I have to get it out, Congressman. Okay.

REP. SHAYS: Would you read out loud the whole paragraph?

MR. HOROWITZ: "It is important to emphasize what is at stake. The power to investigate and prosecute for violation of federal criminal law is a uniquely executive branch power. And we recognize the importance of public confidence in those decisions. The fairness of our justice system depends in large part on ensuring that these important decisions are made solely on the basis of the merits of the case, as outlined in the department's principles of federal prosecution. Certainly, we agree with you that political considerations have no place in that process.

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REP. SHAYS: Okay. What happens if the process is corrupt? How can I have confidence in a corrupt process? That's what we're trying to get at. We're trying to understand why and who is responsible for the corruption. And you

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are part, in my judgment, of being involved in a cover-up. You don't want us to know that. How can I have confidence in a system that we can't check up?

MR. HOROWITZ: I certainly did not have the intention of leaving you with that impression, Congressman. We are prepared to explain fully the facts, what happened, provide the committee documents --

REP. SHAYS: I want to see the documents.

MR. HOROWITZ: -- and we'll continue to provide the committee documents.

REP. SHAYS: I don't have any confidence in you or someone else giving me a translation of what we need to see. How can we have faith in that? That's your interpretation of what happened. I don't want you to interpret. I was elected to interpret. You weren't elected to interpret for me.

MR. HOROWITZ: No, I understand, Congressman. And what we're talking about here in connection with the Boston matter, are the pre- decisional memos of the line attorneys. We're not trying to prevent --

REP. SHAYS: What happens if the pre-decisional are corrupt statements of the fact? What happens to the people who made those memorandums are in fact lying to the director? What happens if in fact they disclose that the director knew facts that prove the innocence of this man. What happens if that was the case? What we're trying to determine in one part is, is Mr. Hoover, was he corrupt? Did he in fact know that this man was innocent, and did he cover it up? And we would like to know what those documents tell us.

MR. HOROWITZ: And my understanding is we've provided to date thousands of pages of documents from the FBI concerning this matter, which described some of the facts, some of the background about the circumstances there. We've also indicted an FBI agent.

REP. SHAYS: I want to see the documents that are given to people that then make decisions. And because I believe, with real certainty, that we'll learn from those documents, that when people who made those decisions, that they weren't told, will know they were told. Then we'll know they lied, and then we will make determinations based on that. But you don't want us to have that information.

MR. HOROWITZ: Well, I think the concern as laid out in the president's order was --

REP. SHAYS: No, the concern, the concern -- the order was blanket, and I'm talking specifics. You gave me the absurd examples of extreme cases, and I'm giving you a real case right now, and it makes me wonder if you know the case -- I know the president doesn't. I know he doesn't, but we know and I'll go to the next paragraph.

REP. BURTON: Let me just say, for the record, because I want to make sure everything is correct -- we did receive documents that were heavily redacted with a lot of things crossed out that were relevant to what we wanted to know. That's part of it.

The second part is -- you could give us 10,000 documents and only keep three, but those three could be very, very important in the conclusions that are drawn about the corruption of the FBI in the Salvati case. So it's not the number of documents you give us, it's the relevance to our investigation. You know, it could be one document you don't give us, but that could be the key, and we have found in previous investigations -- we look at tons and tons, boxes of documents, and then we find one that tells us the story. And your interpretation isn't what we want.

The gentleman from Massachusetts.

REP. DELAHUNT: I thank the chair. I was just going to make the point, in fact, I had just written redaction. Have you had an opportunity, Mr. Horowitz, to examine the documents that were provided to the committee, yourself?

MR. HOROWITZ: I have not, myself, reviewed those documents.

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REP. DELAHUNT: I have to tell you I sat in, at the invitation of the chair, in a hearing here last May, and because I have some experience in law enforcement in the Massachusetts, the state of Massachusetts, I posed questions that -- how shall I say -- revealed some names that were redacted. I'd like to know who made the decision, in terms of the redactions?

MR. HOROWITZ: I will have to go back and follow up on that, Congressman.

REP. DELAHUNT: Because I have to tell you, from a review of the redactions there was absolutely nothing, in my opinion, in the redactions that warranted those names to be redacted. There was no disclosure of confidential informants -- ones that haven't been made public -- there were names of FBI personnel, both at the supervisory level and at the field level, whose names were redacted. The chair might very well want to hear, first hand, oral testimony from those individuals, yet the names were redacted.

MR. HOROWITZ: I would have to go back, as I said, Congressman, and review --

REP. DELAHUNT: I understand that, but what you're asking, and maybe I'm misinterpreting this, is -- trust us. Trust the Department of Justice. We'll give you, and we'll translate, and we'll provide a lens for you, and yet when you pose the question about the redactions, nobody has the answer. Can -- let me ask you something else. When the decision was reached to not disclose this -- the information requested via the subpoena -- who participated in that decision?

MR. HOROWITZ: I would have to consult with others, Congressman, to determine who exactly participated in the decisions. We'd have to consider that.

REP. DELAHUNT: Then it's a safe --

REP. BURTON: Would the gentleman yield?

REP. DELAHUNT: I yield.

REP. BURTON: Was it anybody behind you?

MR. HOROWITZ: I do not --

REP. BURTON: Well, let's turn around. Were any of you gentlemen involved in the redacting of those names? Any of you? Any of you -- raise your hand if you were. I don't think they want to talk. Were any of you involved?

MR. HOROWITZ: I'm sorry.

REP. BURTON: None of those were involved? May I have a yes or no from you please? Any of you? None of you were involved? Okay, thank you.

I'm sorry -- I thank the gentleman for yielding.

REP. DELAHUNT: Mr. Horowitz, did you prepare the statement that you delivered this morning?

MR. HOROWITZ: I helped participate in the preparation of the statement.

REP. DELAHUNT: Who else helped participate?

MR. HOROWITZ: There were a number of officials of the department.

REP. DELAHUNT: How many?

MR. HOROWITZ: I don't know the exact number of people who participated in the drafting -- there were a lot of people who reviewed it and commented upon it. Some presumably did not comment upon it, and saw it anyway.

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REP. DELAHUNT: Right. You did the edits, I presume?

MR. HOROWITZ: I certainly participated in the editing.

REP. DELAHUNT: And -- but you don't know who told you, okay, that the decision had been made not to comply with the subpoena issued by the chair and the committee? I'm not asking you to disclose any information -- I want to know who participated? Who gave you the instructions to appear here today?

MR. HOROWITZ: I believe it was -- there were a number of discussions about who would attend today's hearing -- I believe it was the assistant attorney general for the criminal, for the office of legislative affairs, I believe, who ultimately told me to appear.

REP. DELAHUNT: And who was -- can you name that individual?

MR. HOROWITZ: Dan Bryant.

REP. DELAHUNT: Dan Bryant. So you drew the short straw?

MR. HOROWITZ: Well, my understanding was that there had been some discussions to schedule the hearing so that my boss, my immediate boss, Mr. Chertoff, the head of the Criminal Division, could appear to testify but he is not available today.

REP. DELAHUNT: In your experience -- how long have you been with the department?

MR. HOROWITZ: Since 1991.

REP. DELAHUNT: Since 1991. Is it -- can you -- let me rephrase it -- isn't it unusual to seek the involvement of the White House in decisions pertaining to matters like this? Based on your experience -- you're a career prosecutor, apolitical.

MR. HOROWITZ: Since most of my experience, 8 of the 10 years, was as a prosecutor in New York, most of my cases did not involve requests for information from congressional committees. So I have had little experience in requests for this type of information.

REP. DELAHUNT: Um-mm. You know, I found interesting that -- I said in my opening statement that this deliberative process privilege is really subject to a case-by-case determination that balances the public's right to know and the necessity for the government to withhold information. And I think you'd agree with me, the public's right to know is important.

MR. HOROWITZ: I would agree with you.

REP. DELAHUNT: Let me suggest this to you. You said, we, meaning, presumably the Department of Justice, indicted an FBI agent and that the case is going to be tried next month -- did I hear you say that?

MR. HOROWITZ: My understanding is it's scheduled for trial next month. Whether it actually goes to trial and that, as you know, depends on --

REP. DELAHUNT: Right. From what I read in the Boston newspapers that's not the case. Are you aware that prior to Judge Wolfe's involvement in this case that there was an internal investigation by the FBI, by the Department of Justice?

MR. HOROWITZ: I'm familiar that we created a task force to look into this matter.

REP. DELAHUNT: That wasn't my question, Mr. Horowitz. Are you familiar with an internal investigation conducted by FBI agents to determine whether there was any criminal culpability on the part of the Department of Justice personnel? Within that, I mean the FBI.

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MR. HOROWITZ: Are you referring to a specific internal investigation, because the task force's responsibility, in part, was to review the activities of, internally of the FBI.

REP. DELAHUNT: What I'm suggesting to you, and maybe I can clarify it, by saying it's my understanding that there was an internal investigation by the FBI that uncovered no malfeasance whatsoever. But because of Judge Wolfe's insistence, and the fact that the cases against Bulger and Flemmi were before him, and as his orders elicited new information, that, that is when the task force was created, Mr. Horowitz. It was not sua sponte -- it did not happen automatically. It did not come out of anything but public pressure, and if you have any information to the contrary, would you let us know? You could let us know now.

MR. HOROWITZ: I would have to go back and go through some of the chronology and --

REP. DELAHUNT: You'd have to go back again, right.

MR. HOROWITZ: -- and put together for my own personal information how that developed and the --

REP. BURTON: We're going, we're going to come around for a second - yeah, we'll do 10 minute segments after this round -- that'll give you more time to follow up. Let me just say that, before I go to Mr. Cummings, in Teapot Dome, in Watergate, in the investigations we were involved in with the Clinton administration or now, if the president can simply use his presidential prerogative to block the Justice Department from giving the Congress any information, then you will never get to the bottom of any corruption in government. You'll never get any place, because we will be able to be blocked by a Justice Department that is controlled by the White House. If the attorney general of the United States is a close friend of a president who was involved in corrupt activities and the president issues this kind of an executive order or an executive privilege document, how is the Congress ever going to be able to investigate it? We'll be blocked, and that's the problem, one of the main problems we're facing today.

Mr. Cummings.

REP. CUMMINGS: Thank you very much, Mr. Chairman and I want to thank Mr. Horowitz for being with us this morning.

I just want to -- you know, as I was sitting here, I couldn't help but think about the many, many defendants that I represented when I practiced law that would walk into the Federal Court and would literally seem to have chills, just walking in there and knowing that their lives could possibly be interrupted in some major way.

And then I thought about the Patriot Bill that I voted against and the reason that I voted against it was because I have seen the misuse of power. I have seen upfront and I have seen with many clients. I've seen prosecutors who had been literally ripped apart by judges because they fail to disclose evidence and various types of misconduct that took place and as I listen to all of this, I'm just -- you know, it just amazes me that we -- you know, the government says, "Trust us." I got to tell you that if I were looking at this on Fox, or C-Span or whatever, and I heard this and it was somebody in my district who are, you know, the kind of people I represent, they would say, "Why should we trust the government?"

First of all, they don't trust the government anyway, because they have seen too much abuse by the government and then they, when they hear this and they hear the chairman who is an honorable man who has simply requested certain information so that we can do our job and then they look at us as their representatives and I do agree with President Bush, the war is about trying to make sure that we maintain the type of government that we have, a representative government. And here we are, supposedly, supposed to have all this power up here -- it's supposed to be representing 600,000 people each -- and when we ask for documents we're told, "Trust us." And I don't think that that sends a very comforting message to my constituents and I'm just wondering -- you heard the concerns of the members of Congress that have addressed you this morning and you have heard our frustrations.

It is abundantly clear that there's information that we want and you have proposed a method of getting some of the information through the documents, with, as Congressman Delahunt has already talked about, how all kinds of

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things are crossed out. And you've talked about the conferences -- I read your statement -- and that doesn't meet our satisfaction. So, I'm trying to figure out -- help us help ourselves and help the people that we represent and tell us how would you proceed with this. Having heard that we're not satisfied, then what's going on?

MR. HOROWITZ: Thank you, Congressman. I believe that what we -- the process we have an obligation to undertake with the committee, is, as we've done in other matters, an accommodation process, to provide the committee with the information it is seeking in a manner that doesn't cause us to have to produce materials, documents -- as I said earlier, a narrow set of documents -- but the concern in the Boston case, the pre-decisional memos of line attorneys and in the campaign finance task force case, memorandum to the attorney-general and other high-ranking officials. We have an obligation to come to the committee and to provide the committee with the information that it is seeking. We have a responsibility to engage in that dialogue, which we've done in the past, and to have a give and take with the committee and work with you to see how we address your concerns.

REP. CUMMINGS: Let me say this, before you go on, I don't think that most cases -- when I read your statement, I don't think that most cases rise to the level of this kind of interest. You know, you talked in your statement about my good friend, Ben Civiletti from Rowan (ph), his statement about -- you know, the statement you made in the record. I don't think they rise to that level, but it goes back to the question of corruption. How do we get to corruption? How do we get to problems within, say, the prosecutor's office? How do we get to that or the FBI? I mean, because if you feel like there's constant roadblocks to that, again every case doesn't rise to this level, where members of Congress merely want to see what's going on. It's not like we're asking for 99 percent of the cases. This is a few, probably a few cases and I'm just wondering if what you are telling us is just a bit overkill and all we're trying to do is get to a few basic facts.

MR. HOROWITZ: I guess what --

MR. CUMMINGS: You follow me?

MR. HOROWITZ: I do, Congressman, and I guess what I'm trying to do in responding is to try and indicate is that I'm not trying to put forward a message, like you said, of overkill. What I'm trying to do -- and with limited success, I recognize -- is to present to the committee a recognition of our responsibility to provide the information to the committee but to try and do so in a way that doesn't impinge upon what we believe is a valid and fair right to try and protect internal deliberative documents and, I agree with you, there are certainly circumstances -- we've mentioned Teapot Dome and Watergate -- where as we do a case-by-case analysis as Congressman Delahunt mentioned that disclosure is appropriate and necessary. What I would hope we would do, going from here from today's hearing, is to try and work on that accommodation, to try and work with the committee in providing the information to you, because what happened in Boston was an awful misuse of government power. We have undertaken an effort to try and do that. The prosecutors by creating the task force, by trying to thoroughly investigate this matter and to proceed with criminal indictments of wrongdoers and so we certainly agree with you that there is a need for an accounting of this matter.

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

REP. BURTON: We'll go to 10-minute rounds right after Mr. Gilman. Let me just say once again that what you're talking about is filtering the information through your opinions instead of letting Congress decide for itself whether or not there may be corruption in the Justice Department or the FBI or the executive branch. We get the filtered opinion of people from the Justice Department instead of us seeing the documents themselves. And that is just not going to wash.

Mr. Gilman.

MR. GILMAN: Thank you, Mr. Chairman. You know, the president, Mr. Horowitz, has said that he is concerned about congressional pressure on the executive branch prosecutorial decisions. But tell me, this is a government reform committee, there's primarily a responsibility on oversight. How would we best perceive to perform -- to fulfill our responsibility on oversight, if we can't look into the decision-making process on why some of these events were

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not properly pursued? What is your suggestion? How can we fulfill the responsibility of this committee, if we don't have that opportunity to undertake our oversight?

MR. HOROWITZ: Well, I think one of the -- certainly the most important thing that we can do for the committee is, first of all, provide documents that we do not believe are privileged. And we have produced, as I said, many documents in connection with the investigation and to the extent we have documents that we do not believe have an executive privilege, we should be producing those to the committee. With regard to the documents that we have concerns about, these pre-decisional memoranda by line attorneys, what we have an obligation to do is come before you, come before this committee, and fully outline for you what the ultimate decision maker decided, because the point I've tried to make here is that the writer of the memos, the line attorney, is writing his or her summary of the facts, his or her analysis of witnesses, of legal positions. Oftentimes those memoranda are, sometimes they're adopted, but many times they're not adopted as the totality of the reasons for the decision. And so, in some of those circumstances, having the briefing, in laying out for the committee the full rationale for the decision, with the full statement of reasons, can be in fact, a fuller explanation for committee. And we have an obligation to do that, and recognize the committee's need for the information.

REP. GILMAN: Well, of course it's not the intent of this committee to apply any pressure on this kind of prosecutorial decision-making. What we're looking for is was were the decisions that were made here? Was there any breach of responsibility by the Justice Department? We're looking to see whether there's any wrong- doing. And I think you, yourself, said that you thought that the Justice Department is looking at this or should have looked at this wrong-doing to correct it. That's our responsibility as well to make certain that that is being fulfilled.

MR. HOROWITZ: And I certainly agree with that, Congressman.

REP. GILMAN: And how do we do that without the proper papers before us?

MR. HOROWITZ: Well, we're not -- what we're discussing today and I'm trying to talk about today in terms of these particular documents that we're talking about. We're not talking about preventing the committee from getting to the facts, or in any way trying to filter the facts from the committee. What we are trying to do is prevent the legal analysis, the deliberations prepared by -- the deliberative memos prepared by the line attorneys and the lower level decision- makers, the people who did not ultimately make the decision, protect their abilities to give the candid advice to the people up the chain of command who actually have to make the decisions.

And so we're not seeking to prevent the committee from getting the facts, and are certainly, as I said earlier, prepared to work with the committee and try and accommodate its needs for that information and do it in a way that hopefully we can protect the ability of line attorneys to write those deliberative materials.

REP. GILMAN: I'd be pleased to yield to --

REP. SHAYS: Aren't you doing more than just advice? Isn't there sometimes these memos have no advice. They just have statement of fact, and they present information with no advice whatsoever. And you're preventing us from getting even memos that have no advice in them?

MR. HOROWITZ: I'm not saying that if a memo has no deliberative advice in them, that that's what we're talking about. My understanding of the memos that are at issue here, is that are memos that do in fact do more than what you're asking about Congressman. They do in fact go into the analysis.

REP. SHAYS: The president's executive order though, doesn't it also include information without advice?

MR. HOROWITZ: My understanding of the order and what's at issue here is that we have an obligation pursuant to the president's decision, to go through on a case-by-case basis of individual documents, and not produce those materials, that contain the type of deliberative material that I'm discussing, but consider whether we can produce other documents that don't do that.

REP. GILMAN: Thank you, Mr. Shays.

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Just one more question. Mr. Horowitz, I hope that the Justice Department will take another look at this. If we're going to perform and fulfill our responsibility of oversight we need to have some of the basic decisions that were made with regard to this kind of a situation that occurred in Boston. And by preventing us from having that kind of material, hampers our oversight responsibility. And that's what we're concerned about. So I hope that you would take this back to the attorney general, and I ask him to try to work out a better arrangement than we're confronted with in this executive order, that was I assume recommended by the Justice Department to the president, or wouldn't have occurred. Thank you very much.

REP. BURTON: Thank you, Mr. Gilman, and we'll now go to 10- minute rounds. Do you remember President Nixon and Watergate?

MR. HOROWITZ: I do. I was young. But I --

REP. BURTON: You were very young. I've read your history. Do you remember John Mitchell?

MR. HOROWITZ: Yes.

REP. BURTON: Do you know who John Mitchell was?

MR. HOROWITZ: A former attorney general of the United States.

REP. BURTON: Do you know what happened to John Mitchell?

MR. HOROWITZ: I do.

REP. BURTON: What happened to him?

MR. HOROWITZ: He was prosecuted for violations in connection with his responsibilities in office.

REP. BURTON: And he went to prison. Now let me ask you this. What if President Nixon and John Mitchell did what we're seeing today? And they said, "There will be no deliberative documents, no information whatsoever given to the legislative branch." What would happen?

MR. HOROWITZ: My understanding is that what we're dealing with here --

REP. BURTON: But the point is -- no, the point I'm trying to make now -- I think you're missing my point. The point is that if you have corruption in the Justice Department, or in a branch of the executive branch and you allow this kind of executive decision to stand, and it becomes a precedent, we won't be able to root out corruption, because we won't be able to fulfill our oversight responsibilities. You said you're going to give us the facts. How do we get the facts if the attorney general and the president of the United States say, "Hey, you can't have them"? How do we get them?

MR. HOROWITZ: I don't think that's what we're saying, with all due respect.

REP. BURTON: No, no, no, executive order says we can't have them.

MR. HOROWITZ: What I think the executive order covers are just the pre-decisional deliberative memoranda that I mentioned earlier.

REP. BURTON: But that may be very relevant. That may be very relevant to correcting a situation. And unless Congress has the ability to fulfill its oversight responsibilities, we can't do that. Now let me ask you a few questions. As the attorney general and the White House Council personally told me in my office that Congress will not be allowed to review deliberative documents from closed criminal investigations? For the record, is that the position of the attorney general? Basically they told me that we will not be allowed to review deliberative documents from closed criminal investigations. Is that the position of the attorney general?

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MR. HOROWITZ: My understanding of our position is that we need to review these materials on a case-by-case analysis; the documents, on a document by document analysis. And make those decisions in that way, consistent with the present threat --

REP. BURTON: So what you're saying is that if the attorney general decides that we're not entitled to see criminal deliberative documents, we can't see them?

MR. HOROWITZ: No, I think what I'm saying is what we are obligated to do is to review those documents if they contain the type of information that is at issue here. We believe --

REP. BURTON: I understand what you're saying. So if the attorney general says these documents should not be given to the Congress, and they're deliberative documents in a criminal investigation, we can't see them?

MR. HOROWITZ: But what we should be doing at that point is coming to the Congress and this committee and trying to work out on accommodation, and how to get the information to the committee, without us -- concerns about the privileged materials. We are not trying to prevent the facts and having all of the facts concerning this matter in Boston before this committee.

REP. BURTON: Okay. Who determines what the facts are? You? The Justice Department? Who determines what the facts are?

MR. HOROWITZ: If a document contains legal analysis. I mean these memos go through and say the facts, legal analysis -- when these documents contain legal analysis --

REP. BURTON: Who makes that determination?

MR. HOROWITZ: Well, just as in every case where we have to review the materials, we have to make a determination of grand jury matter privilege --

REP. BURTON: But who makes the determination?

MR. HOROWITZ: The department does.

REP. BURTON: The Department of Justice?

MR. HOROWITZ: Correct.

REP. BURTON: Okay. So when you come before us and you say, "We've decided that you shouldn't see these documents, then it's your determination. You've made that decision. And so Congress has no right -- if you make the decision, or the chief executive, or the attorney general says that, "We made a decision that they shouldn't see them," then we're not going to see them. Is that right?

MR. HOROWITZ: Just as we do on the grand jury matters, for example. We have to make a decision on that, and we have to do it in a fair and faithful way to our obligations as lawyers and prosecutors reviewing these matters. Yes, we do.

REP. BURTON: Congress has the responsibility to oversee the executive branch and we can't do it. Now how about, is that the president's position as well, the same position as the attorney general on this?

MR. HOROWITZ: The only position I know the president has is what I read from the executive order.

REP. BURTON: The attorney general and the White House Council did not indicate that there would be any exceptions to this policy.

They indicate that there would be no exceptions to this policy. Is that what you've been told?

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MR. HOROWITZ: What I've been told is that based on the order that I have here that the particular memos at issue in this and in this request are not going to be --

REP. BURTON: What I was told by the attorney general and the White House counsel was that it was not just the Salvati case. This was going to be the policy and there will be no exception to the policy. That's what the told me. So there's no exceptions to the policy. This is just one manifestation of what they're going to be telling the Congress. And that is, nose out, butt out you guys, because if we say you shouldn't see those documents, you're not going to see them. And that means that the Congress of the United States, if we don't fight this, is going to be impotent, impotent if we try to correct a situation in the executive branch, where there may be corruption. And there's been corruption in a whole series of administrations.

Now, has the Justice Department prior to 2001 ever provided Congress with deliberative documents from a criminal investigation? Do you know if they've every done that?

MR. HOROWITZ: I believe they have.

REP. BURTON: Yes, they have. What specific issue or incident prompted this change in policy? What prompted this change from what's been the policy in the past?

MR. HOROWITZ: We don't believe we've changed the policy. What we believe has occurred over our nation's history with regard to executive privilege matters is, on a case-by-case analysis, administration by administration, we've reviewed the requests from the committee, or from the Congress, and have determined in certain matters, to produce the deliberative materials to Congress. And in other matters, administrations have invoked executive privilege to protect delivering of material.

REP. BURTON: So you say you would analyze these things and then make a determination?

MR. HOROWITZ: We would analyze -- we certainly have an obligation to analyze the documents, Mr. Chairman, to determine --

REP. BURTON: But I mean, you would look at the documents and then make a determination of whether we should get them?

MR. HOROWITZ: We would need to do that.

REP. BURTON: Do you know, in the Salvati case, you've never done that? Did you know that? You've never even asked us what documents, you know, we want or why we want them. You've never asked any of that. So you haven't -- I mean, you're saying you're not going to give us these documents, but you haven't analyzed them because we've never even discussed that. They've just said flat out, we're not going to give you any.

MR. HOROWITZ: Well, as I've said I have not been involved in any discussions with --

REP. BURTON: I know, and I'm disappointed in the attorney- general for not sending you better prepared up here, because many of us have asked questions and you just don't know the answers. And the people behind you, I would have thought, would be relevant to your testimony today but nobody's said anything and we've asked a number of questions that you couldn't answer.

We issued a subpoena to the Department of Justice of over three months ago. It appears you have documents that are responsive to the subpoena. How many documents have you found? How many documents have you found that were in response to our subpoena?

MR. HOROWITZ: As I sit here, I don't know the number off the top of my head.

REP. BURTON: Turn around and ask those guys behind you. How many documents have been relevant? You brought a million dollars worth of legal talent up here and nobody knows anything.

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(Conversation off mike.)

REP. BURTON: Yes, we probably will ask the attorney general to come eventually. Yes?

MR. HOROWITZ: Mr. Chairman, my understanding is that, to date what -- and looking through the number of files that it would be our response that we've located 20 documents to date that would be responsive to the subpoena although we're continuing to try and gather, as you've indicated 30-year-old files, in some regards here, to try and go through --

REP. BURTON: So you've found about 20 documents thus far that you would rather we wouldn't see?

MR. HOROWITZ: That's correct.

REP. BURTON: Okay. Do you have them with you today?

MR. HOROWITZ: I certainly don't.

REP. BURTON: Nobody has them with you, back there?

MR. HOROWITZ: I don't know that we've --

REP. BURTON: Are you going to give them to us?

MR. HOROWITZ: Well, I think in light of the president's order, we do not plan on doing that.

REP. BURTON: Under what authority are you avoiding compliance with a valid congressional subpoena that compels you to produce these documents?

MR. HOROWITZ: As the president indicated, Mr. Chairman, the executive privilege of the executive branch has been invoked by the president.

REP. BURTON: When did he claim executive privilege?

MR. HOROWITZ: The date of the memoranda is December 12, 2001.

REP. BURTON: December 12. Did the president claim executive privilege over these types of documents?

MR. HOROWITZ: That is our understanding.

REP. BURTON: Excuse me, did President Clinton claim executive privilege over these types of documents, and we really had a thorough investigation of him?

MR. HOROWITZ: My understanding --

REP. BURTON: No, no, just answer the question. Did President Clinton claim executive privilege over these types of documents?

MR. HOROWITZ: I believe there was an invocation of executive privilege, with regard to some matter, by President Clinton before this committee. But I know there was other --

REP. BURTON: Over these types of documents?

MR. HOROWITZ: I don't know the answer. There's every indication --

REP. BURTON: Well the answer is no. We got numerous declination memoranda but we got the documents eventually. The La Bella and Freeh memos are two examples and they didn't claim executive privilege. How about President George Herbert Walker Bush?

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MR. HOROWITZ: I would have to go back with every president and determine --

REP. BURTON: Well the answer is no. How about President Reagan?

MR. HOROWITZ: My understanding was that there were invocations of executive privilege with regard to deliberative memoranda by prior administrations, including President Bush's administration.

REP. BURTON: Is that correct? (To staff, off mike.)

MR. HOROWITZ: They are --

REP. BURTON: Well we don't -- according to my legal counsel, and they've been doing research on this, according to them, President George Herbert Walker Bush, President Reagan, President Carter, President Ford, President Nixon, President Johnson, Kennedy, Eisenhower, Truman, Roosevelt, Hoover and President Harding, none of them used executive privilege over these types of documents. This is the first time we know off.

MR. HOROWITZ: Well let me just say that there are two --

REP. BURTON: Over these types of documents.

MR. HOROWITZ: Well it depends -- when you say these types of documents. My understanding is that deliberative materials, which is what we're concerned about here, that there have been such invocations and there are -- there's a 1982 and a 1983 OLC opinion that outlines the invocations over the centuries by the presidents, of executive privilege in circumstances involving deliberative documents.

REP. BURTON: Let me just go ahead and allow Mr. Tierney to take his questions, then I'll make a statement.

REP. TIERNEY: Thank you. You know I want to again go back to the case I talked about earlier which is in Re Sealed case, you know it clearly says, "where there is reason to believe that documents sought may shed light on government misconduct, then this type of privilege is routinely denied." And I think, you must get by now that that's what we're saying. This is a case where we think these documents shed some light on government misconduct. And it's not enough to ask you to give us an idea of what was in there, or give us your interpretation of what was in there.

The facts that are listed in that memorandum, the advice that may be given may at least give us the information of an individual who came to a conclusion that we may assume, dependent on some knowledge of government misconduct, that we may want to bring that person in to question them. The facts in that memorandum alone may show that, or just the advice given may lead us to that conclusion that that advice would never be given unless this person knew something else that we didn't. And that's why we need it.

Now, I'm troubled by the fact that the committee sent the attorney general an invitation here and there was talk about this hearing that was entitled "The FBI's Handling of Confidential Informants in Boston -- Will the Justice Department comply with Congressional Subpoenas?" The chairman invited a representative of the department to testify. It said that person will be asked to explain the new policy, which unfortunately, you haven't really been able to do and fully, you haven't been able to differentiate the change in the policy that you present here today, or the president now imposes compared with past policies. And asked that you be able to provide the committee with information regarding justification for the refusal.

Now, we've had questions to you asking about your involvement or knowledge of the FBI's handling of confidential informants in Boston, and I don't think you have specific knowledge of that, am I right?

MR. HOROWITZ: I have general knowledge about the matter.

REP. TIERNEY: You do not have knowledge of who made the orders to redact certain parts of the information that was given to the committee? That was beyond your knowledge, right?

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MR. HOROWITZ: My understanding was that the producers of the documents at the FBI and the department, who were preparing them, were the people who had to review them for 6E and other material. I don't know the exact names --

REP. TIERNEY: But you don't know names and you don't know when it was done, how it was done?

MR. HOROWITZ: -- of who physically did the redacting.

REP. TIERNEY: And I would guess that you don't have any specifics on the internal FBI investigation? You weren't able to converse with Mr. Delahunt about the fact that there was an internal FBI investigation that in fact, turned out to be a whitewash? Because when Judge Wolfe got the matter, he had pretty much discredited that report that ended up in a subsequent investigation.

And you didn't really have information of that initial FBI investigation, correct?

MR. HOROWITZ: As I said earlier, I don't have information on that initial investigation that Congressman Delahunt mentioned.

REP. TIERNEY: So the attorney general had notice of the hearing, he had notice of the hearing --

REP. DELAHUNT: Would the gentleman yield for a moment?

REP. TIERNEY: Sure.

REP. DELAHUNT: I just want to clarify, that was the OPR -- Office of Professional Responsibility investigation, so it was done in conjunction with FBI agents. I think it's important to put that in the record, John, and to clarify so that Mr. Horowitz is not under any misunderstandings.

MR. HOROWITZ: Thank you.

REP. TIERNEY: Now, the attorney general had notice of the hearing, notice of the hearing subject, was specifically asked to send somebody that was knowledgeable about these materials, about the specific case in Boston, about the policy, about the changes in policy, and I would be curious to know why someone with more specific information was not sent?

It seems to have done you a disservice, and the committee a disservice, by not sending up the person or some persons with substantially more information on that. There had to be a number of people involved in those decision-making processes of whether or not things would be disclosed or redacted or whether privilege would be claimed, and yet he sent you within at least seven others -- eight others I see now -- up here.

So what I would like you to do for us is would you introduce to us by name, by title and by responsibility vis--vis this material, each of the individuals that you brought with you.

MR. HOROWITZ: Eric Sanstead (ph), who's deputy chief of staff in the Criminal Division, and --

REP. TIERNEY: What is his responsibility with regard to the matters that were in the invitation?

MR. HOROWITZ: He's one of the aides to Mr. Chertoff who has been involved in some of these matters, as the chairman knows.

REP. TIERNEY: So would he know who redacted all the information?

MR. HOROWITZ: I don't believe so. Matt Martens (ph), who's also in the front office of the Criminal Division; Steve Vinal (ph), who's in the front office of the Criminal Division; Carl Forson (ph), who's in the Office of Legislative Affairs; Ed Whalen, who's in the Office of Legal Counsel; Paul Fullborne (ph), who's in the Office of Legal Counsel.

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REP. TIERNEY: That's all -- anybody else?

MR. HOROWITZ: And Jim Rebicki (ph), who's in Legislative Affairs.

REP. TIERNEY: And the gentlewoman behind you?

MR. HOROWITZ: I'm sorry. Faith Burton, who's also in the Office of Legislative Affairs.

REP. TIERNEY: What contribution have any of them made to this morning's presentation?

MR. HOROWITZ: They were involved in -- at least many of them were involved in discussions and preparing for hearing, and --

REP. TIERNEY: I'm just flapping -- I mean, none of them know anything about anything but they were helping you prepare for the hearing in which you were unable to testify about most things.

MR. HOROWITZ: No, they do know about -- I obviously haven't conveyed to the committee my knowledge about the decision to invoke executive privilege and what that involves in this particular matter.

REP. TIERNEY: Who made the decision to invoke executive privilege? Who specifically was the one that bit the bullet and said, "All right, this is where we're going"?

MR. HOROWITZ: The president of the United States signed the order --

REP. TIERNEY: Well, ultimately. Somebody drafted that for him to sign.

MR. HOROWITZ: And I don't know and I don't believe it's appropriate --

REP. TIERNEY: Do any of these people here know?

MR. HOROWITZ: I don't that we're in a position to discuss internal deliberations --

REP. TIERNEY: Well, trust me, you are, and I'm asking you do you know who made that decision? If you don't know, do any of these people here know?

MR. HOROWITZ: The attorney general made the recommendation to the president, and the president agreed with the recommendation the attorney general made.

REP. TIERNEY: So we're comfortable -- the committee here, we've all decided that the attorney general was the one that actually made the recommendation.

MR. HOROWITZ: To the president, that's correct.

REP. TIERNEY: Who made the recommendation to the attorney general?

MR. HOROWITZ: I don't believe we're prepared to go into discussions about who had what discussions with the attorney general, especially the problem in issue here --

REP. TIERNEY: Again, trust me. You can tell me who gave the opinion to the attorney general that this should be invoked.

MR. HOROWITZ: I don't know -- I personally do not know whether there was one or many individuals that the attorney general consulted, but I --

REP. TIERNEY: Well, why don't we have your committee convened again and see if we can determine from them --

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MR. HOROWITZ: But this is a matter that we believe is -- our advice to the attorney general is precisely the issue that's laid out by the president in the order he issued, which is the need to protect deliberations within the department and to provide to the attorney general --

REP. TIERNEY: All we're asking for is the name of the individual that gave an opinion. We're not asking the basis of the opinion, what the context of the opinion was -- we want to know who had to make the decision. I mean, there's eight people here being paid on taxpayers' time and they didn't make the decision. They haven't done much here this morning except watch, and now I just to know collectively if everybody can determine who made the decision, who made the recommendation to the attorney general?

MR. HOROWITZ: Congressman, I will need to go back and consult with the leadership including -- the leadership of the department to discuss who made what decisions, who was present when the decisions, and what we can disclose with regard to that.

REP. TIERNEY: Now, is that because none of you know or because you all want to go back and discuss the issue of whether or not you can disclose it?

MR. HOROWITZ: I think it's in part a decision about what can and should be disclosed about who the attorney general consulted with in making his decisions.

REP. TIERNEY: So amongst all of you do you know who made the decision and you just refuse to tell us, or do you not know and have to go back and find out?

MR. HOROWITZ: Well, Congressman, I am not in a position to answer those questions. The leadership of the department is going to have to decide to what degree the attorney general wants to provide to the committee the individuals who were involved in the deliberation process.

REP. TIERNEY: Well, now we're getting real simple. You can't tell me and this committee of many here whether or not anybody in this group knows who made the advice to the attorney general? That's a simple question at this point. Do any of you know who it is? You don't have to tell me who at the moment, but do you know who made that recommendation to the attorney general?

MR. HOROWITZ: Congressman, we don't believe it's appropriate at this point for me or any of the people sitting behind me to make the decision for the department to provide to the committee who the attorney general's consulted with and discussed with on this matter.

REP. TIERNEY: Now I'm not asking you who, I'm asking you if you know who. That's a yes or no, not a name. Do any of you know who made that recommendation to the attorney general or is it simply something that nobody in this room knows?

REP. BURTON: Would the gentleman yield to me?

REP. TIERNEY: Sure.

REP. BURTON: There's a gentleman that I had sworn at the beginning. Does he -- do you know? You're under oath. Do you know who made the decision? You don't have to tell us who it was, do you know who made the decision?

MR. WHALEN: Sir, I believe that's a privilege matter that I'm not --

REP. BURTON: Do you know who made the decision? I'm not asking you who it was. Do you know?

MR. WHALEN: Sir, as the questions from Congressman Tierney have established, we go a little bit down this road - - I look down this road and it's not a road that I can go down in answering any questions.

REP. TIERNEY: Are you a lawyer?

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REP. BURTON: Wait a minute. You were sworn. Would you come to the desk and take the mike? This is pretty important. I mean, you're saying, Mr. Whalen -- thank you for yielding -- that you can't even answer if you know who made the decision to ask the president to issue an executive order? You can't even say that you know that? We're not asking you who it was, but you can't even say you know?

MR. WHALEN: Congressman Burton, the next question down the line is obvious enough. This is not a matter in which I am authorized to speak.

REP. BURTON: Turn your mike on.

REP. TIERNEY: I'm going to reclaim my time too because -- sir, are you a lawyer?

MR. WHALEN: I am a lawyer.

REP. TIERNEY: Then you full well know we're not dealing with the next question down the line. We're dealing with the immediate question in front of you and Mr. Horowitz now, and that is: after consulting with all of the people that you brought to this room, the simple question is do you or do you not know who that individual is? We will worry about the next question down the line when we ever get there.

MR. WHALEN: The answer to your question is plainly covered by the deliberative process privilege and I am not entitled to answer it.

REP. TIERNEY: I can't hear him, Mr. Chairman. He's got to speak up.

REP. BURTON: Pull the microphone closer.

MR. WHALEN: I apologize. With all respect, the answer to your question is covered by the deliberative process privilege and I am not authorized to answer it.

REP. TIERNEY: You think the deliberative process extends to testifying as to whether or not you know who an individual was that might have given advice?

MR. WHALEN: Absolutely.

REP. TIERNEY: I yield back.

REP. BURTON: We will pursue this further. I want to tell you if the American people are watching this, I think they're going to be very chagrined that you can't even tell us if you know or don't know something. That is amazing. It's just amazing. If the executive order -- the issue of executive privilege extends to you sitting before this committee and saying, "I can't even tell you if I know or don't know something," then we've really gone off the deep end.

Mr. Gilman?

REP. GILMAN: Thank you, Mr. Chairman.

REP. BURTON: Excuse me -- Mr. Shays.

REP. SHAYS: Mr. Horowitz, I understand you're here because Mr. Chertoff couldn't be here.

MR. HOROWITZ: That's correct.

REP. SHAYS: And I guess I should be grateful for that, but would you tell me what your position is?

MR. HOROWITZ: I'm chief of staff to Mr. Chertoff.

REP. SHAYS: So you are basically an administrator for the assistant secretary for --

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MR. HOROWITZ: Hopefully I do a little bit more than the administrating, I actually am involved in substantive issues as well, Congressman.

REP. SHAYS: Right, but you are his chief of staff, right?

MR. HOROWITZ: I do provide him counsel on a variety of issues.

REP. SHAYS: See, our committee is having the chief of staff, and then Mr. Lieberman has the same issue he's going to have the attorney general. That's going to be the difference. And he's the one basically who has signed off on this and he's the person who's come to me and others to ask for immense powers. And I hold -- I know you're here to present the position of the department, and I have a very difficult time -- in part because I know about the case. Do you know about the case?

MR. HOROWITZ: I know the general, details of the case I don't know.

REP. SHAYS: The general. Was Mr. Salvati innocent?

MR. HOROWITZ: I think there is a serious issue about whether he was indeed innocent -- I do know that there was failures, inappropriate failures --

REP. SHAYS: Okay. So right now, right now, you and I have a disagreement, because he was innocent, and he was let out of jail because he was innocent. So right now we have a problem because if you have that view, the papers you're going to let us see are based on a distortion, in my judgment, of the case. Tell me about his wife -- what do you know about his wife?

MR. HOROWITZ: I don't know much about his wife. I heard you tell about his wife.

REP. SHAYS: Okay. Do you, do you know how, how often she visited him?

MR. HOROWITZ: I do not.

REP. SHAYS: Yeah. You don't know that she visited him every week for 30 years? Didn't know that?

MR. HOROWITZ: Did not know that until you mentioned that, congressman.

REP. SHAYS: Do you know how many children he has?

MR. HOROWITZ: I do not.

REP. SHAYS: Do you know that all of his children -- that they were very, very young and for the next 30 years they basically came to visit him, at least twice a month, for 30 years?

MR. HOROWITZ: I do not know that.

REP. SHAYS: Do you know that the FBI agent who sent him to jail knew he was innocent?

MR. HOROWITZ: I understand that there was information that the FBI had that indicated he may well have been innocent.

REP. SHAYS: Do you know that the Chelsea -- there was information that the Chelsea police had that would have proved that he was innocent?

MR. HOROWITZ: I don't know, as I sit here, what the Chelsea police had.

REP. SHAYS: Did you know that the Boston police had information that would prove he was innocent?

MR. HOROWITZ: I believe I had heard that.

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REP. SHAYS: Did you know that the state police had information that would prove he was innocent?

MR. HOROWITZ: I believe I had heard that there was relevant information in the state police.

REP. SHAYS: Are you aware that all four -- the FBI, the Chelsea police, the Boston police, the state police -- even though they knew he was innocent, still let him stand on trial and that he was originally going to be sent to the death -- had a death sentence?

MR. HOROWITZ: I'm aware of that, and I indicated earlier, congressman, I think what happened there was terrible. I'm not disputing that in the least.

REP. SHAYS: No, but you're not sure he's innocent, that's part of the --

MR. HOROWITZ: Well, I'm, I'm -- the reason I'm saying that is I have not sat and read every fact and every circumstance --

REP. SHAYS: I know, and that bothers me. We have.

MR. HOROWITZ: And, but --

REP. SHAYS: We have. We have information that you don't have and now we're trying to understand how the Chelsea police, the Boston police, the state police and our own FBI could allow an innocent man to spend 30 years in jail. That's why I am angry. That's why I'm angry. And so that's what I have to wrestle with right now, is thinking that you are preventing us from getting the facts and understanding why this happened.

MR. HOROWITZ: And, and --

REP. SHAYS: That's what you're doing. You're doing it because you think you're right -- you have stated in the statement to us that this is not a new policy, but that's, frankly, untrue.

MR. HOROWITZ: My understanding is it is not a new policy for the department of Justice and the executive branch as a whole to protect the deliberative memoranda.

REP. SHAYS: And, so you're saying the Congress for years and years and years hasn't been getting this -- these memos?

MR. HOROWITZ: What I'm saying is there are examples where the department, and where the president has decided to police information. There are also examples, as outlined in these two OLC opinions from 1982 and 1983, that demonstrate almost 200 years of history where presidents have invoked executive privilege to protect deliberative materials.

REP. SHAYS: We've had executive privilege --I mean, that's disingenuous, I know that. But on these documents -- that this is not a new policy.

MR. HOROWITZ: These documents are a subset of documents that involve internal deliberative memoranda --

REP. SHAYS: On a closed case, 30 years old.

MR. HOROWITZ: That's correct. And they are -- but they are a subset of deliberative materials. The issue here is deliberative materials --

REP. SHAYS: Right.

MR. HOROWITZ: And that's what, as outlined in these summaries --

REP. SHAYS: Do you know why we want this information?

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MR. HOROWITZ: I understand the committee's interested in trying to get --

REP. SHAYS: No, tell me why, why do we want this information?

MR. HOROWITZ: The committee is, among other things, reviewing the handling of informants by the FBI, by these other entities and --

REP. SHAYS: Why do we want to do that?

MR. HOROWITZ: There could be a number of reasons -- I certainly don't presume to say what -- the number of reasons --there could be a number of reasons --

REP. SHAYS: No, no. I want you to explain to me, why we would even want to look at the informants?

MR. HOROWITZ: I could envision a desire to write new legislation, I could under -- I could recognize the desire --

REP. SHAYS: Well, tell me the abuses that took place. Tell me the abuses. Why would we be so outraged, at this case, and why would we want to understand why the people who are supposed to enforce the law, were breaking the law? Tell me why we want to know about informants?

MR. HOROWITZ: Congressman, I understand completely why anyone who looked at this, including this committee, would be outraged by what they saw. I had --

REP. SHAYS: No, you don't know the case though. You don't know the case.

MR. HOROWITZ: I have -- I, as a prosecutor, I prosecute a number of law enforcement officials for corruption.

REP. SHAYS: No, no, but you don't know this case.

MR. HOROWITZ: I understand how terrible --

REP. SHAYS: Mr. Horowitz, do you know this case?

MR. HOROWITZ: I explained to you my general understanding of what happened --

REP. SHAYS: Yeah, and your general understanding was you didn't know how many kids he had, you didn't know that his wife went to visit him, you didn't know -- tell me about the two informants? No, stop, stop. Tell me about the two informants. Tell me about those informants -- you know about the case, tell me about it.

MR. HOROWITZ: My understanding is that --

REP. SHAYS: Tell me their names?

MR. HOROWITZ: Mr. Bulger and Mr. Flemmi --

REP. SHAYS: Right.

MR. HOROWITZ: Were FBI informants and providing information. At the same time there are allegations, and I have to be careful what I say cause there is an indicted case right now in Boston, involving the FBI's handling of those informants and whether there was corrupt activity involving the handling of those informants.

REP. GILMAN: Would the gentleman yield?

REP. SHAYS: Why is Mr. Bulger involved in the Salvati case? Tell me why you're saying he's involved?

MR. HOROWITZ: I'm telling you, when you mentioned the two informants, those are the two informants under indictment right now, and -- (crosstalk).

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REP. SHAYS: Okay. And how was he involved in the Salvati case?

MR. HOROWITZ: I can't, as I sit here today, describe for you what each person did in that case.

REP. SHAYS: Because you don't know. The reason is you don't know. He's not involved in the Salvati case.

MR. HOROWITZ: What I am trying to --

REP. SHAYS: You heard his name mentioned over there so you made an assumption --

MR. HOROWITZ: No, believe me, congressman, having actually spent time in Boston I understand completely the significance of Mr. Bulger, Mr. Flemmi and -- well I may not know the specific facts about how many children and all that they had, I, frankly, don't think it matters.

It's obviously even more --

REP. SHAYS: It matters to me.

MR. HOROWITZ: Let me finish, please -- it doesn't, to me whether he had three kids or ten children, what would have happened to send an innocent person to jail would be wrong, and that's what I know.

REP. SHAYS: You know why it matters? Because the FBI tried to keep him in jail. They didn't just send him to jail, they tried to keep him in jail. Is the FBI under the Justice department?

MR. HOROWITZ: It is.

REP. SHAYS: It's a dumb question, right, and you can smile --

MR. HOROWITZ: No, no, I'm not --

REP. SHAYS: The reason I'm asking is -- the reason I'm asking is the Justice department oversees the FBI, and we're trying to get information that the Justice department has, but they don't want us to give it. Shouldn't I be a little uncomfortable with that?

MR. HOROWITZ: What I would hope is that as we go forward in trying to provide the committee with documents and materials and information that the committee would see that we are willing to provide the information that allows the committee to take a full review of this matter. That is certainly what I understand we will go forward.

REP. SHAYS: I'm going to yield to Mr. Gilman.

REP. GILMAN: I thank the gentleman for yielding. I'm being called to another meeting and that's why I thank the gentleman for yielding.

Mr. Horowitz, you said that it was the department, the attorneys, that recommended to the attorney general that there be a change of policy, is that correct?

MR. HOROWITZ: No. What I tried to get across was that it is my understanding that the position of the department - the position of the executive branch -- has been that deliberative memoranda, in this case deliberative memoranda written by line attorneys, has long been viewed to be covered by executive privilege.

REP. GILMAN: But what I'm asking you is, did anyone in your department make a recommendation to the attorney general that there be a change of policy?

MR. HOROWITZ: And what I -- I appreciate the question -- I am told that discussions about who recommended what to whom is something we need to consult with.

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REP. GILMAN: The attorney general didn't do this on his own, did he? I'm sure he took advice from his counsel -- is that correct?

MR. HOROWITZ: I assume so, yes.

REP. GILMAN: But, then the attorney general, after getting advice on a change of policy, then made a recommendation to the president -- is that correct?

MR. HOROWITZ: My understanding is that the attorney general did make a recommendation to the president.

REP. GILMAN: Do you know when that occurred?

MR. HOROWITZ: I do not, no.

REP. GILMAN: And then the president, just in the last few days, made this change of policy -- is that correct?

MR. HOROWITZ: The order is dated yesterday, December 12th.

REP. GILMAN: And was that based upon this case -- this change of policy?

MR. HOROWITZ: If I could have a moment?

REP. GILMAN: Please.

MR. HOROWITZ: (Confers off mike.) Congressman, it was occasioned by the subpoena so it involved this specific matter.

REP. GILMAN: It was occasioned by this case?

MR. HOROWITZ: That's correct.

REP. GILMAN: Thank you very much.

Thank you for yielding.

REP. BURTON: The gentleman's time has expired. I'm sorry, Mr. Clay.

REP. WM. LACY CLAY (D-MO): Thank you.

Let me first say that the -- you know, the FBI is an organization that has a history of success in combating criminal activity and threats and I applaud the Bureau for those successes. The Bureau has also a history of failures in subsequent cover-ups as well. And we do not have to name all of these as most are well documented. The Salvati case is an example that illustrates the need for oversight as is the performance of the FBI and so called undercover work with the Ku Klux Klan during the era of civil rights unrest in the 1960s and '70s. And there are other incidents of note. Whitey Bulger is on your most wanted list, correct?

MR. HOROWITZ: That's correct. He is on top 10 list.

REP. CLAY: Is that where you make the assertion that -- or are you so privileged because he is part of the ongoing criminal -- active criminal investigation, is that it?

MR. HOROWITZ: There is the concern about the open case that's about to go to trial in Boston. But the documents at issue here are the concern and the reason for the invocation, involves the deliberative nature of the documents, not necessarily the open case issue.

REP. CLAY: Okay. Now you know it's customary for a party asserting privilege to submit a privilege log, identifying each document subject to a claim of privilege and providing a general description of the document. The purpose of

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this is to help us determine if the claim of privilege is valid or just an effort to conceal information. Mr. Horowitz, will the Justice Department provide a privilege log to the committee describing all documents that you believe are subject to executive privilege or any other privilege?

MR. HOROWITZ: In fact, I would certainly go back to the department and raise that issue and consult and get an answer promptly to the committee on that question.

REP. CLAY: Well, you know, for you to assert privilege, a recent ruling says that when there is a reason to believe the documents sought may shed light on government misconduct, the privilege is routinely denied on the grounds that shielding internal government deliberations in this context does not serve the public's interest in honest and effective government. I mean, you know, what are we shielding here, if we know Bulger is on the 10 most wanted list for the FBI? Yes, he's been indicted. What are we trying to protect?

MR. HOROWITZ: Let me just correct, he has been indicted in the Boston matter.

REP. CLAY: Right. I said he's been indicted. Yes.

MR. HOROWITZ: I'm sorry. What we're discussing here is the protection of the deliberative materials that -- invocations that have occurred, as I said in my opening statement, back to George Washington through administrations of the present on the deliberative documents as a general matter. That's what at issue here with regard to the Boston case. It's not we don't believe in your policy. What we are prepared to do is work with the committee to get the committee the information so the committee can look at this matter, look and see what happened in Boston.

REP. CLAY: Would any release of this information undermine an active criminal investigation?

MR. HOROWITZ: That's a separate matter. It might well. I would need to go back and do an analysis on open case because there is, as I said, an impending indictment and there will be a trial. It's currently scheduled, I'm told by the prosecutors who handle it, next January in a month and I would certainly in order to answer that question we would need to go through it and determine which of the documents would relate to an open case.

REP. CLAY: Okay, thank you.

REP. BURTON: Thank you, Mr. Clay.

Mr. Cummings.

MR. CUMMINGS: You know, I was just sitting here thinking. Thank you, Mr. Chairman. I want to thank you, Mr. Chairman, for calling this hearing. I got to tell you that this is totally frustrating and you know, you talk in law school in cases about things being shocking to the conscience. The lack of information that we're getting here today is frightening. And as I was sitting, I was just wondering who do you all go back to after this is over and who congratulates you for what you've been able to achieve here today. I mean, when you go back to the office, somebody is going to say, "God, you did a great job of stonewalling!" and I'd sure would like to know who that is.

This is so frustrating. I mean, I'm sitting here and I'll be frank with you. I've sat on many, many situations but this is one of the most frustrating situations I've ever been in, in my six years in Congress, because I feel like -- I feel like, you know, I remember during the Watergate hearing, somebody said I'm not a potted plant. One of the lawyers. And that's how I feel. I feel like a potted plant today and I think that -- and I guess I feel it more not so just because of me, but because of the people that I represent.

They still believe in a democracy. You know, they want to believe in a democracy, they want to believe that government is open and that government is fair. They want to believe that. They want to believe that prosecutors do the right thing. They want to believe that, you know, when somebody is convicted wrongfully, a prosecutor wants to vomit, because they knew that that person was wrongfully convicted. They want to believe that. They want to believe that someone, in a prosecutor's office, would cry "Murder" if somebody spent 30 years, 30 years, 30 years,

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30 Christmases, 30 Easters, 30 years of their life. We have one life to live, this is no dress rehearsal. And this is the life. Just the idea of it. I don't get it, I don't feel it.

And then we ask questions and we can't get simple answers.

You know, I kind of -- at some point, we've got to ask ourselves where are we heading in this society. You know we criticize other governments for the way they do business and the way they conduct trials and the way they send people to prison. And then we sit here as a Congress and we can't get simple answers. And I guess I'm curious how was the team, the team of people that are here -- I mean, I'm just trying to figure out why we're even here and we can't get answers. We're paying folks to do a job. We're paying dollars, taxpayer dollars and we're wasting our time. And it's very, very frustrating and I'm not saying this because -- I'm just sitting here and I'm saying, "Why am I sitting here?"

So tell me, since we don't seem to be able to get answers to the questions that are being asked, how was this team assembled that are here? Who are they and why were they picked? The gentleman you're seated next to, I'm just curious. Why do we have this team here today? Who are they? What are their roles?

MR. HOROWITZ: Well, congressman, first let me apologize if I haven't been able to impart information.

MR. CUMMINGS: Well, let's go back to the first point. Who is going to say congratulations for stonewalling?

MR. HOROWITZ: I'm not expecting anybody to say congratulations and I'm not here to do any stonewalling. I'm here to try and explain --

MR. CUMMINGS: But that's how it feels and it's frustrating.

MR. HOROWITZ: I certainly understand that. And let me -- I understand certainly the members' concern about what happened in Boston. As I mentioned before, I've been in circumstances where prosecuted police officers and federal law enforcement officials and people have gotten out of jail because of it who should not have been in jail. And fortunately, from my circumstance, no one had been in for 30 years, but they've been in for many months and in some cases, years. And so I agree with you completely that this is not any matter to sit back and congratulate anyone about. We are trying to provide the information that we can consistent with our constitutional responsibilities, and to do it in a way that gets the committee as much information as we are able to do about all of the facts, all of the circumstances that happened here.

And like I said, I'm not looking to go back for anyone to congratulate me. Hopefully I came here and added and offered some assistance in explaining what our views were. Obviously, if I didn't do that, I certainly apologize to you and the other members of the committee.

REP. CUMMINGS: But do you understand our frustration? Do you understand our frustration? Somebody said a little bit earlier, "You know, you've got Democrats and Republicans frustrated over this. This is major stuff." I mean, because we don't agree on a whole lot of things.

MR. HOROWITZ: Believe me, I understand that, Congressman.

REP. CUMMINGS: Any time you get me agreeing with the Chairman, they told me I'm far-left, and they tell me he's just at right-of-center. And we agree on this. I mean it's just got -- I guess like I said, I think about my constituents, and I think about all the people who have gone through so many situations. And then it just seems that government takes a position that we are right. But the government isn't always right. And in order for us to get to where the government is wrong, we have to have information. And so I yield back, Mr. Chairman.

REP. BURTON: The gentleman yields his time.

Mr. Delahunt. Incidentally, Mr. Delahunt, you were prosecuting attorney at the time the Salvati case took place, were you not?

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REP. CUMMINGS: I was not. I have always been --

REP. BURTON: No, no, I'm talking about Mr. Delahunt.

REP. CUMMINGS: I'm sorry.

REP. DELAHUNT: Mr. Salvati was prosecuted, Mr. Chairman, before I became district attorney.

REP. BURTON: But you were district attorney up there and you're conversant with a lot of these things.

REP. DELAHUNT: I am. I'm conversant with it, and unfortunately I'm conversant with it. You know we focused today on Mr. Salvati and that's appropriate. And I respect the passion I just heard from my friend to my right. But let's be clear, the Salvati case is not unique. Do you agree with that, Mr. Horowitz?

MR. HOROWITZ: I certainly think there are more issues beyond the Salvati case with regard to the handling of informants -- appearing in Boston.

REP. DELAHUNT: Not just in Boston. There have been allegations about other officers, not just in Boston but in New York. I don't want to enumerate them. I don't think that's necessary. But what we're talking about, is as Senator Specter and Senator Grassley said, during the course of the confirmation hearings of the attorney general is that it's a culture. And it isn't just about depriving people of their liberty, it's about murders. Stop and think, Mr. Cummings, for a moment about those, who because of misconduct by personnel within the Department of Justice -- and I'm correct in stating that the FBI is within the Department of Justice.

Correct, Mr. Horowitz?

MR. HOROWITZ: That's correct.

REP. DELAHUNT: That because of conduct, the people were given information that led to the murders of people. Is that a fair statement?

MR. HOROWITZ: There are very similar allegations. I need to be careful --

REP. DELAHUNT: Let me rephrase this. Is there some evidence that would indicate that is a fact?

MR. HOROWITZ: There are certainly allegations if I could phrase it that way, Congressman.

REP. DELAHUNT: Right. Now, I mentioned, and I think it's very important too, because when we continue to hear the Department of Justice has taken steps, we created the taskforce, we did a, b and c, I think it's important to really understand that they did it reluctantly. This simply didn't happen. You know, it's my understanding that Judge Wolfe -- well, let me pose it in the form of a question. Is it your understanding that Judge Wolfe had to threaten the deputy attorney general in the previous administration with contempt of court before the names of Mr. Bulger and Mr. Flemmi were revealed as informants?

MR. HOROWITZ: I do not know if Judge Wolfe specifically ordered the deputy attorney general or threatened the deputy attorney general with contempt.

REP. DELAHUNT: I understand it's the assistant attorney general. Let me rephrase it so I can make sure I'm not you know misstating it: a senior official in the Department of Justice.

MR. HOROWITZ: And as I said, my answer would stay the same as to whether he indeed issued a contempt order. I do know that Judge Wolfe spent, as you indicated, a fair amount of time digging and reviewing into this matter.

REP. DELAHUNT: But it was the Department of Justice that refused to disclose the names of Mr. Bulger and Mr. Flemmi as informants until the threat of a contempt citation was put forth by Judge Wolfe. I guess what I'm suggesting to you is that the record of the Department of Justice in this entire matter is abysmal. It truly is abysmal

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for all fair-minded people. I'm not suggesting anyone here that works for the Department of Justice intended bad things to happen. But with all due respect to Mr. Whelan not to respond to the Chair's question and not to respond to Mr. Tierney's question about do you know if without getting on to the second question, that does not curry confidence in the Department of Justice.

I would suggest that you go back and think of what you're doing. Because I've got to tell you what you're doing. You're undermining the confidence of the American people in the Department of Justice by this presentation here this morning. And I'm not singling out any individual. But you've got to go back and say, "We didn't hear anyone on this panel from left to right, from Democrat to Republican, appreciate or respect the testimony that we proffered this morning."

I mean, and I don't know if it's already been inquired of, but in your statement on page 4, there's a declarative sentence that says, "legislative branch political pressure on executive branch prosecutorial decision-making is inconsistent with the separation of powers and threatens individual liberty." Are you suggesting that this committee is exercising its authority and creating political pressure on the department?

MR. HOROWITZ: No, Congressman, what the concern is, is that making documents, deliberative documents of line attorneys, available for public dissemination --

REP. DELAHUNT: But why did you make that statement, Mr. Horowitz?

MR. HOROWITZ: Because the concern is that that could be a result of making available line attorney pre-decisional memoranda to their supervisors and chill their ability or their willingness to fully analyze the case, and decide whether to prosecute or perhaps not to prosecute.

REP. DELAHUNT: Well, let me follow up. In your testimony or in your discussions -- and again I don't know if you agree with my interpretation of Supreme Court decisions, case-by-case basis, but you fail to even assert that the department has a particularized interest in withholding the information that was requested. Is that a fair statement?

REP. DELAHUNT: Chilling. But you did not -- have you provided a log of statements, any of the documents that have been requested? Given us a -- identifying those documents which are subject to a claim of privilege?

MR. HOROWITZ: Congressman Clay actually asked us to prepare and produce for the committee a privilege log and, as I mentioned to him, I will certainly go back and discuss that and we will respond.

REP. DELAHUNT: You're going to be so busy when you go back, Mr. Horowitz, with all due respect. I understand negotiations between counsel for the committee and the department have been going on for some time. For you to come forward today without having an answer to that particular question, I'm just -- I'm disappointed.

MR. HOROWITZ: Well --

REP. DELAHUNT: I'm truly disappointed. You know, you can provide us with a statement quoting a variety of statements, we can all indulge in platitudes and string them on and on, but you're an attorney. You've tried a number of cases, I presume.

MR. HOROWITZ: That's correct.

REP. DELAHUNT: Then why didn't you assert a particularized need to withhold information, given the documents that were requested by the chair and by counsel?

MR. HOROWITZ: My understanding is that the request first came in connection with the subpoena issued back in September. I'm also told that in light of what happened on September 11th, that the decision was made to delay formal -- to delay the request for the documents until a later and that this hearing was then set fairly recently.

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REP. DELAHUNT: You know, honestly, that's just an unsatisfactory response. I mean, you're here with a number of professionals from the department. To think that you would come before this committee without having a log prepared, without having a description of a particularized need to withhold that information -- I mean, there is no one on this -- go ahead, you can interrupt.

MR. HOROWITZ: I'm sorry. I was going to say I think as far as I'm aware, there is only one court decision that specifically addresses a assertion of executive privilege in connection with a subpoena request from a congressional committee, and that was the Senate Select case decided by the D.C. Circuit. And what the D.C. Circuit laid out was that the department -- upon an assertion of the department, that certain documents fell within the scope of its executive branch privilege, that the Congress was then obligated to present the particularized reason and the critical need for the documents. And that that, to my understanding, is the only court decision out there that fully addresses a congressional request for information.

REP. DELAHUNT: It's my understanding that there are numerous cases. I think I would yield any time he might want to the majority counsel. But again, let me go back to what I was saying earlier --

REP. BURTON: If Mr. Delahunt would just yield. I have to go to another meeting. I'd like to take my time and then Mr. Shays is going to take the chair. And you gentlemen, we'll allow you as much time for questioning as you want. And I hope you will take advantage of that.

Let me just cite for the record that the attorney general of the United States, Mr. Ashcroft, was on the Larry King show -- and I'm sure you're aware of this -- and he was asked when we were trying to get documents from Janet Reno regarding some cases regarding the previous president, President Clinton, and Mr. Ashcroft said -- and I'm paraphrasing him because I don't have the exact quote -- that Janet Reno ought to comply and ought to give us those documents, that the Congress had a right to them. And now he's the attorney general, and he's taking an entirely different position.

And that is very disconcerting to me.

MR. HOROWITZ: Can I respond to that, Mr. Chairman?

REP. BURTON: Sure.

MR. HOROWITZ: I actually have -- you cited that in your letter which I have with me, and if I could just address that. What Senator -- what then Senator Ashcroft said was, quote, "There are only two reasons why a person can fail to respond to a subpoena from the House. One is that there is no jurisdiction in the committee" -- this committee clearly has jurisdiction here. "Secondly, executive privilege would be asserted."

And then he goes on, two sentences later to say, "I think the House simply has to say either our subpoenas are respected or they are challenged on appropriate grounds, and if they are not, stonewalling won't do it." And he goes on.

So I do think the distinction here is, and what then Senator Ashcroft was saying was there are two options.

REP. BURTON: Exactly.

MR. HOROWITZ: You either exert executive privilege or you produce -- stonewalling is not a third option.

REP. BURTON: I see. So you don't call this stonewalling?

MR. HOROWITZ: No, the president has asserted executive privilege, and the committee has jurisdiction.

REP. BURTON: If there was a court order for a deliberative document prepared during a criminal investigation, would you comply? If there was a court order?

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MR. HOROWITZ: I think at that point the case law says -- and there is Supreme Court case law on that issue -- that the court has to do a balancing of the asserted privilege basis by the government, by the executive branch, against the need of the judicial branch for the information. The same type of balancing that would need to be --

REP. BURTON: So you're saying it would have to go to another court to make the determination that the court that ordered that would be allowed to have it, right?

MR. HOROWITZ: If there is -- if re talking in terms of court order and I'm thinking court subpoena --

REP. BURTON: No, if there was a court order for a deliberative document prepared during a criminal investigation, would you comply?

MR. HOROWITZ: If there is a court order, I think we would probably comply. I think people would have to look at the document to determine whether there were any privileges that could or should be raised, that we're obligated to raise --

REP. BURTON: So why would you comply with a request from the judicial branch and not from our branch?

MR. HOROWITZ: I think, Mr. Chairman, it really depends on the fact-by-fact analysis, as we've discussed before. It really depends on what the document is at issue.

REP. BURTON: I'm sure we're not going to change your mind and I'm not going to take a lot more time on this. But it looks to the Congress -- you've seen across the spectrum from right to left, from Democrat to Republican, we all disagree with you. We all think this is stonewalling, and I think the American people are going to draw the same conclusion when they hear this. It's just a terrible, terrible precedent to set. And it is a precedent. I just think this is absolutely wrong. And at the end of the day it looks like the Justice Department is hiding something. And I'd like to recapitulate what's at stake for just a couple of minutes.

This committee is conducting a thorough investigation of the FBI's use of a confidential informant or informants in Boston. The picture could hardly be worse. Earlier this year we had a hearing and we heard from Joe Salvati and his wife Marie. He spent 30 years in prison for a crime he did not commit, and worse -- worse -- the government knew about it. They knew he was innocent and they left him in prison. And he would have gotten the death penalty if they had had their way. And who was Salvati doing time for? The real party, the guilty party was a government informant that the FBI was working with named Jimmy Flemmi -- Jimmy Flemmi. He was known to the director of the FBI, J. Edgar Hoover, as a man who had killed numerous people, but he was being protected because he was an informant. The government also wanted his brother to be an informant and they succeeded. Stevie Flemmi ended up serving as a government informant for decades. During that time he killed -- during the time he was a government informant he was protected by the FBI -- and he killed dozens of people, and they knew it. He's currently under indictment for many of these murders.

There are many reasons that we're conducting this investigation. First, we need to know whether we should change the laws -- and you're blocking us in that area. We will have hearings about this subject next year, and we're going to have a lot of them. It's also important to reach a complete understanding of what happened. Inscribed on the United States Archives are the words, "What is past is prologue." How can we avoid the terrible mistakes made in Boston if we sweep the conduct under the rug. And we don't know how to get to all these things if you keep us from getting documents.

And finally, the people who suffered -- Joe Salvati, who spent 30 years in prison for a crime he didn't do; the mothers and fathers of many people killed by Stevie Flemmi and Whitey Bulger; the sons and daughters of those who died -- they all deserve to have someone take a long hard look at what happened. And it should be made public. All of it. Something the Justice Department couldn't do if it even wanted to. And now the Justice Department won't let us conduct a thorough investigation. They're blocking the Congress who has legitimate oversight responsibilities. If we knew that the Justice Department was policing themselves, it might not matter that much, but we don't know that they are doing it and they aren't policing themselves. The first question we ask witnesses when

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we talk to them is, "Has the Justice Department talked to you?" A lot of these people we ask, "Has the Justice Department talked to you?" and the answer over and over was "no."

After we had Paul Rico in here, the FBI agent, in our May hearing we found that no one had even bothered to talk to him. And he was complicitious in putting this guy in jail for 30 years, knowing he was innocent. And you guys in Justice never even talked to him. And you won't let us have documents so we could do our job. Time and again, we have found that the Justice Department just has not done its homework, and today is another manifestation of that.

Why not? What are you protecting and why? And if you aren't going to do the work, why don't you let us do the work? As I said, you've got a million dollars worth of talent out there and nobody wants to answer anything or knows anything.

I asked the Justice Department a few months ago to provide me with a list of all the situations in the past where deliberative documents have been provided to Congress. The Justice Department has not provided that list. Tell me about what you've done to prepare a list like that? Can you tell me that?

You're looking around. You don't know. You don't know.

MR. HOROWITZ: I do not know what's been done to prepare the list.

REP. BURTON: Do the guys behind you know anything about that?

MR. HOROWITZ: We will do -- we'll get back to the committee with a list of what we've got and provide the committee with those materials.

REP. BURTON: Okay, who in the case of Salvati has been interviewed by the Justice Department so we can end up with a complete list? Who's been interviewed? Can you give us any names that you've interviewed, regarding this guy being in jail for 30 years for something he didn't do?

MR. HOROWITZ: I do not -- I'm not familiar with who specifically was interviewed in connection with the investigation.

REP. BURTON: And will you commit to providing the committee with a complete list?

MR. HOROWITZ: I will certainly go back and discuss that but not knowing who was discussed and given the status of the indicted case that's going to trial or at least is scheduled for a trial next month, it's a matter I would need to discuss with the prosecutors who are handling the matter.

REP. BURTON: We're asking about other cases, not this case, other cases where you have provided deliberative documents. That's why we want to have that list.

MR. HOROWITZ: We would go back and, document by document, review it and provide the committee with materials that don't involve these type of deliberative documents.

REP. BURTON: Can you envision any circumstance where Congress would need deliberative information from a criminal investigation in which you would comply? Can you think of any case where you would give us that information, the deliberative information?

MR. HOROWITZ: Certainly in situations as the Chairman has mentioned, the Teapot Dome scandal and the Watergate scandal. There are situations that materials have been provided to --

REP. BURTON: No, I'm talking about in the future. Can you envision any circumstance where Congress would need deliberative information from a criminal investigation that you would give us? Can you think of any?

MR. HOROWITZ: If there were situations analogous certainly to those matters, yes, but it's hard for me to sit here and hypothesize about particular cases that haven't happened, or how will come out?

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REP. BURTON: But if you give them to us under those circumstances, why would you not give us deliberative documents in the Salvati case?

MR. HOROWITZ: Because as, and I know I'm repeating, covering old ground, as laid out in the president's order, I mean as I said in my opening statement, we are prepared to go and try and work on accommodations with the committee in providing the information short of these handful of documents we're talking about.

REP. BURTON: So you're saying, because of the president's claim of executive privilege in this particular instance, you wouldn't or couldn't do anything. So we're going to have to have the president claim executive privilege in the future on other areas where we want deliberative documents?

MR. HOROWITZ: No, I think what --

REP. BURTON: Will this one cover any deliberative documents in the future that we might want?

MR. HOROWITZ: I think with regard to every request and every subpoena, there would need to be an accommodation, and hopefully, that would resolve the dispute and there would be no need for consideration of --

REP. BURTON: No, but I'm saying, does this executive order from the president, the claim of executive privilege, does that cover any deliberative documents in the future that we might want? Haven't you read that thing? Don't you understand it?

MR. HOROWITZ: With respect to any case for --

REP. BURTON: Yeah, any case coming up that you want to claim executive privilege. Would this cover that?

MR. HOROWITZ: I think that this order would involve the subpoena at issue in this case. There are the subpoenas involved which were the Gore Memoranda, the Middleton Memoranda, and the Boston matter. I think for other future matters, we would need to reconsider and determine from there, whether they were covered by privilege.

REP. BURTON: You know, that really doesn't make sense, because we've read that claim of executive privilege, and it appears to me to be very far-reaching. And if you guys have read that thing, it appears to me that it's going to cover deliberative documents any time the attorney general doesn't want to give them to us. But you're saying that's not the case?

MR. HOROWITZ: I don't believe that's the case, Mr. Chairman.

REP. BURTON: So you believe that the president would have to claim executive privilege again, if we asked for other deliberative documents?

MR. HOROWITZ: In other circumstances and other cases, and other requests, I think we would have an obligation to review it. That is my understanding.

REP. DELAHUNT: Mr. Chairman, Mr. Chairman, if I can for a minute, I would just point to you -- and maybe this is what you're referring to -- the language in this executive order that states "memorandum written in response to those memoranda and deliberative memoranda from other investigations, containing advice and recommendations concerning whether particular criminal prosecutions should be brought". It's very far-reaching. It's a blanket.

REP. SHAYS: Would the gentleman yield as well?

REP. DELAHUNT: Yeah, I'll yield.

REP. SHAYS: The reason why I again find this puzzling and almost disingenuousness is this is the worst case you could choose to withhold information. It's 30 years old. It involved such an outrageous example of government abuse that if you would do it on this case, you would clearly do it on the others. Why this case would you want to withhold those documents?

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MR. HOROWITZ: Well, it goes beyond this case. When you said --

REP. SHAYS: Exactly.

MR. HOROWITZ: When you said this case it involves -- there were a series of cases referenced in the subpoena, including some of the campaign finance matters, and --

REP. BURTON: Well, if I might reclaim my time, let me just say, because I want to turn the chair over to you -- This is a far-reaching document and I don't believe it limits it to the cases in question. And I think it's going to set a precedent unless we challenge it, and we will be challenging it. And it smacks of a totalitarian approach to administering law. It really does, because if we don't have the right in the Congress, when we know there's corruption in a branch of the executive, a branch like the FBI or the Justice Department. If we can't get access to documents, we'll never be able to protect the American people from the abuse of power. We just won't. We are elected by the people of this country to make sure there are not abuses of power in the executive branch.

But if you have a president and an attorney general who are complicitous with one another in keeping documents from the Congress, where there's a criminal case involved, and they might even be involved themselves, then how are we going to stop abuse? How are we ever going to stop corruption in government? You know, if I were going to be elected president of the United States under the circumstances that we see today, I would first appoint an attorney general who would march in lockstep with me. And I'd make sure that nothing that we did that was illegal or questionable would ever be questioned by the Congress of the United States. And in my opinion you're providing that by this executive order and this decision of this president.

And I think it's just wrong, and I think it's very dangerous. This president I think is doing a good job. I voted for this president. I support him on almost everything. He's my president. He's a Republican. But the point is he's setting a precedent, and the Justice Department is setting a precedent, in my opinion, that's going to go down the road, and we may have another corrupt president in the future. And the only protection against the abuse of power is for the Congress to be able to conduct oversight. And you're blocking us with what you're doing today.

And with that, I'll turn the chair over to Mr. Shays from way up north.

REP. SHAYS: Mr. Horowitz, what our intention is that Mr. Delahunt has some questions, I have a few, then we're going to go to the committee. Do you need a break?

MR. HOROWITZ: No, I can proceed. I'm fine for now.

REP. SHAYS: Would you like a five minute break?

MR. HOROWITZ: No, that's fine. I'm just going to grab some water, if you don't mind.

REP. SHAYS: Pardon me.

MR. HOROWITZ: Let me just grab some water.

REP. SHAYS: Sure.

So at this time we would recognize Mr. Delahunt.

REP. DELAHUNT: Thank you, Mr. Shays. They made me sit up here, I don't want you to think -- I'm trying to understand what the premise is of the refusal, and all I hear is a general harm, a chilling effect, in terms of lying USAs or lying FBI agents. Is that the extent of the rationale?

MR. HOROWITZ: We are talking about that in part, but also the ability of supervisors who make the decisions, to get the full advice of their subordinates to be able to have internal deliberations where the -- whether it's the line attorneys or the supervisors, who are recommending to the ultimate decision maker, can have the ability to have that discussion.

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REP. DELAHUNT: Okay. So it's the communication between the supervisor and the line personnel?

MR. HOROWITZ: As well as the ability of senior officials of the department to be able to gather advice and to make the ultimate decisions that need to be made. And there are two parts to this.

REP. DELAHUNT: Okay. Again, let me go back, what is the harm to the disclosure of the information requested to the subpoena in this case?

MR. HOROWITZ: The harm is that, as prosecutors write these types of memos and decide these --

REP. DELAHUNT: No. Mr. Horowitz, you are not listening to the question. What is the harm, in this case, to providing the information to comply with the subpoena? This is a specific subpoena that has been issued to the Department of Justice.

MR. HOROWITZ: And what I'm trying to say is that the harm is somewhere to the harm that comes from producing to the Congress, internal deliberative memoranda similar, in many cases --

REP. DELAHUNT: Okay, then let me just stop you there because I think you answered the question. If that is the premise, then that same concern would apply in every case involving deliberative memoranda.

MR. HOROWITZ: And this is where the case is made clear.

REP. DELAHUNT: Am I correct?

MR. HOROWITZ: The case is made clear as I think you mentioned earlier, that the case-by-case analysis is undertaken to determine whether there is an ability to first of all, accommodate the interest and provide the information. And that's what we have an obligation to undertake with the committee. And then to make the determination at that point, whether or not to assert the executive privilege.

REP. SHAYS: Would the gentleman yield a second, because you'll have as much time as you need.

REP. DELAHUNT: Sure.

REP. SHAYS: What Mr. Delahunt wants to know and what I want to know and what the committee wants to know is, you can't make an argument on withholding this information as it relates to this particular case. This case is an old case. You can't make that argument. So you really are making the argument solely to state a principle that you wish to use in the future. Because there is no harm in this case.

MR. HOROWITZ: Well, there is in this case. First of all, not all the memos as you've indicated, are say 30 years old. As you know, there have been development in the whole time frame that could be responsive and I think there are more recent memos than 30 years ago. There is also, as I indicated before, the pending criminal investigation and criminal indictment and so there is the possibility and the potential that some of these documents may in fact, impact on the case.

REP. SHAYS: So why not -- if so, based on that -- why not just release some of the older documents?

MR. HOROWITZ: Because I think that decisions that have analyzed this matter, this supreme court case, have indicated that first of all, the fact that we are a year or five years or 10 years from when the memo was written, doesn't diminish the chilling impact that prosecutors today writing memos --

REP. SHAYS: But you're trying to establish -- you're getting back to the chilling effect which is something that is a future concern, not a past concern.

MR. HOROWITZ: Well it's a present and future concern because we have people writing memos every day.

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REP. DELAHUNT: You know, it's like utilizing the term national security and just saying that it's meaningless. And you have not provided a factual analysis for the refusal to fully comply. You have not shown any particularized harm for the issuance of certain documents. Mr. Horowitz, you come here without a log of identifying the documents that you refuse to produce to the committee, and I would like to know, was there an analysis of each document and what is the rationale other than this chilling effect, that would provide on a case-by-case basis, a rationale and a justification for not releasing the document that was requested?

MR. HOROWITZ: Congressman, I know on this matter we may disagree on what the case law there says, but the Senate Select Committee case, the only case that we are familiar with that exists out there that involve a congressional request for documents, talked about as I said earlier, the executive branch analyzing the documents and determining whether they are covered by privilege. And then what was outlined in the decision was the Congress demonstrating in that case what the court required, was the Congress demonstrating a critical need for the documents? To subpoena -- the documents at issue here, the subpoena specifically called for the deliberative documents that are at issue here.

The subpoena request that's at issue here in the Boston matter, as well as in the campaign finance matter, involve a very specific set of documents. As we've indicated, I guess, 20 so far have been located as the search is ongoing.

REP. DELAHUNT: Well, again all I can say is -- I mean you know, we're going around the mulberry bush here. You're creating, I think, a precedent that you should go back and reflect on. I mean I cannot imagine whatever it takes that Congress as an institution, as an independent branch of government would accept this new concept of privilege which deals more with vague, general suggestions about a chilling effect. I mean you're undermining the confidence, not just of this institution, but as the chairman conducts additional hearings, the confidence of the American people, in what the department is doing.

I mean I would be embarrassed to have to respond to the kind of questions that I think are being made in good faith by members of the committee, with -- and by providing the answers that you've given here today. You know, the most awesome power in a democracy is vested in the prosecutor, in the prosecutorial arm of the government. You have the ability to deprive people of their liberty, to injure their reputations. And to put that at risk, I think is a very dangerous course to follow here. I mean I really do. I can't -- I'll be honest with you, I'm really surprised.

I'm really surprised by your testimony today. I know that you're the messenger and Mr. Whalen and everybody has to comply with whatever the line may be, but this is a total misreading of the law in what good, sound public policy is, regarding in dealing with a congressional committee. I mean, it truly is, general harm coming here without a log, without being specific. I mean I don't see how you get away with it, Mr. Horowitz, I really don't. I don't see how the Department of Justice gets away with it. I mean, you heard members in their observations and you could tell, I'm sure, they're very genuine. This is not about political rhetoric and blame. I just think people that serve on this committee are stunned. This is dangerous, very dangerous. I yield back.

REP. SHAYS: -- the gentleman.

Mr. Horowitz, I want to be clear as to when you use deliberative documents and pre-decisional memos, how would you describe the difference to me? Are you using them interchangeably or do they have fine terms of legal art that I need to be aware of?

MR. HOROWITZ: I think what I'm saying, pre-decisional memoranda that we're taking about are, in fact, deliberative so that would be a sub-set of deliberative materials.

REP. SHAYS: Okay, right.

REP. SHAYS: When this hearing started, my biggest issue concern is about the Salvati case and the bottom line is you're preventing us from doing -- you, the department is preventing us from doing our job of resolving this case. So basically, whatever the motivation is, you're impeding our investigation of the Salvati case.

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In my life, after hearing it, I thought there would be such an outrage because when I asked you about his wife and so on, this woman actually -- his wife visited him for 30 years, remained faithful to him, supported her family, brought her kids and I thought there'd be such an outrage that anyone in any ability to help would kind of like extend themselves.

And so I thought when my party took over, my Republican party, and they gained control of the attorney-general's office, they would like recommend to us that we compensate him, that they'd kind of lead the charge. So my outrage really stems from the fact that I find the exact opposite happening. And I didn't think my own party would do it. I didn't think Mr. Ashcroft would do it. I really didn't. I thought this man who is so focused on honor, and religion and God that he would extend himself. So then I tried to think that maybe they don't know about the case and maybe if they knew about the case. So that's partly why I was asking you some questions about the case.

I have religion, Mr. Ashcroft has religion, I have religion on the Salvati case. I religion on it. I will do anything and everything I can to understand this case, to make sure it doesn't happen again though I know it happens and to do what I can to see that he receives compensation and his kids do.

So on one local level, I'm concerned. Then I thought, well, my god, if they are willing to do this on the Salvati case then there must be something so overriding they don't want Lieberman to get information, they don't want someone else to get information on some other case. So they're setting a precedent, they don't want the Senate which will be a little more aggressive, clearly, than the House would be. They don't want them to get something in the future.

I'm trying to think, what are those things? So I don't have those answers. But then what I hear you saying is you kind of seem like you're backtracking. You set a principle that basically, if it's a deliberative document or a pre-decisional matter, you're not going to get your information.

Then you say, "Well, we'll take it on a case-by-case," which strikes me bizarre. Why fight it on that case when you really should be bending the other way, unless you want to set the precedent? So I'm puzzled by this kind of waffling or what I think is waffling on the decision.

You told me that -- if I heard you correctly -- that if this was just an issue of fact, there wouldn't be a question. Is that accurate?

MR. HOROWITZ: That's my understanding.

REP. SHAYS: But if it's an issue of where it's a pre-decisional memo where the recommendations of the author are there, then we want to hold them in confidence. Is that accurate?

MR. HOROWITZ: That's accurate. There's an analysis and a consideration of the facts of law --

REP. SHAYS: So in the documents prepared, an analysis is after they look at the facts. Right. They state the facts in a recommendation memo, a pre-decisional memo, there will be a statement of what the facts are, there would be an analysis of the facts based on the law and then a recommendation. Is that accurate?

MR. HOROWITZ: Generally, that's how they're done.

REP. SHAYS: Now, what happens if we believe -- now you have to trust us like you are asking us to trust you -- what happens if we believe that the facts were distorted and that the FBI didn't give proper facts to people who would prepare a memo for recommendation to the prosecutor? What would you say to something like that?

MR. HOROWITZ: What we would -- we would be providing the Congress with an outline of the facts as they were understood by the decision-makers and so the Congress would be aware --

REP. SHAYS: Why not just redact the information? Why just not give us the documents and redact the recommendation?

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MR. HOROWITZ: Well, I think that my understanding is that, in terms of the documents that we're producing and that are non- deliberative and non-declination material that that factual information is there. But we're also prepared to sit down and to the extent the committee needs --

REP. SHAYS: I'm not interested in what you're prepared to do in the future right now. I'm just trying to understand why I think the department would be so stupid as to get us in this position. That's what I'm trying to understand. I think it's really stupid. I want to understand why you wouldn't have said, "We can't give you this but we'll give you the listing of the facts and here they are." Did you make that offer?

MR. HOROWITZ: I think we're prepared to do that and we've always been prepared to do that.

REP. SHAYS: No, I don't want to know what you're prepared to do. I want to know if you did it.

MR. HOROWITZ: I don't know if a specific discussion was had as the chairman has just outlined. Although let me add, on the subpoenas regarding the Middleton matter and the Howard matter, we did provide such a briefing.

REP. SHAYS: What does that mean?

MR. HOROWITZ: A briefing as you suggested providing the committee with an overview of the facts and circumstances.

REP. SHAYS: Did you give documents or --

MR. HOROWITZ: We produced some documents and we provided a briefing with regard to the declination memos.

REP. SHAYS: What I'm trying to understand is the document that does analysis has to have facts preceding it --

MR. HOROWITZ: That's correct.

REP. SHAYS: And did you provide us these documents? We doubt it.

MR. HOROWITZ: We did not provide those documents. We briefed the committee on those specific documents and provided the factual documents and provided the factual documents to the committee.

REP. SHAYS: Do you think that the Senate is going to accept this kind of change in policy -- and that's what it is, it's a change in policy, because we got pre-decisional memos from the previous administration. Not all but we got them. What do you think the Senate reaction is going to be?

MR. HOROWITZ: I understand that you received pre-decisional memoranda from the prior administration but as you indicated, there were other circumstances where you did not and --

REP. SHAYS: And now we won't receive any. That's the change in policy.

MR. HOROWITZ: There have been invocations of executive privilege on deliberative materials from many administrations and I don't pre- suppose to guess as to what the Senate's view would be.

REP. SHAYS: Were you just not being alert or did you accept the question Mr. Gilman asked you maybe 10 times, a change of policy? He said when, you tried to find a date. Were you just not paying attention to us making reference to --

MR. HOROWITZ: I've tried as people have asked questions to correct what I disagreed with in the question, when it did ultimately ask it --

REP. SHAYS: The bottom line is that it is a change of policy, whether you want to agree to it because the policy is it will apply in all instances, not in some.

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MR. HOROWITZ: I don't believe that's the case. We --

REP. SHAYS: Is it your testimony under oath that the administration will provide pre-decisional documents to this committee and to the Senate?

MR. HOROWITZ: I don't know, as I sit here, what those requests will be and what those will involve. And like I said, --

REP. SHAYS: I will ask you this under oath. Were there discussions that said it is going to be the policy of the department not to submit pre-decisional documents?

MR. HOROWITZ: I don't recall myself being part of such discussions. Were there other people involved in such discussions? I don't know as I sit here today.

REP. SHAYS: Let's not even suggest that you were part of the discussions. Are you aware of any department policy to establish that we are going to send a message to Congress that we will not provide pre-decisional documents?

MR. HOROWITZ: My understanding about conversations that, for example, the chairman referenced earlier, that these discussions --

REP. SHAYS: I'm not going to talk about conversations, just the policy.

MR. HOROWITZ: As I sit here today, I do not understand the policy to be that from hereon out, we will not look at documents individually. We will simply take a blanket view on every potential document that could conceivably have a deliberative nature to it.

REP. SHAYS: So it will not be the policy of the department to exclude some pre-decisional documents or prevent us from getting those documents.

MR. HOROWITZ: As I understand it, what we will do in future cases, is analyze the request and analyze the documents. I can't sit here and tell you --

REP. SHAYS: When I listen to your statement, I guess I just wasn't paying attention. I thought you were basically saying the policy is not to give pre-decisional documents because it has a chilling effect. Maybe I didn't hear your statement right. So your statement is that it's going to be case-by-case and it's not the policy of the administration to exclude pre-decisional documents. Is that correct and do you want to check with anyone before you answer again?

MR. HOROWITZ: My understanding, Congressman, is, and my statement regarded, the specific subpoena at issue here and the specific invocation by the president on those documents. I am --

REP. SHAYS: It would only applies to this case.

MR. HOROWITZ: As I sit here and as you question me about this matter, my understanding is that the president's invocation concerns this, these actually -- I've got to be careful, there are multiple subpoenas outstanding --

REP. SHAYS: I understand what his document is. I want to know the policy of the department. Is it the policy of the department to not provide pre-decisional documents to Congress?

MR. HOROWITZ: My understanding of the policy is to consider it on a case-by-case basis.

REP. SHAYS: Okay. Mr. Whelan, I want to ask you the same question.

MR. EDWARD WHELAN: I am only aware of the department's response to the subpoenas at issue. Obviously that the response by the department and by the president reflects a certain policy that if adhered to in the future may well have certain consequences.

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REP. SHAYS: So you are not aware of any government effort, or any effort on the part of the department to make this -- to refuse to give Congress, in the future, pre-decision documents -- it's going to be case-by-case. Under test, under oath, that's your point -- no discussion whatsoever that we shouldn't provide pre-decisional documents in general to Congress?

MR. WHELAN: My apologies. It's difficult hearing you over --

REP. SHAYS: I'm going to ask the question again, because it's, it's -- I'm going to ask it again -- and we're going to have to recess, unfortunately.

My question to you is -- are you aware of any effort on the part of the department to have a widespread claim of not providing documents that are pre-decisional, to Congress?

MR. WHELAN: And my answer is, what I just said. That as I am aware of the response to the pending subpoenas which response reflects a certain policy which, if adhered to in the future, would have certain consequences.

REP. SHAYS: Okay. So, now I'm back to square one. It just really relates to this case, right? It's, it's, no it does -- it relates to this case, correct? I don't want to, I don't want to fight both sides --

MR. HOROWITZ: No, no. But you're questioning under oath --

REP. SHAYS: Okay.

MR. HOROWITZ: Congressman, and I understand there has --

REP. SHAYS: Okay.

MR. HOROWITZ: This issue and I want you to understand that, I don't want you to walk away --

REP. SHAYS: Sure. Right.

MR. HOROWITZ: Thinking I've been evasive in any way, because I've tried to be fully candid with this committee, but as I sit here today, that is my understanding. That it applies to this fact pattern and these documents and that my understanding is if there are future subpoenas and future document requests we need to look at those individually and make that determination. Obviously the president's decision is out there from this matter --

REP. SHAYS: Right, look, so --

MR. HOROWITZ: As are prior decisions with prior presidents.

REP. SHAYS: Well, look, but we're agreeing to something and I was getting confused and now I'm getting less confused -- I'm puzzled about why it would be this case, but I -- no, no, I am accepting your point that you're going to take it on a case-by-case, that the argument of chilling effect relates to each case as it comes up, that it doesn't relate in general to pre-decisional memos because it's going to be on a case-by-case basis. We're there -- we agree.

MR. HOROWITZ: Be clear -- obviously, as Mr. Whelan suggests, to the extent the same principle is at play, the same, a similar analysis would need to be done. But I agree with you --

REP. SHAYS: That's going to be a big door, that is.

MR. HOROWITZ: You need to look at it, each document, to determine how deliberative it is, because as you yourself recognize, some documents may well have very little --

REP. SHAYS: Now we were here, and now we were over here, and I thought we were back to here, and now we've opened the door because we're saying the same principle apply. So tell me, in this document that you presented,

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your testimony -- how you relate pre-decisional memos to the Salvati case and what we requested? Show me in your document where it is. Where do I find it, cause now it's just based on Salvati so I want to just -- where in the Salvati case, and what we've asked about, is there a chilling effect? Let me just go -- is there anything on page 1? I want to go page by page. Is there anything on page 1 that relates directly to the Salvati case?

MR. HOROWITZ: I must say, congressman, I think the entire document relates to the entire request.

REP. SHAYS: No, no.

MR. HOROWITZ: I don't know, as I sit here today --

REP. SHAYS: You're not going to get away with that.

MR. HOROWITZ: No, but let me explain, please. I am reviewing this and my testimony concerning the entirety of the subpoenas at issue here. It doesn't concern one particular case, it concerns all of the documents at issue -- there are multiple documents here. And I got to add that, as far as I understand, no declination memo on Salvati's at issue here, because that was a state case and whatever prosecutorial pre-decisional documents were written would not have been federal documents. That's why I'm concerned when you mention, sir, the Salvati case.

REP. SHAYS: Let me ask you -- is there anything on page 1 that would tell me why we shouldn't get it as it relates to the documents we've requested?

MR. HOROWITZ: I'm sorry, can't hear you.

REP. SHAYS: Anything we've requested, any -- in your statement, on page 1, is there anything that specifically relates to the documents that we asked -- in specific terms telling us why you can't do -- we're trying to understand - - I want to understand why this case would be different than any other case of pre-decisional?

MR. HOROWITZ: I think it would depend, as you mentioned --

REP. SHAYS: Tell me, on page 1, is there any information on page 1 that would help me understand that? Tell me and show me the line?

MR. HOROWITZ: I'm, as I mentioned, congressman, I don't know that I could go through here and pick every sentence, sentence by sentence --

REP. SHAYS: Nothing on page 1. Is there anything on page 2?

MR. HOROWITZ: I disagree with you -- I think the whole statement does that.

REP. SHAYS: Is there anything on page 2?

MR. HOROWITZ: Yes, I think the entirety of the statement does.

REP. SHAYS: Tell me on page 2 where it would refer specifically to the documents we want and isn't a general argument about pre- decisions? Tell me something specific which relates to this case?

MR. HOROWITZ: I think the document and the statement and the president's order deals with all of the documents as a whole --

REP. SHAYS: Is there anything on page 3?

MR. HOROWITZ: And they all fall in the same categories. I think, again, I stand by the answer I just gave, which I think every page has something.

REP. SHAYS: Is there anything on page 4?

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MR. HOROWITZ: Yes. I think every page does.

REP. SHAYS: Show me on page 4 then, show me on page 4.

MR. HOROWITZ: I think on every page --

REP. SHAYS: Show me specifically as it relates to the documents that we've requested.

MR. HOROWITZ: There is, in this statement, if you're asking is there a specific reference to a specific document, there isn't a specific reference to a specific document --

REP. SHAYS: Couldn't you use --

MR. HOROWITZ: But that's because --

REP. SHAYS: Couldn't you use this statement and deliver it anytime you didn't want a pre-decisional?

MR. HOROWITZ: But --

REP. SHAYS: Couldn't you? Isn't the answer, yes, to that?

MR. HOROWITZ: This was formulated in --

REP. SHAYS: Isn't this -- excuse me, Mr. Horowitz, listen to the question.

MR. HOROWITZ: A yes answer is not, it's not something I can give, a yes or no answer. I need to explain --

REP. SHAYS: Mr. Horowitz, isn't this a boiler plate response to why you can't give pre-decisional documents to the committee?

MR. HOROWITZ: I think it touches upon the general concern of our pre-decisional documents --

REP. SHAYS: Right.

MR. HOROWITZ: And that, and beyond that, it touches upon the need for the attorney general and other high ranking officials to get advice from their inferior officials.

REP. SHAYS: Right, so it's a boiler plate. This is an argument -- no truly, Mr. Horowitz you're a bright man and I may not be as bright as you, but I'm not dumb. This is a boiler plate argument on why you don't want to give us a pre-decisional document, and that's why I believed, when I listened to your document that it would not be on a case-by-case. You're the one who said it will be case-by-case. So now I'm trying to understand why, in this case, involving someone who's in jail for 30 years, this -- you can't give us the documents.

That's what I'm trying to understand -- I'm trying to understand this boiler plate document as it relates to a specific case -- the documents we want.

So, tell me what I need to know about the documents we're asking for, that would have a chilling effect?

MR. HOROWITZ: As I said earlier, Mr. Chairman, the documents producing documents that contain internal deliberative pre-decisional analysis has the potential to chill prosecutors today, tomorrow and as we go forward.

REP. SHAYS: And that would apply in any case. That argument would apply in any case.

MR. HOROWITZ: That could well apply in other cases -- I'm not denying that this, that these concerns could apply in future cases. I hope you don't -- I'm not trying to impart that sense to you -- what I'm trying to focus on here -- as an attorney in the department, as you know, as we do as attorneys, you look at the specific case, the specific request and the specific documents. And I'm hesitant to sit here and tell you what the position will be in future cases, with

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future documents, with future facts, and in addition to that, it's not going to be my decision as to whether or not, in those circumstances, to invoke executive privilege.

REP. SHAYS: Okay. Unfortunately you're going to get the break that you didn't ask for. We're going to just have a vote -- I think it's one vote, two votes, and then council is going to have questions -- I may interrupt them once or twice, and then you'll be able to get on your way.

Mr. Horowitz, I know you to be a very competent person -- I have been told that, I believe that chiefs of staff have to know a heck of a lot about so many things. I just think it's unfortunate you're the one put in this position, cause this is a real policy issue that transcends you as a chief of staff, and I regret the dialogue we're having but I am, I am, I am really mystified and I think that you're probably mystified too.

We're going to adjourn -- we'll be back.

(Recess.)

REP. BURTON: I call this hearing to order and recognize counsel. I don't think you'll use the full allotted time, we'll let you get on your way.

COUNSEL: Mr. Horowitz, I wanted to follow up on one thing that Representative Shays was just talking to you about. You indicated that the Department of Justice will analyze on a case-by-case basis congressional requests, correct?

MR. HOROWITZ: My understanding is that we are obligated, as we get a subpoena and we gather documents in response to that subpoena, to look at the specific documents, how deliberative are they? Analyze that, analyze what the request concerns -- what the requested investigation concerns and do that analysis. Obviously in light of principles that have been laid out, but we need to do that analysis on a case-by-case manner.

COUNSEL: And is it fair to assume that because you're here you've already done that with the current subpoena that this committee has issued?

MR. HOROWITZ: My understanding is that with regard to the documents at issue here in this specific subpoena, that that had been done. That -- that has been done by officials --

COUNSEL: So to characterize this fairly simplistically, there is a chasm, and on one side of the chasm are cases that are unworthy of your providing documents to Congress, and on the other side of the chasm there are cases where it would be appropriate to provide documents to Congress. Is that correct?

MR. HOROWITZ: I think that overstates what we're saying. We're not saying that no documents should be provided. In fact, as you're aware, we've provided several thousand pages of documents with regard to this particular matter, and we're certainly prepared to provide additional documents as we come to find those documents and --

COUNSEL: Well, let's not go down that rabbit hole because we subpoenaed specific documents, did we not -- deliberative documents?

MR. HOROWITZ: That's correct. The subpoenas we're talking about today have specific request --

COUNSEL: So the other documents are a red herring for this discussion, correct?

MR. HOROWITZ: The other documents concern this Boston investigation, they were responsive to earlier requests for materials.

COUNSEL: But they don't concern this subpoena, is that correct?

MR. HOROWITZ: They did not concern this specific subpoena, as I understand it, correct.

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COUNSEL: So I don't want to labor this point, but it does seem that there is a chasm that's set up. On one side of the divide are the cases where, after the Department of Justice analyzes all the relevant concerns, information is withheld -- subpoenaed information is withheld from Congress. And then there's another type of case where, after the analysis is conducted, information might be provided to Congress. That's what's meant by a case-by-case analysis, correct?

MR. HOROWITZ: Well, I think -- information would be provided. The question is whether the particular documents would or would not be produced. Again, what we are trying to do is provide the committee with all the information that we can.

COUNSEL: But this is a little unfair, because a subpoena doesn't call for information, it calls for documents, correct? We can't subpoena information that is not embodied in the document.

MR. HOROWITZ: That's correct. And that's why it's obligated upon us to consult with the committee and discuss how we can best accommodate the committee's need and what type of information you are desiring to get, what your investigation concerns and how we can provide you that.

COUNSEL: So let's take information off of the table and focus specifically on subpoenaed documents. The committee has subpoenaed documents, and it's our understanding after today that you have identified certain documents that are responsive to that subpoena, correct?

MR. HOROWITZ: That's correct.

COUNSEL: So, I mean, we're here today because the members of Congress would like to review specific documents, not other information but specific documents. Is that -- will you work with me on that one?

MR. HOROWITZ: That's my understanding.

COUNSEL: Okay. So if it's true what you say, that there's a case-by-case analysis, and it naturally follows if there's a case-by-case analysis, you are prepared to concede -- and indeed you said this earlier you mentioned sort off-handedly Watergate-type situations -- you're prepared to concede that certain cases that are behind the specific document subpoenas might lead the Justice Department to provide to Congress the subpoenaed documents. Is that a fair --

MR. HOROWITZ: That's a fair statement, that we have an obligation, just as the committee does in deciding what to subpoena, to analyze the request and make a determination about whether to invoke the privilege that we believe exists to protect deliberative documents and, in certain circumstances, to not protect deliberative documents.

COUNSEL: Okay. So in this case the committee has subpoenaed specific documents, the Justice Department has located specific documents that are germane to that subpoena.

MR. HOROWITZ: And I believe it's an ongoing review because --

COUNSEL: And perhaps more, perhaps more. And you've made a determination that in this case -- not in the hypothetical case, but in this particular case, this subpoena, the September 6 -- in fact, the president has made this decision that he will not permit the Justice Department to provide to Congress the documents that pertain to our Boston investigation.

Is that correct?

MR. HOROWITZ: That's correct. The president has made that determination, although he has not prohibited us from, again, discussing with the committee --

COUNSEL: Right, but we're not talking about discussion; we're talking about the documents.

MR. HOROWITZ: Right.

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COUNSEL: Because I'm going to ask you some questions about that in a minute. But the president has decided that the members of Congress will not be permitted to see specific documents, okay. What is it in our Boston investigation that puts this particular investigation and these specific documents on the side of the divide that would have the president order you not to provide them to Congress?

MR. HOROWITZ: My understanding is that the concern that the president expressed in his order was, as mentioned before, really two concerns: (1) to protect internal deliberations and (2) to protect the free flow of information from line attorneys in preparing pre- decisional memoranda. And what we then have a responsibility to do, as the president has outlined in his order, is to work with the committee to try and provide the committee with information and do so in a way that's consistent with the outlines of the order of the president.

COUNSEL: Well, let me just -- I didn't want to bring this up, but let me just bring up something that was mentioned at a meeting that you were not privy to, and the only value added I can provide is that I go to all these meetings so I have some corporate memory. We went to one meeting at the White House and one of your colleagues told us that, yes, there will be an analysis of situations on a case-by- case basis. But the analysis will be conducted by the Department of Justice and the White House, and they will always win. That's what we were told.

It was a somewhat jocular aside, but it actually describes precisely what's happened here because there's not been one minute of discussion with the committee about the committee's need for these particular documents. So that's a factual statement. But going back to the policy you've just articulated as to why we can't get documents that are germane to the Boston investigation, this is precisely what Congressman Shays said, they apply to all situations. The most egregious situation you could imagine.

And let's just take a real case, the case of Attorney General Dority, who first resided in Washington as attorney general and then resided in prison as a felon. And in that situation should Congress -- and let's start as a hypothetical: should Congress have asked for those documents? The rationales that you've just provided to the committee apply equally as to any other situation.

MR. HOROWITZ: I think the general principles would apply, as you said, in most if not all circumstances. But that doesn't mean that there's some -- at least to my understanding, some wooden application of the principles. There's a need -- that's why there is a need to look at the particular documents and the particular circumstances at issue, to determine whether or not to make the production.

COUNSEL: Are you able to tell us why when the attorney general articulated his approach to the chairman, and the counsel to the president articulated his approach to the chairman, they said something different than what you're saying today?

MR. HOROWITZ: I would --

COUNSEL: They did not aver to any case-by-case analysis. They spoke of a strict policy.

MR. HOROWITZ: I was not present, as you know.

COUNSEL: I understand.

MR. HOROWITZ: But I can tell you that I'm speaking to you from my experience in dealing with privilege issues, whether it's attorney/client privilege, 6E law enforcement privileges, privileges you have to deal with occasionally as a line prosecutor or in private practice. And in those circumstances my experience is in every one of them you need to review the materials and review the documents and make the individual determination that I'm discussing here. And that's why I -- talking about this is -- from my understanding, that's how I'd be looking to pursue this if and when a subpoena comes that I might have a responsibility to be involved with.

COUNSEL: Okay. So just going back to the specific question about the subpoena for Boston documents. Is there anything that's specific to the Boston cases that would lead you -- that would lead the president to direct Congress not to receive this information?

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MR. HOROWITZ: No, I think that perhaps what is -- would be beneficial going forward from today's hearing is to meet with the committee and the staff and discuss particularized needs, and whether there is some way to reach an accommodation that would address the needs that you've in part articulated today, and perhaps want to have a further dialogue in discussing. But as I sit here today I can't tell you that in reaching the decision that there was a specific fact about these specific documents that resulted in a decision to invoke the privilege; other than the sense that these were deliberative materials and that it was important for the executive branch to allow the deliberations to go forward in an unfettered way.

COUNSEL: Would you be able to confer with your colleagues and see if there is, in their minds, a specific rationale beyond the general matters you just described that would have the president prevent Congress from receiving these documents?

MR. HOROWITZ: Give me one moment. With regard to your specific question, what I would propose is that we be allowed to go back, consider the request and get back to you in writing with an answer to the question of whether there were individuals -- or there are people who believe there are particular issues with regard to these documents.

COUNSEL: Certainly. That would be very much appreciated. Let me just switch to another conceptual type of matter. Are you willing to admit that it's possible for Justice Department personnel to make mistakes?

MR. HOROWITZ: Absolutely, I am.

COUNSEL: What you're offering to us -- and we've certainly taken you up on it. But what you're offering to us is a briefing about specific material that we have subpoenaed. How do you get around the problem that you might make mistakes when you provide the briefing? You might not understand the significance of information?

MR. HOROWITZ: Well, my concern with that is that if that were the principle, that there would be a concern about briefing; then in every case there would be a decision to turn over the documents, no matter what the case involved, how big or how small. I mean, in some cases I think we'd all agree a briefing should be sufficient. And at a certain level, just as we have to place our good faith in your exercise of your constitutional powers, that at a certain level and at least certain circumstances of cases, you have to do the same with us and presume that the president, through his executive branch -- through his Justice Department, are acting in good faith with the committee.

COUNSEL: But this is an important point because assuming good faith -- and we start with the presumption of good faith. But assuming good faith, would it not be possible that information would be not provided in a briefing that would be germane to our investigation? Just is that possible?

(Crosstalk.)

MR. HOROWITZ: -- possible, obviously, and possibilities in many circumstances. And that's why I mention that -- but to suggest that the mere possibility that someone would make an error in a briefing means that in every case the department would be obligated to produce deliberative material, regardless of how important the case was -- Watergate, Teapot Dome -- or how small, a buy bust on a street corner. I think that's the danger with taking that principle too far.

COUNSEL: But this is to suggest that no matter what the type of investigation, that you will have full command of all facts to the extent that you can provide the information that's relevant to an investigation.

And in this case it's particularly difficult for us, because nobody has ever asked the committee any questions about what they are doing. So it makes it difficult -- if I was to say to you now, we'd like a briefing, short of reading us the precise document and seeing the juxtaposition of the words and how they're placed on the page, and whether there's marginalia, and all of the things that make any document review worthwhile, that you would -- and this is assuming good faith -- that you would get it right and provide us all the information that will allow us to understand the circumstantial aspects of particular cases.

MR. HOROWITZ: And that's true but let me shift to an example that --

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COUNSEL: But it's either true or it's not true.

MR. HOROWITZ: But let me just explain an example of a similar scenario, where for example, as a line prosecutor there's a Brady obligation that we have to produce -- and a Rule 16 obligation of the Federal Criminal Rules -- and that obligation the courts impose on us to cull our documents and to determine what's material in our entire prosecution of material to the defense. And we have in certain circumstances obligations to go through and fairly make those decisions, and not draw the lines too close, and to present that information.

I understand your concern that you might be analyzing or thinking about information or a matter in a way that we might not. But --

COUNSEL: While you understand the concern is that a valid concern or an invalid concern?

MR. HOROWITZ: Is what a valid concern?

COUNSEL: We appreciate you understand our concern, but is it a valid concern?

MR. HOROWITZ: I think it's a valid concern and that's what requires us to have discussions with the committee, to make sure that we are fully aware of what the various reasons might be for the committee's interests in particular documents or particular information. And that can vary from case to case.

COUNSEL: But that is to assume that we would conduct a -- for example in this case, we've conducted an investigation that's proceeded for nearly nine months. And that's nine months of accumulation of documents.

And then we have a bag of 60 pounds of letters here from the central witness in the Deegan (ph) murder prosecution that we found, that provide all these candid assessment of what was happening in some of these cases. And I could dump them in front of you. And the point I would make is nobody from the Justice Department has even bothered to ask for those documents.

So a negotiation or discussion would be to assume that you would be able to understand in certain cases what might have taken us nine months to understand. Or that maybe a tangential matter for you might end up being a significant matter to us. And this happens very rarely, that's why this is a significant --

MR. HOROWITZ: No, I understand, and that's why I think the dialogue is important. There have been situations where we've engaged in dialogue, but it's been helpful to illuminate what is at issue, and what the committee's concerns are. And you have also as I said earlier, been responsible, and we've raised concerns about particular issues. And the only reason they've happened is because there was dialogue.

COUNSEL: This discussion assumes good faith, and we do assume that. But there are times in the administration of justice where an assumption of good faith would be misplaced; Attorney General Daugherty, Attorney General Mitchell perhaps. You're saying something to us today that we presume you would like to be in place after you're not sitting at the table that applies to the Department of Justice. How can the committee get around the situation where there's an assumption of bad faith?

Let's just take a specific example: the Teapot Dome situation, where Congress was able to obtain documents that indicated there was misconduct. Everything that you've said to us today indicates that what would happen in the future is that there would be an analysis by a number of people and those people would decide what Congress received. Correct?

MR. HOROWITZ: Well, I think that what would happen is --

COUNSEL: Well, I mean is that right or wrong?

MR. HOROWITZ: Well people will analyze how this is --

COUNSEL: But the people at the Justice Department, and perhaps the White House.

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MR. HOROWITZ: Correct, correct, but it's certainly important for us to have an understanding if the committee has reason to think we're not acting in our presumptive good faith, as you indicated that there's some bad faith somewhere in the executive branch, that we understand that and that would, should in analyzing the materials inform our decision, and the way we balance.

COUNSEL: But if that were true, some time in the last six months, somebody would have come to us and asked us for a rationale to back up what ultimately resulted in the subpoena. But six months, and it's nine months, actually now, have gone by. Not all of that applied to the Boston documents, but no one did that. So perhaps you're saying that this henceforth will be the policy. But that wasn't the policy for all of these months.

MR. HOROWITZ: Well, I guess that I was not in the discussions that you've outlined. And you obviously have to some extent more information as to what the back and forth was between the committee and the department and the executive branch. But that is my understanding, which is, that if there were information about bad faith activity by the executive branch, that would certainly be a factor for us weigh, in deciding whether or not to produce the materials.

COUNSEL: But let's go back to the Attorney General Daugherty, back-pat him. Let's take you out of the seat and let's put him there. And he's sitting there articulating the policy that you're articulating. And he's read the same statement that you've read. And he's said, "I'll come up personally and I'll give you a briefing."

And we'd say, "Well, that's not acceptable for Congress, because we have a concern that there are issues that we need to analyze." And he would say, "But I'll give you a briefing," and he'd talk about a chilling effect on all the other things.

As you sit here today, that's all we get. There is no recourse beyond that, because if we don't see the underlying material, it ends there. It ends with the assertion that we will operate in good faith.

MR. HOROWITZ: Well, I think in both the Teapot Dome situation or the Watergate situation that we've been talking about, certainly you would have a reason proffer or to provide, to lay out, that demonstrated, or that there was at least allegations, if not actual facts demonstrating bad faith and corrupt activity, like the present --

COUNSEL: Which is our point, because those allegations were made after Congress, perhaps before, but certainly they were perfected when the American people saw the documents and Congress saw the documents. And it's kind of a circular argument, here, because those are situations where Congress did get the documents. Now you're saying, henceforth, if General Daugherty was sitting there, he would say, "No, you can't have these, because there's a chilling effect. No, you can't have these for various other principled reasons." We wouldn't get them, and we would not have known about what happened.

MR. HOROWITZ: My understanding from looking at the LSC opinion that summarizes some of the information here, as well as some of the earlier cases, the McGreen (ph) case and others, is that there were allegations out there prior to the litigation that resulted in those cases.

COUNSEL: But it appears that the standard on allegations, you're in big trouble, because a lot of allegations that get made -- and if you want to offer to us if we make allegations and you'll give us documents, then that's not a good one.

MR. HOROWITZ: There's clearly got to be a discussion about the significance of the information and how serious it is.

COUNSEL: Okay, so let's go back to the specifics of the situation. Here we have, perhaps between 20 and 60 murders. Let's start with that. Let's forget about a scandal involving money somewhere. Here we've got murders. Here we've got FBI subornation of perjury. They're all these things that Director Freeh has averred to the possible accuracy of these allegations. You yourself have averred to the possible accuracy of these allegations. Just setting aside their allegations, forget the evidence --

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MR. HOROWITZ: And I wasn't challenging the allegations. I was just trying to keep the language in terms of allegations, because of the pending case in issue.

COUNSEL: I understand, but that takes us back to this divide. And for some reason, the president of the United States has been briefed, and he's been convinced that the Boston investigation conducted by this committee is on the wrong side of the divide and we don't get the documents that we've subpoenaed.

MR. HOROWITZ: My understanding is there has been no allegation that this attorney general or the new FBI director, Director Mueller, have in any way engaged in bad faith or failed in any way to present to the committee the documents that lay out the facts of what happened, and have in any way demonstrated an unwillingness to provide the committee with the information. So I think it is in that regard different from say, the Teapot Dome case scandal that you've mentioned.

COUNSEL: Could I just ask you this question. When you say the facts of what happened, there are other facts as well. There may be facts that are presented that are inaccurate. I'm a little uneasy when you say the facts are what happened.

MR. HOROWITZ: What I meant to say is that with regards to the comparison, say to the Teapot Dome, or other case, or Watergate -- in those cases, the allegations at least as I read them involved corruption by the then attorney general and the then department officials who were deciding these issues. All I mean to say is that the allegations at issue here, while certainly involving corruption, don't involve this attorney general, or this FBI director. That's all I was trying to --

COUNSEL: But at the end of the day, all you're saying is this case just isn't that important. It's all that you're saying.

MR. HOROWITZ: I don't think that's the message at all from this administration, and I am certainly not sitting here saying that. This is a very important matter that we in the criminal division, by putting this task force together, care deeply about. And I don't for a minute think that this is an unimportant matter.

COUNSEL: Maybe I shouldn't have said unimportant. But I thought I said less important?

MR. HOROWITZ: No, I don't think --

COUNSEL: If I did say unimportant, that was a bad choice of words. But what we are saying is you are prioritizing. You're saying, okay, in the Dallery (ph) situation, fair enough maybe. The Watergate situation, fair enough maybe. In the case of dozens of murders and a guy for 30 years in prison, that's just not -- doesn't rise to the level that gets us real excited.

MR. HOROWITZ: I'm not saying that at all and I hope that's not my message in this discussion. What I'm saying is that what we looked at -- what we need to look at in terms of these cases as they develop is -- in Teapot Dome, in Watergate, the allegation involved corruption by the individuals, as you indicated, who were going to be culling the documents and making decisions. That's the factor I'm talking about. I'm not sitting here by any means trying to tell you how important this case is compared to other cases. This is an important case. I mean, we've -- as I said, the criminal division has certainly invested resources -- substantial resources in pursuing this investigation. So I don't want to --

COUNSEL: But, I mean, there's a slight factual problem there because in Teapot Dome, the attorney general that gave up the documents was not the attorney general that went to prison. It's analogous precisely in that, although there may be more years between the underlying conduct and the provision of documents to Congress, Attorney General Harlan Fisk Stone (ph) gave documents to Congress. And in this situation, in Teapot Dome, you had a new attorney general giving documents about conduct in a previous administration, and that's all we're asking for. We're asking for this attorney general to give documents to Congress about conduct that happened under the watch of a different attorney general. So --

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MR. HOROWITZ: Well, I think the difference is -- the distinction is when the corruption had involved, in Teapot Dome, the attorney general who had been involved in discussions with the committee, I think there's a legitimate --

COUNSEL: So, again, there's distinctions. But this is corruption that goes to potentially the director of the FBI. So you're saying only if the conduct goes to the attorney general might we do this. But if it's merely the director of the FBI, that doesn't rise to the level of providing --

MR. HOROWITZ: I guess what I'm saying is it depends on each case, and I would -- and I think the department would be more than happy to have from the committee a discussion and dialogue on the particularized need in this case.

COUNSEL: But that's fine and we'll obviously take you up on that. But you've already done it. I saw this morning an order to the attorney general, signed by the president of the United States, about this particular issue. So you've already done it. I mean, we can have meetings in the future, but everything you've said today indicates that people have considered this issue and they've thought about it and they went to the president of the United States and a decision was made. And so I'm a little surprised that you're saying -- and I don't mean to mischaracterize it -- but, maybe we didn't do our homework. We'll go back, we'll meet with you again and we'll try and figure out what you really wanted and maybe in the future we'll give you the documents. But today the president of the United States, for the first time in the new administration brooked administrative privilege. That's a very -- I mean, there are -- you go back and you look at --

REP. SHAYS: And I want to say invoked executive privilege on what I call the Salvati case, this outrageous case. This is where you set your mark. It's bizarre.

COUNSEL: There have been presidents of the United States that have not invoked executive privilege in four years; many of them maybe once, maybe twice. So, I mean, it's nice that we can have a meeting in the future, but the decision has been made.

MR. HOROWITZ: Although my understanding was that there had been several months of back and forth discussion leading up to it. I can't -- as I said, I was not in -- by any -- certainly wasn't in every meeting, and I'm not even sure how many I was actually in on this discussion back and forth with the committee. And if that was not a discussion, or was not probed and discussed back and forth, then we shouldn't --

COUNSEL: But there was no need to probe it, because there was a declarative statement of policy, "No, never will you get these types of documents."

For example, we sent a letter last week, we've sent a letter this week asking for a witness. The letter articulates clearly what we understood the attorney general and White House's position on this matter was. You didn't come in with your statement and say, "We got a letter with a factual inaccuracy in it," which would have been the first thing that a careful lawyer would have done, one thinks.

MR. HOROWITZ: Well, I think that what we've tried to do in laying out in the memo -- I don't believe in my statement and I don't believe the president in his order suggests that this is a policy that will not require particularized review of specific cases. And I understand what you're suggesting, but I don't think that by invoking in this case that the president has said that there will be no need for future dialogue with the committee about these matters, or about other matters that may come up that you don't need to discuss. In fact, the president explicitly instructs the attorney general to work informally with the committee, to provide such information as it can, consistent with --

COUNSEL: Do you think you need more than -- I didn't count, but there were -- I have counted now, 13 members of Congress today articulated their concerns about why they think it's important for the executive branch to provide to Congress documents about this investigation of the FBI's handling of confidential informants in Boston. Is that enough? Do we need to do anything else beyond --

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MR. HOROWITZ: Well, I think one of the things that we need to do is provide you and the committee with information and briefings about what -- information that might be in those memos that you might be seeking. I do think there needs to be a dialogue to go down that road.

COUNSEL: I mean, I don't make these decisions, obviously. But for the very -- you've admitted that our concern was valid that the Department of Justice may not fully understand the significance of certain types of information. So if that's a valid concern, then a briefing is not, in this particular case, appropriate.

MR. HOROWITZ: But I do think that what the case law says also is -- in the Senate Select case, the other Supreme Court -- that's the DC Circuit, the Supreme Court decisions that deal with this issue say is that there needs to be a dialogue between both branches, to try and accommodate the need and --

COUNSEL: We agree and I apologize for cutting you off, but if I do we'll all finish quicker. We've said that for nine months there should be a dialogue, and all we got was a clear articulation of policy with the one exception of one individual, who said, yes, we will do an internal analysis but we will always win. But when the attorney general, the deputy attorney general, the head of the criminal division, the White House counsel, the deputy White House counsel and a number of other employees spoke to either the chairman or committee staff, there was no dialogue about the congressional meeting. It was --

REP. SHAYS: Let me just say what's unsettling and, again, you know you may some day be attorney general and president of the United States. But in your present capacity, the people who have relayed this information, frankly, outrank you. And so it's a little unsettling that we've spent all day having this testimony, but we're -- you're their messenger, but you're not able to override conversations that they've said, admittedly, not in public.

MR. HOROWITZ: Well, and let me just say for the record, my understanding was the attorney general asked for the hearing to be delayed because he and Mr. Chertoff are traveling in connection with the 9/11 investigation, and that that request was denied. And that's why I'm --

REP. SHAYS: And that's a very important point. The bottom line is --

MR. HOROWITZ: And they certainly did want to --

COUNSEL: No, and so you are accommodating us, and I understand that we accepted your accommodation. The challenge is -- it's a good lesson for this committee. The challenge is that may not have been the wise thing to do.

COUNSEL: Let me just finish with one thing.

REP. SHAYS: Are you about finished?

COUNSEL: Yes.

REP. SHAYS: And then I'm going to recognize Mr. Horn.

COUNSEL: That's a good segue to my final thought -- questions, which are you in your statement, Mr. Horowitz, have said that, "Consistent with longstanding department policy, we have declined these committee requests."

And I know the reasons you've advanced, but is it not fair to say that the longstanding Department of Justice policy is to provide deliberative documents to Congress in certain circumstances?

MR. HOROWITZ: Well, that's the key qualifier to put on it: in certain circumstances. There are -- as I learned in reviewing the material here and looking at some of the OOC (ph) opinions that gather the information from 200 years of invocations of executive privilege. There are examples from almost every administration where there was an invocation of executive privilege, or at least from -- a significant number of past administrations where there was an invocation of executive privilege to protect deliberative documents generally. Not specifically referring to criminal

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matters, but generally deliberative documents. And there are examples which I know you've sighted or the committee has sighted where decisions were made to produce deliberative documents. So --

COUNSEL: So isn't that the policy, that there is a long standing policy of producing to Congress, these very types of documents that we seek right now?

MR. HOROWITZ: From my reading of history and reviewing these, the policy is that these documents -- the presumption is, that they're presumptively privileged and that an exception may be made in a particular case to decide to not protect deliberative documents.

COUNSEL: But, but -- that we understand, but is it not just true. Is it not just simply a statement of fact, that every administration since Harding administration, that we've been able to figure these things out on, has had a policy of accommodation? And in that policy of accommodation, they have accommodated Congress, and I won't say in every administration, but we're aware of many cases and as are you, where in many administrations, Congress has received deliberative documents of the very sort that you are now protecting. So isn't that -- shouldn't you at least aver to that as being a long standing policy?

MR. HOROWITZ: I certainly agree with you that the obligation is accommodation and that we need to have that mindset in looking at these. But accommodation does not necessarily mean simply producing the documents.

COUNSEL: But it has meant that, correct? Is it not correct to say that it has meant that?

MR. HOROWITZ: I don't necessarily agree with that characterization of it. As I looked at this 1992 OLC opinion which summarized invocation after invocation of executive privilege, I can go through and you've got President Washington, you've got Jefferson, you've got Monroe, I mean it moves through many administrations.

COUNSEL: But that's irrelevant. That is irrelevant. I mean there are times when there's a privilege invoked and we might agree. We might back down, the Congress might end. But by and large, over 70 years the Justice Department has provided the Congress with varied types of deliberative documents. And in the Clinton Administration for eight years, they provided many declination memos, precisely the types of documents we're getting. That's the policy.

MR. HOROWITZ: Can I just site the example of President Eisenhower in the Army McCarthy hearings where he advised his subordinates to protect deliberative material from the committee and President Kennedy did the same thing in a hearing during his administration. I do think it's fair to say that generally speaking, the executive branch has looked at these materials -- deliberative materials, as materials that are privileged because of the deliberative nature of them. Obviously you need to look at how deliberative they are, and the chairman has made that point and that's certainly a fair point, but we then need to look at the circumstances under which that request is made.

REP. SHAYS: Mr. Horowitz, Mr. Horn has got a question or two. I'm going to just have some closing comments and I'll let you make your closing comments.

REP. HORN: Thank you Mr. Chairman.

The facts are that President Washington gave all of the papers with regard to the Army of St. Clair expedition and he gave it all to Congress and you can just read the annals of Congress and there it is. He felt it should be done by Congress because that's their role in supporting the Army and all the rest. So this is not new, start with Harding as far as that goes.

I'm curious, how many special agents have been interviewed to seek if others have put innocent citizens in for 30 years, 25 years, 15 years? Has that investigation occurred?

MR. HOROWITZ: My understanding is that the investigation is on going, has pursued questions regarding the handling of informants and whether individuals were improperly pursued and that there is an indictment pending. I must say, that in order to get back, I would need to proffer that figure out and determine how those questionings

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specifically went and who was specifically questioned. But my understanding is that the task force is designed to uncover the corruption that occurred and the allegations and pursue them. So I certainly would do that.

And if I could, just on the President Washington example, if I could go back. That's certainly as you stated on the St. Clair matter on the request. Certainly the president determined -- President Washington determined not to invoke but with regard to the Congress's request for materials on the Jay (ph) treaty and the negotiations, he did ultimately decide to not produce the materials after reviewing the matters. And I think other administrations subsequent to President Washington's have done similar balancings as they've looked at this issue. So I think there are a number of examples on either side of --

REP. HORN: Well, with Washington he was pretty important on that and he knew what he was doing and so did Eisenhower. He put those papers under Assistant Secretary of Defense Seaton (ph) so they wouldn't be all over the Pentagon. And if it was needed, it would be given to the Congress.

I'm curious, if I were President of the United States and I had this problem and the attorney general came up to me and gave me the executive order that was before us this morning, I would say, Mr. Attorney General, I'm going to be looking for another attorney general because I don't want my administration to look like it's covering up correction in the bureaucracy. And that is just wrong.

The American people don't just sit there. They want clean government, so do I. I want the President of the United States not to get in on this type of, what I would call, corruption. And so I would hope that the president would drop that executive order because it just gets Congress mad. It's going to get the press mad, it's going to get the average citizen mad and I don't want that kind of a situation.

MR. HOROWITZ: And I certainly understand that, congressman, and I hope today I've outlined the department's view, that we are not looking to prevent the committee from getting the information that you are talking about, in terms of factual information.

I think we have a disagreement obviously, over a narrow set of documents, but I certainly -- no one in the administration is looking to try and be seen as covering up any corrupt activity in Boston and indeed, hopefully, by bringing indictments up there as we've done, and having our task force dig on this, that the public will be satisfied that we've done our job, that they rightfully expect us to do. And I couldn't agree with you more on that.

REP. HORN: Thank you.

REP. SHAYS: Thank you, Mr. Horn.

Mr. Whelan and Mr. Horowitz, is there any question that you wished we had asked, that you want to answer?

MR. HOROWITZ: No, I guess -- given the statement or the question about why I didn't initially correct the characterization of the hearing in the invitation letter, about the scope of the policy -- or at least my understanding of the scope of the policy. I guess I certainly would've -- certainly regret not having the opportunity at the outset to have explained what my understanding was of this policy.

REP. SHAYS: Well let me say to you, that I feel that the department's refusal to cooperate with this committee has a chilling effect that sends shivers down my back and I am one of the biggest fans of your boss. As a moderate Republican, I defend him in the North East. I go on TV and defend him. I say he needs these additional powers, but in the back of my mind, the safeguard is that we have oversight.

And I feel that he's sending out a real dangerous message. And I feel that the message he's sending out is, give me more powers. And we are going to change the policy to be even less cooperative than previous administrations when you need information.

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I also want to say to you that I don't think I was unfair in asking you to go page by page, Mr. Horowitz, through your document. I reread it when I went over to vote and came back here. You could take out two sentences and use this at any hearing where you were going to refuse to provide prosecutory decision making documents.

In fact, the sentence -- your opening sentence is, "Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today to discuss the department's position with respect to the committee's subpoenas for prosecutory decision making documents, as it relates" -- no you didn't say as it relates to what. That's where you stopped, there was the sentence.

The only two sentences I could take out are since January 22nd, on the first page to the top of the second page, and then everything else is boiler plate. It could be read in anywhere. No reference to the committee. I have not learned anything today that tells me why this case, why this case would have a chilling effect. I haven't learned anything.

So, I am going to hope that the committee and the department will sit down, that somehow we'll find a way to get the information that we have a legitimate right to have, which is the documents in my judgment that we've requested. Maybe some variation, maybe some redacting of something, but this is the wrong case to build your argument, in my judgment, about not providing decision making documents.

We know that almost every president has, in some cases said yes and in some cases said no, but never had a blanket for all. You're saying there isn't a blanket for all, but in the case that you've decided to set your marker, you've done it on the Salvati case. Big, big mistake. Big mistake. And I will -- I'm going to personally request a meeting with the attorney general to discuss all the other things that I, and others, have supported him on, and ask him what he thinks the impact has on whether we've done the right thing. Because I just have a big warning sign out there. I consider you a man of goodwill. I consider the people who work for the attorney general people of goodwill. I hope this is just a bad dream for all of us.

With that I will just adjourn the committee.

END

Load-Date: December 20, 2001

PREPARED TESTIMONY OF REP. CHRISTOPHER SHAYS BEFORE THE HOUSE GOVERNMENT
REFORM COMMITTEE NATIONAL SECURITY, VETERAN'S AFFAIRS AND INTERNATIONAL RELATIONS
SUBCO....



PREPARED TESTIMONY OF REP. CHRISTOPHER SHAYS

BEFORE THE HOUSE GOVERNMENT REFORM COMMITTEE NATIONAL
SECURITY, VETERAN'S AFFAIRS AND INTERNATIONAL RELATIONS
SUBCOMMITTEE

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Body

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.

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

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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 lax, 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.

END

Load-Date: May 8, 2001

U.S. REPRESENTATIVE DAN BURTON (R-IN) HOLDS HEARING ON JUSTICE DEPARTMENT DOCUMENT
POLICIES



**U.S. REPRESENTATIVE DAN BURTON (R-IN) HOLDS HEARING ON JUSTICE
DEPARTMENT DOCUMENT POLICIES**

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U.S. REPRESENTATIVE DAN BURTON (R-IN), CHAIRMAN

MICHAEL HOROWITZ, CHIEF OF STAFF, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

Body

HOUSE COMMITTEE ON GOVERNMENT REFORM HOLDS A HEARING ON THE
FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON

DECEMBER 13, 2001

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*

BURTON: OK.

I think we'll go ahead and start.

I have a prepared statement here, but I'm not going to read it today. I'll put it in the record. Because I want to speak extemporaneously about this issue because I feel very strongly about it.

The media is not here, a lot of them. But I'm sure they will hear about this very quickly.

The Congress has the right of oversight over the executive branch of the United States of America. This committee has oversight responsibilities over the entire government of the United States. Every single branch of the executive branch in one way or another comes under the purview of this committee as far as oversight is concerned.

Now, for the past five years, four and a half years, we have investigated the Clinton administration. And my colleagues on my right here have been concerned because I was so partisan. Well, today I think they're going to find that it was because I really believe what we were trying to get to the bottom of.

President Bush, I think, is doing an outstanding job in the war effort. And I think the American people share that view. I think about 85 percent approve of his handling of the war.

And I think everybody is giving him a lot of latitude on the economy because he's trying his best, and believe rightfully, to get the economy moving with an economic stimulus package.

But where I disagree with the president and I believe most of my colleagues on both sides of the aisle disagree with the president is his use of executive privilege that we just received today, notification of today. Now, I've met with the White House counsel, chief counsel, Mr. Gonzales, and I talked to him this morning. And I've met with the attorney general.

And the Congress of the United States has the right and the obligation to oversee the executive branch, the White House and the Justice Department. The president has the right in certain cases to claim executive privilege. But it's a real stretch for him to claim executive privilege on the issues that are before us today. And I think it's wrong. And I believe the Congress will think it's wrong.

Now, the reason we asked for information from the Justice Department in the past was because we were concerned about campaign finance scandals. And we were concerned about espionage. We were concerned about all kinds of things. And we were ultimately able to get most of those things from the Reno Justice Department and from the White House.

This White House has issued an executive order that pretty much blocks us from getting any information on previous executive branch personnel, including the president of the United States. And we are chagrined by that because in the past we've been able to get those documents so we could fulfill our oversight responsibility.

As far as the Justice Department is concerned, we have in the past had difficulties getting things like the LaBella and Freeh memo from the Reno Justice Department. But ultimately we did get those.

Today we were here to talk to the Justice Department about Joseph Salvati. Joseph Salvati was put in prison when J. Edgar Hoover was the FBI director. And we have reason to believe, very strong evidence that leads us to believe that even J. Edgar Hoover knew that Mr. Salvati was innocent of the charges brought against him. But he was put in jail. And they were going to give him the death sentence, the death penalty. But they didn't. They gave him life in prison. He spent 30 years in prison.

And time after time the FBI tried to keep him from getting out of prison. And finally, finally he was released on parole.

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And then documents were revealed which showed he was innocent. He was innocent. A man spent his whole life, his children grew up, and his wife grew older. And she had to learn a new trade. She didn't even drive a car. She had to go out to the prison with friends. And it was just a tragic thing. And she waited on him for 30 years.

And so we wanted to get documents from the Justice Department to show what happened. We have some documents which pretty conclusively showed that the FBI was involved in this coverup, that they were working with the underworld figures who were informants to pacify them and to help them so that they could get other mafia individuals. And so they threw Salvati and some others to the wolves. But Salvati in particular was a case that was very, very wrong.

And so we've asked the Justice Department for documents for Mr. Salvati. And today they're hiding behind campaign finance scandals and things that happened in the previous administration or administrations. And they're not going to give us the documents on Mr. Salvati which might help us get compensation for him for the 30- some years he spent in prison for something he didn't do.

And the White House has issued this executive order. And they're blocking us.

Now I don't intend, as the chairman of this committee, to let this stand. And I am prepared -- and I've talked to the president's counsel this morning about this -- I am prepared to hold a whole series of hearings based upon the use of executive privilege in the past and whether or not the president is rightfully using executive privilege now. I don't believe he is. And I don't believe anybody who's followed these cases believes he's right either.

Now, bear in mind that I think he's doing a outstanding job as president of the United States. Put this is not a monarchy. This is an equal branch government. We have the judicial, the executive and the legislative. And the legislative branch has oversight responsibilities to make sure there's no corruption in the executive branch.

There's been many corruption scandals in the past. There's been Teapot Dome. There's been Watergate. There's been a whole host of scandals in the past. We even had scandals that we looked at in the last administration. But at least we could look at those.

And the doors are being closed to the Congress of the United States by the executive branch as far as the White House is concerned. And now they're closing that door as far as the Justice Department is concerned.

And it's wrong. It's wrong.

You're hearing this from a Republican congressman who supported President Bush and who still supports him in his efforts as far as the economy and the war is concerned. I supported Reagan. I supported Bush and George W. Bush.

And I don't know if George W. Bush knows the gravity of this or not. He's probably taking the advice of his legal counsel and the attorney general and the people over at the Justice Department, some of whom we have here today.

But this is wrong. And I want all of those involved to know that we may not be able to get standing in court because we probably have to go to the leadership to get the whole House involved in a suit to get this edict by the president reversed. And we might not even get it done then. But what I can do is I can hold hearing after hearing after hearing.

And these television cameras -- you see one here today -- there's going to be a whole raft of them in here before it's over with. Because the American people need to know that while we appreciate what the president of the United States is doing in the war and as far as the economy is concerned, we believe that the Congress of the United States has a justifiable position and right to oversee the executive branch of this government.

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And if this president and if his legal staff continues to try to block us from getting access to records at the White House or at the Justice Department to which we are entitled, then they're going to be having to deal with this committee day in and day out for the next year, as long as I'm chairman.

And I realize the political realities of my position. I'm sure that a lot of my colleagues on the Republican side are going to say, "Hey, why are you doing this?"

I'm doing this not because I'm Republican or because I might have been a Democrat. I'm doing it because it's right. The Congress of the United States has the right of oversight over the executive branch. And when any president, Democrat or Republican, tries to block that right, then we have the obligation to take them to task.

With that I yield to Mr. Waxman.

WAXMAN: Thank you very much, Mr. Chairman, for yielding to me. And I want to commend you on holding this hearing. And I want to tell you that your determination is one that's shared by others on this committee as well because what you're fighting for is a matter of principle.

WAXMAN: This hearing addresses a fundamental issue in our democracy, the accountability of the executive branch to Congress and to the American people.

I agree with Chairman Burton, the Justice Department's new policy not to turn over any deliberative documents to Congress that relate in any way to criminal cases, even closed criminal cases, goes too far. Over the past five years Chairman Burton often complained of stonewalling by the Clinton administration. I have to say that compared to this administration the Clinton administration was an open book.

The sheer volume of information provided to this committee, over 1.2 million pages, dwarfs what the Bush administration has supplied. Moreover, we received details of discussions between President Clinton and his closest advisors, internal e-mails from the office of the vice president, documents describing contacts between the administration and campaign contributors and confidential communications from the White House counsel's office.

In the pardon controversy, after he left office, President Clinton allowed his lawyers and most senior advisors to testify before our committee. And he allowed the committee staff to review raw notes of his conversations from a foreign head of state.

My staff has prepared a report detailing the extent of the information produced by the Clinton administration. And I ask unanimous consent that it be introduced into the record of this hearing.

BURTON: Without object, so ordered.

WAXMAN: The Bush administration is taking a completely different approach. The Bush administration appears to believe it is entitled to operate outside the public eye and outside the view of elected representatives in Congress. They enthusiastically embrace secrecy. And they've operated as if they had no reason to be accountable to the public or to the Congress.

The fact of the matter is, as the chairman so eloquently expressed it, that our system is one of checks and balances. And the Congress, through its oversight responsibility, provides an important check to abuse of power. That is why the Constitution gave us this specific obligation to look at the actions of the executive branch.

President Bush unilaterally issued an executive order that changed the disclosure requirements of the Presidential Records Act of 1987. His order drastically restricted public access to important presidential records.

Congressman Dingell and I, along with the General Accounting Office, have been trying since April to find out how Vice President Cheney's Energy Task Force operated. There have been news reports that the task force met privately with major campaign contributors to discuss energy policy while environmental and consumer organizations were denied similar access.

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One of those contributors, of course, is Kenneth Lay, the CEO of Enron. But the White House has refused to turn over the relevant information to us or the General Accounting Office. Compare that with the Clinton administration making available to the General Accounting Office all the information about the Clinton Health Care Task Force chaired by Mrs. Clinton.

The Bush administration has adopted positions in the international negotiations over the framework convention on tobacco control that would weaken the treaty and benefit the tobacco companies that have been major contributors to the Bush campaign. In fact, I obtained information that indicates U.S. negotiators supported 10 of the 11 weakening changes sought by Philip Morris.

I have written to the president and other executive branch agencies to learn the basis for these positions. But the administration has refused to provide most of the relevant information.

This hearing today focuses on another troubling example of an administration loathe to face scrutiny. There have been well-publicized allegations that FBI agents in the Boston office of the FBI willfully ignored crimes committed by confidential informants and cooperating witnesses who gave them information on organized crime in New England. These allegations have been substantiated.

Judge Mark Wolf, a United States district judge in Boston, conducted extensive evidentiary hearings in 1998. He found instances of extensive misconduct and criminal conduct in that office. A former special agent, John Connolly, is now under indictment.

Yet, despite this record, the attorney general is refusing to turn over key materials relating to these allegations. These materials include documents that relate to closed cases that this committee is clearly entitled to receive.

I believe the administration needs to be more forthcoming with this committee and the Congress. An imperial presidency or an imperial Justice Department conflicts with the fundamental democratic principles of our nation.

Thank the chairman again for this hearing and yield back the balance of my time.

BURTON: Thank you, Mr. Waxman.

We will go to Mr. Gilman in just a second. I want to get a couple of formal things done.

I ask unanimous consent that all members' and witnesses' written and opening 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 object, so ordered. I also ask unanimous consent that questioning in the matter under consideration proceed under Clause 2(j)(2) of House Rule 11 and Committee Rule 14 in which the chairman and ranking minority member allocate time to committee counsel (ph) as they deem appropriate for extended questioning not to exceed 60 minutes, divided equally between the majority and minority. And without objection, so ordered.

I also ask unanimous consent that our good friends Representative Frank, Delahunt and Meehan, who are not members of the committee, be permitted to participate in today's hearing. Without objection, so ordered.

And I will now yield to Mr. Gilman.

GILMAN: Thank you, Mr. Chairman. I want to thank you for conducting this hearing on a matter of importance not only for this committee but also for the future of congressional relations with the Justice Department. And we want to make sure those relations are going to be in good stead.

And the Justice Department has recently indicated that it will no longer comply with congressional requests for deliberative documents pertaining to criminal investigations, whether open or closed. Such a move signals a

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troubling and arguably unconstitutional shift in policy between the executive and legislative branches of our government.

Although it's possible to understand that matters of national security may be grounds for limiting congressional access to federal criminal investigation documents, I cannot understand Justice blocking congressional oversight entirely.

It's particularly troubling that the Justice Department is restricting this committee's access to documents that would be germane to the case of the FBI's handling of confidential informants in the Boston organized crime investigation. At the initial hearing on this issue on May 3rd we heard some very strong testimony of Mr. Joseph Salvati, who had been wrongly accused and imprisoned for murder for nearly three decades. And at that hearing questions were raised about the FBI's knowledge of Mr. Salvati's innocence. Therefore it would seem particularly irresponsible for Justice to deny this committee access to relevant documents in that matter.

Accordingly, we will welcome the comments of the representatives of Justice who are before the committee today. And we look forward to their clarification of this new policy.

Thank you, Mr. Chairman.

BURTON: Thank you, Mr. Gilman.

Mr. Tierney?

TIERNEY: Thank you, Mr. Chairman. I want to thank you, Mr. Chairman, for holding this hearing today.

I think we were all moved and deeply troubled by the testimony that we heard during our May hearing concerning the FBI's controversial handling of the organized crime investigations in Boston and the case in particular of Joseph Salvati.

I appreciate the opportunity to hear today from the Department of Justice about why it continues to obstruct efforts to bring about more information on this situation. As others have mentioned here, the genius of our political system lies in its checks and balances. As members of this committee, we have a responsibility to perform an oversight role of other branches of government.

As a member of Congress from the Commonwealth of Massachusetts, I feel particularly responsible to see that the FBI cooperates with efforts to ensure that the victims of potentially grossly improper relationships between FBI agents and members of Boston's organized crime see justice done.

For this reason I'm concerned about the Justice Department's decision not to turn over any internal deliberative documents pertaining to criminal investigations, even if such documents are responsive to committee subpoenas. This has a direct impact on information subpoenaed by the committee related to the FBI's use of informants in new England's organized criminal investigation.

The FBI has claimed that the committee's ability to subpoena documents may lead to a chilling effect where agents are unable to act freely for fear of their decision-making documents being subpoenaed.

I'm more concerned about the effect of unchecked secrecy on the FBI's behavior. For almost 40 years FBI agents in Boston are said to have recruited members of organized crime to act as bureau informants. At the same time it can be argued that these agents may well have been recruited themselves by organized crime. Instead of upholding the law and protecting the innocent, these agents are alleged to have protected their informants.

The most disturbing aspect of these cases, of course, is that the FBI and other branches of law enforcement knew that some of the men they helped send to prison were innocent of crimes for which they were found guilty. Evidence also indicates that FBI director J. Edgar Hoover may well have known himself that innocent men were being convicted on the basis of perjured testimony.

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As a result of these actions, the FBI's credibility has been seriously damaged, and more importantly, the lives of countless individuals were ruined. Men innocent of the crimes for which they were convicted were sent to jail for decades. Joseph Salvati, from whom we heard in May, was sentenced to the electric chair. Thankfully, he has survived. But others were not as fortunate. Two of them died in prison.

If we're going to get to the bottom of these cases and prevent other similar situations from occurring in the future, we must ensure that the committee has access to the documents it needs. I hope we can get some of these satisfactory answers from the Justice Department witnesses today. I look forward to Mr. Horowitz's testimony. And I hope particularly that he'll elaborate on some of the points where the Justice Department argues that this committee's legitimate oversight role doesn't extend to the Justice Department's exercise of prosecutorial discretion in individual cases.

I want to know, how is that so when in fact it appears that it may well be a policy, not just a decision on an individual case, but a policy by the department to engage in this kind of behavior? And I think that's something this committee should obviously look into.

And it's not just in New England and in Boston. We have cases that we're hearing about now across the country where there's been evidence that has been testified to improperly, that DNA evidence situations from many people incarcerated over a long period of time. And I think we ought to take this investigation, Mr. Chairman, with a whole range of issues of people that have been unjustly imprisoned from what appears to be very wrongful conduct on the part of law enforcement agencies under the federal purview. Those people are every bit as deserving as the people we focus on today of some attention.

If these are deliberative documents, Mr. Horowitz, I'd like you to define for us what you think your definition of deliberative documents are and why they fit the nature of privileged as deliberative process here. I think that we are supposed to, according to the case law as most of us read it, analyze this as a case-by-case basis because it's qualified privilege, not an absolute privilege.

And when we balance the factors of the relevance and availability of the evidence, the role of the executive branch and the possibility of future timidity by government employees against what has happened here, I think that it clearly comes down to this evidence, this information ought to be reported to this committee and given to them so that we can make some policy decisions going forward about this range of cases and what has happened.

And lastly, you've contended that the release of the Boston FBI documents would undermine an active criminal investigation. Presumably the investigations that are going on are closed in a lot of these instances right now. And there's no argument, I think, that can be made as to why documents shouldn't be released with respect to closed criminal cases.

So if you would address those matters for this committee, I think we could get on with our work on dealing with the particulars of the cases mentioned here today and that range of cases across the country where the behavior of the FBI in dealing with informants, on tainted evidence, on testimony in court on DNA evidence that have resulted in people being incarcerated improperly is something we can continue to do and make some policy decisions and legislative changes here so that American citizens are less likely to be subject to those procedures as we go forward. Mr. Chairman, I yield back the balance of my time.

BURTON: Thank you, Mr. Tierney.

Ms. Morella?

MORELLA: Thank you, Mr. Chairman.

I want to thank you, Chairman Burton and Ranking Member Waxman for holding this hearing today.

Today's hearing on whether Congress can ever review deliberative documents prepared during an investigation by the executive branch I think is of utmost importance. The Justice Department's proposed new policy that Congress

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would never be able to review deliberative documents is a radical change in policy. Up to this point Congress has always been permitted access to deliberative documents. And three years ago then-Senator Ashcroft admonished attorney general Reno for refusing to turn over deliberative documents in regard to a certain investigation and accused her of stonewalling.

Now it seems that Attorney General Ashcroft and the administration feel that allowing Congress to review deliberative documents is bad policy. I look forward to the testimony today from the Justice Department so that they can explain why the previous policy is now such a threat. Why does the department feel that Congress should have basically no oversight in situations involving an act of corruption by a high Justice Department official or a high White House official?

MORELLA: The new policy also seems puzzling given Attorney General Ashcroft's remarks upon confirmation last winter when he said, quote, "I will confront injustice by leading a professional Justice Department that is free from politics, that is uncompromisingly fair, a department defined by integrity and dedicated to upholding the rule of law. The Justice Department will vigorously enforce the law guaranteeing rights for the advancement of all Americans," unquote.

I wonder if Mr. Salvati or his family feel that this new policy is, quote, "uncompromisingly fair," unquote, or would advance the rights of all Americans.

I look forward to the testimony. And I yield back the balance of my time, Mr. Chairman.

BURTON: Thank you, Ms. Morella.

Mr. Shays?

SHAYS: Thank you, Mr. Chairman, for holding this very important hearing.

The grossest imaginable miscarriage of justice consigned Joseph Salvati to a prison cell for 30 years for a crime he did not commit. Law enforcement officials from the Federal Bureau of Investigation's FBI headquarters to local police department knew he was innocent. The man was innocent.

But these governments hid exculpatory evidence to protect informants in so-called bigger cases. Today we are still trying to uncover some of that hidden evidence concealed for so long by a prosecutory system now claiming the need for almost total immunity from public scrutiny. If any case rebutted that claim, it is Mr. Salvati's, an innocent man sent to prison for 30 years by his own government for a crime they knew he never committed.

We want and, more importantly, need to know how that could happen in the United States of America. But unfortunately, the government that facilitated this injustice fights to cover it up. 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 a national outrage.

Only thorough and timely oversight can address the corruption that plagues the use of informants. To do that oversight, we need access to the documents supporting prosecutory decisions.

No entire class or category of document can be arbitrarily declared beyond congressional reach. Conceding total exclusion of so-called predecisional material produced by the Department of Justice, the Department of Defense or any agency fatally undermines congressional oversight authority and cannot be allowed to stand, no matter which political party constitutes the majority of Congress and no matter which political party is in charge of the White House.

Thank you, Mr. Chairman.

BURTON: Thank you, Mr. Shays.

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Mr. Horn?

HORN: Thank you, Mr. Chairman.

This has to be one of the major hearings we have. And I want to put on the record that there's a new attorney general. There's a new director of the FBI. And it needs to clean house, in the Boston area of FBI agents that did not be a person that would be of honor. And we need to clean that house.

It's like the little boy outside the stadium, "Hey, say you didn't do it, Joe." Well, if Joe did it, let's clean house. All of us that grew up in the '30s, '40s, '50s we looked to the FBI as a great service. And when Mr. Hoover was brought over by Attorney General Stone to clean house after the first world war, he cleaned house.

On the other hand, Mr. Hoover didn't tangle with the mafia. He tangled with cars, bank robberies, all the rest. And now we need to make sure that people that are in jail should not be in jail or prison and that they must be let out. And there ought to be compensation for them if they've got 10, 20, 30 -- and we saw the person for 30 -- years.

It's wrong. And a country that prepares itself and thinks that we are a good laws, good regulations and we expect that of the Department of Justice, the Federal Bureau of Investigation. And I would hope people come forth within the FBI to make sure we don't have to go through this again.

BURTON: Thank you, Mr. Horn.

Mr. LaTourette?

LATOURETTE: Thank you, Mr. Chairman.

Mr. Chairman, I have to admit to being behind the curve. I came down this morning thinking that we were going to receive information and evidence from the Department of Justice relative to the prosecution of Joseph Salvati. I was looking forward very much to that hearing because of the fact that the previous hearing this committee had held horrified me that our government could participate in the type of activity that led to his incarceration and some of the other activities.

After that hearing my friend and colleague Mr. Delahunt was kind enough to give me a book called Black Sabbath that I read from cover to cover. And I was further horrified. And that made me all the more anxious to receive the information we were expected to receive today.

And when I say I'm behind the curve, it's because ever since the terrorist attacks of September the 11th we all are equipped with these blackberries, and it was on my blackberry as I walked from my office that I read the wire story that indicated that the president had issued this executive order.

I've had the pleasure of serving on this committee for seven years. I was here when Chairman Klinger was here. And I've served every year that you've been the chairman, Chairman Burton. And I can remember vividly the frustration that many of us on this side of the aisle felt when we would make document requests, when we would ask for stuff from the previous administration when we were met with silence. I know that one of our colleagues who isn't here, Mr. Souder, his favorite opening statement always was to put up a chart about all the people that had fled the country and escaped the committee's jurisdiction.

And it seems to me that the new administration has avoided that problem of having people leave the jurisdiction or not answer things because they're now covered by a blanket of a claim of executive privilege. And it really is beyond me how this is a legitimate exercise of executive privilege. It is beyond me that the Justice Department and the administration would not want those who participated in what is nothing less than a conspiracy to deprive a man of his freedom for 30 years, wouldn't want that to be known by a coequal branch of the government and then by the American public so that this thing could be sorted out.

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And it causes me a great deal of difficulty as a Republican because we're being asked by the same administration and Justice Department to look at, in light of what's happened in this country as a result of terrorist activity, restricting perhaps some individual liberties and enhancing police powers. And that combination of enhanced police powers and then saying, "Well, we're going to enhance police powers, but we're not going to tell you anything about it after we've done it," I think is the most obnoxious form of doing business that I can think of.

And I really hope, as a supporter of the president that the president revisits this and the attorney general revisits this and that you guys give to the United States Congress the documents that I think we're entitled to so we can do our job just like you're expected to do yours.

Thank you.

BURTON: Thank you, Mr. LaTourette.

Judge Duncan?

DUNCAN: Thank you, Mr. Chairman.

And first I want to commend you for calling this hearing and say that I agree with everything you said in your opening statement and I hope that you do continue to call hearings on this. And I intend to speak about this in special orders from the floor of the House over C-SPAN to hopefully call even more attention to it. Because I think this is one of the greatest miscarriages of justice that has ever occurred in this nation, to keep a man in prison for more than 30 years when the FBI knew all along that he was innocent of the charges.

Just last week in the Washington Post Joseph Califano, who was a former top assistant to President Johnson and a former secretary of Health and Human Services under President Carter, wrote that in all of our concerns about terrorism he said we, quote, "are missing an even more troubling danger, the extraordinary increase in federal police personnel and power." And that brought to my mind a cover story that was written in 1993 in Forbes Magazine about the Justice Department. And Forbes Magazine, as all of us know, is a very conservative pro-business magazine. But it's certainly not any radical left-wing magazine. But they reported that the Justice Department had more than quadrupled in size and in budget since 1980. And they said that they had U.S. attorneys falling all over themselves trying to come up with cases to prosecute.

And the article said too often in federal law enforcement the name of the game is publicity not reduction in the amount of crime. And it was a stinging indictment of the Justice Department.

But the arrogance of the federal bureaucracy seems to grow with each passing year so that now we've ended up with a government of, by and for the bureaucrats instead of one that's of, by and for the people. And this is another example of that increasing arrogance and abuse of power I think that we are seeing far too often within the federal government.

I remember -- I don't usually see the publications of the ACLU, but in 1996 I received a notice that I had received a zero rating from the ACLU. And I spent seven and a half years as a criminal court judge in Tennessee trying felony criminal cases, the murders, rapes and armed robberies, the more serious criminal cases. I am certainly no great civil libertarian. And I've always been considered very pro-law enforcement.

But I agree with Secretary Califano. And I am becoming very concerned about the arrogance that we're seeing within the FBI and within the Justice Department. And I hope that, Mr. Chairman, that you and this committee stay on top of this. Because if it gets any more out of control, we're going to be in serious trouble in this nation.

And I yield back the balance of my time.

BURTON: Thank you, Mr. Duncan. And you may rest assured that there will be numerous hearings on this. And I'm sure the gentlemen before us, that they will get to know us quite well.

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Mr. Delahunt?

U.S. REPRESENTATIVE WILLIAM DELAHUNT (D-MA): Thank you, Mr. Chairman, for the invitation extended to participate in these hearings.

Let me preface my remarks by saying if you and the committee make a decision to go to the floor of the House in terms of enforcing the subpoena, that you will have my support and I'm sure that Mr. Frank would be so inclined also. And I would encourage our leadership to support any move along those lines.

And let me thank you, by the way, for your perseverance, your persistence and even your courage. You know, these days when a member of Congress speaks out on something unpopular, he takes or she takes the risk of being called some rather ugly names merely for questioning of the exercise of the department's authority. And I want to commend you, Mr. Chairman, for not being intimidated.

The use of executive privilege to shield officials from embarrassing revelations is nothing, though. Every administration has done it. You pointed out instances where the Clinton administration was guilty of it. Doesn't make any difference whether it's Republican or Democratic. But I'm unaware of any previous claim of privilege that is as sweeping as this particular claim. And that is that the Justice Department would curtail even in closed cases, cases that have been in the archives for some time, access to all deliberative documents pertaining to criminal investigations.

To me it's just unimaginable that the department should take that position. You know, others have used the term "arrogance." In my opinion that is mild at best in its description. You know, there's no doubt that the courts in a long line of decisions have recognized the so-called deliberative process privilege on which at least until this point in time the department seems to have relied. But the privilege has never been absolute, never been absolute.

DELAHUNT: And it can be overcome, according to those decisions, when the public's need for information outweighs the government's need to withhold it.

And I have a quote here. I want to read this. This is from a 1997 case. And I would suggest it's the leading case on the subject.

"When there is reason to believe the documents sought may shed light on government misconduct, the privilege is routinely denied on the grounds that shielding internal government deliberations in this context does not deserve" -- "does not serve," rather, "the public's interest in honest, effective government."

Now the department seeks to free itself from the burden of making its case by asserting this blanket privilege. I would infer that on the one hand there's a lack of confidence in its ability to withstand scrutiny. And by the way, it wasn't this Department of Justice where these instances occurred.

But either that or, on the other hand, it's the arrogant assumption that in light of recent events Congress will not have the nerve to hold them to account. Well, I think they ran into the wrong chairman and the wrong committee and hopefully the wrong Congress. Because everybody supports obviously the administration's efforts to address what happened in the aftermath of September 11th. But we can't prevail in our fight against terrorism and tyranny by scrapping the checks and balances that preserve us from tyranny here at home.

We should never give carte blanche to executive agencies to make their own rules without congressional oversight, particularly when these agencies have a well-documented history of abusing the formidable powers entrusted to them, particularly when we just conferred upon them within the last three months additional broad powers.

Now, it's been said many times over -- and it will be, I'm sure, a mantra that will be repeated again and again -- that the FBI's mishandling of confidential informants in Boston is among the most infamous and cynical episodes in the modern history of law enforcement in this country. But what we see now, repeated attempts, which really exacerbates that reality, to cover up its wrongdoing by withholding documents and information subpoenaed by Congress.

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And it should be noted that a court, Judge Wolf, had the same exact problem in those criminal proceedings that are currently being prosecuted in the federal district court of Boston. Now, I know you're frustrated, Mr. Chairman. But just imagine Judge Wolf, what his frustration was. Again and again and again he expresses his frustration with the Department of Justice.

And again, I have a quote I want to issue from his decision. This is quoting Judge Wolf: "I issued general orders that had the effect of requiring the production of FBI documents memorializing Brian Halloran's claim that Bulger and Flemmi" -- those are the FBI's prize informants -- "were responsible for the murder of Roger Wheeler. When found by Special Agent Stanley Moody, the documents were given to Barry Maun, a special agent in charge of the FBI in Boston, to review because Moody said in an affidavit that it contained information that was obviously highly singular and sensitive.

"They were not, however, produced in discovery in this case in time for the key witnesses" -- those are the FBI officials Rico and Morris -- "to be questioned about them. They were not produced in time for the court and the lawyers involved in that particular case to have them available to them. Rather, they were belatedly disclosed after repeated inquiries by the court.

"Similarly, important FBI documents concerning a murder victim, John McIntyre, were also improperly withheld by agents of the Boston FBI until it was too late to question relevant witnesses concerning them."

That's the end of the applicable extract from Judge Wolf's decision.

You know and, Mr. Chairman, you ought to be aware that myself and my colleagues that serve on the Judiciary Committee, Mr. Frank and Mr. Meehan, sent a letter to the attorney general expressing -- just expressing shock, I guess, and outrage that in the case of John McIntyre the position of the Department of Justice was, in a suit brought by the family, that they didn't bring it in a timely fashion because they should have known that their son was murdered pursuant to information provided by FBI agents to Flemmi and Bulger.

Now, Judge Wolf goes on to note, by the way, in that same decision, that despite -- and I'm quoting again -- "Despite my published judicial findings of misconduct Maun has been promoted to assistant director of the FBI."

The judge concluded that these experiences were not isolated occurrence, but -- again I'm quoting him -- "of a long pattern of the FBI ignoring the government's constitutional and statutory duties to be candid with the courts." He quoted with approval the comments of two Senate Republicans at the confirmation hearings of Bob Mueller regarding -- and again -- "a culture of concealment at the FBI" and another quote, "a management culture so arrogant that ignoring the rules and covering up is the order of the day." These are quotes by those two referenced members of the Senate Judiciary Committee.

One can just imagine where we would be today without Judge Wolf. We wouldn't be here. And nobody would know that Joe Salvati spent 30- plus years of his life in jail for a crime that he didn't commit. Nor would we be aware of the absolutely egregious misconduct of FBI agents in the Boston office.

You know, I guess I shouldn't be surprised that the Department of Justice wants to set its own rules. You know, recently there was several years ago legislation passed called the (inaudible) Act. They're up here lobbying all the time trying to erode it so they can write their own rules.

Well, you know, thank you, Mr. Chairman, for this hearing and thank you for your refusal to accede to intimidation.

I yield back.

BURTON: Thank you very much.

Mr. Frank?

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U.S. REPRESENTATIVE BARNEY FRANK (D-MA): Mr. Chairman, I want to begin by apologizing to you very seriously. Like many others, you and I have differed on some things. And I did think that in the past I had a question about whether there was too much partisanship in some of your approaches. And by the (inaudible) integrity you were displaying today I think you've made it clear that that was not a basis for what you were doing.

And I admire enormously your commitment to honesty and to the separation of powers properly understood. I from time to time during the previous administration differed with the administration. And I understand that there are people in any administration who regard it as absolutely impermissible that members of Congress of their own party were to disagree with them. The general view of most people in an administration when it comes to the House of Representatives is that the only place there should be checks and balances is in the members bank accounts. And any expression of independence by the members is taken as somehow disloyalty.

And you are showing today a commitment to fundamental principles that is rare in this city. And I want to acknowledge it.

I want to also stress the importance of what we are talking about. We rely on the FBI. We gave the FBI significantly increased law enforcement powers in self-defense. The problem is that there are fears that those powers will not be wielded with the sensitivity, the individual rights that is necessary.

I was struck in the president's executive order by this phrase, "The founders' fundamental purpose in establishing the separation of powers in the constitution was to protect individual liberty." I would note, by the way, that in that regard the most important separation of powers is the one between the judicial and executive branches.

And I hope that the people who wrote this executive order will remember that when we talk about who tries whom, that the relevance of the separation of powers to protect the individual liberty means that you separate the executive and judicial branches in individual adjudication; you don't just use the separation of powers to keep Congress from being annoying.

My colleague from Massachusetts made reference to this McIntyre case. And I would ask, Mr. Chairman, if you would put this letter that Mr. Meehan and Mr. Delahunt and I sent into the record.

BURTON: Without objection.

FRANK: And I should note how much I appreciate the fact that you have found a place for refugees from a somewhat somnolent Judiciary Committee in this regard by exercising your legitimate jurisdiction in this important case and accommodating those of us in the Judiciary Committee who were homeless on this particular issue.

But what happened is -- Mr. Delahunt said it very clear -- first the FBI withholds documents that would give evidence about a murder that was committed by informants working for the FBI. Then when the information is finally forced out by a courageous judge, Mark Wolf, a Republican appointee, both as a member of the Justice Department and as a judge, when he courageously forces this into the public eye and the family of the murdered man says, "Wait a minute. The FBI, the federal government, may have been complicit in the murder of our relative. We're going to sue them," the FBI, having withheld the information, now says, "Oh, we're sorry. It's too late for you to sue because you should have sued earlier during the period when the FBI was withholding the information which would have been the basis for the lawsuit."

I mean it is just appalling that they would do this. And it's equally appalling that the current administration would somehow feel the need to cover up the mistakes of previous administrations. I don't know what bureaucratic reflex drives people to do this. Again, I've seen it. I've seen it when it went from Clinton -- I saw the Clinton administration defending the errors of the Bush and Reagan administration. Now we see the Bush administration defending the errors of the Clinton administration. There's no legitimate purpose here.

And I would just finally close with this. I invite the Justice Department, the FBI and others -- I read the executive order which the FBI prepared so the president could send them the instruction that they wanted him to give them.

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And I do believe the president is kind of busy right now. And I would hope that if we were in a situation in which more attention could have been given, I would have hoped that something this sweeping would not have been issued. The FBI successfully lobbied to get this kind of blanket exemption for itself. But I would invite you, give us the evidence that previous efforts by the Congress to do oversight somehow interfered with your function. Give us the evidence that crimes went unprosecuted and evil went unchecked because the members of Congress sought in a responsible way to exercise oversight.

I can't think of any. And I must tell you, Mr. Chairman, that I believe if there were such cases, we'd be confronting them now.

So it's precisely because this is a time when enhanced law enforcement is so important that responsible law enforcement is equally important. And by this sort of refusal to tell -- you know, just one other point. And I appreciate your indulgence.

One of the problems civil libertarians have is -- and I would just say to my colleague from Tennessee, I'll be glad to make sure he gets more ACLU publications if he's having trouble reaching them. We'll get him on the mailing list. They have to be e-mailed of course since they can't be mailed. But one of the problems civil libertarians have is they have a counterintuitive point to make.

When people decline to testify using their self-incrimination privilege, legally you ought to draw no inference from that. But practically anybody with a brain does draw inferences from it. It is overwhelming human instinct to say, "Hey, if she had something to say in her own defense, she probably would have said it." It is very rare that you look at the privilege of self-incrimination being invoked and don't assume that people have got something to hide.

Now, legally we have to abide by the privilege of self-incrimination in any kind of a prosecution. But as a practical matter, no, very few of us accept the notion that people refuse to testify just because they are defending some abstract principle in every case.

FRANK: And so the blanket refusal to share these documents, the absolute insistence on not sharing this information in my mind creates a very strong presumption that the FBI and the Justice Department know that these mistakes were made by their predecessors. And the refusal to let us work together so that we can prevent these kinds of mistakes from being made in the future is very troubling.

Mr. Chairman, I again want to express my appreciation and my admiration for the role you're playing in this regard.

BURTON: Thank you, Mr. Frank.

And Mr. Cummings, do you have a comment?

CUMMINGS: I don't have anything, Mr. Chairman. I have a statement that I'll submit for the record.

BURTON: OK. We'll accept that for the record without objection.

Let me just say in opening before I go to you, Mr. Horowitz, because I know you probably have an opening statement -- and I hope all of your compatriots here from the Justice Department and the White House have paid particular attention -- we have liberals, moderates and conservatives on both sides of the aisle here. And everyone is in agreement. You guys are making a big mistake. Because we might even be able to go to the floor and take this thing to court. I just don't understand it.

And with that, Mr. Horowitz, do you have an opening statement?

Oh, excuse me. We'd like for you to be sworn in first thing. Would you stand.

Do you swear to tell the whole truth and nothing but the truth, so help you God?

HOROWITZ: I do.

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BURTON: Are you going to have anybody else testifying with you from the Justice Department?

HOROWITZ: Mr. Wayland (ph) is here from our office of legal counsel in case there are particular questions that you might --

BURTON: Yes. Anyone else who may be participating in the testimony, would you please stand and be sworn.

Do you swear to tell the whole truth and nothing but the truth, so help you God?

ED (Ph) WAYLAND (ph), OFFICE OF LEGAL COUNSEL, U.S. JUSTICE DEPARTMENT: I do.

BURTON: OK, you may start, Mr. Horowitz.

HOROWITZ: Thank you, Mr. Chairman. I appreciate the opportunity to be here today before the committee to present the department's views concerning the president's invocation of executive privilege.

Let me stress at the outset that the department fully understands that the committee's interest in these documents is based upon its concern about the integrity of the department's actions in prosecuting or declining to prosecute particular individuals. We all want to be sure that such decisions are based upon the evidence and the law free from political and other improper influences.

Indeed it is for that very reason, to protect the integrity of federal prosecutive decisions, that the attorney general, supported by the president, has declined to produce the internal deliberative memoranda you seek.

The department has long recognized the interest of the Congress in gathering information about how statutes are applied and how funds are spent. And Congress has articulated an interest in obtaining information about the specific cases in order to make informed decisions about legislative and policy issues. And that is why the department has promptly responded on numerous occasions to this committee's requests for briefings about prosecutive decisions by the department, including several of the matters referenced in the committee's subpoenas.

During those briefings senior department officials have advised the committee of the reasons why a particular determination was made by the ultimate decisionmaker at the department, whether that decisionmaker was the attorney general, an assistant attorney general, or some other supervisory official.

Since January 22nd, 2001, the department has literally conducted dozens of briefings for this committee about a variety of topics and has produced thousands of pages of documents specifically concerning the FBI matter and the handling of confidential informants in Boston. The department appreciates the acknowledgment in the chairman's September 6, 2001, letter to the attorney general which said, quote, "For the most part, the Justice Department has been very cooperative and responsive to the committee's requests for information."

What the department has not provided to the committee is a small group of documents, namely, internal deliberative memoranda which outline the specific advice to the decisionmakers by the line attorneys who handle the cases. We have also declined to provide memoranda that reveal confidential advice to the attorney general or other high-ranking department officials on particular criminal matters.

Consistent with longstanding department policy, we have declined these committee requests because the disclosure of those deliberations would undermine the integrity of the core executive branch decision-making function at issue. And that is why the president has determined that an invocation of executive privilege is necessary and proper.

It is important to emphasize what is at stake. The power to investigate and prosecute violations of federal criminal law is a uniquely executive branch power. And we recognize the importance of public confidence in those decisions. The fairness of our system depends in large part on ensuring that these important decisions are made solely on the basis of merits of the case as outlined in the department's Principles of Federal Prosecution. Certainly we agree with you that political considerations must have no place in that process.

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Congressional inquiries can help those of us in the executive branch do our jobs better. But oversight of internal predecisional deliberations in particular criminal cases does not lead to better prosecutorial decision-making.

Respectfully we submit that having thousands of federal prosecutors throughout the country writing prosecution and declination memoranda knowing that Congress may someday dissect and second-guess their assessments of witness credibility and their exercise of prosecutorial discretion will not promote justice. Nor will it lead to fairer decisions in sensitive matters if we deprive the attorney general of the benefit of frank and unvarnished recommendations from his closest advisors.

As the Supreme Court has noted, quote, "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decision-making process." The court further observed that, quote, "the importance of this confidentiality is too plain to require further discussion."

This chilling effect concern applies with particular force to communications at the attorney general level. Certainly the ability of the executive branch to fulfill its constitutional duty to see that the laws are faithfully executed would be substantially undermined if the attorney general were unable to receive frank and confidential advice.

It is also clear that the integrity of federal law enforcement and the rights of persons who may be subject to federal investigation can be seriously implicated if the executive fails to insulate career line prosecutors and their internal deliberations from political pressure.

The founders' fundamental purpose in establishing the separation of powers in the constitution was to protect individual liberty. Legislative branch political pressure on executive branch prosecutorial decision-making is inconsistent with the separation of powers and threatens individual liberty.

These concerns, however, do not prevent us from cooperating with Congress or otherwise impeding a legitimate congressional oversight (sic). And the department has certainly been willing to disclose to the Congress and to this committee the reasons for our final prosecutive decisions. And equipped with this information, Congress has been able to carry out its constitutional responsibilities.

This is not a new issue between our branches of government. As President Washington said over 200 years ago, quote, "The executive ought to communicate such papers as the public would permit and ought to refuse those the disclosure of which would injure the public." And on that basis President Washington subsequently refused a congressional request for confidential executive branch documents.

Moreover, concern about the specific dangers of exposing prosecutorial deliberations to undue congressional pressure has been expressed by both Democratic and Republican administrations and by members of congressional oversight committees.

For example, in a 1993 letter to the vice chairman of the House Energy and Commerce Committee then-Judiciary Chairman Hyde called on his colleagues to stop intrusive oversight of the department's environmental crime section, warning that, quote, "We should not open the door to congressional micromanagement of prosecutions. That would threaten the integrity of the Justice Department and undermine public respect for our entire judicial system."

And just last year Senator Patrick Leahy, in objecting to congressional questioning of line attorneys, emphasized that, quote, "it is critical to our system of justice that prosecutors have the ability to freely and candidly exchange opinions and ideas without the threat of political criticism or pressure."

Current and former attorney Justice Department officials have also spoken out on this issue. In an October 1, 1992, letter Assistant Attorney General Rawls objected forcefully to an Oversight (ph) investigation of the Rocky Flats criminal case, noting that, quote, "scrutiny of FBI street agents and career prosecutors and their activities in a political arena is inconsistent with the apolitical character of law enforcement. We are gravely concerned that this

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process will chill the aggressive investigative and prosecutive efforts of agents and prosecutors who will be obliged to consider the congressional response to their actions in a particular case all to the certain detriment of the public interest."

In a 1994 article published by the Washington Legal Foundation, Stuart Gerson, who served as an assistant attorney general in the first Bush administration and as acting attorney general at the beginning of the Clinton administration, similarly warned that, quote, "if career prosecutors are subject to pressures and threats of punishment because of the decisions they make, they will be less inclined to make such decisions in the future. If congressional committees are able to reverse decisions and prosecutive policies, the legislature will be performing an executive function. The net loss is less one of branch prerogatives than it is of civil liberties and individual rights."

And finally, in remarks to the Heritage Foundation former Attorney General Civiletti presented the point in a way that captures quite vividly the department's longstanding concern about the potential threat. General Civiletti asked the audience to imagine a hypothetical circumstance with an individual under investigation who is trying to persuade a prosecutor not to indict him, quote, "to be heard by the prosecutor has to shout over the loud protestations of members of Congress urging indictment of this very individual, or the members of Congress are standing ready to chastise the prosecutor if no indictment is brought.

"To imagine such a scenario," former Attorney General Civiletti observed, "is to understand why congressional involvement in prosecutorial decisions can be perilous to civil liberty," close quote.

Based on the foregoing reasons, Mr. Chairman, the president has concluded that congressional access to the subpoenaed documents would be contrary to the national interest. And he has therefore asserted executive privilege with respect to the documents and instructed the department not to release them or otherwise make them available to the committee.

However, let me stress that we remain willing to work informally with the committee to provide the information to the committee about the decisions relating to these subpoenaed documents that you had not previously requested consistent with the president's assertion of privilege and our law enforcement responsibilities.

Mr. Chairman, thank you for giving me this time to explain our position on prosecutorial decision-making documents.

BURTON: We have a vote on the floor. And I'd like for those who are interested in this to come back as quickly as possible so we can get to the question period of the hearing. So we will stand in recess until we get back from the vote. MORE

(RECESS)

BURTON: We will reconvene knowing that other members in all probability will be back shortly.

Let me start off the questioning period by saying that I listened very carefully to everything you said, Mr. Horowitz. But if we follow the logic of this executive order and of the decision that was made to not allow anyone to have access to previous presidents' papers without their consent which was issued by the president, then in effect what has happened is Congress will not have any oversight ability unless the president says OK.

That is the problem.

And as I said in my opening remarks, this is not a monarchy. This is not a single branch of government that runs the government. There are coequal branches. And if the chief executive -- let me put it this way. If the Congress does not have the ability to oversee the executive branch and the chief executive, then he in effect can do anything he wants without having to worry about it. And people in his administration can do anything they want without having to worry about it. And that's a recipe for all kinds of mischief.

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And so I certainly don't agree with the premise that this administration has come up with, and that is that Congress has no responsibility other than to legislate and we have no authority to oversee the executive branch. Because that in essence is what your opening statement --

I know all the things that you referred to and all the people you quoted. You made a few misstatements. Mr. Hyde was not the chairman in 1993. We, unfortunately, didn't have control of the house at that time.

But in any event, the whole argument's going to boil down to and the whole fight is going to boil down to whether or not the Congress has the authority and the ability to oversee the executive branch of government or whether we don't. That's what it amounts to.

And if the chief executive of this country has the ability to say, "Yes, Congress, you can look at this," and "No, Congress, you can't look at that," then we have in effect a government run only by the executive branch and all the rest of us are superfluous except for legislation.

And that ain't right. It's just not right.

And now let me get to the Salvati case. The Salvati case was 30- some years ago. The case has been closed forever. And it wasn't until recently that we found out that Mr. Salvati was innocent. And it wasn't until recently that we found out, through documents that we were able to obtain before these decisions were made, that the FBI was involved in a coverup about Mr. Salvati's innocence in order to placate and protect members of the underworld who were informants.

Now, how does one clean up a mess like that? How does the Congress help clean up a mess like that if we have no authority to look at documents that will help give us a real picture of what happened? And what's happening here is you're throwing a wall of secrecy down over this whole issue -- and other issues too, I might add -- so that Congress cannot review those.

And if we're to clean up the mess, if we need to take legislative action, we need to know what the heck went wrong and why it was allowed to happen. And then of course if we find that people did things that were wrong, it will be up to the Justice Department to prosecute those individuals.

But at this point we need information. And you're not going to give it to us. And that's not right. And that's why we're going to be at loggerheads probably for the next several months. And this is going to be a very highly publicized issue.

Now, we subpoenaed documents related to our Boston investigation three months ago, Mr. Horowitz. Has the Justice Department asked us a single question about why we want these documents? Did you ask us anything about why we wanted these documents? HOROWITZ: I personally did not. (Inaudible) I don't know...

(CROSSTALK)

BURTON: Well, do you know of anybody in the Justice Department that asked us why we wanted these documents?

HOROWITZ: I know there were discussions back and forth between the committee and the department. I can't tell you that...

(CROSSTALK)

BURTON: Well, I was a participant in those discussions that included even the attorney general. And they did not discuss why we wanted those documents or what we wanted to find out in those documents. They just were flat out saying, "You can't have them." There was no discussion about the reasons or the contents.

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Before the president asserts executive privilege don't you think it's appropriate that the executive branch makes a good faith effort to understand Congress's need for the documents?

I mean, before he says, "No, you can't have them," don't you think there ought to be some discussion and have us explain why we want the documents?

HOROWITZ: Mr. Chairman, I obviously do believe there should be discussion with the committee and with the department over what the need is for the documents and why the documents are requested.

BURTON: There was none. I met with the attorney general. I was there. And the only thing they said was -- we said, "We want the documents." And they said you couldn't have them, "You can't have them." And so they wouldn't even ask us why we wanted them.

Doesn't it show a lack of good faith that you don't even care why we want these documents?

HOROWITZ: Mr. Chairman, as we have done in the campaign finance- related investigations when the committee asked for declination memos, we provided extensive briefings. We are certainly prepared and are willing to provide briefings. We've produced documents indeed to this committee concerning the investigation.

What we are talking about here are a very small number of declination memos written by lower level line attorneys in many cases concerning those matters. And we're prepared to brief on those (inaudible)...

(CROSSTALK)

BURTON: Well, now...

HOROWITZ: ... and discuss with the committee what happened in those cases.

And indeed Salvati was a state prosecution, as you know. And so we actually would not have...

BURTON: But it involved FBI officers.

HOROWITZ: I recognize that.

BURTON: Let me just say this. I talked not only to the attorney general about this. I talked to the president's chief counsel, Mr. Gonzales. And we talked to them about giving us these documents to look at and to discuss in private if they were so sensitive that the public shouldn't know about them, if there was a question of classified information or things that would hurt the United States of America.

And there was a carte blanche statement, "You can't have them. You can't look at them for any reason," even though we were willing to do that in closed session. So we've been stonewalled by this administration regarding these documents and other documents.

And we had another investigation that was going on that was not concluded from the previous administration. And because of the executive order that was issued by the president of the United States, a veil of secrecy has been brought down on that as well because now we can't get any information unless the previous president or any other president in history doesn't allow us to get those (sic).

Not only is that a problem for us; it's a problem for history. Because the archives will not be allowed to be opened to people who want to write historical documents or historical references to what happened, history books, if you will, on presidencies like Teapot Dome or Watergate or anything else, unless those presidents give their specific approval.

That's not right.

I see my time has expired. Let me go to Mr. Tierney. And then we'll go to Mr. Shays.

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TIERNEY: Thank you, Mr. Chairman.

Mr. Horowitz, was it your advice to the president and to the attorney general to claim privilege in this instance?

HOROWITZ: It was not my personal advice.

TIERNEY: So you're just left here holding the bag, sort of, on that.

TIERNEY: But let me ask you, can you tell us then with respect to these declination memos that were made by lower level or line attorneys, what was the principle that the declaration of privilege was intended to protect?

HOROWITZ: Well, the concern that the department has is that in preparing these memos, what the line attorneys are doing is writing to their supervisors up the chain their thoughts on a case, their views on a case. The ultimate decision is not made by the line attorney or writer of the memo. It's ultimately made either by the recipient of the memo or someone further up the chain of command within the Department of Justice.

And the concern is that as they write these memos, line attorneys are encouraged to give full, frank advice to discuss their assessment of witness credibility, their assessment of the strengths of the case and to give that advice to the supervisor. But ultimately it's not their decision as to whether the case is prosecuted or not. TIERNEY: So take for instance in the Salvati case if some line attorney was writing up saying, "I don't think we can prosecute on this because the FBI's been lying through their teeth and they're up to their knees in involvement with the informants. And this is never going to withstand trial." You don't think that the public policy of knowing that kind of an assessment, having that information would far outweigh the claim of privilege?

HOROWITZ: No, Congressman. I actually do think our obligation at that point is to brief the committee on the decision that was made...

(CROSSTALK)

TIERNEY: Why is it -- briefing is (inaudible). Why isn't it to turn over the -- why don't you just turn over the document? Never mind briefing the committee. That's an instance where you strike the balance, it would seem to be a clear call. You know if that's the potential of what could be in there 30 years later, you certainly can't be worried about the timidity of those line officers. And you can't expect anybody else is going to be timid later on because it will be their obligation to put that kind of information in a briefing.

What's the reason? I mean, why not just turn over the document?

HOROWITZ: Because, Congressman, we're not talking about preventing the Congress from getting the information. We're talking about providing the information to Congress.

(CROSSTALK)

TIERNEY: Well, but then we're stuck with your interpretation or somebody else's interpretation what the document says as opposed to having the authentic original document.

HOROWITZ: No, actually what happens here -- and having been a line prosecutor and a supervisor in the U.S. attorney's office, I've seen it from both sides. When a supervisor -- and have dealt with U.S. attorneys and others who have to ultimately make the decision.

When the line attorney writes up the memo or prepares the analysis, that is sometimes the ultimate outcome and the decision that is reached is to accept it. Sometimes it's not. Sometimes there are more factors, more information that goes into the decision. And in many instances, certainly in those instances, a briefing can provide the committee with the full picture of what happened and why it happened.

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And we are not talking about not providing the information. We're talking about providing the information. The discussion here is over what form the information is going to go, whether it's going to be in the form of predecisional deliberative documents written by line attorneys, or (inaudible)...

(CROSSTALK)

TIERNEY: Or you explain to us verbally what it says.

So I mean, you know, we're drawing a fine line here, a distinction that's worth, you know, your fight here? So you're going to read us the document as opposed to showing us the document? Is that the idea?

HOROWITZ: The idea is to brief the committee on all of the various reasons for what the decision is, whether they were in the memo or not in the memo. And we've done that and I've had the opportunity to do that for this committee. And the staff has been extremely courteous and professional as we've done these. And I think they've been useful.

TIERNEY: You're familiar with the In Re Sealed Case?

HOROWITZ: Which...

TIERNEY: 1997 case that Congressman Delahunt was referring to where the court indicated and quoted the fact that shielding internal government deliberations in this context does not serve the public's interest in honest and effective government.

HOROWITZ: I'm not. I have to take a look at that.

TIERNEY: All right. Well, I think you should. Because I think that's the case that this thing turns on.

The fact of the matter is that you're claiming deliberative process privilege; am I right?

HOROWITZ: That's correct.

TIERNEY: As a principle would you agree with me that shielding internal government deliberations in this context does not serve the public interest in honest effective government?

HOROWITZ: No. Actually I think what the president is saying is that...

(CROSSTALK)

TIERNEY: No. No. I (inaudible) you. Do you agree with that statement? I mean, do you have a problem with that? Or do you agree with it?

HOROWITZ: I think it depends very much on the facts and the circumstances of the particular case. I think preventing the information from coming to the Congress would certainly be problematic. But we are talking about providing the information...

(CROSSTALK)

TIERNEY: You're exactly right. The court in fact said that it was a qualified privilege and it depends on the case-by-case basis. So I think you're right on the money there.

So now we have to agree on whether there's a reason to think that these documents somehow in the balance should not be disclosed as opposed to should be disclosed. And I think that, you know, the court has been clear on that. You know, when the balance strikes towards the public and its interest in having honest, effective government, then it ought to be turned over.

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And here we're talking about trying to determine what went on in a situation where the FBI clearly is in a tough situation here where, you know, Judge Wolf and others have said, you know, they're in it up to their eyebrows.

I think it's in the public interest for us to have all the documentation on that and that the balance clearly comes down on disclosure and not some claim of privilege where it seems to me is putting, you know, form over substance. HOROWITZ: Well, I do think, Congressman, that what we are prepared to do and what we are going to do from this point forward, as we did on the campaign task force matters that were under subpoena as well, is come up, brief the committee, provide the committee with the information that the committee is seeking concerning those matters.

And let me just add that we recognize the problems that happened in Boston with the FBI. We created a task force of prosecutors to look into that. We've indicted an FBI agent who's actually scheduled, as I'm sure you know, for trial next month in Boston on this very matter. So...

TIERNEY: If I'm not mistaken, some of those documents haven't been turned over either. We asked for some of the documents as far as the Connecticut attorney, U.S. attorney, I think that was the head of that investigation. And he's keeping some documents out on this.

I hear what you're saying. And I just have to say clearly that I hope that this committee prevails in changing your mind, if not change your mind, then overruling that ruling, whether it means we have to go to the floor and vote or otherwise. Because I think you're strictly putting form over substance and disregarding what In Re Sealed Case clearly sets out. I think it is controlling language here in that when we strike a balance, the balance comes down to disclosing that.

And just out of curiosity. Are all these gentlemen behind you working for the department?

HOROWITZ: Yes. Well, all the ones in the row directly behind me. I don't know the individuals behind.

TIERNEY: One, two, three, four, five, six, seven -- are you? Thank you.

BURTON: Let me, before I go to Mr. Shays, make one comment. I was sitting in this chair for the last five years. And I remember when we were trying to get documents from the previous Justice Department. And they would come up and say, "Well, we'll tell you what's in them, but we won't let you see them."

Well, ultimately the Freeh and LaBella memos we did see. We were able to force that issue. It took a long, long time. But we were able to force it. What we were being told was an incomplete story. It did not cover everything that was in those documents.

So what you are saying in essence is, "Look, we'll sit down and talk to you. And we'll tell you what's in them." But it's your interpretation. And when we're talking about something as important as the Salvati case, we don't want your opinion. We want to see what's in those documents to find out whether or not justice was done.

We know justice was not done. And the only way we can correct those things legislatively or deal with the problem is for us to know what's in those documents, not your opinion, not the opinion of seven or eight attorneys from the Justice Department. The Congress of the United States in our oversight responsibilities needs to take a hard look at those things.

Mr. Shays?

SHAYS: Mr. Horowitz, I moved to a city called Bridgeport. It has a mayor of one party and a council of the same party with no minority members whatsoever. Very honest, good men, I thought. And over time he just accumulated so much power and there really was no oversight by the council because it was of one party and they didn't want to ever find themselves embarrassing him.

Well, in the process of that, he now has 24 indictment counts against him. And he's probably going to spend some time in jail. And it to me was one of the best examples of how power ultimately corrupts absolutely.

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The order that the president has signed is almost intimidating to me because I think, you know, he's my president in general, my president, just like Mr. Clinton was my president. I view him to be extraordinarily honest and confident. And I view him as well to be needing our support in every way we can give it to him. That's why I voted and support the tribunals, the wiretap law, the arrests that I think helped break up cells.

And now I'm learning I'm now going to have very little oversight of that. I promised people who didn't want me to vote for that law that we would watch the Justice Department and, when we had to, we would subpoena information and we would get information.

I think the best thing I can do for this president and this administration is to make sure that this order doesn't stand.

I found your testimony insulting. I'm not saying you're insulting, but the testimony was. You made an extreme argument that because a congressional inquiry might impede candor under some circumstances congressional oversight must always be resisted under all circumstances. You assume congressional inquiries infect the decision-making with untoward political considerations, when we're trying to purge the process from corruption within internal politics.

You posit examples of the damage to current investigations if prosecutors knew Congress would dissect and second-guess their decisions. In fact we're talking about decisions that were made many years ago.

I also think in effect that the department is saying, "We're fine. Nothing can go wrong here. Trust us. We've got important work to do and you don't. So leave us alone." That's why I think what you have said is extraordinarily insulting. And at the risk of offending people I love in the administration, I have more than five minutes' of questions, so I'll look forward to having my time come back.

I'd like you to turn to -- I'm going to go over this statement with you. I'm going to have you explain it to me. And then I'm going to have you tell me about the Salvati case.

And I want you to remember the person sitting like the second chair over having been the FBI guy who got him sent there. And he didn't give a damn about it. And for you to suggest somehow this is local, when it was the FBI, corrupt FBI -- would you look on statement page 2.

I want you to read me that whole paragraph on page 2 when it says, "It is important to emphasize what is at stake." Page 2 of your statement.

HOROWITZ: I have to get it out, Congressman. OK.

SHAYS: Would you read it out loud, the whole paragraph.

HOROWITZ: "It is important to emphasize what is at stake. The power to investigate and prosecute for violation of federal criminal law is a uniquely executive branch power. And we recognize the importance of public confidence in those decisions. The fairness of our system depends in large part on ensuring that these important decisions are made solely on the basis of the merits of the case as outlined in the department's Principles of Federal Prosecution.

"Certainly we agree with you that political considerations have no place in that process."

SHAYS: OK. What happens if the process is corrupt? How can I have confidence in a corrupt process? That's what we're trying to get at. We're trying to understand why and who is responsible for the corruption.

And you are part, in my judgment, of being involved in a coverup. You don't want us to know that. How can I have confidence in a system that we can't check up?

HOROWITZ: And I certainly did not have the intention of leaving you with that impression, Congressman. We are prepared to explain fully the facts, what happened, provide the committee documents. And we'll...

SHAYS: I want to see the documents.

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HOROWITZ: ... continue to provide the committee documents.

SHAYS: I don't have any confidence in you or someone else giving me a translation of what we need to see. How can we have faith in that?

HOROWITZ: Well, I...

SHAYS: That's your interpretation of what happened. I don't want you to interpret. I was elected to interpret. You weren't elected to interpret for me.

HOROWITZ: No. I understand, Congressman. And what we're talking about here in connection with the Boston matter are the predecisional memos of the line attorneys. We're not trying to prevent in any way...

SHAYS: What happens if the predecisional are corrupt statements of the facts? What happens if the people who made those memorandums are in fact lying to the director? What happens if in fact they disclose that the director knew facts that prove the innocence of this man? What happens if that was the case?

What we're trying to determine in one part is Mr. Hoover, was he corrupt? Did he in fact know that this man was innocent? And did he cover it up?

And we would like to know what those documents tell us.

HOROWITZ: And my understanding is we've provided to date thousands of pages of documents from the FBI concerning this matter which describe some of the facts and the background about the circumstances there. We've also, as I said, indicted an FBI agent.

SHAYS: I want to see the documents that are given to people that then make decisions. And because I believe, with real certainty, that we'll learn from those documents that when people who made those decisions said they weren't told, we'll know they were told. Then we'll know they lied. And then we will make determinations based on that.

But you don't want us to have that information.

HOROWITZ: Well, I think the concern as laid out in the president's order was...

SHAYS: No, the concern -- the order was blanket. And I'm talking specifics. You gave me the absurd examples of extreme cases. And I'm giving you a real case right now. And it makes me wonder if you know the case. I know the president doesn't. I know he doesn't. But we know.

And I'll go to the next paragraph.

BURTON: Let me just say for the record, because I want to make sure everything is correct, we did receive documents that were heavily redacted with a lot of things crossed out that were relevant to what we wanted to know.

That's part of it. The second part is you can give us 10,000 documents and only keep three, but those three could be very, very important in the conclusions that are drawn about the corruption of the FBI in the Salvati case. So it's not the number of documents you give us. It's the relevance to our investigation. You know, it could be one document you don't give us. But that could be the key.

And we have found in previous investigations we look at tons and tons, boxes of documents. And then we find one that tells us the story. And you're interpretation isn't what we want.

The gentleman from Massachusetts.

DELAHUNT: I thank the chair.

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I was just going to make the point -- in fact I had just written "redaction."

Have you had opportunity, Mr. Horowitz, to examine the documents that were provided to the committee yourself?

HOROWITZ: I have not myself reviewed those documents.

DELAHUNT: I have to tell you I sat in at the invitation of the chair in a hearing here last May. And because I have some experience in law enforcement in the state of Massachusetts, I could pose questions that -- how shall I say? - revealed some names that were redacted.

I'd like to know who made the decision in terms of the redactions.

HOROWITZ: I will have to go back and follow up on that, Congressman.

DELAHUNT: Because I have to tell you, from a review of the redactions, there was absolutely nothing in my opinion in the redactions that warranted those names to be redacted. There was no disclosure of confidential informants, ones that haven't been made public. There were names of FBI personnel, both at the supervisory level and at the field level, whose names were redacted.

The chair might very well want to hear firsthand all testimony from those individuals, yet the names were redacted.

HOROWITZ: I would have to go back, as I said, Congressman, and review...

DELAHUNT: I understand that.

But what you're asking -- and maybe I'm misinterpreting this -- is, "Trust us. Trust the Department of Justice. We'll give you and we'll translate and we'll provide a lens for you." And yet when you pose a question about the redactions, nobody has the answer.

Let me ask you something else. When the decision was reached to not disclose the information requested by the subpoena, who participated in that decision?

HOROWITZ: I would have to consult with others, Congressman, to determine who exactly participated in the decisions. We'd have to consider that...

BURTON: Would the gentleman yield?

DELAHUNT: I yield.

BURTON: Was it anybody behind you?

HOROWITZ: I do not...

BURTON: Well, let's turn around. Were any of you gentlemen involved in the redacting of those names? Any of you?

Any of you? Raise your hand if you were.

I don't think they want to talk.

Were any of you involved?

HOROWITZ: Sorry. BURTON: Nobody, none of those, were involved? May I have a "yes" or "no" from you, please. Any of you? None of you were involved?

OK. Thank you. Go ahead. I'm sorry. Thank the gentleman for yielding.

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DELAHUNT: Mr. Horowitz, did you prepare the statement that you delivered today?

HOROWITZ: I helped participate in the preparation of the (inaudible)...

(CROSSTALK)

DELAHUNT: Who else helped?

HOROWITZ: There were a number of officials at the department.

DELAHUNT: How many?

HOROWITZ: I don't know the exact number of people who participate in the drafting. There were a lot of people who reviewed it and commented upon it. And some definitely did not comment upon it and saw it anyway.

DELAHUNT: All right. You did the edits, I presume.

HOROWITZ: I certainly participated in the editing.

DELAHUNT: And but you don't know who told you, OK, that the decision had been made not to comply with the subpoena issued by the chair and the committee.

I'm not asking you to disclose any information. I want to know who participated. Who gave you the instructions to appear here today?

HOROWITZ: I believe it was -- there were a number of discussions about who would attend today's hearing. I believe it was the assistant attorney general for the office of legislative affairs, I believe, who ultimately told me to appear.

DELAHUNT: And who was he? Could you name that individual?

HOROWITZ: Dan Bryant. DELAHUNT: Dan Bryant.

So you drew the short straw?

HOROWITZ: Well, my understanding was that there had been some discussions to schedule the hearing so that my boss, my immediate boss, Mr. Chertoff, the head of the criminal division, could appear to testify. But he is not available today.

DELAHUNT: In your experience -- how long have you been with the department?

HOROWITZ: Since 1991.

DELAHUNT: Since 1991.

Can you -- well, let me rephrase it. Isn't it unusual to seek the involvement of the White House in decisions pertaining to matters like this? Based on your experience. You're a career prosecutor, apolitical.

HOROWITZ: Since most of my experience, eight of the ten years, was as a prosecutor in New York, most of my cases did not involve requests for information from congressional committees. So I have had little experience in requests for this type of information.

DELAHUNT: You know, I found interesting what I said in my opening statement, that this deliberative process privilege is really subject to a case-by-case determination that balances the public's right to know and the necessity for the government to withhold information.

And I think you'd agree with me the public's right to know is important.

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HOROWITZ: I would agree with you.

DELAHUNT: Let me suggest this to you. You said, "We," meaning presumably the Department of Justice, indicted an FBI agent and that the case is going to be tried next month? Did I hear you say that?

HOROWITZ: My understanding is it's scheduled for trial next month. Whether it actually goes to trial, now, as you know, it depends on (inaudible)...

(CROSSTALK)

DELAHUNT: Right. From what I read in the Boston newspapers, that's not the case.

Are you aware that prior to Judge Wolf's involvement in this case that there was an internal investigation by the FBI, by the Department of Justice?

HOROWITZ: I'm familiar that we created a task force to look into this matter.

DELAHUNT: But that wasn't my question, Mr. Horowitz.

Are you familiar with an internal investigation conducted by FBI agents to determine whether there was any criminal culpability on the part of Department of Justice personnel? And within that I mean the FBI.

HOROWITZ: Are you referring to a specific internal investigation? Because the task force's responsibility in part was to review the activities of -- internal (inaudible)...

(CROSSTALK)

DELAHUNT: Right.

HOROWITZ: ... of the FBI.

DELAHUNT: What I'm suggesting to you -- and maybe I can clarify it by saying it's my understanding that there was an internal investigation by the FBI that uncovered no malfeasance whatsoever.

But because of Judge Wolf's insistence and the fact that the cases against Bulger and Flemmi were before him and as his orders elicited new information, that, that is when the task force was created, Mr. Horowitz. It was not sua sponte. It did not happen automatically. It did not come out of anything but public pressure.

And if you have any information to the contrary, would you let us know? You could let us know now.

HOROWITZ: I would have to go back and go through the total chronology...

DELAHUNT: You'd have to go back again, yes. HOROWITZ: ... and put together for my own personal information how that developed and the development (inaudible)...

(CROSSTALK)

BURTON: We're going to come around for a second. Yes, we'll do 10-minute segments after this round. That will give you more time to follow up.

Let me just say that, before I go to Mr. Cummings, in Teapot Dome, in Watergate, in the investigations we're involved in with the Clinton administration or now, if the president can simply use his presidential prerogative to block the Justice Department from giving the Congress any information, then you'll never get to the bottom of any corruption in government. You'll never get anyplace. Because we'll be able to be blocked by a Justice Department that is controlled by the White House.

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If the attorney general of the United States is a close friend of a president who is involved in corrupt activities and the president issues this kind of an executive order or executive privilege document, how is the Congress ever going to be able to investigate it? We'll be blocked.

And that's the problem, one of the main problems we're facing today.

Mr. Cummings?

CUMMINGS: Thank you very much, Mr. Chairman.

And I want to thank you, Mr. Horowitz, for being with us this morning.

You know, as I was sitting here, I could not help but think about the many, many defendants that I represented when I practiced law that would walk into the federal court and would literally seem to have chills just walking in there and knowing that their lives could possibly be interrupted in some major way.

And then I thought about the Patriots Bill that I voted against. And the reason why I voted against it was because I have seen the misuse of power. And I've seen it upfront. And I've seen it with many clients. I've seen prosecutors who have been literally ripped apart by judges because they fail to disclose evidence and various types of misconduct that took place.

And as I listen to all of this, you know, it just amazes me that we, you know, the government, says, "Trust us." I got to tell you that if I were looking at this on Fox or C-SPAN or whatever and I heard this and it was somebody in my district, who are, you know, the people that I represent, they would say, "Why should we trust the government?"

First of all, they don't trust the government anyway because they have seen too much abuse by the government. And then when they hear this and they hear the chairman, who is an honorable man, who has simply requested certain information so that we can do our job, and then they look at us as their representatives -- and I do agree with President Bush, the war is about trying to make sure that we maintain the type of government that we have, a representative government -- and here we are supposed to have all this power up here and supposed to be representing 600,000 people each, and when we ask for documents we're told, "Trust us," and I don't think that that sends a very comforting message to my constituents.

And I'm just wondering, you heard the concerns of the members of Congress who have addressed you this morning. And you have heard our frustration. It is abundantly clear that there is information that we want. And you have proposed a method of getting some of the information through the documents with, as Congressman Delahunt has already talked about, how all kinds of things are crossed out. And you talked about the conferences. I read your statement. And that doesn't meet our satisfaction.

So I'm trying to figure out -- help us help ourselves and help the people that we represent and tell us how would you proceed with this, having heard that we're not satisfied with what's going on?

HOROWITZ: Thank you, Congressman.

I believe that the process we have an obligation to undertake with the committee is as we've done in other matters, an accommodation process to provide the committee with the information it is seeking in a manner that doesn't cause us to have to produce materials, documents that they've -- as I said earlier, a narrow set of documents. But the concern in the Boston case, the predecisional memos of line attorneys, and in the campaign finance case, task force case, memorandums to the attorney general and other high-ranking officials, we have an obligation to come to the committee and to provide the committee with information that it is seeking.

We have a responsibility to engage in that dialogue, which we've done in the past, and to have a give-and-take with the committee and work with you to see how we address your concerns.

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CUMMINGS: Let me say this before you go on. I don't think that most -- when I read your statement, I don't think that most cases rise to the level of this kind of interest. You know, you talked in your statement about my good friend Ben Civiletti from Maryland and his statement about -- you know, that statement you made in the record. I don't think they rise to that level.

But it goes back to the question of corruption and, how do we get to corruption? How do we get to problems within, say, the prosecutor's office? How do we get to that? Or the FBI? I mean, how do we -- I mean, because if you feel like there's constant roadblocks to that -- again, every case doesn't rise to this level where members of Congress merely want to see what's going on. It's not like we are asking for 99 percent of the cases. This is a few, probably a few, cases.

And I'm just wondering if what you are telling us is just a bit overkill and all we're trying to do is get to a few basic facts.

HOROWITZ: I guess...

CUMMINGS: You follow me?

HOROWITZ: Yes, I do, Congressman. And I guess what I'm trying to do in responding is to try and indicate that I'm not trying to put forward a message, like you said, of overkill. What I'm trying to do, and with limited success I recognize, is to present to the committee a recognition of our responsibility to provide the information to the committee but to try and do so in a way that doesn't impinge upon what we believe is a valid and fair right to try and protect internal deliberative documents. And I agree with you there are certainly circumstances -- we've mentioned Teapot Dome and Watergate -- where as we do a case-by-case analysis, as Congressman Delahunt mentioned, that disclosure is appropriate and necessary. And what I would hope we would do going from here, from today's hearing is to try and work on that accommodation, to try and work with the committee in providing the information to you.

Because what happened in Boston was an awful misuse of government power. We have undertaken an effort to try to do that, the prosecutors, by creating the task force, by trying to thoroughly investigate this matter and to proceed with criminal indictments of wrongdoers. And so we certainly agree with you that there is a need for an accounting of this matter.

CUMMINGS: Thank you very much, Mr. Chairman.

BURTON: We'll go to 10-minute rounds right after Mr. Gilman.

Let me just say once again that what you're talking about is filtering the information through your opinions instead of letting Congress decide for itself whether or not there may be corruption in the Justice Department or the FBI or the executive branch. We'll get the filtered opinion of people from the Justice Department instead of us seeing the documents themselves.

And that just isn't going to wash.

Mr. Gilman?

GILMAN: Thank you, Mr. Chairman.

You know, the president, Mr. Horowitz, has said that he's concerned about congressional pressure on the executive branch prosecutorial decisions. But tell me, how did -- this is a Government Reform Committee that has primarily a responsibility on oversight. How would we best proceed to perform, fulfill our responsibility on oversight if we can't look into the decision-making process on why some of these events were not properly pursued?

What is your suggestion? How can we fulfill the responsibility of this committee if we don't have that opportunity to undertake our oversight?

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HOROWITZ: Well, I think one of the -- certainly the most important thing that we can do for the committee is, first of all, provide documents that we do not believe are privileged. And we have produced, as I said, many documents in connection with the investigation. And to the extent we have documents that we do not believe have an executive privilege, we should be producing those to the committee.

With regard to the documents that we have concerns about, these predecisional memoranda by line attorneys, what we have an obligation to do is come before you, come before this committee and fully outline for you what the ultimate decisionmaker decided. Because the point I've tried to make here is that the writer of the memos, the line attorney, is writing his or her summary of the fact, his or her analysis of witnesses, of legal positions. Oftentimes those memoranda are -- sometimes they're adopted, but many times they're not adopted as the total of the reasons for the decision.

And so in some of those circumstances having the briefing and laying out for the committee the full rationale for the decision with the full statement of reasons can be in fact a fuller explanation for the committee. And we have an obligation to do that and recognize the committee's need for the information.

GILMAN: Well, of course, it's not the intent of this committee to apply any pressure on this kind of prosecutorial decision-making. What we're looking for is were the decisions that were made here was there any breach of responsibility by the Justice Department?

HOROWITZ: And let me...

GILMAN: We're looking to see whether there's any wrongdoing. And I think you yourself said that you thought that Justice Department is looking at this or should have looked at this wrongdoing to correct it. That's our responsibility as well to make certain that that is being fulfilled.

HOROWITZ: And I certainly agree with that.

GILMAN: Now, how do we do that without the proper papers before us? HOROWITZ: Well, what we're discussing today -- and I'm trying to talk about today in terms of these particular documents that we're talking about -- we're not talking about preventing the committee from getting to the facts or in any way trying to filter the facts from the committee.

What we are trying to do is prevent the legal analysis, the deliberations prepared by the deliberative memos, prepared by the line attorneys and the lower level decisionmakers, the people who could not ultimately make the decision, protect their ability to give the candid advice to the people up the chain of command who actually have to make the decisions.

And so we're not seeking to prevent the committee from getting the facts and are certainly, as I said earlier, prepared to work with the committee and try and accommodate its needs for that information and do it in a way that hopefully we can protect the ability of line attorneys to write those deliberative materials.

GILMAN: You know, I'd be pleased to yield to...

SHAYS: Aren't you doing more than just advice? Isn't there sometimes these memos have no advice, they just have statement of facts? And they present information with no advice whatsoever? And you're preventing us from getting even memos that have no advice in them?

HOROWITZ: I'm not saying that if a memo has no deliberative advice in them that that's what we're talking about. My understanding of the memos that are at issue here is that are memos that do in fact do more than what you're asking about, Congressman, that do indicate go into the analysis.

SHAYS: The president's executive order, though, doesn't it also include information without advice?

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HOROWITZ: My understanding of the order and what's at issue here is that we have an obligation pursuant to the president's decision to go through on a case-by-case basis of individual documents and not produce those materials that contain the type of deliberative material I'm discussing but consider whether we can produce other documents that don't do that.

GILMAN: Thank you, Mr. Shays.

Just one more question. Mr. Horowitz, I hope that Justice Department will take another look at all of this. If we're going to perform and fulfill our responsibility of oversight, we need to have some of the basic decisions that were made with regard to this kind of a situation that occurred in Boston. And by preventing us from having that kind of material hampers our oversight responsibility. And that's what we're concerned about.

So I hope that you would take this back to the attorney general and ask him to try to work out a better arrangement than we're confronted with in this executive order that was, I assume, recommended by the Justice Department to the president or it wouldn't have occurred.

Thank you very much.

BURTON: Thank you, Mr. Gilman.

We'll now go to 10-minute rounds.

You remember president Nixon and Watergate?

HOROWITZ: I do. I was young, but I remember it.

BURTON: You're very young, but you've probably read your history.

HOROWITZ: Yes.

BURTON: Do you remember John Mitchell?

HOROWITZ: Yes.

BURTON: You know who John Mitchell was?

HOROWITZ: Former attorney general of the United States.

BURTON: Yes.

Do you know what happened to John Mitchell?

HOROWITZ: I do.

BURTON: What happened to him? HOROWITZ: He was prosecuted for violations in connection with his responsibilities in office.

BURTON: And he went to prison.

Now, let me ask you this. What if president Nixon and John Mitchell did what we're seeing today and they said there will be no deliberative documents, no information whatsoever given to the legislative branch? What would happen?

HOROWITZ: And my understanding is that what we're dealing with here (inaudible)...

(CROSSTALK)

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POLICIES

BURTON: Now, tell us...

HOROWITZ: ... case-by-case analysis, but (inaudible)...

(CROSSTALK)

BURTON: No, but the point is -- no. The point I'm trying to make now I think you're missing my point. The point is that you have corruption in the Justice Department or in a branch of the executive branch and you allow this kind of executive decision to stand and it becomes a precedent, we won't be able to root out corruption because we won't be able to fulfill our oversight responsibilities.

You said you're going to give us the facts. How do we get the facts if the attorney general and the president of the United States say, "Hey, you can't have them"? How do we get them?

HOROWITZ: I don't think that's what we're saying, with all due respect.

BURTON: No. No. No. The executive order says we can't have them.

HOROWITZ: What I think the executive order covers are just the predecisional deliberative memoranda that I've mentioned earlier.

BURTON: But that may be very relevant. That may be very relevant to correcting a situation. And unless the Congress has the ability to fulfill its oversight responsibilities we can't do that.

Now, let me ask you a few questions. The attorney general and the White House counsel personally told me in my office that Congress will not be allowed to review deliberative documents from closed criminal investigations. For the record, is that the position of the attorney general?

HOROWITZ: (Inaudible)...

(CROSSTALK)

BURTON: They told me that we will not with allowed to review deliberative documents from closed criminal investigations. Is that the position of the attorney general?

HOROWITZ: My understanding of our position is that we need to review these materials on a case-by-case analysis, the documents on a document-by-document analysis and make those decisions in that way consistent with the president's directive.

BURTON: So what you're saying is if the attorney general decides that we're not entitled to see criminal deliberative documents, we can't see them.

HOROWITZ: No. I think what I'm saying is what we are obligated to do is to review those documents. If they contain the type of information that's at issue here, we believe...

BURTON: I understand what you're saying. So if the attorney general says these documents should not be given to the Congress and they're deliberative documents in a criminal investigation, we can't see them.

HOROWITZ: But what we should be doing at that point is coming to the Congress and this committee and trying to work out an accommodation on how to get the information to the committee...

BURTON: Without us seeing them.

HOROWITZ: ... consistent with the concerns about the privileged materials.

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We are not trying to prevent the facts and having all of the facts concerning this matter in Boston before this committee.

BURTON: OK. Who determines what the facts are? You? The Justice Department? Who determines what the facts are?

HOROWITZ: If a document contains legal analysis -- these memos go through and say the facts, legal analysis. The documents contain legal analysis...

BURTON: OK, who makes that determination?

HOROWITZ: Well, just as in every case where we have to review the materials, we have to make a determination, for example, of grand jury matter, privilege, other kinds...

BURTON: But who makes the determination?

HOROWITZ: The department does.

BURTON: The Department of Justice.

HOROWITZ: Correct.

BURTON: OK. So when you come before us and you say, "We've decided that you shouldn't see these documents," then it's your determination. You've made that decision. And so Congress has no right, if you make the decision or if the chief executive or the attorney general says that we made a decision that they shouldn't see them, then we're not going to see them; is that right?

HOROWITZ: Just as we do on the grand jury matters, for example, we have to make the decision on that. And we have to do it in a fair and faithful way to our obligations as lawyers and prosecutors reviewing these matters. Yes, we do.

BURTON: Congress has the responsibility to oversee the executive branch. And we can't do it.

Now, is that the president's position as well? The same position as the attorney general on this?

HOROWITZ: The only position I know of the president is what I read from the executive order. BURTON: The attorney general and the White House counsel did not indicate that there would be any exceptions to this policy. They indicated there would be no exceptions to this policy. Is that what you've been told?

HOROWITZ: I have -- what I've been told is that, based on the order that I have here, that the particular memos at issue in this case and this question are not going to be (inaudible)...

(CROSSTALK)

BURTON: Well...

HOROWITZ: I don't have, Congressman...

BURTON: What I was told by the attorney general and the White House counsel was that -- it was not just the Salvati case; it was just this was going to be the policy and there would be no exception to the policy. That's what they told me. So there's no exceptions to the policy.

This is just one manifestation of what they're going to be telling the Congress. And that is, "Nose out. Butt out, you guys. Because if we say you shouldn't see those documents, you're not going to see them." And that means that the Congress of the United States, if we don't fight this, is going to be impotent, impotent, if we try to correct the situation in the executive branch where there may be corruption.

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And there's been corruption in a whole series of administrations.

Now, has the Justice Department prior to 2001 ever provided Congress with deliberative documents from a criminal investigation? Do you know if they've ever done that?

HOROWITZ: I believe they have.

CUMMINGS: But it goes back to the question of corruption and, how do we get to corruption? How do we get to problems within, say, the prosecutor's office? How do we get to that? Or the FBI? I mean, how do we -- I mean, because if you feel like there's constant roadblocks to that -- again, every case doesn't rise to this level where members of Congress merely want to see what's going on. It's not like we are asking for 99 percent of the cases. This is a few, probably a few, cases.

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HOROWITZ: Yes, I do, Congressman. And I guess what I'm trying to do in responding is to try and indicate that I'm not trying to put forward a message, like you said, of overkill. What I'm trying to do, and with limited success I recognize, is to present to the committee a recognition of our responsibility to provide the information to the committee but to try and do so in a way that doesn't impinge upon what we believe is a valid and fair right to try and protect internal deliberative documents. And I agree with you there are certainly circumstances -- we've mentioned Teapot Dome and Watergate -- where as we do a case-by-case analysis, as Congressman Delahunt mentioned, that disclosure is appropriate and necessary. And what I would hope we would do going from here, from today's hearing is to try and work on that accommodation, to try and work with the committee in providing the information to you.

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CUMMINGS: Thank you very much, Mr. Chairman.

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And that just isn't going to wash.

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GILMAN: Thank you, Mr. Chairman.

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U.S. REPRESENTATIVE DAN BURTON (R-IN) HOLDS HEARING ON JUSTICE DEPARTMENT DOCUMENT POLICIES

What is your suggestion? How can we fulfill the responsibility of this committee if we don't have that opportunity to undertake our oversight?

HOROWITZ: Well, I think one of the -- certainly the most important thing that we can do for the committee is, first of all, provide documents that we do not believe are privileged. And we have produced, as I said, many documents in connection with the investigation. And to the extent we have documents that we do not believe have an executive privilege, we should be producing those to the committee.

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GILMAN: Well, of course, it's not the intent of this committee to apply any pressure on this kind of prosecutorial decision-making. What we're looking for is were the decisions that were made here was there any breach of responsibility by the Justice Department?

HOROWITZ: And let me...

GILMAN: We're looking to see whether there's any wrongdoing. And I think you yourself said that you thought that Justice Department is looking at this or should have looked at this wrongdoing to correct it. That's our responsibility as well to make certain that that is being fulfilled.

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So I hope that you would take this back to the attorney general and ask him to try to work out a better arrangement than we're confronted with in this executive order that was, I assume, recommended by the Justice Department to the president or it wouldn't have occurred.

Thank you very much.

BURTON: Thank you, Mr. Gilman.

We'll now go to 10-minute rounds.

You remember president Nixon and Watergate?

HOROWITZ: I do. I was young, but I remember it.

BURTON: You're very young, but you've probably read your history.

HOROWITZ: Yes.

BURTON: Do you remember John Mitchell?

HOROWITZ: Yes.

BURTON: You know who John Mitchell was?

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U.S. REPRESENTATIVE DAN BURTON (R-IN) HOLDS HEARING ON JUSTICE DEPARTMENT DOCUMENT POLICIES

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BURTON: So what you're saying is if the attorney general decides that we're not entitled to see criminal deliberative documents, we can't see them.

HOROWITZ: No. I think what I'm saying is what we are obligated to do is to review those documents. If they contain the type of information that's at issue here, we believe...

BURTON: I understand what you're saying. So if the attorney general says these documents should not be given to the Congress and they're deliberative documents in a criminal investigation, we can't see them.

HOROWITZ: But what we should be doing at that point is coming to the Congress and this committee and trying to work out an accommodation on how to get the information to the committee...

BURTON: Without us seeing them.

HOROWITZ: ... consistent with the concerns about the privileged materials.

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We are not trying to prevent the facts and having all of the facts concerning this matter in Boston before this committee.

BURTON: OK. Who determines what the facts are? You? The Justice Department? Who determines what the facts are?

HOROWITZ: If a document contains legal analysis -- these memos go through and say the facts, legal analysis. The documents contain legal analysis...

BURTON: OK, who makes that determination?

HOROWITZ: Well, just as in every case where we have to review the materials, we have to make a determination, for example, of grand jury matter, privilege, other kinds...

BURTON: But who makes the determination?

HOROWITZ: The department does.

BURTON: The Department of Justice.

HOROWITZ: Correct.

BURTON: OK. So when you come before us and you say, "We've decided that you shouldn't see these documents," then it's your determination. You've made that decision. And so Congress has no right, if you make the decision or if the chief executive or the attorney general says that we made a decision that they shouldn't see them, then we're not going to see them; is that right?

HOROWITZ: Just as we do on the grand jury matters, for example, we have to make the decision on that. And we have to do it in a fair and faithful way to our obligations as lawyers and prosecutors reviewing these matters. Yes, we do.

BURTON: Congress has the responsibility to oversee the executive branch. And we can't do it.

Now, is that the president's position as well? The same position as the attorney general on this?

HOROWITZ: The only position I know of the president is what I read from the executive order. BURTON: The attorney general and the White House counsel did not indicate that there would be any exceptions to this policy. They indicated there would be no exceptions to this policy. Is that what you've been told?

HOROWITZ: I have -- what I've been told is that, based on the order that I have here, that the particular memos at issue in this case and this question are not going to be (inaudible)...

(CROSSTALK)

BURTON: Well...

HOROWITZ: I don't have, Congressman...

BURTON: What I was told by the attorney general and the White House counsel was that -- it was not just the Salvati case; it was just this was going to be the policy and there would be no exception to the policy. That's what they told me. So there's no exceptions to the policy.

This is just one manifestation of what they're going to be telling the Congress. And that is, "Nose out. Butt out, you guys. Because if we say you shouldn't see those documents, you're not going to see them." And that means that the Congress of the United States, if we don't fight this, is going to be impotent, impotent, if we try to correct the situation in the executive branch where there may be corruption.

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And there's been corruption in a whole series of administrations.

Now, has the Justice Department prior to 2001 ever provided Congress with deliberative documents from a criminal investigation? Do you know if they've ever done that?

HOROWITZ: I believe they have. BURTON: Yes, they have.

What specific issue or incident prompted this change in policy? What prompted this change from what's been the policy in the past?

HOROWITZ: We don't believe we've changed the policy. What we believe has occurred over our nation's history with regard to executive privilege matters is on a case-by-case analysis, administration by administration we've reviewed the requests from the committee or from the Congress and have determined in certain matters to produce the deliberative material to Congress, and in other matters administrations have invoked executive privilege to protect the deliberative material.

BURTON: So you say you would analyze these things and then make a determination?

HOROWITZ: We would analyze...

BURTON: Analyze them...

HOROWITZ: We certainly have an obligation to analyze the documents, Mr. Chairman (inaudible)...

(CROSSTALK)

BURTON: But I mean you would look at the documents and then make the determination of whether we should get them.

HOROWITZ: We would need to do that.

BURTON: Do you know in the Salvati case you've never done that? Did you know that? You never even asked us what documents, you know, we want or why we want them. You never asked any of that. I mean, you're saying you're not going to give us these documents, but you haven't analyzed them. Because we've never even discussed that.

They've just said flat out, "We're not going to give you any."

HOROWITZ: Well, as I said, I have not been involved in, obviously...

BURTON: I know, and I'm disappointed at the attorney general for not sending you better prepared up here because many of us have asked questions and you just don't know the answers.

And the people behind you I would have thought would be relevant to your testimony today. But nobody said anything. And we've asked a number of questions that you couldn't answer.

We issued a subpoena to the Department of Justice over three months ago. It appears you have documents that are responsive to the subpoena. How many documents have you found? How many documents have you found that were in response to our subpoena?

HOROWITZ: As I sit here I don't know the number off the top of my head.

BURTON: Turn around and ask those guys behind you. How many documents have been relevant? You brought a million dollars' worth of legal talent up here. And nobody knows anything.

(CROSSTALK)

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HOROWITZ: (inaudible)

(Pause in proceedings.)

BURTON: Yes, we probably will ask the attorney general to come eventually.

Yes.

HOROWITZ: Mr. Chairman, my understanding is that to date and looking through the number of files that would be responsive, we've located 20 documents to date that would be responsive to the subpoena, although we're continuing to try and gather, as you've indicated, 30- year-old files in some regards here to (inaudible)...

(CROSSTALK)

BURTON: So you found about 20 documents thus far that you would rather we wouldn't see?

HOROWITZ: That's correct. And...

BURTON: OK. HOROWITZ: And...

BURTON: Do you have them with you today?

HOROWITZ: I certainly don't.

BURTON: Nobody has them with you back there?

HOROWITZ: I don't know that we've --

BURTON: Are you going to give them to us?

HOROWITZ: Well, I think in light of the president's order we do not plan on doing that.

BURTON: Under what authority are you avoiding compliance with a valid congressional subpoena that compels you to produce these documents?

HOROWITZ: As the president indicated, Mr. Chairman, the executive privilege of the executive branch has been invoked by the president.

BURTON: When did he claim executive privilege?

HOROWITZ: The date of the memoranda (sic) is December 12, 2001.

BURTON: December 12. Did the president claim executive privilege over these types of documents?

HOROWITZ: That is our understanding.

BURTON: Or excuse me, did President Clinton claim executive privilege over these types of documents? And we really had a thorough investigation of him.

HOROWITZ: Well, my understanding...

BURTON: No, just answer the question. Did President Clinton claim executive privilege over these types of documents?

HOROWITZ: I believe there was an invocation of executive privilege with regard to some matters by President Clinton before this committee. But I know there was other...

BURTON: Over these types of documents. HOROWITZ: I don't know the answer. (Inaudible)...

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(CROSSTALK)

BURTON: Well, the answer is no. We got numerous declination memoranda. But we got the documents eventually. The LaBella and Freeh memos are two examples. And they didn't claim executive privilege.

How about President George Herbert Walker Bush?

HOROWITZ: I would have to go back with every president and (inaudible)...

(CROSSTALK)

BURTON: Well, the answer is no.

How about President Reagan?

HOROWITZ: My understanding was that there were invocations of executive privilege with regard to deliberative memoranda by prior administrations, including President Bush's administration.

BURTON: Is that correct?

HOROWITZ: They are...

BURTON: Well, according to my legal counsel -- and they've been doing research on this -- according to them, President George Herbert Walker Bush, President Reagan, President Carter, President Ford, President Nixon, President Johnson, Kennedy, Eisenhower, Truman, Roosevelt, Hoover and President Harding, none of them used executive privilege over these types of documents. This is the first time we know of.

HOROWITZ: Well, let me just say that there are two (inaudible)...

(CROSSTALK)

BURTON: Over these types of documents, yes.

HOROWITZ: Well, when you say "these types of documents," my understanding is that deliberative materials, which is what we're concerned about here, that there have been such invocations and there are -- there's a 1982 and a 1983 LLC opinion that outlines the invocations over the centuries by the presidents of executive privilege in circumstances involving deliberative documents.

BURTON: Let me just go ahead and allow Mr. Tierney to take his questions. And then I'll make a statement.

TIERNEY: Thank you.

You know, I want to again go back to the case I talked about earlier, which is In Re Sealed Case. It clearly says where there's reason to believe that documents sought may shed light on government misconduct, then this type of privilege is routinely denied. And I think you must get by now that that's what we're saying. This is a case where we think these documents shed some light on government misconduct.

And it's not enough to ask you to give us an idea of what was in there or give us your interpretation of what was in there. The facts that are listed in that memorandum, the advice that may be given may at least give us the information of an individual who came to a conclusion that we may assume depended on some knowledge of government misconduct. And we may want to bring that person in to question him.

Or the facts in there alone may show that or just the advice given may lead us to that conclusion that that advice would never be given unless this person knew something else that we didn't. And that's why we need it.

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Now, I'm troubled by the fact that the committee sent the attorney general an invitation here, and it was talking about this hearing that I entitled "The FBI's Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?" The chairman invited a representative of the department to testify.

It said that person will be asked to explain the new policy, which unfortunately you haven't really been able to do fully -- you haven't been able to differentiate the change in the policy that you present here today or the president now imposes compared with past policies -- and asked that you be able to provide the committee with information regarding justification for the refusal. Now, we've had questions to you asking about your involvement and knowledge of the FBI's handling of confidential informants in Boston. And I don't think you have specific knowledge of that; am I right?

HOROWITZ: I have general knowledge about the matter.

TIERNEY: General knowledge.

HOROWITZ: I...

TIERNEY: You do not have knowledge of who gave the orders to redact certain parts of the information that was given to the committee. That was beyond your knowledge, right?

HOROWITZ: My understanding was that the producers of the documents at the FBI and the department who were preparing them were the people who had to review them for 6(e)(ph) and other material. And I don't know...

TIERNEY: But you don't know names. You don't know when it was done, how it was done.

HOROWITZ: ... the exact names, who physically did the redacting.

TIERNEY: And I would guess that you don't have any specifics on the internal FBI investigation. You weren't able to converse with Mr. Delahunt about the fact that there was an internal FBI investigation that in fact turned out to be a whitewash, because when Judge Wolf got the matter, that pretty much discredited that report that ended up in a subsequent investigation.

And you didn't really have information on that initial FBI investigation, correct?

HOROWITZ: As I said earlier, I don't have information on that initial FBI investigation that Congressman Delahunt mentioned.

TIERNEY: So the attorney general had notice of the hearing. He had notice of the hearing's subject...

DELAHUNT: Would the gentleman yield for a moment?

TIERNEY: Sure. DELAHUNT: I just want to clarify. That was an OPR, Office of Professional Responsibility, investigation. So it was done in conjunction with FBI agents. I think it's important to put that in the record, John, and to clarify so that Mr. Horowitz is not under any misunderstanding.

TIERNEY: Thank you.

Now, the attorney general had notice of the hearing, notice of the hearing's subject, was specifically asked to send somebody that was knowledgeable about these materials, about the specific case in Boston, about the policy, about the changes in policy. And I would be curious to know why someone with more specific information was not sent.

It seems he's done you a disservice and the committee a disservice by not sending up the person or if some persons with substantially more information on that. There had to be a number of people involved in those decision-making processes of whether or not things would be disclosed or redacted or whether privilege would be claimed. And then he sent you with at least seven others -- eight others I see now -- up here.

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So what I would like you to do for us is would you introduce to us by name, by title and by responsibility vis-a-vis this material each of the individuals that you brought with you.

HOROWITZ: Eric Samsted, who's deputy chief of staff in the criminal division.

TIERNEY: And what is his responsibility with regard to the matters that were in the invitation?

HOROWITZ: He's one of the aids to Mr. Chertoff who has been involved in some of these matters, as the chairman knows.

TIERNEY: So would he know who redacted all the information?

HOROWITZ: I don't believe so.

Matt Martens (ph), who's also in the front office of the criminal division.

Steve Bonald (ph), who's in the front office of the criminal division.

Carl Thorson (ph), who's in the office of legislative affairs.

That's Ed Wayland (ph), who is in the office of legal counsel.

Paul Colborn (ph), who's in the office of legal counsel.

TIERNEY: That's all? Anybody else?

HOROWITZ: And Jim Ribicki (ph), who's (OFF-MIKE) legislative affairs.

TIERNEY: And the gentlewoman behind you?

HOROWITZ: Oh, I'm sorry. Faith Burton (ph), who's also in the office of legislative affairs.

TIERNEY: Five, six, seven, eight.

What contribution have any of them made to this morning's presentation?

HOROWITZ: They were involved in -- at least many of them were involved in discussions and preparing for the hearing and...

TIERNEY: I'm just flapping. I mean, none of them know anything about anything, but they were helping you prepare for the hearing at which you were unable to testify about most things.

HOROWITZ: Well, no, they do know about, as I obviously haven't conveyed to the committee my knowledge, about the decision to invoke executive privilege and what that involves and in this particular matter...

TIERNEY: Who made the decision to invoke executive privilege? Who specifically was the one that bit the bullet and said, "All right, this is where we're going."

HOROWITZ: The president of the United States signed (inaudible)...

(CROSSTALK) TIERNEY: No. Ultimately. Somebody drafted that for him to sign. So don't...

HOROWITZ: And I don't know and I don't believe it's appropriate...

TIERNEY: Don't any of these people here know?

HOROWITZ: I don't believe that we're in a position to discuss internal deliberations (inaudible)...

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(CROSSTALK)

TIERNEY: Buster, you are. And I'm asking you, do you know who gave that or made that decision? And if you don't know, do any of these people here know?

(UNKNOWN): (OFF-MIKE)

HOROWITZ: The attorney general made the recommendation to the president. And the president agreed with the recommendations the attorney general made.

TIERNEY: All right. So we're comfortable as a committee here, we've all decided that the attorney general is the one that actually made the recommendation.

HOROWITZ: To the president, that's correct.

TIERNEY: Yes. Who made the recommendation to the attorney general?

HOROWITZ: I don't believe we're prepared to go into discussions about who had what discussions with the attorney general, especially the problems in issue here.

TIERNEY: Again, trust me. You can tell me who made the, who gave the opinion to the attorney general that this should be invoked.

HOROWITZ: I don't know. I personally do not know that, whether there was one or many individuals that the attorney general (inaudible)...

(CROSSTALK)

TIERNEY: Well, why don't we have your committee convene again...

HOROWITZ: ... but I...

TIERNEY: ... and see if we can determine from them...

HOROWITZ: But this is a matter that we believe is -- our advice to the attorney general is precisely the issue that's laid out by the president in the order he issued, which is the need to protect deliberations within the department and to provide to the attorney general...

TIERNEY: All we're asking for is the name of the individual that gave an opinion. We're not asking the basis of the opinion, what the context of the opinion was. We want to know who had to make the decision.

I mean, there's eight people here being paid on the taxpayers' dime, and they didn't make the decision. They haven't done much here this morning except watch.

Now I just want to know collectively if everybody can determine who made the decision, who made the recommendation to the attorney general?

(Pause in proceedings.)

HOROWITZ: Congressman, I will need to go back and consult with the leadership, including the -- the leadership of the department to discuss who made what decisions, who was present when the decisions and what we can disclose with regard to that.

TIERNEY: Now, that because none of you know or because you all will go back and discuss the issue whether or not you can disclose it?

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HOROWITZ: I think it's in part a decision about what can and should be disclosed about who the attorney general consulted with in making this decision.

TIERNEY: Amongst all of you, do you know who made the decision and you just refuse to tell us? Or do you not know and have to go back and find out?

HOROWITZ: Well, Congressman, I am not in a position to answer those questions. The leadership of the department is going to have to decide to what degree the attorney general wants to provide to the committee the individuals who were involved in the deliberative process.

TIERNEY: Well, now you're getting, real simply, you can't tell me from this committee of many here whether or not anybody in this group knows who made the advice to the attorney general? That's a simple question at this point. Do any of you know who it is? You don't have to tell me who at the moment.

TIERNEY: But do you know who made that recommendation to the attorney general?

HOROWITZ: Congressman, we don't believe it's appropriate at this point for me or any of the people sitting behind me to make the decision for the department to provide to the committee who the attorney general consulted with in discussions on this matter.

TIERNEY: Now I'm not asking you who. I'm asking you if you know who. That's "yes" or "no," not a name. Do any of you know who made that recommendation to the attorney general? Or is this something that nobody in this room knows?

BURTON: Would the gentleman yield to me?

TIERNEY: Sure.

BURTON: Does the gentleman that I had sworn at the beginning, do you know? You're under oath. Do you know who made the decision? You don't have to tell us who it was. Do you know who made the decision?

WAYLAND (ph): Sir, I believe that that's a privileged matter that I'm not entitled to address.

BURTON: Do you know who made the decision? I'm not asking you who it was. Do you know?

WAYLAND (ph): Sir, as the questions from Congressman Tierney have just established, you can go a little bit down this road, little bit down this road. That's not a road that I can go down in answering any questions on.

BURTON: Are you a lawyer?

Wait a minute. You were sworn.

(UNKNOWN): (OFF-MIKE)

BURTON: Would you come to the desk and take the mike. This is pretty important.

I mean, you're saying, Mr. Wallens (ph) -- thank you for yielding -- that you can't even answer if you know who made the decision to ask the president to issue an executive order? You can't even say that you know that? We're not asking you who it was. But you can't even say you know?

WAYLAND (ph): Congressman Burton, the next question down the line is obvious or not. This is not a matter on which I'm authorized to speak.

BURTON: Turn your mike on.

TIERNEY: Now I'm going to reclaim my time too.

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Sir, are you a lawyer?

WAYLAND (ph): I am a lawyer.

TIERNEY: Then you full well know we're not dealing with the next question down the line. We're dealing with the immediate question in front of you and Mr. Horowitz now.

And that is, after consulting with all the people that you brought to this room, the simple question is, do you or do you not know who that individual is?

We'll worry about the next question down the line when and if we ever get there.

WAYLAND: The answer to your question is plainly covered by the deliberative process privilege. And I am not entitled to answer it.

(UNKNOWN): I can't hear him, Mr. Chairman.

You've got to speak up. BURTON: Pull the mike closer. Pull the mike closer, please.

WAYLAND (ph): I apologize.

With all respect, the answer to your question is covered by the deliberative process privilege. And I am not authorized to answer it.

TIERNEY: You think the deliberative process privilege extends to testifying as to whether or not you know who an individual was that might have given advice?

WAYLAND (ph): Absolutely.

BURTON: We will pursue this further.

I want to tell you, if the American people are watching this, I think they're going to be very chagrined that you can't even tell us if you know or don't know something. That is amazing. That is just amazing.

If the executive order or the issue of executive privilege extends to you sitting before this committee and saying, "I can't even tell you if I know or don't know something," then we've really gone off the deep end.

Mr. Gilman?

GILMAN: Thank you. Thank you, Mr. Chairman.

BURTON: Excuse me.

Mr. Shays?

SHAYS: Mr. Horowitz, I understand you're here because Mr. Chertoff couldn't be here.

HOROWITZ: That's right.

SHAYS: And I guess I should be grateful for that. But would you tell me what your position is.

HOROWITZ: I'm chief of staff to Mr. Chertoff.

SHAYS: So you are basically an administrator for the assistant secretary for --

HOROWITZ: No. Hopefully I do a little bit more than the administrating. I actually am involved in substantive issues as well, Congressman.

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SHAYS: Right. But you are his chief of staff, correct?

HOROWITZ: I'm a key (inaudible) counsel on a variety of issues.

SHAYS: Yes, see, our committee is having the chief of staff, and when Mr. Lieberman has this same issue, he's going to have the attorney general. That's going to be the difference. And he's the one basically who has signed off on this. And he's the person who's come to me and others to ask for immense powers.

And I know you're here to present the position of the department. And I have a very difficult time in part because I know about the case. Do you know about the case?

HOROWITZ: Yes, I know the general details of the case. I don't know the...

SHAYS: The general. Was Mr. Salvati innocent?

HOROWITZ: I think there is a serious issue about whether he was indeed innocent. I do know that there was failures, inappropriate failures, to produce relevant information.

SHAYS: OK, so right now you and I have a disagreement. Because he was innocent. And he was let out of jail because he was innocent. So right now we have a problem. Because if you had that view, the papers that you're going to let us see are based on a distortion, in my judgment of the case.

Tell me about his wife. What do you know about his wife?

HOROWITZ: I don't know much about his wife or any details about his wife.

SHAYS: OK. Do you know how often she visited him?

HOROWITZ: I do not.

SHAYS: Yes. You don't know that she visited him every week for 30 years? You didn't know that?

HOROWITZ: I did not know that until you mentioned that, Congressman.

SHAYS: Do you know how many children he has?

HOROWITZ: I do not.

SHAYS: Do you know that all of his children that they were very, very young and for the next 30 years they basically came to visit him at least twice a month for 30 years?

HOROWITZ: I do not know that.

SHAYS: Do you know that the FBI agent who sent him to jail knew he was innocent?

HOROWITZ: I understand that there was information that the FBI had that indicated he may well have been innocent.

SHAYS: Do you know that there was information that the Chelsea police had that would have proved that he was innocent?

HOROWITZ: I don't know as I sit here what the Chelsea police may have had.

SHAYS: Did you know that the Boston police had information that would prove he was innocent?

HOROWITZ: I believe I had heard that.

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SHAYS: Did you know that the state police had information that would prove he was innocent?

HOROWITZ: I believe I had heard that there was relevant information in the state police.

SHAYS: Are you aware that all four, the FBI, the Chelsea police, the Boston police, the state police, even though they knew he was innocent still let him stand on trial and he was originally going to be sent to the death, had a death sentence?

HOROWITZ: I am aware of that. And I indicated earlier, Congressman, I think what happened there was terrible. I'm not disputing that in the least. SHAYS: No. But you're not sure he's innocent. That's part of the (inaudible)...

(CROSSTALK)

HOROWITZ: Well, and the reason I'm saying that is I have not sat and read every fact and every circumstance.

SHAYS: I know. And that bothers me.

HOROWITZ: And I...

SHAYS: We have. We have. We have information that you don't have. And now we're trying to understand how the Chelsea police, the Boston police, the state police, and our own FBI could allow an innocent man to spend 30 years in jail. That's why I am angry. That's why I'm angry.

And so that's what I have to wrestle with right now is thinking that you all are preventing us from getting the facts and understanding why this happened.

HOROWITZ: And...

SHAYS: That's what you're doing.

So you're doing it because you think you're right. You have stated in a statement to us that this is not a new policy. But that's frankly untrue.

HOROWITZ: My understanding is it is not a new policy for the Department of Justice and the executive branch as a whole to protect deliberative memoranda.

SHAYS: And so you're saying that Congress for years and years and years hasn't been getting this, these (inaudible).

HOROWITZ: What I'm saying is there are examples where the department and where the president has decided to produce information. There are also examples, as outlined in these two LLC opinions from 1982 and 1983, that demonstrate almost 200 years of history where presidents have invoked executive privilege to protect deliberative (inaudible)...

(CROSSTALK) SHAYS: No. Now wait a second. We've had executive privilege. I mean, that's just ingenious. I mean, I know that. But on these documents, that this is not a new policy?

HOROWITZ: These documents are a subset of documents that involve internal deliberative memoranda...

SHAYS: On a closed case 30 years old.

HOROWITZ: That's correct. But they are a subset of deliberative materials. The issue here is deliberative materials.

SHAYS: Right.

HOROWITZ: And that's what, as outlined in these summaries particularly...

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SHAYS: Do you know why we want this information?

HOROWITZ: I understand the committee is interested in trying to get...

SHAYS: No. Tell me why. Why do we want this information?

HOROWITZ: The committee is, among other things, reviewing the handling of informants by the FBI, by these other entities and whether...

SHAYS: And why do we want to do that?

HOROWITZ: There could be a number of reasons. I certainly don't presume to say what. There are a number of reasons.

SHAYS: No. No. I want you to explain.

HOROWITZ: But there could be a number of reasons.

SHAYS: I want you to explain to me, why would we want to even look at the informer?

HOROWITZ: I could envision a desire to write new legislation. I could recognize the desire...

SHAYS: Well, tell me the abuses that took place. Tell me the abuses. Why would we be so outraged at this case? And why would we want to understand why the people who are supposed to enforce the law were breaking the law? Tell me why we would want to know about informants?

HOROWITZ: Congressman, I understand completely why anyone who looked at this, including this committee, would be outraged by what they saw. I had a...

SHAYS: No. You don't know the case, though. You don't know the case.

HOROWITZ: I, as a prosecutor, I prosecuted a number of law enforcement officials for corruption.

SHAYS: Yes, but you don't know this case.

HOROWITZ: I understand how terrible it is.

SHAYS: Mr. Horowitz, do you know this case?

HOROWITZ: I explained to you my general understanding of what happened.

SHAYS: Yes, and your general understanding was you didn't know how many kids he had, you didn't know that his wife went to visit him. You didn't know -- tell me about the two informants.

HOROWITZ: Can I just...

SHAYS: No. Stop. Stop.

Tell me about the two informants. Tell me about those informants. You know about the case. Tell me about it.

HOROWITZ: My understanding is that...

SHAYS: Tell me their names.

HOROWITZ: ... Mr. Bulger and Mr. Flemmi were FBI informants and providing information at the same time there are allegations -- and I have to be careful what I say because there is an indicted case right now in Boston --

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involving the FBI's handling of those informants and whether there was corrupt activity involving the handling of those informants.

GILMAN: Would the gentleman yield? SHAYS: Why is Mr. Bulger involved in the Salvati case? Tell me. Tell me why you're saying he's involved.

HOROWITZ: I'm talking when you mentioned the two informants...

SHAYS: No. No.

HOROWITZ: ... those are the two informants under indictment right now in Boston (inaudible)...

(CROSSTALK)

SHAYS: OK. And how is he involved in the Salvati case?

HOROWITZ: I can't, as I sit here today, describe for you what each person did in that case.

SHAYS: It's because you don't know. The reason is you don't know. He's not involved in the Salvati case.

HOROWITZ: What I'm trying to...

SHAYS: You heard his name mentioned over there, so you made an assumption that he was?

HOROWITZ: No. I, believe me, Congressman, having actually spent time in Boston, I understand completely the significance of Mr. Bulger, Mr. Flemmi. And while I may not know the specific facts about how many children and all that they had, I...

SHAYS: I'm going to yield to my colleague (inaudible)...

(CROSSTALK)

HOROWITZ: ... frankly don't think it matters. What's obviously even more (inaudible)...

SHAYS: It matters to me.

HOROWITZ: Let me finish, please.

It doesn't -- to me whether he had three kids or ten children, what would have happened to send an innocent person to jail would be wrong. And that's what I know. And I know that...

SHAYS: You know why it matters? Because the FBI tried to keep him in jail. They didn't just send him to jail; they tried to keep him in jail.

Is the FBI under the Justice Department?

HOROWITZ: It is.

SHAYS: It's a dumb question, right? And you can smile.

HOROWITZ: No. No, I'm not...

SHAYS: But the reason I'm asking is the Justice Department oversees the FBI. And we're trying to get information that the Justice Department has, but they don't want us to get it. Shouldn't I be a little uncomfortable with that?

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HOROWITZ: What I would hope is that as we go forward in trying to provide the committee with documents and materials and information, that the committee would see that we are willing to provide the information that allows the committee to make a full review of this matter. That is certainly what I understand we will go forward.

SHAYS: I'm going to yield to Mr. Gilman.

GILMAN: I thank the gentleman for yielding. I'm being called to another meeting. And that's why I thank the gentleman for yielding.

Mr. Horowitz, you said that it was the department, the attorneys, that recommended to the attorney general that there be a change of policy; is that correct?

HOROWITZ: No. What I tried to get across was that it is my understanding that the position of the executive branch has been that deliberative memoranda, in this case deliberative memoranda written by line attorneys, has long been viewed to be covered by (inaudible)...

(CROSSTALK)

GILMAN: Yes, but what I'm asking you is, did anyone in your department make a recommendation to the attorney general that there be a change of policy? HOROWITZ: And what I -- I appreciate the question. I am told that discussions about who recommended what to whom is something we need to consult with...

GILMAN: Well, the attorney general didn't do this on his own, did he? I'm sure he took advice from his counsel; is that correct?

HOROWITZ: I assume so, yes.

GILMAN: All right. Then the attorney general, after getting advice of a change of policy, then made a recommendation to the president; is that correct?

HOROWITZ: My understanding is that the attorney general did make a recommendation to the president.

GILMAN: Do you know when that occurred?

HOROWITZ: I do not know.

GILMAN: And then the president just in the last few days made this change of policy; is that correct?

HOROWITZ: The order is dated yesterday, December 12.

GILMAN: And was that based upon this case, this change of policy?

HOROWITZ: If I could have a moment.

GILMAN: Please.

(Pause in proceedings.)

HOROWITZ: Congressman, it was occasioned by the subpoena, so it involved this specific matter.

GILMAN: It was occasioned by this case?

HOROWITZ: That's correct.

GILMAN: Thank you very much.

Thank you for yielding.

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BURTON: The gentleman's time has expired.

GILMAN: Thank you, Mr. Chairman. BURTON: Oh, I'm sorry, Mr. Clay.

BURTON: Mr. Clay?

CLAY: Oh, OK. Thank you.

Let me first say that, you know, the FBI is an organization that has a history of success at combating criminal activity and threats. And I applaud the bureau for those successes.

The bureau has also a history of failures and subsequent coverups as well. And we do not have to name all of these as most are well documented. The Salvati case is an example that illustrates the need for oversight, as is the performance of the FBI in so-called undercover work with the Ku Klux Klan during the era of civil rights unrest in the 1960s and '70s. And there are other incidents of note.

Whitey Bulger is on your most wanted list, correct?

HOROWITZ: Yes, that's correct. He's on the top 10 list.

CLAY: And is that where you assert privilege, because he is part of the ongoing criminal, active criminal, investigation; is that it?

HOROWITZ: There is the concern about the open case that's about to go to trial in Boston. But the documents at issue here that are the concern and the reason for the invocation involve the deliberative nature of the documents, not necessarily the open case issue.

CLAY: OK, now, you know it's customary for a party asserting privilege to submit a privileged log identifying each document subject to a claim of privilege and providing a general description of the document. And the purpose of this is to help us determine if the claim of privilege is valid or just an effort to conceal information.

Mr. Horowitz, will the Justice Department provide a privileged log to the committee describing all documents that you believe are subject to executive privilege or any other privilege?

HOROWITZ: If I could, I would certainly go back to the department and raise that issue and consult and get an answer promptly to the committee on that question.

CLAY: Well, you know, for you to assert privilege, you know, a recent ruling says that when there is a reason to believe the documents sought may shed light on government misconduct, the privilege is routinely denied on the grounds that shielding internal government deliberations in this context does not serve the public's interest in honest and effective government.

I mean, you know, what are we shielding here? If we know Bulger is on the 10 most wanted list for the FBI, yes, he's been indicted, what are we trying to protect?

HOROWITZ: Well, let me just correct. He has been indicted in the Boston matter (inaudible)...

(CROSSTALK)

CLAY: Right. I said he's been indicted, yes.

HOROWITZ: What we're discussing here is the protection of the deliberative materials that invocations that have occurred, as I said in my opening statement, back to George Washington through administrations of the present on deliberative documents as a general matter, that's what's at issue here with regard to the Boston case. It's not, we don't believe, a new policy.

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What we are prepared to do is work with the committee to get the committee the information so the committee can look at this matter, look and see what happened in Boston.

CLAY: Well, would any release of this information undermine an active and criminal investigation?

HOROWITZ: And that's a separate matter, and it might well. I would need to go back and do an analysis on the open case because there is, as I said, a pending indictment. And there will be a trial. It's currently scheduled, I'm told by the prosecutors who handle it, next January, in a month.

And I would certainly -- in order to answer that question, we would need to go through it and determine which of the documents might relate to an open case.

CLAY: OK. Thank you. Thank you.

BURTON: Thank you, Mr. Clay.

Mr. Cummings?

CUMMINGS: You know, I was just sitting here thinking -- thanks Mr. Chairman. I want to thank you, Mr. Chairman, for calling this hearing.

I got to tell you that this is totally frustrating. And you know, they talk in law school and in cases about things being shocking to the conscience. The lack of information that we're getting here today is frightening.

And you know, as I was sitting, I was just wondering, who do you all go back to after this is over and who congratulates you for what you've been able to achieve here today? I mean, when you go back to the office somebody's going to say, "Guys, you did a great job of stonewalling." And I sure would like to know who that is.

This is so frustrating. I mean, I'm sitting here, and I'll be frank with you. I mean, I've sat in many, many situations, but this is one of the most frustrating situations I have ever been in in my six years in Congress. Because I feel like, you know, I remember during the Watergate hearings somebody said, "I'm not a potted plant," one of the lawyers. And that's how I feel. I feel like a potted plant today.

And I guess I feel it more not so just because of me, but because of the people that I represent. They still believe in a democracy. You know, they want to believe in a democracy. They want to believe that government is open and that government is fair. That want to believe that. They want to believe that prosecutors do the right thing.

They want to believe that, you know, when somebody is convicted wrongfully, a prosecutor wants to vomit because they knew that that person was wrongfully convicted. They want to believe that. They want to believe that someone in a prosecutor's office would cry murder if somebody spent 30 years -- 30 years, 30 years, 30 years. 30 years. 30 Christmases. 30 Easters -- 30 years of their life. We have one life to live. This is no dress rehearsal, and this is the life. Just the idea of it.

And I don't get that. I don't feel it. I don't feel it.

And then we ask questions, and we can't get simple answers. You know, at some point we've got to ask ourselves, where are we headed in this society? You know, we criticize other governments for the way they do business and the way they conduct trials and the way they send people to prison. And then we sit here as a Congress and we can't get simple answers.

And I guess I'm curious to how was the team of people that are here -- I mean I'm just trying to figure out why are we even here if we can't get answers? We're paying folks to do a job. We're paying dollars, taxpayer dollars. And we're wasting our time. And it's very, very frustrating. And I'm not saying this because -- I'm just sitting here saying, "Why am I sitting here?"

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So tell me, since we don't seem to be able to get answers to the questions that have been asked, how was this team assembled that are here? Who are they? And why were they picked?

The gentleman that's sitting next to you. I'm just curious. Why do we have this team here today? Who are they? What are their roles?

HOROWITZ: Well, Congressman, first let me apologize if I haven't been able to impart information.

CUMMINGS: Well, let's go back to the first one. Who's going to say, "Congratulations for stonewalling"?

HOROWITZ: I'm not expecting anybody to say congratulations. And I'm not here to do any stonewalling. I'm here to try and explain...

CUMMINGS: But that's how it feels. And it's frustrating.

HOROWITZ: I certainly understand that. And let me say I understand certainly the members' concern about what happened in Boston. As I mentioned before, I've been in circumstances where I've prosecuted police officers and federal law enforcement officials, and people have gotten out of jail because of it who should not have been in jail. And fortunately, for my circumstance no one had been in for 30 years, but they've been in for many months and in some cases years. And so I agree with you completely that this is not any matter to sit back and congratulate anyone about.

We are trying to provide the information that we can consistent with our constitutional responsibilities and to do it in a way that gets the committee as much information as we are able to do about all of the facts, all of the circumstances that happened here.

And like I said, I'm not looking to go back for anyone to congratulate me. Hopefully, I came here and added and offered some assistance in explaining what our views were. And obviously if I didn't do that, I certainly apologize to you and other members of the committee. But that's what I'm trying to do.

CUMMINGS: OK. You understand our frustration? Do you understand our frustration? Somebody said a little bit earlier, you know, you got Democrats and Republicans frustrated over this. This is major stuff.

HOROWITZ: No, I...

CUMMINGS: I mean, because we don't agree on a whole lot of things.

HOROWITZ: Believe me, I understand that, Congressman.

CUMMINGS: Any time you get me agreeing with the chairman -- I mean, they tell me I'm far left. And they tell me he's just to the right of center. And we agree on this. I mean, it's just got to --

I guess like I said, I think about my constituents and I think about all the people who have gone through so many situations. And then it just seems that government takes the position that we are right. But government isn't always right. And in order for us to get to where government is wrong, we have to have information.

And so, you know, I yield back, Mr. Chairman.

BURTON: The gentleman yields his time.

Mr. Delahunt?

Incidentally, Mr. Delahunt, you were a prosecuting attorney at the time that the Salvati case took place, were you not?

CUMMINGS: I was not. I've always been...

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BURTON: No, I'm talking about Mr. Delahunt.

CUMMINGS: Oh, I'm sorry.

DELAHUNT: Mr. Salvati was prosecuted, Mr. Chairman, before I became district attorney.

BURTON: Oh, well before. But you were district attorney up there, and you're conversant with a lot of these things.

DELAHUNT: I am. I'm conversant with it. And unfortunately, I'm conversant with it.

You know we're focused today on Mr. Salvati, and that's appropriate. And I respect the passion I just heard from my friend to my right. But let's be clear. The Salvati case is not unique.

Do you agree with that, Mr. Horowitz?

HOROWITZ: I certainly think there are more issues beyond the Salvati case with regard to the handling of informants (inaudible)...

(CROSSTALK)

DELAHUNT: Not just in Boston. Right.

There have been allegations about other officers, not just in Boston, but in New York. I don't want to enumerate them. I don't think that's necessary. But what we're talking about is, as Senator Specter and Senator Grassley said during the course of the confirmation hearings of the attorney general is that it's a culture.

It isn't just about depriving people of their liberty. It's about murders. Stop and think, Mr. Cummings, for a moment about those who because of misconduct by personnel within the Department of Justice -- and I'm correct in stating that the FBI is within the Department of Justice, correct, Mr. Horowitz?

HOROWITZ: That's correct.

DELAHUNT: -- that because of conduct the people were given information that led to the murders of people.

Is that a fair statement?

Or we can rephrase it. Is there some evidence...

(CROSSTALK)

HOROWITZ: (Inaudible) allegations I need to be careful...

DELAHUNT: Right.

HOROWITZ: ... as you appreciate (inaudible)...

DELAHUNT: Is there some evidence that would indicate that that (inaudible)?

(CROSSTALK)

HOROWITZ: There are certainly allegations. If I could phrase it that way, Congressman.

DELAHUNT: Right.

Now, I mentioned -- and I think it's really important too, because when we continue to hear, well, "The Department of Justice has taken steps. We created a task force. We did A, B and C," I think it's important to really understand that they did it reluctantly. This simply didn't happen.

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You know, it's my understanding that Judge Wolf -- but let me pose it in the form of a question. Is it your understanding that Judge Wolf had to threaten the deputy attorney general in the previous administration with contempt of court before the names of Mr. Bulger and Mr. Flemmi were revealed as informants?

HOROWITZ: I do not know if Judge Wolf specifically who ordered the deputy general attorney or threatened the deputy attorney general with contempt. And I might note...

(CROSSTALK)

DELAHUNT: I understand it's the assistant attorney general.

HOROWITZ: I'm sorry.

DELAHUNT: Let me rephrase it so I can make sure I'm not misstating it: a senior official in the Department of Justice.

HOROWITZ: And as I said, my answer would stay the same as to whether he indeed issued a contempt order. I do know that Judge Wolf spent, as you indicated a fair amount of time digging and reviewing into this matter.

DELAHUNT: But it was the Department of Justice that refused to disclose the names of Mr. Bolger and Mr. Flemmi as informants until the threat of a contempt citation was put forth by Judge Wolf. I guess what I'm suggesting to you is that the record of the Department of Justice in this entire matter is abysmal. It truly is abysmal for all fair-minded people.

I'm not suggesting anyone here that works for the Department of Justice intended bad things to happen, but with all due respect to Mr. Whalen (ph), not to respond to the chair's question and not to respond to Mr. Tierney's question about do you know if, without getting on to the second question, that does not curry confidence in the Department of Justice.

I would suggest that you go back and think of what you're doing, because I've got to tell you what you're doing. You're undermining the confidence of the American people in the Department of Justice by this presentation here this morning. I'm not singling out any individual, but you've got to go back and say, "We didn't hear anyone on this panel, from left to right, from Democrat to Republican, appreciate or respect the testimony that we proffered this morning.

And I don't know if it's already been inquired of, but in your statement, on page 4, there's a declarative sentence that says, "Legislative branch political pressure on executive branch prosecutorial decisionmaking is inconsistent with the separation of powers and threaten individual liberty." Are you suggesting that this committee is exercising its authority in creating political pressure on the department?

HOROWITZ: No, Congressman. What the concern is, is that making deliberative documents of line attorneys available for public dissemination.

DELAHUNT: But why did you make that statement, Mr. Horowitz?

HOROWITZ: Because the concern is that that could be a result of making available line attorney pre-decisional memoranda to their supervisors and chill their ability or their willingness to carefully and fully analyze a case and decide whether to prosecute or perhaps not to prosecute.

DELAHUNT: Well, let me follow up. In your testimony -- or in your discussions, and again I don't know if you agree with my interpretation of the Supreme Court decision, a case-by-case basis, but you failed to even assert the Department has a particularized interest in withholding the information that was requested. Is that a fair statement?

HOROWITZ: Well, I think what we've tried to address and lay out for the committee, and the committee has the president's order, is the concern about chilling the deliberative...

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DELAHUNT: Chilling. But you did not -- have you provided a log of statements, any of the documents that have been requested, given us, identifying those documents which are subject to a claimer's privilege?

HOROWITZ: Congressman Clay actually asked us to prepare and produce for the committee a privilege log, and as I mentioned to him, I will certainly go back and discuss that and...

(CROSSTALK)

DELAHUNT: You know, you're going to be so busy when you go back, Mr. Horowitz, with all due respect. I understand negotiations between counsel for the committee and the department have been going on for some time. For you to come forward today, without having an answer to that particular question, I'm just disappointed. I'm truly disappointed. You know, you can provide us with a statement quoting a variety of statements. We can all indulge in platitudes and string them on and on, but you're an attorney. You've tried a number of cases, I presume.

HOROWITZ: That's correct.

DELAHUNT: Then why didn't you assert a particularized need to withhold information, given the documents that were requested by the chair and by counsel?

HOROWITZ: My understanding is that the request first came in connection with the subpoena issued back in September. I'm also told that in light of what happened on September 11, that the decision was made to delay the request for the documents until a later date, and that this hearing was then sat fairly recently.

DELAHUNT: You know, honestly, that's just an unsatisfactory response. I mean you're here with a number of professionals from the department. To think that you would come before this committee without having a log prepared, without having a description of a particularized need to withhold that information, I mean there is no one on this -- go ahead, you can interrupt.

HOROWITZ: I'm sorry. I was going to say I think, as far as I'm aware, there is only one court decision that specifically addresses an assertion of executive privilege in connection with a subpoena request from a congressional committee, and that was the Senate Select case decided by the D.C. Circuit.

And what the D.C. Circuit laid out was that the department, upon an assertion of the department, that certain documents fell within the scope of its executive branch privilege, that the Congress was then obligated to present the particularized reason and the critical need for the documents. And that, to my understanding, is the only court decision out there that specifically addresses a congressional request for information.

DELAHUNT: It's my understanding that there are numerous cases. I think I would yield any time he may want to the majority counsel. But, again, let me go back to what I was saying earlier.

BURTON: If Mr. Delahunt would just yield. I have to go to another meeting. I'd like to take my time, and then Mr. Shays is going to take the chair. And you, gentlemen, we'll allow you as much time for questioning as you want, and I hope you will take advantage of that.

Let me just cite for the record that the attorney general of the United States, Mr. Ashcroft, was on the Larry King Show, and I'm sure you're aware of this, and he was asked when we were trying to get documents from Janet Reno regarding some cases regarding the previous president, President Clinton, and Mr. Ashcroft said -- and I'm paraphrasing him because I don't have the exact quote -- "That Janet Reno ought to comply and ought to give us those documents, that the Congress had a right to them." And now he's the attorney general, and he's taking an entirely different position, and that is very disconcerting to me.

HOROWITZ: Can I respond to that briefly...

BURTON: Sure.

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HOROWITZ: ... Mr. Chairman? I actually have -- you cited that in your letter, which I have with me, and if I could just address that. What then Senator Ashcroft said was, quote, "There are only two reasons why a person can fail to respond to a subpoena from the House. One is that there is no jurisdiction in the committee." This committee clearly has jurisdiction. "Secondly, the executive privilege would be asserted." And he goes on two sentences to say, "I think the House simply has to say either our subpoenas are respected or they are challenged on appropriate grounds, and if they are not, stonewalling won't do it." And he goes on.

So I do think the distinction here is, and what then Senator Ashcroft was saying, was there are two options. Either exert the executive privilege or you produce. Stonewalling is not a third option.

BURTON: I see. So you don't call this stonewalling.

HOROWITZ: No. The president has asserted executive privilege, and the committee has...

BURTON: If there was a court order for a deliberative document prepared during a criminal investigation, would you comply, if there was a court order?

HOROWITZ: I think at that point the case law says, and there is Supreme Court case law on that issue, that the court has to do a balancing of the asserted privilege basis by the government, by the executive branch, against the need of the judicial branch for the information. And the same type of balancing would need to go on...

BURTON: So you're saying it would have to go to another court to make the determination that the court that ordered that would be allowed to have it, right?

HOROWITZ: If we're talking in terms of court order, I'm thinking court subpoena.

BURTON: No. If there was a court order for a deliberative document prepared during a criminal investigation, would you comply?

HOROWITZ: If there's a court order, I think we would probably comply. I think people would have to look at the document to determine whether there were any privileges that could or should be raised, that we're obligated...

(CROSSTALK)

BURTON: So why would you comply with a request from the judicial branch and not from our branch?

HOROWITZ: I think, Mr. Chairman, it really depends on the fact- by-fact analysis, as we've discussed before. It really depends on what the document is at issue.

BURTON: I'm sure we're not going to change your mind, and I'm not going to take a lot more time on this, but it looks to the Congress, you've seen across the spectrum, from right to left, to Democrat to Republican, we all disagree with you. We all think this is stonewalling, and I think the American people are going to draw the same conclusion when they hear this. It's just a terrible, terrible precedent to set, and it is a precedent. I just think this is absolutely wrong.

And at the end of the day it looks like the Justice Department is hiding something. And I'd like to recapitulate what's at stake for just a couple of minutes. This committee is conducting a thorough investigation of the FBI's use of a confidential informant or informants in Boston. The picture could hardly be worse. Earlier this year, we had a hearing, and we heard from Joe Salvati and his wife Marie. He spent 30 years in prison for a crime he did not commit, and worse, the government knew about it. They knew he was innocent, and they left him in prison. And he would have gotten the death penalty if they'd had their way.

And who was Salvati doing time for? The real party, the guilty party, was a government informant that the FBI was working with named Jimmy Flemmi -- Jimmy Flemmi. He was known to the director of the FBI, Jay Edgar Hoover, as a man who had killed numerous people, but he was being protected because he was an informant.

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The government also wanted his brother to be an informant, and they succeeded. Stevie Flemmi ended up serving as a government informant for decades. During the time he was a government informant, he was protected by the FBI, and he killed dozens of people, and they knew it. He's currently under indictment for many of these murders.

There are many reasons that we're conducting this investigation. First, we to know whether we should change the laws, and you're blocking us in that area. We will have hearings about this subject next year, and we're going to have a lot of them. It's also important to reach a complete understanding of what happened. Inscribed on the United States Archives are the words, "What is past is prologue." How can we avoid the terrible mistakes made in Boston if we sweep the conduct under the rug, and we don't know how to get to all these things if you keep us from getting documents.

And, finally, the people who suffered, Joe Salvati, who spent 30 years in prison for a crime he didn't do, and mothers and fathers of many people killed by Stevie Flemmi and "Whitey" Bulger, the sons and daughters of those who died, they all deserve to have someone take a long, hard look at what happened. And it should be made public, all of it, something the Justice Department couldn't do if it even wanted to.

And now the Justice Department won't let us conduct a thorough investigation. They're blocking the Congress who has legitimate oversight responsibilities. If we knew that the Justice Department was policing themselves, it might not matter that much. But we don't know that they're doing it, and they aren't policing themselves. The first question we ask witnesses when we talk to them is, has the Justice Department talked to you? A lot of these people we ask, has the Justice Department talked to you? And the answer over and over was no.

After we had Paul Rico in here, the FBI agent, in our May hearing, we found that no one had even bothered to talk to him, and he was complicitous in putting this guy in jail for 30 years knowing he was innocent, and you guys at Justice never even talked to him. And you won't let us have documents so we can do our job.

Time and again, we have found that the Justice Department just has not done its homework, and today is another manifestation of that. Why not? What are you protecting and why?

BARTON: And if you aren't going to do the work, why don't New File...

You let us do the work? As I said, you've got a million dollars worth of talent out there, and nobody wants to answer anything or knows anything. I asked the Justice Department a few months ago to provide me with a list of all the situations in the past where deliberative documents have been provided to Congress. The Justice Department has not provided that list. Tell me about what you've done to prepare a list like that. Can you tell me that? You're looking around, you don't know.

HOROWITZ: I do not know...

BARTON: You don't know.

HOROWITZ: ... what's been done to prepare the list.

BARTON: The guys behind you know anything about that?

HOROWITZ: We will do...

BARTON: You'll check into it.

HOROWITZ: We will get back to the committee with a list of what we've got and provide the committee with those materials.

BARTON: OK. Who in the case of Salvati has been interviewed by the Justice Department so we can end up with a complete list? Who's been interviewed? Can you give us any names that you've interviewed regarding this guy being in jail for 30 years for something he didn't do?

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HOROWITZ: I'm not familiar with who..

BARTON: You don't know.

HOROWITZ: ... specifically was interviewed in connection with the investigation.

BARTON: And will you commit to providing the committee with a complete list?

HOROWITZ: I will certainly go back and discuss that, but not knowing who was discussed and given the status of the indicted case that's going to trial, or at least is scheduled for a trial, next month, it's a matter I would need to discuss with the prosecutors who are handling the matter.

BARTON: We're asking about other cases, not this case; other cases where you have provided deliberative documents. That's what we want to have.

HOROWITZ: I would need to go back and document by document review it and provide the committee with materials that don't involve these type of deliberative documents.

BARTON: Can you envision any circumstance where Congress would need deliberative information from a criminal investigation and that you would comply? Can you think of any case where you would give us that information? The deliberative information.

HOROWITZ: Certainly, in situations, as the chairman has mentioned, the Teapot Dome scandal and the Watergate scandal, there are situations that materials have been provided to the committee.

BARTON: No, I'm talking about in the future. Can you envision any circumstance where Congress would need deliberative information from a criminal investigation that you would give us? Can you think of any?

HOROWITZ: If there were situations analogous certainly to those matters, yes, but it's hard for me to sit here and hypothesize about particular cases that haven't happened as to how they would come out.

BARTON: OK. But if you would give them to us under those circumstances, why would you not give us deliberative documents in the Salvati case?

HOROWITZ: Because as -- and I know I'm repeating, covering old ground -- as laid out in the president's order and then as I said in my opening statement, we are prepared to go and try and work on accommodations with the committee in providing the information short of these handful of documents we're talking about.

BARTON: So you're saying because of the president's claim of executive privilege, in this particular instance, you wouldn't or couldn't do anything. So are we going to have to have the president claim executive privilege in the future on other areas where we want deliberative documents?

HOROWITZ: No. I think what the most likely...

BARTON: This one covers it? Will this one cover any deliberative documents in the future that we might want?

HOROWITZ: I think with regard to every request and every subpoena, there would need to be an accommodation, and hopefully that would resolve the dispute, and there would be no need for consideration of...

BARTON: No, but I'm saying does this executive order from the president, the claim of executive privilege, does that cover any deliberative documents in the future that we might want? Haven't you read that thing? Don't you understand it?

HOROWITZ: With respect to any case forever?

BARTON: Yes. Any case coming up that you want to claim executive privilege, would this cover that?

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HOROWITZ: I think that this order would involve the subpoena at issue in this case -- or the subpoenas involved, which were the Gore memoranda, the Middleton memoranda and the Boston matter. I think for other future matters, we would need to reconsider and determine from there whether they were covered by privilege.

BARTON: You know, that really doesn't make sense, because we've read that claim of executive privilege, and it appears to me to be very far-reaching. And if you guys have read that thing, it appears to me that it's going to cover deliberative documents any time the attorney general doesn't want to give them to us. You're saying that's not the case.

HOROWITZ: I don't believe that's the case.

BARTON: So you believe that the president would have claim executive privilege again if we ask for other deliberative documents.

HOROWITZ: In other circumstances, in other cases, in other requests, I think we would have an obligation to review it. That is my understanding.

DELAHUNT: Mr. Chairman? Mr. Chairman?

BARTON: Yes?

DELAHUNT: If I can for a minute, I would just point to you, and maybe this is what you're referring to, the language in this executive order that states, "Memorandum written in response to those memoranda and deliberative memoranda from other investigations containing advice and recommendations concerning whether particular criminal prosecutions should be brought."

BARTON: It's very far-reaching; it's a blanket.

SHAYS: Would the gentleman yield as well?

BARTON: Yes, I'll yield.

SHAYS: The reason why I, again, find this puzzling and almost disingenuous is this the worst case you could choose to withhold information. It's 30 years old, it involved such an outrageous example of government abuse, that if you would do it on this case, you would clearly do it on the others. Why this case would you want to withhold those documents?

HOROWITZ: Well, it goes beyond this case.

SHAYS: Exactly.

HOROWITZ: When you say this case, it involves -- there were a series of cases referenced, including some of the campaign finance matters, and...

BARTON: Well, if I might reclaim my time, let me just say, because I'm going to turn the chair over to you, this is a far-reaching document, and I don't believe that it limits it to the cases in question. And I think it's going to set a precedent unless we challenge it, and we will be challenging it. And it smacks of a totalitarian approach to administering the law. It really does. Because if we don't have the right in the Congress when we know there's corruption in a branch of the executive branch, like the FBI or the Justice Department, if we can't get access to documents, we'll never be able to protect the American people from the abuse of power; we just won't.

We are elected by the people of this country to make sure there are not abuses of power in the executive branch, but if you have a president and an attorney general who are complicitous with one another in keeping documents from the Congress where there's a criminal case involved, and they might be involved themselves, then how are we going to ever stop abuse? How are we ever going to stop corruption in government?

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You know, if I were going to be elected the president of the United States under the circumstances that we see today, I would first appoint an attorney general who would march in lockstep with me, and I'd make sure that nothing that we did that was illegal or questionable would ever be questioned by the Congress of the United States. And in my opinion, you're providing that by this executive order and this decision of this president. And I think it's just wrong, and I think it's very dangerous.

This president I think is doing a good job. I voted for this president. I support him on almost everything. He's my president; he's a Republican. But the point is he's setting a precedent and the Justice Department is setting a precedent, in my opinion, that's going to go down the road, and we may have another corrupt president in the future. And the only protection against the abuse of power is for the Congress to be able to conduct oversight, and you're blocking us with what you're doing today. And with that, I'll turn the chair over to Mr. Shays from way up North.

SHAYS: Mr. Horowitz, what our intention is that Mr. Delahunt has some questions, I have a few, and then we're going to go to the committee. Do you need a break?

HOROWITZ: No, I can proceed. I'm fine for now.

SHAYS: Would you like a five-minute break?

HOROWITZ: No, that's fine, because I'm just going to grab some water, if you don't mind.

SHAYS: Pardon me? Yes.

HOROWITZ: Let me just grab some water.

SHAYS: Yes, sure.

HOROWITZ: Thank you.

SHAYS: So at this time, we would recognize Mr. Delahunt.

DELAHUNT: Thank you, Mr. Shays. They made me sit up here, so I don't want you to think -- I'm trying to understand what the premise is of the refusal, and all I hear is a general harm, a chilling effect, in terms of line FBI agents. Is that the extent of the rationale?

HOROWITZ: No. We are talking about that, in part, but also the ability of supervisors to make the decisions, to get the full advice of their subordinates to be able to have internal deliberations, whether it's the line attorneys or the supervisors who are recommending to the ultimate decision maker, can have the ability to have that discussion.

DELAHUNT: OK. So it's the communication between the supervisor and the line personnel.

HOROWITZ: As well as the ability of senior officials at the department to be able to gather advice and to make the ultimate decisions that need to be made. I mean there are two parts to this.

DELAHUNT: But, again, let me go back. What is the harm to the disclosure of the information requested to the subpoena in this case?

HOROWITZ: The harm is that as prosecutors write these types of memos...

DELAHUNT: No.

HOROWITZ: ... and decide these...

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DELAHUNT: Mr. Horowitz, you're not listening to the question. What is the harm in this case to providing the information to comply with the subpoena? This is a specific subpoena that has been issued to the Department of Justice.

HOROWITZ: And what I'm trying to say is that the harm is similar to the harm that comes from producing to the Congress internal deliberative memoranda similar in many cases.

DELAHUNT: OK. Then let me just stop you there, because I think you've answered the question. If that is the premise, then that same concern would apply in every case involving deliberative memoranda.

HOROWITZ: Well, and this is where the cases made clear...

DELAHUNT: Am I correct?

HOROWITZ: ... the cases made clear, as I think you mentioned earlier, that the case-by-case analysis is undertaken to determine whether there is an ability to, first of all, accommodate the interest and provide the information. And that's what we have an obligation to undertake with the committee. And then to make the determination at that point whether or not to assert the executive privilege.

SHAYS: Would the gentleman yield for a second, because you'll have as much time as you need.

DELAHUNT: Sure.

SHAYS: What Mr. Delahunt wants to know and what I want to know and what the committee wants to know is you can't make an argument on withholding this information as it relates to this particular case. This case is an old case. You can't make that argument. So you really are making the argument solely to state a principle that you wish to use in the future. Because there is no harm in this case.

HOROWITZ: Well, there is in this case -- first of all, not all the memos, as you indicated, are, say, 30 years old. As you know, there have been developments in the whole time frame that could be responsive, and I think there are more recent memos than 30 years ago. There's also, as I indicated before, the pending criminal investigation and criminal indictment, and so there is the possibility and the potential that some of these documents may in fact...

(CROSSTALK)

SHAYS: So why not -- OK. So why not just release some of the older documents?

HOROWITZ: Because I think the decisions that have analyzed this matter, the Supreme Court case, have indicated that, first of all, the fact that we are a year or five years or 10 years from when the memo was written doesn't diminish the chilling impact that prosecutors today writing memos...

SHAYS: So you're trying to establish -- you're getting back to the chilling effect, which is something that is a future concern, not a past concern.

HOROWITZ: Well, it's a present and future concern, because we have people writing memos every day.

DELAHUNT: You know, it's like utilizing the term "national security" and just saying it; it's meaningless. And you have not provided a factual analysis for the refusal to fully comply. You have not shown any particularized harm for the issuance of certain documents. Mr. Horowitz, you come here without a log of identifying the documents that you refuse to produce to the committee, and I would like to know was there an analysis of each document, and what is the rationale, other than this chilling effect, that would provide, on a case-by-case basis, a rationale and a justification for not releasing the document that was requested?

HOROWITZ: Congressman, I know on this matter, we may disagree on what the case law there says, but the Senate Select Committee case, the only case that we are familiar with that exists out there that involved a congressional request for documents, talked about, as I said earlier, the executive branch analyzing the documents

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and determining whether they are covered by privilege. And then what was outlined in the decision was the Congress demonstrating -- in that case, what the court required was the Congress demonstrating a critical need for the documents.

To subpoena the documents at issue here, the subpoena specifically called for the deliberative documents that are at issue here. The subpoena request that's at issue here in the Boston matter, as well as in the campaign finance matter, involves a very specific set of documents, as indicated. I guess 20 so far have been located, as the search is ongoing.

DELAHUNT: Well, again, all I can say is, I mean, we're going around the mulberry bush here. You're creating, I think, a precedent that you should go back and reflect on. I mean I cannot imagine whatever it takes that Congress, as an institution, as an independent branch of government, would accept this new concept of privilege, which deals more with vague, general suggestions about a chilling effect.

I mean you're undermining the confidence not just of this institution, but as the chairman conducts additional hearings, the confidence of the American people in what the department is doing. I mean I would be embarrassed to have to respond to the kind of questions that I think are being made in good faith by members of the committee with -- and by providing the answers that you're giving here today.

You know, the most awesome power in a democracy is vested in the prosecutor, in the prosecutorial arm of the government. You have the ability to deprive people of their liberty, to injure their reputations, and to put that at risk I think is a very dangerous course to follow here. I mean I really do. I'll be honest with you, I'm really surprised. I'm really surprised by your testimony today.

I know you're the messenger, and Mr. Whalen's (ph) a messenger, and everybody has to comply with whatever the line may be. But this is a total misreading of the law and what good, sound public policy is regarding dealing with a congressional committee. I mean it truly is. General harm, coming here without a log, without being specific. I mean I don't see how you get away with it, Mr. Horowitz. I really don't. I don't see how the Department of Justice gets away with it.

I mean you heard members and their observations, and you could tell, I'm sure, they're very genuine. This is not about political rhetoric and blame. I just think people that serve on this committee are stunned. This is dangerous. This is very dangerous. I yield back.

SHAYS: Thank the gentleman.

Mr. Horowitz, I want to be clear as to when you use deliberative documents in pre-decisional memos, how would you describe the difference, and are you using them interchangeably or do they have defined terms of legal art that I need to be aware of?

HOROWITZ: I think that what I'm saying, pre-decisional memoranda that we're talking about, are in fact deliberative, so that would be a subset of deliberative materials.

SHAYS: OK. All right. When this hearing started, my biggest issue of concern is about the Salvati case, and the bottom line is you're preventing us from doing -- you, the department is preventing us from doing our job of resolving this case. So, basically, whatever the motivation is you're impeding our investigation of the Salvati case.

And in my life, after hearing it, I thought there would be such an outrage because when I asked you about his wife and so on -- this woman actually -- his wife visited him for 30 years, remained faithful to him, supported her family, brought her kids. And I thought there would be such an outrage that anyone in any ability to help would kind of like extend themselves.

And so I thought when my party took over, my Republican party, and they gained control of the Attorney General's Office, they would like recommend to us that we compensate him, that they would kind of lead the charge. So my outrage really stems from the fact that I find the exact opposite is happening. And I didn't think my own party would

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do it. I didn't think Mr. Ashcroft would do it. I really didn't. I thought this man who is so focused on honor and religion and God that he would extend himself.

So then I tried to think, well, maybe they don't know about the case, and maybe if they knew about the case -- that's partly why I was asking you some questions about the case. I have religion -- as Mr. Ashcroft has religion, I have religion on the Salvati case. I have religion on it. I will do anything and everything I can to understand this case, to make sure it doesn't happen again, though I know it happens, and to do what I can to see that he receives compensation and his kids do. So on one local level I'm concerned.

Then I thought, well, my God, if they are willing to do this in the Salvati case, then there must be something so overriding, they don't want Lieberman to get information or they don't want someone else to get information on some other case so they're setting a precedent. They don't want the Senate, which will be a little more aggressive, clearly, than the House will be, they don't want them to get something in the future, and I'm trying to think, well, what are those things?

So I don't have those answers, but then what I hear you saying is you kind of seem like you're backtracking. You've set a principle that basically if it's a deliberative document on a pre-decisional matter, you're not going to give the information. But then you say, "Well, we'll take it on a case by case," which strikes me as bizarre. Why fight it on this case when you really should be betting the other way, unless you want to set the precedent. So I'm puzzled by this kind of waffling, what I think is waffling, on the decision.

You told me that, if I heard you correctly, that if this were just an issue of facts, there wouldn't be a question. Is that accurate?

HOROWITZ: That's my understanding.

SHAYS: OK. But if it's an issue of where it's a pre-decisional memo where the recommendations of the author are there, then we want to hold them confident. Is that accurate?

HOROWITZ: That's correct. There's analysis and consideration of the facts.

SHAYS: So in a document that's prepared, an analysis is after they look at the facts, right? I mean they state the facts in a recommendation memo, a pre-decisional memo. There will be a statement of what the facts are, there would be an analysis of the facts based on the law and then a recommendation. Is that accurate?

HOROWITZ: Generally, that's how they're done.

SHAYS: Now, what happens if we believe -- now you have to trust us like you're asking us to trust you -- what happens if we believe that the facts were distorted and that the FBI didn't give proper facts to people who would prepare a memo for recommendation to the prosecutor? What would you say to something about that?

HOROWITZ: Well, we would be providing the Congress with an outline of the facts as they were understood by the decision makers. And so the Congress would be aware...

SHAYS: Why not just redact the information? Why not give us the documents and redact the recommendations?

HOROWITZ: Well, I think my understanding is that in terms of the documents that we're producing that are non-deliberative and non-declaration material, that that factual information is there. But we're also prepared to sit down and to the extent the committee...

(CROSSTALK)

SHAYS: I'm not interested in what you're prepared to do in the future right now. I'm just trying to understand why I think the department would be so stupid as to get us into this position. That's why I'm trying to understand, because

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I think it's really stupid. I want to understand why you wouldn't have said, "We can't give you this, but we'll give you the listing of the facts, and here they are." Did you make that offer?

HOROWITZ: I think we're prepared to do that. I think we've always been prepared to do that.

SHAYS: I don't know what you're prepared to do. I want to know if you did it.

HOROWITZ: I don't know if a specific discussion was had, as the chairman has just outlined, although let me add on the subpoenas regarding the Middleton matter and the Howard matter, we did provide such a briefing.

SHAYS: What does that mean?

HOROWITZ: A briefing, as you suggested, of providing the committee with an overview of the facts and circumstances.

SHAYS: No, did you give us documents or you...

HOROWITZ: We produced some documents, and we provided a briefing...

(CROSSTALK)

SHAYS: I guess what I'm trying to understand is the document that does analysis has to have facts preceding it.

HOROWITZ: That's correct.

SHAYS: And did you provide us those documents redacted?

HOROWITZ: We did not provide those documents. We briefed the committee on those specific documents and provided the factual documents to the committee.

SHAYS: Do you think that the Senate is going to accept this kind of change in policy, and that's what it is; it's a change in policy? Because we got pre-decisional memos from the previous administration -- not all, but we got some. What do you think the Senate's reaction is going to be?

HOROWITZ: I understand that you received pre-decisional memoranda from the prior administration, but, as you indicated, there were other circumstances where you did not.

SHAYS: OK. Now, we won't receive any. And now we won't receive any. That's the change in policy.

HOROWITZ: And there have been invocations of executive privilege on deliberative materials for many administrations, and I don't presuppose to guess as to what the Senate's view would be.

SHAYS: Were you just not being alert or did you accept the question Mr. Gilman asked you maybe 10 times, a change in policy. He said when, and you tried to find the date. Were you just not paying attention to his making reference...

HOROWITZ: I tried, as people have asked questions, to correct what I disagreed with in the question when I didn't ultimately have that information.

SHAYS: Well, the bottom line is the change in policy, whether you want to agree to it, because the policy now is it will apply in all instances, not in some.

HOROWITZ: I don't believe that's the case. We...

SHAYS: Is it your testimony under oath that the administration will provide pre-decisional documents to this committee and to the Senate?

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HOROWITZ: I don't know as I sit here what those requests will be and what those will involve, and I...

SHAYS: OK. I've got to ask you this under oath. Were there discussions that said it is going to be the policy of the department not to submit pre-decisional documents?

HOROWITZ: I don't recall myself being part of such discussions. Were there other people involved in such discussions? I don't know as I sit here today.

SHAYS: Let's just not even suggest that you were part of the discussions. Are you aware of any department policy to establish that we are going to send a message to Congress that we will not provide pre-decisional documents?

HOROWITZ: My understanding about conversations that, for example, the chairman referenced earlier, have been discussions...

SHAYS: I'm not going to talk about conversations, just any as to policy.

HOROWITZ: As I sit here today, I do not understand the policy to be that from here on out we will not look at documents individually; we will simply take a blanket view on every potential document that could conceivably have a deliberative nature.

SHAYS: So it will not be the policy of the department to exclude some pre-decisional documents or prevent us from getting those documents.

HOROWITZ: As I understand it, what we will do in future cases is analyze the request and analyze the documents. I can't sit here and tell you...

SHAYS: When I listen to your statement, I guess I just wasn't paying attention. I thought you were basically saying the policy is not to give pre-decisional documents because it has a chilling effect. But maybe I didn't hear your statement right. So your statement is that it's going to be case by case, and it's not the policy of the administration to exclude pre-decisional documents. Is that correct, and do you want to check with anyone before you answer again?

HOROWITZ: My understanding, Congressman, is -- and my statement regarded -- the specific subpoena at issue here and the specific invocation by the president on those documents. I am...

SHAYS: So it only applies to this case.

HOROWITZ: As I sit here today, and as you question me about this matter, my understanding is that the president's invocation concerns this -- these, actually, I've got to be careful; there are multiple subpoenas -- concerning these subpoenas...

SHAYS: I understand what his document is. I want to know the policy of the department. Is it the policy of the department to not provide pre-decisional documents to Congress?

HOROWITZ: My understanding of the policy is to consider it on a case-by-case basis.

SHAYS: OK. Mr. Whalen (ph), I want to ask you the same question.

WHALEN (ph): I am only aware of the department's response to the subpoenas at issue. Obviously, the response by the department and by the president reflects a certain policy that if adhered to in the future may well have certain consequences.

SHAYS: So you are not aware of any government effort on -- any effort on the part of the department to make this to refuse to give Congress in the future pre-decisional documents?

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SHAYS: It's going to be case by case? That's your point? No discussion whatsoever that we shouldn't provide pre-decisional documents in general to Congress?

HOROWITZ: My apologies. It's difficult to hear anything over the...

(CROSSTALK)

SHAYS: I'm going to ask the question again, because it's -- I'm going to ask it again, and we're going to have to recess, unfortunately. My question to you is are you aware of any effort on the part of the department to have a widespread claim of not providing documents that are pre-decisional to Congress?

HOROWITZ: And my answer is what I just said, that is I am aware of the response to the pending subpoenas, which response reflect a certain policy, which if adhered to in the future would have certain consequences.

SHAYS: So now I'm back to square one. It just really relates to this case, right? No, it does. It relates to this case, correct? I don't want to fight both sides.

HOROWITZ: No, no, but you're questioning me under oath...

SHAYS: OK.

HOROWITZ: ... Congressman, and I understand this issue, and I want you to understand, and I don't want you to walk away thinking I've...

SHAYS: Sure. Right.

HOROWITZ: ... been evasive in any way, because I've tried to be fully candid with this committee. But as I sit here today, that is my understanding, that it applies to this fact pattern and these documents. And that my understanding is if there are future subpoenas and future document requests, we need to look at those individually and make that determination. Obviously, the president's decision is out there from this matter...

SHAYS: All right. So...

HOROWITZ: ... as are prior decisions by...

(CROSSTALK)

SHAYS: But we're agreeing to something, and I was getting confused and now I'm getting less confused. I'm puzzled about why it would be this case, but -- no, no. I am accepting your point that you're going to take it on a case-by-case, that the argument of chilling effect relates to each case as it comes up, that it doesn't relate in general to pre-decisional memos, because it's going to be on a case-by-case basis. We're there, we agree.

HOROWITZ: Let me be clear. Obviously, as Mr. Whalen (ph) suggests, to the extent the same principle is at play, a similar analysis would need to be done. But I agree with you that we need to look at it, each document, to determine how deliberative it is. Because as you, yourself, recognize, some documents may well have very little...

SHAYS: Now we are here, and then we were over here, and I thought we were back to here, and now we've opened the door, because we're saying the same principle applies. So tell me in this document that you've presented, your testimony, how you relate the pre-decisional memos to the Salvati case and what we requested. Show me in your document where it is. Where do I find it? Because now it's just based in Salvati, so I want to see where in the Salvati case and what we've asked about is there a chilling effect? Is there anything on page one? I want to go page by page. Is there anything on page one that relates directly to the Salvati case?

HOROWITZ: I must say, Congressman, I think the entire document relates to the entire request.

SHAYS: No, no, no.

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HOROWITZ: I don't know...

SHAYS: No, no.

HOROWITZ: As I sit here today, I...

SHAYS: You're not going to get away with that.

HOROWITZ: No, but let me explain, please. I am reviewing this in my testimony concerning the entirety of the subpoenas at issue here. It doesn't concern one particular case; it concerns all of the documents at issue. There are multiple documents here. And I got to add that there is no -- as far as I understand, no declination memo in Salvati is at issue here, because that was a state case and whatever prosecutorial, pre-decisional documents were written would not have been federal documents. That's why I'm concerned when you mention, sir, the Salvati case.

SHAYS: Let me ask you: Is there anything on page one that would tell me why we shouldn't get it as it relates to the documents we've requested?

HOROWITZ: I'm sorry, I can't hear you.

SHAYS: Anything we've requested -- in your statement on page one, is there anything that specifically relates to the document that we asked in specific terms telling us why you can't -- I want to understand why this case would be different than any other case of pre-decisional.

HOROWITZ: I think it would depend, as you mentioned, that...

SHAYS: Tell me on page one, is there any information on page one that would help me understand that? Tell me and show me the line.

HOROWITZ: As I mentioned, Congressman, I don't know that I could go through and pick every sentence, sentence-by-sentence...

SHAYS: So nothing on page one. Is there anything on page two?

HOROWITZ: I disagree with you. I think the whole statement does that.

SHAYS: Is there anything on page two -- is there anything on page two...

HOROWITZ: Yes. I think the entirety of the statement does.

SHAYS: Tell me on page two -- tell me on page two where it would refer specifically to the documents we want and isn't a general argument about pre-decisions. Tell me something specific as it relates to this case.

HOROWITZ: I think the document and the statement and the president's order deals with all of the documents as a whole.

SHAYS: Is there anything on page three?

HOROWITZ: And they all fall in the same categories.

SHAYS: Is there anything on page three?

HOROWITZ: Again, I stand by the answer I just gave, which I think every page has...

SHAYS: Is there anything on page four?

HOROWITZ: Yes. I think every page does.

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SHAYS: Show me on page four. Show me on page four.

HOROWITZ: I think on every page...

SHAYS: Show me specifically as it relates to the documents that we've requested.

HOROWITZ: In this statement, if you're asking is there a specific reference to a specific document, there isn't a specific reference to a specific document.

SHAYS: But couldn't you use this...

HOROWITZ: But that's because...

SHAYS: Couldn't you use this statement and deliver it any time you didn't want a pre-decisional? Couldn't you? Isn't the answer yes to that?

HOROWITZ: This was formulated in...

SHAYS: Isn't this -- excuse me. Mr. Horowitz, listen to the question.

HOROWITZ: My best answer is not something I can give a yes or no answer. I need to explain.

SHAYS: Mr. Horowitz, isn't this a boilerplate response to why you can't give pre-decisional documents to the committee?

HOROWITZ: I think it touches upon the general concern about pre- decisional documents, and beyond that, it touches upon the need for the attorney general and other high-ranking officials to get advice from their inferior officials.

SHAYS: Right. So it's a boilerplate. This is an argument -- no, truly. Mr. Horowitz, you're a bright man, and I may not be as bright as you, but I'm not dumb. This is a boilerplate argument on why you don't want to give us a pre-decisional document. And that's why I believe when I listened to your document that it would not be on a case-by-case.

You're the one who said it will be case by case. So now I'm trying to understand why in this case involving someone who's in jail for 30 years, this, you can't give us the documents. That's what I'm trying to understand. I'm trying to understand this boilerplate document as it relates to a specific case, the documents we want.

So tell me what I need to know about the documents we are asking for that would have a chilling effect?

HOROWITZ: As I said earlier, Mr. Chairman, the producing documents that contain internal, deliberative, pre-decisional analysis has the potential to chill prosecutors today, tomorrow and as we go forward...

SHAYS: And that would apply in any case. That argument would apply in any case.

HOROWITZ: That could well apply in other cases. I'm not denying that these concerns could apply in future cases, Mr. Chairman. I hope you don't -- I'm not trying to impart that sense to you. What I'm trying to focus on here is, as an attorney in the department, as you know, as we do as attorneys, you look at the specific case, the specific request and the specific documents, and I'm hesitant to sit here and tell you what the position will be in future cases, with future documents, with future facts. And in addition to that, it's not going to be my decision as to whether or not in those circumstances to invoke executive privilege.

SHAYS: Thank you. Unfortunately, you're going to get the break that you didn't ask for. We're going to just have a vote. I think it's one vote? Two votes. And then Counsel's going to have questions. I may interrupt him once or twice, and then you'll be able to get on your way.

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Mr. Horowitz, I know you to be a very confident person. I have been told that. I believe that chiefs of staff have to know a heck a lot about so many things. I just think it's unfortunate you're the one put in this position, because this is a real policy issue that transcends you as a chief of staff. And I regret the dialogue we're having, but I am really mystified, and I think that you're probably mystified too. We're going to adjourn; we'll be back.

(RECESS)

SHAYS: Call this hearing to order and recognize counsel. I don't think he'll use the full allotted time, and we'll let you get on your way.

COUNSEL: Mr. Horowitz, I wanted to follow up on one thing that Representative Shays was just talking to you about. You indicated that the Department of Justice will analyze on a case-by-case basis congressional requests, correct?

HOROWITZ: My understanding is that we are obligated, as we get a subpoena and we gather documents in response to that subpoena, to look at the specific documents, how deliberative are they, analyze that. Analyze what the requested investigation concerns and do that analysis, obviously, in light of the principles that have been laid out, but we need to do that analysis on case-by-case matter.

COUNSEL: And is it fair to assume that because you're here you've already done that with the current subpoena that this committee issued?

HOROWITZ: My understanding is that with regard to the documents at issue here in this specific subpoena, that that had been done, that that has been done by officials in the department.

COUNSEL: So to characterize this fairly simplistically, there is a chasm, and on one side of the chasm are cases that are unworthy of your providing documents to Congress, and on the other side of chasm there are cases where it would be appropriate to provide documents to Congress; is that correct?

HOROWITZ: I think that overstates what we're saying. We're not saying that no documents should be provided; in fact, as you're aware, we've provided several thousands of pages of documents with regard to this particular matter, and we're certainly prepared to provide additional documents as we come to find those documents and find them...

(CROSSTALK)

COUNSEL: Well, let's not go down that rabbit hole, because we subpoenaed specific documents, did we not? Deliberative documents, correct?

HOROWITZ: That's correct. The subpoenas we're talking about today have specific requests.

COUNSEL: So the other documents are a red herring for this discussion, correct?

HOROWITZ: Well, the other documents concern this Boston investigation that were responsive to earlier requests.

COUNSEL: But they don't concern this subpoena; is that correct?

HOROWITZ: They did not concern this specific subpoena, as I understand it.

COUNSEL: So I don't want to belabor this point, but it does seem that there is a chasm that's set up. On one side of the divide are the cases where after the Department of Justice analyzes all the relevant concerns, information is withheld from the -- subpoenaed information is withheld from Congress. And then there's another type of case where after the analysis is conducted, information might be provided to Congress. That's what's meant by a case-by-case analysis, correct?

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HOROWITZ: I think information would be provided. The question is whether the particular documents would or would not be produced. Again, what we're trying to do is provide the committee with all the information that we have.

COUNSEL: This is a little unfair, because a subpoena doesn't call for information; it calls for documents, correct? We can't subpoena information that is not embodied in the document.

HOROWITZ: That's correct, and that's why it's obligated upon us to consult with the committee and discuss how we can best accommodate the committee's needs and what type of information you are desiring to get, what your investigation concerns and how we can provide you that.

COUNSEL: So let's take information off of the table and focus specifically on subpoenaed documents. The committee has subpoenaed documents, and it's our understanding after today that you have identified certain documents that are responsive to that subpoena, correct?

HOROWITZ: That's correct.

COUNSEL: OK. So I mean we're here today because the members of Congress would like to review specific documents, not other information, but specific documents. Will you work with me on that one?

HOROWITZ: That's my understanding.

COUNSEL: OK. So if it's true what you say, that there's a case-by-case analysis, and it naturally follows that there's a case-by-case analysis, you are prepared to concede, and indeed you said this earlier when you mentioned sort of off-handedly Watergate type situations, you're prepared to concede that certain cases that are behind the specific document subpoenas might lead the Justice Department to provide to Congress the subpoenaed documents. Is that a fair...

HOROWITZ: That's a fair statement, that we have an obligation, just as the committee does, in deciding what to subpoena, to analyze the request and make a determination about whether to invoke the privilege that we believe exists to protect deliberative documents and in certain circumstances to not protect those documents.

COUNSEL: OK. So in this case, the committee has subpoenaed documents, the Justice Department has located specific documents that are germane to that subpoena...

HOROWITZ: And I believe it's ongoing.

COUNSEL: Perhaps more, perhaps more. And you've made a determination that in this case, not in the hypothetical case, but in this particular case, this subpoena, the September 6 subpoena, in fact the president's made this decision that he will not permit the Justice Department to provide to Congress the documents that pertain to our Boston investigation. Is that correct?

HOROWITZ: That's correct. The president has made that determination, although he has not prohibited us from, again, discussing with the committee...

(CROSSTALK)

COUNSEL: Right, but we're not going to talk about discussions; we're talking about the documents. Because I'm going to ask you some questions about that in a minute. But the president has decided that the members of Congress will not be permitted to see specific documents. OK.

What is it in our Boston investigation that puts this particular investigation and these specific documents on the side of the divide that would have the president order you not to provide them to Congress?

HOROWITZ: My understanding is that the concern that the president expressed in his order was, as mentioned before, really two concerns: One, to protect internal deliberations, and, second, to protect the free flow of

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information from line attorneys in preparing pre-decisional memoranda. And what we then have a responsibility to do, as the president's outlined in his order, is to work with the committee to try and provide the committee with information and do so in a way that's consistent with the outlines of the order of the president.

COUNSEL: Let me just -- I didn't want to bring this up, but let me just bring up something that was mentioned at a meeting that you were not privy to and the only value added I can provide is that I go to all these meetings, so I have some corporate memory. We went to one meeting at the White House, and one of your colleagues told us that, yes, there will be an analysis of situations on a case-by-case basis, but the analysis will be conducted by the Department of Justice and the White House, and they will always win. That's what we were told. It was somewhat jocular aside, but it actually describes precisely what's happened here, because there's not been one minute of discussion with the committee about the committee's need for these particular documents. So that's a factual statement.

But going back to the policy you've just articulated as to why we can't get documents that are germane to the Boston investigation, this is precisely what Congressman Shays said. They apply to all situations. The most egregious situation you could imagine. And let's just take a real case, the case of Attorney General Daugherty, who first resided in Washington as attorney general and then resided in prison as a felon. And in that situation, should Congress -- let's start with a hypothetical -- should Congress have asked for those documents, the rationale is that you've just provided to the committee applied equally to any other situation.

HOROWITZ: I think the general principles would apply, you said, in most, if not all, circumstances. But that doesn't mean that there is some, at least to my understanding, some wooden application of the principles. There's a need - - that's why there's a need to look at the particular documents and the particular circumstances at issue to determine whether or not to make the production.

COUNSEL: Are you able to tell us why when the attorney general articulated his approach to the chairman and the counsel to the president, his approach to the chairman, they said something different than what you're saying today. They did not aver to any case-by-case analysis. They spoke of a strict policy.

HOROWITZ: I was not present, as you know.

COUNSEL: I understand.

HOROWITZ: But I can tell you that I'm speaking to you from my experience in dealing with privilege issues, whether it's attorney-client privilege, 6(e), law enforcement privileges, privileges you have to deal with occasionally as line prosecutor or in private practice. And in those circumstances, my experience is in every one of them you need to review the material and review the documents and make the individual determination that I'm discussing here. And that's why I talking about this, is for my understanding that's how I'd be looking to pursue this if and when a subpoena comes that I might have a responsibility to be involved with.

COUNSEL: OK. So just going back to the specific question about a subpoena for Boston documents. Is there anything that's specific to these Boston cases that would lead you, that would lead the president to direct Congress not to receive this information?

HOROWITZ: I think that perhaps what would be beneficial going forward from today's hearing is to meet with the committee and the staff and discuss particularized needs and whether there's some way to reach an accommodation that would address the needs that you've, in part, articulated today and perhaps want to have a further dialogue in discussing.

But as I sit here today, I can't tell you that in reaching the decisions there was a specific fact about these specific documents that resulted in the decision to invoke the privilege, other than the sense that these were deliberative materials, and it was important to the executive branch to allow the deliberations to go forward in an unfettered way.

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COUNSEL: Would you be able to confer with your colleagues and see if there is, in their minds, a specific rationale beyond the general matters you've just described that would have the president prevent Congress from receiving these documents?

HOROWITZ: One moment. With regard to your specific question, what I would propose is that we do have to go back, consider the request and get back to you in writing with an answer to the question of whether there were individuals or there are people who believe there are particular issues with regard to these documents.

COUNSEL: Certainly. That would be very much appreciated.

Let me just switch to another conceptual type of matter. Are you willing to admit that it's possible for Justice Department personnel to make mistakes?

HOROWITZ: Absolutely, I am.

COUNSEL: What you're offering to us, and we've certainly taken you up on it, but what you're offering to us is a briefing about specific material that we have subpoenaed. How do you get around the problem that you might make mistakes when you provide the briefing? You might not understand the significance of the information.

HOROWITZ: Well, my concern with that is that if that were the principle, that there would be a concern about briefing, then in every case there would be a decision to turn over the documents no matter what the case involved, how big or how small. I mean in some cases, I think we'd all agree a briefing should be sufficient. And at a certain level, just as we have to place our good faith in your exercise of your constitutional powers, that at a certain level and at least in certain circumstances of cases you have to do the same with us and presume that the president, through his Justice Department, are acting in good faith with the committee.

COUNSEL: But this is an important point, because assuming good faith, and we start with the presumption of good faith, but assuming good faith, would it not be possible that information would be not provided in a briefing that would be germane to our investigation? Just is it possible?

HOROWITZ: There are obviously many possibilities in many circumstances, and that's why I mentioned that to suggest that the mere possibility that someone would make an error in a briefing means that in every case the department would be obligated to produce deliberative material regardless of how important the case was -- Watergate Teapot Dome -- or how small -- a buy bust on a street corner. I think that's the danger with taking that principle too far.

COUNSEL: But this is to suggest that no matter what the type of investigation that you will have full command of all facts to the extent that you can provide the information that's relevant to an investigation. And in this case, it's particularly difficult for us because nobody's ever asked the committee any questions about what they're doing, so it makes it difficult. If I were to say to you now we'd like a briefing, short of reading us the precise document seeing the juxtaposition of the words and how they're placed on the page and whether there's marginalia and all of the things that make any document or review worthwhile, that you would -- and this is assuming good faith -- that you would get it right and provide us all the information that would allow us to understand the circumstantial aspects of the particular cases.

HOROWITZ: And that's true, but let me shift to an example that I...

COUNSEL: But it's either true or it's not true.

HOROWITZ: No, but let me just explain an example of a similar scenario, where, for example, as you know, as a line prosecutor, there's a Brady obligation that we have to produce -- and a Rule 16 obligation on the federal criminal rules. And that obligation the courts impose on us to cull our documents and to determine what's material not only to our prosecution but material to the defense. And we have in certain circumstances obligations to go through an fairly make those decisions and not draw the lines too close and to present that information. I

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understand your concern that you might be analyzing or thinking about information or a matter in a way that we might not, so I think it's...

(CROSSTALK)

COUNSEL: But while you understand our concerns, is it a valid concern or an invalid concern?

HOROWITZ: I'm sorry, is what a valid concern?

COUNSEL: I mean we appreciate you understand our concern, but is it a valid concern?

HOROWITZ: I think it's a valid concern, and that's what requires us to have discussions with the committee to make sure we are fully aware of what the various reasons might be for the committee's interest in particular documents or particular information. And that can vary from case to case.

COUNSEL: But that is to assume that we would conduct -- for example, in this case, we've conducted an investigation that's proceeded for nearly nine months, and that's months of accumulation of documents, and then we have a bag of 60 pounds of letters here from the central witness in the Deegan murder prosecution that we found that provide all these candid assessments of what was happening in some of these cases. And I could dump them in front of you, and the point I would make is nobody from the Justice Department has even bothered to ask for those documents.

So a negotiation or discussion would be to assume that you would be able to understand in certain cases what might taken us nine months to understand. Or that maybe a tangential matter for you might end up being a significant matter to us. And this happens very rarely. That's why this is a significant...

HOROWITZ: No, I understand, and that's why I think the dialogue is important, because there have been situations where we've engaged in dialogue that I think has been helpful to illuminate what is at issue and what the committee's concerns are. And you have also, as I said earlier in response when we've raised concerns about particular issues, and you've recognized those, and the only reason they've happened is because there was dialogue.

COUNSEL: This discussion assumes good faith, and we do assume that. But there are times in the administration of justice where an assumption of good faith would be misplaced. Attorney General Daugherty perhaps, Attorney General Mitchell perhaps. You're saying something to us today that we presume you would like to be in place after you're not sitting at the table that applies to the Department of Justice. How can the committee get around the situation where there's an assumption of bad faith?

Let's just take a specific example. The Teapot Dome situation, where Congress was able to obtain documents that indicated there was misconduct. Everything that you've said to us today indicates that what would happen in the future is that there would be an analysis by a number of people, and those people would decide what Congress received, correct?

HOROWITZ: Well, I think that what would happen is...

COUNSEL: Well, I mean is that right or wrong?

HOROWITZ: Well, people will analyze, obviously, the documents, but...

COUNSEL: OK. So people at the Justice Department and perhaps the White House.

HOROWITZ: Correct, but it's certainly important for us to have an understanding if the committee has reason to think we're not acting in our presumptive good faith, as you indicated, that there's some bad faith somewhere in the executive branch, that we understand that, and that would -- should, in analyzing the materials, inform our decision and...

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(CROSSTALK)

COUNSEL: But if that were true, sometime in the last six months somebody would have come to us and asked us for the rationale to back up what ultimately resulted in the subpoena. But six months -- it's nine months, actually, now have gone by, not all of that applied to the Boston documents, but no one did that. So perhaps you're saying that this henceforth will be the policy, but that wasn't the policy for all of these months.

HOROWITZ: Well, like I said, I was not in the discussions that you've outlined, and you obviously have, to some extent, more information as to what the back and forth was between the committee and the department and the executive branch, but that is my understanding which is that if there were information about bad faith activity by the executive branch, that would certainly be a factor for us to weigh in deciding whether or not to produce the materials.

COUNSEL: Well, let's go back to the Attorney General Daugherty fact addum (ph). Let's take you out of the seat and let's put him there. And he's sitting there articulating the policy that you're articulating. And he's read the same statement that you've read, and he said, "I'll come up personally, and I'll give you a briefing." And we'd say, "Well, that's not acceptable to Congress, because we have a concern that there are issues that we need to analyze." And he would say, "But I'll give you a briefing," and he'd talk about a chilling effect and all the other things.

As you sit here today, that's all we get. There is no recourse beyond that, because if we don't see the underlying material, it ends there. It ends with the assertion that we will operate in good faith.

HOROWITZ: Well, I think in both the Teapot Dome situation or the Watergate situation that we've been talking about, certainly you would have a reason to proffer or to provide, to lay out, the demonstrated or that there was certainly at least allegations, if not actual facts demonstrating bad faith and corrupt activity by the...

COUNSEL: Which is our point because those allegations were made after Congress, perhaps before, but certainly they were perfected when the American people saw the documents and Congress saw the documents. I mean it's kind of a circular argument here, because those are situations where Congress did get the documents. Now you're saying henceforth if General Daugherty were sitting there, he would say, "No, you can't have these because there's a chilling effect. No, you can't have these for various other principled reasons." We wouldn't get them, and we would not have known about what happened.

HOROWITZ: Well, my understanding from looking at the OLC opinion that summarized some of the information here as well as some of the earlier cases -- the McGrain case and others -- is that there were allegations out there prior to the litigation that resulted in those cases.

COUNSEL: But if you set the standard on allegations, you're in big trouble, because there are a lot of allegations that get made. And if you want to offer to us if we make allegations, then you'll give us documents, then that's not a good one.

HOROWITZ: There's clearly got to be a discussion about the significance of the information and how serious it is.

COUNSEL: OK. Well, let's go back to the specifics of this situation. Here we have perhaps between 20 and 60 murders; start with that. Let's forget about our scandal involving money somewhere. Here we've got murders, here we've got FBI agents, subornation of perjury, all these things that Director Freeh has averred to the possible accuracy of these allegations. You, yourself, have averred to the possible accuracy of these allegations. Just setting aside their allegations, forget the evidence...

HOROWITZ: And I wasn't challenging the allegations; I was just trying to keep the language in terms of allegations because of the pending case issue.

COUNSEL: I understand, I understand, but that takes us back to this divide, and for some reason the president of the United States has been briefed, and he's been convinced that the Boston investigation conducted by this committee is on the wrong side of the divide, and we don't get the documents that we've subpoenaed.

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HOROWITZ: My understanding is there has been no allegation that this attorney general or the new FBI director, Director Mueller, has in any way engaged in bad faith or failed in any way to present to the committee the documents that lay out the facts of what happened and have in any way demonstrated an unwillingness to provide the committee with the information. So I think it is, in that regard, different from, say, the Teapot Dome scandal that you've mentioned.

SHAYS: Can I just ask you this question? When you say the facts of what happened, there are other facts as well. I mean there may be facts that are presented that are inaccurate. I'm a little uneasy when you say the facts of what happened.

HOROWITZ: What I mean to say is that with regard to the comparison, say, to the Teapot Dome or other -- or Watergate, in those cases, the allegations, at least I read them, involved corruption by the then attorney general and the then department officials who were deciding these issues. All I mean to say is that the allegations at issue here, while certainly involving corruption, don't involve this attorney general or this FBI director. That's all I was trying to...

COUNSEL: But at the end of the day, all you're saying is this case just isn't that important. That's all that you're saying.

HOROWITZ: I don't think that's the message at all from this administration, and I am certainly not sitting here saying that. This is a very important matter that we've, in the Criminal Division, by putting this task force together, care deeply about. And I don't for a minute think that this is an unimportant matter.

COUNSEL: But maybe I shouldn't have said unimportant, but I thought I said less important.

HOROWITZ: Well, I don't think...

COUNSEL: But if I did say unimportant, that was a bad choice of words. But what we're saying is you're prioritizing. You are saying, "OK, and the Daugherty situation, fair enough, maybe. Watergate situation, fair enough, maybe." In the case of dozens of murders and a guy for 30 years in prison. That's just not -- it doesn't rise to the level that gets us real excited.

HOROWITZ: I'm not saying that at all. I hope that's not my message in this discussion.

HOROWITZ: What I'm saying is that what we looked at, what we need to look at, in terms of these cases as they develop is, in Teapot Dome, in Watergate, the allegation about corruption by the individuals, as you indicated, who were going to be calling culling the documents and making decisions. That's the factor I'm talking about.

I'm not sitting here by any means trying to tell you how important this case is compared to other cases. This is an important case. As I said, the Criminal Division has certainly invested resources, substantial resources in pursuing this investigation. So I don't want to...

COUNSEL: But I mean, there's a slight factual problem there because in Teapot Dome the attorney general that gave up the documents was not the attorney general that went to prison. It's analogous precisely in that although there may be more years between the underlying conduct and the provision of documents to Congress, Attorney General Harlan Fiske Stone gave documents to Congress, and in this situation, in Teapot Dome, you had a new attorney general giving documents about conduct in the previous administration. And that's all we're asking for. We're asking for this attorney general to give documents to Congress about conduct that happened under the launch of a different attorney general.

HOROWITZ: Well, I think the difference is, the distinction is when the corruption had involved in Teapot Dome, the attorney general who had been involved in discussions with the committee, I think that there's a legitimate...

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COUNSEL: So again, there's distinctions, but this is corruption that goes to potentially the director of the FBI. So you're saying only if the conduct goes to the attorney general, might we do this. But if it's merely the director of the FBI, that doesn't rise to the level of...

HOROWITZ: I guess what I'm saying is it depends on each case, and I would -- and I think the department would be more than happy to have from the committee a discussion and dialogue on the particularized need in this case.

COUNSEL: But that's fine, and we'll obviously take you up on that, but you've already done it. I saw this morning an order to the attorney general signed by the president of the United States about this particular issue. So you've already done it. I mean, we can have meetings in the future, but everything you've said today indicates that people have considered this issue and thought about it. And they went to the president of the United States and a decision was made.

And so I'm a little surprised that you're saying -- and I don't mean to mischaracterize it, but maybe we didn't do our homework. We'll go back. We'll meet with you again. We'll try and figure out what you really wanted. And maybe in the future we'll give you the documents. But today, the president of the United States for the first time in the new administration evoked executive privilege. I mean, there are -- you go back and you look at...

HOROWITZ: And I want to say invoke executive privilege on what I call the Salvati case, this outrageous case. This is where you set your marker. It's bizarre.

COUNSEL: There have been presidents of the United States that have not invoked executive privilege in four years. Many of them maybe once, maybe twice. So I mean it's nice that we could have a meeting in the future, but the decision's been made.

HOROWITZ: Although my understanding was that there had been several months of back and forth discussion leading up to it. I can't -- as I said, I was not -- certainly wasn't in every meeting, and I'm not even sure how many I was actually in on this discussion back and forth with the committee. And if that was not a discussion or was not probed and discussed back and forth, then we shouldn't ...

COUNSEL: But there was no need to probe it because there was a declarative statement of policy, no, never will you get these types of documents. For example, we sent a letter last week, we sent a letter this week asking for a witness. The letter articulates clearly what we understood the attorney general and the White House's position on this matter was. You didn't come in in your statement and say, "We got a letter with a factual inaccuracy in it," which would have been the first thing that a careful lawyer would have done, one thinks.

HOROWITZ: Well, I think that what we tried to do in laying out the memo, I don't believe in my statement, and I don't believe the president in his order suggested this is a policy that will not require particularized review of specific case. And I understand what you're suggesting, but I don't think that by invoking in this case that the president has said that there will be no need for future dialogue with the committee about these matters or about other matters that may come up which you don't need to discuss. In fact, the president explicitly instructs the attorney general to work informally with the committee to provide such information as it can.

COUNSEL: Do you think you need more than -- I didn't count, but there were 13 members in the Congress today articulated their concerns about why they think it's important for the executive branch to provide to Congress documents about this investigation of the FBI's handling of confidential informants in Boston. Is that enough? Do we need to do anything else beyond ...

HOROWITZ: Well, I think one of the things we need to do is provide you and the committee with information and briefings about what information that might be in those memos that you might be seeking. I do think there needs to be a dialogue to go down that road.

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COUNSEL: I mean I don't make these decisions, obviously, but you admitted that our concern was valid that the Department of Justice may not fully understand the significance of certain types of information. So if that's a valid concern, then a briefing is not in this particular case appropriate.

HOROWITZ: But I do think that what the case law says also is, in the Senate Select case, the other Supreme Court -- at the D.C. Circuit, the Supreme Court decisions to deal with this issue says that there needs to be a dialogue between both branches to try and accommodate the need, and that may mean...

COUNSEL: We agree, and I apologize for cutting you off, but if I do, we'll all finish quicker. We've said that for nine months -- there should be a dialogue. And all we got was a clear articulation of policy with the one exception of one individual who said, "Yes, we will do an internal analysis, but we will always win." But when the attorney general, the deputy attorney general, the head of the Criminal Division, the White House counsel, the deputy White House counsel and a number of other employees spoke to either the chairman or committee staff, there was no dialogue about a congressional meeting. It was...

(CROSSTALK)

SHAYS: Let me just say what's unsettling. And again, you know, you may some day be attorney general and president of the United States. But in your present capacity, the people who have relayed this information, frankly, outrank you. And so it's a little unsettling that we've spent all day having this testimony, but where -- you're their messenger but you're not able to override conversations that they've said, admittedly not in public.

HOROWITZ: Well, and let me just say for the record, my understanding was the attorney general asked for the hearing to be delayed because he and Mr. Chertoff are traveling in connection with the 9/11 investigation, and that request was denied. And that's why I'm here.

SHAYS: And that's a very important point. The bottom line is...

(CROSSTALK)

HOROWITZ: They certainly didn't want...

(CROSSTALK)

SHAYS: No, and so you are accommodating us, and I understand that we accepted your accommodation. The challenge is -- it's a good lesson for this committee. The challenge is that may not have been the wise thing to do.

COUNSEL: Let me just finish with one thing.

SHAYS: Are you about finished? Yes, and then I'm going to recognize Mr. Burton.

COUNSEL: That's a good segue to my final thought, questions, which are, you in your statement, Mr. Horowitz, have said that consistent with the long-standing department policy, we have declined these committee requests. And I know the reasons you've advanced, but is it not fair to say that the long-standing Department of Justice policy is to provide deliberative documents to Congress in certain circumstances?

HOROWITZ: Well, that's a key qualifier to put on it in certain circumstances. There are, as I learned in reviewing the material here and looking at some of the OLC opinions to gather the information from 200 years of invocations of executive privilege, there are examples from almost every administration where there was an invocation of executive privilege or at least from a significant number of past administrations where there wasn't an invocation of executive privilege to protect deliberative documents generally, not specifically with regard to criminal matters, but generally deliberative documents. And there are examples, which I know you've cited or the committee has cited, where decisions were made to product deliberative documents given...

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COUNSEL: So isn't that the policy, that there is a long-standing policy of producing to Congress these very types of documents that we seek right now?

HOROWITZ: From my reading of history and reviewing these, the policy is that these documents -- the presumption is that they're presumptively privileged and that an exception need be made in a particular case to decide to not protect deliberative documents.

COUNSEL: But that we understand, but is it not just true? Is it not just simply a statement of fact that every administration since the Harding administration that we've been able to figure these things out on has had a policy of accommodation? And in that policy of accommodation, they have accommodated Congress. And I won't say in every administration, but we're aware of many cases, as are you, where in many administrations Congress has received deliberative documents of the very sort that you're now protecting. So shouldn't you at least aver to that as being a long-standing policy?

HOROWITZ: I certainly agree with you that the obligation is accommodation and that we need to have that mindset in looking at these. But accommodation does not necessarily mean simply producing the documents.

COUNSEL: But it has meant that, correct? Is it not correct to say that it has meant that?

HOROWITZ: I don't necessarily agree with that characterization of it. As I looked at this 1982 OLC opinion, which summarized invocation after invocation of executive privilege, I can go through, and you've got President Washington, you've got Jefferson, you've got Monroe. I mean, it moves through many directions.

COUNSEL: But that is irrelevant. I mean, there are times when there's a privilege invoked and we might agree. We might -- back then the Congress might end. But, by and large, over 70 years, the Justice Department has provided the Congress with various types of deliberative documents. And indeed, in the Clinton administration for eight years, they provided mini-declaration memos, precisely the types of documents we're getting. That's the policy.

HOROWITZ: Can I just cite the example of President Eisenhower in the Army McCarthy hearings where he advised his subordinates to protect deliberative material from the committee. And President Kennedy did the same thing in a hearing during his administration. I do think it's fair to say that generally speaking, the executive branch is looking at these materials, deliberative materials, as materials that are privileged because of the deliberative nature of them. Obviously you need to look at how deliberative they are, and the chairman has made that point. And that's certainly a fair point, but we then need to look at the circumstances under which that request is made.

SHAYS: Mr. Horn has got a question or two. I'm going to just have some closing comments, and I'll let you make your closing comments.

HORN: Thank you, Mr. Chairman. The facts are that President Washington gave all of the papers with regard to the Army of the St. Clair expedition and gave it all to Congress. You can just read the annals of Congress, and there it is. You can tell that it should be done by Congress because that's their role of supporting the Army and all the rest. So this is not new. And it didn't start with Harding as far as that goes. I'm curious, how many special agents have been interviewed to see if others have put innocent citizens in the 30 years, 25 years, 15 years. Has that investigation occurred?

HOROWITZ: My understanding is that the investigation is ongoing, has pursued questions regarding the handling of the informants and whether individuals were improperly pursued, and that there's an indictment pending. I must say that in order to get back, we need to probe further to figure out and determine how those questionings specifically went, and who was specifically questioned. But my understanding is that that task force was designed to uncover corruption that occurred in the allegations and pursue them. So I certainly will do that.

And if I could, just on the President Washington example if I could go back, that certainly, as you stated on the St. Clair matter in the request, certainly the president determined -- President Washington determined not to invoke.

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But with regard to the Congress' request for materials on the Jay Treaty and the negotiations, he didn't ultimately decide to not produce the materials after reviewing the matters. And I think other administrations subsequent to President Washington's have done similar balancing as they've looked at this issue. So I think there are a number of examples on either side.

HORN: Well with Washington, he was pretty important on that, and he knew what he was doing and so did Eisenhower. He put those papers under Assistant Secretary of Defense Seaton so they wouldn't be all over the Pentagon. And if it was needed, it would be given to the Congress.

HORN: I'm curious, if I were president of the United States and I had this problem, and the attorney general came up to me and gave me the executive order that was before us this morning, I would say, "Mr. Attorney General, I'm going to be looking for another attorney general because I don't want my administration to look like it's covering up corruption in the bureaucracy." And that is just wrong.

The American people don't just sit there. They want clean government. So do I. I want the president of the United States not to get in on this type of what I would call corruption. And so I would hope that the president would drop that executive order, because it just gets Congress mad, it's going to get the press mad, it's going to get the average citizen mad. And I don't want that kind of a situation.

HOROWITZ: And I certainly understand that, Congressman. And I hope today I've outlined the department's view that we are not looking to prevent the committee from getting the information that you are talking about in terms of factual information. I think we have a disagreement, obviously, over a narrow set of documents, but I certainly -- no one in the administration is looking to try and be seen as covering up any corrupt activity in Boston. And indeed, hopefully by bringing indictments up there as we've done, and having our task force dig on this, that the public will be satisfied that we've done our job that they rightfully expect us to do. And I couldn't agree with you more on that.

HORN: Thank you.

SHAYS: Thank you, Mr. Horn.

Mr. Whalen, Mr. Horowitz, is there any question that you wish we had asked that you want to answer?

HOROWITZ: No. I guess given the statement or the question about why I didn't initially correct the characterization of the hearing in the invitation letter about the scope of the policy, or at least my understanding of the scope of the policy, I guess I certainly would have -- I certainly regret not having the opportunity at the outset to explain what my understanding was of this policy.

SHAYS: Well, let me say to you, I feel that the department's refusal to cooperate with the committee has a chilling effect that sends shivers down my back. And I am one of the biggest fans of your boss. As a moderate Republican, I defend him in the Northeast. I go on TV and defend him. I say he needs these additional powers. But in the back of my mind, the safeguard is that we have oversight.

And I feel that he's sending out a real dangerous message. And I feel that the message he's sending out is give me more power, and we are going to change the policy to be even less cooperative than previous administrations when you need information.

I also want to say to you that I don't think I was unfair in asking you to go page by page, Mr. Horowitz, to your document. I reread it when I went over to vote and came back here. You could take out two sentences and use this at any hearing where you were going to refuse to provide prosecutory decision making documents.

In fact, the sentence -- your opening sentence says, "Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today to discuss the department's position with respect to the committee's subpoenas for prosecutory decisionmaking documents as it relates --" no, you didn't say as it relates to what. That's where you stopped. There was the sentence. The only two sentences I could take out are, "Since January 22nd,"

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POLICIES

on the first page to the top of the second page. And then everything else is boilerplate. It could be read in anywhere. No reference to the committee.

I have not learned anything today that tells me why this case, why this case would have a chilling effect. I haven't learned anything. So I am going to hope that the committee and the department will sit down and somehow will find a way to get the information that we have a legitimate right to have, which is the documents in my judgment that we've requested. It may be some variation. It may be some redacting or something, but this is the wrong case to build your argument in my judgment about not providing decisionmaking documents.

We know that almost every president has in some cases said yes and some cases said no, but never had a blanket for all. We're saying there isn't a blanket for all, but in the case that you've decided to set your marker, you've done it on the Salvati case. Big, big mistake. Big mistake. And I'm going to personally request a meeting with the attorney general to discuss all the other things that I and others that have supported him on it and ask him what he thinks the impact has on whether we've done the right thing.

Because I just have a big warning sign out there. I consider you a man of good will. I consider the people who work for the attorney general people of good will. I hope this is just a bad dream for all of us. With that I will just adjourn the committee.

END

Notes

???? - Indicates Speaker Unknown

-- - Indicates could not make out what was being said. off mike - Indicates could not make out what was being said.

Load-Date: December 20, 2001



Wrongfully Imprisoned Man Blames FBI

CNN CNN TONIGHT 22:00

May 3, 2001; Thursday

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Section: News; Domestic; PACKAGE

Length: 472 words

Byline: Bill Hemmer, Kelli Arena

Highlight: Joseph Salvati, convicted in 1968 for a murder he did not commit, was released after spending 30 years of his life behind bars. Salvati and his lawyers alleges that the FBI kept him in jail knowing he was innocent.

Body

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

BILL HEMMER, CNN ANCHOR: In Washington, an innocent man held behind bars for three decades, told a congressional committee today his emotional and sometimes disturbing story. Joseph Salvati pointed the finger, of all places, at an FBI cover-up. CNN's Kelli Arena now from Washington.

(BEGIN VIDEOTAPE)

KELLI ARENA, CNN CORRESPONDENT (voice-over): Joseph Salvati was convicted in 1968 for a murder he didn't commit, and spent 30 years of his life behind bars.

JOSEPH SALVATI, WRONGFULLY CONVICTED OF MURDER: I was framed by the FBI and a guy called Joe -- I call -- by the name of Joe Barboza. He substituted me in place of the real person that done it, because he didn't like me and I owed him money.

ARENA: Joseph "The Animal" Barboza was a notorious Boston mobster, but was of value to the FBI. In fact, the federal government created the witness protection program to keep him safe. Barboza was eventually murdered in 1976, but not before he tried to recant his testimony implicating Salvati. He turned to lawyer F. Lee Bailey.

F. LEE BAILEY, ATTORNEY FOR JOSEPH BARBOZA: He was afraid that he would go away for life for perjury in a capital case, because that...

ARENA: Bailey told authorities his client had changed his tune, but Salvati remained in prison.

SALVATI: I done the time, I didn't let the time do me. And I done it a day at a time.

ARENA: Recently uncovered evidence shows law enforcement officials knew Salvati was innocent, including then-FBI director J. Edgar Hoover.

Wrongfully Imprisoned Man Blames FBI

VICTOR GARO, ATTORNEY FOR **JOSEPH SALVATI**: The day of October 25, 1967 will go down in the annals of the FBI as their day of infamy, because it was on that date that J. Edgar Hoover crossed the line and became a criminal himself.

ARENA: One memo sent to Hoover in 1965 details the murder Salvati was accused of, and names four men responsible. Salvati was not one of them.

H. PAUL RICO, RETIRED FBI SPECIAL AGENT: I know that we had versions from informants and then we had Joe Barboza's version.

ARENA: Paul Rico was a retired FBI agent who worked on the case. Though his lawyer told him to plead the Fifth, he insists the FBI handled the case properly.

REP. CHRISTOPHER SHAYS (R), CONNECTICUT: You don't seem to care.

RICO: Would you like tears, or something, what?

ARENA (on camera): As for **Joseph Salvati**, he'll sue for compensation, but says despite his ordeal, he still believes in the U.S. criminal justice system.

SALVATI: It's great system. Can you name a better one? Can you?

ARENA (voice-over): Kelli Arena, CNN, Washington.

(END VIDEOTAPE)

HEMMER: Also, the Justice Department informs us the investigation into that case is still ongoing.

TO ORDER A VIDEO OF THIS TRANSCRIPT, PLEASE CALL 800-CNN-NEWS OR USE OUR SECURE ONLINE ORDER FORM LOCATED AT www.fdch.com

Load-Date: May 4, 2001



[Why I'm Signing Off the Podcast I've Done for 13 Years](#)

Robert Ambrogi's LawSites

August 30, 2018 Thursday 1:15 PM EST

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Length: 2149 words

Byline: Bob Ambrogi

Body

Aug 30, 2018(Robert Ambrogi's LawSites: <http://www.lawsitesblog.com> Delivered by Newstex) Thirteen years ago this week, in 2005, I sat down in a recording studio in front of a fancy boom microphone, donned a bulky pair of Sony headphones, and waited for the cue. Then I was connected to my new cohost, Newport Beach, Calif., lawyer J. Craig Williams[1], and recording the first episode of our new podcast. Little did I imagine we'd still be doing it all these years later, making it the longest continually running podcast in law and one of the longest running of any kind. Last night, after 586 episodes (by my count) of that podcast, I recorded my final one, even as I launch a whole-new podcast of my own, LawNext[2].

<https://www.lawsitesblog.com/wp-content/uploads/sites/509/2018/08/L2L-4-384x384.jpg>We originally called the show Coast2Coast - both for our west coast/east coast split and for our divergent political perspectives - but later, due to the little matter of a cease-and-desist letter from the eponymousparanormal radio show[3], we changed it to Lawyer2Lawyer[4]. (Hey, at least we were getting noticed.) Our first show was posted on Aug. 31, 2005[5]. Our guests for that first show were Mike Greco[6], who had just taken office as president of the American Bar Association, and Erwin Chemerinsky[7], then a professor at Duke Law School and now dean of the University of California, Irvine, School of Law. The idea for the show had come from two Boston-area veterans of broadcast news, Lu Ann Reeb[8], a former TV news director and producer, and Scott Hess[9], a news photographer. They had founded the Legal Talk Network to record video and audio interviews with legal professionals and proposed that Craig and I - who both then blogged for the now-defunct Law.com Blog Network - team up to host a weekly podcast about current legal events and news. Podcasts by lawyers were rare then. Among them were Denise Howell's Bag and Baggage[10] (the predecessor to Howell's This Week in Law[11]), Evan Schaeffer's Legal Underground[12], Evan Brown's Internet Cases[13], and rethink(ip)[14]. But, as I recounted in a 2015 post[15], podcasting by lawyers took off between 2005 and 2007, only to hit a spell of inertia around 2007. (We interviewed some of these 'pioneers of legal podcasting[16]' in a 2010 show.)

https://www.lawsitesblog.com/wp-content/uploads/sites/509/2018/08/IMG_3076.jpgMy favorite episode was recorded in a Denver brewery. I kept at it for one simple reason: It was fun. I never made a penny from podcasting. But every week (and later every second week) I got to have interesting conversations with fascinating people about issues and events that were at the forefront of the news. The Supreme Court. School shootings. Terrorism. Animal rights. Privacy. Weed. Sports law. Better Call Saul. Gender rights. Immigration. Uber. Revenge porn. Lawyer depression. The billable hour. It's hard to come up with a topic we didn't cover. Probably my favorite show was about open source software and beer[17] — not for the topic so much as for the fun of recording it onsite in a Denver brewery. And the guests. From Bryan Garner[18] to Bousps the Beerman[19]. From consumer advocate Erin Brockovich[20] to tobacco whistleblower

Why I'm Signing Off the Podcast I've Done for 13 Years

Jeffrey Wigand[21]. From Making A Murderer lawyer Dean Strang[22] to **Joseph Salvati**[23], a man who spent 30 years in prison for a murder he did not commit. Former 9th U.S. Circuit Court of Appeals Judge Alex Kozinski was on our show at least four times[24] before he retired amid allegations of inappropriate sexual conduct. In one show alone[25], we had four legendary trial lawyers: Mike Papantonio, Howard Nations, Thomas Girardi and Fred Levin. Another legendary trial lawyer, F. Lee Bailey, was on our show three times (on cross-exam[26], Whitey Bulger[27], and Roger Clemens[28]). Still another trial-lawyer legend, Gerry Spence[29], pronounced on our show, 'Lawyers disappoint me.' Five of the top Supreme Court reporters appeared on our show: Marcia Coyle[30], Lyle Denniston[31], Amy Howe[32], Tony Mauro[33], and David Savage[34]. We even had a lawyer who[35], at 101, was still practicing law. I could go on and on and on.

https://www.lawsitesblog.com/wp-content/uploads/sites/509/2018/08/Bob_Craig3.jpg Possibly the only time Craig and I recorded in the same room together. In 2013, the Legal Talk Network changed hands, sold to legal marketing and software company Lawgical[36]. CEO Adam Camras[37], CTO Trent Carlyle[38], Executive Producer Laurence Colletti[39], and the rest of the top-notch Lawgical team[40] have continued to expand the network with new shows and industry alliances. They even talked me into picking up cohosting duties on a second show, Law Technology Now[41], with my good friend Monica Bay (which I am also now leaving). The anchor, the keel, the workhorse, the rock of our show over the years has been Kate Nutting[42]. She came on board as our producer just months after we started, and she remains our producer today. She makes sure we have top-notch guests, juggles everyone's availability to scheduling recordings, researches each topic and prepares discussion points, and generally holds it all together. Without Kate, this show would never have survived this long or achieved the quality it did. By now you're probably thinking, 'OK, Bob, if it was all so good, why are you leaving?' The short answer is: To start my own podcast, LawNext[43]. And why did I want to do that? Several reasons: My interests evolved. My greatest interest these days is innovation in law, law practice and legal technology. My new show is laser focused on innovation and entrepreneurship. There are only so many hours. Time would not allow me to both start my new podcast and keep doing the old one. I wanted to be nimbler. If news breaks today, I want to be able to record a podcast this afternoon or tomorrow morning and have it posted within a day. I wanted to be more hands-on. The Legal Talk Network people are great - so great, in fact, that they do all the work. I wanted to get my hands dirty, to get a better feel for the production and marketing, in addition to the recording. I wanted to make some money. After 13 years of podcasting pro bono, I wanted to see if I could make a little money from it, selling advertising and sponsorships. I wanted to own it. I'm really not sure who owns Lawyer 2 Lawyer. But it had long ago slipped away from feeling like something I had ownership of. With LawNext, I have something I can take ownership of. I wanted to work with my son. Perhaps the best part of my new podcast is that I'm working with my son, Ben Ambrogio[44], who is my producer and engineer. Even after 13 years as a podcaster, this new podcast is very much a learning experience. We've had to test any number of recording applications, research hosting sites, and figure out the best equipment. And even then, we've had glitches I'd rather not discuss. But we learn from each mistake, and we'll get better over time. But most of all, it's fun. With each new episode, we watch the stats to see how many listens we'll get. It's a bit addicting, and there's certainly a rush when the downloads spike. The Legal Talk Network folks say Lawyer2Lawyer was their most downloaded show. It will be a long time, I suspect, before I get this new show to those numbers. But I'm committed to trying. I can't sign off the Legal Talk Network without expressing my deep and heartfelt thanks to everyone who has been part of that over the years. I thank Lu Ann Reeb and Scott Hess for getting me into this in the first place and for remaining good friends over the years. I've already said my thanks to Kate Nutting. I thank Adam Camras for convincing me to stay aboard after he bought the company. And no praise is enough for Laurence Colletti, a tireless and talented lawyer-turned-producer who makes LTN run day in and out. And there's Craig Williams, my partner in podcasting. Surprisingly, I'd never met Craig before we started the show and have met him in person only a couple times since. But I can't imagine having been paired for 13 years with a better cohost. Although our starting premise was that we came from different political persuasions, we agreed far more than we ever disagreed. As in any long-term relationship, there were times when he irritated me - injecting a question that seemed to throw the discussion off kilter or taking the conversation in a direction away from where I wanted it to go. But that unpredictability was a big part of what made the two-host format work. While I came at it with the background of a journalist, he was ever the trial lawyer, insightfully challenging and prodding. Over time, the 3,000 miles between us disappeared and our styles somehow synchronized. Both Lawyer2Lawyer and Law Technology Now will continue on quite ably without me. Meanwhile, I look forward to this new chapter in my own podcasting life. I hope some of you who followed my former shows will continue to follow me at LawNext[45]. [1]:

<http://www.wlc-legal.com/> [2]:

<https://lawnext.com/> [3]:

<https://www.coasttocoastam.com/> [4]:

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<https://www.linkedin.com/in/benambrogi/> [45]: <https://lawnext.com/>

Load-Date: August 30, 2018



[MUELLER'S MAFIA MYSTERY; Special counsel mum on FBI scandal in Hub](#)

The Boston Herald

April 13, 2018 Friday

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Section: NEWS; Columnist-Howie Carr; Pg. 3; Vol. 36; No. 103

Length: 549 words

Byline: HOWIE CARR

Body

What did Bob Mueller know about the FBI's framing of four innocent men for a murder they didn't commit, and when did he know it?

This is an important question for the "special counsel," and for two days I've been emailing his press office, asking for answers about his tenure in the U.S. attorney's office here. No response. Zip, zero, nada.

The FBI railroaded four men, and then made sure they remained in prison for upwards of 30 years. They — or the estates of two who died in prison — were awarded \$102 million in 2007 for false imprisonment.

Henry Tameleo, Peter Limone, Louis Greco and **Joseph Salvati** were convicted of the 1965 murder of small-time hood Teddy Deegan. An FBI informant named Joe Barboza committed perjury on the stand in 1968, to settle some old scores and protect another serial killer.

The FBI knew Barboza was lying. On March 19, 1965, one of the crooked G-men, who later died in a prison hospital while under indictment for a 1981 gangland hit in Tulsa, Okla., wrote a memo to J. Edgar Hoover naming Deegan's actual murderers. Yet the FBI remained silent.

In 1973, a true-crime book by a Mafia associate, "My Life in the Mafia," laid out the entire railroad. But the men remained behind bars. In the early 1980s, Greco passed a lie-detector test. Still they were not released. U.S. attorneys in Boston continually demanded the innocent men not be paroled.

In 1982, Mueller went to work for then-U.S. Attorney Bill Weld. On July 1, 1983, Weld wrote: "This office recommends most strongly that the petition for commutation of Mr. Limone's sentence be denied."

Mueller succeeded Weld as U.S. attorney, serving from Oct. 10, 1986, until April 6, 1987. Mueller was followed as U.S. attorney by Frank L. McNamara Jr., who continued the office's policy.

"It seems to me wrong to conclude now that Mr. Limone has been sufficiently punished," McNamara wrote to the Parole Board in 1987. "In my judgement, Mr. Limone must be considered among the most heinous criminals being held in the Massachusetts Prison System."

MUELLER'S MAFIA MYSTERY; Special counsel mum on FBI scandal in Hub

So Mueller's predecessor and successor both lobbied state authorities not to release the innocent men. But did Mueller? Former Parole Board member Michael Albano says he has seen a letter from Mueller.

"I saw the letter — I will take a lie-detector test, make a sworn statement, whatever," Albano told me. "I reviewed the Parole Board records before I testified in 2003 before the House Government Reform Committee, and there was a letter from Mueller in the files." In 2013, the Boston Globe also reported the existence of a Mueller letter.

The Parole Board now cannot find it. I found other two U.S. attorneys' letters in the state archives — but none from Mueller.

The special counsel's office is not commenting. So let me ask the question again: Mr. Mueller, what did you know about the framing of four innocent men for a crime they did not commit? Did you ever write any letters demanding that the parole board not correct this gross miscarriage of justice?

When did you find out that the FBI office in Boston was in the business of framing innocent men on behalf of their serial-killing, cocaine-dealing underworld paymasters? And what exactly did you do about it when you ran that agency for eight years?

Buy Howie's new book "What Really Happened" at howiecarrshow.com.

Graphic

WRONG SIDE OF JUSTICE: Robert Mueller allegedly wrote a letter about the framing of four innocent men — [Joseph Salvati](#), bottom inset, Peter Limone, top inset, and two others — but remains mum when asked about it now.

AP FILE PHOTO

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[LOST TIME - `Things got worse' without them Framed men's relatives recall lives left behind](#)

The Boston Globe

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Byline: Shelley Murphy Globe Staff

Body

Four men were wrongly convicted in a 1965 gangland murder. **Joseph Salvati** and Peter J. Limone served about three decades in prison; Henry Tameleo and Louis Greco both died behind bars. In 2000, secret FBI documents indicating they were framed surfaced, and the four were exonerated. On Tuesday, closing arguments will be heard in a trial to determine whether the government should compensate the men for the injustice.

They and their families are seeking more than \$100 million.

Looking back, Edward Greco calls them "the wonder years." His family lived in a nice Colonial in Peabody. His father built him a fort in the backyard and was always around for family dinners, homework help, and trips to the beach and ballpark.

Everything changed when Eddie Greco was 10. His father, Louis, a decorated World War II veteran, was arrested for a 1965 gangland murder in Chelsea, wrongfully convicted with three other men and sentenced to death.

"That time there was the most black time of my life," Edward Greco, now 49, recently told a federal judge as he testified about the disintegration of his family while his father sat on death row in the late 1960s. "Things got worse and worse at home."

His mother sank into depression, drank heavily, and became abusive and neglectful, failing to shop for groceries or do laundry. "There was no food in the house," said Edward Greco, who said he survived by eating leftovers from classmates' school lunches. "I had no clean clothes to wear. ... and some of the pants I can't even button because I'm growing."

LOST TIME - 'Things got worse' without them Framed men's relatives recall lives left behind

Life changed dramatically, too, for the families of the other three men convicted with Greco in state court while FBI documents that might have helped prove their innocence remained buried in the bureau's files.

Joseph Salvati and Peter J. Limone were in their early 30s when they went to prison, each leaving wives struggling to raise four young children. Henry Tameleo, who at 66 was the eldest of the group when he was arrested, left an ailing wife who died at home without him.

On Tuesday, a federal judge will hear final arguments in a civil suit seeking more than \$100 million in damages from the government for the false imprisonment of Salvati and Limone, whose convictions in the slaying of Edward "Teddy" Deegan were overturned six years ago, and Greco and Tameleo, both of whom died in prison before they were exonerated.

Lawyers for the four men cited wrongful convictions nationwide in which more than \$1 million was awarded per year of imprisonment. By that calculation, the government could be forced to pay at least \$112 million.

US District Judge Nancy Gertner is expected to rule next month on whether the FBI is liable for failing to disclose documents during the 1968 trial that indicate the men were framed, and if so, how much the government should pay the men and their families.

US Justice Department lawyers have argued that the FBI is not liable because it had no obligation to share internal documents with state prosecutors or defense lawyers, and that the state prosecuted Salvati, Limone, Greco, and Tameleo after conducting an independent investigation.

However, in January 2001, Superior Court Judge Margaret Hinkle threw out the convictions of Salvati and Limone after reviewing the newly discovered FBI documents, ruling they cast serious doubt on the credibility of Joseph "The Animal" Barboza, a notorious hit man who was recruited by the FBI to testify at the trial.

The documents showed that the FBI knew Barboza may have falsely implicated the four men, while protecting one of Deegan's killers, who was an FBI informant. They also revealed that the FBI was aware of plans to kill Deegan, but failed to stop the slaying.

The judge set Limone free after 33 years in prison. Salvati had been paroled in 1997 after nearly 30 years in prison.

The civil case is being closely watched in Boston. Limone and Tameleo were alleged to be Mafia leaders at the time of Deegan's murder, and Greco and Salvati had minor criminal records. The case caps a decade of investigation into the FBI's mishandling of informants in Boston while zealously pursuing the Mafia.

The trial, which began in November, dredges up a violent chapter in Boston history when the mob was a powerful presence in New England.

Barboza said during the 1968 trial that Limone offered him \$7,500 to kill Deegan, and that Tameleo sanctioned the hit. He also testified that Greco and Salvati were involved in the ambush of Deegan in a Chelsea alley on March 12, 1965.

"It was all a lie," Salvati testified last month, saying he'd never met Deegan and suspected Barboza framed him because of a dispute over \$400 he had borrowed from a loan shark to pay bills. At the time, Salvati, 34, worked various jobs as a truck driver, doorman at a North End restaurant, and laborer offloading fishing boats to support his wife and children, then ages 5, 9, 11 and 13.

Greco, then 50, also had run-ins with Barboza. With Limone and Tameleo, he also denied any role in the murder.

After all four men were convicted in 1968, Greco, Limone, and Tameleo were sentenced to die in the electric chair and spent several years on death row before their sentences were reduced to life in prison. Salvati had been sentenced to life in prison. They began their sentences in Walpole State Prison, as MCI-Cedar Junction was known at the time, then were moved to other institutions over the years.

LOST TIME - 'Things got worse' without them Framed men's relatives recall lives left behind

"The first couple of years were real rough," Salvati, now 72, of the North End, told the judge. His children were taunted on the street, he said.

Photographs spanning five decades that were presented during the trial show Limone and Salvati entering prison as dark-haired young men with small children and emerging as gray-haired grandfathers.

The Limone and Salvati children recounted frequent trips to prison, where they would be frisked before entering and frightened by the sound of heavy metal doors clanging behind them. Their fathers missed milestones in their lives, including birthdays, communions, graduations, weddings, and births of their children.

"They could never replace my childhood that they took from me or my father's youth," said Sharon Salvati, who was 11 when her father went to prison and 41 when he came home. She said her mother was "a rock" who kept the family together and never complained, but sometimes she'd hear her quietly crying.

Salvati's wife, Marie, got a job as a Head Start caseworker, took college courses, and worked her way up to director. On weekends, she packed up the children to visit her husband, traveling by train and Greyhound bus.

It was similar for Limone's wife, Olympia "Olly" Limone. A stay-at-home mother with children ages 1, 4, 7, and 8 when her husband was arrested, she sewed drapes and cleaned homes to support her young family.

Greco's wife, Roberta Werner, who divorced him in 1970, testified that he was at the movies with her in Florida when Deegan was killed. She felt depressed and unable to cope after his conviction, she testified, and fled to Nevada, leaving her sons, then 13 and 15, to live with their aunt in Revere.

Werner, who later reconciled with her children and former husband, testified that she felt "terribly ashamed" at leaving them, but thought her sons would fare better in a new town and school where no one knew their father was a convicted murderer.

Life was better for a while, Edward Greco told the judge. He was working an overnight shift, buffing floors at a supermarket, while attending eighth grade, but he had plenty to eat and his aunt was good to him, he said.

But when she died from liver disease his uncle threw him out of the house and at age 17, he said, he was living on the streets and selling drugs.

Edward Greco, who lives in a New Orleans nursing home and is recovering from lung cancer surgery, said he stopped visiting his father because he just could not bear seeing him in prison anymore, recalling how his father would say, "I'm not going to die in here ... They're going to find out some day that I'm innocent, and I'm going to get out of here. So, don't worry. Just hang on."

But Louis Greco died in prison in 1995, at age 78. Two years after his father's death, Edward Greco said, his brother, Louis Jr., committed suicide by drinking Drano.

Tameleo had three heart attacks in prison before dying in 1985, at 84. His son, Saverio, said he was devastated at not being able to be with his wife of 60 years, Jeannete, when she died in 1979.

SIDEBAR:

COURSE OF WRONGFUL CONVICTIONS

March 12, 1965: Small-time hoodlum Edward "Teddy" Deegan, 35, of Malden is lured to a Chelsea alley on the pretext of burglarizing a finance company, then shot to death.

Spring 1967: Mafia hit man Joseph "The Animal" Barboza is recruited by the FBI to testify against mob figures in exchange for leniency for his crimes. He confesses to killing Deegan and implicates Peter J. Limone, Henry Tameleo, Louis Greco, and **Joseph Salvati** in the slaying.

Oct. 25, 1967: Suffolk County grand jury indicts Limone, Salvati, Tameleo, and Greco in slaying.

LOST TIME - `Things got worse' without them Framed men's relatives recall lives left behind

July 31, 1968: A jury convicts them. Greco, Tameleo, and Limone are sentenced to die in the electric chair; Salvati gets life in prison.

1970s: Terms of Limone, Tameleo, and Greco are reduced to life in prison.

1976: Barboza is killed in San Francisco.

1983: Greco appears on defense lawyer F. Lee Bailey's TV show, "Lie Detector," broadcast from prison. A polygrapher tests Greco and finds he is telling the truth when he denied any role in Deegan's killing.

Aug. 18, 1985: Tameleo dies in prison at age 84 after serving 18 years.

Dec. 30, 1995: Greco dies in prison at age 78, having served 28 years.

March 20, 1997: Governor William F. Weld commutes the sentence of Salvati, 64, and he is freed on parole after serving nearly 30 years in prison.

December 2000: An FBI task force established to investigate the agency's handling of informants amid allegations of corruption involving gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi uncovers secret FBI reports that indicate Barboza framed the men.

Jan. 5, 2001: Superior Court Judge Margaret Hinkle orders the release of 66-year-old Limone. The judge, citing "a substantial likelihood of a miscarriage of justice," finds that Limone and the three others probably would have been acquitted of Deegan's slaying if jurors had seen the newly discovered FBI documents. Later that month, Salvati's conviction is vacated and all charges dismissed.

Nov. 20, 2003: The House Committee on Government Reform condemns the FBI for failing to turn over documents that might have helped Salvati, Limone, Greco, and Tameleo prove their innocence in the Deegan slaying.

June 2005: Greco's conviction is posthumously vacated.

November 2006: A trial begins in US District Court in Boston over a suit seeking more than \$100 million from the government for the wrongful imprisonment of the four men.

January 2007: The Suffolk County district attorney's office moves to vacate Tameleo's conviction posthumously.

Graphic

Joseph Salvati left the Bay State correctional facility in 1997 (top) with lawyer Victor Garo. At right, Henry Tameleo was escorted by FBI agents to court in 1967. Above, Peter J. Limone sat with his wife, Olympia, on his first day of freedom from prison in 2001. Tom Landers/Globe Staff/File **JOSEPH SALVATI** TIME SERVED: 29 years, seven months A father of four who worked several jobs to support his family, Salvati turned 35 five days after his arrest in October 1967. When he was released on parole in March 1997, he was 64. His 95-year-old mother, who had developed Alzheimer's disease, didn't recognize her son when he visited. **PETER J. LIMONE** TIME SERVED: 33 years, two months Limone, who managed a club in the West End and had alleged ties to organized crime, was 33 when he was arrested in November 1967. His wife sewed drapes and cleaned homes to support their four children, who were under 8. He was 66 when he was released in 2001.

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LOST TIME - `Things got worse' without them Framed men's relatives recall lives left behind

End of Document



[SALVATI CASE TAKES A TWIST; Hub DA had information on frame-up](#)

The Boston Herald

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Body

The Suffolk District Attorney's Office had information almost a decade ago that Joseph Barboza framed **Joseph Salvati** for a 1965 mob murder but left Salvati in prison for 30 years, according to internal reports obtained by the Herald.

The man who supplied the information in 1993 was retired state trooper Richard J. Schneiderhan, a burly organized crime investigator in the 1960s who now faces prison time over a long friendship with gangster Stephen "The Rifleman" Flemmi that led to a conviction on obstruction of justice charges in March.

Through his attorney, Schneiderhan last week said he did not press his claim that Barboza's lawyer had discussed the frame-up with an assistant attorney general because he had little faith in then-District Attorney Ralph C. Martin II's desire to investigate the conviction.

"(Schneiderhan) said to himself, 'I'm getting the feeling they're not interested in springing Salvati,' " Schneiderhan's attorney James P. Duggan said. "He said, 'I'm outta here.' "

Martin did not respond to questions about Schneiderhan's meetings with his top prosecutors. The meetings in the summer of 1993, included Robert McKenna, who is now a state judge, and Robert Gittens, who chaired the state parole board that voted unanimously in 1989 to commute Salvati's sentence. That vote was never forwarded to then Gov. Michael Dukakis.

Other sources said Martin's investigators dismissed Schneiderhan's talk about a long-ago secret meeting between Barboza's attorney, Robert Fitzgerald, and Assistant Attorney General Donald Conn under the stairs at the Saltonstall Building as not credible. The district attorney did not support Salvati's bid for a new trial and he remained in prison another four years until his sentence was commuted in 1997.

Secret FBI reports uncovered in 2001 later revealed Barboza did commit perjury to protect his accomplice, Flemmi's brother, Vincent "The Bear" Flemmi.

SALVATI CASE TAKES A TWIST; Hub DA had information on frame-up

Salvati and four other men were wrongly convicted. Two men, Louis Greco, who was in Florida at the time of the murder, and mobster Henry Tameleo died in prison. Mob associate Peter Limone served 33 years.

"No one wanted to make the hard decision," said Salvati's attorney Victor J. Garo, who took Salvati's case more than 25 years ago. "Everyone's passing the buck and my guy's sitting in prison while the buck is being passed."

Garo is poised to file a \$ 300 million lawsuit this year on behalf of Salvati and the family who waited so long for his release. The attorney contends each element of the justice system - from federal agents to prosecutors to judges - shares responsibility for a case dubbed by congressional investigators "the worst miscarriage of justice in American history."

Schneiderhan's unusual dealings with prosecutors are documented in a series of 1993 memos written by Boston police Sgt. Detective Bruce Holloway. Boston police refused to allow an interview of Holloway.

From Schneiderhan, prosecutors learned Barboza's attorney Fitzgerald had a meeting with Conn in which he revealed Barboza was threatening to recant and admit he had accused Salvati to avenge disrespect on the North End streets.

Salvati had refused to pay Barboza 's henchmen Arthur Bratsos and Richard DePrisca and told them, "I'm not going to pay and you ain't going to see daylight," according to a July 30, 1993, memo Holloway wrote after interviewing Schneiderhan.

"This angered Barboza to retaliate by throwing Joseph Salvadi (sic) into the mix," Holloway wrote.

Schneiderhan, who acted as security for Conn at the meeting on a date he cannot recall, says Conn told him about Fitzgerald's claims after the encounter and Schneiderhan wrote a report of his own. Prosecutors never revealed such a report of Salvati's defense, according to Garo.

The ex-trooper, who faces sentencing on June 25 for tipping the brothers of James "Whitey" Bulger to FBI tracing devices on their phones, says he never discussed his meetings with the DA's office with his childhood friend Flemmi or anyone else in organized crime.

He says he was first contacted by retired Boston police investigator John Doyle in 1993 to talk about Salvati and assumed it was because of reports he wrote in the 1960s. Doyle worked for the district attorney's office in 1968 when Salvati and five others were convicted.

On Aug. 24, 1993, McKenna and Holloway contacted Fitzgerald, who had become a judge in South Dakota. He admitted meeting with Conn but denied Barboza ever told him he framed anyone. Fitzgerald, who had his leg blown off in a bizarre murder attempt by Flemmi and then-mob foot soldier Frances "Cadillac Frank" Salemme, has since died.

"Most of us thought Fitzy was so deep in bed with the wiseguys that he was always feathering his nest in case he got caught at something and was looking for favor," Schneiderhan wrote, speculating that Conn probably saw Fitzgerald's conversation as deal-making.

Graphic: Half a life behind bars

How **Joseph Salvati** spent 30 years in prison.

March 12, 1965 - Edward 'Teddy' Deegan shot to death in Chelsea.

In 1966 - Mob hit man Joseph 'The Animal' Barboza becomes a government witness.

Oct. 25, 1967 - **Joseph Salvati** is arrested at age ??

July 31, 1968 - Suffolk jury convicts Salvati and five others of Deegan's murder.

SALVATI CASE TAKES A TWIST; Hub DA had information on frame-up

1989 - Massachusetts Parole Board votes unanimously to commute Salvati's sentence. The vote was never forwarded to Gov. Michael Dukakis.

Jan. 20, 1993 - Gov. William Weld denies commutation.

July 1993 - Suffolk District Attorney Ralph C. Martin II begins review of Salvati conviction but decides against a new trial two months later.

January 1994 - Suffolk Superior Court Judge Robert Banks denies Salvati's bid for a new trial.

April 1994 - SJC Judge Herbert Wilkins Jr. recommends a new trial based on new evidence, a newly uncovered 1965 Chelsea police report hinting at Barboza perjury.

1995 - SJC unanimously refuses to grant a new trial.

December 1996 - Weld reverses and commutes Salvati's sentence.

March 20, 1997 - Salvati is released from prison after 30 years.

January 2001 - Suffolk DA drops charges against Salvati and Peter J. Limone based on FBI agent's reports withheld at trial and uncovered by a Justice Department Task Force in December.

2002 - Salvati notifies the FBI of intent to sue for \$ 300 million

Caption: SET UP: A hitman framed **Joseph Salvati**, above, in the 1965 mob murder of Edward Deegan. Salvati, who served 30 years in prison before he was exonerated, has threatened to sue the government for \$ 300 million. Herald file photo by Matthew West

Caption: KEY FIGURE: Mob investigator Richard Schneiderhan told the Suffolk DA about **Joseph Salvati**'s frame-up in 1993.

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THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.



THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.

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Body

They met on Revere Beach. "It was the white bathing suit, one-piece, with a red lobster on it, that got my attention," Joe Salvati recalls.

"Actually, it was two-piece," corrects his wife, Marie.

"One-piece," counters Joe. "And your mother watched me like a hawk."

One- or two-piece, the day of the swimsuit was the beginning of a romance between Marie Moschella, 16, and ***Joseph Salvati***, 18, one that has spanned half a century. Three years after meeting, they married; a year after that, their first baby, a daughter, was born. While Joe settled into a job driving a truck for a meat-packing company, Marie assumed the role of a traditional Italian housewife: four children in parochial school; big family dinners on Sunday with ravioli, meatballs, and sauce; coffee with friends in the North End where they lived; weekend dances at the community center.

"I was a young girl very much in love," Marie says. "Life was great, it was beautiful."

No one - not their families or friends, least of all not Joe or Marie Salvati - envisioned that a third party would cleave that idyllic picture in half. It wasn't another woman. It was, in some ways, worse.

On Oct. 25, 1967, as Marie walked to school to fetch the kids, she heard the buzz on the street: Her husband had been picked up by police for the murder of Teddy Deegan, a small-time hoodlum from Chelsea.

THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.

"I could not believe it," says Marie in her North End apartment as she recalls the moment, fiddling nervously with the amber reading glasses she holds in her hands. "My legs turned to jelly. I tried to stay calm. I had the kids. But I was shocked. I was devastated. Our whole lives changed overnight."

She was 32 when her husband went off to prison; he would not return for 30 years. He missed his children growing up. The birthday parties. The first communions. The confirmations. The high school graduations. The weddings. The births of grandchildren. His father died, his mother developed Alzheimer's disease. And his wife went from a young mother to a great-grandmother.

"There was always a void, always an emptiness," says Marie. She is 66 now, and although the years robbed her of her husband, they have been kind in other ways. Her once-coppery hair has faded to auburn, her wrinkles - well-earned - are soft, and her smile, when it comes, dazzling. The tears come, too, mostly when she speaks of her children and what they missed.

"I want to tell you, when that verdict comes in, you go into a state of shock. I told the kids that Daddy had nothing to do with this. I told them we needed to go see him and support him. I told them that the truth would come out."

The truth did come out - but not until Jan. 31 this year. And though it meant that Joe Salvati had been officially exonerated - and not just paroled, as he had been in 1997 - it was a bittersweet pill to swallow. FBI documents revealed that the agency knowingly sent four innocent men to prison to protect the star witness against them, mob hitman Joseph "The Animal" Barboza, who was an FBI informant. Two of the men died in prison; Salvati and Peter Limone of Medford were recently exonerated.

Joe Salvati had a prior arrest, in 1956, for breaking and entering. He made one other mistake, a critical one: He borrowed money from Barboza, a loan shark. Little by little, he was repaying the \$400 with interest. But Barboza wanted it all, at once, and when he didn't get it, Salvati's name appeared on the list of suspects in the Deegan murder that Barboza handed to the FBI.

Ironically, FBI documents also reveal that it was Barboza, along with Vincent Flemmi and other mobsters, who planned and executed the murder. Barboza went into the federal witness-protection program. He was shot to death in California in 1976. Flemmi died in the 1970s while in prison on another charge.

Victor Garo of Medford has represented the Salvati family for 25 years, pro bono. ("I didn't know it would take this long," he jokes.) "What this woman went through," he says, speaking of Marie. "She is one of my heroes, and I don't have many." For years, Channel 4 reporter Dan Rea also championed Salvati's innocence, locating key witnesses and airing story after story.

Garo is now preparing a civil suit against the FBI on behalf of the family. "They have gone through a lot," he says. "There's still a lot of pain here. It's the story of an innocent man being convicted."

It is also the story of an innocent woman who, in a way, served her own long sentence. "I raised the kids, and somehow the years passed," is the way Marie calmly describes those decades. Her daughters - Maria, Sharon, Gail - were 11, 9, and 7, and her son, Anthony, was 4, when their father went away; they are now 46, 44, 42, and 39. There are seven grandchildren and a great-grandson. Their pictures are arrayed throughout the one-bedroom apartment that Marie moved into on the edge of the North End, once the children grew up. A month after he was released, Joe Salvati was in the delivery room when grandson Michael was born. "I cut the umbilical cord," he says, beaming.

In traditional Italian neighborhoods, family is everything, with the man at the head. "He was always a good father, a good husband, a good provider for us," says Marie, who uses the past tense though her husband is nearby at the dining room table, sipping coffee.

THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.

If Joe wasn't home from work on time, the entire family would wait to eat supper. Sunday noon dinners were reserved for the extended family; they still are. But now, instead of Marie cooking the gravy, as she did for 30 years, Joe does. He enjoys it; it beats the hell out of working in the prison canteen.

The other prisoner

The first time she visited her husband at Walpole was the first time Marie Salvati had ever seen a prison. She quickly learned the ropes: the metal detectors, the body searches, the assigned seats, which guards were friendly, which would cut your visits short. It was a world unlike any she, a sheltered Catholic school girl, had ever encountered.

Then there was the practical problem of getting there. Marie did not have a driver's license, did not own a car, and MCI-Walpole was a world away from the North End. At first, her brother or her best friend would drive her. Then she began taking the train to Park Street and catching a Greyhound bus. She and the kids would leave at 7 a.m. in order to be at the prison by 9.

That went on for a few years, until Marie decided to renew her long-expired license. She and her mother would take practice runs, with Marie squeezing the steering wheel in a death grip, a nervous rash splotching her neck. "Ma, I don't know if I can do this," she'd wail.

"Marie, if you give up now, you'll never drive again," coaxed her mother.

Finally, she got her license and a used car. She'd listen daily to the weather report. Visiting a loved one in prison is nothing like visiting a loved one in the hospital. You can take nothing in with you, not even a purse. You sit where you are told. Hand-holding is prohibited. You are bodily searched, patted down. "They'd run their hands under your bra straps and your panty line," Marie says, grimacing. Later, when the grandchildren came along, guards would search the babies' diapers, open the cans of formula.

You can just imagine how tough it was on her. She is a private person. Her apartment is immaculate; even with the grandchildren, she manages to keep her white furniture pristine.

When Joe first went away, Marie withdrew into her apartment. "I felt the business of the home stayed at home," she says. But she soon discovered that the community supported her; they thought Joe had gotten a raw deal, too.

What pulled her through most of all was her children. "The children," she sighs. "God bless them. They did well."

Once in a while, though, one of them would come home in tears over a classmate's taunts. "I'd say, 'Honey, we know what's true. We know your dad is a good man.' " Her belief in Joe is as rock-bottom as her religion. "I always believed he was innocent," she says firmly, offended that you'd even ask. "I wouldn't be here if I didn't."

During prison visits, the talk centered around family. "I'd want to run the week by him, to tell him about the children. I always wanted to just give him the good stuff," she says.

Her husband obviously felt the same way. In 30 years, he never once brought up what prison life was like. "You know how men are. He just felt that was stuff I didn't need to know," she says. It was an unspoken pact: He'd take care of himself on the inside, she'd take care of "the outside."

Taking care of the outside meant going to work, which meant going back to school. A high school graduate, Marie began taking classes at community colleges, Wheelock and Boston University, eventually earning a certificate in human services. A new program had opened in the North End called Head Start. It took children at-risk and gave them intensive services. Marie was hired as a caseworker in 1970. But her salary wasn't enough to support four children, so for several years, she did seasonal income tax work at night.

THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.

Social work, though, was her love. "I felt I had an open heart and open mind to people," she says. "Joe's experience gave me the compassion." Five months ago, she retired as director of the North End Head Start. She loves running into former clients, now adults, who still call her "Miss Marie."

'I miss you so much'

Life looked up for a while in the 1980s, when Joe got furloughs - "the first lifer to get them," Marie says proudly. He was allowed 12 days a year, so he came home one day a month. "That was a great thing for our relationship and the nurturing of our family," Marie says.

Then came Governor Michael Dukakis's 1988 presidential race, and the controversy over Willie Horton, a convicted murderer who assaulted a Maryland couple while out on furlough. Just as Joe was preparing to come home for his son Anthony's high school graduation, all furloughs for lifers were revoked. It was a crushing disappointment for the family.

For Marie Salvati, the decades passed in a jumble of kids, work, grandkids, and prison visits. When Joe was in minimum security, she'd prepare his favorite pasta and eggplant dishes, and have a "picnic lunch" with him - in the visitors' room. Every week, Joe would send her a card with a sentimental greeting and a handwritten note: "I'll love you forever," or "I miss you so much." Marie would put the card on top of the TV. When a new card arrived, she'd take the old one and put it in a shoebox. Recently, pulling piles of cards bound with rubber bands from a closet, she says: "I felt like my life was packed in a shoe box."

Marie was nearly 60 years old, Joe in prison for 27 years, when her car broke down on the highway en route to see him. She promptly gave up driving. For the next three years, she took a cab to South Station, then a train to Norfolk where Joe had been transferred, then another cab to the prison. If the cab wasn't waiting for her, she'd walk the mile and a half. "You know what?" she says. "I met some nice people on that train. I met a woman whose daughter was in a state school for 40 years. Other people have their stories, too."

The Salvati children prefer not to share their stories with a reporter. They call their parents almost every day, and Anthony often stops by for coffee. Sunday dinners are a crowded affair. "Those kids felt hurt," says Marie's friend Mary Fiumara, who lives across the street. "It was tough on them growing up, but they were good children. That whole family believed he was innocent, and he was."

Joseph Salvati entered jail a young, dark-haired man of 34. When he walked out four years ago after Governor William Weld commuted his sentence, his hair was white, his gait slowed. He was placed on parole, so an officer came by weekly, then monthly, to check on him. He still had a criminal record. He could not leave the state.

All that changed when the Suffolk County DA's office dropped all the charges against him and a judge vacated his sentence. Jan. 31, 2001 was his first full day of freedom since Oct. 25, 1967. He'd missed the counter-culture of the '60s, the recession of the '70s, the greed decade that was the '80s, and the new economy of the '90s. But most of all, he missed his family.

"They broke the mold when they made her," he says, watching Marie move around the small galley kitchen, placing some Italian cookies on a china platter. "Who would stay with you for 30 years in prison and raise the children and do what she's done?"

Today, it's the little things the couple enjoy: coffee together in the morning, a walk down Hanover Street in the evening, baby-sitting the grandchildren. "We always kiss when we leave, and we don't go to bed angry," says Marie. "We try to pick our battles. It's normal married life."

But it wasn't easy at first. Marie and Joe, married 44 years when he came home, had to get to know each other again. "We both needed to make our adjustments," says Marie. "But you know what? The past two years have been perfect."

The last argument they had? She thinks a moment. "Over where we wanted to go eat."

THE CONVICTION OF MARIE SALVATI FOR 30 YEARS, THE SALVATIS WERE KEPT APART. FAITH AND LOVE SAW THE FAMILY THROUGH A PRISON ORDEAL.

Reflecting over those years without Joe, raising children alone, working to put food on the table, her eyes mist over. "You do what you gotta do" is her mantra, one that she often repeats. She is obviously proud that she raised four "good kids," had a career she loved and a husband who has come home. She remains angry at what the government, her government, did to her family. But she is not bitter. She prefers to cast her gaze ahead - not backward. "I think life is beautiful," she says. "I just pray to God that we have health and we can enjoy the rest of our lives with our family."

Later this month, Joe and Marie Salvati are going to Aruba. At ages 68 and 66, it is the first trip out of state they have taken since 1967, when the whole family went to Maine. It will, says Marie, be their second honeymoon.

Graphic

PHOTO, 1. SALVATI FAMILY PHOTO/ 1967: From left, Maria, Sharon, Gail, and Anthony Salvati shortly before their father was imprisoned. 2. GLOBE STAFF PHOTO/DAVID L. RYAN/ 1997: **Joseph Salvati's** wife, Marie (right), and children Sharon and Anthony at a January hearing. 3. GLOBE STAFF PHOTO/TOM LANDERS/ 1997: **Joseph Salvati** (center), with Marie at his side, is all smiles after his March release from prison. 4. GLOBE STAFF PHOTO/SUZANNE KREITER/ 2001: "I raised the kids, and somehow the years passed," Marie Salvati says of the years Joseph was jailed. "There was always a void." 5. GLOBE STAFF FILE PHOTO (LEFT)/TED DULLY; GLOBE STAFF PHOTO (ABOVE)/SUZANNE KREITER/ "Life was great, it was beautiful," when Marie Moschella and **Joseph Salvati** married (top left). But his arrest (photo at left) 30 years ago shocked the family. Then the Salvatis were reunited when he was paroled, and he has since been exonerated.

Load-Date: April 4, 2001

US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.'
FBI withheld evidence in '65 gangland slaying



[US ordered to pay \\$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.' FBI withheld evidence in '65 gangland slaying](#)

The Boston Globe

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Section: METRO; Pg. A1

Length: 1918 words

Byline: Shelley Murphy and Brian R. Ballou Globe Staff

Body

FBI CONDEMNED IN LANDMARK RULING

A federal judge held the FBI "responsible for the framing of four innocent men" in a 1965 gangland murder in a landmark ruling yesterday and ordered the government to pay the men \$101.7 million for the decades they spent in prison. The award is believed to be the largest of its kind nationally.

In a decision that was as dramatic as it was stern, US District Judge Nancy Gertner said from the bench that the FBI had deliberately withheld evidence that Peter J. Limone, [Joseph Salvati](#), Louis Greco, and Henry Tameleo were innocent, and that the bureau helped cover up the injustice for decades as the men grew old behind bars and Tameleo and Greco died.

"FBI officials up the line allowed their employees to break laws, violate rules, and ruin lives, interrupted only with the occasional burst of applause," said Gertner, berating the FBI for giving commendations and bonuses to the agents who helped send the men to prison for the killing in Chelsea of Edward "Teddy" Deegan, a small-time hoodlum.

As Limone, 73, of Medford, and Salvati, 74, of the North End, sat stoically with their wives and children by their side in a courtroom packed with supporters, Gertner said it was only right to publicly vindicate the men, just as they had been convicted with much fanfare nearly 39 years ago to the day.

"It was a hard road," Limone said, recounting the 33 years and two months he spent in prison while his four young children grew into adults with children of their own. "They could never give me back what I lost. All the money in the world couldn't give me 33 years."

Salvati said after the proceeding that he only heard about half of the judge's 30-minute ruling from the bench, because he went numb.

US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.'
FBI withheld evidence in '65 gangland slaying

"The anger is past," said Salvati, who spent 29 years and seven months in prison. "You get emotional. You think about the past, and you've got to go on with your life."

His wife, Marie, who struggled to raise the couple's four children while making trips to prison in vehicles that often broke down along the way, started crying outside the courthouse and told reporters: "It was never about the money. It was about proving his innocence. We got our good name back, for us and my children and my grandchildren."

She said they will use the money to send their grandchildren and great-grandchildren to college.

"By any measure, it is fair to call this record setting and unprecedented," said David Yas, publisher of Massachusetts Lawyers Weekly. "Rarely do we see verdicts approach \$100 million, and for it to happen against the federal government makes it even more unusual."

The FBI has never apologized for the wrongful conviction of the four men. A spokeswoman for the FBI in Boston referred calls to the Justice Department yesterday.

A Justice Department spokesman, Charles Miller, declined to comment on the ruling or to say whether the government will appeal.

Lawyers for the four men and their families said it would probably be about two years before they collect any money, if the government appeals and loses.

Hours after Gertner issued her ruling, US Representative William D. Delahunt, a Quincy Democrat, mentioned the decision while questioning FBI Director Robert S. Mueller III during an FBI oversight hearing in Washington, D.C.

"This is the kind of behavior that really undermines the confidence of the people and the integrity of the FBI," Delahunt said.

Mueller characterized the case as a debacle, and added: "I would suggest to you that that is isolated. Day in and day out over the years, FBI agents have been undertaking investigations and done them lawfully."

In a telephone interview later, Delahunt said he plans to file a bill in the next few months that would impose criminal sanctions against federal authorities who fail to produce information or evidence that "implicates crimes of violence."

"We can no longer rely on guidelines," he said. "The failure to implement them and comply with them has been extraordinary."

Gertner ordered the government to pay \$29 million to Salvati; \$28 million to the estate of Greco, who died in prison in 1995 at age 78, having served 28 years; \$26 million to Limone; and \$13 million to the estate of Tameleo, who died in 1985 at age 84 after serving 18 years in prison.

She awarded \$1.05 million each to Salvati's wife, Marie; Limone's wife, Olympia; and the estate of Tameleo's late wife, Giovannina "Jeannete," for loss of consortium and intentional infliction of emotional distress; and \$50,000 to Greco's former wife, Roberta Werner, for intentional infliction of emotional distress.

The nine children of Limone, Salvati, and Greco, and the estate of Greco's son, Louis Jr., who died in 1997, were each awarded \$250,000 for loss of consortium and intentional infliction of emotional distress. Tameleo's son, Saverio "Edward" Tameleo, who was an adult when his father was convicted, was awarded \$50,000 for emotional distress.

"Sadly when law enforcement perverts its mission, the criminal justice system does not easily self-correct," Gertner said. "We understand that our system makes mistakes; we have appeals to address them. But this case goes beyond mistakes, beyond unavoidable errors of a fallible system."

US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.'
FBI withheld evidence in '65 gangland slaying

She added, "This case is about intentional misconduct, subornation of perjury, conspiracy, the framing of innocent men."

Later in the day, Gertner released a 223-page decision detailing her findings. She found that the government, which was sued under the Federal Tort Claims Act, was liable for the malicious prosecution of the four men, civil conspiracy, intentional infliction of emotional distress, and negligence.

After all four men were convicted July 31, 1968, of Deegan's slaying, Greco, Limone, and Tameleo were sentenced to die in the electric chair. Their sentences were later reduced to life in prison after Massachusetts abolished the death penalty. Salvati was sentenced to life in prison.

The discovery of secret FBI files that were never turned over during the men's trial prompted a state judge six years ago to overturn the murder convictions of Limone, who was immediately freed from prison, and Salvati, who was paroled in 1997.

The documents showed the FBI knew that the key witness in the case, notorious hit man Joseph "The Animal" Barboza, may have falsely implicated the four men while protecting one of Deegan's true killers, Vincent "Jimmy" Flemmi, who was an FBI informant.

Barboza had testified that Limone, a reputed leader in the Boston mob, had offered him \$7,500 to kill Deegan and that Tameleo, the reputed consigliere of the New England Mafia, sanctioned the hit. He also testified that Greco and Salvati, who had prior run-ins with Barboza but weren't alleged to be members of the mob, were involved in ambushing Deegan.

Gertner, who heard testimony during 22 days of trial that ended in February and waded through thousands of documents, found there was overwhelming evidence that the FBI knew Barboza was lying, yet assured state prosecutors that his story "checked out."

Gertner found that the FBI protected Barboza and Flemmi because both provided valuable information against the mob and that the four wrongly convicted men were "collateral damage" in the war against La Cosa Nostra, more commonly known as the Mafia.

"To the FBI, the plaintiffs' lives, and those of their families, just did not matter," Gertner said.

During the civil trial before Gertner, Justice Department lawyers argued that the FBI had no duty to share internal documents with state prosecutors and insisted the state was responsible for the prosecution of the four men.

The government argued that the FBI exercised its discretion when it offered Barboza leniency in exchange for his cooperation, then turned him over to state authorities, who independently prosecuted the four men.

But Gertner called the government's position absurd and said "the issue here is not discretion but abuse."

The judge said that the FBI developed Barboza as a witness and turned him over to the state, without disclosing the agency's documents that indicated he was lying.

Gertner also pointed out that two FBI agents testified at the trial, one of whom who vouched for the "purity" of testimony by Barboza.

Juliane Balliro, one of the lawyers representing the Limones and Tameleos, said the families will be required by law to pay taxes on the money. She said she believes Gertner's award was the largest single judgment against the FBI or any other federal or state law enforcement agency for wrongful imprisonment.

But "these facts are so outrageous, their conduct was so egregious that it required a level of damages that was commensurate with the facts," she said.

US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.'
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Medford lawyer Victor J. Garo, who represents Salvati and was credited by Gertner with helping expose the FBI's wrongdoing, said, "This is the worst I have ever seen law enforcement officials behave, and this is the clearest I've ever seen them get caught at what they were doing."

Greco's son, Edward, now 50 and living in a New Orleans nursing home while recovering from lung cancer, said by phone that his father, a decorated World War II veteran, "loved his country, and he always thought this would come out before he died.

"I'm just so glad that he was vindicated," he said.

Greco, whose life spiraled downhill after his father went to prison when he was 10 and his mother sank into a depression and abandoned him, said that if he ever collects the money awarded to him, he would like to use it to start a reading program for minority children in New Orleans.

Greco's former wife, Roberta Werner, reached by phone in Florida, said: "It's just bittersweet for me because Louie isn't here. ... He had to die a horrible death in there not knowing if the truth was ever going to come out."

Tameleo's son, Saverio "Edward" Tamelo, was too ill to make the trip to court yesterday from the North Providence nursing home where he lives, but his grandson, Henry, came with his wife and son.

"I used to go visit my grandfather" in prison," Henry Tameleo said.

"He used to say, `This is wrong. I don't understand.' And all he did was keep fighting and fighting. ... Most of the family is not here to see this and hear this."

Just after Gertner left the bench, and the wrongly convicted men hugged their families and lawyers, Limone walked over to shake Tameleo's hand and, smiling broadly, said, "I told your grandfather we'd beat them."

SIDEBAR:

`The FBI's misconduct was clearly the sole cause of this conviction.'

Nancy Gertner

US district judge

`I feel very bitter about what they [the FBI] did, because they held information that I never would have went to jail on, and I always told my children that I was innocent of this crime.'

Peter J. Limone

`The anger is past. You get emotional. You think about the past, and you've got to go on with your life.'

Joseph Salvati

`It was hard, very hard, every week with a lunch box, going to prison and supporting him. We tried to make the connection the best we could over the 30 years.'

Marie Salvati

Wife of **Joseph Salvati**

`I'm just so glad that he was vindicated. ... But you know how people talk about closure? How can there be closure for me? He's gone. My brother's gone. ... My family was destroyed. Basically, I just hope that it can't happen to somebody else.'

Edward Greco

US ordered to pay \$101.7m in false murder convictions `To the FBI, the plaintiffs' lives ... just did not matter.'
FBI withheld evidence in '65 gangland slaying

Son of Louis Greco

`I used to go visit my grandfather. He used to say: "This is wrong. I don't understand." And all he did was keep fighting and fighting. ... Most of the family is not here to see this and hear this.'

Henry Tameleo

Grandson of the late

Henry Tameleo

Graphic

Joseph Salvati (left) and Peter J. Limone celebrated outside John Joseph Moakley US Courthouse yesterday after the ruling. Peter J. Limone (second from right) and his family gathered before the court appearance. With him were (from left) children Janine and Paul, his wife, Olympia, and Peter and Carolyn. Marie Salvati helped her husband, Joseph, get dressed yesterday for the appearance in federal court. **Joseph Salvati** spent 29 years and seven months in prison before he was paroled in 1997.

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Convict speaks softly, sadly at his commutation hearing



Convict speaks softly, sadly at his commutation hearing

The Boston Globe

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Byline: By Doris Sue Wong, Globe Staff

Body

Joseph Salvati, who has spent nearly half his 64 years in prison for a 1965 gangland slaying, was a man of few words yesterday at his daylong commutation hearing, expressing sadness over the death of the victim while struggling to make a case for his own release.

Salvati told the Governor's Council he yearned to rejoin his wife and four children in the North End and sought to reassure the councilors that he is a good candidate for clemency.

"I was a gentleman on the street, and I was a gentleman all through my incarceration," said Salvati, speaking softly and at times almost inaudibly despite a microphone. "I made some mistakes. I'm not perfect."

Salvati insisted he did not take part in the murder of Edward Deegan, a small-time hood who was targeted for death for crossing Mob bosses.

"I cannot show remorse for a crime I did not commit," said Salvati, who remained stoic throughout the hearing, even as his son and other family members wept behind him.

Asked by a council member what he learned during his 30 years behind bars, Salvati replied simply, "As far as prison goes, it did teach me a big, big lesson."

But if Salvati struggled to put his appeal into words, many others were on hand to make his case for him. Among them: Salvati's lawyer; Governor William F. Weld's legal counsel; prison and law enforcement officials; even a relative of the murder victim.

Support for Salvati came from those who believe he has spent enough time behind bars and those who believe he was wrongly convicted of helping in the murder of Deegan.

Joseph Guarino, a former deputy superintendent of the Northeast Correctional Center in Concord, where Salvati has served part of his sentence, said, "It would be an injustice to his community and **Joseph Salvati** and his family and friends if he did not get a full unanimous commutation.

"I can honestly say that Joe Salvati did not commit that crime," he added.

Convict speaks softly, sadly at his commutation hearing

Ann Valenti, Deegan's niece, said she and her mother - Deegan's sister - had long been troubled that Salvati was convicted for a crime they believe others committed.

"We always had our doubts and we thought, 'How did his name get into it?' " said Valenti, whose mother has since died. "That always bothered us. She and I always thought he was innocent."

A commutation hearing is not intended to decide the guilt or innocence of an inmate but whether the inmate has been rehabilitated, no longer poses a threat to society and will be able to support himself financially if released.

On these points prison officials had nothing but praise for Salvati, calling him an "exemplary prisoner" who has been trustworthy, a "gentleman" and "peacemaker."

According to a report by the Advisory Board of Pardons, evidence was presented at trial that Salvati supplied silk gloves and issued guns to co-conspirators in the planned hit on Deegan.

Salvati was a passenger in a car that was supposed to block the escape route of one of Deegan's associates, but before that happened, the driver saw a passerby he believed to be a police officer, panicked and sped away instead.

Victor Garo, Salvati's lawyer, asserted the evidence was composed solely of the uncorroborated testimony of Joseph "The Animal" Barboza, a Mob hitman. Barboza, Garo said, implicated Salvati to retaliate against Salvati's refusal to heed his demand to repay a \$ 400 loan.

No one stepped forward to oppose Weld's recommendation that Salvati be granted clemency. And by the end of the hearing, it appeared Salvati had sufficient support on the Governor's Council to be granted a commutation during the council's scheduled vote next Wednesday.

The only council member who expressed reluctance to commute Salvati's sentence was Patricia A. Dowling (D-North Andover).

"There was a premeditated gangland-style murder," said Dowling, "and I'm not sure someone involved with something like that should be released."

Questions posed by other council members centered on why Weld, who opposed commutation for Salvati three years ago, now is supporting it. Another questioned whether Salvati should be forced to spend a year in a pre-release program, as the governor wants, in order to ease the transition from prison life. But some saw any further incarceration as unjust.

"I think he's gone through enough," said Councilor Christopher A. Iannella Jr. (D-Boston).

Among the unusual aspects of the hearing was that a journalist, Dan Rea of WBZ-TV, was called as a witness. Rea has aired numerous reports on Salvati, whom the newsman believes to have been wrongly convicted.

Graphic

PHOTO, 1. The family of **Joseph Salvati** reacts yesterday at his State House commutation hearing. They are (from left): Sharon, his daughter; Anthony, his son; and Marie, his wife. GLOBE STAFF PHOTO/DAVID L. RYAN 2. Convicted murderer **Joseph Salvati** waits yesterday to speak at his commutation hearing before the Governor's Council. GLOBE STAFF PHOTO/DAVID L. RYAN

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Convict speaks softly, sadly at his commutation hearing

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For September 7, 2007 MSNBC



For September 7, 2007 MSNBC

MSNBC HARDBALL 7:00 PM EST

September 7, 2007 Friday

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Section: NEWS; Domestic

Length: 8398 words

Byline: Rebecca Jarvis, Chris Matthews, Jim Miklaszewski, Norah O`Donnell

Guests: Jim Gilmore, Mark Green, Victor Garo, **Joseph Salvati**, Willie Brown, Heidi Harris, Jonathan Capehart, Craig Crawford

Highlight: Osama bin Laden releases a new videotape of himself. Analysts think U.S. has played into bin Laden`s hands over the past six years.

Body

CHRIS MATTHEWS, HOST: Who lost Osama? Why did a man who attacked us, who an American president promised to get dead or alive, escape our grasp, escape even our attention except when he sends us some video sticking it to us?

Let`s play HARDBALL.

Good evening. I`m Chris Matthews. Welcome to HARDBALL. The big story tonight, Osama bin Laden, six years after he ordered the attack that killed thousands of Americans -- he`s still out there. He likes to remind us each year that he`s still out there with a little video. But President Bush has gone from, We`ll get him dead or alive, to being completely bogged down in Iraq. Why isn`t bin Laden a priority for Bush? Why aren`t any of the presidential candidates, including the Democrats, making bin Laden priority number one? What happened to America`s cry for justice?

The second story tonight: The FBI sends four men to prison for life, knowing they are innocent. How could our government be so evil? We`ll talk to one of the men who served time, three decades for a crime the FBI knew he never committed.

In the political headlines, Michelle Obama tells us that her girls -- I can`t believe this -- say Barack Obama, their father, quote, "stinks." And our HARDBALL debate tonight: Who lost bin Laden? We`ll talk about that with former San Francisco mayor Willie Brown and radio talk show host Heidi Harris.

First, however, so what about bin Laden? The new tape contains no overt threats, but bin Laden does criticize -- catch this -- the Democrats for not being able to stop the war in Iraq. He says they have been bought off by U.S. corporations and their money.

Pentagon correspondent Jim Miklaszewski has more. Mik, the significance, the message of this tape, please?

For September 7, 2007 MSNBC

JIM MIKLASZEWSKI, NBC CORRESPONDENT: Well, the significance, first of all, is that al Qaeda tries to release a tape around the anniversary of the 9/11 attacks six years ago. The true significance of this tape is that it appears - it is proof that Osama bin Laden was alive, at least as late as last June. That appears to be the benchmark that appears in this tape. It is probably the better indication in what bin Laden had to say that he was alive at that time because he makes specific reference to the inauguration of the new French president in May and the installation of the new British prime minister, Gordon, in -- Gordon Brown in June. So U.S. intelligence officials say it appears that bin Laden was alive at that time.

I can tell you that they are still analyzing the tape to try to authenticate that this is, in fact, bin Laden, but U.S. intelligence officials tell us tonight that it is presumed that this is, indeed, Osama bin Laden on this tape.

MATTHEWS: The highest water mark of this presidency, the finest hour for President George W. Bush, bar none, was when he stood at the rubble at the World Trade Center that Friday and said, We're going to get the people that knocked down these buildings. How high a priority has been the catching of bin Laden, this man who's still on the loose?

MIKLASZEWSKI: Well, it depends on who you talk to. There are people, obviously, in the intelligence and special operations forces community who are focused on bin Laden entirely. But then there are others who claim that the U.S., of course, missed its chance to get bin Laden during the war or immediately after the major conflict in Afghanistan, and were distracted, of course, by the war in Iraq, according to George Bush critics.

And it's interesting because throughout this tape, bin Laden uses the war in Iraq not only to taunt the U.S., but as you said earlier, the Democrats, claiming that the war continues because the entire political system, the Democrats, the White House, are held hostage by the political system that relies so heavily on money. And at one point, he issues a taunt by saying, As you're the ones who have the saying which goes, Money talks.

MATTHEWS: Well, I think that was Ozzy Meyers (ph) who went to prison for that comment. Money talks, something walks. Remember that phrase from the ABSCAM days.

MIKLASZEWSKI: Absolutely.

MATTHEWS: But I have to say, Mik...

MIKLASZEWSKI: He didn't include the rest of that in that statement.

MATTHEWS: I know he didn't, but I got to tell you something. This guy is onto something. He's tying together his Islamic zealotry with the old left's argument that wars and everything else bad are always caused by corporations. And it's interesting that he's jumped -- I don't think he's quite got the note here of the anti-war sentiment in our country. The anti-war sentiment is, We want less casualties for Americans, we want less enemies in the world, we think this war was going in the wrong direction. Blaming this on big corporations, I think, may be narrowing it down to a few ideologies.

MIKLASZEWSKI: Right. Right. But you know, he does make the point that last elections, in which the Democrats were put back into power in both the House and Senate, were an indication that you, meaning the American people, want this war to end, but the Democrats haven't been able to deliver because, again, as he puts it, they are prisoners of the corporate money and that...

MATTHEWS: Well, three quarters of that is definitional. People did vote Democrat to end the war, and the war is still going on. The motive is yet to be established. Anyway, thank you very much, Jim Miklaszewski at the Pentagon.

MIKLASZEWSKI: You bet, Chris.

MATTHEWS: Well, it six years ago that President Bush, at the height of his popularity, as I said, went to ground zero three days after 9/11 and made this into an iconic moment in American history.

(BEGIN VIDEO CLIP)

For September 7, 2007 MSNBC

GEORGE WALKER BUSH, PRESIDENT OF THE UNITED STATES: I can hear you. The rest of the world hears you. And the people who -- and the people who knocked these buildings down will hear all of us soon!

(END VIDEO CLIP)

MATTHEWS: A magic moment. I don't think anybody else could have pulled that off, including Al Gore, who got more votes than that guy, amazing moment to unify the country, unify the world against the evildoers who attacked us on 9/11. And they were evil, and yet bin Laden's still out there. We thought he was riding away on a burro with a dialysis unit hooked up to him. And we thought a six-foot-five Arab in that part of the world would be easy to catch. Why haven't we caught? Why haven't we made enemy number one? Why isn't he on the -- why isn't his face on the Post Office everywhere in the world right now?

Mark Green is president of Air America Radio. Jim Gilmore's the former governor of Virginia. I want to start with Mark. Why is this guy still on the loose? Why is the enemy number one for America and for our president?

MARK GREEN, AIR AMERICA RADIO: Because Mr. Dead or Alive, George W. Bush, Mr. Bring It On, George W. Bush, misdirected billions and thousands of Americans into Iraq, rather than focusing on bin Laden, who was an admitted mass murder, and bin Laden has picked up on it. After the Cole attack, bin Laden is so shrewd, according to Lawrence Wright in his defining "The Looming Tower," that bin Laden told his people, OK, now we hope to provoke the United States to attack us because it will help our al Qaeda movement. And the U.S. didn't respond then because it was at the end of the Clinton and the start of the Bush presidency.

He understand what he's doing. He knows how to play the American system. In fact, John Kerry, right or wrong, thought that the bin Laden tape the Friday before the Tuesday election in November contributed to or cost him the election because bin Laden wanted Bush to win. This is not fantastical because he benefits from Bush scaring his Muslim radical audience, and Bush benefits by al Qaeda scaring the American audience. And so I don't know that either has much of an interest in -- in...

MATTHEWS: Yes. You never know, though. You never know, Mark. In all fairness to you, and I think you're smart about this stuff, is that you never know about these bozos from other countries. They sometimes nail it, they get it right. The monkey types Merry Christmas, and sometimes the clock is right. But sometimes they get it wrong. He may have done this to maybe hurt Bush, to humiliate him.

Let's go to former governor Jim Gilmore. Governor Gilmore, what do you make of this fact that we've got this guy at large six years after the president declared, Dead or alive, we're going to catch him, and he seems to have been fading as a point of interest all these years?

JIM GILMORE (R), FORMER VIRGINIA GOVERNOR: Well, I think we have accomplished a great deal. The president went forward and destroyed the regime that was, in fact, giving this guy, this fellow, safe harbor. OK, so he's elsewhere now, but he's in hiding. He has to be a leader out of hiding. The communication that he has to be giving to his followers is that, We are all in trouble, that we're in hiding.

We think we're going to get this guy, and we should get this guy. But the bigger picture is what we have to focus on. We can't just rely on things like defeatism out of Air America or the Democratic Party. We have to really focus on the fact that this is going to be a major challenge that has historically been coming forward, and it's going to be incumbent on us and our allies and our friends, even in the Muslim world, to stand up for civilization.

Bin Laden just preaches hate and destruction and killing of innocent people. That's not the way of the future. And the American approach and the approach of allies and our friends across of the world, we're the wave of the future, not some...

MATTHEWS: Well, why did we...

(CROSSTALK)

For September 7, 2007 MSNBC

MATTHEWS: Why did we shift attention when the war wasn't won in Afghanistan -- and people said there weren't enough troops there because we had already -- already indicated and assigned those troops to go to Iraq? If we had kept enough troops in Afghanistan, wouldn't we have caught this guy at Tora Bora?

GILMORE: Well, maybe, and maybe not. Any time you're in battle and you're in a war, you just don't know what's going to happen. And meanwhile, Iraq...

MATTHEWS: Well, why didn't we keep our focus on the bad guy? You know in politics or in life, you got to keep the focus, the main army on the main enemy. Why didn't we keep it there?

GILMORE: Well, because it's a bigger picture than just one country and one person or even just Osama bin Laden. We have to address the fact that we have to be at battle with people who are Islamic fascists, people who want to kill innocent people and bring back a medieval type of philosophy. We have to be prepared for that, and we will be decisive and do that. I know this from the world that I've done with the terrorism commission.

GREEN: With all due respect to Governor Gilmore, who cited our problems in Iraq and attributed it to defeatism at Air America -- if Air America existed or not, it was the president he voted for and supported, and sought to succeed, who invaded the wrong country, put us into the middle of a sectarian Muslim strife, that we can't stay or get out of. So any defeat that occurs -- remember, it was Rumsfeld who said it wouldn't last more than six months -- is on his party and his head. And so actually, to try to blame others is odd.

I agree with him we were right to go into the country that gave him sanctuary, which was Afghanistan. And then the world understands and history will record that George W. Bush, this messianic neoconservative, either misled us or was misled or both into this Iraqi war, has taken now taken our eye off the ball.

One last thing. The problem is that even if we catch bin Laden, A, think about the waves of suicide bombers that would inflict on us. But B, because of our mistakes in Iraq, we have metastasized al Qaeda and extremism. So there are now, instead of one al Qaeda planning a 9/11, or the next 9/11, God forbid, there are thousands of cells that bin Laden doesn't control. So while it may be emotionally satisfying to catch him...

MATTHEWS: OK, let me ask you...

(CROSSTALK)

MATTHEWS: Let me ask you about Barack Obama, who says that we should go into Pakistan with any evidence we get, go after this guy, don't sit around waiting for Musharraf to approve the action. Are you with him on that?

GILMORE: Well, you know, I...

MATTHEWS: Go in, whatever it takes and catch this guy, if we have the intelligence where he is.

GILMORE: Well, in fact, I've been to Pakistan and I've been probably within 50 miles of exactly what that are is. And we're going to have to work with the Pakistani government in order to make sure that we do bring this area to heel. But we have to make it very clear to that government and to President Musharraf and to anybody working with him that we will stand not for a lawless area becoming a substitute for Afghanistan. And they have to understand that there is a limit to American patience on this.

MATTHEWS: Let's take a look at Obama. This is Barack Obama talking about how he's going to track down, hunt down al Qaeda and bin Laden himself in Pakistan.

(BEGIN VIDEO CLIP)

Sen. BARACK OBAMA (D-IL), PRESIDENTIAL CANDIDATE: If we have actionable intelligence about high-value terrorist targets, and President Musharraf will not act, we will.

(END VIDEO CLIP)

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MATTHEWS: What do you make, Mark, of the charge by Osama bin Laden today in that tape that's just coming out right now that the Democrats who ran and won control of Congress last November with the promise to end the war in Iraq have failed to do so because they're in the tank with big U.S. corporations? They take too much campaign money. You laugh, but a lot of money goes into the pockets of both parties. These big corporations hedge their bets, as you know. Is that one reason why they've been so, well, let's say less than zealous in ending this war?

GREEN: Chris, the reason I laugh is if bin Laden says that Federer may win the Open, it doesn't mean he won't. And I laugh because I've written several books about big business political influence and a book about how money shouts. And I didn't write the line in bin Laden's talk. Look, you can blame big business in America for a lot of things, from the environment to our tax policy. But what's going on in the Middle East is not driven by big business.

And of course, he's right that Democrats won in '06. And from the Baker-Hamilton commission to Senator Warner and the GAO report, there's overwhelming empirical evidence we shouldn't be in Iraq and we should leave in an orderly way. So but why haven't we? U.S. Constitution, notwithstanding the War Powers Act, gives one guy -- or two people, Bush- Cheney, the ability as commander-in-chief to stay there irrespective of evidence and popularity, not to mention to think about going after Iran.

MATTHEWS: Yes, but your party has the power of the purse strings. They have the majorities in both houses. They could cut off the funding for this war, if they had the cojones to do it. You know it.

GREEN: That's correct.

MATTHEWS: That's a fact, OK?

GREEN: Well, that is a fact. And I think Pelosi and Reid's rhetoric is very tough...

MATTHEWS: OK...

GREEN: ... but they are flinching at voting to cut off funds because the Republicans are so brilliant at interpreting that as anti-troops instead of...

MATTHEWS: OK...

GREEN: ... being pro-troops to bring them home safely.

MATTHEWS: OK, let's write that down. Mark says Republicans are brilliant. Let me ask you one last question, Governor Gilmore. Forty-two percent of the American people say we're not going to catch bin Laden. Are they right?

GILMORE: No, we're going to catch bin Laden. We're going to catch bin Laden. And it's much bigger than bin Laden. This is a battle that we're going to be facing for a long time. His tape today is designed to create division in a free country with free speech just like we have here today.

And Mark is a very eloquent spokesman, to be sure, but the goal here is to create dissension within the United States as possible. It's not just a matter of Iraq or no Iraq or Afghanistan. We have to be resolute in going forward and recognizing that the future...

MATTHEWS: OK...

GILMORE: ... is about freedom and democracy, it's not about this fascist guy sitting in a cave someplace.

MATTHEWS: Well, the president ought to catch this guy. Anyway, thank you, Mark Green. Thank you, Governor Jim Gilmore.

Coming up: The FBI put four men in prison for decades for a murder they know -- the FBI knew they didn't commit. Now it's \$100 million penalty for the federal government because they did this. Why did the FBI abuse its power? Why did the federal government prove itself to be so -- and I can't think of a better word for it -- evil?

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You're watching HARDBALL, only on MSNBC.

MATTHEWS: Welcome back to HARDBALL. Now a horrendous Kafkaesque story that you cannot believe happened in our country. The federal government has been ordered to pay over \$100 million in damages for framing and putting four men in jail, in federal prison, for a 1965 murder they did not commit and the FBI knew they did not commit. It was a cover-up that the attorney for one of the men says went all the way to the FBI director himself, J. Edgar Hoover. **Joseph Salvati** served 30 years in prison before being paroled, and he's here with his attorney, Victor Garo, to tell us his personal horror story that robbed him of his youth, his family and much of his life.

Good evening, gentlemen. I want to start with the attorney, Mr. Victor Garo. Tell the story of this horror, if you can.

VICTOR GARO, ATTORNEY FOR **JOSEPH SALVATI**: What it has to do with is the FBI's fight against organized crime. And as Judge Gertner (ph) said in her decision, these four men were collateral damage in the war against organized crime. To the FBI, the plaintiffs' lives and those of their families just did not matter. This case is about an intentional misconduct, subornation of perjury, conspiracy, and the framing of innocent men.

The FBI's conduct was intentional. It was outrageous. It caused the plaintiffs immeasurable and unbearable pain, and the FBI must be held accountable. The entire FBI hierarchy was implicated in supporting this decision and the perjury that occurred.

What it was, Chris, is all the way up to J. Edgar Hoover, they have known since 1965 that my client has been innocent. They have known it from two sources. One was their prized informants had told them that Salvati was innocent, and two, from a three-and-a-half-year illegal wiretap on Raymond Patriarca, the alleged head of organized crime in the New England area. The FBI had...

MATTHEWS: You mean the guy from Providence.

GARO: That is correct.

MATTHEWS: Yes, I know about him.

GARO: And what they did is, they took tape recordings. They took notes. They took logs.

And everything that was said there went up to J. Edgar Hoover, all the way up the line. They knew my client was innocent. As we talk today, they have that evidence. At the trial, they stated they had no duty to disclose to my client...

MATTHEWS: OK.

GARO: ... his lawyer, or the state that he was innocent. They had no duty to disclose, even though he was facing the electric chair.

MATTHEWS: OK.

Let me go to Mr. Salvati.

You, sir, served all the -- where did you -- where did you serve all that time?

JOSEPH SALVATI, FALSELY CONVICTED OF MURDER: All over. We started out in Walpole and ended up in Norfolk.

MATTHEWS: And, all that time, you knew you hadn't committed the crime.

SALVATI: Absolutely.

MATTHEWS: And what did you think of your defense? I mean, how did this happen? Was this something that you were railroaded by the top? Do you believe J. Edgar Hoover was involved with this?

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SALVATI: Absolutely, with no -- without a doubt.

MATTHEWS: How do you know?

SALVATI: Well, it's proven. We have a lot of papers that prove it.

GARO: We -- we filed evidence, Chris, at the time of trial, that J. Edgar Hoover knew everything that was going on in this case.

And, in fact, if he was alive today, I would be requesting that he be indicted as a conspirator to murder Joe Salvati.

MATTHEWS: Well, what was Hoover -- in his own conscience, such as it was, what was his justification for putting four innocent men in prison for life? What did he have to justify that kind of awful decision?

GARO: PEG, power, ego, and greed. The more convictions they get, the bigger the budget they get. But, at the same...

MATTHEWS: OK. Come on. You have got to narrow it down a little bit, Victor. Give me the best -- were they using this to protect another source, to protect a friend of another source?

GARO: Oh, they were doing this to protect their informants.

MATTHEWS: Right.

GARO: The informants were the killers. They were using these -- it was more important for the government to protect their murderous informants than it was to protect an innocent man who had young children. That's what is so outrageous of this.

They protected the murderers themselves. And they became informants for the FBI. This is all about hiding the evidence for over 30 to 40 years. The truth has never come out.

MATTHEWS: Let me ask you, Mr. Salvati.

GARO: It did come out at trial.

MATTHEWS: What did -- what did it do to your life, to be in prison for that 30 years?

SALVATI: Oh, it destroyed it. The only thing that kept us together was my -- the glue that held -- my wife, Marie. She held the whole family together.

MATTHEWS: She always knew you were innocent?

SALVATI: Absolutely. The whole family stuck with us and stuck with me. And what they done was, they took all the youth away from my wife and my family. And they -- they just -- and didn't care.

This is America. It's not supposed to happen. The very same people that are supposed to protect you are putting you to death. It's...

MATTHEWS: Let me ask you. You got on parole. Did you get out before the evidence got out that you were innocent? Or did you just get out because you served your time?

SALVATI: I got a commutation from Governor Weld.

GARO: No, this was -- this was a -- we got a commutation, like a parole first. I had been -- I have been working on the case for free since 1977.

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MATTHEWS: How much of this has to do with Whitey Bulger, Billy Bulger's brother, and all of stuff you see in the movies, and all this gangland stuff, and informants, and deal-making by the FBI, Victor?

GARO: There was part -- that's part of it.

What it is, is, they were informants. They were prized informants. What it was is, this criminal element was testifying against -- gave evidence on this criminal element. And the FBI, with their protection, allowed this criminal element to do everything they wanted to do, including murder.

MATTHEWS: OK. What role did Dan Rea up there play, the -- the local reporter, Channel 5 guy? What -- what role did he play here?

GARO: In -- I had been on the case since 1977. In 1993, I had obtained quite a bit of evidence. But I knew I needed some media exposure.

I went to Dan. It was put -- he was introduced me through dean Cass, the dean of Boston University School of Law. I told Dan about this case. He studied it and he went with me. He's been on the case since 1993 with us and has reported several times.

As a matter of fact, he was -- he was -- it was made a mockery in the newspapers by saying, mission impossible. Has Dan Rea gone over the line?

MATTHEWS: Well, I'm very proud to be in the same world and the same business of television journalism as Dan Rea, because he told me about this case. He didn't tell me what a role he played in it. Boy, what a courageous move by a journalist, to find the truth and to bring it out and have it matter, the truth.

Congratulations, Mr. Garo.

On behalf of our country, I'm apologizing to you, Mr. Salvati. J. Edgar Hoover doesn't look too good tonight.

Thank you, gentleman, for coming on.

Up next: Michelle Obama tells us her girls say that their dad -- I can't believe this -- stinks. With Barack down double digits to Hillary, is this -- is this working, this dumping on the husband, this Vaudeville act? Why does Michelle keep sticking it to her husband? He needs some help.

You're watching HARDBALL, only on MSNBC.

MATTHEWS: Welcome back to HARDBALL.

Let's get into the political world.

There's an old phrase in politics. I heard it years ago. Behind every great man, there's a woman trying to kill him. Now, that can be unkind, but you get the point. Sometimes, the person giving the candidate the toughest time is the spouse at home, the one who is not getting the attention, the one who gets mighty jealous, in fact, when she hears the hubby getting all the attention from the jumpers out there in the audience and on the campaign staff.

So, with that questionable bit of political culture and legend, meet Michelle Obama. She just told "Glamour" magazine that her two girls get into bed with her in the morning, but insist on kicking her husband, Barack Obama, out of that bed, the hero running for president, of course, because -- quote -- "He snores and he stinks."

What, for God's sake, is the point of someone saying that about a candidate who is a full 20 points behind Hillary Clinton right now?

Please, Michelle. This guy needs all the buildup he can get. No more put-downs. No more stinky-poo.

This is all real, by the way.

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And, oh, boy, the man who targeted the axis of evil, instead of keeping his eye on the ball, on Osama bin Laden, is at it again. President Bush, down in Australia the other day, seemed to tear up the Korean armistice, the one Ike forged back in '53, by saying -- I don't who -- which neocon is writing this stuff for him -- that the Korean War is still being waged.

(BEGIN VIDEO CLIP)

ROH MOO-HYUN, PRESIDENT OF SOUTH KOREA (through translator): If you could be a little bit clearer on your message, I think...

(CROSSTALK)

ROH (through translator): ... I would very much appreciate it.

GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES: I can't get make it any more clear, Mr. President.

We look forward to the day when we can end the Korean War. That will end -- will happen when Kim Jong Il verifiably gets rid of his weapons programs and his weapons.

(END VIDEO CLIP)

MATTHEWS: I don't get it.

Why is this American leader trying to rip up the scab, rip the scab off the treaty signed a half-century ago? President Eisenhower ended the Korean War after promising to do so. President Bush elected to start the Iraq War, and now nobody can tell us how to end that one. Is his goal to leave office with war on all fronts?

Well, as Al Franken gears up for his Senate fight out in Minnesota against Republican Norm Coleman, Republicans are zeroing in on Franken's history of using crude jokes. "The Wall Street Journal" reports that they have been combing through his "Saturday Night Live" transcripts, and taping his casual banter out on the campaign trail.

Last fall, for example, Franken called Coleman, the incumbent -- quote -- "one of the administration's leading B" -- fill in the blank -- "boys."

In response to Coleman's complaints, Franken said: "It was meant as a joke. I should have said, well, lapdog. And I have said I will use lapdog from now on."

Well, Al, I think we got the point the first time.

Besides, I know a guy who got himself elected to the U.S. Congress by calling his opponent, the incumbent, a jerk. Sometimes, the nasty word is the nasty truth.

Up next, our HARDBALL debate: Who lost bin Laden?

You're watching it, HARDBALL, only on MSNBC.

REBECCA JARVIS, CNBC CORRESPONDENT: I am Rebecca Jarvis with your CNBC "Market Wrap."

Stocks plunged after the latest jobs report. The Dow Jones industrials lost nearly 250 points. The S&P 500 fell 25, and the Nasdaq dropped more than 48 points.

Wall Street was stunned when the Labor Department reported this morning that the economy lost jobs last month for the first time in four years. Payrolls shrank by almost 4,000. An increase of about 100,000 jobs had been expected. Job growth in July was also revised downward. All this raised fears that the housing slump and credit crunch could push the economy into a recession.

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But analysts say the shocking job numbers could give Federal Reserve policy-makers a reason to cut interest rates when they meet September 18.

Meantime, oil rose 40 cents in New York today, closing at \$76.70 a barrel.

That`s it from CNBC, America`s business channel -- now back to HARDBALL.

MATTHEWS: Welcome back to HARDBALL.

Well, he did it again. Osama bin Laden sent the U.S. another video message as the sixth anniversary of his attack on America approaches. With all our technology, firepower, intel, military might, who lost Osama bin Laden?

I`m joined by former San Francisco Mayor and former Assembly Leader in California Willie Brown, and Heidi Harris, who is a radio talk show host in Vegas.

Let me start with the Mayor.

Mayor Brown, you`re a politician. Why can the president walk away from the number -- public enemy number one for six years, and not take any hit for it?

WILLIE BROWN (D), FORMER MAYOR OF SAN FRANCISCO: Well, it`s because people really haven`t laid it on him, as they attempted to lay it on Bill Clinton.

If you will recall, Chris, Bill Clinton said, unequivocally, he failed to find join capture and kill bin Laden. And, for that, he was indeed, sorry. This new president, however, didn`t even look for bin Laden in the first eight or nine months of his term as president of these United States.

Yet, we Democrats have not laid it on him hot and heavy. And that`s too bad.

HEIDI HARRIS, RADIO TALK SHOW HOST: Oh, come on.

MATTHEWS: Heidi Harris.

HARRIS: The only reason that Bill Clinton said he didn`t find bin Laden is because he`s no longer in office, so he`s no longer capable of trying. President Bush hasn`t given up yet.

BROWN: President Bush is...

(CROSSTALK)

MATTHEWS: Let me ask you, Heidi. Make the case, Heidi, do you have any evidence that the president has made this priority number one? I don`t see this guy`s face on the post office wanted list. I don`t see the United States troops chasing after him in back Pakistan. I see the American Army in Iraq, not where bin Laden is.

HARRIS: Well, we still have troops...

MATTHEWS: You tell me, what`s going on?

HARRIS: We still have troops in Afghanistan. They are still actively searching for him on a daily basis. I don`t know that he`s in Iraq.

MATTHEWS: But he`s not in Afghanistan.

HARRIS: Well, do you know where he is, Chris?

MATTHEWS: Well, everybody in this administration is saying he`s probably in the northwest region of Pakistan. That`s what all the administration people are saying. So, why aren`t they there looking for him?

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HARRIS: Well, I don't know where he is for sure, and I don't know that they know where he is for sure. That's the problem.

And we do need more cooperation from Musharraf. We're not getting the cooperation that some people think we should be from him. That's a big factor.

MATTHEWS: Let me ask you...

BROWN: Chris, let me assure you and...

MATTHEWS: Go ahead, Mayor.

BROWN: ... and Heidi both, if 180,000 troops, as currently are encased and, I suppose, entrusted in Iraq, we do 180,000 troops in Pakistan on the border between Afghanistan and Pakistan, we would find a flea, including bin Laden.

MATTHEWS: Heidi?

BROWN: So, is that what we should do, move all our troops totally to Pakistan, and forget about Iraq? Is that what you think we should do?

BROWN: I think we never should have gone into Iraq.

HARRIS: Oh, there we go.

BROWN: We were never -- we were never, never involved in any manner and with any threat from Iraq. That was...

HARRIS: Yes, there's no al Qaeda in Iraq. That's right. Oh, here we go.

BROWN: That was orchestrated by an administration that has led this nation to the lowest form of acceptability for the rest of the nations of the world. And that's a tragedy.

(CROSSTALK)

MATTHEWS: Let me ask you, Heidi, about the president. There's no one who didn't cheer the president when he stood at ground zero that Friday after 9/11...

(CROSSTALK)

MATTHEWS: ... and put his arm around that firefighter, and said, we're going to get the people that knocked down this building.

HARRIS: That's correct.

MATTHEWS: If that was the goal, to catch the Islamic fascists, as they are called now, to catch bin Laden and his people, al Qaeda, if that was the goal, why did we go to Iraq?

HARRIS: Well, here is the thing. When we...

(CROSSTALK)

MATTHEWS: Well, why did we go to Iraq, if that was the goal?

HARRIS: Well, we didn't go to -- but, Chris, we didn't go to Iraq first.

We have got them on the run. We have to chase them from place to place. When we get people like Khalid Sheikh Mohammed, President Bush never gets any credit for that. When we get people like Zarqawi, President Bush never gets any credit for that.

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It's like that old Whac-A-Mole game at the carnival. You know, you whack one down and the next one pops its head up. You have got to constantly keep chasing these people. But the idea that they're going to stay in Afghanistan, if that is where we are, is ludicrous. Of course they are going to go somewhere else, and we're going to have to chase them when they go.

MATTHEWS: But we moved the Army. We never put in a full complement of troops in Afghanistan, because they were already being deployed to Iraq. Wasn't that a mistake, Heidi, to stop one war before we won it?

(CROSSTALK)

HARRIS: But we haven't stopped the war in Afghanistan. We haven't.

We have more troops in Iraq, but we have not finished looking for bin Laden. We just don't know exactly where he is. If we do -- did, if the administration knew, they would find him. They would capture him. Of course they would like to.

MATTHEWS: Mayor, talk about the Democrats. You know, bin Laden, who knows nothing about our politics, except how to play some games against us, says the Democrats haven't fought politically hard enough to catch -- to end this war in Iraq, because they are bought out by the corporations.

Your response?

BROWN: My response is, they will pay for that in the 2008 elections, if the public believes that.

The public didn't believe that the last time around. And that's why the Democrats won control of both houses of Congress. My guess is that, if they continue in the vein they are in, they will have trouble convincing the American people that they're sincere on this war issue as well.

We have got a golden chance to win the presidency and both houses of Congress again in 2008, but it depends on our credibility vis-a-vis this war.

HARRIS: Oh, I can hardly wait.

MATTHEWS: Do you believe the Democrats have been too soft in attacking the president's war position, Mayor?

HARRIS: There's no question. I think Barbara Lee and that crowd have been more militant on the issue involving the war, and the Democrats ought to follow that.

HARRIS: Oh, my gosh. You know, I can hardly wait until 2008. All I ever hear from the Democrats, all the people running for office, most of Congress, all the Democrats who are against the war, all I hear is, we have to get out.

I don't ever hear, we need to win the war. I hear, we need to end the war. I have not heard one solid plan out of any Democrat. So, if they get what you would like them to get in '08, Willie Brown, I would love to see them succeed. I don't know what their plan would be.

And I don't know that the American people have the confidence in them to vote Democrats in, in the majority or as...

BROWN: You see, Heidi...

(CROSSTALK)

HARRIS: ... Democratic president.

BROWN: You see, Heidi, I accepted George Bush's pronouncement on that aircraft carrier. He said, in effect, the war is over, we've won. And that's the point at which we should have split right out of Iraq, gone over to Pakistan

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and Afghanistan, and by now there would not be video coming out of bin Laden. There would be memorials coming from bin Laden.

MATTHEWS: Ladies and gentlemen -- I want to ask Heidi this question. Let's be nonpartisan here for three seconds.

HARRIS: OK.

MATTHEWS: Everybody said -- maybe our intel was wrong. Here's a guy, an extremely very tall man for that part of the wall, 6'5 or something, very distinctive face. I mean, once you see bin Laden, you sort of know what he looks like. Riding on a Burro with dialysis, because he had a bad kidney problem. And he's escaping through the mountains on this Burro, and he's 6'5, and he's got dialysis equipment with him or something. Why is it so hard to catch him?

Everybody thought at the time he would be an easy mark. What do you think happened?

HARRIS: You're asking me?

MATTHEWS: Yes, I want to know what you think happened, as a snoop, as a journalist? Just tell me what happened. How did this guy get out of Tora Bora? How did he get across the border or wherever he went. He could be in Chicago for all we know. How did he get away?

HARRIS: That's a good point. Here is what I think, when you plan something that catastrophic on American soil, and you plan it far ahead, which we know he did, obviously, you plan many ways to hide, because you know we'll come looking for you. Not to mention the fact that if you ingratiate yourself with the villagers in the various areas where he was, why would they tell our troops where he is? He's their friend, not our friend. That's something we've had to try to overcome.

MATTHEWS: That's a bigger problem. The people in the Islamic world - - When I'm in Kenya, mayor -- I'm in Kenya last year on vacation, in Lamu, out on the coast, and they have bin Laden posters all around. That is a problem. He's a hero in that part of the world.

HARRIS: That's right.

BROWN: And he will continue to be a hero to that part of the world, and that's why it's necessary for us to exhaust ourselves in those regions, where he's allegedly currently hiding. I can assure you, just as we found some of the other members of that 52-card deck, we can find bin Laden. But it's going to take somebody with a greater talent than currently exists running the White House.

MATTHEWS: I would love to have the job of catching him. Anyway, thank you Willie Brown, former mayor, former assembly leader, one of the heroes of California. Heidi Harris, thank you for coming on the show.

Up next, our HARDBALL round table and the 2008 spouse factor. Michelle Obama is something else. What's she going after her husband for? Shouldn't she be going after Hillary? Anyway, we're going to talk about that. Guess whose coming, Nora O'Donnell, mother of two, mother of twins. She's coming back on HARDBALL right now, Nora O'Donnell. We'll be right back.

MATTHEWS: Welcome back to HARDBALL. Tonight's HARDBALL round table, Craig Crawford is a columnist for "Congressional Quarterly." Jonathan Capehart sits on the "Washington Post's" editorial board, an extremely prestigious crowd, and MSNBC political analyst. And by the way, MSNBC's chief Washington correspondent Norah O'Donnell is coming back to HARDBALL at this very moment. She's a mother now of twins, Grace and Henry.

Can we look at the picture? What a mommy. Look at the blue eyes, all six blue eyes you have there. What a picture. Hold that picture, it will be the nicest thing we see all night. Norah, there the kids are. Which one is which?

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NORA O'DONNELL, MSNBC CHIEF WASHINGTON CORRESPONDENT: Henry is in the blue, and Grace is in the pink.

MATTHEWS: I should have known.

O'DONNELL: Yes.

MATTHEWS: What does it feel like to be a mom.

O'DONNELL: Those outfits are from Chuck Todd, our political director.

MATTHEWS: Thank you Craig, you're the expert on such things. Let me ask you Norah -- it's nice to see you back. You look like no worse for wear.

O'DONNELL: It's the greatest thing in the world.

MATTHEWS: Let's talk about -- get in trouble. I want to start with this Michelle Obama thing, because we have a woman on here who's a great wife and a great mother, obviously. I've got to ask you, Michelle Obama, what is her number? What is she saying. In the morning my two daughters get in bed with me, which kids like to do, and they won't get in the bed until they kick Barack Obama out of bed, because he snores and he stinks. What is this about?

O'DONNELL: She said that she made the comment because she doesn't want people to deify him and think he's a god.

MATTHEWS: He's 20 points back.

O'DONNELL: There's two ways to think about this. Either this sort of humanizes him in some sort of way. Or some people say it's TMI, that people want to deify the president. They don't want to know he's stinky and snory.

MATTHEWS: I don't think Nancy Reagan, Jonathan, was out there saying my husband stinks and snores. That wasn't a great build up.

JONATHAN CAPEHART, "THE WASHINGTON POST": No, Nancy Reagan probably never said that publicly.

MATTHEWS: We're talking about publics.

CAPEHART: Let's put this in context, though. She didn't say the girls kick him out of bed. They say they get into bed if he's not there because he's too --

O'DONNELL: Still.

MATTHEWS: It's unbelievable. The trouble is people will believe that line from the kids. They won't believe anything else these politicians say. But they'll believe those charges.

CAPEHART: Why is this -- why is this such a big deal?

MATTHEWS: Let's go to Craig Crawford, the political expert. Craig, it's a schtick. Obviously it's a schtick. I know it's aimed at being regular folks and all. But it does detract from the fact that she is supposed to say this guy really has a vision for America. This guy can bring together the country racially, politically, ethnically. This guy can change America. Doesn't she have to be a true believer if she lives with the guy?

CRAIG CRAWFORD, "CONGRESSIONAL QUARTERLY": She is out there giving substantive speeches. I think, in addition to what Norah mentioned, which is true, she's concerned about his deification and humanizing him, she is also signally that she's not going to be a Stepford Wife.

For September 7, 2007 MSNBC

MATTHEWS: No doubt about that. I tell you. You know, Lily Martin used to work at the White House with me. He's the civil rights guy. He said behind every great man, there is a woman trying to kill him. This is true. Let me -- I love that. Thank good for Norah's cackle. It's back. Yes dear?

O'DONNELL: listen, you are talking about this in the context of the spouse factor. This is the year of the spouse. We have so many interesting --

(CROSS TALK)

O'DONNELL: Elizabeth Edwards, who is enormously outspoken, criticizing a lot of Democrats. We have Bill Clinton, of course, who wants to be the first laddie, as he says, in the White House, and Michelle Obama, who is impressive.

MATTHEWS: My dog was named Laddie. I wouldn't use that if I were him. There are already complaints in that department.

O'DONNELL: The better question for a historian too is how much personal information do people want to know about their president.

MATTHEWS: What's that phrase everybody uses, too much information?

O'DONNELL: TMI.

MATTHEWS: Is this too much?

O'DONNELL: It may be TMI.

MATTHEWS: Let me ask you, Jonathan, about this question. Certainly Bill Clinton is helping Hillary in the Democratic primary. We all agree with that. Maybe in the general he'll be a problem. He helps, right? We agree.

CAPEHART: Sure.

MATTHEWS: Craig, your assessment, does Bill help Hill in the Democratic primaries and caucuses?

CRAWFORD: I certainly do, particularly in the primaries and caucuses. He's so popular among Democrats. He's also been out there pushing a book, getting on Oprah himself, Larry King, lots of places, and being very out front. I think his position in this is actually one thing that has caused a sort of reshuffling of the deck on the roll of spouse, when you have a candidate who has got a former president as a spouse and will certainly serve some sort of substantive role in the Clinton administration.

(CROSS TALK)

CRAWFORD: The other spouses, I think, feel a little pressure to come out and be a little more than what spouses have seen on the surface.

MATTHEWS: OK, I want to make a nomination for spouse of the week. Who has been the best, most loyal spouse of the week.

CAPEHART: Clinton.

MATTHEWS: Best spouse of the week?

O'DONNELL: Well, Clinton helped, going on Oprah, when she was on Ellen. Seventy percent of the people in the last Gallup poll said they think he's an asset.

MATTHEWS: You know who has been the most loyal political spouse of the week? Mrs. Larry Craig. She comes out and stands with him, two press conference in a row, totally denies the charges, completely with the guy. There

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has never been -- Nancy Reagan is a piker compared to this woman. This is Stepford Wife exponentially. We'll be right back with our round table. You are watching HARDBALL on MSNBC. Welcome back, Norah.

MATTHEWS: Welcome back to HARDBALL. We're back with the round table, Craig Crawford, Jonathan Capehart, and Norah O'Donnell. Let's take a look at Fred Thompson advisor Rich Gallen and what he said about Thompson's wife, Jeri, his much younger wife, "look, she's either too involved or she's the trophy wife sitting out by the pool eating bonbons. You can't have it both ways."

What does that mean, Craig? Is she -- well, we look at the picture; I guess she could pass as a trophy wife if you just go by appearance, but what is this bonbons sitting by the pool remark?

CRAWFORD: I think because she's attractive these comments are made. But she is clearly playing a substantive role in the campaign and I don't see anything wrong with that.

MATTHEWS: Let me ask you, Jonathan. I think she will attract attention. He's about 65. She's about 20 years younger. Is that going to hurt him on the trial with first wives, second wives, and everything else in this business.

CAPEHART: With all of the other people with their second wives and third wives and fourth -- who knows.

MATTHEWS: The only Republican with one wife is the Mormon.

CAPEHART: Governor Romney. So I don't think that is going to be a big deal. I really don't.

MATTHEWS: How about the role she's playing in the campaign? Apparently the aides are dropping like flies around Thompson, because she doesn't like people.

O'DONNELL: She has been criticized by some as playing a --

MATTHEWS: I love the way you do this. This is the Norah O'Donnell merry go round. There are some who say --

(CROSS TALK)

O'DONNELL: How many times have candidates' spouses wives been criticized for being too involved.

MATTHEWS: They are too involved. Every time the guy goes to bed, they say, I don't think that guy is on your side, or I think --

O'DONNELL: But people act surprised that a wife is involved. This man chose to marry her. He confides in her. That's what Fred Thompson said defending her. He said thank goodness she's there. He said she's part of the main reason he's running.

(CROSS TALK)

CRAWFORD: I think it's a good thing that these wives who are involved -- it's now out in the public and we know about it. In the old days wives ran things behind the scenes and kept it quiet. I think it's better to be outside.

MATTHEWS: It's two for the price of one now. We know the price tag and we know the product. Let me you, Craig, about something he may have been ill-advised to say today. In this whole discussion about the bin Laden tape we have been talking about tonight that just broke -- and we are getting to probably see it tomorrow sometime. He said bin Laden was just a symbol. He was quoted in a way to suggest that he's not the worst menace in the world. He's just a symbol.

Is that going to be a smart thing to say when guys like McCain are out there ready to jump on him?

CRAWFORD: I think it's been striking, Chris, particularly with the Democrats, who you would think have an incentive to really jump on this notion that hey, look, we haven't caught him. I think everyone who is thinking about

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potentially becoming president realizes if they set up bin Laden as a template, as a standard for their presidency, catching him, they may not be able to fulfill that.

So official Washington is really on both sides of the fence, almost been declaring him irrelevant for a long time now, because they can't find him. They can't catch him, so they want us to --

MATTHEWS: You know the old wimpy line in the Popeye comics was, I will gladly pay you on Tuesday for a hamburger today. All they want to do is get that election today and they will promise to get anybody.

O'DONNELL: There is something specific, a distinction worth making here. What Fred Thompson said about bin Laden, he said it's more symbolism than anything else, the tape. What John McCain said is this just shows how strong the commander in chief has to be, and it will be my mission to get Osama bin Laden. That's sort of the difference that some people are pointing out today in the response of these two Republican candidates. Everyone is watching Fred Thompson very, very closely this week to see if he actually has what it takes.

MATTHEWS: Yes, what do you think?

O'DONNELL: We don't think we know yet.

MATTHEWS: Let me ask you, Craig, about the different roads we could have taken, the roads less travelled by. Had President Bush pursued bin Laden, put full force into Afghanistan, dealt with Musharraf in a way that cornered this guy, caught him and focused entirely on the destruction of the al Qaeda network, beginning but not ending in Afghanistan, not going into Iraq, put up with that pain in the butt in the region, Saddam Hussein, but focused on the al Qaeda network, which still threatens us even today in Germany.

Had he focussed in that direction, weeding out al Qaeda, would he be a successful president today?

CRAWFORD: He would be at 60 percent, 70 percent approval in the polls, and his party would not have lost control of Congress. I think that is -- historians will say this is where his presidency went down. Also, I think we played into bin Laden's hands. And hearing this tape and reading what we have seen so far, this confirms to me what he always wanted is for us to languish troops in the Middle East, destabilize the region --

MATTHEWS: Create an east-west war, in which the east would have to choose sides and they would choose him. Jonathan?

CRAWFORD: What he and Bush have in common is they both want us to stay in Iraq.

CAPEHART: I agree with Craig. The president would be at 60, 70 percent, if he had stayed focused on getting bin Laden and focused on rooting him out of Afghanistan or Pakistan.

MATTHEWS: Right that as a column in the "Washington Post." I will read it and advertise it.

CAPEHART: That Fred Thompson symbolism comment is the Republican equivalent of John Edwards saying the war on terror is a bumper sticker for the Bush administration.

MATTHEWS: Big mistake. Thank you. It's great having you on, Jonathan, smart guy. As always, Norah O'Donnell, mommy, great to have you. Craig Crawford -- names Henry and Grace. Right now it's time for "TUCKER."

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Load-Date: September 7, 2007

SALVATI SUES THE FBI IN MURDER FRAMEUP

**SALVATI SUES THE FBI IN MURDER FRAMEUP**

The Boston Globe
August 1, 2003, Friday
THIRD EDITION

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Section: METRO/REGION;

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Byline: By Andrea Estes, Globe Staff

Body

A man who spent 30 years in prison for a murder he did not commit filed suit yesterday against the FBI, contending that agents framed him to protect the killers.

In the suit filed in US District Court, ***Joseph Salvati***, 70, alleges the FBI not only helped lay the blame for the 1965 murder of Edward "Teddy" Deegan on him and three other innocent men, but fought later efforts to have his 1968 conviction overturned.

"Members of the FBI actively intervened in Mr. Salvati's efforts to commute his sentence, in an apparent effort to conceal their illegal conduct in securing his conviction," Salvati's 66-page complaint alleges.

An FBI spokeswoman would not comment on the lawsuit.

Salvati and his family are seeking \$300 million in damages, his lawyer, Victor J. Garo, told the Associated Press yesterday.

Salvati was convicted with Peter Limone, Louis Greco, and Henry Tameleo. The suit says that they were framed by mob hit man Joseph Barboza, a key FBI witness in the case, and that the FBI kept evidence of Salvati's innocence secret for decades. Salvati was ultimately exonerated, and his sentence was commuted in 1997.

In the suit, Salvati alleges that the FBI let the men take the rap for the killers as they were attempting to persuade one of them, Vincent "Jimmy" Flemmi, to become an informant. Flemmi's brother, Stephen "The Rifleman" Flemmi, also was an FBI informant, the suit alleges.

The suit, which seeks undisclosed monetary damages, suggested that Salvati's long incarceration took a heavy toll on his wife and four children.

"***Joseph Salvati*** was unable to provide for his family, and he knew that the family could not afford new clothing or presents for the children's birthdays," the suit said. "***Joseph Salvati*** was forced to watch his children grow up through visits in a prison visiting room.

SALVATI SUES THE FBI IN MURDER FRAMEUP

Limone, 69, who spent 33 years in prison for the murder, also was exonerated. He was released in January 2001. Greco and Tameleo died in prison.

Limone filed suit last year seeking damages for himself and for the families of Greco and Tameleo.

Besides the US government, Salvati's suit names former FBI agents H. Paul Rico, Dennis Condon, and former Boston police officer Frank Walsh. The suit also alleges that several members of the Massachusetts State Police, Boston police, and Chelsea police also knew that Barboza's testimony was false.

Graphic

PHOTO, **JOSEPH SALVATI** Exonerated in 1965 slaying

Load-Date: August 2, 2003

End of Document



[Salvati wants meeting with Bush on FBI files](#)

The Boston Herald

January 16, 2002 Wednesday

ALL EDITIONS

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Section: NEWS;

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Byline: By Jonathan Wells

Body

A North End man wrongfully convicted of a 1965 mob hit is asking President Bush for a face-to-face meeting, hoping to convince him to release internal Justice Department files the president has refused to provide to a congressional committee.

Joseph Salvati, who spent 30 years in prison for the murder of a low-level gangster even though the FBI knew he was innocent before he was indicted, is requesting the unusual sitdown with Bush in a letter written by his lawyer, which will be delivered today to the White House.

"I respectfully request the opportunity to visit you with my clients, Mr. and Mrs. Salvati, so that you can hear first hand the tragedy that they were forced to endure," wrote Medford lawyer Victor J. Garo in the two-page letter.

Salvati's indictment and conviction for the murder of Edward "Teddy" Deegan in a Chelsea alley nearly 37 years ago is at the center of hearings under way before the House Committee on Government Reform, which is probing FBI misconduct in that and other Massachusetts cases over the past three decades.

The letter on behalf of Salvati and his wife, Marie, was prompted by Bush's decision to invoke executive privilege on Dec. 12 in refusing to turn over reams of Justice Department memoranda sought by the House committee chaired by U.S. Rep. Dan Burton (R-Indiana).

In December 2000, a special Justice Task Force investigating law enforcement corruption in Massachusetts released a series of FBI reports that show the bureau knew Salvati and three other men were innocent of the Deegan murder, but did nothing as they were indicted and convicted.

All four men could have received the death penalty, which was later abolished in Massachusetts.

Those FBI documents strongly suggest FBI agents, including supervisors in Boston and Washington D.C., allowed their star witness, Mafia hitman Joseph "The Animal" Barboza, to implicate innocent men to protect an FBI informant who actually participated in the Deegan murder.

Salvati wants meeting with Bush on FBI files

That informant was Vincent "Jimmy the Bear" Flemmi, who was a cold-blooded killer, Barboza's partner in crime, and the brother of another prized bureau informant, Stephen "The Rifleman" Flemmi.

After the release of the FBI reports, a state judge threw out the convictions of Salvati and Peter Limone, who both served 30 years in prison.

The two other innocent men convicted in the Deegan murder, Louis Greco and Henry Tameleo, died in prison.

In an interview yesterday, Garo said he is seeking the meeting so the president will learn more about the case in which he has chosen to invoke the executive privilege for the first time in his presidency.

"I am hoping the president will see what a family had to endure and the tragedy they went through," Garo said. "I want to put a face on what he is doing. He should know about the Salvati case and the Salvatis before he makes such a decision."

Garo said he believes Bush relied on a recommendation from Attorney General John Ashcroft, which was crafted by Justice Department lawyers. "I guarantee you the president of the United States did not know the facts of the Salvati case when he invoked executive privilege," Garo asserted."

In his executive order invoking the privilege, Bush wrote that congressional access to the Department of Justice memoranda "would be contrary to the national interest" by threatening to "politicize the criminal justice process."

Garo disagreed. "Please tell me how it is in the national interest for the truth not to be told as to why the government allowed innocent men to be framed and allowed informants to keep killing people."

A spokesman for Burton's committee said he had not seen Garo's letter and declined comment.

The Government Reform Committee is scheduled to resume its hearings on Feb. 7, when it will take testimony from the two retired FBI agents who handled Barboza as a government witness, H. Paul Rico and Dennis Condon, and Edward F. Harrington, a federal judge in Massachusetts who was a top federal prosecutor in the 1960's and 70's.

Letter aims to put face on gross injustice

The President

The White House

Washington, D.C. 20500

Dear Mr. President:

My client, **Joseph Salvati**, was the victim of one of the most unbelievable miscarriages of justice in the history of criminal jurisprudence in the United States. Mr. Salvati served approximately 30 years in prison and over 3 years on parole for a crime he did not commit.

One of the most frightening aspects of this case is that the Federal Government hid the evidence, determined that he should receive the death penalty, and knew that he was innocent before he was indicted. Congressman Dan Burton, Chairman of the Committee on Government Reform, who is investigating FBI misconduct, stated at a Hearing on May 3, 2001, ". . . this was one of the greatest, if not the greatest, failures in the history of federal law enforcement. . . ."

On January 30, 2001, all charges were dropped in Court because of the intentional withholding of exculpatory evidence by the Federal Government in the Salvati case. The evidence shows that the Federal Government determined that it was more important for them to protect their informants than for an innocent person to be framed. While Mr. Salvati was incarcerated, the Federal Government continued this conspiracy to deny him his freedom. We live in the United States of America; this type of conduct cannot and should not be condoned.

Salvati wants meeting with Bush on FBI files

The Federal Government did their best to destroy the Salvati family, but through it all the family grew stronger as a unit. Whether it was the weekly visits from his wife and children or the love cards that were sent to his precious wife, Marie, every Thursday, their devotion and commitment to each other and their family kept the love light burning.

From the very first time I met **Joseph Salvati** in 1977, I was convinced of his innocence. Mr. President, I have a one-man law office, and I have worked on this case for 25 years for free, and have spent over 20,000 hours working to help right this injustice. No matter how long it takes, I will always be there for the Salvati family.

Mr. President, you have just enjoyed the holidays with your family. Holidays and family gatherings are synonymous. However, the Salvati family spent approximately three decades without having a holiday free from prison and control. You believe in family values, Mr. President, but not everyone in the Federal Government seems to have shared these values. The Federal Government stole over 30 years from the lives of Joe Salvati, his wife and four children. Mr. Salvati and his family went without such happy moments because of the intentional misconduct of the Federal Government.

Mr. Salvati is not a man of power, position or means; however, he is a husband, a father, and a human being who was denied the American dream of ". . . life, liberty, and the pursuit of happiness." You have spoken many times, Mr. President, about accountability. For those who violated the law, justice must prevail.

As you know, Mr. President, there are many legal issues being discussed concerning your decision to exercise Executive Privilege on December 12, 2001. The Congress, and many others, believe that they have a right and duty to conduct oversight review of important deliberative memoranda. I am concerned that if both sides become so deeply entrenched in their respective positions it could be detrimental to our Country and its citizens. I respectfully request the opportunity to visit you with my clients, Mr. and Mrs. Salvati, so you can hear first hand the tragedy that they were forced to endure. We recognize that you are an honorable and just man, Mr. President, so please give my request the attention that you believe it deserves.

Respectfully,

VICTOR J. GARO, Esq.

Caption: WRONGFULLY IMPRISONED: **Joseph Salvati**, left, gets a hug from his granddaughter, Aleia, during a bail hearing last year. Salvati has sent a letter to President Bush, above yesterday delivering a speech in New Orleans, requesting a face-to-face meeting to obtain files on his wrongful murder conviction. AP photo

Load-Date: January 16, 2002



Eleanor F. Salvati

The Patriot Ledger (Quincy, Massachusetts)

April 16, 2020 Thursday

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Section: OBITUARIES; Pg. A6

Length: 110 words

Body

QUINCY - Eleanor F. (Bonvie) Salvati passed away on Friday, April 10, 2020, at age 96.

Born in Braintree, she lived most of her life in Quincy.

She was a homemaker and had worked in the shoe industry, the garment industry and for Electro Switch in Weymouth.

Eleanor belonged to the St.

John's Bowling League, was a member of the American Legion Auxiliary Post 380 in Houghs Neck and enjoyed dancing and reading.

The beloved wife of the late E. *Joseph Salvati*, she was the loving mother of James Salvati and Robert Salvati, both of Quincy, and Anna Wells of Boston.

In light of current events, services will be private.

Please visit dennissweeneyfuneralhome.com.

Graphic

Eleanor F. Salvati

Load-Date: April 16, 2020

Low-profile prosecutor leads high-profile hunt
John Durham of Connecticut digs into origin of Trump collusion claims



Low-profile prosecutor leads high-profile hunt
John Durham of Connecticut digs into origin of Trump collusion claims

The Hartford Courant

December 8, 2019 Sunday

1 Edition

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Section: MAIN; A; Pg. 1

Length: 2699 words

Byline: Edmund H. Mahony

Highlight: In this file photo, John Durham speaks to reporters on the steps of U.S. District Court in New Haven. Durham, Connecticut's U.S. attorney, is leading the investigation into the origins of the Russia probe. He is no stranger to high-profile, highly scrutinized investigations. Bob Child/AP

Body

U.S. Attorney John H. Durham was back in Connecticut for a retirement dinner earlier this fall and one of the other attendees observed, half facetiously, that he showed no obvious signs of bruising or broken bones.

One might expect otherwise, judging from the news from Washington since May, when Attorney General William Barr put Durham at the center of the most contentious national controversy in years. He is digging into the origins of the FBI's counter-intelligence, Russia-collusion investigation of President Donald J. Trump's 2016 campaign. Was it legally justified? Or was it contrived, as Trump supporters believe, by a "deep state" of senior intelligence and law-enforcement officers to smear Trump and sink his campaign?

Durham, a career prosecutor with a gold-plated resume, will be excoriated no matter what he does. The president's allies have created formidable expectations, predicting Durham will prove Democrats have maligned Trump with a succession of made-up controversies. Top Democrats are calling Durham a tool Trump is using for revenge.

Speculation increased last week with the impending release Monday of Justice Department Inspector General Michael E. Horowitz's report of his investigation of one aspect of the FBI's conduct in the Trump collusion case. If the Horowitz report contains evidence of a violation in the way the bureau obtained a national-security, surveillance warrant targeting a Trump campaign volunteer, prosecution could fall to Durham.

Durham's colleagues say there is no one better able to tune out the partisan noise. They predict he will immerse himself in the work and he may end up frustrating everyone.

"They opened Pandora's Box, when they chose John," said Bill Reiner, a retired FBI agent and longtime Durham colleague. "He is going to go wherever the evidence goes. And he does not care where it goes. There is no politics in John. There is no politics in anything he does."

Low-profile prosecutor leads high-profile hunt John Durham of Connecticut digs into origin of Trump collusion claims

Over a 41-year career, much of it spent on complex criminal conspiracies, Durham hasn't been a stranger to contention. He helped break up the New England Mafia, unraveled Irish gangster James "Whitey" Bulger's corrupt hold over law enforcement and looked into allegations - for Republican and Democratic administrations - that the CIA destroyed evidence that its post 9/11 interrogations of terror suspects may have amounted to torture.

None of those cases ignited the partisan rancor associated with the so-called "investigation of the investigators," especially after the stakes grew last month when it was widely reported that Durham and his hand-picked, inner circle of Connecticut colleagues have criminal authority. That means they can force recalcitrant witnesses to appear before a grand jury and, ultimately, bring charges for perjury, obstruction or substantive crimes - just as Special Counsel Robert Mueller did when he was appointed in May 2017 to take over the collusion investigation.

Political interest in Durham had been limited mostly to figuring out who he is. That changed when it became clear he can demand that appointees of former President Barack Obama explain why they were justified in what Barr has called "spying" on the Trump campaign.

"These reports, if true, raise profound new concerns that the Department of Justice under AG Barr has lost its independence and become a vehicle for President Trump's political revenge," U.S. House Democrats and impeachment investigators Jerrold Nadler and Adam Schiff said. "If the Department of Justice may be used as a tool of political retribution, or to help the president with a political narrative for the next election, the rule of law will suffer new and irreparable damage."

Analyzing allied intelligence

Durham and his team - including former assistant U.S. Attorney Nora Dannehy and retired FBI agent John Eckenrode, both of Connecticut - have had remarkable success keeping most of what they are doing secret.

It was Barr who disclosed that Durham has conferred with European governments to learn what friendly intelligence services channeled to their U.S. counterparts about Russia and the Trump campaign. Some governments, including the Baltic states and Ukraine, were early opponents of a Trump candidacy because of his criticism of the NATO alliance and support for Russia.

Durham has been asked to decide - if such intelligence was a basis for the collusion investigation - whether it was obtained and used appropriately under U.S. laws that govern foreign intelligence collection and restrict spying on Americans.

"A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries ... played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election," Barr spokesman Kerri Kupec said a month ago.

While traveling to Italy together, Barr and Durham pressed for information about Joseph Mifsud, the mysterious Maltese academic who started the collusion narrative when, in the spring of 2016, he told George Papadopoulos, a junior Trump Campaign volunteer, that the Russians had "dirt" on then candidate Hillary Clinton. After a \$30 million two-year investigation, Special Counsel Robert Mueller said in his exhaustive report that his investigators had been unable to effectively question Mifsud because Papadopoulos had been criminally uncooperative.

Mifsud's telephones

Mueller described Mifsud as a Russian agent. Papadopoulos, who served 12 days in jail for lying to Mueller's investigators, believes Mifsud is an agent for Western governments. Mifsud, in press accounts, denies he is anyone's agent and further denies having told Papadopoulos that the Russians had dirt on Clinton.

A cryptic motion filed recently in federal court in Washington suggests Durham may have come back from Italy with something that could help sort out the contradiction.

Low-profile prosecutor leads high-profile hunt John Durham of Connecticut digs into origin of Trump collusion claims

Gen. Michael T. Flynn, the former Trump national security adviser fighting a conviction for lying to Mueller, baldly asserts in the motion that Durham obtained "data and meta data" contained on two BlackBerry cellphones used by Mifsud. Flynn's prosecutors won't confirm or deny the claim and said they will only discuss it in a private meeting with the judge.

Flynn's Dallas-based lawyer, Sidney Powell, said she is convinced Durham has the information.

"I believe Mr. Durham has the phones," Powell said. "That's as much as I can say."

If she is right, the phones and data could show who is right about Mifsud. Was he a Russian agent, as Trump critics believe. Or was he, as Trump allies contend, a pawn in a "deep state" conspiracy to create the appearance of collusion.

The Horowitz report

Durham has been working in tandem with Inspector General Horowitz, whose focus has been whether the FBI complied with the law when it applied for and was granted a warrant from the U.S. Foreign Intelligence Surveillance Court to spy on Carter Page. Page is a U.S. Naval Academy graduate and short-lived Trump campaign volunteer who worked as an energy consultant and met frequently with Russians.

Trump supporters complain that the agents who applied for the warrant knew, or should have known, that their application contained inaccurate or unverified material. Some material was provided by former British spy Christopher Steele, a one-time FBI informant working for the Democratic National Committee.

Mueller dismissed the warrant's central contention when he concluded there is nothing to "establish that Page coordinated with the Russian government in its efforts to interfere with the 2016 presidential election." What's more, while Page was a target of Russian recruitment, he also had worked in the past with the bureau to locate and prosecute illegal Russian agents.

There were reports last week that Horowitz found an irregularity in the way an FBI lawyer prepared documents for the warrant application. Since the inspector general does not have criminal authority, Durham, who does, will review the Horowitz report for violations and possible prosecution.

The Horowitz report is scheduled for release Dec. 9.

What's become public about Durham's work so far shows he is trying to find out whether the intelligence services of an incumbent administration tried to tip the scales against a candidate trying to replace it.

Blumenthal

vs. 'Bull' Durham

Even home state Sen. Richard Blumenthal cooled on Durham after the news that he is running a criminal investigation. When he was confirmed as U.S. attorney in February, Blumenthal called Durham "a fierce, fair prosecutor." More recently, Blumenthal worried that Durham is sullying his reputation.

"It is another very professional public servant tasked with a very unprofessional and unbecoming job," Blumenthal said. "This investigation of the investigators is a politically motivated distraction. And it threatens to degrade the career professionals who devote their lives - like John Durham - to law enforcement."

Meanwhile, Trump supporters on the other side of the argument have portrayed Durham as a heroic character ferreting out political misbehavior - by Democrats. Sen. John Cornyn, a Texas Republican, tweeted that Durham may end up charging former Vice President Joseph Biden.

The president himself, in a wild, hourlong interview with Fox News on Nov. 22, predicted "Bull Durham" will uncover the biggest political scandal in U.S. history.

Low-profile prosecutor leads high-profile hunt John Durham of Connecticut digs into origin of Trump collusion claims

"You have 'Bull Durham,' who's supposed to be the toughest - I never met him, never spoke to him. But he is supposed to be the smartest and best," Trump said.

Colleagues say Durham vacuums up news and political gossip and certainly knows what is being said about him. They said he just as certainly doesn't care.

"John is in a difficult situation," said Stanley A. Twardy, one of the former Connecticut U.S. attorneys for whom Durham worked. "No matter what he does, he's going to be criticized by one side or the other. But the great thing about John is he's not going to care about that. That's his personality. Basically, he sees things as either right or wrong. And he is going to call it the way he sees it."

"Let me just put it this way," Twardy said. "I have people calling me all the time. Trump Forever and Never Trumpers. They're both looking for the answer to the same question: Is John someone who is going to provide an honest answer? And I tell them I have every confidence in him."

Whitey Bulger

and Boston

This is not the first time Durham been encircled by hostile forces.

In 1999, then-U.S. Attorney General Janet Reno sent him to Boston to lead a task force and sort through the law enforcement disaster created by gangster James "Whitey" Bulger. Sensational leaks from a long-running criminal investigation in Boston suggested that Bulger murdered his way to the top of New England organized crime by buying off law enforcement. Durham and his team were supposed to find out what happened and lock up the guilty parties.

Durham wears his regard for law enforcement on his sleeve - in particular for the FBI agents with whom he has worked for decades. When he got to Boston, it was clear that the FBI and just about every other state, federal and local law enforcement agency were embroiled in a take-no-prisoners power struggle.

Federal drug agents and the Massachusetts state police accused the FBI of being in Bulger's pocket. It followed, those accusers said, that FBI fan Durham was part of a federal cover-up. The FBI was aligned against the state police. Because Bulger's criminal enterprise reached across the country, Oklahoma and Florida law enforcement were in the mix and with their own alliances. The agencies were not only refusing to cooperate, they were undercutting one another.

Durham's chief target turned out to be one of the most decorated agents in FBI history, John Connolly. Connolly was said to be so good at recruiting informants that the bureau had him teaching other agents.

Durham persuaded a jury that Connolly had been recruited himself - by Bulger. Bulger's uncanny success at dodging prosecution was revealed to have been the result of tips he was fed by Connolly - tips Bulger used to murder informants and defeat investigations.

After Connolly was convicted of racketeering and obstruction of justice, no one could accuse Durham of folding under pressure.

Freeing an

innocent man

The Bulger case revealed a side of Durham that few noticed.

While sifting through the dark past of another corrupt Boston agent - H. Paul Rico - Durham uncovered FBI reports proving that Rico conspired with organized crime figures in the 1960s to frame five men for a murder they didn't

Low-profile prosecutor leads high-profile hunt. John Durham of Connecticut digs into origin of Trump collusion claims

commit. Durham's investigation showed that Rico made a deal with one of the real killers, who he was trying to recruit as an informant.

The frame-up was one of the worst kept secrets in law enforcement. Yet, for three decades, no one in authority did anything about it. In fact, Connolly, a Rico protege, worked behind the scenes to keep the five innocent men in prison.

Durham had the exculpatory FBI reports delivered to two prisoners who were still alive and the families of three who had died in prison of old age. The two survivors and three estates sued the department and collected \$100 million.

Durham personally delivered a set of reports to Victor Garo, the attorney representing ***Joseph Salvati***, an innocent truck driver and family man. Of the five, only Salvati was entirely innocent. Four were innocent of the murder but affiliated with organized crime. Salvati was dropped into the murder because he offended one of Rico's informants. His children were babies when he went to prison. He was a grandfather when he got out.

Garo had been trying decades to exonerate Salvati. He said Durham called him late on Christmas Eve and said he had found some materials that could be of interest to Salvati. Could he drop them off?

"I will never forget John Durham," Garo said.

No leaks

Durham has rarely spoken in public of his work in Boston, or anywhere else. Colleagues trade stories about his reticence. Investigators said he is obsessed by leaks.

During the corruption investigation that sent three-term Republican Gov. John G. Rowland to prison, FBI agents said Durham - a Republican - threatened to polygraph investigators whenever he suspected a leak.

"I've never been able to find out what he is working on - even when he worked for me," said Supreme Court Justice Richard Palmer, a former U.S. attorney, half seriously.

Former U.S. Attorney General Michael Mukasey, who appointed Durham to investigate the destruction of videotapes of post-9/11 CIA waterboarding, said speculation about Durham's work is baseless because the speculators have no idea what they are talking about.

"I can't believe that any of them actually know what he is doing," Mukasey said. "I wouldn't dream of asking him. And if I did, I'm sure he wouldn't answer."

Durham may have spoken in public about his work just once. The occasion was a speech at an unlikely venue: the University of St. Joseph in West Hartford. His audience was a couple of dozen nuns, administrators, guests, students and three reporters.

Leonard Boyle, now Durham's first assistant U.S. attorney, introduced him and pointed out the reporters.

"This may be their only chance to hear John speak about his work, other than in a courtroom," Boyle said. "He's notoriously shy about speaking about himself."

At the time of the speech, Durham already was working in Washington, investigating, coincidentally, leaks, a colleague said. Perhaps not coincidentally, he explained to the St. Joseph audience why he has become so consumed by plugging them:

"One thing that I try to bear in mind, and try to encourage in new young prosecutors, particularly those who are making their bones or cutting their teeth, is an awareness of the incredible power that is wielded by law enforcement, and perhaps federal law enforcement in particular. Issuing a subpoena can destroy somebody's reputation. It can damage their business, hurt their families. It is an awesome power that we have, that should only be used in appropriate instances," Durham said.

Low-profile prosecutor leads high-profile huntJohn Durham of Connecticut digs into origin of Trump collusion claims

"It is as important for the system as for prosecutors to protect the secrecy of proceedings, not because we want them to be secret, but because we're not always right."

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[A história do maior assassino da máfia que era português](#)

Luxemburger Wort

Mittwoch, 11. März 2020

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Section: CONTACTO; S. 26

Length: 1596 words

Byline: Redação (CTO)

Highlight: O Contacto falou com autor da biografia do mafioso português Joseph Barbosa, Casey Sherman, que escreveu o livro "The Animal", nome que o assassino português tinha entre os seus.

Body

José Paiva

"Joseph Barbosa nasceu no meio da violência, esse era o seu único caminho". É assim que o autor e jornalista, Casey Sherman, descreve ao Contacto, o mafioso português que durante a década de 60/70 tentou entrar na máfia siciliana (La Cosa Nostra). Esta sua investigação, que durou cerca de um ano, entre ler documentos do FBI, entrevistas a gangsters, advogados, jornalistas e familiares de Barbosa, deu origem a um livro, o "The Animal" (publicado em 2013, traduzido em português este ano). Casey Sherman chegou mesmo a falar com a filha do mafioso e com o irmão, Donald Barbosa, que pediu que o elogio fúnebre do irmão fosse feito em português. " A família dele não condenava os seus crimes, preferiu agarrar-se às memórias mais queridas de Barbosa", afirma. Isto porque, segundo Casey Sherman, também nunca conheceram o seu lado mais negro.

Entre Boston e São Francisco, mas mais concretamente em New Bedford, Barbosa deu os primeiros passos na sua ambição de entrar para a máfia siciliana, mas só

tinha um problema: era português, como tantos outros, vindos dos Açores, que aterravam no porto

à procura de uma vida melhor do que a que Portugal de Salazar oferecia.

Os Estados Unidos viviam em plena era da guerra do Vietname, e algumas zonas do país, particularmente as que tinham uma indústria e comércio semelhantes à de New Bedford, estavam ainda a adaptar-se e a curar-se das consequências da Grande Depressão dos anos 30.

O crime era cartão de visita destas regiões. A determinação de Joe em chegar ao seu sonho foi rasgada através da violência, que executava, muitas vezes, com as próprias mãos, a sangue frio, muitas das vítimas e que lhe deu a fama que dá o nome ao livro, e que fez com que Edgar Hoover, chefe do FBI na altura, o apelidasse de "o indivíduo mais perigoso" para aquela instituição.

A história do maior assassino da máfia que era português

Mas quem era Joseph Barbosa?

"Um sociopata clássico. Mas apesar de poder ser ultra violento com os seus inimigos, preocupava-se profundamente com os ente queridos e era muito protector das mulheres, no geral", conta Casey Sherman.

Filho de pai violento, que era também leiteiro e pugilista em

part time, e de mãe cozinheira,

costureira nas horas vagas, Joseph tinha mais três irmãos: Donald, quatro anos mais velho, Anthony e Anne, que chegaram cerca de 20 anos mais tarde. Era, portanto, filho da primeira geração de luso-americanos. Mas casa cheia, não significava casa verdadeiramente feliz. "A casa em que vivíamos era mais mágoa do que felicidade", escreveu o próprio mafioso português numa autobiografia publicada em 1975. Palavras estranhas para quem se julgava não ter um pinga de sentimento.

Com o decorrer dos anos, Joe foi coleccionando estadias em reformatórios, prisões, somando inúmeros actos de violência, roubos, apostas e consumo de droga aliado a um precoce fascínio sexual com o sexo oposto. Mas também percebeu cedo que não queria ser o tradicional pescador pobre dos anos 30, mas sim um gangster, ou um pugilista profissional.

"Ele não tinha medo de nada e era um bom pugilista, mas não para nível profissional. Se assim fosse, teria continuado a sua carreira no boxe e deixado a vida do crime", comenta Casey Sherman.

O maior problema foi mesmo o apetite pela violência. Com as tais saídas e entradas de estabelecimentos prisionais, Joe, aos 30 anos, começou a fazer o tudo por tudo para ser notado pela "La Cosa Nostra", fazendo muito dinheiro nas ruas, com negócios lucrativos de cobranças, e tentando uma carreira como pugilista. "A queda de Joe Barboza para a violência fora do ringue certamente restringiu qualquer sucesso que ele pudesse ter tido dentro do ringue". Só não magoava crianças, mulheres e animais. E pessoas que não atravessassem o seu caminho, claro.

Os anos seguintes foram também vividos no apogeu da luta entre o crime organizado e o FBI, em que o criminoso português estava sempre "do lado de fora, mas a olhar para dentro". Homens como Barbosa ou Vincent "The Bear" (O Urso) Flemmi, que não tendo feito juramentos de sangue, eram "fornecedores independentes de serviços", passam, portanto, a ser, elementos fundamentais na história deste livro e da própria máfia. Faziam o trabalho sujo, muito habitual nos gangsters não sicilianos, como os irlandeses. Estávamos na altura de Bobby Kennedy como Procurador-Geral e em que Raymond Patriarca ("O Homem") era o líder da máfia da Nova Inglaterra. Ambos tinham uma relação de desprezo total.

A relação entre "O Homem" e "O Animal" não durou muito tempo, até porque o padrinho de Nova Inglaterra não confiava na falta de limites de Barbosa. O seu associado Flemmi, que acabaria morto, recuperava de uma tentativa de homicídio, ao mesmo tempo que partilhava informações com o FBI para apanharem outro bando criminoso, os Irmãos McLaughlin. O rompimento deveu-se a Barbosa ter rompido um dos códigos morais da máfia: não matar uma mulher. A vítima foi a mãe de um associado que devia dinheiro ao chefe da suposta sede da organização mafiosa. Estávamos no epicentro da guerra interna da máfia, que originou mais de cinquenta mortes em Boston e que até surpreendeu o próprio autor. "Foi a guerra mafiosa mais sangrenta da história americana e Barbosa estava na linha da frente da maioria dos homicídios".

Esta foi também a altura do início da colaboração entre mafiosos, como Joe Barbosa e o FBI, para derrubar uma das maiores organizações de crime do mundo, através da criação do programa de Informadores de Primeiro Escalão. "Fiquei chocado com o duplo jogo do FBI a lidar com Barbosa. Usaram-no e sabiam que ele tinha mentido em casos específicos, que levaram ao julgamento de homens inocentes. Mas para o FBI só interessava 'cortar a cabeça' à máfia", conta Casey Sherman. Quanto às motivações do mafioso português eram bastante simples: achava que os líderes da máfia "eram fracos" e queria derrotá-los, apesar de ter a polícia como inimigo número um. Só que a máfia tirou-lhe amigos, matando-os; roubou-lhe dinheiro para uma fiança e conseguiu fazer

A história do maior assassino da máfia que era português

com que fosse preso por posse de armas, o que fez com que Joe mudasse de opinião e decidisse cooperar, sob certas condições, como não passar por bufo para a imprensa. Algo que aconteceu e o devastou.

No entanto, precipitou-se. "Devia ter percebido que a máfia de Boston iria querer vingar-se depois da sua traição", que, por outras palavras, queria dizer testemunhar contra o chefe. Joe sabia que, com esta traição que levou o Patriarca para trás das grades, acabaria morto, ainda que se tivesse refugiado numa ilha em Massachusetts. Tinha 43 anos, quando foi morto com 20 tiros de caçadeira, mesmo estando no programa de proteção de testemunhas.

Barbosa ajudou a preparar uma acusação falsa, que levou à morte na cadeira elétrica, de três membros da La Cosa Nostra, pelo assassinato de Terry Deegan, um pequeno mafioso ligado aos Irmãos McLaughlin: Henry Tameleo, Peter Limone, Ronald Cassesso e Louis Grieco. **Joseph Salvati** e Roy French também seriam condenados, mas não a pena de morte. Na viragem do milénio, em 2009, o governo americano seria obrigado a indemnizar a família dos acusados, depois de dois deles terem sido absolvidos em 2001. Cerca de 101,7 milhões de dólares foram pagos, sendo a maior compensação financeira na história do país.

Anos mais tarde, com um programa de testemunhas mais sólido e instituído, um "novo Barbosa" iria surgir, até porque o "velho" Barbosa já não estava a ser útil para o FBI: James "Whitney" Bulger, que se tornaria, na história do crime norte-americano, num dos fugitivos mais procurados da América, tendo sido capturado em 2011, acusado de, pelo menos, 19 homicídios.

Já o autor, continuará a escrever sobre crime, até porque é especialista na área, ao mesmo tempo que junta colaborações com a revista Esquire, a Fox News, o The Washington post ou o Boston Magazine. Começou a sua carreira neste meio com um livro, o "A Rose for Mary" (2003) sobre o assassinato da sua tia, Mary Sullivan, a vítima mais nova do Estrangulador de Boston, que matou treze mulheres no início dos anos sessenta.

No entanto, o autor nunca se preocupou muito com a sua segurança, nem mesmo para escrever a história do mafioso português. "Eu tenho escrito sobre assassinos em série, terroristas e gangsters. Não fiquei preocupado com a minha segurança porque maior parte dos gangsters com quem falei já se retiraram há muito tempo do mundo do crime, e ficaram contentes por relembrar as suas histórias de guerra". Quanto ao FBI também não recebeu "qualquer tipo de ameaças". Já sobre a influência da La Cosa Nostra nos dias de hoje, é muito menor. Por outro lado, continuam sem autorizar não sicilianos para a sua irmandade, segundo o autor. "Os gangues mais mortíferos são os de imigrantes sem nada a perder. Temos visto isso com a máfia russa ou com os cartéis mexicanos", comenta.

Hoje em dia é quase impossível não vermos publicados livros sobre crime, tal como séries ou podcasts. "American Horror Story", "Serial" ou "Making a Murderer" são só

alguns exemplos deste fenómeno que continua a crescer. E parece

que a história do mafioso português não se fica por aqui. A sua carreira na máfia vai agora também ser

um filme, desenvolvido pela 20th Century Fox. Os guionistas do filme "Blackkkklansman", de Spike Lee,

e vencedores do óscar de Melhor Guião o ano passado, foram os

escolhidos. "Gostava muito de ver actores como Tom Hardy, Oscar

Isaac ou Adam Driver no papel

principal porque o Joe Barbosa era uma personagem muito física, astuta e esperta", termina o escritor. Quanto ao "fascínio macabro" pelo crime que se vive nos dias de hoje, Casey Sherman atira uma hipótese: "todos gostamos de explorar o lado negro".

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Furnace Brook Middle School first trimester/semester honor rolls

Marshfield Mariner (Massachusetts)

March 25, 2020

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Section: MA NEWS; Pg. A7

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Body

The following eighth grade Marshfield residents were named with first honors to the Furnace Brook Middle School first trimester/semester honor rolls: Kathryn Adams, Matthew Ames, Benjamin Barber, Ryan Behan, Sean Behan, Lyndsay Bekerian, Michael Bekerian, Reid Bergamesca, Abel Bernstein, Isabela Bohorquez, Wynter Bows, Ella Burke, Nora Byrne, Jane Castiglione, Sophia Catanese, Cassandra Collins, Caroline Cook, Marilyn Coyle, Nicholas Cupples, Drew Dargan, Ella Dargan, Grace Deorsay, Dominic Devitt, Alanna Devlin, Ava DiCecca, Jessica Dorgan, Ryann Doyle, Laura Durkin, Nathan Egelstrom, Brooke English, Liam Enwright, Dahlia Fahey, H. Stephen Faria, Emily Fecteau, Brianna Foley, Matthew Garland, John Giberti, Mackenzie Greene, Ariana Guzman, Sam Hamner, Briana Hanson, Colin Hawkes, Sarah Ingraham, Ryan Jenkins, Soomin Jeong, Posey Jones, Sofia Joyce, Shane Keeler, Lean Leonard, Alexandria Lloyd, Scott MacKinnon, Juliet Mamet, Malachi Martin, Caitlin Matthews, Cecelia McAlpine, Ryan McDaniel, Ryland McGlame, Delaney McGrath, Patrick McLaughlin, Anna McNamee, Marissa Medeiros, James Molloy, Alex Montalto, Sean Murphy, Sarah Nelson, Jayne O'Neil, Joshua Panagrossi, Olivia Parent, Kaylee Persechini, Tyler Pinheiro, Mark Poitras, Cailey Pope, Autumn Puglia, William Rand, Finn Regan, Andrew Robbins, Caroline Roberts, Alexander Roguet, Eli Ruminer, Rachel Ruminer, Aden Sabin-White, Luc Schofield, Marianne Sheehan, Brenna Short, Jadon Silva, Katharina Strenge, Maggie Tiernan, Mary Tracey, Maria Turner, Colgan Tyskiewicz, Jack Wildes, Ryan Will, Alexander Wong and Marykate Young.

The following eighth grade Marshfield residents were named with second honors: Arianna Altobello, Lillian Arendt, William Arnone III, Felicia Barbuto, Sydney Baynes, Kyle Behan, Brady Bogni, Drake Bolger, Shea Brearley, Addison Brown, Maggie Burch, Madeline Burns, Thomas Carroll, Isabella Catalano, Meagan Condon, Cailene Cummings, Kloey Curtin, Jaxon Davis, Theodore Devoe, Quinn Doust, Haley Emerson, Emmanuel Etheridge, Annabelle Fahey, Jackson Faith, Julia Feldman, Peter Fischer, Matthew Gerard, Nolan Greene, Alana Haley, William Hood, Dylan Joseph, Jack Joyce, Chase Keenan, Michael Keif, Thomas Kelly, Ian Kennedy, Leila Khaldi, Audrey Leith, Kaelin Logan, Cooper Love, Derren L owe, Belle Luyten-Francis, Kyle MacDonald, Madeline Mammone, John McAlpine, Cameron McGettrick, Hannah McLaughlin, Will McLean, Kylie McLeod, Haylie McPhee, Olivia Morey, Rylan, Morris, Richard Mosca, Brett Nappi, Logan Novak, Liam Palmer, Riley Peloquin, Madison Powers, Kaden Puglia, Lily Roberts, Lindsey Rochelle, Abigail Roderick Cardoso, Jayden Rodriguez, Nathan Russell, Steven Ryan, Thomas Schmid, Graham Schofield, Caitlin Scully, Michael Scully, Maureen Sinnott, Cameron Smith, Peyton Spanos, Wesley Staffier, Thomas Stratton, Katherine Sullivan, William Teeple, Abby Tucker, Nathan Turley, Rio Valenti, Elizabeth Walsh and Maeve Yesinko.

Furnace Brook Middle School first trimester/semester honor rolls

The following seventh grade Marshfield residents were named with first honors: William Abell, Delaney Allen, Marissa Ames, Eleanor Angeles-Whitfield, Anabel Apgar, Daniel Appel, Olivia Audette, Elizabeth Barrett, Emily Bartlett, Anna Beck, Cyrus Belezos, Paige Belezos, Molly Beston, Brooke Billikas, Grace Bioty, Julie Bogni, Lily Bowen, Chance Brown, Ava Brunswick, Mia Cammarata, Theresa Canavan, William Carey, Julia Carpenito, Charles Carroll, Chloe Catalano, Edward Chen, Madison Cleary, Savannah Coffey, Emma Conn, Hannah Conn, Haley Coyle, Owen Cregan, Corinne Daly, Riley DeWolfe, Siena Doherty, Jacob Ekstrom, Lee Ellwood, Brendan Enwright, Piper Eonas, Jack Ferris, Aubrey Finn, Bridget Finn, Ryan Foley, Andrew Fortin, Sophia Frances, Abigail Graves, Emily Guilfoyle, Audrey Hannigan, Graham Heinrich, Emily Herzog, Sarah Hubbard, Eva Jackson, Samuel Johnson, William Jones, Camryn Jordan, Gabriella Kelley, Elijah Kennedy, Lauren King, Riley Knapp, Nathan Lang, Jack LaPorte, Brady Lauria, Luke Leary, Megan Lembo, Eva Lindsay, Nathan Looney, Logan MacAllister, Colin MacQuade, Laura Magowan, Lily Masterson, Rachael Mattes, Delaney Mayo, Matthew McCabe, Therese McCormack, Isabella McCredie, Annabel McDonald, Michaela McDonnell, Evelyn McRae, John Medlin, Alice Melvin, Samantha Middleton, Meredith Miller, Emilia Morisseau, Ava Murphy, Courtney Pateras, Charlotte Perreault, Camryn Picard, Charles Rawston, Gabriella Reardon, James Robbins, Chloe Roof, Debrianna Salazar Moises, Maren Sands, Katherine Sickorez, Sophia Sorrento, Colten Spano, Anne Spencer, Charlotte Stafford, John Stevens, Grace Thomas, Abigail Thornell, Cooper Thornell, Colleen Tierney, Emily Tobin, Taylor Twomey, Norah Walker, Conor Walsh, Sofia Walsh, Thomas Ward, Haylee Welch, Mabel Williams, Connor Withers, Kate Zimmer and Sarah Zimmer.

The following seventh grade Marshfield residents were named with second honors: Teagan Badgio, Nektaria Bernazzini, Leeana Bernick, Jake Brilliant, Michael Brosnan, Alyssa Budd, Jake Burton, Fernanda Calek, Ayva Charlebois, Grace Chesebro, Christian Chiusolo, Violet Chrisman, Joseph Ciocca, Avery Clark, George Clarke, Arielle Comer, Ava Conn, Thomas Costello, Riley Coyne, Jacqueline Debellis, Ava DeJoie, Aidan Delaney, Kayla Dipasquale, Gia Doherty, Jack Doherty, Ainsley Dunn, Brady Emond, Jane Farrell, Noelle Finucane, Camden Fish, Kalli Fontana, Liam Fullam, Nicholas Gerard, Emma Gracia, Brody Greland, Elyce Hardenbergh, Emily Harper, Sadie Henehan Eli Hession, Brady Holte, Mia Hughes, Dominic Jimenez, Haley Johnson, Giovanni Joseph, Olivia Kelley, Max Landry, Ethan Lavinsky, Haley Lesenechal, Rose Lydiard, Tor Maas, James MacKay, Aidan Madan, Cassidy McDonnell, Darien McGonagle, Seamus McGonagle, Gracie Medlin, Alex Molander, Matthew Morse, Dylan Murphy, Leah Murphy, Mallory Nappi, Adrian Newman Jr., Gianna Norton, Gavin O'Donoghue, Maria Paixao, Adan Parry, Colton Pesko, Ava Peterson, Koleby Pina, Evan Re, Angelina Rosales, Joseph Russo, Teddy Sargent, Robert Scott, Amanda Shea, Grace Skowron, Liam Spillane, Roan Stancavish, Cara Steinbergher, Joseph Stratton, Anna Sullivan, Jayden Toland, Cayden Trickler-Almeder, Davin True Fiona Turley, Patrick White, Terasa Willey, Andrew Youngworth and Evan Zielinski.

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The following sixth grade Marshfield residents were named with second honors: Sofia Afansiw, Alanna Amado, Alexis Andrews, Allan Archibald IV, Madison Armstrong, Luke Banti, Phoenix Beauregard, Cameron Beckwith,

Furnace Brook Middle School first trimester/semester honor rolls

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[Durham rebuttal fueling debate](#)
[Why did US attorney publicly reveal dissent over Horowitz report?](#)

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1 Edition

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Section: MAIN; A; Pg. 1

Length: 1397 words

Byline: Edmund H. Mahony

Highlight: Connecticut's John H. Durham is investigating origins of the Russia probe.

Body

U.S. Attorney John H. Durham, who is investigating the origins of the FBI's Russia collusion investigation, has been criticized continuously since revealing in public that he disagrees with key findings in a related inquiry by the justice department inspector general about the integrity of the FBI's yearslong investigation of President Donald Trump's 2016 campaign.

Missing amid the criticism has been an explanation why Durham issued his public statement.

People familiar with the matter now say it followed more than a week of talks with Inspector General Michael Horowitz during which Durham expressed concern that the language and findings of the Horowitz report suggested there was agreement in the justice department that no further investigation was necessary because the FBI had legal justification to open a case on the campaign and did so properly.

What's more, a look back over Durham's career reveals that his press statement that ignited weeks of criticism - including calls for his resignation - wasn't the first public message the notoriously closed-mouth prosecutor has sent in a high-profile case.

"Everybody who knows John knows he tries cases in court," said Christopher F. Droney, a former U.S. attorney who retired recently from the 2nd U.S. Circuit Court of Appeals. "The only occasions on which I can recall him making a public or press statement on a case or on an investigation was when there was some sort of misrepresentation - a misrepresentation that could hurt a defendant or hurt the government."

"Doing the right thing is John's North Star," said Droney. "He doesn't speak off the cuff or out of anger. There is a great deal of thought given to whatever he does. If he felt the need to make a statement on the inspector general's report, I'm confident there was a good reason."

Durham's

Durham rebuttal fueling debate Why did US attorney publicly reveal dissent over Horowitz report?

rebuttal

Horowitz concluded in his much-anticipated report released Dec. 9 that the FBI acted without bias and had a solid evidentiary basis in July 2016 when it opened an investigation into whether the Trump campaign colluded with Russia to influence the election - even though, the report continued, the ensuing investigation was seriously flawed and the principle evidence implicating the Trump campaign was ultimately discredited.

Durham, the U.S. attorney for Connecticut who is directing a criminal investigation of whether the Trump campaign investigators complied with the law, issued a public rebuttal that did little more than express his disagreement: "Based on the evidence collected to date, and while our investigation is ongoing, last month we advised the inspector general that we do not agree with some of the report's conclusions as to predication and how the F.B.I. case was opened."

Durham's statement seemed to support one that had been released just minutes earlier by U.S. Attorney General William Barr, who accused the FBI of opening "an intrusive investigation of a U.S. presidential campaign," based "on the thinnest of suspicions." The timing of Durham's statement led to complaints by Democrats that he had been ordered by Barr to issue it.

But the people familiar with the events said Durham began expressing reservations to Horowitz about language suggesting he agreed with conclusions about justification as early as November, when draft copies of the inspector general's report were distributed for review. Over the course of the discussion, revisions were discussed, and language ultimately was dropped, the people said.

Durham issued his statement, they said, to distance himself from Horowitz and signal his belief that further investigation is needed. Durham has criminal authority, which gives him the power to call a grand jury, compel testimony from witnesses and bring perjury charges. He is examining involvement in the FBI collusion investigation by, among others, U.S. and foreign intelligence services. Horowitz lacked criminal authority, had no ability to compel potential witnesses to give interviews and was largely restricted to examining justice department employees.

Dems demand resignation

Fallout from the Durham press statement led to demands for his resignation late last month by some congressional Democrats who said, without explanation, that he lacks the integrity to work for the Department of Justice.

The Democrats accused Barr of making "uncorroborated and inappropriate statements" about the Horowitz report that "legitimize fringe conspiracy theories and erode public trust in the Justice Department's credibility." They said Durham is "equally as complicit."

It was a strange-sounding criticism to Durham colleagues, who have complained in the past that among his faults is the tendency to push moral rectitude too hard. Congressional critics and others who say the public comment violated justice department rules, also appear to have overlooked the fact that Durham's disagreement with Horowitz wasn't the first time he has talked about a case in public. People who know him say it probably won't be the last.

"John will be outraged when he feels an injustice has been done," a former colleague said. "When I read his statement, I felt Pope Park all over again."

Pope Park in Hartford has become law enforcement shorthand for a notorious murder and ensuing law enforcement scandal in the late 1990s, when gunfights over turf between rival drug gangs were running up record body counts. Durham issued a blistering, public rebuke of his state and local colleagues, who, out of inter-agency rivalry, stubbornly persisted in prosecuting a man for murder in spite of an abundance of evidence that he was innocent.

The persistence by the local authorities threatened the case and ultimately resulted in the real killer receiving a prison sentence far less than what would have been imposed otherwise.

Durham rebuttal fueling debate Why did US attorney publicly reveal dissent over Horowitz report?

At the time, Durham was deputy U.S. attorney and was working closely with a multiagency law enforcement task force he created to combat the violent drug gangs that were tearing up the state's largest cities. The dispute began in 1997 when gang leader Enrique Ramirez was killed in a shootout at a Puerto Rican festival in Pope Park.

Two days after the shooting, the task force arrested Julio Ramos, based on incriminating, tape recorded statements he made to an informant, as well eyewitness accounts and physical evidence. But even after Ramos had pleaded guilty in federal court, the Hartford state's attorney and Hartford police pursued and charged a suspect of their own, Gilberto Rivera.

The local authorities ultimately relented, freeing Rivera, who had been incarcerated for months awaiting trial for murder in state court even as Durham and the task force sought to win his release. The actual killer, Ramos, ultimately was give a 24-year sentence - reduced from what normally would have been mandatory life - in return for his cooperation in winning Rivera's release.

The story behind the law enforcement turf fight wasn't fully revealed until Durham described it in a highly unusual, 44-page legal memorandum filed in court prior to closing the case. Rivera eventually sued and won a substantial settlement for wrongful prosecution and imprisonment.

Durham did it again, two years later, when, in the middle of a yearslong investigation that exposed gangster James "Whitey" Bulger's corrupt hold over parts of Boston law enforcement, he discovered dozens of secret FBI reports that showed FBI agents had framed five men for another notorious murder.

By the time Durham was assigned by then-U.S. Attorney General Janet Reno to investigate law enforcement corruption, three of the five innocent men had died in prison of old age and the other two had been locked up for more than three decades.

Durham made the FBI reports public and personally delivered one set to **Joseph Salvati**, one of the two survivors and the only one of the five who had no criminal history. Four of the five prisoners had been linked to organized crime. Salvati was an innocent truck driver who had angered a gangster a corrupt FBI agent was trying to recruit as an informant.

Salvati was the father of five young children when he was convicted. He was a great-grandfather when his lawyer used the materials provided by Durham to win his release.

The two surviving prisoners and the estates other three sued the justice department over the false convictions and won \$100 million.

"I will never forget John Durham," Salvati's lawyer, Victor Garo, said.

Load-Date: January 6, 2020

\$100 MILLION VINDICATION

**\$100 MILLION VINDICATION**

Hartford Courant (Connecticut)

July 27, 2007 Friday

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Section: MAIN; Pg. A1**Length:** 1518 words**Byline:** EDMUND H. MAHONY; Courant Staff Writer An Associated Press report is included in this story.**Body**

A federal judge in Boston Thursday ordered the government to pay \$101.7 million to four innocent men who spent decades in prison after FBI agents, in a scheme to cultivate informants, permitted the fabrication of evidence that led to their wrongful convictions for a 1965 murder.

Lawyers involved in the case said they believe U.S. District Judge Nancy Gertner's judgment, which is withering in its criticism and places blame at the highest levels of the FBI, is the largest ever ordered in a wrongful imprisonment case.

"We understand that our system makes mistakes; we have appeals to address them," Gertner said in a forcefully worded, 224-page decision. "But this case goes beyond mistakes, beyond the unavoidable errors of a fallible system. This case is about intentional misconduct, subornation of perjury, conspiracy, the framing of innocent men."

The award to ***Joseph Salvati***, Peter Limone Sr. and the estates of the two other men -- Henry Tameleo and Louis Greco Sr., who both died in prison of old age -- is based on what Gertner describes as egregious law enforcement behavior, but it is part of what has become a continuing series of sordid disclosures about FBI misconduct in Boston. In recent years, two agents linked directly or indirectly to the wrongful convictions have been charged with conspiracy to commit murder.

During the civil trial that led to the judgment, lawyers for Salvati, Limone and the others put into evidence hundreds of previously secret FBI memos showing that the innocence of the four men was widely known in the FBI and documented in written reports that repeatedly reached the office of then-Director J. Edgar Hoover.

The evidence also clarified why FBI agents set up the four wrongful convictions and why the bureau's Boston office covered up the misconduct in later years and conspired to thwart efforts by the four to win release: FBI agents were cultivating as informants two notorious Boston hoodlums -- James Flemmi and Joseph "The Animal" Barboza -- who the agents had reason to believe were the real killers of a nickel-and-dime thief named Edward "Teddy" Deegan.

\$100 MILLION VINDICATION

Barboza and Flemmi were murderous partners who, according to the previously secret FBI records, repeatedly asked then-New England mob boss Raymond L.S. Patriarca for permission to kill Deegan over some perceived underworld slight. Agents learned of the visits to Patriarca through a microphone illegally hidden in Patriarca's Providence office.

After Deegan was gunned down in a Chelsea, Mass., alley, FBI agents allowed Barboza to implicate others in the shooting death on the condition that he become a cooperating witness in a series of late 1960s mob prosecutions.

Barboza agreed, with the condition that Flemmi was kept out of the Deegan case as well.

Gertner, in her decision, said two former FBI agents, Dennis Condon and H. Paul Rico, actively solicited the perjured testimony from Barboza that led directly to the convictions of the four plaintiffs in the wrongful imprisonment suit. But she also spread the blame over the FBI as an institution.

``The FBI agents `handling' Barboza ... and their superiors -- all the way up to the FBI Director -- knew that Barboza would perjure himself," Gertner wrote. ``They knew this because Barboza, a killer many times over, had told them so -- directly and indirectly. Barboza's testimony about the plaintiffs contradicted every shred of evidence in the FBI's possession at the time -- and the FBI had extraordinary information.

``And even though the FBI knew Barboza's story was false, they encouraged him to testify in the Deegan murder trial. They never bothered to tell the truth to the Suffolk County District Attorney's Office. Worse yet, they assured the District Attorney that Barboza's story `checked out.'

``The FBI knew Barboza's testimony was perjured because they suborned that perjury," Gertner wrote. ``And when he announced that he would accuse four men who had never been linked to this murder, they were undaunted. When Tameleo, Greco, and Limone were sentenced to death, Salvati to life imprisonment, the FBI did not stand silently; they congratulated the agents for a job well done."

The death sentences of Tameleo, Greco and Limone were commuted to life in prison when the U.S. Supreme Court struck down the death penalty in force at the time as unconstitutional.

During the trial leading to Thursday's award -- a trial before Gertner rather than a jury -- lawyers for the U.S. Department of Justice argued that the federal government was not responsible for the convictions because the four men were prosecuted in Massachusetts state court. What's more, the justice department lawyers said, the FBI had no obligation to share evidence of the men's innocence with state prosecutors.

However, materials presented to Gertner during the trial showed that although the four were prosecuted in state court, the only significant evidence against them was Barboza's perjured testimony.

And the state prosecutor testified that Barboza was delivered to him by the FBI.

Gertner rejected the Justice Department argument during the trial, which concluded in February, and again on Thursday.

``The government's position is, in a word, absurd," she said.

A justice department spokesman declined comment Thursday.

'Do I Want The Money?'

There was a collective gasp in the courtroom early Thursday when Gertner revealed the size of the award. The tiny room was filled by Salvati, 74, Limone, 73, their extended families and relatives of Tameleo and Greco. The monetary award was structured to compensate the men or their estates for their combined 109 years in prison. The judge also directed more than \$1 million to the wives and children of the men to compensate them for years of being deprived of the company of husbands and fathers.

\$100 MILLION VINDICATION

“Do I want the money?” Salvati said afterward. “Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done.”

Said Limone: “It's been a long time coming. What I've been through -- I hope it never happens to anyone else.”

Of the four men whose lives were wasted in prison, Salvati's story may be the most poignant. He is the only one of the four who had no involvement in organized crime prior to his arrest in the Deegan murder in 1967. Knowledgeable sources have said that Barboza implicated him out of spite. Salvati borrowed \$400 from loan sharks working for Barboza. When the loan sharks threatened him over repayment, the strapping, 34-year-old father of four young children gave them a beating.

Salvati was convicted in July 1968 and spent the next 29 years in prison, serving 30 years in all. When his sentence was finally commuted by Gov. William Weld in March 1997, he was a gray-haired grandfather. His elderly mother, who had Alzheimer's disease, did not know who he was.

Tameleo died in prison at age 84 in 1985 after serving 18 years. Greco died in 1995 at age 78 after serving 28 years. Limone was released from prison after serving 33 years when evidence of his innocence, as well as that of the others, was uncovered in 2000 by two assistant federal prosecutors investigating law enforcement corruption.

Salvati's lawyers, Victor Garo of Medford, Mass., and Austin J. McGuigan of Hartford, said Thursday that their wrongful imprisonment suit might have failed were it not for the work of the federal prosecutors, Fred Wyshack of Boston and John Durham of New Haven.

“I am honored that I had the opportunity to represent Joe Salvati in what was almost a 40-year-long pursuit of justice,” McGuigan said. “But if it wasn't for the hard work and integrity of Fred Wyshack and John Durham, the allegations that we brought in our case would never have come to light.”

The conspiracy to frame the four men for the Deegan murder, according to evidence presented before Gertner and in related legal proceedings, appears to have set up what developed into a long and morally bankrupt relationship between certain FBI mob investigators in Boston and the gangsters they were supposed to have been pursuing.

Following the Deegan case, Barboza became the first person accepted into the federal witness protection program. He was relocated to California, where he was involved in at least one more murder.

In later years, at least three agents associated with the FBI's Boston organized crime effort actually went to work for a notorious Irish-Italian mob called the Winter Hill Gang, conspiring with the gangsters in their efforts to penetrate the jai alai industry. At the time, Connecticut, Rhode Island and Florida permitted parimutuel wagering on the fast-paced Basque game.

Rico, who Gertner said was one of the agents who arranged Barboza's false testimony, died in an Oklahoma jail in 2004. He was awaiting trial on charges related to the 1981 murder of former World Jai Alai owner Roger Wheeler.

Rico's replacement in the FBI's Boston office, John Connolly, is imprisoned in Miami. He is scheduled to be tried there in September in the 1982 killing of former World Jai Alai president John B. Callahan.

Contact Edmund H. Mahony at emahony@courant.com

Graphic

PHOTO 1: (B&W), STEPHAN SAVOIA / AP PHOTO 2-5: (B&W) MUGS

\$100 MILLION VINDICATION

PHOTO 1: **JOSEPH SALVATI** hugs his grandson Michael Salvati, 10, Thursday outside federal court in Boston after Salvati, Peter Limone Sr. and the families of two others were awarded \$101.7 million for wrongful convictions in a 1965 murder. Salvati and Limone spent three decades behind bars; the others died in prison. PHOTO 2: Louis Greco Sr. PHOTO 3: Peter Limone PHOTO 4: **Joseph Salvati** PHOTO 5: Enrico Tameleo

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Another day in court; DA to seek new trials for convicts in Mob hit

The Boston Herald

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Byline: By JONATHAN WELLS

Body

In a major reversal, Suffolk County District Attorney Ralph C. Martin II is preparing to seek new trials for two apparently innocent men convicted of a Mob murder 32 years ago, sources familiar with the case confirmed yesterday.

And if a judge grants those new trials for Joseph Salvati and Peter Limone - who together served more than 60 years in prison - Martin is expected to decline to prosecute and drop the charges.

Until now, prosecutors in Martin's office have steadfastly defended the integrity of the prosecution and conviction of Salvati, Limone and four other men in the March 12, 1965, slaying of gangster Edward "Teddy" Deegan.

But tomorrow morning in Middlesex Superior Court, Martin's prosecutor, Mark Lee, is expected to reverse field and support Limone's motion to stay the execution of his life sentence, sources said.

If that motion is granted by Superior Court Judge Margaret R. Hinkle, Limone, a reputed gangster, could be released from prison immediately.

Martin's apparent about-face comes amid an avalanche of new evidence supporting what Salvati and Limone have been saying since they were convicted in 1968: They were framed by the government's star witness, notorious Mob hit man Joseph "The Animal" Barboza.

The latest evidence that Barboza falsely implicated Salvati, Limone and two other men convicted in the Deegan case, Henry Tameleo and Louis Greco, came yesterday with the release of an affidavit written by veteran defense attorney Joseph J. Balliro Sr.

According to Balliro, in the summer of 1967, one of his clients, gangster Vincent "Jimmy the Bear" Flemmi, told him that "Barboza planned the (Deegan) killing and that he, Flemmi, had participated."

Balliro said Flemmi told him that Salvati, Limone, Tameleo and Greco had no part in the crime, but Barboza fingered them because they had each "disrespected him" in some fashion.

Another day in court; DA to seek new trials for convicts in Mob hit

"Flemmi told me that when Barboza gave his account to the authorities, he substituted Joseph Salvati for Flemmi because Salvati had disrespected him," Balliro stated.

Salvati, who had no record of involvement with organized crime, was released from prison in 1997 after his sentence was commuted. Tameleo and Greco died in prison.

Balliro's affidavit emerged just one day after another longtime defense lawyer, Ronald J. Chisolm, told the Herald that in 1967 his client, Ronald Cassesso, who admitted his own role in the Deegan killing, told him Salvati, Limone, Tameleo and Greco were innocent.

Chisolm also revealed that Cassesso was approached by the FBI agent handling Barboza, H. Paul Rico, and offered no jail time on the Deegan murder if he backed up Barboza's testimony at trial. Cassesso declined the deal, Chisolm said, saying he would not implicate innocent men.

The biggest bombshell was dropped Dec. 19 when a special U.S. Department of Justice task force released long-hidden FBI reports showing top bureau officials - including then-director J. Edgar Hoover - suppressed credible evidence that the four men were innocent.

Those informant reports not only identified the real killers just days after Deegan was murdered, but also revealed that Rico and other top FBI officials knew of the Deegan murder plot at least two days before it happened.

The head of the Justice Task Force, federal prosecutor John Durham, and U.S. Attorney Donald Stern attached a cover letter to the damaging FBI documents stating they were being released "with the concurrence and encouragement of the Boston FBI and FBI Headquarters."

Sources familiar with the Deegan case said the onslaught of new evidence forced Martin to rethink his longstanding defense of the Deegan murder prosecution.

James Borghesani, the spokesman for the DA's office, declined comment yesterday.

The sources said Martin's office has yet to interview Chisolm and Balliro.

In 1995, Martin's office opposed Salvati's motion for a new trial, which was then denied by the Massachusetts Supreme Judicial Court. For the last several months, Martin has fought against Limone's motion for a new trial.

Rico, the FBI agent who allegedly helped Barboza fashion his perjured testimony, has declined comment.

Barboza was murdered by a Mafia hit man in San Francisco in 1967.

Photo Caption: OFF THE HOOK? Reputed mobster Edward 'Teddy' Deegan, left, was slain 35 years ago. Joseph Salvati, right, who was convicted along with five other men in the murder plot, will get a new trial. PHOTO COURTESY OF THE REVERE INDEPENDENT

Photo Caption: If a judge grants a new trial for Salvati, the district attorney is expected to drop charges. STAFF FILE PHOTO BY MATTHEW WEST

Photo Caption: MAY BE FREED: If a motion is granted tomorrow by a Middlesex Superior Court judge, it would free Peter Limone, above, from prison. He was convicted in 1968. HERALD FILE PHOTO

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Council commutes life term of N. End man

The Boston Globe

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Body

The roll-call vote that would set his father free was not yet complete yesterday, but Anthony Salvati could contain himself no longer, so he leaned over and whispered fiercely in his mother's ear: "He's coming home. He's coming home!"

His mother nodded, tears streaming down her cheeks. Seconds later, the Governor's Council completed its balloting, and Lieutenant Governor Paul Cellucci announced the words Marie Salvati of the North End has waited 29 years to hear: Joseph L. Salvati is indeed coming home.

Acting on a recommendation from Gov. William F. Weld, the council voted 8-0 to commute Salvati's life sentence for his role in the 1965 slaying of Edward "Teddy" Deegan. Several councilors went out of their way to declare that they believe Salvati has spent three decades behind bars for a crime he did not commit.

"I believe that **Joseph Salvati** is innocent," said Councilor Jordan Levy. "I believe the system failed this man 30 years ago, and a travesty of justice was perpetrated on this man and his family."

In an unusual move, the council also urged - and Weld agreed - that Salvati, 64, not be required to serve the usual year in a pre-release center.

Moreover, in an apparent admission that the Weld administration erred in handling the case, Cellucci said in an interview that "justice has been served, and probably could have been served at an earlier date." Three years ago, Weld rejected a recommendation from the Advisory Board of Pardons that Salvati's sentence be commuted. He only reversed himself after the case became the subject of a crusade by WBZ-TV (Channel 4) reporter Dan Rea.

Afterwards, before she hurried to the Bay State Correctional Center in Norfolk to tell her husband the news, Marie Salvati looked around at the four children she was forced to raise on her own when her husband went behind bars in October 1967. They were hugging friends and relatives who packed the Governor's Council chamber.

"Sharon was 9 years old when they took her father away," she murmured. "Gail was 7. Anthony was only 4. It was hardest on him, being the youngest." Throughout the hearing yesterday, Marie Salvati clutched the hand of her other daughter, Maria, while Anthony kept his arm around her shoulder.

Council commutes life term of N. End man

"It's the first day of the rest of my life," said Marie Salvati, 62. "It's a new life for me. I always had a lot of faith and belief in my husband's innocence." Added Anthony Salvati: "I love you, dad. I'll see you soon."

Through it all, Marie Salvati made sure her children never forgot their father. Every week, she would pile the entire family onto a bus or train (they did not own a car) for the trip to see him in prison. A homemaker when her husband was imprisoned, she got a job, managed the family finances, and shouldered the responsibility of raising their children alone.

"It's her day as well," remarked Councilor Cynthia Creem. "She is a heroine here."

The spotlight shone also yesterday on attorney Victor Garo, who pursued the case on a pro bono basis for 21 years. Garo grew emotional in describing how deeply the case touched him personally. "There was a promise I made a lot of years ago . . . I said I would bring Joe Salvati out of prison, that I would walk him out to his family," said Garo. "It was a promise I made to a wonderful woman who's not here anymore: my mother."

What **Joseph Salvati** won yesterday with the commutation of his sentence was eligibility for lifetime parole, not exoneration. Members of the Governor's Council said they were commuting his sentence because of good behavior in prison, because he completed more than 200 furloughs without incident, and because his role in the crime was limited - he was convicted of driving the getaway car - and because members of the victim's family support his release.

The next step for Salvati, who could not be reached yesterday, is a meeting within the next month with three members of the Parole Board in prison, at which he will describe his plans for life after prison. Then the trio will make its recommendation to the full board, which will vote on the parole and its conditions.

The board is expected to approve his immediate release after meeting with him.

It is extremely rare for the Parole Board to reverse a decision by the Governor's Council, especially when it is unanimous and backed by the governor, who has recommended only six commutations since he took office in 1991.

At the time of Deegan's murder, Salvati already had a prison record, and was described in newspaper accounts as an underworld figure. He had been convicted of breaking and entering in 1955, a charge of receiving stolen goods had been dismissed, and he had also faced an accusation, later dropped, that he had run a gambling operation at Framingham prison.

Moreover, Salvati was known to police who specialized in organized crime because he worked as a bouncer at a mob hangout.

But if Salvati was no angel, neither was he a murderer, in the view of his family and Garo. Garo has argued that Salvati was framed by notorious mob enforcer Joseph "The Animal" Barboza, who organized the the killing of Deegan by Barboza and five others in a Chelsea alley near midnight on March 12, 1965.

Barboza told authorities that Salvati drove one of the getaway cars. But Garo argues that a police report on the night of the crime shows that Salvati could not have driven the getaway car.

After all the tears had been shed yesterday, there was room for a little banter between the Salvatis and their attorney.

With a grin, Garo turned toward the family and cracked: "I just want to know now: Am I fired?"

Maria Salvati squeezed the corpulent attorney's arm and replied: "Are you kidding? We're going to make you four dinners and five desserts."

, GLOBE STAFF PHOTO/BARRY CHIN / Two of **Joseph Salvati**'s children, Maria Madrano and Anthony Salvati, clutch their mother, Marie, as their father's sentence is commuted by the Governor's Council yesterday.

Council commutes life term of N. End man

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Death, deceit, then decades of silence

The Boston Globe

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Body

FBI CONDEMNED IN LANDMARK RULING

FBI agents listening in on a bug planted in the Providence headquarters of New England Mafia boss Raymond L.S. Patriarca in 1965 overheard two notorious Boston gangsters seeking permission to kill a small-time hoodlum.

Vincent "Jimmy the Bear" Flemmi complained that Edward "Teddy" Deegan had been causing trouble at a Revere nightclub frequented by mobsters, according to FBI reports. He was "an arrogant, nasty sneak and should be killed," Flemmi said, according to the reports.

The don told Flemmi and his fellow assassin, Joseph "The Animal" Barboza, that he would think it over.

Two days later, on March 12, 1965, Deegan was shot to death in a Chelsea alley. The same day, Flemmi officially became an FBI informant, like his brother, Stephen "The Rifleman" Flemmi, according to court records.

At the time, FBI Director J. Edgar Hoover had ordered the agency to make dismantling the Mafia its top priority, and he had stressed that it was crucial to develop informants among organized crime figures. Both Flemmis were cited in FBI documents as valuable informants against the Mafia.

Deegan's murder remained unsolved until two years later, when FBI agents H. Paul Rico and Dennis Condon recruited Barboza to become a witness in a series of federal and state trials involving local Mafia leaders. He admitted his role in Deegan's slaying and implicated others, but not Vincent Flemmi.

The FBI turned Barboza over to state prosecutors, who used him as the key witness in a 1968 trial that led to the wrongful convictions of *Joseph Salvati*, Peter J. Limone, Louis Greco, and Henry Tameleo for Deegan's murder. At the time, Tameleo was the reputed consigliere of the New England mob, and Limone was alleged to be a Boston leader.

Salvati and Greco weren't alleged to be members of the mob but had had previous run-ins with Barboza.

Years went by. Limone and Salvati grew old behind bars. Tameleo and Greco died in prison.

Death, deceit, then decades of silence

Then in 1997, Stephen Flemmi triggered an FBI scandal by publicly revealing after his arrest that he and fugitive gangster James "Whitey" Bulger were longtime FBI informants, whose corrupt handlers accepted gifts and bribes from them, tipped them to investigations, and leaked to them the identities of informants who were cooperating against them.

A Justice Department task force of FBI agents led by special prosecutor John Durham launched an investigation into the agency's handling of informants stretching back to the 1960s. In 2000, the task force uncovered secret FBI documents that indicated Barboza might have framed Salvati, Limone, Greco, and Tameleo, while protecting one of the killers, Vincent Flemmi.

Durham turned the documents over to lawyers for Limone and Salvati, and in January 2001 a state judge overturned their murder convictions, ruling that the documents probably would have helped them prove their innocence at trial. Greco and Tameleo were exonerated posthumously.

"It was more important for the FBI to protect its murderous informants than it was to protect the lives of innocent men and their families," said Medford lawyer Victor J. Garo, who represents the Salvatis.

While testifying before the congressional committee, Louis Freeh, then the FBI director said the bureau's role in the case was "a very sad chapter in the history of this agency." He called it a "great travesty, a great failure."

Defense lawyers for the four men had not been told that other informants revealed to the FBI that Vincent Flemmi had planned Deegan's slaying and that they identified his accomplices as other men, not Salvati, Limone, Greco or Tameleo. They also weren't told that Barboza and Vincent Flemmi had sought permission from Patriarca to kill Deegan just two days before his slaying, undermining Barboza's contention that Limone had ordered the murder months earlier and that Tameleo had sanctioned it.

In his early debriefings with the FBI, Barboza had warned agents that he wouldn't provide any information that would let Vincent Flemmi "fry" for the murder.

A congressional committee that investigated the FBI's handling of Bulger, the Flemmis, and other informants issued a scathing report in 2003. The organized crime informant program, the report stated, was "one of the greatest failures in the history of federal law enforcement."

The FBI has declined to comment on the case, citing pending litigation.

In an interview with the Globe in April, FBI Director Robert S. Mueller III said, "I think the public should recognize that what happened, happened years ago."

He said the FBI has "put into place mechanisms to prevent this from happening in the future."

The Bulger scandal prompted the Justice Department to adopt new informant guidelines in January 2001 that added more oversight of agents.

Former FBI agent John J. Connolly Jr. was convicted of racketeering in 2002 and sentenced to 10 years in prison for protecting Bulger and Stephen Flemmi from prosecution and leaking information to them while he was an agent. He is scheduled to stand trial in Miami in September on charges that he helped the pair orchestrate a 1982 gangland murder.

Rico, the agent who had cultivated the Flemmis and helped recruit Barboza as a witness, died in 2004 while he was awaiting trial on charges that he helped Bulger and Stephen Flemmi murder a Tulsa businessman in 1981.

SIDEBAR:

COURSE OF WRONGFUL CONVICTIONS

Death, deceit, then decades of silence

March 12, 1965: Small-time hoodlum Edward "Teddy" Deegan, 35, of Malden is lured to a Chelsea alley on the pretext of burglarizing a finance company, then shot to death.

Spring 1967: Mafia hit man Joseph "The Animal" Barboza is recruited by the FBI to testify against mob figures in exchange for leniency for his crimes. He confesses to killing Deegan and implicates Peter J. Limone, Henry Tameleo, Louis Greco, and **Joseph Salvati** in the slaying.

Oct. 25, 1967: Suffolk County grand jury indicts Limone, Salvati, Tameleo, and Greco in slaying.

July 31, 1968: A jury convicts all four. Greco, Tameleo, and Limone are sentenced to die in the electric chair; Salvati gets life in prison.

1970s: Terms of Limone, Tameleo, and Greco are reduced to life in prison after the death penalty is abolished in Massachusetts.

1976: Barboza is killed in San Francisco.

1983: Greco appears on defense lawyer F. Lee Bailey's TV show, "Lie Detector," broadcast from prison. A polygrapher tests Greco and finds he is telling the truth when he denied any role in Deegan's killing.

Aug. 18, 1985: Tameleo dies in prison at age 84, after serving 18 years.

Dec. 30, 1995: Greco dies in prison at age 78, after serving 28 years.

March 20, 1997: Governor William F. Weld commutes the sentence of Salvati, 64, and he is freed on parole after serving nearly 30 years in prison.

December 2000: An FBI task force established to investigate the agency's handling of informants amid allegations of corruption involving gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi uncovers secret FBI reports that indicate Barboza framed the men.

Jan. 5, 2001: Superior Court Judge Margaret Hinkle orders the release of 66-year-old Limone. The judge, citing "a substantial likelihood of a miscarriage of justice," finds that Limone and the three others probably would have been acquitted of Deegan's slaying if jurors had seen the newly uncovered FBI documents.

Jan. 18, 2001: Hinkle vacates Salvati's conviction and all charges are dismissed.

Nov. 20, 2003: The House Committee on Government Reform condemns the FBI for failing to turn over documents that might have helped Salvati, Limone, Greco, and Tameleo prove their innocence in the Deegan slaying.

June 2005: Greco's conviction is posthumously vacated.

November 2006: Trial begins in US District Court in Boston over a suit seeking compensation from the government for the wrongful imprisonment of the four men.

Jan. 19: The Suffolk County district attorney's office moves to vacate Tameleo's conviction posthumously, which is later granted.

Feb. 27: Final arguments are heard in US District Court. Present are three congressmen who were involved in the two-year investigation into the FBI's mishandling of informants and who had condemned the government's handling of the case: Dan Burton, an Indiana Republican; William D. Delahunt, a Quincy Democrat; and Stephen F. Lynch, a South Boston Democrat.

Yesterday: US District Judge Nancy Gertner orders the government to pay a record \$101.7 million to the four men and their families for its role in wrongfully convicting and imprisoning them.

Graphic

Joseph Salvati (left) and Peter J. Limone before their convictions.

Load-Date: July 27, 2007

End of Document



Dommages et intérêts pour des Américains condamnés à tort pour un meurtre en 1965

La Presse Canadienne(PC)

26 juillet 2007 jeudi

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Section: INTERNATIONAL

Length: 349 words

Byline: CP

Body

BOSTON (AP) -- Un juge fédéral de Boston (est des Etats-Unis), a condamné jeudi le gouvernement américain à verser quelque 101 millions de dollars (73,6 millions d'euros) de dommages et intérêts à quatre hommes condamnés à tort pour un meurtre en 1965.

L'enquête a fait apparaître que le FBI, la police fédérale américaine, disposait des preuves de leur innocence mais ne les a pas produites pour protéger un de ses informateurs.

Peter Limone, **Joseph Salvati** et les familles de deux autres hommes morts en détention poursuivaient le gouvernement fédéral pour jugement inéquitable et malveillant. Le FBI, ont plaidé leurs avocats, savait que le tueur à gages Joseph Barboza mentait lorsqu'il les a désignés comme les assassins d'Edward Deegan, en 1965. Barboza, en fait, protégeait un informateur de la sûreté fédérale, Vincent "Jimmy" Flemmi, impliqué dans le meurtre.

Selon les avocats des plaignants, le FBI les a considérés comme "des dommages collatéraux acceptables". La priorité de la police fédérale était alors de détruire les réseaux mafieux en recrutant des informateurs au sein de la pègre, a expliqué la défense. "Il a fallu 30 ans pour découvrir cette injustice et la position du gouvernement, en un mot, est absurde", a déclaré la juge Nancy Gertner.

Condamnés en 1965, **Joseph Salvati** et Peter Limone n'ont été disculpés qu'en 2001, après des années en prison. Les documents prouvant leur innocence ont alors été révélés dans le cadre d'une enquête du ministère de la Justice sur les relations entre le FBI et ses informateurs au sein de la Mafia. Henry Tameleo et Louis Greco, également condamnés à tort, sont morts en prison. C'est leur famille qui touchera les dommages et intérêts.

"Est ce que j'accepte l'argent? Oui", a commenté **Joseph Salvati**, aujourd'hui âgé de 75 ans, qui recevra 29 millions de dollars (21,1 millions d'euros). "Je veux que mes enfants et mes petits-enfants puissent avoir ce que moi je n'ai pas eu, mais rien ne pourra compenser ce qui a été fait", a-t-il dit.

Interrogé, un porte-parole du Département de la Justice s'est refusé à tout commentaire. AP

II/v0582

Domages et intérêts pour des Américains condamnés à tort pour un meurtre en 1965

Load-Date: July 27, 2007

End of Document



Ex-FBI agent sheds no tear in Salvati case

The Boston Herald

May 4, 2001 Friday

ALL EDITIONS

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Section: NEWS;

Length: 833 words

Byline: By J.M. LAWRENCE

Body

WASHINGTON, D.C. - Retired Boston FBI agent H. Paul Rico yesterday defiantly denied that he and his partner helped frame an innocent man for a notorious 1965 Chelsea murder but now admits ***Joseph Salvati*** spent 30 years in prison for a crime he didn't commit.

"What do you want, tears?" Rico shot back at Connecticut Rep. Christopher Shays, who accused him of feeling no remorse for his role in the Edward "Teddy" Deegan murder case in which four innocent men received life sentences.

"It'll be probably a nice movie or something," said the tanned, white-haired ex-agent.

Ignoring his attorney's advice to not incriminate himself and to take the Fifth Amendment, Rico, 76, admitted he had prior knowledge that the Mob planned to kill Deegan and repeatedly deflected accusations that the FBI hid evidence in the case to protect its informants.

"I feel we have a justice system and how it plays out, it plays out," said Rico.

Shays accused Rico of acting as callous as the mobsters he once chased.

"You just don't give a (expletive), do you?" Shays said.

"Is that on the record?" Rico quipped.

Massachusetts sent Salvati and three innocent men to prison based on the sole testimony of the FBI's prized Mob turncoat Joseph "The Animal" Barboza, who later recanted his testimony but was ignored.

The unusual hearing on Capitol Hill was called by House Committee on Government Reform Chairman Dan Burton (R-Indiana) who promised that members will continue to probe the FBI's relationship with organized crime.

"This whole episode is disgraceful," Burton said. "It's one of if not greatest failure in the history of federal law enforcement."

Ex-FBI agent sheds no tear in Salvati case

In his statement to Congress, Salvati's attorney, Victor J. Garo, declared the scandal surrounding the wrongful imprisonment of Salvati as "bigger than Watergate" for damage to lives and constitutional freedoms.

He described how the FBI stood by as Barboza twisted his story of the Deegan killing to replace his accomplice Vincent "Jimmy The Bear" Flemmi with Salvati after a Chelsea police captain spotted Flemmi, who was bald, in the getaway car.

Barboza told the 1968 jury that the man was actually Salvati wearing a disguise to make him look bald.

"I'm not a big supporter of Joe Barboza," Rico told Congress. "But he is the instrument we had. He is a stone killer and he was put in a position where he wanted to testify."

According to old FBI documents released by the committee yesterday, Rico and his partner, Dennis Condon, interviewed Barboza at MCI-Walpole prior to his cooperation with the federal government.

"He would never provide information that would allow James Vincent Flemmi to 'fry' but that he will consider furnishing information on these murders," according to their report.

Condon, 78, was subpoenaed to testify yesterday but told the committee he was too sick. He suffers from heart disease and recently had a hip replaced.

Barboza vowed revenge on the Mob and named six men in the Deegan killing. Rico testified that he once thought the hit man's motive was payback over the killing of his two buddies. The men were murdered in a Boston nightclub after they gathered \$ 85,000 worth of debts to pay for his bail.

Members of the committee grilled Rico about his 1965 FBI reports that said an informant named Deegan's killers, including Vincent Flemmi.

The report doesn't mention Salvati or his codefendants Peter J. Limone, Louis Greco and Henry Tameleo.

A Justice Department Task Force probing corruption in the Boston FBI found the misfiled report in December 2000 and changed the history of the Deegan case forever.

Faced with the new evidence, a Middlesex Superior Court judge exonerated Salvati and Limone in January. Limone spent 33 years in jail while Greco and Tameleo died in prison.

Under questioning that stretched almost three hours yesterday, Rico said he could not recall who the secret informant was back in 1965.

"I don't think it was Steve Flemmi," he said. "I don't think he would give up his brother."

Stephen "The Rifleman" Flemmi was an FBI informant for three decades and now faces charges including racketeering and 10 murders.

But Rico said he now believes Salvati was never part of the Deegan murder. "I was not convinced he was innocent until today," he said.

Salvati broke down as he told Congress about his wife Marie's undying support for him over the years. Marie Salvati also cried as she told members of Congress about the taunts her children endured and the hardships of weekly visits to see "Dad" in prison.

Photo Caption: BARBOZA: Hit man's testimony convicted **Joseph Salvati**.

Photo Caption: CONGRESSIONAL HEARING: **Joseph Salvati**, imprisoned for 30 years for a murder he didn't commit, reacts emotionally while addressing the House Committee on Government Reform yesterday. Below, former Boston FBI agent H. Paul Rico, who denied withholding information that would have cleared Salvati, is sworn in to testify before the committee. STAFF PHOTOS BY MARK GARFINKEL

Ex-FBI agent sheds no tear in Salvati case

Load-Date: May 4, 2001

End of Document



FBI chief admits blunders in Salvati case

The Boston Herald

May 17, 2001 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 490 words

Byline: By J.M. Lawrence

Body

FBI Director Louis J. Freeh yesterday acknowledged that the bureau helped send an innocent Boston man to prison for 30 years, but maintained that "the FBI of modern times" helped free **Joseph Salvati**.

"That is a very sad chapter in the history of this agency," Freeh told the House Appropriations Committee yesterday in Washington, D.C.

Freeh's remarks came under intense questioning from congressmen about recent FBI blunders.

Rep. David R. Obey (D-Wis.) brought up the Salvati case in connection with the bureau's withholding evidence in another case - Oklahoma federal building bomber Timothy McVeigh.

Salvati's attorney, Victor J. Garo, called Freeh's statement "a good first step in total closure of this matter."

"They are finally accepting responsibility for what their agents did," said Garo, who has threatened to file a multimillion dollar civil action against the FBI.

"Slowly but surely they're stepping up to the plate to say what they did was wrong. There is now a change in direction," said Garo, who has represented Salvati for 25 years.

In January, a Middlesex Superior Court judge ruled that Boston FBI agents H. Paul Rico and Dennis Condon withheld informant reports that would have aided the defense of Salvati and three other men accused of the 1965 murder of Edward "Teddy" Deegan in Chelsea.

Charles S. Prouty, special agent in charge of the Boston FBI, said earlier this year that the Boston office fulfilled its obligation in the case by sharing the informant report with Chelsea police.

Yesterday, Prouty issued a statement saying, "The Director speaks for the Boston FBI."

Prouty said Boston FBI agents worked with Garo and a Justice Department Task Force to uncover the 1965 informant reports that lead to Salvati's exoneration.

FBI chief admits blunders in Salvati case

"We will continue to cooperate in any way possible," Prouty said.

In his testimony to the congressional panel, Freeh attempted to draw a line between the old and new FBI.

"What should be noted, however, it was the FBI of modern times, the FBI of 1998, 1999 that not only uncovered that evidence but has brought to bear the facts and circumstances which will allow the just prosecution of people, including former people associated with our agency, who broke the law," he said.

Rico and Condon are under investigation by a grand jury.

Testifying before another House committee earlier this month, Rico said he now believes Salvati was innocent of the Deegan murder.

But the 76-year-old agent expressed no regrets about Salvati's three decades of wrongful imprisonment.

Photo Caption: FREED: **Joseph Salvati** and his granddaughter, Aleia, await word of his release from prison in January. Salvati, who was wrongly convicted in the murder of Edward 'Teddy' Deegan, served 30 years. Staff file photo by Matthew West

Photo Caption: HOT SEAT: FBI Director Louis Freeh testifies on Capitol Hill yesterday that the FBI helped wrongly imprison **Joseph Salvati**. AP photo

Load-Date: May 17, 2001

FBI VICTIM GETS AN APOLOGY

**FBI VICTIM GETS AN APOLOGY**

The Columbian (Vancouver, WA.)

May 4, 2001, Friday

Copyright 2001 The Columbian Publishing Co.

Section: World/Nation; Pg. a8**Length:** 316 words**Byline:** KEN MAGUIRE, Associated Press writer**Body**

WASHINGTON -- A House panel investigating the shady relationship between the Boston FBI office and its mob informants apologized Thursday to a man who spent 30 years in prison for a murder he didn't commit.

Joseph Salvati was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997.

He and a co-defendant were exonerated this year.

Members of the House Government Reform Committee told Salvati and his wife, Marie, that there is no excuse for what the government did.

"I want to express to both of you how deeply sorry we are for everything that was taken away from you and everything you've had to go through the last 30 years," said committee Chairman Dan Burton, R-Ind.

Joseph Salvati, 68, and Peter Limone, 66, were exonerated after a judge concluded that FBI agents hid evidence that would have proven their innocence.

The FBI protected informants who helped them bring down top New England mobsters and manipulated testimony in their 1968 murder trial.

"This is a story that needs to be told," Salvati testified. "The government stole more than 30 years of my life."

The hearing included testimony from famed lawyer F. Lee Bailey, who testified that he believes the FBI coached Joseph "The Animal" Barboza the prosecution's key witness on how to lie on the witness stand.

Rep. Christopher Shays, R-Conn., told Salvati he was "profoundly sorry" for what happened.

There was no such regret, however, from former FBI Agent H. Paul Rico.

He Salvati's ordeal would "be a nice movie."

FBI VICTIM GETS AN APOLOGY

Secret reports written by Rico showed informants told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved.

Salvati and Limone's names were not included and the reports were never made known to defense lawyers.

"I think you should be prosecuted," Shays told Rico. "I think you should be sent to jail."

Graphic

Agency ruined his life: **Joseph Salvati**, a man who spent decades behind bars after being wrongfully convicted, is sworn in at a hearing on Capitol Hill on Thursday.

Load-Date: May 4, 2001

End of Document



[Men jailed in Mob hit clear final hurdle](#)

The Boston Herald

January 31, 2001 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 708 words

Byline: By J.M. LAWRENCE

Body

Two men wrongly convicted in a 1965 Mob murder after the FBI hid evidence in their favor won't be tried again, prosecutors announced yesterday, setting the stage for multimillion-dollar civil suits over the decades the men lost behind bars.

"They should apologize, but you know the FBI," said **Joseph Salvati** yesterday after a Middlesex Superior Court judge declared him a free man. "They're not going to say they're wrong."

DA Ralph Martin's office filed a strongly worded nolle prosequi declaring the state's decision not to further prosecute, but stopped short of dropping the charges.

"The Commonwealth has concluded that it does not now have a good faith basis - legally or ethically - to proceed with any further prosecution (against Salvati)," the motion said.

Prosecutors filed a similar motion in the case against Peter J. Limone, one of six men given life sentences in the murder of Edward "Teddy" Deegan. Four are now widely believed to have been innocent.

The DA's office acknowledged that new evidence uncovered during an internal corruption probe into the FBI "significantly undermines the credibility of the Commonwealth's principal witness at the defendant's first trial, Joseph Barboza."

Barboza, a ruthless hit man turned government witness, used the witness stand to carry out old grudges, defense attorneys contend. Known as "The Animal," the hit man accused Salvati of the murder as payback over a \$ 400 gambling debt, according to Salvati attorney Victor Garo.

"**Joseph Salvati** was innocent in this matter and the sad part is the government knew he was innocent," Garo said yesterday. "The government stole 33 years from Joe Salvati."

Salvati's wife, Marie Salvati, tearfully described raising their children without her husband.

Men jailed in Mob hit clear final hurdle

The day their son graduated from high school in 1980, Salvati had a furlough and planned to attend. But the furlough was eliminated the day of the ceremony, she said.

"How do you give Salvati an apology for 30 years?" Garo asked.

Middlesex Superior Court Judge Margaret Hinkle vacated Salvati and Limone's 1968 convictions earlier this month based on newly found documents that the Boston office of the FBI under J. Edgar Hoover withheld.

Salvati, 63, spent 30 years behind bars before his sentence was commuted, while Limone, 66, spent 33 years in prison in the murder of the low-level Mob foot soldier Deegan.

The newly discovered documents - reports from FBI agents H. Paul Rico and Dennis Condon - show the government knew of the plan to kill Deegan beforehand and had an informant who gave the names of his killers.

Salvati, Limone and two other men convicted in the case were not on the informant's list. Louis Greco, a decorated World War II veteran, and Henry Tameleo died in prison.

Yesterday Deegan's brother, Richard Deegan, expressed sadness for Salvati and Limone.

"If they didn't do it and the FBI let it go by and them guys spent 35 years in jail for what?" he said. "If they let that go by, that's not right."

Deegan also expressed sadness for his brother, a former boxer, whose death seemed to matter little to law enforcement, he said. "No one cared at the beginning. He was dead; that was it. The FBI didn't really care," Deegan said.

Garo dismissed the notion that the documents were hidden by two rogue FBI agents.

"Does anyone think this conspiracy of silence was created by a mere few agents or was there a supporting cast?" he said.

The FBI declined comment through a Boston spokeswoman.

John Cavicchi, who plans to file suit on Limone's behalf, said the courts share blame for the men's wrongful imprisonment. Both men's cases were appealed to the Supreme Judicial Court and lost.

"It goes a lot deeper than just the FBI," Cavicchi said.

Photo Caption: KISSES: **Joseph Salvati** kisses his daughter, Maria, as his son, Anthony, looks on yesterday in Middlesex Superior Court, where prosecutors announced that Salvati and Peter Limone would not be retried. STAFF PHOTO BY NANCY LANE

Photo Caption: AND HUGS: Peter Limone gets a hug from a family member yesterday. Limone and John Salvati spent more than 30 years in prison for a murder they didn't commit. Evidence suggests the FBI realized they were not guilty. STAFF PHOTO BY MATTHEW WEST

Load-Date: January 31, 2001



OP-ED; AS YOU WERE SAYING . . . Salvati attorney stands out in uphill battle for justice

The Boston Herald

January 21, 2001 Sunday

ALL EDITIONS

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Section: EDITORIAL;

Length: 654 words

Byline: By Tony Carnavale

Body

Long before I had ever heard of or came to know Victor Garo, I was a kid from a small town who had just come to the big city, moving from Western Massachusetts to attend college in Boston. Being a proud Italian-American and coming from a place where the closest thing to the North End was the Papa Gino's across town, I found myself in heaven when I began to frequent the restaurants and shops in Boston's North End nearly a decade ago.

One thing I noticed right away were small signs in the windows of many of the shops there that read: "Free **Joseph Salvati**" or "**Joseph Salvati**: Victim of a Grave Injustice." I began to wonder about this man and what these protestations were all about. As time went on and as fate would have it, I joined the Massachusetts Department of Correction as its spokesman, and quickly found out about Joe Salvati. I also began to learn about Medford attorney Victor Garo and his incredible battle to free Salvati from prison.

Eventually our paths crossed, and I soon came to know Garo as a kind man - an interesting combination of the humble and the proud. A true gentleman, he clearly appreciated and often spoke about the simple things that life has to offer. Knowing that Joe Salvati had wrongly been deprived of so many of these things for more than 30 years - walking arm-in-arm with his wife, enjoying a Red Sox game with his son, attending a grandchild's birthday party, or the simple pleasure of preparing Sunday dinner for the family - clearly drove the attorney in his fight to free Salvati. The battle for freedom would be waged first, with Victor Garo then vowing to clear Salvati's name forever.

Four years ago, Garo and Salvati found themselves in the middle of the commutation process. Because of the media frenzy that went along with it, our encounters and conversations were many. Often they turned from the business at hand to focus on family, friends and our shared heritage. It was then that I first learned about a promise that Victor had made to his mother before she had passed away - a promise kept the day he alone escorted **Joseph Salvati** from the confines of Bay State Correctional Center in Norfolk to the members of his family waiting outside.

In a place where minds are closed and hearts are cold, there was not a dry eye to be seen as Victor Garo delivered Joe Salvati to his family and to freedom that morning.

OP-ED; AS YOU WERE SAYING . . . Salvati attorney stands out in uphill battle for justice

The entire saga is nearly inconceivable, and is better told by those who have been much closer to events over these many years. After all, Victor Garo has been working to free Joe Salvati and to clear Salvati's good name for more than 30 years now. His Herculean efforts have involved tens of thousands of hours of legal services provided at no charge to the Salvati family.

In a case where traditional images have been shattered and those who are supposed to be the heroes have been exposed as sordid and contemptible, Victor Garo has emerged as the true defender of justice.

In 1998, Massachusetts' Pirandello Lyceum presented Garo with the prestigious I Migliori in Mens et Gesta Award (The Very Best in Thought and Actions). Now that his years-long battle to right a horrific wrong and free an innocent man is finally over, it is difficult to find words to better describe and personify this noble and extraordinary man.

Just ask Joe Salvati.

Tony Carnevale is currently spokesman for the state's Executive Office of Elder Affairs. His opinions are his own and do not represent those of either that agency or his previous employer, the state Corrections Department. As You Were Saying is a regular feature of the Boston Herald. We invite our readers to contribute pieces of no more than 600 words. Mail contributions to the Boston Herald, P.O. Box 2096, Boston, MA 02106-2096, fax them to (617) 542-1315 or e-mail to oped@bostonherald.com. All submissions are subject to editing and become the property of the Boston Herald.

Load-Date: January 21, 2001

Peine de mort aux Etats-unis. Les défaillances de la justice sont illustrées par des dizaines de cas. Depuis 1973, près de 100 condamnés à mort ont été libérés



Peine de mort aux Etats-unis. Les défaillances de la justice sont illustrées par des dizaines de cas. Depuis 1973, près de 100 condamnés à mort ont été libérés des prisons, faute de preuves ou innocentés. Des ratés terribles de la machine judiciaire.

La Croix

5 mai 2001

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Section: DOSSIER,ENQUETE; ACTUALITE; Pg. 6

Length: 966 words

Byline: BIASSETTE Gilles

Body

Comme l'attestent les sondages, les Américains doutent de leur justice. Surtout quand elle condamne à la peine capitale. Et pour cause: de nombreux exemples ont mis en lumière les terribles défaillances de la machine judiciaire américaine. Depuis 1973, 95 condamnés à mort ont été innocentés après avoir passé, en moyenne, un peu plus de huit ans derrière les barreaux: des statistiques établies par le Centre d'information sur la peine de mort, une ONG américaine.

Ces libérations ne sont intervenues qu'après de longs combats, à l'issue longtemps incertaine. Il a ainsi fallu une belle obstination aux défenseurs de Peter Limone et **Joseph Salvati**. Leur histoire est édifiante: ils ont passé trente-trois ans en prison, dont quatre dans le couloir de la mort, pour un meurtre commis en 1965 dont le FBI et le juge d'instruction les savaient, dès le début, innocents. Les véritables assassins d'Edward Deegan, ancien boxeur reconverti en gros bras de la Mafia, n'étaient autres que des hommes de main du mafioso Joseph Barboza, devenu, pour le malheur de cinq hommes (Peter Limone, **Joseph Salvati** et leurs présumés complices), un informateur du FBI. Il était, en effet, hors de question pour le tout-puissant Edgar Hoover, alors patron du FBI, de laisser tomber son indic. D'autres coupables devaient être désignés.

De nouvelles techniques scientifiques permettent des libérations

Peter Limone et **Joseph Salvati**, libérés respectivement en 2001 et 1997, ne doivent d'être encore en vie aujourd'hui qu'à l'abolition, en 1974, de la peine de mort dans l'Etat où ils avaient été condamnés, le Massachusetts. Mais il fallut attendre février 2001 pour que la justice américaine les lave de l'accusation de meurtre. Leurs trois complices imaginaires ont eu, eux, le temps de mourir en prison. "Le système judiciaire a abandonné ses responsabilités et a permis au FBI et à la justice de faire n'importe quoi", a alors déclaré Harvey Silvergate, avocat de la défense.

Peine de mort aux Etats-unis. Les défaillances de la justice sont illustrées par des dizaines de cas. Depuis 1973, près de 100 condamnés à mort ont été libérés

La libération d'Albert Ronnie Burell et de Michael Graham Jr, condamnés à la chaise électrique pour le meurtre d'un couple dans le nord de la Louisiane en 1986, fut également un long combat. Les deux hommes ont passé plus de treize ans dans les couloirs de la mort, avant que la justice reconnaisse ne pas avoir grand-chose de convaincant au dossier. "Nous ne savons pas s'ils sont les auteurs du crime pour lequel ils ont été condamnés, mais le fait est que nous n'avons pas de preuves matérielles dans cette affaire, et c'est un problème depuis le début", a expliqué Pam Laborde, porte-parole du procureur général, lors de leur libération début 2001.

Comme le note dans un rapport Richard C. Dieter, directeur du Centre d'information sur la peine de mort, la plupart des 95 libérations ont été permises, "non par des procédures normales de recours, mais bien plutôt par de nouvelles techniques scientifiques, des enquêtes journalistiques et le travail d'avocats spécialisés, travail qui ne peut être fourni pour tous les condamnés". Tout porte donc à croire que des innocents se sont, un jour ou l'autre, assis sur la chaise électrique. S'il n'y a pas, à ce jour, de preuves formelles faisant l'unanimité, des doutes sérieux entourent certains cas.

Certains cas relèvent parfois

du surréalisme le plus terrifiant

Ainsi Garry Graham, casse-tête de George W. Bush, alors gouverneur du Texas, à quelques mois de l'élection. Arrêté en 1981 pour le meurtre d'un dealer de drogue sur le parking d'un supermarché de Houston, Garry Graham avait été condamné à la peine capitale sur la foi d'un seul témoignage, celui de Berardine Skillern, qui avait observé la scène depuis sa voiture. Lors du procès, l'avocat de Graham, Ronald Mock, n'avait même pas jugé utile de préciser que l'arme retrouvée en la possession de son client n'était pas celle du crime. Ni d'appeler à la barre deux témoins estimant que le meurtrier était trop grand pour être Garry Graham. Cela n'a pas empêché le futur président des Etats-Unis de donner son feu vert à l'exécution.

Peu de temps auparavant, le cas d'Odell Barnes, exécuté en mars 2000 pour le meurtre d'une infirmière (qu'il n'a jamais avoué), avait pris valeur de symbole. Une contre-enquête a en effet mis au jour des irrégularités. Ainsi, un test ADN de deux taches de sang qui accablaient Odell Barnes a montré que ces gouttes ne venaient pas des veines du jeune Noir.

De tels drames humains mettent en lumière les formidables défaillances de la justice américaine, notamment du côté de la défense. Certaines situations confinent même au surréalisme le plus terrifiant.

Il en va ainsi de l'histoire de Calvin Burdine, arrêté en 1983 avec un complice pour avoir poignardé W. T. Wise et cambriolé son domicile. Sans ressources, Calvin Burdine reçut les services d'un avocat commis d'office, Joe Cannon, qui n'émit pas la moindre objection lors du procès. Et pour cause: il s'assoupissait. En conclusion de quoi le verdict fut la peine capitale. Un nouvel avocat se bat aujourd'hui à ses côtés pour obtenir la révision du procès. Un autre long et douloureux combat.

Gilles BIASSETTE

Peut-on exécuter une personne souffrant de retard mental?

Condamné à la peine capitale pour viol et meurtre, John Paul Penry est enfermé depuis vingt ans dans le couloir de la mort, au Texas. Son cas a provoqué un débat outre-Atlantique: car s'il a 44 ans, son âge mental est celui d'un enfant de 6 ans. Mais le Texas, comme 24 autres Etats, continue à exécuter les attardés mentaux, alors que l'opinion publique américaine y semble désormais hostile. Depuis fin mars, la Cour suprême des Etats-Unis se penche à nouveau sur ce cas, après avoir jugé, en 1989, que ce type d'exécution n'était pas contraire à la constitution et au 8e amendement qui prohibe "les châtiments cruels et inhabituels". La Cour rendra son arrêt d'ici à fin juin.

Load-Date: December 6, 2004

Peine de mort aux Etats-unis. Les défaillances de la justice sont illustrées par des dizaines de cas. Depuis 1973, près de 100 condamnés à mort ont été libérés

End of Document



[President Bush Warns Energy Supplies Running Low; Man Wrongly Imprisoned for 30 Years Testifies Before Congress](#)

MSNBC SHOW:THE NEWS WITH BRIAN WILLIAMS 21:00

May 3, 2001 Thursday

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Section: NEWS; DOMESTIC; SHOW

Length: 7939 words

Byline: Brian Williams; Robert Hager; Anne Thompson; Andrea Mitchell; Joe Johns; Katie Couric; Jim Avila; Pat Dawson; Matt Lauer

Guests: John Leo; Gerald Nicosia; Peter Greenberg

Highlight: A rather dire warning from the president on energy saying the U.S. is heading into real trouble. Tonight, what he plans to do about it. Also this evening, is the answer nuclear? Why has America stayed far away from the so-called clean power solution? Tonight, what Americans told us about the crisis upon us. Congress hears one man's story today for the first time. He did three decades in jail for a murder he did not commit. Did agents of the FBI look the other way? Katie Couric's continuing look tonight at the investigation into the 4-year-old Ramsey case. And terrible news for a former Beatle. Our report tonight on the health of George Harrison.

Body

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(BEGIN VIDEO CLIP)

GEORGE WALKER BUSH, PRESIDENT OF THE UNITED STATES: What people need to hear loud and clear is that we're running out of energy in America.

(END VIDEO CLIP)

BRIAN WILLIAMS, MSNBC ANCHOR: A rather dire warning from the president on energy saying the U.S. is heading into real trouble. Tonight, what he plans to do about it.

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President Bush Warns Energy Supplies Running Low; Man Wrongly Imprisoned for 30 Years Testifies Before Congress

And terrible news for a former Beatle. Our report tonight on the health of George Harrison.

ANNOUNCER: From NBC News, this is THE NEWS WITH BRIAN WILLIAMS:

WILLIAMS: Good evening. It's already that time of year here in the New York area when you can see the air. It's been several days now of oppressive heat and immovable air mass, heavy air conditioner use. Tomorrow, it officially becomes a heat wave in some areas here along the East Coast. So it is against that summer preview backdrop that the president today sounded a rare, and for him, rather dire warning. The nation is running out of energy, he said, and something has to be done. So the president is turning his attention first to California where the need is most acute. But it is very clear on this very hazy night that everyone is going to have to pay up in some form or another where energy in the U.S. is concerned.

To start us off tonight, here is NBC News correspondent Robert Hager.

(BEGIN VIDEOTAPE)

ROBERT HAGER, NBC CORRESPONDENT (voice-over): Sweltering today by springtime standards, 90-degree-plus temperatures setting records for the date for Newark, New York, Hartford, Boston and Portland, Maine, a 200-acre fire in Massachusetts, and people are worried.

UNIDENTIFIED FEMALE: Bills are really going to rack up if this is how the rest of the summer is going to be.

HAGER: Not good for a nation teetering on the edge of more electricity shortages as President Bush calls today for special steps in California.

BUSH: Today, I'm instructing all agencies, federal agencies to reduce their peak hour electricity use in the state of California.

HAGER: Bush asks federal buildings to consider turning down air conditioning by adjusting thermostats to 78 degrees, shutting down equipment at off hours like escalators, computers, printers, even coffee pots.

The Navy may help by turning on the generators of old mothballed ships stored in the San Francisco Bay Area, feeding electricity from those generators to shore. California military bases will be asked to cut back power usage by 10 percent. Some bases are even thinking about buying power from private windmills.

Why the worry? Bill Briar (ph) of the Edison Electric Institute.

BILL BRIAR, EDISON ELECTRIC INSTITUTE: If you have increased demand and you have increased need for electricity. And coupled with unusually hot weather, that will cause a very, very serious problem in that state leading to growing blackouts.

HAGER: How many days of partial blackouts expected?

BRIAR: In California, the independent system operators announced 34 days of blackouts.

HAGER: A guess. And there are fears of tight supplies in New York City as well, where one old abandoned power plant is now being turned back on, and extra power generating turbines are being rushed into place at 11 power substations. But are these short-term steps enough?

BUSH: What people need to hear loud and clear is that we're running out of energy in America.

HAGER: Not enough new power plants, many argue, and not enough new transmission lines to move electricity from region to region in a hurry. But all that's still controversial and takes years to fix.

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(on camera): The forecast then for this week: one more day of heat wave here in the East. For the summer, higher electric bills nationwide, tight supplies in New York. And in California, turning down the air conditioning may help but rolling blackouts still seem inevitable. Robert Hager, NBC News, Washington.

(END VIDEOTAPE)

WILLIAMS: It is also likely the busy summer travel season will bring another energy crunch this time when it comes to paying for gas. The energy department is warning tonight that gas prices are rising fast and could reach record highs quite soon. We get that angle of the story tonight from NBC News correspondent Anne Thompson.

(BEGIN VIDEOTAPE)

ANNE THOMPSON, NBC CORRESPONDENT (voice-over): As Americans prepare to hit the road this summer for more than 237 million pleasure trips, a warning today from the government: Look for record-high prices at the pumps.

UNIDENTIFIED FEMALE: I'll just travel less. That's it.

THOMPSON: The average price nationwide could be somewhere between **\$1.60 and \$1.70, says Energy Secretary Spencer Abraham, exceeding the \$1.68 set last summer.**

CHERYL WHITE, MINNEAPOLIS RESIDENT: This is ridiculous. I cannot believe they can go this high on gas.

THOMPSON: Already this spring, a steady climb. Since the end of March, the average retail price for a gallon of regular jumping 22 cents. And this week, increases in cities throughout the Midwest: \$1.76 in St. Louis, \$1.84 in Detroit, near \$1.90 in the Twin Cities area.

Paula Teemstadt (ph) now looking for alternatives to get to her summer cabin 120 miles away from her home in Minneapolis.

PAULA TEEMSTADT, MINNEAPOLIS RESIDENT: I may have to figure out a little more carpooling with the relatives.

THOMPSON: What's the problem? Refineries cannot keep up with the math, even though they're operating at 96 percent capacity. Inventories are up but still lag two percent behind last year's level.

(on camera): Consumers, however, predicted to use even more gas this summer, burning up 361 million gallons a day, an increase of over two million gallons.

(voice-over): The problem so acute, analysts say, that any disruption in production could cause prices to spike, like this weekend's fire at the Tosca refinery in southern Illinois.

PHIL FLYNN, ALARON TRADING: We cannot afford to lose, you know, one drop of gasoline. So anytime there's any word of any refinery problems, people are going to panic and run prices up.

THOMPSON: How quickly can prices go up? In the week since this gas station in Madison, Wisconsin let its sign do the talking, prices shot up 12 cents. The start of the summer driving season is still three weeks away. Anne Thompson, NBC News, New York.

(END VIDEOTAPE)

WILLIAMS: This energy crisis is so acute, all energy options are suddenly back on the table now, even once demonized nuclear power. Nuclear power plants still produce 20 percent of America's electricity, and if the Bush administration has its way, they could soon produce much more. Here with that, NBC News correspondent Andrea Mitchell.

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(BEGIN VIDEOTAPE)

ANDREA MITCHELL, NBC CORRESPONDENT (voice-over): It is the forgotten fact of American energy: nuclear power, producing 20 percent of the country's electricity, 103 plants, including the surviving reactor at Three Mile Island, cited the worst commercial nuclear accident in U.S. history. But after that accident and the meltdown in Chernobyl, on new plants have been built in the U.S.; 14 old ones sit abandoned; 32 others have licenses due to expire unless the government renews them.

(on camera): Is this technology just too old?

DAVID LOCHBAUM, UNION OF CONCERNED SCIENTISTS: What we're trying to do is take very old technology and get an additional 20 years out of it. It can be done. Is it the smartest thing to do? Probably not.

MITCHELL (voice-over): But faced with rising oil and gas prices, George Bush and Dick Cheney are talking about relicensing old plants and building new ones, although getting new plants online could take six to nine years.

JOE COLVIN, NUCLEAR ENERGY INSTITUTE: Our plants provide large amounts of electricity safely, reliably and competitively, and more importantly, they provide that electricity without the release of any pollutants.

MITCHELL: France, lacking America's oil and gas resources, relies on nuclear power for 80 percent of its electricity. But there, the government subsidizes the utilities. Still, supporters here say nuclear power would be cheaper and cleaner than other energy sources. Opponents strongly disagree.

MITCHELL: If nuclear power is cheaper than oil and less polluting than coal, why isn't it the best choice?

LOCHBAUM: Well, nuclear power may be safer just like a truck going 90 miles an hour through a school zone slowing down to 80 miles an hour is safer. That's still not safe enough.

MITCHELL: The biggest obstacle -- 40,000 metric tons of nuclear waste in the U.S. alone. Scientists still don't know how to clean it up and are running out of places to store it.

(on camera): Even if nuclear power proves to be safe and economical, are Americans ready to live with it? Are they over this scare that Three Mile Island created 22 years ago?

IBRAHAM M. OWEISS, GEORGETOWN UNIVERSITY: There's no way around it, and therefore, we have to cope with the consequences.

MITCHELL (voice-over): In fact, the Bush administration is betting that with soaring energy costs, people will soon be more afraid of their utility bills than nuclear power. Andrea Mitchell, NBC News, Middletown, Pennsylvania.

(END VIDEOTAPE)

WILLIAMS: One state that is giving nuclear power another look is California, the state hardest hit by this year's energy crisis. Political pollster Frank Luntz recently spoke with a group of people in L.A. to find out how they are coping and exactly who they hold responsible for that state's electricity problems.

(BEGIN VIDEOTAPE)

FRANK LUNTZ, POLITICAL POLLSTER: When you think of what's going on with energy here in this state, what one word or phrase comes to mind first?

UNIDENTIFIED MALE: Dark, darkness.

UNIDENTIFIED MALE: Incompetence.

UNIDENTIFIED FEMALE: Pure stupidity.

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LUNTZ: Why pure stupidity?

UNIDENTIFIED FEMALE: Because of they really mismanaged everything, and I think it's the politicians that have done it because they haven't taken control of anything.

LUNTZ: Who blames the politicians for what's gone on? Show of hands if you blame the politicians. Almost all of you. What's wrong with the politicians?

SHIRLEY: It's their way of supporting big business. As soon as the people around feel, "If I don't pay these big bills, I'm not going to have heat this winter or air conditioning this summer," they are going to immediately have plenty of electricity.

UNIDENTIFIED MALE: Our government just didn't pay attention. They didn't care about us. That's how I really feel. It's very, very aggravating what's going on here. This should not happen. How could this happen? Tell me. Who's paying attention?

UNIDENTIFIED FEMALE: Once again, it's the little person.

UNIDENTIFIED MALE: Who's watching the store? We're paying these guys to help us watch our lives and they're not helping us at all.

UNIDENTIFIED FEMALE: You keep hearing people say, "Oh, I'm concerned that there's not going to be enough energy." There's plenty of energy. It was a lack of planning.

UNIDENTIFIED FEMALE: If they know they're going to have blackouts or if energy is a problem anywhere in the country, you can plan ahead. Now we know. California got hit, boom. All right, now the rest of the country go for it. You know, figure this out. Don't just...

UNIDENTIFIED MALE: But if it was a hit that we took, it was a function of the politicians just kind of working at their own interests.

UNIDENTIFIED FEMALE: But it's not, it's there. Now let's solve the problem.

UNIDENTIFIED MALE: We can't just sit there and say, "Well, this is just what happened." We have to be, you know, informed as consumers, as citizens...

UNIDENTIFIED FEMALE: Oh, absolutely.

UNIDENTIFIED MALE: ... and we have to stand up when things like this take place. We can't allow politicians just to run roughshod over essentially the populace.

LUNTZ: Who here is paying twice as much this year than you paid last year? Raise your hand if you're paying twice as much. Three, four of you?

UNIDENTIFIED FEMALE: Well, for me to get a bill that's more than twice the amount and to call up and saying, "Well, you have to pay this bill. If you don't pay it, we shut your energy off. You don't have electricity. You don't have gas."

UNIDENTIFIED MALE: I mean, I don't like it that somebody who's actually probably a shareholder of some energy company probably made, you know, 10 cents per share basically off of -- you know, we're basically lining their pocketbooks basically. We have to pay double our power bill, you know, and it's just -- it just doesn't seem right that it's going to a shareholder of some company, you know, based in Texas. I'm just saying hypothetically. I just think it's not right.

LUNTZ: So I'm the governor of California and I look you straight in the eye and say, "OK, what do you want me to do? You sitting there and you're complaining. You're blaming the politicians. Dave, what do you want me to do?"

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UNIDENTIFIED MALE: We need to build our own power plants, be they nuclear or whatever, whatever is most efficient, control them ourselves, not by people with outside interests.

LUNTZ: And don't we need to do it with respect for the environment?

UNIDENTIFIED MALE: We certainly do, but I think we should all believe that our power plants like nuclear are not going to be run by people like Homer Simpson. So I think they will be safe. But we really need to build them and quickly.

BRYCE: Absolutely, absolutely, because we can't -- we can't keep relying on, you know, out-of-state generators to give us our power. That's how they're, you know, really in this case, you know, the rates have gone through the roof because we don't have the generation here. That's what we need.

LUNTZ: Explain to me what this means for all of America.

UNIDENTIFIED MALE: They're going to get it, too.

(LAUGHTER)

LUNTZ: This is coming.

UNIDENTIFIED FEMALE: It's coming.

(CROSSTALK)

UNIDENTIFIED MALE: Where California goes, the rest of the country goes.

UNIDENTIFIED FEMALE: I have a philosophy about California. I'm from the Midwest, and anything that starts in California, everybody from the rest of the country says, "Oh, it's California." And then all of a sudden, it comes to their place and it's worse than it even was in California, and California's over it and life goes on.

UNIDENTIFIED MALE: Absolutely.

LUNTZ: It's already starting in New Jersey.

UNIDENTIFIED MALE: If we're not building new power plants, it's going to hit them too.

LUNTZ: How many of you think that what's going on in California is going nationwide this summer? Raise your hands.

UNIDENTIFIED FEMALE: Not this summer.

LUNTZ: Not this summer?

(CROSSTALK)

UNIDENTIFIED MALE: It's coming.

UNIDENTIFIED FEMALE: I've already had people in Chicago tell me their rates have doubled, and they're not -- you know, it's a whole different situation. But, I mean, people's rates do get doubled.

JEFF: You have to have some regulation of prices, otherwise, these companies will just raise their prices higher and higher.

LUNTZ: You want regulation of prices?

JEFF: Some kind of a control somehow...

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LUNTZ: You want controlled prices?

JEFF: ... when you're deregulating.

LUNTZ: Jeff, you're a Republican, aren't you?

JEFF: Yes, I am.

LUNTZ: You're a Republican?

JEFF: Right.

LUNTZ: And you want controlled prices?

JEFF: I want some regulation of the prices, yes. Otherwise, these companies will continue to raise their rates as they are now. We can do nothing about that, and we're all going broke with it.

(END VIDEOTAPE)

WILLIAMS: Pollster Frank Luntz talking energy policy with some voters in southern California.

There is a lot more to tell you about as we continue along the way this Thursday night. Still to come, the JonBenet Ramsey murder case. Tonight, why one detective says the ransom note supports his theory that an intruder is guilty of the murder.

(COMMERCIAL BREAK)

WILLIAMS: There are new questions tonight over plans to build a memorial to World War II veterans on the mall in Washington. About two years after a presidential panel approved its site and design, the panel says it will reopen its decision and hold more public hearings. The current plan to put the monument between the Lincoln Memorial and the Washington monument faced criticism because it would alter the mall's views. Others said the design was reminiscent somehow of Nazi architecture. Bob Dole, Tom Hanks and others have mounted a public campaign for the memorial.

In the week since former Nebraska senator Bob Kerrey announced to the world that he and a group of Navy SEALs he was commanding in Vietnam killed innocent civilians in a firefight, veterans and nonveterans alike have been speaking out. The more his version of the story has settled in, the more questions that have been raised, and the debate's been joined on editorial pages and columns across the country.

Joining us now from San Francisco to talk about Kerrey and the wounds his story seems to reopen is Gerald Nicosia. He is the author of "Home to War," a history of the Vietnam veterans movement. And in New York, John Leo, the "On Society" columnist for "U.S. News & World Report" magazine.

Gentlemen, good evening to you both.

John, it's good to see you again.

JOHN LEO, "U.S. NEWS & WORLD REPORT": Hi, Brian.

WILLIAMS: I'd like to begin with two very basic questions, John. Who is Bob Kerrey accountable to and who can judge the actions of this man who wasn't there that night?

LEO: Well, I think he's accountable to everyone involved, all of America. The argument has been made that his feelings are paramount here and we can't go into it because of the fog of war and we weren't there. But the bottom line is there's a serious accusation of an intentional massacre on the record, and we can't leave that hanging. We wouldn't leave it hanging if an enemy did it or if the Serbians or Rwandans did it. Then we can't leave it hanging

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here in America. I think we have to have an investigation, and we have the probable means of getting to the bottom of it.

WILLIAMS: Mr. Nicosia, same questions.

GERALD NICOSIA, AUTHOR, "HOME TO WAR": Well, I have a somewhat different point of view. I interviewed 600 veterans for my book, "Home to War," and I heard many, many stories not only of the accidental killing of civilians but of the intentional killing of civilians during that war. You have to understand that part of the basic training was to create a great deal of hate and anger toward the Vietnamese people, call them gooks and dinks and slopes. These guys were sent over there fired up to kill Vietnamese and oftentimes ended up killing civilians. I think the people who set that policy should be held accountable, but I'm not -- I don't think that 21-year-olds that were -- 19-year-olds that were over there carrying it out should be singled out right now.

WILLIAMS: John, what about the kind of minutia of this story, that it's six to one in favor of Kerrey's version, Kerrey and his group, the quote that they received fire and returned it? How do we figure out what happened that resulted in apparently a pile of civilian dead bodies?

LEO: Well, there's two ways. One is to get every member of the platoon on the stand, put them under oath and ask them exactly what happened. We have very detailed accusations. Either they will prove them or disprove them. And the other thing is -- the suggestion has been made that the bodies can be exhumed, and the Vietnamese witnesses, for what that's worth, brought in, too. We should presume to conduct it like any accusation of mass murder over which we have jurisdiction.

WILLIAMS: Mr. Nicosia, define the fog of war, which is a term we have heard so much over the past week.

NICOSIA: Well, people that are involved in extremely traumatic occurrences like the killing of civilians, watching people die in front of them, often suffer from what's called post-traumatic stress disorder. And part of that often is blocking out a traumatic event very quickly after it happens, and then the recall can be very different. It can often be what a person wants to recall because the actual memory is just too difficult and too painful. So I mean, I don't know that anybody is lying here, but I think that people -- all those men on that mission went through a very, very traumatic episode. And the fact that they have different recall of it I think is not that they're lying, it has to do with the psychological process of post-traumatic stress disorder.

WILLIAMS: John Leo...

NICOSIA: ... which many veterans suffer from.

WILLIAMS: True. John Leo, how are we to deal with the fact that there is many and avuncular, wispy, white-haired grandfather in this country who -- thank you very much -- would rather not recall every memory of, say, the campaign through France, the campaign through the South Pacific in World War II?

LEO: I think that's normal after every war. I don't discount that fact that things happen in every war and no one wants to look back. I just think that this has been so publicized and the accused is so prominent -- a former senator once and perhaps future presidential candidate -- I think it's going to look very bad to the world and very bad to our own citizenry if we simply say we don't care whether it's true or not. I think it's gone too far and we have to investigate.

WILLIAMS: So Pentagon investigation, John, or blue ribbon panel? How would you have it proceed?

LEO: I don't know. Whatever, whatever.

WILLIAMS: Mr. Nicosia, same question.

NICOSIA: Well, I'm saying that I think that investigating Kerrey is a fruitless thing. I would rather investigate the people who set the genocidal policies of free fire zones, reconnoitering by fire, all of those policies that resulted in

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the deaths of civilians. I think it's wrong to start blaming the Vietnam veterans again. That's what happened affair the war. That's why so many of them shut down and stopped talking about it.

WILLIAMS: And to Messieurs Nicosia and Leo, thank you very much for being with us tonight. On Capitol Hill today, dramatic testimony from a man who says the FBI kept him in prison for 30 years for a crime investigators knew he did not commit. **Joseph Salvati** was sent to prison based on the testimony of a member of the Boston Mafia, but there are new allegations tonight that the FBI may have been as much to blame. The story tonight from NBC News correspondent Joe Johns.

(BEGIN VIDEOTAPE)

JOE JOHNS, NBC CORRESPONDENT (voice-over): Telling his emotional story for a congressional committee today, 68-year-old **Joseph Salvati**. He spent three decades in prison for a murder he did not commit.

JOSEPH SALVATI: The government stole more than 30 years of my life.

JOHNS: How could it happen? Salvati, then a Boston tough guy, was sent away by testimony from New England mobster Joseph "The Animal" Barbosa, a highly prized snitch in FBI director J. Edgar Hoover's battle against organized crime, reportedly one of the first people ever to enter the federal witness protection program. Now a federal investigation is under way to determine whether police in Massachusetts and even the FBI turned a blind eye to Salvati's innocence, covering up the truth to protect their prize witness, Barbosa.

VICTOR GARO, SALVATI'S ATTORNEY: There's a Chelsea police report. There is a state police report. There's a Boston police department report, and God knows how many other reports that have been hidden or destroyed over the years that all show the same thing: Joe Salvati was innocent.

JOHNS: Innocent of the murder of Edward "Teddy" Deegan in 1965. But Salvati was convicted of the crime anyway. Informants told the FBI Salvati was innocent, too. In fact FBI documents suggest former agent Paul Rico knew a contract was out on Deegan and even knew others were plotting to kill him. But Salvati's name was not mentioned. Testifying without immunity and against the advice of his lawyer, Rico today told the committee the FBI turned over the information to local officials.

H. PAUL RICO, FORMER FBI AGENT: 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.

UNIDENTIFIED MALE: Does it bother you that this man was in jail for 30 years?

RICO: Well, it would probably be a nice movie or something.

JOHNS: Salvati and a co-defendant were exonerated finally after a judge concluded the FBI hid evidence. But there was no way to restore the lost years with his wife Marie and four children.

MARIE SALVATI, SALVATI'S WIFE: Every weekend, you know, I'd dress up, pack a little lunch. We'd go off to see him for their hugs and kisses and whatever went on.

JOHNS (on camera): Salvati's attorney is now considering a lawsuit and the Justice Department continues an investigation into the case. Joe Johns, NBC News, the Capitol.

(END VIDEOTAPE)

WILLIAMS: When we come back, the Ramsey murder investigation from "Today on NBC." An exclusive new look at an old piece of evidence. Also this evening, new information about the hidden dangers of internal injuries after a supermodel critically injured in a car crash. And a former Beatle undergoes surgery for lung cancer. Stay with us.

(COMMERCIAL BREAK)

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WILLIAMS: A closer look tonight at the JonBenet Ramsey murder case, still unsolved more than four years now after the young girl's death. All this week on "Today on NBC," Katie Couric has been each morning reexamining the case with Colorado homicide detective Lou Smit. He spent 18 months working this case for the Boulder, Colorado district attorney's office and believes that an intruder to the Ramsey home committed this crime. Tonight's installment looks at a key piece of evidence in the case, specifically the ransom note.

(BEGIN VIDEOTAPE)

KATIE COURIC, "TODAY ON NBC" (voice-over): "Mr. Ramsey, listen carefully. We have your daughter in our possession. You stand a 99 percent chance of killing your daughter if you try to outsmart us." Chilling words from the JonBenet Ramsey ransom note reportedly found by Patsy Ramsey on these stairs inside their home.

DET. LOU SMIT, HOMICIDE INVESTIGATOR: She came down these stairs and seen the ransom note on the bottom step.

COURIC: Four-and-a-half years later, the note remains perhaps the most critical and perplexing piece of evidence in the ongoing murder investigation.

SMIT: The person that wrote that note I do believe is the killer. The person that wrote that note shows his personality in that note: very brutal and very vicious.

COURIC: According to Smit, a number of phrases from the note are taken from movies with story lines that revolve around kidnapping and murder, a case of life imitating art, movies like "Ruthless People."

(BEGIN FILM CLIP, "RUTHLESS PEOPLE")

UNIDENTIFIED MALE: If you deviate from our instructions in any way whatsoever, she will be killed.

(END VIDEO CLIP)

COURIC: "Any deviation of my instructions will result in the immediate execution of your daughter," a phrase from the Ramsey ransom note.

And from the movie "Speed."

(BEGIN FILM CLIP, "SPEED")

UNIDENTIFIED MALE: Do not attempt to grow a brain.

COURIC: Compared to "Don't try and grow a brain" in the Ramsey ransom note.

And Smit points out, the movie "Ransom" was playing in Boulder at the time, a film with eerie similarities to JonBenet's murder. A six-year-old boy is kidnapped, his mouth covered with duct tape, his hands tied.

SMIT: Whoever wrote this note was thinking of those particular types of movies. It's like a Ph.D. in ransom notes that was gained through watching movies. And that was incorporated into this note.

And that's another reason why I believe that a lot of thought was taken prior to the writing of the note, and that note was written before the murder rather than after the murder. It's not like a note is written in panic after brutally murdering a child.

After you commit a very horrendous murder, whether it's parents or even an accomplished criminal, you do not have the presence of mind to sit down and write a two-and-a-half page ransom note in a clear and concise manner because of the adrenaline running through your system and because of the horrendous thing that you've done. Why would a parent have to write a two-and-a-half page ransom note? Why would they have to put in all of these references to ransom-type movies?

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COURIC (on camera): Why? To cover up their own crime.

SMIT: Sure, if they're a sophisticated criminal, I can see them doing that, Katie. These people do not have any type of criminal record at all.

COURIC: If an intruder came into this home, you believe he familiarized himself, came up to this first floor from the basement, and this is where the ransom note was found. There is a table against this wall, is that correct?

SMIT: Right against this wall.

COURIC: Against this wall.

SMIT: There was a small table.

COURIC (voice-over): Smit's theory is that an intruder entered the home through this basement window while the Ramseys were at a Christmas party.

(on camera): Perhaps one of the most frequently asked questions, Lou, is why would an intruder sit down and write a lengthy ransom note with no clue as to when the family was coming home? Wouldn't that be awfully risky?

SMIT: Well, if the intruder had plenty of time in the house to begin with, he would have all the time he needed to write a ransom note. He's a high-risk criminal. In fact, some people get extreme pleasure out of going through your house and watching you while you're even sleeping. There's a certain type of high-risk criminal that does that.

COURIC: That's part of the thrill?

SMIT: It's part of the thrill. You bet. And I think when we finally catch him, which I think we still have a very good chance to do, that we're going to find that he's been arrested for some type of sexual offense in his past.

COURIC (voice-over): Boulder Sheriff's detective Stave Ainsworth, who worked the Ramsey investigation, has his theories.

(on camera): Many people say how could an intruder hang around the house and write this long, elaborate ransom note? That's pretty risky stuff.

STEVE AINSWORTH, BOULDER SHERIFF'S DEPUTY: Very risky.

COURIC: How do you answer that?

SMIT: It could be part of the thrill for him, the risk of getting caught.

COURIC: Do you think this was a kidnapping that went awry somehow?

SMIT: That's my own personal feeling, that it is.

COURIC (voice-over): Few people have been able to explain this section of the note: "You will withdraw \$118,000 from your account, \$100,000 will be in \$100 bills and the remaining \$18,000 in \$20 bills."

(on camera): \$118, 000 has been the source of a lot of attention because that was the amount of John Ramsey's Christmas bonus, is that right?

SMIT: It was close to what the net amount was. Now, his bonus was probably more, but what he netted out would be close to \$118,000.

COURIC: So people think, where did that number come from?

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SMIT: Yes. And where would a parent who's writing that note, where would they come up with that figure, number one? And why would they put in a figure that would point right back at themselves? We don't know why the killer put that in his note.

COURIC (voice-over): Could the killer have been an employee or have had some association with Access Graphics, John Ramsey's company? Did John or Patsy write it to point a finger at a disgruntled employee?

Smit says both are possible. But why that relatively small amount of money was demanded, he says, remains a mystery to him.

Another mystery, the final lines of the note: "It is up to you now John! Victory, S.B.T.C."

(on camera): What does S.B.T.C. mean?

SMIT: That means something to the killer. We don't know what it means. There have been all kinds of explanations for that.

COURIC: Like?

SMIT: I've heard South Boulder Team Center. I've heard Saved By The Cross, Subic Bay Training Center. Many of these things have been put into the note because John Ramsey at one time had been in Subic Bay. But again, we're only guessing when we look at that content of the note and what it meant to the killer.

COURIC: Why not come with the ransom note?

SMIT: Oh, there's a couple of good reasons for not taking a ransom note into the house. If you're caught, for instance, taking in a ransom note, you have it in your pocket when you come into the house, for instance, and there's an alarm that goes in or the police check the house or somebody sees you, it's pretty obvious what your plans would have been.

COURIC: Why the practice note? What's that about?

SMIT: That's a very important part of this too. And that, I think, shows that the person who was writing this note had plenty of time to do it. And it starts off with "Dear Mister" and then starts the word Mrs., then it's stopped.

Between that practice note and the ransom note, by looking at the torn-out pieces of the ransom note, I believe there was close to six pages that are missing. Those pages are not found in the house either, Katie.

COURIC: When handwriting analysis was done on the ransom note, John Ramsey was ruled out.

SMIT: Yes.

COURIC: Patsy Ramsey could not be completely ruled out, though.

SMIT: No. Patsy Ramsey cannot be completely ruled out. The handwriting examiners -- there was at least six of them that looked at all of the handwriting exemplars, and all of the handwriting of Patsy Ramsey. She does have certain characteristics, which are close in nature to that on the note.

But what some of the examiners have said, and the majority of them, is that there are many more differences. In other words, it's not a positive at all that Patsy Ramsey wrote that note.

COURIC: In fact, it's measured from one to five. And she scored a 4.5 unlikely to have written the note.

SMIT: Yes.

COURIC: Which leaves a .5 possibility that she did.

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SMIT: Absolutely. There's a .5 possibility. But a 4.5 possibility that it's an intruder. And this is another great piece of evidence left behind by our killer.

Katie, I really believe that there's enough evidence left behind by our killer that we can catch him. And somebody had better be looking for him.

(END VIDEOTAPE)

WILLIAMS: By the way, Katie Couric's reports wrap up tomorrow on "Today" with a point-counterpoint style look at all the evidence in thus far in the Ramsey case.

When we come right back here tonight, the latest this evening on supermodel Niki Taylor and a look at life-threatening injuries of her type. They can go undetected for days after an accident.

(COMMERCIAL BREAK)

WILLIAMS: This has been front-page news around the country. Supermodel Niki Taylor remains in critical condition tonight in an Atlanta hospital after undergoing more surgery follow her car accident Sunday.

She initially walked away from the crash. The extent of her injuries only became clear much later, massive internal injuries, something actually surprisingly common in accident victims. Our report tonight from NBC News national correspondent Jim Avila.

(BEGIN VIDEOTAPE)

JIM AVILA, NBC CORRESPONDENT (voice-over): The second day of surgery for cover girl Niki Taylor, still in critical condition tonight after suffering severe internal injuries in a car wreck with a utility pole.

(BEGIN AUDIO CLIP)

9-1-1 OPERATOR: OK, are there any obvious injuries?

UNIDENTIFIED MALE DRIVER: I don't know, just a little bit of blood. Please hurry.

(END AUDIO CLIP)

AVILA: The 26-year-old model showed no immediate signs of injury, was out of the car and walking around. But by the time paramedics arrived, she had collapsed.

Auto accidents, the leading cause of death for Americans under 34, most deaths from head injuries. But 40,000 Americans a year treated for ruptured spleens and livers, internal injuries, like in Taylor's case, often not immediately detected, even leaving emergency rooms with severe injuries unnoticed.

DR. KEN PEARLMAN, NORTHWESTERN MEMORIAL HOSPITAL: If you bleed internally only a small amount, you maybe feel fine for a few hours to a few days to even up to a few weeks afterwards.

AVILA (on camera): That, say the experts, is the fear. Pumped with adrenaline, victims sometimes walk away from the accident not knowing about the grave danger they're in.

(voice-over): Further fooled by the fact that they were wearing seatbelts. The belt itself can cause injury if worn incorrectly.

PATRICK JARBOE, AUTOLIIV SAFETY LABS: If it, for example, is positioned high on your abdomen area, that's a very soft tissue area, it's going to penetrate into your body until it has some resistance.

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AVILA: The Autoliv Safety Lab in suburban Detroit, research into the best restraints, and most important, how to wear them.

JARBOE: You want to make sure it's as low as possible on your pelvis. And then it will catch this iliac crest, this bone. That's what's going to provide you the restraint.

AVILA: In Florida today, a crash reconstruction expert from the University of Miami examines the damaged chassis of a one-car crash.

UNIDENTIFIED MALE: We have a buckle here. That would be highly suggestive that the belt was not in use at the time of the crash.

AVILA: Investigators looking for injury trends, building a photo database, pictures for paramedics and police officers to warn them about what kind of injury is linked to specific accidents, Life and death, unseen diagnoses.

DR. JEFFREY AUGENSTEIN, JACKSON INJURY RESEARCH CENTER: If you don't recognize the possibility of an injury, some of those people die in a few hours.

AVILA: Nurse Helen Jana (ph) survived her close call. Her liver ruptured in a car accident, but the injury hidden for hours before surgery and eight days in the hospital.

HELEN JANA, NURSE: There was no obvious sign of bleeding. I felt like, hey, I'm OK, I'm walking, I'm talking, I'm fine.

AVILA: Injuries hidden from passengers, sometimes medical professionals too, and often in cases like Niki Taylor leaving victims fighting for their lives.

Jim Avila, NBC News, Chicago.

(END VIDEOTAPE)

WILLIAMS: Up next as we continue, "On the Money" tonight, how to book a summer vacation for less.

(COMMERCIAL BREAK)

WILLIAMS: Fears of rising unemployment fueled a sell-off on Wall Street today. The Dow was down for the first time this week, dropping 80 points to close at 10,796. Nasdaq was down 74 to finish at 2,146.

"On the Money" tonight, the travel business. It's a half-trillion-dollar industry in this country headed into, of course, its busiest season. There are ways to keep costs down when booking travel. And it's all in a new book conveniently. It's from "Today" show travel editor Peter Greenberg, who has just authored "The Travel Detective." That's him in the getup. Peter is with us this evening.

Peter, we have so much to get over. And looking at the book, there's so much in it. We should start with when to book flights.

PETER GREENBERG, TRAVEL EDITOR, "TODAY": The worst time to book a flight is over the weekend because fare wars are usually started by the weakest competitor. They will release those fares on a Friday night just to see who is going to match them. Maybe they match them, maybe they don't.

If you book on a Saturday or a Sunday, that's the worst time to book because it hasn't settled out yet. The real fares settle down by Monday. They may even be matched again or lowered again by Tuesday. And as you know, when you book a discount fare, they give you 24 hours to make up your mind.

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At one minute after midnight East Coast time on Wednesday morning, right after Tuesday night at midnight, all those people who booked their ticket but didn't pay for it, all those low fares come back into inventory. If you strike within that one hour, you get a great deal.

WILLIAMS: Oh, that's a great tip. I love your next one. Keep the conversation short. What does that mean?

GREENBERG: It means let them show you their hand first. If I'm going to ask you where do you want to go, you'll say, "I want to go from New York to Denver." I'm a reservations agent at the airline. And then you say to me, well, I want to fly next Tuesday," you're giving me too much information.

Now I'm going to make you step up to a much higher fare. Instead, when you call a reservations agent at the airline, say, "I want to go from New York to Denver, but before you ask me when I want to fly, could you please punch up every published fare you have on that route? I'll wait." That will take them about six seconds.

Then say, "Let's go to the bottom of the list. What's that fare?" Well, that's the YEBX 72 fare. What's that fare? Well, that's only good only on Wednesday if your middle name is Murray, you can have a snowmobile, you can hope. And you go, "I can change my middle name. I can get a snowmobile. I can hop." You back into the fare that you want to pay as opposed to stepping up to the fare that they want you to pay.

WILLIAMS: This next one gets very tricky. You have to have a master's degree in economics. Consider back-to-back ticketing.

GREENBERG: Yeah, the airlines love it when I discuss this one.

WILLIAMS: What is this one?

GREENBERG: Well, let's say today is a Monday for the sake of this discussion. You need to go somewhere three weeks from today, let's say New York to Los Angeles.

WILLIAMS: OK.

GREENBERG: And you would normally qualify for a 21-day discount. One problem. If you're going to come back three days later on Friday, you're not staying over that dreaded Saturday night, you don't get the discount. It's a \$2,000 fare. So instead of that, you book New York to Los Angeles three weeks from Monday coming back sometime in the next millennium. That's \$228.

Then you make a separate reservation going Los Angeles back to New York on that Friday coming back sometime in the next millennium. So for less than one-third, or sometimes even less than one-fourth, of what they would have charge you for one round trip, if you plan it correctly, you get two round trips and double the mileage.

WILLIAMS: So of course they hate it.

GREENBERG: Of course they hate it, but it's not illegal. In fact, if they really want to claim it's illegal, then do it on two separate airlines. After all, you're flying on your own name on a ticket you paid for yourself on the dates and times specified on the ticket.

My argument is if you buy a six-pack of Diet Coke and you only drink three of the Diet Cokes, do the Diet Coke police come and take you away? I don't think so.

WILLIAMS: How -- aside from sounding like someone's beloved pet as a child, tell us what FLIFO is.

GREENBERG: Well, when you call an airline, as you always do to make a reservation, what do they ask you for? Your phone number. Do they ever call you? No.

So now you're going to try to be a responsible traveler. So two or three hours before you leave the office or your home, you call the airline and you say, "Hey, I'm on flight 505. Is it on time?" "Yes," they lie.

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Now you've got a problem because they've interpreted your question to mean, "Is it scheduled to leave on time?" That's meaningless. So instead you call up and you say, "I'm on flight 505. Can you punch up FLIFO?" That's internal airline jargon for flight information.

Then you say, "Great. Can you tell me the aircraft number assigned to flight 505." Oh, that's aircraft number 82. "Great. What's the status of aircraft number 82?" It's in Bangladesh. If it's in Bangladesh, you ain't going to Cleveland tonight.

WILLIAMS: And they must tell you that?

GREENBERG: If they don't, hang up, call again.

WILLIAMS: Peter Greenberg, we could go on all night. I will tease the viewers only to say that the chapter on how to upgrade to first class is particularly good. Very good stuff.

GREENBERG: You read that one, did you?

WILLIAMS: Yes I did. The book is called "The Travel Detective." Peter, always a pleasure. Thanks for coming by.

GREENBERG: Thanks, Brian.

WILLIAMS: When we come right back, our very first look at the Friday morning papers around the country this Thursday night and news the former Beatle George Harrison recovering tonight from cancer surgery.

(COMMERCIAL BREAK)

WILLIAMS: We mentioned this earlier, word out of London tonight that former Beatle George Harrison has undergone lung cancer surgery. The episode marks his second bout with cancer for the youngest member of the Fab Four. Our report from MSNBC News correspondent Pat Dawson in London.

(BEGIN VIDEOTAPE)

PAT DAWSON, NBC CORRESPONDENT (voice-over): For most of the last decade George Harrison has lived a private life, so private his second cancer operation, performed recently here at the Mayo Clinic, was kept strictly secret until tonight. His attorney in London releasing pictures of Harrison with his wife in Tuscany today and saying the operation to remove a tumor from his lung was successful.

Unlike the other surviving Beatles, Harrison has largely avoided the public spotlight in recent years, preferring a quiet life at his mansion in the English countryside.

GEORGE HARRISON, MEMBER OF THE BEATLES: I don't want to be a film star. I don't even want to be a pop star. I just want to live in peace.

GREENBERG: A far cry from his life in the '60s. Thirty years after the Beatles broke up, 20 years after John Lennon was murdered, Harrison was back in the headlines in 1999 when a demented man broke into his home and attacked him with a knife.

RICK SKY, SHOWBIZ WRITER: Harrison himself said that he really thought he was close to death when that happened. That traumatized him very, very, very deeply.

GREENBERG: He hasn't performed on stage in nearly a decade. His most public event recently, a web cast to mark the re-release of his 1970 hit solo album "All Things Must Pass."

(on camera): Having now survived two bouts of cancer and an attempt on his life in just the last four years, the former Beatle apparently still hasn't lost his sense of humor, tonight saying of himself that although all things must pass away, George has no plans to.

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Pat Dawson, NBC News, London.

(END VIDEOTAPE)

WILLIAMS: To the morning papers in this country we go. "USA Today," according to review by the paper, President Bush is rewarding many key Republican donors and party supporters with choice ambassadorships. Of the 27 appointed so far, 22 have gone to those with political connections, no diplomatic experience. Compare that to Clinton, who at this point in his presidency had nominated 23 ambassadors, 21 of them were career foreign service officers.

"USA Today" reports that France and Spain, for example, have gone to GOP supporters. But Russia and Egypt have been held out for career diplomats.

Next, "San Jose Mercury News," about all those dot-com executives used to the extra legroom and the towels and the silverware in first class, not anymore. One software giant, 3COM, sent out a mandate saying all workers flying for fewer than nine hours must fly in coach. Can you say burst bubble?

"Washington Post," those two pandas on loan from China have drawn their one-millionth visitor today. The names, by the way, Mei Xiang and Tian Tian, which we think is Chinese for Captain and Tenille, lollygagging today. It was a very lucky 6-year-old boy who today brought home fabulous prizes by becoming the millionth visitor.

In Iowa, on the hunt for quality workers for quality jobs and a good quality of life, 500,000 openings in the next few years.

Before we go tonight, here is Matt Lauer with a quick program note.

MATT LAUER, HOST, MSNBC'S "HEADLINERS & LEGENDS": Thanks, Brian. Tonight on "Headliners & Legends," Pamela Anderson, a pin-up dream for millions. But it's her outrageous life filled with rebellion, videotapes, and bad boys that may have garnered the most outrageous headlines. Join us for a story that goes way beyond the centerfold. That's coming up next on "Headliners & Legends," Brian.

WILLIAMS: That's our broadcast for tonight. Hope to see you tomorrow night. Goodnight, everyone.

Load-Date: July 9, 2003



[Second man exonerated in 1965 Mob killing case](#)

The Boston Herald
January 19, 2001 Friday
ALL EDITIONS

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Section: NEWS;

Length: 614 words

Byline: By J.M. LAWRENCE

Body

Righting the wrongs of J. Edgar Hoover's FBI agents, a Middlesex Superior Court judge yesterday threw out a 1965 Mob murder conviction against an innocent man who was framed and sent to prison for 30 years.

"The conduct of certain agents of the bureau . . . stains the legacy of the FBI," Judge Margaret Hinkle said as she vacated ***Joseph Salvati***'s conviction.

The packed courtroom cheered as Hinkle told Salvati, now 68, "Your long wait is over."

Those were the same words the judge offered two weeks ago when she vacated the conviction of Salvati's co-defendant Peter Limone in the murder of low-level mobster Edward "Teddy" Deegan.

Explosive new evidence released last month in the case set the stage for Limone, and now Salvati's, vindication. A Justice Department Task Force investigating corruption in the FBI uncovered reports from 1965 by agent H. Paul Rico that bolstered their claims of innocence.

Based on information from an unidentified informant, the reports pinpoint other killers of Deegan, including Vincent "Jimmy The Bear" Flemmi, a ruthless hit man who at the time was working as Rico's prized informant.

But the reports were never shared with either defense counsel or prosecutors, Hinkle noted.

Standing with Victor Garo, the attorney who fought for his release since 1976, and his wife Marie, Salvati spoke softly as he called the day both happy and sad because his parents and Garo's parents did not live long enough to witness his exoneration.

"It's a sad day because there's a few people that couldn't make it," he said teary-eyed. "They just couldn't last."

During Salvati's trial, Rico apparently kept silent as Joseph "The Animal" Barbosa, the government's star witness, fingered Salvati as payback over a \$ 400 gambling debt that Salvati refused to pay.

Second man exonerated in 1965 Mob killing case

Barbosa also accused Limone and two other men, Louis Greco and Henry Tameleo, who were convicted and died in prison. All are now widely believed to have been innocent of Deegan's murder.

Garo accused Hoover and his FBI of conspiring to murder Salvati because he faced the electric chair.

"They are the ones who are the real criminals," he said.

The Boston FBI declined to comment.

Salvati and his supporters attributed his release to the dogged reporting of WBZ-TV (Ch. 4) newsman Dan Rea, whose reports on evidence of his innocence led to his parole in 1997, and to the Justice Department Task Force headed by Connecticut federal prosecutor John Durham.

Garo said the Deegan case marks a moment in history when crimefighters donned black hats instead of white ones.

"I can tell you where the white hats reside right now," Garo said, "with John Durham and the Justice Department Task Force."

Surrounded by the grandchildren whose births he missed while in prison, Salvati displayed little bitterness yesterday.

"We still have the greatest criminal justice system in the world," he said. "Thank God, there's more good feds than bad feds or I wouldn't be here today."

Salvati was released three years ago when his sentence was commuted.

A North End resident, he lives on Social Security and spends his days with his grandchildren.

Garo declined to answer questions about whether he will file suit claiming wrongful imprisonment but promised to hold a news conference next month.

Photo Caption: RELIEF: Members of the Salvati family shed tears of joy yesterday after Middlesex Superior Court Judge Margaret Hinkle threw out **Joseph Salvati**'s murder conviction. STAFF PHOTO BY MIKE ADASKAVEG

Photo Caption: FREE AT LAST: **Joseph Salvati** hugs his granddaughter, Alela Salvati, as he awaits a judge's decision in Middlesex Superior Court yesterday. STAFF PHOTO BY MIKE ADASKAVEG

Load-Date: January 19, 2001

The justice system relies on people to tell the truth. But people lie.



The justice system relies on people to tell the truth. But people lie.

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April 25, 2019 Thursday

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Section: STATE AND REGIONAL NEWS

Length: 14982 words

Byline: Emilie Lounsberry and Michaelle Bond, Philly.com

Body

April 25--

Testifying

Swearing to tell a lie

Changing stories told on the stand after convictions is so common, court watchers have a name for it. The challenge is what to believe, and when.

Emilie Lounsberry,

emilielounsberry@gmail.com, Michaelle Bond

mbond@phillynews.com

/ For the Inquirer

Sunday, April 2, 2017

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The justice system relies on people to tell the truth. But people lie.

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It was a giant step for Deirdre Jones to take the witness stand that day in 2012. She had returned to a Philadelphia courtroom to testify about a 1991 murder near Rittenhouse Square. Her first time on the stand, she said, haunted her for almost two decades.

Hollman family photo

Chester Hollman III as a high school senior in 1988. After he was convicted of a 1991 murder near Rittenhouse Square, a witness changed her testimony putting him at the scene.

Jones had been the star witness in the 1993 trial of Chester Hollman III, charged with

killing a University of Pennsylvania student. Hollman, a 21-year-old with no criminal history, had been picked up minutes after the murder and blocks from the scene.

The justice system relies on people to tell the truth. But people lie.

Detectives found no physical evidence tying him to the crime. So Jones' testimony -- that she had been riding with Hollman and another man in an SUV when they got out and she heard a gunshot -- almost certainly cemented his conviction and life prison sentence.

But when Hollman's appeals lawyers called her back to the witness stand 19 years later, Jones offered a different account.

Choking up, Jones swore she had lied at trial, that she and Hollman had been driving alone that night and he had no role in the killing of the victim, Tae-Jung Ho. Jones said detectives coerced her into implicating Hollman.

Helping to lock him up, she said, stoked years of depression.

"I just thought it was time for me to come out and to tell the truth," Jones, then a 40-year-old hospital worker, testified in January 2012. "Maybe some of my depression would go away."

TOM GRALISH / Staff Photographer

Deirdre Jones was the star witness against Chester Hollman III at his murder trial in 1993. But when she was called to testify at an appeal in 2012, she recanted.

The case illustrates a stark reality of the criminal justice system: People lie. They lie to stay out of jail, to get out of jail, to curry favor with cops. And police sometimes lie, too. It's so common, so understood within the court system, that regulars have a name for it:

Testilying -- when officers lie to buttress a weak case, or when a defendant lies in hopes of winning an acquittal.

In the end, Philadelphia Common Pleas Judge Gwendolyn N. Bright followed a long line of judges who reject witness recantations as unreliable. She did not believe Jones' new testimony and denied Hollman's motion to reopen his case.

Philadelphia Common Pleas Judge Gwendolyn N. Bright followed a long line of judges who reject witness recantations as unreliable. She did not believe Deirdre Jones' 2012 testimony and denied Chester Hollman's motion to reopen his case.

Jones wasn't the first witness to claim to have lied at the trial. A decade before she came forward, Andre Dawkins -- the only other person to place Hollman at the murder scene -- swore police also had pressured him to falsely implicate Hollman.

The twists and turns of the case show how difficult it is to figure out who is lying -- and when.

If Jones testified truthfully in 1993 but lied on the stand five years ago, she risked a perjury charge. If her more recent testimony was true, then David Baker, the former Philadelphia detective who interviewed her after the murder, lied in 2012 when, under oath, he flatly denied her accusations.

Untangling who is lying in criminal cases can be "absolutely daunting," said lawyer Richard L. Scheff, who recalled wrestling with the issue when he was a federal prosecutor. "There can be any number of reasons why people change their statements."

Scientific advances in crime solving -- especially DNA testing -- have freed the wrongfully convicted and proven guilt. Almost as a rule, experts say, courts don't like to reopen old cases without compelling scientific evidence.

MICHAEL BRYANT / Staff Photographer

Andre Dawkins -- the only other person to place Chester Hollman III at the murder scene -- later said police also had pressured him.

That is especially problematic in prosecutions built on the testimony of witnesses. Like Hollman's.

The justice system relies on people to tell the truth. But people lie.

The Philadelphia District Attorney's Office declined to discuss Hollman's case. His current appeals lawyer, Alan Tauber, said he plans to ask prosecutors for a new review.

Jennifer Creed Selber, former chief of the office's homicide unit, acknowledged witness recantations are a "pervasive" problem. She believes witnesses usually recant because they fear retaliation from defendants.

"If we attempted to prosecute every witness that perjures themselves, it would be a completely unworkable and impossible situation."

Jennifer Creed Selber, former chief of the District Attorney's Office's homicide unit

"If we attempted to prosecute every witness that perjures themselves," said Selber, "it would be a completely unworkable and impossible situation."

If the verdict in the Hollman case is accurate, one participant has been lying consistently since 1991: Hollman has never stopped saying he is innocent.

Pressure on police, witnesses

Five years ago, the University of Michigan Law School and the Center on Wrongful Convictions at Northwestern University's law school started a database of criminal exonerations since 1989. The

National Registry of Exonerations

has catalogued over 2,000 cases.

DNA evidence spurred many, but the growing number of exonerations has led to a "profound change" in the perception of convictions, said Samuel Gross, senior editor of the registry.

"What the DNA cases showed everybody," he said, "is that a lot of criminal convictions that no one had thought to think about were wrong."

More than half of his registry's cases involve perjury and/or false accusations.

Much lying stems from misconduct by police and prosecutors desperate to solve crimes, researchers say. "Witnesses are pressured, threatened, subjected to violence, offered secret deals such as reduced charges in the case at hand or for other crimes, or otherwise coerced or persuaded to falsely accuse the defendant," a

2013 registry report

concluded.

James McCloskey, the founder of

Centurion Ministries, a New Jersey-based organization that has helped exonerate more than 50 prisoners since 1980, said about three dozen witnesses have recanted their testimony in Centurion cases.

"They want to reconcile themselves, really help right a terrible wrong," McCloskey said, but they fear getting in trouble. It can take years to get a witness to publicly acknowledge the lie -- and then additional years to actually win an exoneration.

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Fernando Bermudez spent nearly two decades in a New York prison before being

The justice system relies on people to tell the truth. But people lie.

cleared of the 1991 murder

of a teen in Greenwich Village, despite recantations from all five eyewitnesses against him two years after the shooting. A judge later decided to throw out the charges because of the recantations and police misconduct.

Jose Medina, who is serving life for the 1991 killing of a Philadelphia police officer's brother, is

waiting for the new trial

he was granted in 2011 after a prosecution witness admitted lying under oath.

Don Ray Adams Jr., a Philadelphia barber, was exonerated in 2011 -- 21 years into a life sentence for murder -- after the key witness against him recanted. A convicted felon and crack cocaine addict who said she had turned her life around contacted Adams' lawyer in 2007. She said police pressured her to lie and say Adams was the man who shot two others during a drug deal. Adams won a new trial. A jury acquitted him.

Exonerated After False Testimony

Six local cases of men who were convicted of murder and other charges in part because of false testimony, only to be later exonerated. The six spent a combined 107 years in prison.

Edward Baker

Philadelphia

Charge:

Murder of a man who was bound, strangled, and stabbed to death with an ice pick in 1973

Convicted:

1974

Sentence:

Life

Exonerated:

2002

False Testimony:

The man who stabbed the victim recanted his testimony that Baker had killed the victim. The killer said he lied to get a shorter sentence for himself.

Terence McCracken

Delaware County

Charge:

Murder of a 71-year-old man during an armed robbery of a deli in 1983

Convicted:

1983

Sentence:

The justice system relies on people to tell the truth. But people lie.

Life

Exonerated:

1995

False Testimony:

The key evidence against McCracken was the testimony of a high school classmate, who recanted and said police bullied him into lying.

Raymond Carter

Philadelphia

Charge:

Murder in shooting death of a man at the Pike Bar in North Philadelphia in 1986

Convicted:

1988

Sentence:

Life

Exonerated:

1996

False Testimony:

A police officer paid an informant \$500 to falsely accuse and testify against Carter. A judge ordered a new trial and prosecutors dismissed the charges.

Larry Peterson

Burlington County

Charge:

Rape and murder of a woman found strangled on a dirt road in 1987

Convicted:

1989

Sentence:

Life

Exonerated:

2006, after DNA tests proved Peterson was not the rapist

False Testimony:

The justice system relies on people to tell the truth. But people lie.

Three men told police Peterson had confessed to the crime while they were in a car together on their way to work and an inmate with pending charges said he heard Peterson say he killed the victim. Records showed Peterson did not work on the day coworkers said he confessed to them.

Don Ray Adams

Philadelphia

Charge:

Murder of two men during a drug deal in 1990

Convicted:

1992

Sentence:

Life

Exonerated:

2011

False Testimony:

The key witness against him, a convicted felon and crack cocaine addict, told Adams' lawyer in 2007 she had turned her life around and confessed to lying at trial. She said police pressured her to testify against Adams. A jury acquitted him at a new trial.

Anthony Wright

Philadelphia

Charge:

Rape and murder of his 77-year-old Nicetown neighbor in 1991

Convicted:

1993

Sentence:

Life without parole

Exonerated:

2016, after DNA tests proved Wright was not the rapist

False Testimony:

Three of the five witnesses from Wright's 1993 trial who made statements that Wright had entered the victim's house recanted their statements at the 2016 retrial. The two other witnesses had died.

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The justice system relies on people to tell the truth. But people lie.

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The year of that double murder, 1990, Philadelphia recorded 500 homicides, a high mark in at least a half-century.

Experts say such rising crime can spur a spike in witness intimidation.

If there is a “significant uptick in crime,” said Christopher Slobogin, a Vanderbilt University criminal law professor, “there’s going to be more pressure on police to put pressure on witnesses.”

The year Chester Hollman was arrested, Philadelphia logged 444 homicides. By late August 1991, detectives were scrambling to solve two or three killings a day.

Tae-Jung Ho was victim 301.

A killing on 22nd Street

Ho, a 24-year-old South Korean, was enrolled in an English program at the University of Pennsylvania. He was walking on 22nd Street, between Chestnut and Walnut Streets, at 1 a.m. on Tuesday, Aug. 20, when two men approached. One held him down while the other shot him in the chest. It is unclear whether anything was taken. Police found \$99 in Ho’s wallet.

Junko Nihei, a 20-year-old Pennsylvania Ballet student walking with Ho, said the shooter wore a blue hooded shirt or jacket and his accomplice -- whom prosecutors later alleged was Hollman -- wore a dark baseball cap and “perhaps reddish color” shorts.

“I just thought it was time for me to come out and to tell the truth. Maybe some of my depression would go away.”

Deirdre Jones, witness in the 1993 trial of Chester Hollman III

The 911 calls began at 1:01 a.m.

One witness said she saw three black men and one brown-skinned woman in or near a van or Jeep. Another said he saw two black teenagers and a white Chevrolet Blazer with a female with a “medium complexion” at the wheel.

Taxi driver John Henderson said he was driving on 22nd Street when he saw a flash, then a man in a blue hoodie get into a white vehicle on Chestnut Street. Henderson told police four people were inside the SUV -- and he followed the vehicle for about seven blocks until he lost it. He gave police a partial tag: YZA.

At 1:05 a.m., police pulled over a white Chevrolet Blazer with a license plate starting with YZA near 22nd and Locust, about six blocks from the shooting. Hollman was driving; Jones sat in the passenger seat.

Hollman was wearing a black baseball cap and aqua pants, according to trial testimony. Police said they saw red spots on his pants that looked like blood.

“I did what I had to do to survive”

Andre Dawkins had been hanging out at a gas station when a shot rang out a block away. He claimed to have seen Hollman at the scene.

“No ifs, ands, or buts: I can never forget his face after something like that,” Dawkins testified at trial.

Dawkins also acknowledged at trial he had been treated for mental illness. He has a history of schizophrenia, medical records show.

The justice system relies on people to tell the truth. But people lie.

A decade after the trial, after a private investigator hired by Hollman's appeals lawyers tracked him down, Dawkins said his testimony had been a lie. He said he had an outstanding burglary charge back in 1991 and police, including Det. Raleigh Witcher, threatened him.

"They told me if I did not say it was [Hollman], I was going to jail," Dawkins said in an interview with the Inquirer. "I did what I had to do to survive."

(Witcher is now dead.)

Back then, Dawkins said, he was too high on drugs to recall what he saw. His role in convicting Hollman is one of his biggest regrets.

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"There's no way possible that I could go to my grave knowing that I put a man in jail and I don't know he did a crime," he said.

Dawkins' testimony had already come under scrutiny. Five years after the trial, a federal appeals court considering an appeal from Hollman had concluded Dawkins had indeed lied on the witness stand -- not about seeing the defendant but about his own long criminal record. Still, the three-judge panel said it wasn't enough to reopen the case, pointing to other damning proof of Hollman's guilt.

"Compelling evidence," Judge Marjorie Rendell wrote in the opinion, "was provided by Deirdre Jones."

Andre Dawkins recanting in 2001 (left); an interview with Dawkins today.

Confused and frightened

Then 20, Jones had been living in the same North Philadelphia apartment complex as Hollman on that August 1991 night. She was bored when she saw him around midnight; Hollman asked if she wanted to take a ride.

They drove into Center City in a rented white Blazer. She said she didn't have her glasses and wasn't paying attention to where they had been driving -- until police pulled them over.

The account she later gave at trial mirrored the statement she signed at police headquarters: Jones told jurors she had been in the vehicle with Hollman and another man and woman, strangers to her. Hollman and the man said they were going to "get somebody," then left the vehicle, Jones testified. She heard a gunshot, then they returned and sped off. The other woman and man got out soon after.

TOM GRALISH / Staff Photographer

Deirdre Jones was the star witness against Chester Hollman III at his murder trial in 1993. But when she was called to testify at an appeal in 2012, she recanted.

Jones now says that testimony was a lie.

Both in the 2012 hearing and in interviews with the Inquirer, Jones said she had been scared that night; she had never before been in custody. She kept telling detectives she didn't know anything about a shooting, she says, but they accused her of lying. They told her Hollman had confessed -- and that she had better cooperate.

"They said if I didn't, I was going to get locked up, they was going to charge me also," Jones told the Inquirer.

Jones said she became confused and frightened -- especially after investigators told her Hollman had mob ties -- so she agreed to sign the statement Det. David Baker typed.

The justice system relies on people to tell the truth. But people lie.

"I was terrified," she said.

In fact, Hollman, who at the time worked as an armored car driver, had not confessed, and no evidence linked him to any violent group. (Courts have held that police may lie to suspects and potential witnesses in solving crimes.)

Jones signed her nine-page statement by 7 a.m., at least four-and-a-half hours after detectives began questioning her. She said police also told her she should be concerned for her safety. So, hours later, Jones grabbed her two small children, boarded a plane, and relocated to her grandmother's home in Georgia, where she would remain, in fear, for the next few years. She said authorities paid to fly her back for Hollman's preliminary hearing and trial.

When she testified in 2012, Jones said she felt bad about lying decades ago and had thought more than once about publicly recanting but had been frightened she would be charged.

"Chester was in [prison] all that long time because I was scared to come forward and say anything," Jones testified. "If it was – if it was now, it would be different. Chester wouldn't be in there today, because I would not be afraid to say we was not there."

"The job is to get to the truth as close as you can"

Baker, the detective, disputed Jones' account. Taking the witness stand after her in 2012, he essentially told Judge Bright that Jones had told the truth in 1993 but was lying to her – both about that August night and her accusations of police coercion during her interrogation.

"I believe she at first said she didn't know what I was talking about, and then she admitted that she was only in the car, and then she said she was looking out for police," Baker testified. "I don't think she really thought she was involved until she thought about it."

Chester Hollman III taken by a prison photographer in July.

Baker retired in 2012. In a phone interview last month from his Florida home, he insisted he didn't lie to Jones in 1991 or to the judge two decades later. He said other detectives may have told Jones that Hollman was dangerous or had confessed, but that his role was just to take down the statement as she recited it, which he did.

"Is that true or not? I don't know," Baker told the Inquirer. "The job is to get to the truth as close as you can."

Baker is one of 11 former homicide detectives named as defendants in a federal civil-rights lawsuit filed in September. They are accused of pressuring suspects to confess and intimidating witnesses to implicate suspects. Baker bristled at his inclusion in the lawsuit and denied any wrongdoing.

"Disbelief and hurt"

Hollman, now 47, is one of more than 5,400 people serving life sentences in Pennsylvania.

MICHAEL BRYANT / Staff Photographer

"They told me if I did not say it was [Hollman], I was going to jail," Andre Dawkins says.

In an interview at a state prison near Wilkes-Barre, he repeated what he has maintained since 1991 – that he had nothing to do with the shooting.

Hollman said he and Jones were headed to Southwest Philadelphia that night to visit one of his friends. They drove down Broad Street and turned onto Lombard Street when the police pulled him over.

Hollman said he's never been angry with Jones because he believes she had been pressured by police. "It was never anger," he said. "Just disbelief and hurt."

The justice system relies on people to tell the truth. But people lie.

He said his first lawyer, A. Charles Peruto Sr., a legendary defense lawyer who died in 2013, advised him to accept a plea offer for a five-to-10-year sentence. Hollman said he insisted on a trial; he always believed police and prosecutors would eventually realize he had been in the wrong place at the wrong time.

The lawyer who represented him during the seven-day 1993 trial, Gerald Stein, highlighted for jurors the lack of physical evidence. No murder weapon was found. Even the red stains on Hollman's pants were proven not to be blood, tests showed.

Stein reminded jurors that sometime after Hollman's arrest, investigators showed Dawkins a photo of a Philadelphia woman who had rented another white Blazer with a YZA plate from the same rental agency -- and that SUV was returned at 5 a.m. one day after the shooting. Dawkins even had told police she looked like the same woman he saw behind the wheel of the SUV at the murder scene.

But it's unclear if detectives ever questioned that woman. Neither prosecutors nor the defense called her at the trial. Attempts by the Inquirer to locate her have been unsuccessful.

Hollman said he wanted to testify, but Stein advised against it because of the likelihood of an aggressive cross-examination by prosecutor Roger King, whose courtroom skills were renowned. (Stein has declined to comment;

King died last year.)

Hollman said he was crushed by the guilty verdict, which carried a mandatory life term, especially when he turned around and saw his mother's pained expression. She died years later, and he could not attend her funeral.

He said he is buoyed by the love and support of his father and sister, who have always believed he is telling the truth.

Years after his conviction, he said, a prosecutor and Witcher visited him in prison, offering to help him in exchange for the name of the shooter. Hollman said he wished he could help, but he had no idea who the shooter was.

His current lawyer, Tauber, verified that prison visit.

Hollman said he spends his days watching TV, working in the prison gym, and clinging to a one-day-at-a-time attitude, hoping he will eventually be released.

"I just never believed," he said, "it was going to be forever."

Exonerations since 1989 that involved false testimony from witnesses, police, or prosecutors

Since 1989, there have been more than one thousand exonerations involving witnesses - and police - that perjured themselves. Scroll through and search these cases below. Those highlighted blue indicate police officer perjury.

Name

Age

Race

Sex

Prison Loc.

Crime

Convicted

Exonerated

The justice system relies on people to tell the truth. But people lie.

A. Jabir Nash

39

Black

Male

New Jersey

Child Sex Abuse

2002

2013

Aaron Galli

22

Caucasian

Male

Utah

Murder

1993

1993

Aaron Patterson

21

Black

Male

Illinois

Murder

1989

2003

Abdel-Ilah Elwardoudi

35

Other

Male

Fed-MI

Supporting Terrorism

The justice system relies on people to tell the truth. But people lie.

2003

2004

Ada JoAnn Taylor

21

Caucasian

Female

Nebraska

Murder

1989

2009

Adam Bradley

48

Caucasian

Male

New York

Assault

2010

2013

Adam Miranda

21

Hispanic

Male

California

Murder

1983

2009

Adam Tatum

36

Black

Male

The justice system relies on people to tell the truth. But people lie.

Tennessee

Assault

2012

2013

Adolph Munson

37

Black

Male

Oklahoma

Murder

1985

1995

Ahmed Hannan

32

Other

Male

Fed-MI

Fraud

2003

2004

Alan Gell

20

Caucasian

Male

North Carolina

Murder

1998

2004

Albert Algarin

21

The justice system relies on people to tell the truth. But people lie.

Hispanic

Male

New York

Child Sex Abuse

1985

1990

Albert Burrell

30

Caucasian

Male

Louisiana

Murder

1987

2001

Albert Curry

53

Black

Male

Fed-SD

Sexual Assault

2002

2003

Albert Daidone

38

Caucasian

Male

Pennsylvania

Murder

1984

1999

The justice system relies on people to tell the truth. But people lie.

Albert Luster

18

Black

Male

Wisconsin

Child Sex Abuse

1990

1992

Albert Mitchel

42

Black

Male

New York

Drug Possession or Sale

2007

2008

Alberto Ramos

21

Hispanic

Male

New York

Child Sex Abuse

1985

1994

Alberto Sifuentes

22

Hispanic

Male

Texas

Murder

The justice system relies on people to tell the truth. But people lie.

1998

2008

Alejandro Hernandez

19

Hispanic

Male

Illinois

Murder

1985

1995

Alfred Brown

21

Black

Male

Texas

Murder

2005

2015

Alfred Rivera

25

Hispanic

Male

North Carolina

Murder

1997

1999

Alfred Williams

53

Black

Male

The justice system relies on people to tell the truth. But people lie.

Texas

Drug Possession or Sale

1987

1989

Alfredo Vargas

62

Hispanic

Male

Connecticut

Child Sex Abuse

2002

2006

Algie Crivens

18

Black

Male

Illinois

Murder

1992

2000

Ali Tuckett

36

Black

Male

New York

Child Sex Abuse

2011

2016

Alprentiss Nash

20

The justice system relies on people to tell the truth. But people lie.

Black

Male

Illinois

Murder

1997

2012

Alstory Simon

32

Black

Male

Illinois

Murder

1999

2014

Alton Logan

28

Black

Male

Illinois

Murder

1982

2008

Alvena Jennette

21

Black

Male

New York

Murder

1988

2014

The justice system relies on people to tell the truth. But people lie.

Alvin McCuan

28

Caucasian

Male

California

Child Sex Abuse

1984

1996

Amaury Villalobos

30

Hispanic

Male

New York

Murder

1981

2015

Amine Baba-Ali

31

Other

Male

New York

Child Sex Abuse

1989

1992

Andre Davis

19

Black

Male

Illinois

Murder

The justice system relies on people to tell the truth. But people lie.

1981

2012

Andre Ellis

35

Black

Male

Alabama

Sexual Assault

2013

2014

Andre Hatchett

24

Black

Male

New York

Murder

1992

2016

Andre Minnitt

21

Black

Male

Arizona

Murder

1993

2002

Andre Taylor

Black

Male

California

The justice system relies on people to tell the truth. But people lie.

Attempted Murder

1990

1998

Andrew Craig

24

Black

Male

Massachusetts

Assault

2005

2006

Andrew Johnson

39

Black

Male

Wyoming

Sexual Assault

1989

2013

Andrew Kayachith

19

Asian

Male

Fed-TN

Other Violent Felony

2012

2016

Andrew Taylor

25

Black

The justice system relies on people to tell the truth. But people lie.

Male

Florida

Child Sex Abuse

1991

2016

Angel M. DeAngelo

26

Hispanic

Male

Fed-NY

Murder

2003

2004

Angel Rodriguez

Hispanic

Male

Illinois

Murder

1998

2000

Angel Toro

30

Caucasian

Male

Massachusetts

Murder

1983

2004

Angelo Martinez

19

The justice system relies on people to tell the truth. But people lie.

Hispanic

Male

New York

Murder

1986

2002

Ann Shepard

33

Caucasian

Female

North Carolina

Other Violent Felony

1972

2012

Anna Vasquez

19

Hispanic

Female

Texas

Child Sex Abuse

1998

2016

Anthony Adams

26

Hispanic

Male

California

Manslaughter

1996

2001

The justice system relies on people to tell the truth. But people lie.

Anthony Bragdon

19

Black

Male

District of Columbia

Sexual Assault

1992

2003

Anthony Cooper

24

Caucasian

Male

Oklahoma

Child Sex Abuse

1995

1999

Anthony Davis

20

Caucasian

Male

Iowa

Sexual Assault

1990

1992

Anthony DiPippo

18

Caucasian

Male

New York

Murder

The justice system relies on people to tell the truth. But people lie.

1997

2016

Anthony Faison

21

Black

Male

New York

Murder

1988

2001

Anthony Graves

26

Black

Male

Texas

Murder

1994

2010

Anthony Johnson

27

Black

Male

Louisiana

Murder

1986

2010

Anthony Keko

62

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Louisiana

Murder

1993

1998

Anthony Lemons

19

Black

Male

Ohio

Murder

1995

2014

Anthony Ortiz

20

Hispanic

Male

New York

Murder

1993

2011

Anthony Porter

27

Black

Male

Illinois

Murder

1983

1999

Anthony Prineas

21

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Wisconsin

Sexual Assault

2004

2012

Anthony Ross

21

Black

Male

Illinois

Murder

2004

2015

Anthony Ways

19

Black

Male

New Jersey

Murder

1991

2005

Anthony Wright

20

Black

Male

Pennsylvania

Murder

1993

2016

The justice system relies on people to tell the truth. But people lie.

Anthony Yarbough

18

Black

Male

New York

Murder

1994

2014

Antoine Goff

19

Black

Male

California

Murder

1990

2003

Antoine Pettiford

23

Black

Male

Maryland

Murder

1995

2000

Antoine Terry

17

Black

Male

Missouri

Child Sex Abuse

The justice system relies on people to tell the truth. But people lie.

2008

2010

Antonino Lyons

40

Black

Male

Fed-FL

Robbery

2001

2004

Antonio Williams

35

Black

Male

Alabama

Child Sex Abuse

2007

2011

Antron McCray

14

Black

Male

New York

Sexual Assault

1990

2002

Antrone Johnson

17

Black

Male

The justice system relies on people to tell the truth. But people lie.

Texas

Child Sex Abuse

1996

2009

Armand Villasana

44

Hispanic

Male

Missouri

Sexual Assault

1999

2000

Armando Serrano

20

Hispanic

Male

Illinois

Murder

1994

2016

Arthur Grajeda

19

Hispanic

Male

California

Murder

1987

1991

Arthur Morris

34

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Kansas

Assault

2014

2014

Arthur Mumphrey

21

Black

Male

Texas

Child Sex Abuse

1986

2006

Artis Clemmons

29

Black

Male

Fed-LA

Drug Possession or Sale

1994

1995

Arturo Cortez

34

Hispanic

Male

California

Drug Possession or Sale

1998

2003

The justice system relies on people to tell the truth. But people lie.

Aubrey Ellen Shomo

16

Caucasian

Male

Colorado

Assault

2001

2016

Barry Byars

24

Caucasian

Male

Texas

Child Abuse

2004

2005

Barry Gibbs

38

Caucasian

Male

New York

Murder

1988

2005

Barshiri Sandy

32

Black

Male

North Carolina

Robbery

The justice system relies on people to tell the truth. But people lie.

2014

2016

Ben Baker

32

Black

Male

Illinois

Drug Possession or Sale

2006

2016

Ben Gersten

48

Caucasian

Male

New York

Child Sex Abuse

1999

2006

Ben Kiper

26

Caucasian

Male

Kentucky

Child Sex Abuse

2000

2007

Beniah Alton Dandridge

29

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Alabama

Murder

1996

2015

Benjamin Chavis, Jr.

23

Black

Male

North Carolina

Assault

1972

2012

Benjamin Seeland

32

Caucasian

Male

Alaska

Assault

2014

2015

Bennie Starks

26

Black

Male

Illinois

Sexual Assault

1986

2013

Benny Powell

26

The justice system relies on people to tell the truth. But people lie.

Black

Male

California

Murder

1975

1992

Bernard Baran

18

Caucasian

Male

Massachusetts

Child Sex Abuse

1985

2009

Bernard Ellis

26

Black

Male

Illinois

Murder

1996

2001

Bernard Webster

18

Black

Male

Maryland

Sexual Assault

1983

2002

The justice system relies on people to tell the truth. But people lie.

Beth LaBatte

24

Caucasian

Female

Wisconsin

Murder

1997

2006

Betty Tyson

24

Black

Female

New York

Murder

1973

1998

Beverly Monroe

54

Caucasian

Female

Virginia

Murder

1992

2003

Billy Julian

20

Caucasian

Male

Indiana

Arson

The justice system relies on people to tell the truth. But people lie.

2003

2010

Billy Wardell

21

Black

Male

Illinois

Sexual Assault

1988

1997

Bobby Johnson

16

Black

Male

Connecticut

Murder

2007

2015

Bobby Paiste Herrera

17

Hispanic

Male

California

Assault

1998

2000

Bobby Ray Dixon

22

Black

Male

The justice system relies on people to tell the truth. But people lie.

Mississippi

Murder

1980

2010

Bobby Townsend

43

Black

Male

Mississippi

Sexual Assault

1999

2001

Boping Chen

49

Asian

Male

California

Child Sex Abuse

2006

2009

Brad Carter

38

Caucasian

Male

Illinois

Child Sex Abuse

2013

2015

Braden Wenger

30

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

California

Other

2015

2016

Bradley Crawford

47

Caucasian

Male

Oklahoma

Stalking

2003

2004

Brandon Lewis

23

Caucasian

Male

Arizona

Assault

2013

2014

Brandy Briggs

19

Caucasian

Female

Texas

Child Abuse

2000

2006

The justice system relies on people to tell the truth. But people lie.

Brenda Kniffen

29

Caucasian

Female

California

Child Sex Abuse

1984

1996

Brendan Loftus

23

Caucasian

Male

California

Child Sex Abuse

1997

2000

Brian Banks

16

Black

Male

California

Sexual Assault

2003

2012

Brian Franklin

34

Caucasian

Male

Texas

Child Sex Abuse

The justice system relies on people to tell the truth. But people lie.

1995

2016

Brian McCray

24

Black

Male

Virginia

Murder

1993

1994

Bruce Godschalk

25

Caucasian

Male

Pennsylvania

Sexual Assault

1987

2002

Bruce Lisker

17

Caucasian

Male

California

Murder

1985

2009

Bruce McLaughlin

45

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Virginia

Child Sex Abuse

1998

2002

Bruce Nelson

24

Black

Male

Pennsylvania

Murder

1982

1991

Burrell Ellis

54

Black

Male

Georgia

Perjury

2015

2017

Byron Halsey

24

Black

Male

New Jersey

Murder

1988

2007

Calvin Day

59

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Texas

Sexual Assault

2013

2015

Calvin E. Washington

30

Black

Male

Texas

Murder

1987

2001

Calvin Newburn

26

Black

Male

California

Drug Possession or Sale

1997

1999

Calvin Ollins

14

Black

Male

Illinois

Murder

1988

2001

The justice system relies on people to tell the truth. But people lie.

Camaran Quiambao-Holland

19

Hispanic

Male

Illinois

Drug Possession or Sale

2009

2013

Caramad Conley

18

Black

Male

California

Murder

1994

2011

Carey Clark

37

Caucasian

Male

North Carolina

Murder

1996

1998

Carl Schoppe

30

Hispanic

Male

California

Gun Possession or Sale

The justice system relies on people to tell the truth. But people lie.

2015

2016

Carl Chatman

47

Black

Male

Illinois

Sexual Assault

2004

2013

Carl Dukes

19

Black

Male

New York

Murder

1998

2016

Carl Joe Kauffman, Jr.

21

Caucasian

Male

Pennsylvania

Robbery

2001

2004

Carl Montgomery

44

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Illinois

Burglary/Unlawful Entry

1984

1989

Carl Veltmann

62

Caucasian

Male

Fed-FL

Arson

1992

1996

Carlos Ashe

18

Black

Male

Connecticut

Murder

2000

2013

Carlos Davis

18

Black

Male

New York

Gun Possession or Sale

1991

2015

Carlos Flores

44

The justice system relies on people to tell the truth. But people lie.

Hispanic

Male

Texas

Assault

2010

2015

Carlos Lopez-Siguenza

21

Hispanic

Male

New Jersey

Child Sex Abuse

2004

2012

Carlos Montilla

22

Hispanic

Male

Massachusetts

Drug Possession or Sale

1988

1990

Carlos Morillo

29

Hispanic

Male

New York

Murder

1993

2011

The justice system relies on people to tell the truth. But people lie.

Carlos Perez

25

Hispanic

Male

New York

Murder

1997

2012

Carlos Rojas

34

Hispanic

Male

Fed-AL

Drug Possession or Sale

1990

2002

Carlton Wigfall

46

Black

Male

New York

Drug Possession or Sale

2011

2016

Carol Doggett

36

Caucasian

Female

Washington

Child Sex Abuse

The justice system relies on people to tell the truth. But people lie.

1995

2000

Carol Jean Wilson

57

Black

Female

Michigan

Forgery

2011

2013

Casey Ehrlick

19

Caucasian

Male

Montana

Sexual Assault

2015

2016

Cassandra Rivera

19

Hispanic

Female

Texas

Child Sex Abuse

1998

2016

Cathy Watkins

27

Black

Female

The justice system relies on people to tell the truth. But people lie.

New York

Murder

1997

2012

Ceaser Menendez

23

Hispanic

Male

California

Manslaughter

1996

2001

Chad Heins

18

Caucasian

Male

Florida

Murder

1996

2007

Charles Bunge

38

Caucasian

Male

New York

Attempt, Violent

2007

2010

Charles Fain

33

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Idaho

Murder

1983

2001

Charles Johnson

19

Black

Male

Illinois

Murder

1998

2017

Charles Maestas

39

Caucasian

Male

New Mexico

Sexual Assault

2003

2007

Charles McClaugherty

18

Caucasian

Male

New Mexico

Murder

2001

2008

The justice system relies on people to tell the truth. But people lie.

Charles Palmer

43

Black

Male

Illinois

Murder

2000

2016

Charles Shepherd

24

Black

Male

New York

Murder

1988

2001

Charles Smith

29

Black

Male

Indiana

Murder

1983

1991

Charles Tomlin

26

Black

Male

California

Murder

The justice system relies on people to tell the truth. But people lie.

1979

1994

Charles Wilhite

25

Black

Male

Massachusetts

Murder

2010

2013

Charlie Mitchell

34

Black

Male

Michigan

Murder

1989

2006

Chaunte Ott

21

Black

Male

Wisconsin

Murder

1996

2009

Cherice Thomas

18

Black

Female

The justice system relies on people to tell the truth. But people lie.

California

Murder

2009

2012

Cheryl Adams

26

Caucasian

Female

Massachusetts

Theft

1989

1993

Cheryl Beridon

23

Black

Female

Louisiana

Drug Possession or Sale

1979

2003

Cheydrick Britt

29

Black

Male

Florida

Child Sex Abuse

2004

2013

Christopher Abernathy

17

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Illinois

Murder

1987

2015

Christopher Boots

19

Caucasian

Male

Oregon

Murder

1987

1995

Christopher Burrowes

21

Black

Male

Wisconsin

Child Sex Abuse

2007

2009

Christopher C. Smith

32

Caucasian

Male

Indiana

Murder

1991

1993

The justice system relies on people to tell the truth. But people lie.

Christopher Clugston

20

Caucasian

Male

Florida

Murder

1983

2001

Christopher Cole

19

Caucasian

Male

Florida

Manslaughter

1997

2001

Christopher Coleman

20

Black

Male

Illinois

Sexual Assault

1995

2014

Christopher E. Prince

18

Black

Male

Virginia

Burglary/Unlawful Entry

The justice system relies on people to tell the truth. But people lie.

1994

1995

Christopher Harding

36

Black

Male

Massachusetts

Assault

1990

1998

Christopher Long

23

Black

Male

Michigan

Assault

2008

2008

Christopher McCrimmon

20

Black

Male

Arizona

Murder

1993

1997

Christopher McDermott

23

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Maryland

Child Sex Abuse

1999

2000

Christopher Parish

21

Black

Male

Indiana

Attempted Murder

1998

2006

Christopher Roesser

25

Caucasian

Male

Georgia

Murder

2008

2013

Christopher Veltmann

35

Caucasian

Male

Fed-FL

Arson

1992

1996

Chuong Nguyen

42

The justice system relies on people to tell the truth. But people lie.

Asian

Male

California

Other

2013

2016

Clarence Brandley

29

Black

Male

Texas

Murder

1981

1990

Clarence Chance

23

Black

Male

California

Murder

1975

1992

Clarissa Glenn

34

Black

Female

Illinois

Drug Possession or Sale

2006

2016

The justice system relies on people to tell the truth. But people lie.

Claudia Salcedo

21

Hispanic

Female

Illinois

Assault

2005

2007

Cleveland Wright

20

Black

Male

District of Columbia

Murder

1979

2014

Clinton Potts

30

Caucasian

Male

Oklahoma

Murder

2009

2012

Clinton Turner

31

Black

Male

New York

Robbery

The justice system relies on people to tell the truth. But people lie.

1988

2005

Clyde Ray Spencer

37

Caucasian

Male

Washington

Child Sex Abuse

1985

2010

Codell Griffin

41

Black

Male

Fed-IL

Drug Possession or Sale

1991

1994

Cody Marble

17

Caucasian

Male

Montana

Other

2002

2017

Colin Smith

42

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

California

Assault

2014

2016

Colin Warner

18

Black

Male

New York

Murder

1982

2001

Colleen Dill Forsythe

26

Caucasian

Female

California

Child Sex Abuse

1985

1991

Connie Cunningham

43

Caucasian

Female

Washington

Child Sex Abuse

1994

1997

Connie Tindall

21

The justice system relies on people to tell the truth. But people lie.

Black

Male

North Carolina

Assault

1972

2012

Cory Credell

27

Black

Male

South Carolina

Murder

2001

2012

Craig Johnson

27

Black

Male

Louisiana

Robbery

1996

1997

Crystal Weimer

23

Caucasian

Female

Pennsylvania

Murder

2006

2016

The justice system relies on people to tell the truth. But people lie.

Curtis Knight

35

Black

Male

New Jersey

Murder

1990

2001

Curtis Kyles

24

Black

Male

Louisiana

Murder

1984

1998

Curtis McCarty

20

Caucasian

Male

Oklahoma

Murder

1986

2007

Curtis McGhee

17

Black

Male

Iowa

Murder

The justice system relies on people to tell the truth. But people lie.

1978

2011

Curtis White

31

Black

Male

Virginia

Murder

1993

1994

Cy Greene

19

Black

Male

New York

Murder

1985

2006

Dahn Clary, Jr.

41

Caucasian

Male

Texas

Child Sex Abuse

1998

2016

Dail Stewart

22

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Utah

Murder

1984

1992

Dale Beckett

33

Black

Male

Ohio

Murder

1997

2003

Dale Duke

42

Caucasian

Male

Texas

Child Sex Abuse

1992

2011

Dale Helmig

37

Caucasian

Male

Missouri

Murder

1996

2011

Dale Palmer, Sr.

37

The justice system relies on people to tell the truth. But people lie.

Black

Male

Ohio

Child Sex Abuse

1994

1997

Damaso Vega

37

Hispanic

Male

New Jersey

Murder

1982

1989

Damian Mills

20

Black

Male

North Carolina

Murder

2001

2015

Damon Corner

23

Black

Male

Florida

Murder

2002

2012

The justice system relies on people to tell the truth. But people lie.

Dan Lackey

28

Caucasian

Male

New York

Sexual Assault

2004

2007

Dan Young

30

Black

Male

Illinois

Murder

1994

2005

Dana Holland

25

Black

Male

Illinois

Sexual Assault

1997

2003

Dana Payne

28

Caucasian

Male

Minnesota

Other Violent Felony

The justice system relies on people to tell the truth. But people lie.

1989

1991

Dana Scheer

34

Caucasian

Male

Fed-FL

Fraud

1995

1999

Danial Williams

25

Caucasian

Male

Virginia

Murder

1999

2016

Daniel Andersen

19

Caucasian

Male

Illinois

Murder

1982

2015

Daniel Bolstad

37

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Wisconsin

Sexual Assault

2007

2015

Daniel Crosby

31

Caucasian

Male

Montana

Child Sex Abuse

1996

2008

Daniel Cvijanovich

26

Caucasian

Male

Fed-ND

Other Nonviolent Felony

2007

2011

Daniel Gonzalez

18

Hispanic

Male

California

Assault

2006

2007

Daniel Larsen

30

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

California

Other Nonviolent Felony

1999

2014

Daniel Pickett

43

Caucasian

Male

California

Child Sex Abuse

2004

2004

Daniel Purtell

21

Caucasian

Male

Pennsylvania

Sexual Assault

2002

2004

Daniel Roy Settle

18

Caucasian

Male

Texas

Drug Possession or Sale

1999

2011

The justice system relies on people to tell the truth. But people lie.

Daniel Taylor

17

Black

Male

Illinois

Murder

1995

2013

Daniel Terens

27

Caucasian

Male

Wisconsin

Manslaughter

1991

1993

Danielle Enriquez

28

Hispanic

Female

Illinois

Drug Possession or Sale

2011

2013

Danny Colon

26

Hispanic

Male

New York

Murder

The justice system relies on people to tell the truth. But people lie.

1993

2011

Danny Davis

25

Black

Male

Fed-LA

Drug Possession or Sale

2006

2006

Danny Sarita

25

Hispanic

Male

New York

Assault

2009

2012

Darcus Henry

21

Black

Male

Connecticut

Murder

1999

2013

Darlene Span

39

Caucasian

Female

The justice system relies on people to tell the truth. But people lie.

Fed-AZ

Assault

1990

1996

Darrell Houston

23

Black

Male

Ohio

Murder

1992

2010

Darren Felix

19

Black

Male

New York

Attempted Murder

2004

2010

Darrian Mark Lawrence

20

Black

Male

Florida

Murder

2000

2005

Darryl Adams

25

The justice system relies on people to tell the truth. But people lie.

Black

Male

Texas

Sexual Assault

1992

2017

Darryl Austin

22

Black

Male

New York

Murder

1988

2014

Darryl Burton

22

Black

Male

Missouri

Murder

1985

2008

Darryl Howard

29

Black

Male

North Carolina

Murder

1995

2016

The justice system relies on people to tell the truth. But people lie.

Darryl Hunt

19

Black

Male

North Carolina

Murder

1985

2004

Darryl Pinkins

37

Black

Male

Indiana

Sexual Assault

1991

2016

David A. Gray

25

Black

Male

Illinois

Attempted Murder

1978

1999

David Ayers

42

Black

Male

Ohio

Murder

The justice system relies on people to tell the truth. But people lie.

2000

2011

David Bates

18

Black

Male

Illinois

Murder

1985

2015

David Boyce

19

Caucasian

Male

Virginia

Murder

1991

2013

David Bryson

28

Caucasian

Male

Oklahoma

Sexual Assault

1983

2003

David Camm

36

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Indiana

Murder

2002

2013

David DeSimone

45

Caucasian

Male

Iowa

Sexual Assault

2005

2012

David Dutcher

45

Caucasian

Male

California

Traffic Offense

2009

2012

David Fauntleroy

22

Black

Male

Illinois

Murder

1986

2009

David Garner

34

The justice system relies on people to tell the truth. But people lie.

Black

Male

Fed-OH

Robbery

2005

2008

David Ghysels, Jr.

45

Caucasian

Male

Fed-NY

Fraud

2009

2014

David Gladden

36

Black

Male

Pennsylvania

Murder

1995

2007

David Gonzalez

33

Hispanic

Male

South Dakota

Child Sex Abuse

1999

2001

The justice system relies on people to tell the truth. But people lie.

David Grannis

21

Caucasian

Male

Arizona

Murder

1991

1996

David Housler, Jr.

19

Caucasian

Male

Tennessee

Murder

1997

2014

David Kunze

44

Caucasian

Male

Washington

Murder

1997

2001

David Lazzell

32

Caucasian

Male

Louisiana

Child Sex Abuse

The justice system relies on people to tell the truth. But people lie.

1991

2007

David McCallum

16

Black

Male

New York

Murder

1986

2014

David McMahan

40

Caucasian

Male

Maine

Assault

2000

2001

David Moreno

19

Hispanic

Male

California

Murder

1998

2000

David Munchinski

25

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

Pennsylvania

Murder

1986

2013

David Parse

42

Caucasian

Male

Fed-NY

Tax Evasion/Fraud

2011

2016

David Peralta

23

Hispanic

Male

Georgia

Murder

2001

2013

David Ranta

35

Caucasian

Male

New York

Murder

1991

2013

David Schaaf

40

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Pennsylvania

Attempted Murder

2003

2006

David Sipe

27

Caucasian

Male

Fed-TX

Assault

2001

2007

David Wong

23

Asian

Male

New York

Murder

1987

2004

Davie Hurt

17

Black

Male

West Virginia

Murder

1998

2014

The justice system relies on people to tell the truth. But people lie.

Davonn Robinson

17

Black

Male

Wisconsin

Child Sex Abuse

2006

2010

Davontae Sanford

14

Black

Male

Michigan

Murder

2008

2016

De'Marchoe Carpenter

17

Black

Male

Oklahoma

Murder

1995

2016

Deborah McCuan

25

Caucasian

Female

California

Child Sex Abuse

The justice system relies on people to tell the truth. But people lie.

1984

1996

Debra Green

31

Black

Female

Illinois

Assault

2010

2011

Debra Milke

25

Caucasian

Female

Arizona

Murder

1990

2015

Debra Shelden

26

Caucasian

Female

Nebraska

Murder

1989

2009

Declan Woods

43

Caucasian

Male

The justice system relies on people to tell the truth. But people lie.

California

Traffic Offense

2007

2012

Demetrius Smith

25

Black

Male

Maryland

Murder

2010

2012

Denis Field

46

Caucasian

Male

Fed-NY

Tax Evasion/Fraud

2011

2013

Dennis Cerrano

46

Caucasian

Male

California

Child Sex Abuse

1998

2000

Dennis Devlin

38

The justice system relies on people to tell the truth. But people lie.

Caucasian

Male

Florida

Child Sex Abuse

1995

2002

Dennis Fritz

22

Caucasian

Male

Oklahoma

Murder

1988

1999

Dennis Halstead

26

Caucasian

Male

New York

Murder

1986

2005

Dennis Lewchuk

33

Caucasian

Male

Nebraska

Assault

1980

1996

The justice system relies on people to tell the truth. But people lie.

Dennis Tomasik

34

Caucasian

Male

Michigan

Child Sex Abuse

2007

2017

Dennis Williams

21

Black

Male

Illinois

Murder

1978

1996

Deon Patrick

20

Black

Male

Illinois

Murder

1995

2014

Derek Tice

27

Caucasian

Male

Virginia

Murder

The justice system relies on people to tell the truth. But people lie.

2000

2011

Derrick Deacon

34

Black

Male

New York

Murder

1989

2013

Derrick Hamilton

25

Black

Male

New York

Murder

1992

2015

Derrick Jamison

23

Black

Male

Ohio

Murder

1985

2005

Derrick Robinson

30

Black

Male

The justice system relies on people to tell the truth. But people lie.

Florida

Murder

1989

1991

DeShawn Reed

24

Black

Male

Michigan

Attempted Murder

2001

2009

Devon Ayers

18

Black

Male

New York

Murder

1997

2012

Devron Hodges

21

Black

Male

Texas

Robbery

2013

2015

Dewey Bozella

16

The justice system relies on people to tell the truth. But people lie.

Black

Male

New York

Murder

1983

2009

Dewey Davis

53

Caucasian

Male

West Virginia

Sexual Assault

1987

1995

Dewey Jones

30

Caucasian

Male

Ohio

Murder

1995

2014

Dhoruba bin Wahad

26

Black

Male

New York

Attempted Murder

1973

1995

The justice system relies on people to tell the truth. But people lie.

Domingo Calderon, III

26

Hispanic

Male

Texas

Child Sex Abuse

2005

2010

Dominic Okongwu

41

Black

Male

New York

Child Sex Abuse

1993

2011

Dominique Brim

14

Black

Female

Michigan

Assault

2002

2002

Don Ray Adams

32

Black

Male

Pennsylvania

Murder

The justice system relies on people to tell the truth. But people lie.

1992

2011

Don Taylor

20

Black

Male

New York

Murder

1989

2004

Donald Barnes, Jr.

32

Caucasian

Male

Florida

Child Sex Abuse

2011

2014

Donald Brock

Black

Male

Illinois

Theft

1989

1989

Donald Clark

35

Caucasian

Male

Iowa

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

2010

2016

Donald Dixon

18

Black

Male

Missouri

Murder

1985

2001

Donald Eugene Gates

30

Black

Male

District of Columbia

Murder

1982

2009

Donald Gainer

31

Caucasian

Male

Pennsylvania

Arson

1985

1992

Donald Glassman

36

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

New York

Sexual Assault

2007

2009

Donald Hannon

18

Caucasian

Male

Iowa

Sexual Assault

1990

1992

Donald Heistand

29

Caucasian

Male

Michigan

Accessory to Murder

1989

2002

Donald Kelly

26

Caucasian

Male

Pennsylvania

Murder

1990

1993

Donald Letcher

The justice system relies on people to tell the truth. But people lie.

29

Caucasian

Male

South Dakota

Child Sex Abuse

1995

1996

Donald Paradis

30

Caucasian

Male

Idaho

Murder

1981

2001

Donald Reynolds

20

Black

Male

Illinois

Sexual Assault

1988

1997

Donna Sue Hubbard

30

Caucasian

Female

California

Child Sex Abuse

1985

The justice system relies on people to tell the truth. But people lie.

1995

Donnell Johnson

16

Black

Male

Massachusetts

Murder

1996

2000

Donnell Thomas

22

Black

Male

New York

Child Sex Abuse

2007

2011

Donovan Allen

18

Caucasian

Male

Washington

Murder

2002

2015

Donya Davis

28

Black

Male

Michigan

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

2007

2014

Doris Green

34

Caucasian

Female

Washington

Child Sex Abuse

1995

1999

Drew Whitley

32

Black

Male

Pennsylvania

Murder

1989

2006

Dwayne Provience

27

Black

Male

Michigan

Murder

2001

2010

Dwight Allen

28

Black

The justice system relies on people to tell the truth. But people lie.

Male

Maryland

Assault

2000

2003

Dwight Grandson

17

Black

Male

District of Columbia

Murder

2006

2011

Dwight LaBran

23

Black

Male

Louisiana

Murder

1997

2001

Dwight Love

22

Black

Male

Michigan

Murder

1982

2001

E. Robert Wallach

The justice system relies on people to tell the truth. But people lie.

50

Caucasian

Male

Fed-NY

Fraud

1989

1993

Earl Berryman

24

Black

Male

New Jersey

Sexual Assault

1985

1997

Earl Truvia

17

Black

Male

Louisiana

Murder

1976

2003

Earl Washington

22

Black

Male

Virginia

Murder

1984

The justice system relies on people to tell the truth. But people lie.

2000

Earnest Leap

31

Caucasian

Male

Missouri

Child Sex Abuse

1992

2016

Edar Duarte Santos

26

Hispanic

Male

Illinois

Murder

2002

2003

Eddie Andre

41

Black

Male

New York

Murder

1988

1994

Eddie Lowery

22

Caucasian

Male

Kansas

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

1982

2003

Eddie Triplett

38

Black

Male

Louisiana

Drug Possession or Sale

1998

2011

Edgar Coker

15

Black

Male

Virginia

Sexual Assault

2007

2014

Edgar Rivas

37

Hispanic

Male

Fed-NY

Drug Possession or Sale

2003

2004

Edward Baker

17

Black

The justice system relies on people to tell the truth. But people lie.

Male

Pennsylvania

Murder

1974

2002

Edward Colomb

26

Black

Male

Fed-LA

Drug Possession or Sale

2006

2006

Edward Honaker

33

Caucasian

Male

Virginia

Sexual Assault

1985

1994

Edward McInnis

27

Black

Male

North Carolina

Sexual Assault

1988

2015

Edward McNenney

The justice system relies on people to tell the truth. But people lie.

40

Caucasian

Male

New York

Fraud

2008

2011

Edward Stewart

26

Black

Male

Pennsylvania

Murder

2007

2015

Edward Williams

25

Black

Male

Ohio

Assault

1997

2015

Edwin Rodriguez

18

Hispanic

Male

New Jersey

Other

2014

The justice system relies on people to tell the truth. But people lie.

2014

Edwin Wilson

49

Caucasian

Male

Fed-VA

Gun Possession or Sale

1983

2004

Elizabeth Ramirez

20

Hispanic

Female

Texas

Child Sex Abuse

1998

2016

Ellen Reasonover

24

Black

Female

Missouri

Murder

1983

1999

Elmer Pratt

21

Black

Male

California

The justice system relies on people to tell the truth. But people lie.

Murder

1972

1999

Elroy Lucky Jones

26

Black

Male

Michigan

Murder

2006

2014

Emmaline Williams

43

Black

Female

Illinois

Child Sex Abuse

1986

1995

Eric Caine

19

Black

Male

Illinois

Murder

1989

2011

Eric Glisson

18

Black

The justice system relies on people to tell the truth. But people lie.

Male

New York

Murder

1997

2012

Eric Jackson-Knight

21

Black

Male

New York

Murder

1980

1994

Eric Lynn

25

Black

Male

Maryland

Murder

1994

2007

Eric Proctor

18

Caucasian

Male

Oregon

Murder

1986

1995

Eric Robinson

The justice system relies on people to tell the truth. But people lie.

23

Black

Male

California

Murder

1994

2007

Eric Sarsfield

23

Caucasian

Male

Massachusetts

Sexual Assault

1987

2000

Ernest Matthews

20

Black

Male

North Carolina

Murder

1993

2016

Eugene Vent

17

Native American

Male

Alaska

Murder

1999

The justice system relies on people to tell the truth. But people lie.

2015

Evan Lee Deakle, Jr.

59

Caucasian

Male

Alabama

Child Sex Abuse

2015

2015

Everton Wagstaffe

23

Black

Male

New York

Kidnapping

1993

2015

Ezequiel Apolo-Albino

55

Hispanic

Male

Washington

Child Sex Abuse

2009

2016

Federico Macias

31

Hispanic

Male

Texas

The justice system relies on people to tell the truth. But people lie.

Murder

1984

1993

Fernando Bermudez

21

Hispanic

Male

New York

Murder

1992

2009

Floyd Bledsoe

23

Caucasian

Male

Kansas

Murder

2000

2015

Frances Ballard

54

Caucasian

Female

Tennessee

Child Sex Abuse

1987

1993

Francisco Hernandez

26

Hispanic

The justice system relies on people to tell the truth. But people lie.

Male

California

Murder

2002

2005

Francisco Islas, Jr.

47

Hispanic

Male

Arizona

Drug Possession or Sale

2013

2013

Frank Lee Smith

37

Black

Male

Florida

Murder

1986

2000

Frank Lind

44

Caucasian

Male

California

Child Sex Abuse

2002

2005

Frank O'Connell

The justice system relies on people to tell the truth. But people lie.

25

Caucasian

Male

California

Murder

1985

2012

Frank Sealie

23

Black

Male

Alabama

Murder

2014

2015

Franklin Beauchamp

27

Hispanic

Male

New York

Child Sex Abuse

1986

1989

Franky Carrillo

15

Hispanic

Male

California

Murder

1992

The justice system relies on people to tell the truth. But people lie.

2011

Fredda Susie Mowbray

39

Caucasian

Female

Texas

Murder

1988

1998

Freddie Peacock

26

Black

Male

New York

Sexual Assault

1976

2010

Gary Dotson

20

Caucasian

Male

Illinois

Sexual Assault

1979

1989

Gary Engel

33

Caucasian

Male

Missouri

The justice system relies on people to tell the truth. But people lie.

Kidnapping

1991

2010

Gary Gathers

17

Black

Male

District of Columbia

Murder

1994

2015

Gary Gauger

41

Caucasian

Male

Illinois

Murder

1993

1996

Gary Lamar James

23

Black

Male

Ohio

Murder

1977

2003

Gary Nelson

29

Black

The justice system relies on people to tell the truth. But people lie.

Male

Georgia

Murder

1980

1991

Gary Woodside, Jr.

20

Caucasian

Male

New York

Manslaughter

1989

2007

Gayle Dove

41

Caucasian

Female

Texas

Child Sex Abuse

1986

1989

Gene Bibbins

29

Black

Male

Louisiana

Child Sex Abuse

1987

2003

Gene Curtis Ballinger

The justice system relies on people to tell the truth. But people lie.

45

Caucasian

Male

New Mexico

Murder

1981

1993

Gene Graham

40

Caucasian

Male

Oklahoma

Child Sex Abuse

2013

2016

George Allen, Jr.

25

Black

Male

Missouri

Murder

1983

2013

George Franklin

30

Caucasian

Male

California

Murder

1990

The justice system relies on people to tell the truth. But people lie.

1996

George Frese

20

Native American

Male

Alaska

Murder

1999

2015

George Gross

38

Caucasian

Male

New Jersey

Child Sex Abuse

1998

2001

George Lindstadt

42

Caucasian

Male

New York

Child Sex Abuse

1989

2001

George Seiber

41

Caucasian

Male

Ohio

The justice system relies on people to tell the truth. But people lie.

Assault

1987

1999

George Walls

39

Black

Male

Pennsylvania

Sexual Assault

2003

2011

Gerald Atlas

25

Black

Male

California

Attempted Murder

1990

1998

Gerald Burge

29

Caucasian

Male

Louisiana

Murder

1986

1992

Gerald Davis

26

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

West Virginia

Sexual Assault

1986

1995

Gerald Minsky

42

Caucasian

Male

Fed-KY

Conspiracy

1991

1992

Gilbert Alejandro

35

Hispanic

Male

Texas

Sexual Assault

1990

1994

Gina Miller

25

Caucasian

Female

California

Child Sex Abuse

1985

1991

Glen Edward Chapman

The justice system relies on people to tell the truth. But people lie.

24

Black

Male

North Carolina

Murder

1994

2008

Glen Nickerson

29

Caucasian

Male

California

Murder

1987

2003

Glen Woodall

28

Caucasian

Male

West Virginia

Sexual Assault

1987

1992

Glenn Davis, Jr.

18

Black

Male

Louisiana

Murder

1993

The justice system relies on people to tell the truth. But people lie.

2010

Glenn Ford

34

Black

Male

Louisiana

Murder

1984

2014

Gloria Killian

35

Caucasian

Female

California

Murder

1986

2002

Gloria Salcedo

46

Hispanic

Female

Illinois

Assault

2005

2007

Gordon Steidl

35

Caucasian

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1987

2004

Grace Dill

50

Caucasian

Female

California

Child Sex Abuse

1985

1991

Grant Self

31

Caucasian

Male

California

Child Sex Abuse

1985

2008

Gregory Bright

20

Black

Male

Louisiana

Murder

1976

2003

Gregory Taylor

28

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

North Carolina

Murder

1993

2010

Gregory Wallis

27

Caucasian

Male

Texas

Sexual Assault

1989

2007

Gyronne Buckley

44

Black

Male

Arkansas

Drug Possession or Sale

1999

2010

Harold Everett

65

Caucasian

Male

Washington

Child Sex Abuse

1994

1998

Harold Grant Snowden

The justice system relies on people to tell the truth. But people lie.

38

Caucasian

Male

Florida

Child Sex Abuse

1986

1998

Harold Hall

37

Black

Male

California

Murder

1990

2004

Harold Hill

16

Black

Male

Illinois

Murder

1994

2005

Harold Richardson

16

Black

Male

Illinois

Murder

1997

The justice system relies on people to tell the truth. But people lie.

2012

Harold Sullivan

31

Caucasian

Male

Massachusetts

Murder

1986

1990

Harold Wright, Jr.

32

Black

Male

Washington

Sexual Assault

2007

2013

Hayes Williams

19

Black

Male

Louisiana

Murder

1968

1997

Henry Cunningham

46

Caucasian

Male

Washington

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1994

1999

Henry McCollum

19

Black

Male

North Carolina

Murder

1984

2014

Henry Surpris

34

Black

Male

North Carolina

Robbery

2014

2016

Henry Tameleo

63

Caucasian

Male

Massachusetts

Murder

1968

2001

Herbert Whitlock

39

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

1987

2008

Hilliard Fields

25

Black

Male

Texas

Child Sex Abuse

1997

2011

Howard Dudley

34

Black

Male

North Carolina

Child Sex Abuse

1992

2016

Howard Weimer

57

Caucasian

Male

California

Child Sex Abuse

1985

2005

Idella Everett

The justice system relies on people to tell the truth. But people lie.

41

Caucasian

Female

Washington

Child Sex Abuse

1994

1998

Idris Fahra

21

Black

Male

Fed-TN

Other Violent Felony

2012

2016

Ignacio Varela

42

Hispanic

Male

Illinois

Murder

1982

1991

Ingmar Guandique

19

Hispanic

Male

District of Columbia

Murder

2010

The justice system relies on people to tell the truth. But people lie.

2016

Isaac Knapper

17

Black

Male

Louisiana

Murder

1979

1991

Isaiah McCoy

22

Black

Male

Delaware

Murder

2012

2017

Isauro Sanchez

20

Hispanic

Male

Illinois

Murder

1982

1991

Jabbar Collins

20

Black

Male

New York

The justice system relies on people to tell the truth. But people lie.

Murder

1995

2010

Jack Dinning

38

Caucasian

Male

Georgia

Murder

1993

1997

Jack McCullough

18

Caucasian

Male

Illinois

Murder

2012

2016

Jack Ray Broam

29

Caucasian

Male

Nevada

Child Sex Abuse

1990

1998

Jacob Beard

34

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

West Virginia

Murder

1993

2000

Jacob Trakhtenberg

67

Caucasian

Male

Michigan

Child Sex Abuse

2006

2013

Jacqueline Latta

27

Caucasian

Female

Indiana

Murder

1990

2002

Jacques Rivera

23

Hispanic

Male

Illinois

Murder

1990

2011

Jamar Smythe

The justice system relies on people to tell the truth. But people lie.

30

Black

Male

New York

Drug Possession or Sale

2013

2015

James Albert Robison

53

Caucasian

Male

Arizona

Murder

1977

1993

James Andrews

21

Black

Male

Illinois

Murder

1985

2008

James Bell, Jr.

27

Black

Male

Pennsylvania

Drug Possession or Sale

2008

The justice system relies on people to tell the truth. But people lie.

2014

James Blackshire

18

Black

Male

Texas

Child Sex Abuse

1995

2009

James Bowman

18

Black

Male

Missouri

Murder

1986

2001

James Bryant

38

Black

Male

California

Drug Possession or Sale

1997

2000

James Catton

43

Caucasian

Male

Fed-IL

The justice system relies on people to tell the truth. But people lie.

Fraud

1994

2004

James Dean

20

Caucasian

Male

Nebraska

Murder

1989

2009

James E. Richardson, Jr.

36

Caucasian

Male

West Virginia

Murder

1989

1999

James Eardley

23

Caucasian

Male

Illinois

Conspiracy

1990

1991

James Edwards

44

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

1996

2012

James Fisher

32

Caucasian

Male

Fed-TX

Conspiracy

1995

1997

James Green

46

Black

Male

Tennessee

Child Sex Abuse

2006

2008

James Grissom

43

Caucasian

Male

Michigan

Sexual Assault

2003

2012

James Haley

The justice system relies on people to tell the truth. But people lie.

24

Black

Male

Massachusetts

Murder

1972

2008

James Harden

16

Black

Male

Illinois

Murder

1995

2011

James Hill

17

Black

Male

Indiana

Sexual Assault

1982

2009

James Joseph Richardson

31

Black

Male

Florida

Murder

1968

The justice system relies on people to tell the truth. But people lie.

1989

James Kluppelberg

18

Caucasian

Male

Illinois

Murder

1989

2012

James L. Owens

22

Caucasian

Male

Maryland

Murder

1988

2008

James McKoy

17

Black

Male

North Carolina

Assault

1972

2012

James Newsome

24

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1980

1995

James Norman Perry

31

Caucasian

Male

Michigan

Child Sex Abuse

2006

2008

James S. Anderson

26

Black

Male

Washington

Robbery

2005

2009

James Shortt

21

Black

Male

California

Murder

1982

2010

James Simmons

47

Black

The justice system relies on people to tell the truth. But people lie.

Male

Washington

Drug Possession or Sale

2007

2010

James Strughold

53

Caucasian

Male

Missouri

Child Sex Abuse

1997

1999

James Thomas Hart

43

Caucasian

Male

California

Child Sex Abuse

1990

2001

James Vaughan III

28

Black

Male

Ohio

Child Sex Abuse

2008

2009

James Walker

The justice system relies on people to tell the truth. But people lie.

30

Black

Male

New York

Murder

1971

1990

James Williams

50

Caucasian

Male

Georgia

Murder

1982

1989

Jarrett M. Adams

17

Black

Male

Wisconsin

Sexual Assault

2000

2007

Jason Barber

21

Caucasian

Male

Texas

Murder

1997

The justice system relies on people to tell the truth. But people lie.

2000

Jason Ellison

23

Caucasian

Male

Kansas

Sexual Assault

2006

2011

Jason Girts

22

Caucasian

Male

Kentucky

Child Sex Abuse

2006

2008

Jason Roberts

16

Caucasian

Male

South Carolina

Murder

1995

2005

Jason Strong

24

Caucasian

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

2000

2015

Javon Patterson

25

Black

Male

Illinois

Gun Possession or Sale

2007

2010

Jay C. Smith

50

Caucasian

Male

Pennsylvania

Murder

1986

1992

Jay Cee Manning

28

Caucasian

Male

Nevada

Child Sex Abuse

1990

1998

Jeanie Becerra

21

Caucasian

The justice system relies on people to tell the truth. But people lie.

Female

Kansas

Obstruction of Justice

2014

2014

Jed Allen Gressman

22

Caucasian

Male

Utah

Sexual Assault

1993

1996

Jeff Schmieder

41

Caucasian

Male

Washington

Sexual Assault

1998

1999

Jeffery Funes

15

Hispanic

Male

California

Assault

2006

2006

Jeffery Willett

The justice system relies on people to tell the truth. But people lie.

29

Caucasian

Male

Wisconsin

Child Sex Abuse

2007

2010

Jeffrey Blake

21

Black

Male

New York

Murder

1991

1998

Jeffrey Cox

22

Caucasian

Male

Virginia

Murder

1991

2001

Jeffrey Modahl

29

Caucasian

Male

California

Child Sex Abuse

1986

The justice system relies on people to tell the truth. But people lie.

1999

Jeffrey Moldowan

20

Caucasian

Male

Michigan

Sexual Assault

1991

2003

Jeffrey Santos

40

Black

Male

New York

Assault

1998

2004

Jeffrey Todd Pierce

23

Caucasian

Male

Oklahoma

Sexual Assault

1986

2001

Jennifer Wilcox

20

Caucasian

Female

Ohio

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1985

1997

Jepheth Barnes

51

Black

Male

South Carolina

Child Sex Abuse

1996

2003

Jeremiah Brinson

28

Black

Male

New York

Robbery

1999

2009

Jermaine Dollard

38

Black

Male

Delaware

Drug Possession or Sale

2013

2015

Jermaine Walker

29

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Drug Possession or Sale

2006

2016

Jerome Cruz

24

Hispanic

Male

New York

Drug Possession or Sale

2007

2007

Jerome Morgan

17

Black

Male

Louisiana

Murder

1994

2016

Jerome Thagard

16

Black

Male

New York

Murder

2010

2014

Jerry Brock

The justice system relies on people to tell the truth. But people lie.

35

Black

Male

Washington

Child Sex Abuse

1995

2014

Jerry Jacobs

18

Black

Male

North Carolina

Assault

1972

2012

Jerry Jamaal Jones

24

Black

Male

Wisconsin

Assault

2010

2011

Jerry Span

57

Caucasian

Male

Fed-AZ

Assault

1990

The justice system relies on people to tell the truth. But people lie.

1996

Jerry Watkins

26

Caucasian

Male

Indiana

Murder

1986

2000

Jesse Allen Cheshire

37

Caucasian

Male

Oklahoma

Child Sex Abuse

2004

2008

Jesse Alvarez

19

Hispanic

Male

California

Manslaughter

1996

2001

Jesse Miller, Jr.

17

Black

Male

Florida

The justice system relies on people to tell the truth. But people lie.

Murder

2009

2014

Jesse Risha

47

Caucasian

Male

Fed-PA

Attempt, Violent

2004

2006

Jessica Elsayed

21

Caucasian

Female

Illinois

Drug Possession or Sale

2012

2013

Jesus Ramirez

48

Hispanic

Male

Texas

Murder

1998

2008

Jesus Torres

29

Hispanic

The justice system relies on people to tell the truth. But people lie.

Male

New York

Child Sex Abuse

1986

1990

Jimmie Gardner

20

Black

Male

West Virginia

Sexual Assault

1990

2016

Jimmy Bass

18

Black

Male

Mississippi

Robbery

1988

2010

Jimmy Lee Baker

22

Caucasian

Male

Oklahoma

Assault

2009

2010

Jimmy Ray Bromgard

The justice system relies on people to tell the truth. But people lie.

18

Caucasian

Male

Montana

Child Sex Abuse

1987

2002

Joaquin Jose Martinez

23

Hispanic

Male

Florida

Murder

1997

2001

Joe Burrows

35

Caucasian

Male

Illinois

Murder

1989

1996

Joe D'Ambrosio

26

Caucasian

Male

Ohio

Murder

1989

The justice system relies on people to tell the truth. But people lie.

2012

Joe Elizondo

49

Hispanic

Male

Texas

Child Sex Abuse

1984

1997

Joe Lea

24

Hispanic

Male

California

Child Sex Abuse

2000

2009

Joe Sidney Williams

19

Black

Male

Texas

Murder

1987

1993

Joel Alcox

22

Caucasian

Male

California

The justice system relies on people to tell the truth. But people lie.

Murder

1987

2016

Joel Covender

26

Caucasian

Male

Ohio

Child Sex Abuse

1996

2014

Joel Fowler

17

Black

Male

New York

Murder

2009

2015

Joel Miller

35

Caucasian

Male

Fed-CA

Gun Possession or Sale

2012

2014

John Carney

32

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Fed-TX

Conspiracy

1995

1997

John Duval

21

Black

Male

New York

Murder

1973

2000

John Edward Smith

18

Black

Male

California

Murder

1994

2012

John Fitzgerald

40

Caucasian

Male

Fed-CA

Tax Evasion/Fraud

2007

2009

John Holsomback

The justice system relies on people to tell the truth. But people lie.

33

Caucasian

Male

Alabama

Child Sex Abuse

1988

2000

John Hooper

48

Black

Male

New York

Gun Possession or Sale

2013

2015

John Jackson

59

Black

Male

Washington

Drug Possession or Sale

1996

2001

John Kogut

19

Caucasian

Male

New York

Murder

1986

The justice system relies on people to tell the truth. But people lie.

2005

John Manfredi

48

Caucasian

Male

New York

Bribery

1989

1994

John Michael Harvey

24

Caucasian

Male

Texas

Child Sex Abuse

1992

2005

John Mooney

19

Caucasian

Male

Maryland

Murder

2010

2014

John O'Hara

32

Caucasian

Male

New York

The justice system relies on people to tell the truth. But people lie.

Fraud

1997

2017

John Palazzolo

48

Caucasian

Male

Michigan

Sexual Assault

2006

2012

John Palladino

41

Caucasian

Male

Connecticut

Sexual Assault

2000

2002

John Peel

18

Caucasian

Male

Florida

Manslaughter

2000

2002

John Randall Alexander

22

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Mississippi

Murder

1989

2010

John Restivo

25

Caucasian

Male

New York

Murder

1986

2005

John Sosnovske

39

Caucasian

Male

Oregon

Murder

1991

1995

John Stoll

41

Caucasian

Male

California

Child Sex Abuse

1985

2004

John Street

The justice system relies on people to tell the truth. But people lie.

36

Caucasian

Male

Fed-MO

Murder

2006

2009

John Tennison

17

Black

Male

California

Murder

1990

2003

John Thompson

22

Black

Male

Louisiana

Murder

1985

2003

John Willis

42

Black

Male

Illinois

Sexual Assault

1993

The justice system relies on people to tell the truth. But people lie.

1999

Johnathan Montgomery

14

Caucasian

Male

Virginia

Sexual Assault

2008

2013

Johnnie Johnson

18

Black

Male

Connecticut

Murder

2001

2013

Johnnie O'Neal

25

Black

Male

New York

Sexual Assault

1985

2013

Johnnie Savory

14

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1977

2015

Johnny Hincapie

18

Hispanic

Male

New York

Murder

1991

2017

Johnny Lee Wilson

20

Caucasian

Male

Missouri

Murder

1987

1995

Johnny Reeves

41

Caucasian

Male

Ohio

Child Sex Abuse

1989

1999

Johnny Small

15

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

North Carolina

Murder

1989

2016

Johnny Vargas-Cintron

34

Hispanic

Male

Massachusetts

Drug Possession or Sale

2011

2013

Jon Keith Smith

17

Black

Male

Missouri

Murder

1987

2000

Jonathan Barr

14

Black

Male

Illinois

Murder

1997

2011

Jonathan Dominguez

The justice system relies on people to tell the truth. But people lie.

15

Hispanic

Male

California

Assault

2006

2006

Jonathan Fleming

27

Black

Male

New York

Murder

1990

2014

Jonathan Leal-Del Carmen

44

Hispanic

Male

Fed-CA

Immigration

2010

2012

Jonathan Scott Pierpoint

28

Caucasian

Male

North Carolina

Child Sex Abuse

1992

The justice system relies on people to tell the truth. But people lie.

2010

Jonathan Tears

29

Black

Male

Tennessee

Attempted Murder

2009

2014

Jonathan Wheeler-Whichard

15

Black

Male

New York

Murder

1997

2009

Jonathon Hoffman

41

Black

Male

North Carolina

Murder

1996

2007

Jorge Alvarez

23

Hispanic

Male

California

The justice system relies on people to tell the truth. But people lie.

Manslaughter

1996

2001

Jose Caro

27

Hispanic

Male

Puerto Rico

Murder

1994

2016

Jose Garcia

27

Hispanic

Male

New York

Murder

1993

2007

Jose Luis Pena

36

Hispanic

Male

Texas

Drug Possession or Sale

2003

2011

Jose Montanez

25

Hispanic

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

1994

2016

Joseph Amrine

28

Black

Male

Missouri

Murder

1986

2003

Joseph Anthony Scamardo, Jr.

35

Caucasian

Male

Arkansas

Child Sex Abuse

2010

2013

Joseph Awe

36

Caucasian

Male

Wisconsin

Arson

2007

2013

Joseph Dick, Jr.

The justice system relies on people to tell the truth. But people lie.

20

Caucasian

Male

Virginia

Murder

1999

2016

Joseph Eastridge

28

Caucasian

Male

District of Columbia

Murder

1975

2005

Joseph Green

36

Black

Male

Florida

Murder

1993

2000

Joseph Hoehmann

35

Caucasian

Male

New York

Child Sex Abuse

1996

The justice system relies on people to tell the truth. But people lie.

1998

Joseph Salvati

31

Caucasian

Male

Massachusetts

Murder

1968

2001

Joseph Sledge

34

Black

Male

North Carolina

Murder

1978

2015

Joseph Smith

32

Caucasian

Male

New York

Murder

2002

2002

Joseph Sousa

26

Caucasian

Male

District of Columbia

The justice system relies on people to tell the truth. But people lie.

Murder

1975

2005

Joseph White

22

Caucasian

Male

Nebraska

Murder

1989

2008

Joshua Kezer

17

Caucasian

Male

Missouri

Murder

1994

2009

Josiah Sutton

16

Black

Male

Texas

Sexual Assault

1999

2004

Joy Wosu

33

Black

The justice system relies on people to tell the truth. But people lie.

Female

New York

Child Sex Abuse

1993

2009

Joyce Ann Brown

33

Black

Female

Texas

Murder

1980

1990

Juan Carlos Pichardo

23

Hispanic

Male

New York

Murder

1994

2000

Juan Celestino

41

Hispanic

Male

Ohio

Child Sex Abuse

1991

1995

Juan Herrera

The justice system relies on people to tell the truth. But people lie.

21

Hispanic

Male

California

Murder

1999

2006

Juan Johnson

19

Black

Male

Illinois

Murder

1991

2004

Juan Ramirez-Lopez

44

Hispanic

Male

Fed-CA

Immigration

2000

2003

Juan Rivera

19

Hispanic

Male

Illinois

Murder

1993

The justice system relies on people to tell the truth. But people lie.

2012

Juan Roberto Melendez

32

Hispanic

Male

Florida

Murder

1984

2002

Julie Rea

28

Caucasian

Female

Illinois

Murder

2002

2006

Julie Richardson

44

Caucasian

Female

California

Drug Possession or Sale

1999

2001

Justin Chapman

27

Caucasian

Male

Georgia

The justice system relies on people to tell the truth. But people lie.

Murder

2007

2016

Justin Pacheco

18

Hispanic

Male

California

Murder

1998

2000

Kareem Bellamy

26

Black

Male

New York

Murder

1995

2011

Karen O'Dell

37

Caucasian

Female

Florida

Drug Possession or Sale

1998

2000

Karim Koubriti

22

Other

The justice system relies on people to tell the truth. But people lie.

Male

Fed-MI

Supporting Terrorism

2003

2004

Kash Register

18

Black

Male

California

Murder

1979

2013

Kathryn Dawn Wilson

22

Caucasian

Female

North Carolina

Child Sex Abuse

1993

1997

Kathy Gonzalez

24

Hispanic

Female

Nebraska

Murder

1989

2009

Keevin Leonard

The justice system relies on people to tell the truth. But people lie.

42

Caucasian

Male

Fed-NY

Fraud

2009

2016

Keith Cooper

29

Black

Male

Indiana

Robbery

1997

2017

Keith Harward

26

Caucasian

Male

Virginia

Murder

1983

2016

Keith Mitchell

18

Black

Male

District of Columbia

Murder

1994

The justice system relies on people to tell the truth. But people lie.

2015

Kelvin Wiley

29

Black

Male

California

Assault

1990

1992

Kennedy Brewer

21

Black

Male

Mississippi

Murder

1995

2008

Kenneth Adams

21

Black

Male

Illinois

Murder

1978

1996

Kenneth Atkins

16

Caucasian

Male

Florida

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

2004

2008

Kenneth Conley

27

Caucasian

Male

Massachusetts

Perjury

1998

2005

Kenneth Faulkner

39

Caucasian

Male

California

Kidnapping

2000

2003

Kenneth Gordon

40

Black

Male

Illinois

Theft

2002

2008

Kenneth Ireland

16

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Connecticut

Murder

1989

2009

Kenneth Kagonyera

20

Black

Male

North Carolina

Murder

2001

2011

Kenneth Pavel

41

Caucasian

Male

New York

Child Sex Abuse

1989

2001

Kenneth Waters

25

Caucasian

Male

Massachusetts

Murder

1983

2001

Kenneth Wayne Boyd, Jr.

The justice system relies on people to tell the truth. But people lie.

22

Black

Male

Texas

Murder

1999

2013

Kerry Kotler

22

Caucasian

Male

New York

Sexual Assault

1982

1992

Kerry Porter

34

Black

Male

Kentucky

Murder

1998

2011

Kevin Baruxes

18

Caucasian

Male

California

Sexual Assault

1996

The justice system relies on people to tell the truth. But people lie.

2003

Kevin K. Peterson

33

Caucasian

Male

Nebraska

Murder

1994

1995

Kevin Martin

17

Black

Male

District of Columbia

Manslaughter

1984

2014

Kevin Pease

19

Native American

Male

Alaska

Murder

1999

2015

Kevin Peterson

32

Caucasian

Male

Utah

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1990

2012

Kevin Richardson

14

Black

Male

New York

Sexual Assault

1990

2002

Kevin Siehl

35

Caucasian

Male

Pennsylvania

Murder

1992

2016

Kian Khatibi

22

Caucasian

Male

New York

Assault

1999

2008

Kim Hairston

32

Black

The justice system relies on people to tell the truth. But people lie.

Male

Ohio

Murder

1993

1995

Kimberly Mawson

32

Caucasian

Female

Rhode Island

Murder

2007

2012

Korey Wise

16

Black

Male

New York

Sexual Assault

1990

2002

Kristie Mayhugh

21

Hispanic

Female

Texas

Child Sex Abuse

1998

2016

Kristine Bunch

The justice system relies on people to tell the truth. But people lie.

21

Caucasian

Female

Indiana

Murder

1996

2012

Kum Yet Cheung

29

Asian

Male

California

Attempt, Violent

1995

2002

Kwame Ajamu

17

Black

Male

Ohio

Murder

1975

2014

Kyle Weldon

21

Caucasian

Male

Iowa

Drug Possession or Sale

2015

The justice system relies on people to tell the truth. But people lie.

2017

Lafayette Green

38

Black

Male

Florida

Sexual Assault

1996

1997

Lambert Charles

16

Black

Male

New York

Manslaughter

1993

1998

Lamont Branch

23

Black

Male

New York

Murder

1990

2002

LaMonte Armstrong

38

Black

Male

North Carolina

The justice system relies on people to tell the truth. But people lie.

Murder

1995

2013

Lana Canen

43

Caucasian

Female

Indiana

Murder

2005

2012

Larod Styles

16

Black

Male

Illinois

Murder

1998

2017

Larry Bostic

31

Black

Male

Florida

Sexual Assault

1989

2007

Larry Delmore

22

Black

The justice system relies on people to tell the truth. But people lie.

Male

Louisiana

Murder

1993

2010

Larry Gurley

20

Black

Male

New York

Murder

1972

1994

Larry Hudson

19

Black

Male

Louisiana

Murder

1967

1993

Larry Lamb

36

Black

Male

North Carolina

Murder

1993

2013

Larry Lane Huges

The justice system relies on people to tell the truth. But people lie.

48

Black

Male

Maryland

Robbery

2004

2013

Larry Ollins

16

Black

Male

Illinois

Murder

1988

2001

Larry Osborne

17

Caucasian

Male

Kentucky

Murder

1999

2002

Larry Pat Souter

26

Caucasian

Male

Michigan

Murder

1992

The justice system relies on people to tell the truth. But people lie.

2005

Larry Peterson

36

Black

Male

New Jersey

Murder

1989

2006

Larry Pohlschneider

33

Caucasian

Male

California

Child Sex Abuse

2001

2015

Larry Ruffin

19

Black

Male

Mississippi

Murder

1980

2011

Larry Williams, Jr.

16

Black

Male

North Carolina

The justice system relies on people to tell the truth. But people lie.

Murder

2002

2015

Lashane Westbrooks

29

Black

Male

New York

Drug Possession or Sale

2007

2007

LaShawn Ezell

15

Black

Male

Illinois

Robbery

1998

2017

LaShawn Johnson

28

Black

Male

Fed-MT

Drug Possession or Sale

2006

2015

Lathan Word

18

Black

The justice system relies on people to tell the truth. But people lie.

Male

Georgia

Robbery

2000

2011

Lathierial Boyd

24

Black

Male

Illinois

Murder

1990

2013

Latisha Johnson

18

Black

Female

New York

Attempted Murder

2007

2014

Laurence Adams

19

Black

Male

Massachusetts

Murder

1974

2004

Laurie Moore

The justice system relies on people to tell the truth. But people lie.

33

Caucasian

Male

Michigan

Manslaughter

1987

1991

Lavell Jones

19

Black

Male

New York

Murder

1999

2016

LaVelle Davis

20

Black

Male

Illinois

Murder

1997

2009

Lawrence Simmons

19

Black

Male

New Jersey

Murder

1977

The justice system relies on people to tell the truth. But people lie.

2000

Lazaro Burt

20

Black

Male

New York

Murder

1994

2002

Lee Keifer

25

Caucasian

Male

Oklahoma

Child Sex Abuse

1993

1997

Leon Brown

15

Black

Male

North Carolina

Murder

1984

2014

Leonard Craine

37

Black

Male

Nevada

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1990

2002

Leroy Orange

32

Black

Male

Illinois

Murder

1985

2003

Les Burns

32

Caucasian

Male

Fed-VA

Drug Possession or Sale

2014

2016

Levon Jones

28

Black

Male

North Carolina

Murder

1993

2008

Levon Brooks

26

Black

The justice system relies on people to tell the truth. But people lie.

Male

Mississippi

Murder

1992

2008

Lewis Fogle

24

Caucasian

Male

Pennsylvania

Murder

1982

2015

Lewis Gardner

15

Black

Male

Illinois

Murder

1995

2014

Lewis Hagan

38

Black

Male

New Jersey

Child Sex Abuse

2004

2010

Linus Nwaigwe

The justice system relies on people to tell the truth. But people lie.

45

Black

Male

Fed-NY

Fraud

2009

2015

Lionel Lane

33

Black

Male

Illinois

Murder

1995

1995

Lionel White

33

Black

Male

Illinois

Drug Possession or Sale

2006

2016

Lon Walker

43

Caucasian

Male

Tennessee

Murder

1997

The justice system relies on people to tell the truth. But people lie.

2012

Lonnie Jones

34

Black

Male

New York

Murder

2002

2007

Lorenzo Montoya

14

Hispanic

Male

Colorado

Murder

2000

2014

Lorinda Swain

36

Caucasian

Female

Michigan

Child Sex Abuse

2002

2016

Louis Eze

31

Black

Male

New York

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1993

2007

Louis Greco

47

Caucasian

Male

Massachusetts

Murder

1968

2001

Luis Davalos

16

Hispanic

Male

California

Manslaughter

1996

2001

Luis Galicia

21

Hispanic

Male

California

Child Sex Abuse

2008

2011

Luis Ortiz

18

Hispanic

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

2000

2003

Luis Santaliz Acosta

34

Hispanic

Male

Puerto Rico

Murder

2000

2009

Lumont Johnson

29

Black

Male

Illinois

Murder

2002

2015

Luther Jones, Jr.

50

Black

Male

California

Child Sex Abuse

1998

2016

Lydia Salce

The justice system relies on people to tell the truth. But people lie.

50

Caucasian

Female

New York

Attempted Murder

2012

2015

Lynie Gaines

36

Black

Male

Michigan

Drug Possession or Sale

1990

1997

Lynn DeJac

30

Caucasian

Female

New York

Murder

1994

2008

M. Donald Cardwell

63

Caucasian

Male

Fed-CT

Tax Evasion/Fraud

2000

The justice system relies on people to tell the truth. But people lie.

2000

MacArthur Campbell

40

Black

Male

New Mexico

Child Sex Abuse

2003

2008

Madison Hobley

26

Black

Male

Illinois

Murder

1990

2003

Malcolm Emory

19

Native American

Male

Massachusetts

Assault

1970

1990

Malcolm Scott

17

Black

Male

Oklahoma

The justice system relies on people to tell the truth. But people lie.

Murder

1995

2016

Malisha Blyden

22

Black

Female

New York

Attempted Murder

2007

2014

Manual Hidalgo Rodriguez

36

Hispanic

Male

Washington

Child Sex Abuse

1995

2000

Marcella Pitts

29

Caucasian

Female

California

Child Sex Abuse

1985

1991

Marcellius Bradford

17

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Kidnapping

1988

2001

Margaret Kelly Michaels

22

Caucasian

Female

New Jersey

Child Sex Abuse

1988

1994

Mario Casciaro

19

Caucasian

Male

Illinois

Murder

2013

2016

Marjorie Grafton

52

Caucasian

Female

California

Child Sex Abuse

1985

1990

Mark Anderson

The justice system relies on people to tell the truth. But people lie.

51

Caucasian

Male

Hawaii

Other Violent Felony

2011

2014

Mark Bravo

31

Hispanic

Male

California

Sexual Assault

1990

1994

Mark Canter

22

Caucasian

Male

Michigan

Murder

1988

1996

Mark Clark

41

Caucasian

Male

Washington

Sexual Assault

1998

The justice system relies on people to tell the truth. But people lie.

1999

Mark Cleary

27

Caucasian

Male

Michigan

Child Sex Abuse

1989

2005

Mark Doggett

35

Caucasian

Male

Washington

Child Sex Abuse

1995

2000

Mark Maxson

31

Black

Male

Illinois

Murder

1994

2016

Mark McLaughlin

30

Caucasian

Male

Fed-PA

The justice system relies on people to tell the truth. But people lie.

Tax Evasion/Fraud

1996

2000

Mark Prentice

27

Caucasian

Male

New York

Robbery

1989

1995

Mark Schand

21

Black

Male

Massachusetts

Murder

1987

2013

Mark Weiner

52

Caucasian

Male

Virginia

Kidnapping

2013

2015

Marlon Pendleton

35

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Sexual Assault

1996

2006

Martin Tankleff

17

Caucasian

Male

New York

Murder

1990

2008

Marvin Patrick

18

Black

Male

North Carolina

Assault

1972

2012

Marvin Reed

33

Black

Male

Michigan

Attempted Murder

2001

2009

Marvin Reeves

The justice system relies on people to tell the truth. But people lie.

29

Black

Male

Illinois

Murder

1991

2009

Marvin Roberts

19

Native American

Male

Alaska

Murder

1999

2015

Mary Ann Colomb

50

Black

Female

Fed-LA

Drug Possession or Sale

2006

2006

Mary Ann Elizondo

27

Hispanic

Female

Texas

Child Sex Abuse

1984

The justice system relies on people to tell the truth. But people lie.

2005

Mary Mengloi

30

Caucasian

Female

Florida

Theft

1990

1993

Mary Weaver

41

Caucasian

Female

Iowa

Murder

1994

1997

Matthew Kleinman

17

Caucasian

Male

Oregon

Assault

1997

2002

Matthew Parker

26

Caucasian

Male

Oklahoma

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1997

2015

Maurice Corbine

30

Native American

Male

Wisconsin

Traffic Offense

2011

2015

Maurice Harper

23

Black

Male

Illinois

Murder

2002

2007

Maurice James

27

Black

Male

New York

Drug Possession or Sale

1990

1992

Maurice Patterson

35

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

2003

2010

Maxwell Verkuilen

25

Caucasian

Male

Wisconsin

Sexual Assault

2003

2007

Medell Banks

27

Black

Male

Alabama

Manslaughter

2001

2003

Melinda Bronson

44

Caucasian

Female

New York

Child Sex Abuse

2002

2011

Melonie Ware

The justice system relies on people to tell the truth. But people lie.

30

Black

Female

Georgia

Murder

2005

2009

Melvin Jones

30

Black

Male

Illinois

Murder

1983

1989

Melvin Todd Beamon

24

Black

Male

Alabama

Murder

1989

1990

Meredith Town

36

Caucasian

Male

Washington

Child Sex Abuse

1994

The justice system relies on people to tell the truth. But people lie.

2000

Michael Austin

25

Black

Male

Maryland

Murder

1975

2002

Michael Branch

45

Caucasian

Male

Arkansas

Murder

1995

1998

Michael Bumbury

23

Black

Male

New York

Sexual Assault

1999

2002

Michael Caesar Seri

42

Caucasian

Male

Connecticut

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

2001

2003

Michael Copithorne

36

Caucasian

Male

California

Child Sex Abuse

2012

2014

Michael Cosme

19

Black

Male

New York

Murder

1997

2012

Michael Cox

43

Caucasian

Male

California

Drug Possession or Sale

1999

2001

Michael Cristini

26

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Michigan

Sexual Assault

1991

2004

Michael Damien

27

Caucasian

Male

District of Columbia

Murder

1975

2005

Michael Googe

26

Caucasian

Male

Georgia

Burglary/Unlawful Entry

2008

2015

Michael Graham

23

Caucasian

Male

Louisiana

Murder

1987

2000

Michael Hanline

The justice system relies on people to tell the truth. But people lie.

31

Caucasian

Male

California

Murder

1980

2015

Michael Hansen

27

Caucasian

Male

Minnesota

Murder

2006

2011

Michael Hash

15

Caucasian

Male

Virginia

Murder

2001

2012

Michael Hill

18

Black

Male

Massachusetts

Murder

1996

The justice system relies on people to tell the truth. But people lie.

2002

Michael Holmes

44

Black

Male

Fed-MO

Drug Possession or Sale

2006

2011

Michael Longus

26

Black

Male

District of Columbia

Murder

2005

2013

Michael Pardue

17

Caucasian

Male

Alabama

Murder

1973

1997

Michael Parker

35

Caucasian

Male

North Carolina

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1994

2014

Michael Piaskowski

43

Caucasian

Male

Wisconsin

Murder

1995

2001

Michael Rose

25

Caucasian

Male

Washington

Child Sex Abuse

1995

2000

Michael Saunders

15

Black

Male

Illinois

Murder

1998

2012

Michael Scott

17

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Texas

Murder

2002

2009

Michael Smith

32

Black

Male

California

Murder

1994

2009

Michael Sturgeon

16

Caucasian

Male

Wisconsin

Burglary/Unlawful Entry

1997

2000

Michael T. Chaplin

24

Caucasian

Male

Virginia

Child Sex Abuse

2008

2009

Michael Tillman

The justice system relies on people to tell the truth. But people lie.

20

Black

Male

Illinois

Murder

1986

2010

Michael Toney

19

Caucasian

Male

Texas

Murder

1999

2009

Michael Vasquez

40

Hispanic

Male

New York

Robbery

1997

2012

Michael Waithe

22

Black

Male

New York

Burglary/Unlawful Entry

1987

The justice system relies on people to tell the truth. But people lie.

2015

Michael White

35

Native American

Male

New York

Sexual Assault

2006

2015

Michael Williams

31

Black

Male

Louisiana

Murder

1997

2011

Michael Winston

21

Black

Male

Illinois

Murder

2007

2012

Michelle Murphy

17

Native American

Female

Oklahoma

The justice system relies on people to tell the truth. But people lie.

Murder

1995

2014

Michelle Poulos

33

Caucasian

Female

California

Threats

2001

2017

Miguel Angel Sermeno

38

Hispanic

Male

California

Traffic Offense

1995

1997

Miguel Castillo

35

Hispanic

Male

Illinois

Murder

1991

2001

Miguel Roman

31

Hispanic

The justice system relies on people to tell the truth. But people lie.

Male

Connecticut

Murder

1990

2009

Milton Lantigua

19

Hispanic

Male

New York

Murder

1993

1996

Moises Catalan

25

Hispanic

Male

Texas

Assault

1997

2003

Morris Rash

23

Black

Male

Wisconsin

Gun Possession or Sale

2004

2009

Morris Wynn

The justice system relies on people to tell the truth. But people lie.

21

Caucasian

Male

Illinois

Drug Possession or Sale

2005

2006

Muneer Deeb

23

Other

Male

Texas

Murder

1985

1993

Murray Colton

20

Caucasian

Male

Connecticut

Murder

1991

1998

Nathaniel Lewis

18

Black

Male

Ohio

Sexual Assault

1997

The justice system relies on people to tell the truth. But people lie.

2004

Nathaniel Swenson

21

Black

Male

Kansas

Attempted Murder

2000

2013

Nathson Edgar Fields

29

Black

Male

Illinois

Murder

1986

2009

Neal Redick

28

Caucasian

Male

Michigan

Child Sex Abuse

1992

2007

Nelson Ortiz

18

Hispanic

Male

Puerto Rico

The justice system relies on people to tell the truth. But people lie.

Murder

1994

2016

Nelson Ruiz

20

Hispanic

Male

Puerto Rico

Murder

1994

2016

Nicholas Yarris

20

Caucasian

Male

Pennsylvania

Murder

1982

2003

Nissa Baillie

20

Caucasian

Female

Florida

Manslaughter

1997

2001

Norman McIntosh

23

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

2003

2016

Nubian Amon-Ra

43

Black

Male

Arizona

Assault

2006

2012

Obie Anthony

19

Black

Male

California

Murder

1995

2011

Oliver Jovanovic

30

Caucasian

Male

New York

Sexual Assault

1998

2001

Omar Aguirre

The justice system relies on people to tell the truth. But people lie.

28

Hispanic

Male

Illinois

Murder

1999

2003

Omar Saunders

18

Black

Male

Illinois

Murder

1988

2001

Oscar Morris

33

Black

Male

California

Murder

1983

2000

Owen Cesar

26

Black

Male

Pennsylvania

Child Sex Abuse

2005

The justice system relies on people to tell the truth. But people lie.

2011

Pamela Sue Reser

29

Caucasian

Female

Oregon

Child Sex Abuse

1999

2002

Paris Powell

19

Black

Male

Oklahoma

Murder

1997

2009

Parrish Slade

21

Black

Male

North Carolina

Child Sex Abuse

1989

2012

Patrick Griffin

40

Caucasian

Male

New York

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

1996

2000

Patrick Hampton

18

Black

Male

Illinois

Sexual Assault

1982

2011

Patrick Johnson

22

Black

Male

New York

Murder

1983

1993

Patrick Montgomery

31

Caucasian

Male

Texas

Child Sex Abuse

1987

2009

Patrick Murray

34

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Fed-NY

Drug Possession or Sale

2010

2014

Patrick Thompson

35

Black

Male

Illinois

Sexual Assault

2006

2008

Patsy Bolander

53

Caucasian

Female

Texas

Theft

1992

1996

Paul D. Kordonowy

24

Caucasian

Male

Montana

Sexual Assault

1990

2003

Paul E. Statler

The justice system relies on people to tell the truth. But people lie.

21

Caucasian

Male

Washington

Robbery

2009

2013

Paul Kamienski

35

Caucasian

Male

New Jersey

Murder

1988

2010

Paul Marcucci

47

Caucasian

Male

Massachusetts

Arson

2011

2016

Paul Phillips

17

Black

Male

Illinois

Murder

1995

The justice system relies on people to tell the truth. But people lie.

2014

Paul Sheffield

47

Caucasian

Male

Utah

Child Sex Abuse

1987

1990

Paula Gray

17

Black

Female

Illinois

Murder

1978

2002

Paula Hall

36

Caucasian

Female

Missouri

Murder

2009

2013

Paulene Goldenstein

42

Caucasian

Female

Minnesota

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1992

1994

Perman Pitman

34

Black

Male

New Jersey

Manslaughter

2007

2010

Peter Ambler

24

Caucasian

Male

Wisconsin

Murder

1987

1989

Peter Limone

31

Caucasian

Male

Massachusetts

Murder

1968

2001

Peter Rose

37

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

California

Child Sex Abuse

1995

2005

Phillip Bivens

28

Black

Male

Mississippi

Murder

1980

2010

Phillip Coulter

38

Caucasian

Male

Oklahoma

Child Sex Abuse

2000

2002

Phillip Pack

23

Caucasian

Male

Tennessee

Murder

2010

2013

Quedillis Ricardo Walker

The justice system relies on people to tell the truth. But people lie.

34

Hispanic

Male

California

Murder

1991

2003

Quentin Carter

16

Black

Male

Michigan

Child Sex Abuse

1992

2015

Rafael Suarez

31

Hispanic

Male

Arizona

Assault

1997

2000

Ralph A. Jacobs, Jr.

30

Caucasian

Male

Indiana

Murder

1991

The justice system relies on people to tell the truth. But people lie.

1993

Ralph Armstrong

27

Caucasian

Male

Wisconsin

Murder

1981

2009

Ralph Frye

21

Caucasian

Male

Illinois

Murder

1989

1996

Ralph Gausvik

39

Caucasian

Male

Washington

Child Sex Abuse

1995

2000

Randall D. Adams

28

Caucasian

Male

Texas

The justice system relies on people to tell the truth. But people lie.

Murder

1977

1989

Randall Mills

43

Caucasian

Male

Tennessee

Child Sex Abuse

2000

2014

Randolph Arledge

26

Caucasian

Male

Texas

Murder

1984

2013

Randolph Williams

22

Black

Male

New York

Murder

2008

2016

Randy Resh

24

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Ohio

Murder

1990

2007

Raul Morales

41

Hispanic

Male

New York

Sexual Assault

1988

1997

Ray Girdler, Jr.

36

Caucasian

Male

Arizona

Murder

1982

1991

Ray Valentine

55

Hispanic

Male

California

Other

2014

2015

Raymond Carter

The justice system relies on people to tell the truth. But people lie.

40

Black

Male

Pennsylvania

Murder

1988

1996

Raymond Highers

20

Caucasian

Male

Michigan

Murder

1988

2013

Raymond Martorano

53

Caucasian

Male

Pennsylvania

Murder

1984

1999

Raymond Mora

25

Hispanic

Male

New York

Murder

1981

The justice system relies on people to tell the truth. But people lie.

2015

Raymond Santana

14

Hispanic

Male

New York

Sexual Assault

1990

2002

Raynard Jackson

22

Black

Male

Wisconsin

Gun Possession or Sale

2004

2009

Refugio Ruiz Cortez

29

Hispanic

Male

Fed-IL

Drug Possession or Sale

1999

2010

Reggie Cole

18

Black

Male

California

The justice system relies on people to tell the truth. But people lie.

Murder

1994

2009

Reginald Adams

26

Black

Male

Louisiana

Murder

1983

2014

Reginald Connor

23

Black

Male

New York

Kidnapping

1993

2015

Reginald Epps

17

Black

Male

North Carolina

Assault

1972

2012

Reginald Griffin

22

Black

The justice system relies on people to tell the truth. But people lie.

Male

Missouri

Murder

1988

2013

Reginald Hayes

14

Black

Male

Nevada

Murder

1985

1999

Ricardo Aldape Guerra

20

Hispanic

Male

Texas

Murder

1982

1997

Richard Armstrong

25

Caucasian

Male

Michigan

Child Sex Abuse

2006

2012

Richard Buchli II

The justice system relies on people to tell the truth. But people lie.

50

Caucasian

Male

Missouri

Murder

2002

2012

Richard Cox

47

Caucasian

Male

California

Child Sex Abuse

1985

1991

Richard Cridelle

41

Black

Male

New York

Sexual Assault

2010

2014

Richard Danziger

18

Caucasian

Male

Texas

Sexual Assault

1990

The justice system relies on people to tell the truth. But people lie.

2002

Richard Gagnon

32

Caucasian

Male

South Carolina

Murder

2008

2015

Richard Knupp

40

Caucasian

Male

New York

Child Sex Abuse

1989

1992

Richard L. Kittilstad

50

Caucasian

Male

Wisconsin

Solicitation

2001

2007

Richard Miles

19

Black

Male

Texas

The justice system relies on people to tell the truth. But people lie.

Murder

1995

2012

Richard Paey

38

Caucasian

Male

Florida

Drug Possession or Sale

2004

2007

Richard Paul Dziubak

34

Caucasian

Male

Minnesota

Manslaughter

1987

1989

Richard Raugust

31

Caucasian

Male

Montana

Murder

1998

2016

Richard Winfrey, Sr.

49

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Texas

Murder

2007

2010

Richy Carter

30

Black

Male

Washington

Sexual Assault

2007

2013

Rickey Dale Wyatt

25

Black

Male

Texas

Sexual Assault

1981

2012

Rickie Jackson

40

Black

Male

Pennsylvania

Murder

1998

2000

Ricky Dale Harmon

The justice system relies on people to tell the truth. But people lie.

35

Caucasian

Male

Texas

Child Sex Abuse

1994

2004

Ricky Jackson

18

Black

Male

Ohio

Murder

1975

2014

Ricky Lynn Pitts

31

Caucasian

Male

California

Child Sex Abuse

1985

1991

Rilwan Alowonle

50

Black

Male

Minnesota

Sexual Assault

2007

The justice system relies on people to tell the truth. But people lie.

2010

Robert Aldrich, Jr.

41

Black

Male

Massachusetts

Theft

2005

2006

Robert Aldridge

24

Caucasian

Male

Ohio

Child Sex Abuse

1985

1997

Robert Anel Diaz Morales

20

Hispanic

Male

Puerto Rico

Murder

2004

2012

Robert Butler

34

Black

Male

Tennessee

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

1977

1995

Robert Cruz

33

Hispanic

Male

Arizona

Murder

1981

1995

Robert Davis

18

Caucasian

Male

Virginia

Murder

2004

2016

Robert E. Doyle

44

Caucasian

Male

Alabama

Child Sex Abuse

1992

2001

Robert E. Larson

27

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Washington

Robbery

2009

2013

Robert Gayol

33

Hispanic

Male

Illinois

Murder

2001

2003

Robert Gondor

24

Caucasian

Male

Ohio

Manslaughter

1990

2007

Robert Hays

33

Caucasian

Male

Nevada

Child Sex Abuse

1993

2007

Robert Hill

The justice system relies on people to tell the truth. But people lie.

26

Black

Male

New York

Murder

1988

2014

Robert Jones

19

Black

Male

Louisiana

Sexual Assault

1996

2017

Robert Kelly

40

Caucasian

Male

North Carolina

Child Sex Abuse

1992

1997

Robert Lee Miller, Jr.

27

Black

Male

Oklahoma

Murder

1988

The justice system relies on people to tell the truth. But people lie.

1998

Robert Springsteen

17

Caucasian

Male

Texas

Murder

2001

2009

Robert Spurlock

22

Caucasian

Male

Tennessee

Murder

1990

1996

Robert Taylor

14

Black

Male

Illinois

Murder

1997

2011

Robert Veal

14

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1994

2011

Robert Wayne McCullough

30

Caucasian

Male

Texas

Child Sex Abuse

2000

2011

Robert Wilcoxson

21

Black

Male

North Carolina

Murder

2002

2011

Roberto Miranda

38

Black

Male

Nevada

Murder

1982

1996

Rodell Sanders

28

Black

The justice system relies on people to tell the truth. But people lie.

Male

Illinois

Murder

1995

2014

Rodney L. Bragg

31

Black

Male

Arkansas

Drug Possession or Sale

1996

2000

Rogelio Arroyo

25

Hispanic

Male

Illinois

Murder

1982

1991

Roger House

35

Black

Male

Fed-Military

Military Justice Offense

2002

2009

Roger Latta

The justice system relies on people to tell the truth. But people lie.

26

Caucasian

Male

Indiana

Murder

1990

2002

Roger Logan

35

Black

Male

New York

Murder

1999

2014

Roger Norton

49

Caucasian

Male

Massachusetts

Child Sex Abuse

1992

2005

Roger Olsen

37

Caucasian

Male

Minnesota

Child Sex Abuse

2006

The justice system relies on people to tell the truth. But people lie.

2008

Roland Chretien

44

Caucasian

Male

New Hampshire

Sexual Assault

2005

2008

Roland Fils

35

Black

Male

Massachusetts

Drug Possession or Sale

2008

2012

Roland Gibson

20

Black

Male

Louisiana

Murder

1968

1993

Rolando Cruz

19

Hispanic

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1985

1995

Rommain Isham

31

Native American

Male

Wisconsin

Child Sex Abuse

1990

2010

Ronald Addison

19

Black

Male

Maryland

Murder

1998

2005

Ronald Eubanks

25

Black

Male

Texas

Sexual Assault

1992

2017

Ronald Goldenstein

51

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Minnesota

Child Sex Abuse

1992

1994

Ronald Keith Williamson

29

Caucasian

Male

Oklahoma

Murder

1988

1999

Ronald Kitchen

22

Black

Male

Illinois

Murder

1990

2009

Ronald Larkins

33

Black

Male

Ohio

Murder

1986

2006

Ronald Pondexter

The justice system relies on people to tell the truth. But people lie.

22

Black

Male

New York

Murder

1993

1997

Ronald Ross

44

Black

Male

California

Attempted Murder

2006

2013

Ronjon Cameron

52

Caucasian

Male

Massachusetts

Sexual Assault

2003

2015

Ronnie Mark Gariepy

32

Caucasian

Male

Texas

Child Sex Abuse

1992

The justice system relies on people to tell the truth. But people lie.

2000

Ronnie Marshall

28

Caucasian

Male

Tennessee

Murder

1990

1996

Roosevelt Glenn

27

Black

Male

Indiana

Sexual Assault

1993

2017

Ross Sorrels

44

Caucasian

Male

Washington

Child Sex Abuse

1995

2003

Roy Brown

29

Caucasian

Male

New York

The justice system relies on people to tell the truth. But people lie.

Murder

1992

2007

Roy Lopez Garcia

45

Hispanic

Male

California

Murder

2000

2006

Ruben Locke

35

Black

Male

Fed-IL

Drug Possession or Sale

1996

2000

Ruben Montalvo

16

Hispanic

Male

New York

Murder

1988

2001

Rubin Swift

32

Black

The justice system relies on people to tell the truth. But people lie.

Male

Pennsylvania

Child Sex Abuse

2009

2012

Ruddy Quezada

29

Hispanic

Male

New York

Murder

1993

2015

Rudolph Holton

33

Black

Male

Florida

Murder

1987

2003

Russell McLaughlin

36

Caucasian

Male

Fed-PA

Tax Evasion/Fraud

1996

1998

Ruth Taylor

The justice system relies on people to tell the truth. But people lie.

31

Caucasian

Female

California

Child Sex Abuse

1985

2001

Ryan Ferguson

17

Caucasian

Male

Missouri

Murder

2005

2013

Ryan Matthews

17

Black

Male

Louisiana

Murder

1999

2004

Salaam Moore

26

Black

Male

Oklahoma

Murder

2001

The justice system relies on people to tell the truth. But people lie.

2016

Sammy Davis, Jr.

32

Black

Male

Fed-LA

Drug Possession or Sale

2006

2006

Samuel Hogan

49

Black

Male

Wisconsin

Sexual Assault

1995

1997

Samuel Plotnick

28

Caucasian

Male

Kentucky

Child Sex Abuse

2001

2008

Sandra Adams

29

Black

Female

New York

The justice system relies on people to tell the truth. But people lie.

Menacing

1998

1999

Sandra Craig

37

Black

Female

Maryland

Child Sex Abuse

1987

1991

Santae Tribble

17

Black

Male

District of Columbia

Murder

1980

2012

Santiago Ventura Morales

19

Hispanic

Male

Oregon

Murder

1986

1991

Sarah Smith

19

Caucasian

The justice system relies on people to tell the truth. But people lie.

Female

Florida

Drug Possession or Sale

1998

2000

Scott Kniffen

28

Caucasian

Male

California

Child Sex Abuse

1984

1996

Scott Lewis

25

Black

Male

Connecticut

Murder

1995

2015

Scotty Bartek

24

Caucasian

Male

Florida

Child Sex Abuse

1991

2014

Sean Adams

The justice system relies on people to tell the truth. But people lie.

21

Black

Male

Connecticut

Murder

1999

2013

Sean Cerami

47

Caucasian

Male

Illinois

Drug Possession or Sale

2012

2013

Seneca Adams

20

Black

Male

Illinois

Assault

2006

2006

Senon Grajeda

31

Hispanic

Male

California

Murder

1987

The justice system relies on people to tell the truth. But people lie.

1993

Sergio Garcia

24

Hispanic

Male

Illinois

Drug Possession or Sale

2012

2014

Seth Penalver

21

Caucasian

Male

Florida

Murder

1999

2012

Shabaka Shakur

23

Black

Male

New York

Murder

1989

2015

Shainnie Sharp

16

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1994

2011

Shannon Gonser

34

Caucasian

Female

Colorado

Child Sex Abuse

2006

2010

Sharrif Wilson

15

Black

Male

New York

Murder

1994

2014

Shaun Deckinga

26

Caucasian

Male

Fed-MN

Robbery

1993

1993

Shawn Drumgold

23

Black

The justice system relies on people to tell the truth. But people lie.

Male

Massachusetts

Murder

1989

2003

Shawn Whirl

20

Black

Male

Illinois

Murder

1991

2015

Sheldon Mosley

29

Black

Male

Texas

Child Sex Abuse

1996

2013

Shih-Wei Su

17

Asian

Male

New York

Attempted Murder

1992

2003

Shirley Kinge

The justice system relies on people to tell the truth. But people lie.

54

Black

Female

New York

Arson

1990

1992

Sonia Cacy

44

Caucasian

Female

Texas

Murder

1993

2017

Sophia Johnson

23

Other

Female

Washington

Murder

2003

2005

Stanley Howard

21

Black

Male

Illinois

Murder

1987

The justice system relies on people to tell the truth. But people lie.

2003

Stanley Wrice

28

Black

Male

Illinois

Sexual Assault

1983

2013

Stephen Jones

23

Black

Male

Fed-MO

Drug Possession or Sale

1998

2010

Stephen Lynn Russell

26

Caucasian

Male

Texas

Robbery

1980

1990

Stephen Thompson

24

Caucasian

Male

Texas

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1991

2006

Steve Lawton

37

Caucasian

Male

Virginia

Sexual Assault

1990

1997

Steven Barnes

19

Caucasian

Male

New York

Murder

1989

2009

Steven Crawford

14

Black

Male

Pennsylvania

Murder

1974

2002

Steven Dewitt

20

Black

The justice system relies on people to tell the truth. But people lie.

Male

District of Columbia

Murder

1992

2004

Steven Dick

18

Caucasian

Male

Illinois

Drug Possession or Sale

1983

2001

Steven Smith

37

Black

Male

Illinois

Murder

1986

1999

Susan King

38

Caucasian

Female

Kentucky

Manslaughter

2008

2014

Susan Mellen

The justice system relies on people to tell the truth. But people lie.

42

Caucasian

Female

California

Murder

1998

2014

Sylvester Smith

32

Black

Male

North Carolina

Child Sex Abuse

1984

2004

Tari Adams

18

Black

Male

Illinois

Assault

2006

2006

Ted Petrossi

40

Caucasian

Male

Utah

Sexual Assault

1996

The justice system relies on people to tell the truth. But people lie.

1998

Teddy Isbell

35

Black

Male

North Carolina

Robbery

2003

2015

Teobaldo Guce

42

Asian

Male

New York

Child Sex Abuse

1987

1992

Terence Garner

16

Black

Male

North Carolina

Attempted Murder

1998

2002

Terence McCracken

18

Caucasian

Male

Pennsylvania

The justice system relies on people to tell the truth. But people lie.

Murder

1983

1995

Teresa Lynne Cox

17

Caucasian

Female

California

Child Sex Abuse

1985

2000

Teresa Salcedo

17

Hispanic

Female

Illinois

Assault

2005

2007

Terrance Thompson

36

Black

Male

Illinois

Gun Possession or Sale

2003

2006

Terrell Johnson

18

Black

The justice system relies on people to tell the truth. But people lie.

Male

Pennsylvania

Murder

1995

2012

Terrence Jose

32

Hispanic

Male

Michigan

Child Sex Abuse

2010

2014

Terrence Mason

32

Black

Male

New York

Robbery

1987

1995

Terrence Meyers

21

Black

Male

Louisiana

Murder

1993

2010

Terrill Swift

The justice system relies on people to tell the truth. But people lie.

17

Black

Male

Illinois

Murder

1998

2012

Terry Cox, Sr.

27

Caucasian

Male

Iowa

Child Sex Abuse

1997

2001

Terry Harrington

17

Black

Male

Iowa

Murder

1978

2003

Terry Lee Nelson

37

Caucasian

Male

Illinois

Murder

1989

The justice system relies on people to tell the truth. But people lie.

1994

Teshome Campbell

21

Black

Male

Illinois

Murder

1998

2016

Thaddeus Jimenez

13

Hispanic

Male

Illinois

Murder

1994

2009

Theodore White, Jr.

35

Caucasian

Male

Missouri

Child Sex Abuse

1999

2005

Thomas Bianco

19

Caucasian

Male

New York

The justice system relies on people to tell the truth. But people lie.

Murder

1986

1993

Thomas Burnside

41

Black

Male

Fed-IL

Drug Possession or Sale

1991

1994

Thomas Highers

21

Caucasian

Male

Michigan

Murder

1988

2013

Thomas Kennedy

32

Caucasian

Male

Washington

Child Sex Abuse

2002

2012

Thomas Kimbell

32

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Pennsylvania

Murder

1998

2002

Thomas Lee Goldstein

30

Caucasian

Male

California

Murder

1980

2004

Thomas Miller

19

Caucasian

Male

Florida

Manslaughter

1997

2001

Thomas Sawyer

49

Caucasian

Male

Michigan

Sexual Assault

1992

2003

Thomas Siller

The justice system relies on people to tell the truth. But people lie.

41

Caucasian

Male

Ohio

Murder

1998

2011

Thomas Wayne Williams

38

Black

Male

Texas

Drug Possession or Sale

1998

2000

Thomas Winslow

18

Caucasian

Male

Nebraska

Murder

1990

2009

Tim Palomo

28

Caucasian

Male

California

Child Sex Abuse

1985

The justice system relies on people to tell the truth. But people lie.

1990

Timothy Atkins

17

Black

Male

California

Murder

1987

2007

Timothy Bridges

22

Caucasian

Male

North Carolina

Sexual Assault

1991

2016

Timothy Brown

14

Black

Male

Florida

Murder

1993

2003

Timothy Chatmon

30

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1990

1995

Timothy Crosby

27

Black

Male

New York

Assault

1989

1999

Timothy Gantt

47

Black

Male

California

Murder

1994

2008

Timothy Howard

23

Black

Male

Ohio

Murder

1977

2003

Timothy Johnson

22

Black

The justice system relies on people to tell the truth. But people lie.

Male

Georgia

Murder

1984

2013

Timothy Masters

15

Caucasian

Male

Colorado

Murder

1999

2008

Timothy O'Connell

38

Caucasian

Male

Fed-NY

Fraud

2009

2013

Timothy Smith

35

Caucasian

Male

Kentucky

Child Sex Abuse

2001

2006

Tina Pihota

The justice system relies on people to tell the truth. But people lie.

41

Caucasian

Female

Texas

Assault

2009

2016

Todd Forbes

35

Caucasian

Male

Fed-Military

Sexual Assault

1998

2006

Toney McEachern

34

Black

Male

North Carolina

Child Sex Abuse

1993

1998

Tony Hall

25

Caucasian

Male

Texas

Child Sex Abuse

1993

The justice system relies on people to tell the truth. But people lie.

2011

Travis McCabe

39

Caucasian

Male

Fed-LA

Perjury

2010

2014

Troshawn McCoy

17

Black

Male

Illinois

Murder

1998

2017

Troy Jon Hancock

25

Caucasian

Male

Utah

Sexual Assault

1993

1996

Troy Willoughby

20

Caucasian

Male

Wyoming

The justice system relies on people to tell the truth. But people lie.

Murder

2010

2012

Ty Bradford

39

Caucasian

Male

Montana

Assault

1999

2003

Tyjuan Anderson

19

Black

Male

Illinois

Murder

2002

2015

Tyler Edmonds

13

Caucasian

Male

Mississippi

Murder

2004

2008

Tyler W. Gassman

21

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Washington

Robbery

2009

2013

Tyrone Hood

29

Black

Male

Illinois

Murder

1996

2015

Tyrone Loftin

48

Black

Male

New York

Sexual Assault

2008

2010

Tyrone Zinkiewicz

38

Caucasian

Male

Ohio

Other Nonviolent Felony

1988

1992

Ulysses Rodriguez Charles

The justice system relies on people to tell the truth. But people lie.

30

Black

Male

Massachusetts

Sexual Assault

1984

2001

Verneal Jimerson

25

Black

Male

Illinois

Murder

1985

1996

Victor Alvarado

26

Hispanic

Male

Illinois

Drug Possession or Sale

2012

2013

Victor Williams

32

Black

Male

Wisconsin

Sexual Assault

2012

The justice system relies on people to tell the truth. But people lie.

2014

Vidale McDowell

17

Black

Male

Michigan

Murder

2003

2004

Viken Keuylian

45

Caucasian

Male

Fed-CA

Fraud

2009

2014

Vincent Ferrara

36

Caucasian

Male

Fed-MA

Murder

1992

2005

Vincent James Landano

36

Caucasian

Male

New Jersey

The justice system relies on people to tell the truth. But people lie.

Murder

1977

1998

Vincent Thames

17

Black

Male

Illinois

Murder

1998

2012

Violet Amirault

59

Caucasian

Female

Massachusetts

Child Sex Abuse

1987

1998

Virginia LeFever

37

Caucasian

Female

Ohio

Murder

1990

2011

Vladek Filler

37

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Maine

Sexual Assault

2009

2015

Walter Goudy

25

Black

Male

Indiana

Murder

1995

2012

Walter McMillian

45

Black

Male

Alabama

Murder

1988

1993

Walter Moore

37

Caucasian

Male

Michigan

Murder

1988

1996

Walter Snyder

The justice system relies on people to tell the truth. But people lie.

20

Black

Male

Virginia

Sexual Assault

1986

1993

Walter Zimmer

40

Caucasian

Male

Ohio

Manslaughter

1998

2011

Warren Goodman

30

Black

Male

Wisconsin

Robbery

1994

2007

Warren Harris

29

Black

Male

Illinois

Murder

1977

The justice system relies on people to tell the truth. But people lie.

1990

Warren Stingley

40

Black

Male

California

Other

2013

2016

Wassillie Gregory

48

Native American

Male

Alaska

Harassment

2014

2015

Wayne Chiappini

48

Caucasian

Male

Massachusetts

Assault

2006

2010

Wayne Cservak

20

Caucasian

Male

Georgia

The justice system relies on people to tell the truth. But people lie.

Child Sex Abuse

1997

1997

Wayne Dill, Jr.

26

Caucasian

Male

California

Child Sex Abuse

1985

1991

Wayne Forsythe

28

Caucasian

Male

California

Child Sex Abuse

1985

1991

Wayne Moore

18

Black

Male

North Carolina

Assault

1972

2012

Wayne Oxley, Jr.

39

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

New York

Murder

2006

2012

Wayne Washington

20

Black

Male

Illinois

Murder

1996

2015

Wesley Tuley

27

Caucasian

Male

Texas

Child Sex Abuse

1997

2003

Wilder Berry

20

Black

Male

Illinois

Sexual Assault

1992

2000

Wiley Bridgeman

The justice system relies on people to tell the truth. But people lie.

20

Black

Male

Ohio

Murder

1975

2014

William Avery

25

Black

Male

Wisconsin

Murder

2005

2010

William Dillon

21

Caucasian

Male

Florida

Murder

1981

2008

William Douglas Carter

55

Caucasian

Male

Virginia

Assault

1988

The justice system relies on people to tell the truth. But people lie.

1992

William Farnbaugh

25

Caucasian

Male

Florida

Sexual Assault

1997

2004

William Gilman

60

Caucasian

Male

New York

Fraud

2008

2011

William Gregory

42

Black

Male

Kentucky

Sexual Assault

1993

2000

William Harris

17

Black

Male

West Virginia

The justice system relies on people to tell the truth. But people lie.

Sexual Assault

1987

1995

William LaBolt, Jr.

42

Caucasian

Male

New York

Burglary/Unlawful Entry

1990

1994

William Lee

25

Caucasian

Male

Georgia

Murder

1987

2015

William Lopez

30

Hispanic

Male

New York

Murder

1990

2014

William McCaffrey

28

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

New York

Sexual Assault

2006

2009

William Nieves

26

Hispanic

Male

Pennsylvania

Murder

1994

2000

William Oakes

30

Caucasian

Male

New York

Murder

1985

1992

William Smith

24

Caucasian

Male

New Mexico

Murder

1978

1996

William Vasquez

The justice system relies on people to tell the truth. But people lie.

34

Black

Male

New York

Murder

1981

2015

William Virgil

35

Black

Male

Kentucky

Murder

1988

2017

William Westly

47

Black

Male

New York

Sexual Assault

1999

2002

William Wright, Jr.

18

Black

Male

North Carolina

Assault

1972

The justice system relies on people to tell the truth. But people lie.

2012

Willie Earl Green

31

Black

Male

California

Murder

1984

2008

Willie Gavin

35

Black

Male

Wisconsin

Child Sex Abuse

1997

2014

Willie Manning

24

Black

Male

Mississippi

Murder

1996

2015

Willie Rainge

20

Black

Male

Illinois

The justice system relies on people to tell the truth. But people lie.

Murder

1978

1996

Willie Stuckey

16

Black

Male

New York

Murder

1986

2014

Willie Vereen

17

Black

Male

North Carolina

Assault

1972

2012

Wilton Dedge

20

Caucasian

Male

Florida

Sexual Assault

1982

2004

Wolfgang von Schlieffen

47

Caucasian

The justice system relies on people to tell the truth. But people lie.

Male

Fed-FL

Conspiracy

1994

2000

Xavier Catron

22

Black

Male

Illinois

Murder

1992

2000

Xavier Rockette

19

Black

Male

Wisconsin

Murder

2003

2013

Yancy Douglas

19

Black

Male

Oklahoma

Murder

1995

2009

Yassin Yusuf

The justice system relies on people to tell the truth. But people lie.

19

Black

Male

Fed-TN

Other Violent Felony

2012

2016

Yeidja Bostick

21

Caucasian

Female

Pennsylvania

Manslaughter

1990

1993

Yusef Salaam

14

Black

Male

New York

Sexual Assault

1990

2002

Yvonne Crittle

24

Caucasian

Female

Virginia

Sexual Assault

1988

The justice system relies on people to tell the truth. But people lie.

1997

Yvonne Eldridge

41

Caucasian

Female

California

Child Abuse

1996

2003

Zachary Handley

13

Caucasian

Male

Pennsylvania

Arson

2008

2015

Zachary Noah Smith

24

Caucasian

Male

Alabama

Child Sex Abuse

2006

2012

Zackary Lee Stewart

18

Caucasian

Male

Missouri

The justice system relies on people to tell the truth. But people lie.

Murder

2008

2010

National Registry of Exonerations

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The Story of Joe Salvati

Fox News Network FOX SPECIAL REPORT WITH BRIT HUME (18:20)

May 3, 2001 Thursday

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Section: News; Domestic; Show

Length: 1481 words

Byline: Brit Hume, David Shuster

Body

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

HUME: There unfolded in a hearing room on Capitol Hill this day the story of a man wrongly convicted, sitting in jail for decades. Wrongful convictions do sometimes happen, but what's notable about this is that federal law enforcement knew the man was innocent and left him there anyway. Correspondent David Shuster covered the story and joins me now.

Hi, David.

DAVID SHUSTER, FOX CORRESPONDENT: Brit, this is a case about a Boston man named Joe Salvati who spent 30 years in a Massachusetts prison for a murder that the FBI knew from the beginning he did not commit. The FBI, according to documents, was convinced that if the real perpetrator was arrested, a man the FBI had identified, it would blow the cover of FBI informants. These informants, by the way, later went on a murder spree.

As for Joe Salvati and his wife, Marie, they stayed in contact through prison visits every week for 30 years, until their lawyer was able to locate documents proving that the FBI and the Boston Police Department had engaged in a cover-up.

(BEGIN VIDEO CLIP)

JOSEPH SALVATI, WRONGFULLY IMPRISONED: I am here to talk about our most precious possession of all, freedom. As you know, I have served 30 long and hard years in prison for a crime I did not commit.

However, I still can -- 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.

Finally, I'd 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 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!

The Story of Joe Salvati

REP. DAN BURTON (R-IN), GOVERNMENT REFORM COMMITTEE CHAIRMAN: That's OK. Take your time.

VICTOR GARO, JOSEPH SALVATIS ATTORNEY: Mr. Chairman, may I please those last sentences for Mr. Salvati?

BURTON: Sure.

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."

MARIE SALVATI, JOSEPH SALVATIS WIFE: 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 expect, as my -- I do 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 imprisoned, 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 their father's guidance, even though he was not home with -- sometimes it took hours to get there. And then by the time you got there, you were all nervous. My husband and I have (UNINTELLIGIBLE) endured the hardship (UNINTELLIGIBLE) we grew older, and we (UNINTELLIGIBLE) another husband and wife can have. We love each other very much! God bless you all.

(END VIDEO CLIP)

SHUSTER: The committee also heard from the Salvatis' lawyer, Victor Garo, who took this case for free and stayed with it for nearly three decades.

(BEGIN VIDEO CLIP)

GARO: There's an apology that should be made to the citizens of the United States and to the press 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! 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.

(END VIDEO CLIP)

SHUSTER: The hearing was emotional, but it also provided a major surprise. A former FBI agent involved in the case, who is now under criminal investigation, was summoned and was expected to assert his 5th Amendment rights against self-incrimination. Instead, the former agent started testifying and seemed to contradict a series of documents, including some he had authored. Committee chair Dan Burton worried about jeopardizing the separate Justice Department investigation, took a break to huddle with staff attorneys. Burton then came back and issued a dramatic warning to the former agent, making sure that Paul Rico knew the testimony could be used against him. After that segment, you will hear Congressman Chris Shays ask if the former agent is sorry about anything that happened to the Salvatis.

(BEGIN VIDEO CLIP)

The Story of Joe Salvati

BURTON: 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?

H. PAUL RICO, RETIRED FBI SPECIAL AGENT: Yes.

BURTON: You understand all that?

RICO: Yes. Yes.

BURTON: And you prefer to go on answering questions with your testimony. You're subpoenaed here to answer...

RICO: I have had advice of counsel, and I am not -- I'm not taking my counsel's advice. I am going to -- I'll explain to you whatever you want to know.

REP. CHRISTOPHER SHAYS (R), CONNECTICUT: Do you have any remorse?

RICO: Remorse? For what?

SHAYS: For the fact that you were -- played a role in this.

RICO: I believe that the role I played was the role I should have played. I believe that...

SHAYS: But now you...

(CROSSTALK)

RICO: ... we supplied a witness, and we gave him to the local police, and they're supposed to be able to handle the case from there on. That's it.

SHAYS: No you know...

RICO: Oh, I can't -- I cannot...

SHAYS: So you really don't really -- you don't really care much, and you don't really have any remorse. Is that true?

RICO: Would you like tears or something? What?

SHAYS: Pardon me?

RICO: What do you want, tears?

(END VIDEO CLIP)

SHUSTER: Members of the committee were so outraged that they -- one of them publicly accused Paul Rico of being as corrupt as the Mafia he was investigating 30 years ago. And even though the Boston FBI bureau, to this point, has not apologized to the Salvati family, on this day, Brit, FBI director Louis Freeh has issued a statement saying that the entire FBI bureau will cooperate with the ongoing criminal investigation.

HUME: Tell me what it was that was so terribly important that the FBI thought it was worth this man spending -- this innocent man they knew was innocent spending 30 years in jail?

SHUSTER: Well, Brit, there was an FBI informant named Joseph Barboza, whose friend, a guy by the name of Vincent Flemmi, the FBI knew had committed the murder that this man, Mr. Salvati, was accused with. The FBI was convinced that if, in fact, they let on that they knew that Mr. Salvati was not the right perpetrator in this case, that that would tip off informants that they had as part of other cases and ruin some other trials that they were planning to do.

The Story of Joe Salvati

The problem with this, though, was that Joseph Barboza, the man who was the key witness against Mr. Salvati -- he eventually recanted, and the FBI said, "Look, you're going to have to stick with your story." Furthermore, Barboza went on to commit several murders.

HUME: Now, no apology from -- from this man. Have the police involved in this -- are they -- have they apologized?

SHUSTER: The Boston Police Department has also been largely silent about this, even though some of it was -- it was some of their own internal documents. Many of them had been destroyed and -- and put away. They'd eventually surfaced because they had been misfiled. And because they'd been misfiled, that's the only reason that Mr. Salvati's attorney was able to get his hands on some evidence that would prove his client's innocence on this murder charge.

HUME: All right, David. Thank you very much.

We have to take a quick break for other headlines, but when we return, find out what Al Gore is saying about his political future. The Grapevine is next.

Load-Date: July 10, 2003

End of Document



[Assessing Robert Mueller](#)

DownWithTyranny

April 15, 2018 Sunday 4:27 PM EST

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Length: 2481 words

Byline: DownWithTyranny

Body

Apr 15, 2018(DownWithTyranny: <http://downwithtyranny.com> Delivered by Newstex) https://3.bp.blogspot.com/-W2UoremEwk8/WtIXqg5tgDI/AAAAAABYQo/2dX2tiPBuKU2kuSB2hZQBv7MmznzfwY5QCLcBGAs/s1600/e14e04_7755c256473448afb3a01e1c77dad148%257Emv2_d_2179_1522_s_2.jpg -by Skip KaltenheuserI don't want to genuflect to Robert Mueller as if his sainthood is imminent. Plenty of others are already busy at that task. Separating him from his legal environment is a challenge, as it's difficult to ignore a stench floating above many aspects of the US Dept.

of Justice. These include ethics matters and a grotesque lack of accountability in an agency where accountability ought to be the most prominent of any agency in government. Indeed, DOJ's consistency in insulating Wall Street from real consequences for its criminal misdeeds-- the revolving door has turned DOJ into a wholly owned subsidiary of Wall Street-- could set America up for another financial debacle like 2008. Or worse. There is no murkier part of Washington's swamp than at the Department of Justice, where the quicksand gets recycled. Consider the message DOJ sent to potential whistleblowers who might enlighten the public on banksters[1], prosecuting a very significant whistleblower as a wet kiss to Swiss banks and US subsidiaries who were very generous to the Clintons. Here's a related item, a recent glimpse of the swamp's revolving door, about a DOJ lawyer-- prominent in the whistleblower travesty-- now in the service of Paul Manafort[2]. So I've come to view DOJ with a jaundiced eye. That was underway well before the current weasel was put in charge, a sugar magnolia eccentric whose latest itch is to rev up the death penalty, miscarriages of justice be damned[3]. https://1.bp.blogspot.com/-D0y_RoMhPyc/WtIXkHc4c-I/AAAAAABYQs/OyWnTmHp2GQuQ5QkqZG-IjFph9NullPDwCLcBGAs/s1600/e14e04_cd36294346fa434f98b6808fbde007c7%257Emv2_d_1476_2058_s_2.jpg [Mueller](#) has had a worrisome intersection with entrapment. Here's a first-hand account from a credible source, author and civil liberties lawyer Harvey Silverglate, whom Mueller tried to entrap when Silverglate was a defense lawyer opposing Mueller on a Federal criminal case. Without solid grounds for such an effort by Mueller, that's troubling in so many ways. An abbreviated version of Silverglate's account, and a related radio interview, is here[4]. It includes an experience indicating Mueller might willingly avert his eyes from prosecutorial misconduct done in the service of framing a man. Silverglate's takeaway impression of Mueller, whom he'd known since Harvard Law School, became that of the Grand Inquisitor. So I was prepared to entertain the worst when an email from the conservative legal hatchet Judicial Watch touted a statement by lawyer and former Harvard law prof Alan Dershowitz implying that Mueller had been complicit in keeping innocent men in prison to protect an FBI informant, the murderous organized crime figure Whitey Bulger. Dershowitz strikes me as something of a mixed bag, but his

Assessing Robert Mueller

statement was so startling one can't ignore it. "Harvard Law professor Alan Dershowitz: 'I think Mueller is a zealot. Look, he's the guy who kept four innocent people in prison for many years in order to protect the cover of Whitey Bulger as an FBI informer. Those of us in Boston don't have such a high regard for Mueller because we remember this story.'" The statement came from this April 8th segment on The Cats Roundtable Show, a radio show hosted by billionaire businessman John Catsimatidis[5]. Play Video[6]There's been a number of good books written about Whitey Bulger, a moral cretin but colorful enough to merit Johnny Depp playing him in the film Black Mass. Curious as to if Dershowitz's statement had the ring of truth or was just ring around the collar, I sent a note to the authors of one of the best regarded books, Whitey Bulger: America's Most Wanted Gangster and the Manhunt That Brought Him to Justice[7], Boston Globe reporters Shelly Murphy and Kevin Cullen, asking what they thought of the allegation of Mueller letting innocent people rot in prison to protect Bulger. Ms. Murphy sent me a piece on the topic she had just completed:How do Hannity's attempts to link Mueller to 'Whitey' Bulger hold up?[8] Ms. Murphy's analysis, to which reporter Martin Finucane contributed, follows below. Fox News host Sean Hannity, an ardent critic of Robert Mueller's investigation into whether President Trump's campaign colluded with Russia to influence the 2016 election, has recently cast aspersions on Mueller's tenure as a federal prosecutor in Boston decades ago.Hannity has tried to link Mueller to New England's most notorious organized crime figure: James 'Whitey' Bulger. In one segment, Hannity presented a sarcastic chart, dubbed 'The Mueller Crime Family?' that listed Bulger as a member.During one opening monologue[9] this week, Hannity said it doesn't seem to matter how 'rogue' Mueller is. 'It doesn't matter what he did with Whitey Bulger.'Hannity also said[10] that while Mueller was a prosecutor in Boston, there were 'four men, wrongfully imprisoned for decades, framed by an FBI informant and notorious gangster Whitey Bulger, all while Mueller's office looked the other way.'"In that case with Whitey Bulger-- a \$100 million payout and two of the four people died in jail that were put in there and they were innocent,' Hannity added.So what's Hannity talking about, and is there any shred of truth to what he said? Here is what we know about Mueller's record on those matters during his time in Boston.What involvement did Mueller have with Bulger?None. Mueller served in the US attorney's office in Boston from 1982 to 1988, serving as chief of the criminal division, then first assistant US attorney, and later as acting US attorney for more than a year. During that time, Bulger ran a sprawling criminal enterprise and got away with murders because he was a longtime FBI informant who corrupted his handlers. The FBI and the New England Organized Crime Strike Force, a prosecutorial unit that worked independently of the US attorney's office and reported directly to the Justice Department, used Bulger to build cases against the Mafia and gave him a pass on his own crimes. The FBI's corrupt relationship with Bulger was exposed after he was indicted on federal racketeering charges in 1995 and became a fugitive. He was captured after 16 years on the run[11], convicted of 11 murders, and is currently serving a life sentence.Were four men framed by an FBI informant and wrongfully imprisoned for years, while two died in prison?Yes, but that informant was not Bulger. Mob hitman-turned-government witness Joseph 'The Animal' Barboza was the key witness in a 1968 trial that led to the wrongful convictions of Joseph Salvati, Peter J. Limone, Louis Greco, and Henry Tameleo for the 1965 slaying of a small-time hoodlum named Edward 'Teddy' Deegan. Tameleo and Greco died in prison. For years, the men proclaimed their innocence, but members of the FBI, the US attorney's office, and the Suffolk district attorney's office vigorously lobbied against clemency for Limone and Salvati throughout the 1980s and 1990s, insisting they were guilty and had ties to the Mafia.Their case drew new scrutiny after details of the FBI's corrupt relationship with Bulger and his sidekick, Stephen 'The Rifleman' Flemmi, began to emerge in 1998, triggering a Justice Department investigation and a congressional inquiry into the agency's mishandling of informants dating to the 1960s. In 2000, a Justice Department task force uncovered secret FBI documents indicating that Barboza framed the four men, while protecting one of the real killers-- the brother of the FBI's star informant, Flemmi. Limone was freed in 2001 after spending 33 years in prison, and Salvati was pardoned four years earlier. They sued the government, alleging the FBI framed them.Did Mueller know the four men had been wrongly convicted and look the other way?There's nothing linking Mueller to that case, according to several attorneys for the men, voluminous court records, and a former federal judge who presided over their wrongful imprisonment trial. In 2007, then US District Judge Nancy Gertner found that the FBI deliberately withheld evidence that the four men were innocent and that the bureau helped cover up the injustice for decades. She ordered the government to pay the men and their families \$101.7 million. Gertner, who heard 22 days of testimony and waded through thousands of documents, found the FBI developed Barboza as a witness and turned him over to the state, without disclosing the agency's documents that indicated he was lying.'Absolutely nothing in the record that I saw suggested Mueller's involvement in any way in either the initial acts that led to the four men's imprisonment, or the acts that ended in their continued imprisonment and denying them parole or the coverup,' Gertner said Friday. 'To

Assessing Robert Mueller

suggest otherwise, in my view, is not true.'Was Mueller among the prosecutors who wrote letters to the Massachusetts parole board opposing the release of the four before evidence emerged that they had been framed?No, according to both Gertner and Limone's attorney, Juliane Balliro, who was given certified copies of the parole board records for Limone, Greco, Tameleo, and Salvati before their 2007 trial.'His signature never appeared on anything I ever saw or can recall," Balliro said. '[Mueller] just wasn't on the radar screen.'Former Massachusetts Parole Board member Michael Albano, who complained of intimidation and retaliation by the FBI after he voted in favor of commutation for Limone in 1983, said Thursday that he's convinced that at one time he saw a letter from Mueller, written in the 1980s, opposing the release of either Limone or one of the other three men.A 2011 column[12] by The Globe's Kevin Cullen has been cited in media reports that attempt to link Mueller to the wrongfully imprisoned men. At the time, Cullen said Mueller wrote letters to the parole and pardons board throughout the 1980s opposing clemency for the four men. But, in a column[13] Friday, Cullen said he heard that from Albano but did not see any letters from Mueller.The day in 2007 that Gertner announced that the FBI was 'responsible for the framing of four innocent men' and awarded the multimillion judgment, Mueller, then the FBI director, was being questioned during an FBI oversight hearing in Washington, DC He characterized the case as a debacle and said, 'I would suggest to you that that is isolated. Day in and day out over the years, FBI agents have been undertaking investigations and done them lawfully.'

https://1.bp.blogspot.com/-IRjkjTZyWN4/WtIX4eXfFYI/AAAAAAAABYQ0/7f_B7Vcqdn8hECKFRkZuEk1yPUmWbpaAwCLcBGAs/s1600/e14e04_1b0a00a92c6e4b0bb90d4a0c6c5e901d%257Emv2_d_1983_1453_s_2.jpg should note that Kevin Cullen also wrote a piece on Friday[14] that included some comments on Mueller and the Bulger era that seem more ambivalent about Mueller's role, or at least Mueller's responsibility to be more knowledgeable as to what was going on when he was in Boston's US Attorney's office during the Bulger saga, in various capacities including acting US Attorney.Even though the FBI and the prosecutorial unit involved in the coverup of wrongful convictions reported directly to the Justice Department, one does wonder why the local head cheese didn't know more of any miscarriage of justice on his turf, particularly related to a high-profile character like Barboza.I believe cautions on Mueller such as that by Silverglate, author of Three Felonies a Day, How the Feds Target the Innocent[15] are worth staying mindful of as Washington's reality circus parades forth.But on the matter of whether Mueller was a creep who let innocent men rot on behalf of Bulger, I'm deferring to the reporting of Whitey Bulger expert Shelly Murphy and to the assessment of then US District Judge Nancy Gertner, quoted in Ms. Murphy's article above. As to Hannity's credibility and his ready twist-up with a different cast of characters, well, what's the point?If Alan Dershowitz has evidence to the contrary, I encourage him to get in touch so we can present it in this happy-go-lucky forum.However Mueller's investigations sort out, the long-term harm from the jaw-dropping venality of the Trump Administration is where the country's prime focus ought to be. Whatever tactics Mueller pursues, they'd better prove better than a prosecutorial gotcha card like that played on Bill Clinton over a personal scandal, or he might make Trump a more sympathetic character than he deserves.A personal aside on DOJ: I saw up close how laughable DOJ's Office of Professional Responsibility is when I tried for some measure of accountability for a self-serving US Trustee who made a disgusting mockery of the concept of trust. That's a digression I won't go into now, other than to note the OPR is colorfully described as a Roach Motel-- complaints check in but they don't check out. That doesn't inspire confidence.If Mueller sticks around, I hope he isn't dragged down by the agency culture that surrounds him.

https://1.bp.blogspot.com/-bbbAup25KWc/WtIYIFdoXol/AAAAAAAABYQ8/2d8kHSWKhu06_7KurE2IMO-BaZAEL94IQCLcBGAs/s1600/e14e04_e8d824781edb414c970e0892f3158f0b%257Emv2_d_1476_1648_s_2.jpg [1]: <https://downwithtyranny.blogspot.com/2016/10/a-devils-advocate-rings-in-bad-night.html> [2]: <https://downwithtyranny.blogspot.com/2017/10/paul-manafort-lawyer-kevin-downing-is.html> [3]: <https://www.rollingstone.com/politics/features/jeff-sessions-death-penalty-texas-arizona-w518720> [4]: <https://news.wgbh.org/2017/10/17/silverglate-how-robert-mueller-tried-entrap-me> [5]: <https://omny.fm/shows/cats-interviews/alan-dershowitz-4-8-18> [6]: <https://www.youtube.com/embed/CE3e3hGF2jc> [7]: <https://www.amazon.com/Whitey-Bulger-Americas-Gangster-Manhunt/dp/0393087727> [8]: <http://www.bostonglobe.com/metro/2018/04/13/hannity-attempts-link-mueller-whitey-bulger-don-hold/kDPSq2ek8xDTFiPZix4yoL/story.html> [9]: <https://www.youtube.com/watch?v=p24NliC1e9g> [10]: <https://youtu.be/WR4cwAqkZqo> [11]: http://archive.boston.com/news/local/massachusetts/articles/2011/06/23/whitey_bulger_surrenders_in_calif_after_16_years_on_run/ [12]: http://archive.boston.com/news/local/massachusetts/articles/2011/07/24/a_lingering_question_for_the_fbis_director

Assessing Robert Mueller

/ [13]: <https://www.bostonglobe.com/metro/2018/04/12/maybe-was-wrong-about-pope-francis/SoOck56WGpoLpBiQ02HaFI/story.html> [14]: <https://www.bostonglobe.com/metro/2018/04/12/maybe-was-wrong-about-pope-francis/SoOck56WGpoLpBiQ02HaFI/story.html> [15]: <https://www.amazon.com/Three-Felonies-Day-Target-Innocent/dp/1594035229>

Load-Date: April 15, 2018

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[Hannity's Mueller-Bulger claims don't hold up](#)

The Boston Globe

April 14, 2018 Saturday

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Section: NEWS; Metro; Pg. A,4,3

Length: 908 words

Byline: By Shelley Murphy, Globe Staff

Body

ABSTRACT

Here is what we know about Robert Mueller's record on the matter during his time in Boston.

BODY

Fox News host Sean Hannity, an ardent critic of Robert Mueller's investigation into whether President Trump's campaign colluded with Russia to influence the 2016 election, has recently cast aspersions on Mueller's tenure as a federal prosecutor in Boston decades ago.

Hannity has tried to link Mueller to New England's most notorious organized crime figure: James "Whitey" Bulger. In one segment, Hannity presented a sarcastic chart, dubbed "The Mueller Crime Family?" that listed Bulger as a member.

During one opening monologue this week, Hannity said it doesn't seem to matter how "rogue" Mueller is. "It doesn't matter what he did with Whitey Bulger." He also said that while Mueller was a prosecutor in Boston, there were "four men, wrongfully imprisoned for decades, framed by an FBI informant and notorious gangster Whitey Bulger, all while Mueller's office looked the other way."

"In that case with Whitey Bulger — a \$100 million payout and two of the four people died in jail that were put in there and they were innocent," Hannity added.

So what's Hannity talking about, and is what he said true? Here is what we know about Mueller's record on those matters during his time in Boston.

What involvement did -Mueller have with Bulger?

None. Mueller served in the US attorney's office in Boston from 1982 to 1988, as chief of the criminal division, first assistant US attorney, and as acting US attorney for more than a year. During that time, Bulger ran a sprawling criminal enterprise and got away with murders because he was a longtime FBI informant who corrupted his handlers. The FBI and the New England Organized Crime Strike Force, a prosecutorial unit that worked

Hannity's Mueller-Bulger claims don't hold up

independently of the US attorney's office and reported directly to the Justice Department, used Bulger to build cases against the Mafia and gave him a pass on his own crimes. The FBI's corrupt relationship with Bulger was exposed after he was indicted on federal racketeering charges in 1995 and became a fugitive. He was captured 16 years later .

Were four men framed by an FBI informant and wrongfully imprisoned for years, while two died in prison?

Yes, but that informant was not Bulger. Mob hitman-turned-government witness Joseph "The Animal" Barboza testified in a 1968 trial that led to the wrongful convictions of Joseph Salvati, Peter J. Limone, Louis Greco, and Henry Tameleo for the 1965 slaying of a small-time hoodlum named Edward "Teddy" Deegan. Tameleo and Greco died in prison. The men proclaimed their innocence, but members of the FBI, the US attorney's office, and the Suffolk district attorney's office vigorously lobbied against clemency for them throughout the 1980s and 1990s.

Their case drew scrutiny after details of the FBI's corrupt relationship with Bulger and his sidekick, Stephen Flemmi, began to emerge in 1998, triggering an investigation into the agency's mishandling of informants dating to the 1960s. In 2000, a Justice Department task force uncovered secret FBI documents indicating Barboza framed the four men, while protecting one of the real killers — Flemmi's brother. Limone was freed in 2001, and Salvati had been pardoned in 1997.

Did Mueller know the four men had been wrongly convicted and look the other way?

There's nothing linking -Mueller to that case, according to several attorneys for the men, voluminous court records, and a former federal judge who presided over their wrongful imprisonment trial. In 2007, then US District Judge Nancy Gertner found that the FBI deliberately withheld evidence that the four men were innocent and that the bureau helped cover up the injustice for decades. She ordered the government to pay the men and their families \$101.7 million.

"Absolutely nothing in the record that I saw suggested Mueller's involvement in any way in either the initial acts that led to the four men's imprisonment, or the acts that ended in their continued imprisonment and denying them parole or the coverup," Gertner said Friday.

Was Mueller among the prosecutors who wrote letters to the Massachusetts parole board opposing the release of the four before evidence emerged that they had been framed?

No, according to Gertner and Limone's attorney, Juliane Balliro, who scoured copies of the parole board records for the four men. There were no letters from Mueller in the files and his signature "never appeared on anything I ever saw or can recall," Balliro said.

Former Massachusetts Parole Board member Michael Albano, who complained of intimidation and retaliation by the FBI after he voted in favor of commutation for Limone in 1983, said Thursday that he's convinced that at one time he saw a letter from Mueller, written in the 1980s, opposing the release of one of the four men.

A 2011 column by the Globe's Kevin Cullen has been cited in recent media reports that attempt to link Mueller to the wrongfully imprisoned men. At the time, Cullen said Mueller wrote letters to the parole and pardons board throughout the 1980s opposing clemency for the men. But, in a column Friday, Cullen said he heard that from Albano but did not see any letters from Mueller.

After the FBI was found responsible in 2007 for framing the men, Mueller, then the FBI director, characterized the case as a debacle.

Martin Finucane of the Globe staff contributed to this report. Shelley Murphy can be reached at shelley.murphy@globe.com

Load-Date: April 14, 2018

Hannity's Mueller-Bulger claims don't hold up

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[Orrin S. Estebo Dollars for Scholars chapter scholarship list is growing](#)

Redwood Falls Gazette (MN)

10 May 2018

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Section: NEWS

Length: 1024 words

Body

A total of \$52,500 in scholarships was awarded to members of the Redwood Valley High School Class of 2018 through the Orrin S. Estebo Chapter of Dollars for Scholars May 2 during the annual Evening of the Stars. That amount has grown dramatically since the chapter presented its first 16 scholarships in 2002.

What follows is a list of the students and the scholarships they were awarded:

- Thomas Amberg was presented the Matthew and Lindsay Johnson /Tersteeg's Scholarship in the amount of \$500 and the Scott Larson and Robin Stegner Scholarship for \$500.
- Thomas Arellano was awarded a Bremer Bank Scholarship in the amount of \$500.
- Cali Aude received a \$500 Orrin S. Estebo Scholarship.
- Allyssa Batson was awarded a Minnwest Bank Scholarship in the amount of \$500.
- Abigail Beran was awarded the Jan Raduenz Phillips Nursing Scholarship for \$1,000.
- Eric Bommersbach was awarded a George Ramseth Scholarship in the amount of \$500 and a \$500 Orrin S. Estebo Scholarship.
- Keegan Bourke was awarded a Orrin S. Estebo Scholarship in the amount of \$500.
- Rosemary Chambs was awarded the Fuhr Family Scholarship in the amount of \$500.
- Madisen Clennon was award a Helen and Ruth Peterson Scholarship for \$918, which is renewable for an additional three years.
- Madelyn Collins was awarded a Bremer Bank Scholarship in the amount of \$500.
- Justin Deinken was awarded the Henry and Mary Boots Scholarship for \$500 and the In Honor of Don Tiffany /Rotary Scholarship in the amount of \$500.
- Jasmyne Fisher was awarded a \$500 Orrin S. Estebo Scholarship.

Orrin S. Estebo Dollars for Scholars chapter scholarship list is growing

- Rose Frank has been awarded a Minnwest Bank Scholarship in the amount of \$500, an Orrin S. Estebo Scholarship in the amount of \$1,000 and the Sgt. Brent Koch Memorial Scholarship in the amount of \$500.
- Spencer Gilk was awarded a George Ramseth Scholarship in the amount of \$500, the Jean Stephany Scholarship in the amount of \$1,000 and the Nick Stanton Scholarship in the amount of \$500.
- Alaina Goblirsch is awarded the Jan Raduenz Phillips Nursing Scholarship for \$1,500 and the Robin Stegner /Scott Larson Scholarship for Nursing in the amount of \$500.
- Kelsey Greenslit was awarded a \$500 Donald P. Tiffany Scholarship.
- Sara Heiderscheidt was awarded a \$750 Orrin S. Estebo Scholarship.
- Michael Helsper was awarded the Julie Gordon and James Gordon Scholarship for \$500.
- Madison Hicks was awarded the NU-Telecom Scholarship in the amount of \$500.
- Mitchell Irlbeck was awarded a George Ramseth Scholarship for \$500 and a Minnwest Bank Scholarship in the amount of \$500.
- Amanda Johnson was awarded the Farmers Union Industries, LLC Scholarship for \$1,000.
- Logan Josephson was awarded the Helen and Ruth Peterson Scholarship in the amount of \$918, renewable for three more years.
- Hannah Kerkhoff-Elmer was awarded the Hagen Family Scholarship in the amount of \$1,000.
- Josephine Kodet was awarded a George Ramseth Scholarship for \$500, an Orrin S. Estebo Scholarship in the amount of \$1,000 and the Otto Family Scholarship for \$500.
- Miriam Krause was awarded the Dash Riley Ellingworth/Jeff Jensen Memorial Scholarship in the amount of \$750 and a Minnwest Bank Scholarship in the amount of \$750.
- Miranda Krinke was awarded a Jan Raduenz Phillips Nursing Scholarship for \$1,500.
- Larissa Lindemann was awarded a \$500 Orrin S. Estebo Scholarship.
- Ethan Lothert was awarded the Phillip McKay Memorial Agriculture Scholarship in the amount of \$500.
- Samantha Lydick was awarded a \$1,500 Orrin S. Estebo Scholarship.
- Nichele Mannz was awarded the Redwood Area Hospital Foundation /HomeTown Bank Scholarship in the amount of \$750.
- Amanda Milhausen was awarded the Ruby's Pantry Scholarship in the amount of \$500.
- Safron Milne was awarded the Col. William R. Cook Scholarship for \$500, a \$1,000 Orrin S. Estebo Scholarship and the Vic and Olga Engberg/Redwood Falls Arts County and Art Center/Bernick's Pepsi Scholarship for \$500.
- Teresa Munshower was awarded the Burmeister Scholarship in the amount of \$1,000.
- Alyssa Nelson was awarded an Orrin S. Estebo Scholarship in the amount of \$500.
- Jasmin Ovre was awarded the Brian Anderson Memorial Scholarship in the amount of \$500 and the \$500 Myrl and Jeannine Barnes /Prudential Scholarship.
- A \$500 Don and Vera Tiffany Scholarship, the Steve Family Leadership Scholarship in the amount of \$500 and the Dr. Thomas Gross Family Scholarship in the amount of \$500 were presented to Spencer Quast.

Orrin S. Estebo Dollars for Scholars chapter scholarship list is growing

- Halle Runck was awarded the Meister/Swartz Families Scholarship in the amount of \$500 and a \$1,000 Minnwest Bank Scholarship.
- **Joseph Salvati** was awarded the Norma Flinn Memorial/Western Family Scholarship in the amount of \$500 and the Reitter Family Scholarship for \$500.
- Abigail Sandgren was awarded the Mandy Nieland Memorial Scholarship in the amount of \$500.
- Briah Sands was awarded the Jan Raduenz Phillips Nursing Scholarship for \$1,000.
- Paige Serbus was awarded an Orrin S. Estebo Scholarship in the amount of \$500.
- Nicole Stoen was presented an Orrin S. Estebo Scholarship in the amount of \$1,000.
- Isaiah Wall was awarded a \$500 Orrin S. Estebo Scholarship.
- Ethan Whited was awarded a Minnwest Bank Scholarship in the amount of \$750.

Other awards

- Kyle Day was presented the Harvard Book Award as one of the top students academically in the Redwood Valley High School junior class.
- Lauren Karnitz, a junior at Redwood Valley High School was presented the Carlson Scholarship in the amount of \$1,000, as well as a trophy for the school.
- The James Hopfenspirger – Class of 1965 – Memorial Photography Scholarship was awarded to three individuals – Deon Estebo, first place, and \$1,000; Lauren Karnitz, second place and \$300 and Eric Bommersbach, third place and \$200.
- The Estebo Second Year Scholarships in the amount of \$650 have been awarded to Caden Hanna, Amber Junker and Jared Lund.
- The PEO Scholarship in the amount of \$500 was awarded to Kayla Huhnerkoch.
- The Marion Frederickson Music Scholarship in the amount of \$1,000 was awarded to Megan Kipfer.
- The Marilyn Smith Education Scholarship in the amount of \$2,500 was awarded to Jaycie Ford and Ahnna Malecek.

Load-Date: May 12, 2018



[Redwood Valley High School Class of 2018 to graduate May 20](#)

Redwood Falls Gazette (MN)

17 May 2018

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Section: NEWS

Length: 773 words

Byline: Troy Krause

Body

By late Sunday (May 20) afternoon, the Redwood Area School District will have more than 70 new alumni.

That day the Class of 2018 will hold its commencement exercises, as it ends its time as secondary students and begins the next stage of life.

For some, it will mean going on for additional education. Others will immediately enter the working world. There are also those who will put off both by serving their country.

Regardless of what the future holds, as each of the 78 candidates for graduation receive their high-school diploma, they will know what lies ahead of them is theirs to determine.

The 2017-18 senior class of Redwood Valley High School will hold its graduation ceremony May 20 starting at 1 p.m. in the Redwood Valley schools gym.

For Rick Jorgensen, RVHS principal, the Class of 2018 has had an extremely positive impact on the school as well as the community.

"This is an impressive group of students," said Jorgensen, who added the \$455,000 it has the potential to receive in college scholarships is one example of that.

As he talked about this year's senior class, Jorgensen said the fact that 23 of the graduates were honor students indicates the commitment to academics.

Those students who earned Highest Honors, which indicates a cumulative grade point average for Grades 9-12 of 3.86 to 4.0 are Eric Bommersbach, Alaina Goblirsch, Logan Josephson (who graduates with a 4.0), Miriam Krause, Safron Milne and Spencer Quest.

Those earning High Honors (a GPA of 3.71-3.85) are Thomas Amberg, Rose Frank, Mitchell Irlbeck, Josephine Kodet, Samantha Lydick, Nichele Mannz, Teresa Munshower and Ethan Whited.

Redwood Valley High School Class of 2018 to graduate May 20

The Honors students (a GPA of 3.5-3.7) are Madisen Clennon, Justin Deinken, Spencer Gilk, Jasmin Ovre, Brandy Ringeisen, **Joseph Salvati**, Abigail Sandgren, Paige Serbus and Nicole Stoen.

He added the fact that 29 of the students also were recognized as having a 95 percent attendance rate their senior year, with zero tardies and zero disciplinary referrals is amazing.

That is more than one-third of the class, said Jorgensen.

There were 28 seniors who took at least one Advanced Placement class this year.

Leadership was also a strong character trait among many of the students in the Class of 2018, said Jorgensen, as it introduced new things for the student body and worked to make things better for all students in the school.

"This has been a great group, and I hate to see them go," said Jorgensen.

However, Jorgensen added he feels a sense of excitement as he sees the potential this class has after graduation.

Among those students is Jasmyne Fisher, who as a member of the Class of 2018 has been actively involved in various activities, such as softball, robotics, the trap team, band and cross country.

Fisher actually came to Redwood Valley as a sophomore, and she said moving was hard, but she was able to adapt and is now looking forward to the next change in her life.

Fisher is going to be attending the University of St. Thomas this fall where she will study biology.

"I want to go into the medical field," said the daughter of Devonnie Fisher and John Raney, who has not completely decided which medical path she will follow but is currently looking at physical therapy.

A chance to take a sports medicine class this year helped to confirm that desire.

Jake Evans, another member of this year's graduating class, has been involved in football and rejoined the track team this year. He is also a member of the choir.

Celebrating graduation will be short-lived for Evans, as he leaves for basic training May 29.

Evans will spend more than eight weeks at Lackland Air Force base in San Antonio, Texas learning to be a member of the United States Air Force.

"I have had a lot of family in the military," said Evans, the son of Tony and Hilary Evans, adding serving his country is something he has wanted to do for some time.

Although planning to be part of the U.S. military has been the plan for a while, Evans said it was a couple of years ago that he started to seriously research each of the branches. He also spoke with recruiters before ultimately opting to join the Air Force.

Evans wants to learn to maintain tactical aircraft, with the hopes of working on the newest fighter jets, including the F-35 and F-22.

Evans made a six-year commitment when he enlisted, and at this point said he is considering a career in the military.

Both Fisher and Evans believe their years in school have helped to prepare them for the world that is waiting, and they are both looking forward to the next stage of their lives.

The public is invited to come and celebrate with the RVHS Class of 2018 this Sunday.

Load-Date: May 19, 2018

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Jeffery Salvati



Jeffery Salvati

Poughkeepsie Journal (New York)

March 22, 2016 Tuesday

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Section: OBITUARIES**Length:** 242 words

Body

Jeffery Salvati

WAPPINGERS FALLS - Jeffery J. Salvati, 60, a resident of Dutchess County since 1978 and formerly of Middletown, NY, died on March 19, 2016 at home with his wife and daughter at his side.

Born in Middletown on January 27, 1956, he was the son of Joseph Salvati and the late Joyce VanDervoort.

Jeff worked as a glazier for 25 years before opening his own business in 2003. As the owner-operator of Mid Hudson Glass in Poughkeepsie, he worked very hard to create a successful business. He was very grateful to all his customers, many of whom became special friends over the years.

Jeff was an avid sportsman/outdoorsman who enjoyed hunting, fishing, boating, kayaking, & golfing. He was a long time member of Mountaineers Rod and Gun Club in Rock Hill, NY which was started by his great grandfather in 1937.

On October 10, 1981, in Middletown, Jeff married Kathy Guider who survives at home. He is also survived by his daughter Jennifer Salvati and her fiancé Conor Miller of Newburgh; his father Joseph and his loving wife Linda Salvati of Cuddebackville; his sister Karen and bother-in-law Charles Robinson of Middletown; several nieces and nephews; a great niece and a great nephew.

Services will be private and at the convenience of the family.

In lieu of flowers, memorial donations may be made to the Sarcoma Foundation of America or The National Fish & Wildlife Foundation. Please visit Jeff's Book of Memories at www.mchoufuneralhome.com.

Load-Date: October 18, 2017

Susan Jo Peal Sumner



Susan Jo Peal Sumner

The Times (Shreveport, Louisiana)

January 17, 2016 Sunday

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Section: OBITUARIES

Length: 275 words

Body

Susan Jo Peal Sumner

Sugar Land, TX - Susan Jo Peal Sumner, passed away January 14, 2016 with her family by her side at the young age of 60. She was born in Shreveport, Louisiana on September 4, 1955 to the late Ralph Peal and Betty Jo Carter Peal.

With her cheerful and generous spirit, she could make a friend out of anyone. Her greatest happiness was in helping others whether hosting celebrations or helping friends and family in times of need. She wasn't just the life of the party; she brought joy to everyone around her, a true "hostess with the mostest," as she would say.

Susan attended St. Vincent's Academy in Shreveport, LA where she found her love of singing as a member of the Cheerful Givers. She graduated from Louisiana Tech in 1976 where she enjoyed her time as an Alpha Chi Omega. She was dedicated to her family and community, active in both PTO and Girl Scouts. She retired from Fort Bend ISD after 12 years of employment.

Susan is survived by her loving husband of 38 years, Mike Sumner, her daughters Corey Sumner and Sarah Sumner Salvati, son-in law **Joseph Salvati**, sister Brenda Jones, brother Gary Peal and wife Kelly, stepmother Martha Cloyd Peal, stepsister Elizabeth Cloyd Maxwell and husband Reed, stepbrother Edward Cloyd, brother-in-law Steve Fuqua, numerous nieces and nephews, and her loving dog, Prissy. She is predeceased by her parents and dear sister Connie Peal Fuqua.

A memorial service celebrating her life is scheduled for Tuesday, January 19, at 1:00pm at Christ Church Sugar Land, 3300 Austin Parkway, Sugar Land, TX 77479.

In lieu of flowers, a donation in her honor can be made to the American Liver Foundation.

Load-Date: October 12, 2017

he paid for fbi's mistake; Limone spent 33 years in prison for murder he didn't commit



he paid for fbi's mistake; Limone spent 33 years in prison for murder he didn't commit

The Boston Herald

June 20, 2017 Tuesday

All Editions

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Section: NEWS; Columnist-Howie Carr; Pg. 5; Vol. 35; No. 171

Length: 642 words

Byline: HOWIE CARR

Body

Peter Limone, a Mafia soldier from the North End who just died at the age of 83, spent 33 of those years in prison for a murder he didn't commit — because he was framed by the FBI.

Think about that the next time you see some talking head on TV pontificating from Washington about how the FBI is the world's greatest law enforcement agency blah-blah-blah.

Think about Peter Limone, and his three innocent co-defendants, Louie Grieco, Henry Tameleo and Joe "the Horse" Salvati. Fidelity, Bravery, Integrity — yeah, right.

Not only did the FBI know Limone et al. weren't guilty, they also knew who the real killers were. The morning after the hit on Teddy Deegan in a Chelsea alley in March 1965, the Boston FBI sent an "airtel" memo to J. Edgar Hoover naming the real triggermen.

But one of them was Joe "the Animal" Barboza, the first hood in the Witness Protection Program. Barboza wanted to take some Mafia guys off the board, and so did the crooked agents in the Boston FBI.

Grieco and Tameleo died in state prison. The only one who survives is Salvati. He was put in the death car by the Animal because he had refused to repay \$200 he owed Barboza, meaning the Horse paid off a \$200 debt with 33 years of his life.

In 2007 Limone and the others (or their estates) were awarded \$101.7 million by a federal judge, which sounds good for about two seconds until you remember the 33 lost years.

The frame was set up by two Boston G-men, H. Paul Rico and Dennis Condon. They wanted to protect their prize canary, Joe the Animal. The Animal's obsession was taking down "In Town," the Boston Mafia. You see, when Barboza was raising bail money to get out of jail in 1966, the Mafia had lured two of his collectors to a dive on Commercial Street, murdered them and stolen \$82,000 cash.

he paid for fbi's mistake; Limone spent 33 years in prison for murder he didn't commit

This was Barboza's revenge, more for the \$82,000 than for his two hoods.

Everybody always knew that Barboza was lying, and that the FBI was framing the four North End guys. It was mentioned in books, court filings etc. But still they couldn't get the sentences overturned.

Every few years they'd come up for parole, and the FBI would send an agent to the hearing. Usually it would be John "Zip" Connolly, another legendarily bent G-man now doing 40 years in Florida for a gangland hit in Miami.

Finally, in 1997, hitman John Martorano began talking to the feds. He had been a friend of Barboza's. In 1967, while in protective custody as a rat, Barboza had called Martorano at a pay phone in Lynn and told him he was planning to lie on the witness stand.

Before the trial began, Martorano had gone to the boss of In Town, Jerry Angiulo, and offered to go on the witness stand and tell the true story. But Angiulo figured it wasn't necessary. As cynical as he was, even Angiulo couldn't imagine a jury believing Barboza, especially considering that Louie Grieco, a World War II hero, had been in Florida the night Deegan was murdered.

But the jury bought it, and Limone remained behind bars decade after decade until Martorano began cutting a deal of his own. He told the story again, and this time somebody listened. Shortly thereafter, the prosecutor probing FBI corruption in Boston got the old 1965 records proving the frame up.

In 2003, at age 77, Rico was called before Congress and asked how he could frame four innocent men.

"What do you want?" Rico famously sneered. "Tears?"

A year later, Rico was dead in a prison hospital in Tulsa. He was under indictment for a gangland hit in Oklahoma.

Limone at least he died a free man, which is more than can be said of Rico (and probably eventually Connolly). I called Martorano yesterday.

"He was a real man," Martorano said. "He was old-school, a good guy."

Forget James Comey. Peter Limone and H. Paul Rico – they are the real story of the FBI.

Buy Howie's new book, "Kennedy Babylon: A Century of Scandal and Depravity," at howiecarrshow.com.

Graphic

TIME AND AGAIN: Peter J. Limone give a thumbs up to those who supported him during his three decades in prison.

HENRY Tameleo

WRONGLY CONVICTED: ***Joseph Salvati***, second from left, stands with his daughter, Gail Orenberg, left, his wife, Marie, and his son, Anthony, in front of U.S. District Court in Boston in 2006, before the start of his civil suit.

HERALD FILE photo

ap file photo

Load-Date: June 20, 2017

he paid for fbi's mistake; Limone spent 33 years in prison for murder he didn't commit

End of Document

Peter Limone, in prison 33 years for murder he didn't commit, dies at 83



[Peter Limone, in prison 33 years for murder he didn't commit, dies at 83](#)

The Boston Globe

June 21, 2017 Wednesday

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Section: NEWS; Metro; Pg. B,1,1

Length: 848 words

Byline: By Shelley Murphy, Globe Staff

Body

ABSTRACT

Limone, who won millions in a lawsuit against the FBI, died Monday after a five-year battle with cancer.

BODY

Peter Limone and his wife, Olympia, left a Middlesex courthouse after he was released in 2001. A year after his legal victory, Peter J. Limone was back in court on charges that he operated a gambling ring.

Peter J. Limone spent 33 years in prison for a murder he didn't commit, then became a local legend after winning his freedom and a \$101.7 million judgment against the FBI for framing him and three other men.

A fighter to the end, Mr. Limone, 83, died Monday after a five-year battle with cancer.

"The guy was the epitome of what stand-up guys are," said attorney Anthony Cardinale, who knew Mr. Limone for years and often crossed paths with him in Boston's North End. "He was a guy who took it on the chin, did the best he could with his family, did his time like a man, and didn't come out with a chip on his shoulder. He maintained dignity throughout the process. He was an icon."

Mr. Limone was raised in Boston's West End and lived much of his life in Medford. He was only in his 30s when he was sent to prison, leaving his wife, Olympia, to raise their four young children alone. By his own account, the years he spent behind bars were difficult.

"It was a hard road," Mr. Limone said after a federal judge ruled in 2007 that the FBI was responsible for framing Mr. Limone and three others for the 1965 slaying of Edward "Teddy" Deegan in Chelsea. "They could never give me back what I lost. All the money in the world couldn't give me 33 years."

US District Judge Nancy Gertner found the FBI deliberately withheld evidence that Mr. Limone, [Joseph Salvati](#), Louis Greco, and Henry Tameleo were innocent, then covered up the injustice for decades as the men grew old behind bars, and Greco and Tameleo died.

Peter Limone, in prison 33 years for murder he didn't commit, dies at 83

The discovery of secret FBI files that were never turned over during the men's 1968 trial prompted a state judge to overturn Mr. Limone's conviction in 2001 and set him free.

The documents showed the FBI knew that the key witness in the case, notorious hitman Joseph "The Animal" Barboza, may have falsely implicated the four men while protecting one of Deegan's true killers, Vincent "Jimmy" Flemmi, who was an FBI informant.

At the time, the FBI had a national mandate to target La Cosa Nostra, commonly known as the Mafia. Mr. Limone was a reputed leader in the Boston mob, and Tameleo was the reputed consigliere of the New England Mafia.

Initially, Mr. Limone, Greco, and Tameleo were sentenced to die in the electric chair, then their sentences were reduced to life in prison after the death penalty was abolished in Massachusetts in 1970.

During the 2007 civil trial, Mr. Limone's wife testified that she was a stay-at-home mother with children ages 1, 4, 7, and 8 when her husband was arrested for Deegan's slaying. She sewed drapes and cleaned homes to support her family. Her children also testified, recounting frequent trips to prison, where they would be frisked before entering and frightened by the sound of heavy metal doors clanging.

Mr. Limone's share of the \$101.7 million judgment awarded to the four men and their families was \$26 million.

After his release from prison, Mr. Limone embraced family life and loved spending time with his wife, four children, and 10 grandchildren, according to several friends.

"He was a good man," said Bernie Cherbitsky, a car dealership manager and longtime friend of Mr. Limone and his son. "He loved his family."

Attorney Victor Garo, who represented Salvati during the civil trial against the government, said he often bumped into Mr. Limone on weekends at a popular doughnut shop in Medford center, where Mr. Limone would frequently buy four dozen doughnuts at a time and drop them off to friends or at a local senior center.

"I always saw him treat people with respect and kindness," Garo said.

Yet a year after his legal victory, Mr. Limone was back in court facing charges that he operated a ring that raked in hundreds of thousands of dollars in gambling profits.

Stephen Johnson, a retired Massachusetts State Police detective lieutenant, said Mr. Limone was alleged to be the acting boss of the New England Mafia in 2008 when he and another trooper approached him at a charity event with a warrant that allowed them to search him and his Medford home for possible evidence of gambling, loan sharking, and extortion.

"He acted like a complete gentleman," said Johnson, recounting that Mr. Limone was surprised, but remained cordial. "He was very pleasant."

Later, Mr. Limone pleaded no contest to state charges of extortion, organizing a gambling syndicate, and loan sharking, and was placed on probation for five years.

Cardinale said Mr. Limone remained upbeat, even after spending time on death row, and was just happy to be back home with his family.

"Never once did I hear him complain about what happened to him," he said. "Here was a guy who could maintain his dignity and his respect, knowing every day of those 33 years that the FBI had framed him."

Shelley Murphy can be reached at shelley.murphy@globe.com

Peter Limone, in prison 33 years for murder he didn't commit, dies at 83

End of Document



Redwood Valley High School thespians preparing for One-Act contest

Redwood Falls Gazette (MN)

25 January 2018

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Section: NEWS

Length: 782 words

Byline: Troy Krause

Body

It is 4 a.m.

The world around you is fast asleep.

You, however, are not. Thoughts race through your head about monsters under the bed and whether life is really worth it. Worries about tests, technological distractions, work and so much more are keeping a group of teens up at an hour when they should be staring at the back of their eyelids.

In the play "4 A.M." by Jonathan Dorf teens are trying to figure out life, and this year the cast and crew of the Redwood Valley High School's One-Act presentation offers its version of the story of "4 A.M."

According to Katy Eckes, One-Act play director, the play portrays that sense of loneliness everyone feels at one time in their life. Through the use of a mix of drama and humor, "4 A.M." helps show in the end no one is really alone. Eckes is in her first year as the One-Act director.

"I knew that the position was opening and thought for a while about doing it," said Eckes. "I grew up in the theater and am super passionate about it."

Eckes said she has been involved in theater in one form or another since she was very young.

"I have been on stage in some way since fourth grade," Eckes said. "I love the stage. I love acting, singing, dancing and directing."

While being director of the One-Act is new, Eckes has had experience in directing, as she helped with the music for the RVHS presentation of "You're a Good Man, Charlie Brown" in 2016. Eckes has also been involved in Redwood Area Theatre in the time she has been in the community, so taking on the role of director for the One-Act made sense for her.

Eckes held auditions for this year's performance a few weeks after the three-act play ended this past fall, and began holding rehearsals a couple of weeks before the December holiday break.

Redwood Valley High School thespians preparing for One-Act contest

There are 18 students in this year's cast and crew, including:

- Madisen Clennon as Frankie
- Abby Gilk as Jane
- Justene Larsen as the jogging girl
- Teresa Munshower as Anne
- Audrey Munshower as Monica
- Holden Kipfer as Romeo
- Mara Lund as Juliet
- Spencer Quast as the sleeper kid
- Bennet Vollbehr as the second jogger
- Deon Estebo as Simon
- Leo Steffl as Hale
- Alexcia Nelson as the fire kid
- Justin Deinken as the monster under the bed
- Brian Bucholz as the first officer
- **Joseph Salvati** as the second officer
- Amos Krause as the light technician
- Grant Liebl as the sound technician
- Miriam Krause as the spotlight technician

Spencer Quast, a veteran of Redwood Valley theater, is in his second year as a One-Act play participant.

"Being in One-Act was a better fit for me than a winter sport," said Quast.

Joe Salvati, who is also participating in One-Act for the second time, added he was encouraged by a lot of his friends to give it a try. He also said it gives him a bit of a break between the fall and spring sports seasons.

"I was in plays in middle school," said Holden Kipfer, who is in his first year as a member of the One-Act play troupe. "I wanted to try something new this year and thought it would be nice to get back on the stage."

Quast explained that One-Act is different than most other theatrical performances in that it is a competition. Several high school theater programs will present their plays at Sub-Section contests, with the opportunity to advance to the Section and state festivals later this winter.

For Kipfer taking a speech and theater class as a junior gave him confidence to give theater a try again, and he is glad he opted to give it a try.

"It's been a lot of fun," said Kipfer.

Quast said he feels rehearsals have been going well, adding he thinks Eckes is doing a good job in her first year as the director.

Redwood Valley High School thespians preparing for One-Act contest

"Miss Eckes is very thorough and dedicated, which is great," said Quast.

Salvati said he really feels good about where they are with a couple of weeks left before the students perform the play for the first time.

Eckes said the students are planning to do a performance for friends and family Jan. 26 at 4 p.m. The next day is the Sub-Section contest, which is being held in the Estebo PAC at Redwood Valley schools. Kipfer encouraged everyone to come out and watch the One-Act play Jan. 27.

Redwood Valley to host One-Act Sub-Section contest Saturday

The Sub-Section 9 One-Act play contest is being held in the Estebo PAC at Redwood Valley schools in Redwood Falls this Saturday (Jan. 27).

The contest begins at 10:30 a.m. that day.

The following six schools will be participating: BOLD, Red Rock Central , Redwood Valley, Tracy-Milroy-Balaton, Wabasso and Westbrook -Walnut Grove.

Tickets are \$5 for students and \$7 for adults.

The top performances from the Sub-Section contest will move on to the Section contest the following Saturday (Feb. 3) also in Redwood Falls.

Load-Date: January 27, 2018



Stella Salvati

Mansfield News Journal (Ohio)

September 4, 2017 Monday

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Section: OBITUARIES

Length: 389 words

Body

Stella J. Salvati

Crestline: Stella J. Salvati, 87, of Crestline, died Saturday, September 2, 2017 at her son's home after a brief illness.

Stella was born in Crestline on December 20, 1929 to the late Annunciato and Santa (Giovingo) Tuscano. She married Robert J. Salvati on September 25, 1948 and he preceded her in death on November 13, 1999.

Stella attended Holy Cathedral High School and graduated from Crestline High School in 1948. Stella was a lifetime member of St. Joseph Catholic Church, Crestline where she was a member of the Altar Rosary Society. She worked for 50 years as a Sacristan at St. Joseph Catholic Church. The Knights of Columbus awarded her with the Good Neighbor Award and she was also the recipient of the Centenary Award by the Toledo Diocese in 2011 for outstanding service.

She is survived by her children, Mary Salvati, New Orleans, LA, David Salvati, Galion, Robert A. and Theresa Salvati, Crestline, Dan and Jo Salvati, Crestline, and Anne and Ron Looney, Crestline; her 14 grandchildren, Carla (Margaret) Gesualdi, Dustin (Shinhong Byun) Widman, Andrea (Owen) DeLuca, Maria (Mirko) Spasojevic, Allen (Heidi) Hocker, Ben (Amy) Hocker, Deke (Nandee) Hocker, Rose (Anthony) Strassell, Anna Salvati, Antonio Salvati, Isabella Salvati, Garrett (Kellie McLaughlin) Looney, Jacob Looney, and Daniel (Laurale Murphy) Looney; her 18 great-grandchildren, and one on the way; her brother, Joseph and Phyllis Tuscan, Canton; her sisters, Virginia and Wayne Robinson, Plymouth, and Mary Riffe, Rush, KY.

In addition to her husband and parents, she was preceded in death by her grandson, Joseph Salvati; and her sisters, Theodora Tuscan, Theresa Brocklesby, Pauline Algire, and Eileen Spade.

Friends may call Thursday, September 7, 2017 from 2:00 PM - 4:00 PM & 6:00 PM - 8:00 PM at the Schneider-Gompf Funeral Home, Crestline where the Rosary will be recited at 8 PM. A Mass of Christian Burial will be celebrated at 10:30 AM on Friday, September 8 at St. Joseph Catholic Church, Crestline, with Father Christopher Bohnsack, Celebrant, Father Joseph Tuscan, OFM CAP, and Rev. Michael A. Geiger. Burial will follow in St. Joseph Catholic Cemetery, Crestline.

Memorial contributions may be made to St. Joseph Catholic Church, Crestline in care of the funeral home.

Stella Salvati

Online condolences may be made to the family at masfh.com

Load-Date: September 5, 2017

End of Document



[21 Counselors at The Colony Group Recognized as Five Star Wealth Managers\(TM\)](#)

PR Newswire

February 20, 2017 Monday 9:15 AM EST

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Length: 471 words

Dateline: BOSTON, Feb. 20, 2017

Body

Twenty-one financial counselors at The Colony Group have been named in the 2017 list of "Five Star Wealth Managers," compiled by Five Star Professional. Jeff Craig, CFP®; Patrick Donnelly, CFP®; Denise Duffy, JD; Clay Eubank, CIMA®, CPWA; Cary Geller, CPA/PFS, CFP®, AEP®; Matthew Ilteris, CFP®, EA®; John Keller, PhD; Nadine Lee, CPA/PFS, CFP®; Jay Lupica, JD; Rick Macdonald, CFA, CFP®; Roderick Macdonald, JD, CFP®; Erin Manganello, CFP®; Scott McDonald, MSFP, CFP®; Peter Mitrano, CFA, CFP®; Stephen Sadler, JD, LL.M.; **Joseph Salvati**, CFP®; Ted Schiela, CLU®; Stephen Stelljes, JD, CFP®; Elisabeth Talbot, CFA, CPA; Janet Tighe, CFP®; and Cheryl Wilkinson, CFP® were all recognized for their expertise and service excellence in the industry.

"We are proud to have so many of our counselors recognized among the list of Five Star Wealth Managers, reflecting our continued pursuit of excellence on behalf of our clients," said Michael Nathanson, President and Chief Executive Officer. "We strive to attract, develop, engage, and retain the absolute best people in our industry. We owe that to the many clients who rely on us to help them achieve their goals," he added.

Five Star Professional conducted research to find wealth managers, CPAs, and estate planning attorneys that have a proven record of excellence in client service. The list of Five Star Wealth Managers was compiled from wealth managers, CPAs, and estate planning attorneys in various regions throughout the country, with nominees selected on 10 objective eligibility and evaluation criteria that are associated with wealth managers who provide quality services to their clients. Five Star Professional also contacted potential consumers of wealth management services to uncover positive and negative experiences, which were factored into the nomination process. From these nominees, a panel chose the ultimate recipients.

About The Colony Group, LLC The Colony Group is an independent, fee-only financial advisory firm with approximately \$5.5 billion in assets under management and approximately 100 employees in offices in Massachusetts, New York, Virginia, Florida, and Colorado. Founded in 1986, The Colony Group provides high-net-worth individuals and families, corporate executives, professionals, and institutions with deep expertise that goes beyond investment management and can encompass the full suite of financial counseling services, including tax, estate, retirement, and philanthropic planning, asset allocation, and cash and risk management. For more information, please visit <http://www.thecolonygroup.com>.

CONTACT: Rachel Cambio, 1-617-723-8200

21 Counselors at The Colony Group Recognized as Five Star Wealth Managers(TM)

To view the original version on PR Newswire, visit:<http://www.prnewswire.com/news-releases/21-counselors-at-the-colony-group-recognized-as-five-star-wealth-managers-300408212.html>

SOURCE The Colony Group

Load-Date: February 21, 2017

End of Document



[Former White House Chief of Staff to Lead Free March 30 Event](#)

Targeted News Service

February 23, 2017 Thursday 9:53 PM EST

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Length: 568 words

Byline: Targeted News Service

Dateline: LOWELL, Mass.

Body

The University of Massachusetts's Lowell campus issued the following news release:

John H. Sununu - former chief of staff for President George H.W. Bush and father of New Hampshire Gov. Chris Sununu - will headline UMass Lowell's next Lunchtime Lecture.

At a free event for the campus and community, "The Quiet Man: The Indispensable Presidency of George H.W. Bush," Sununu will offer an insider's account of his time in the White House and share his view that his former boss was at times underrated. The event will be held on Thursday, March 30.

UMass Lowell's Lunchtime Lectures are presented by the university and the Moses Greeley Parker Lectures with support from community partners. Another event in the series will feature veteran journalist Dan Rea, who will lead "Media, Politics and the Law" on Wednesday, April 12. Audience members will have the opportunity to ask questions of the speakers at both programs.

Like George H.W. Bush, John H. Sununu is the patriarch of his family's political dynasty. The father of New Hampshire Gov. Chris Sununu and former U.S. Sen. John E. Sununu, he is known as the elder statesman of the Granite State's Republican Party.

Sununu began his career in public service in the New Hampshire House of Representatives in the mid-1970s and rose to become governor in 1983. Named Bush's chief of staff in 1989, he served in that role until 1991 before joining CNN as the co-host of "Crossfire." In 2009, he returned to New Hampshire politics and led the state's GOP as chairman until 2011. A mechanical engineer who once worked as a university professor, today he is president and CEO of JHS Associates Ltd., an international business consulting firm.

Rea, as the host of WBZ News Radio's "NightSide," tackles political, economic and social issues each weeknight from 8 p.m. to midnight. His presentation at UMass Lowell will examine journalism's role in society. A WBZ-TV reporter for 31 years, he is a recipient of the Yankee Quill Award, considered the highest individual accolade awarded by fellow journalists in the region. Rea has interviewed every American president since Gerald Ford but may be best known for his years-long effort to exonerate and free [Joseph Salvati](#), a Boston man wrongfully convicted and incarcerated for a 1965 murder. While covering Salvati's case as a reporter, Rea, who is also a lawyer, found evidence that ultimately helped clear Salvati's name.

Former White House Chief of Staff to Lead Free March 30 Event

"John Sununu and Dan Rea are great storytellers who will engage guests with their perspectives on a variety of newsworthy issues. UMass Lowell is proud to bring free, educational and cultural events to the community each year through the Lunchtime Lecture Series," said Mehmed Ali, the UMass Lowell Libraries' assistant director of digital initiatives and History Department faculty member who is among the events' organizers.

The Lunchtime Lectures begin at 11:45 a.m. and include a complimentary buffet at the UMass Lowell Inn & Conference Center, 50 Warren St., Lowell. Walk-ins are welcome the day of both programs. Members of the public who would like to reserve a spot in advance for either event can RSVP by emailing Mehmed.Ali@uml.edu or calling 978-934-5467. The reservation deadline for Sununu's presentation is March 27 and the deadline for Rea's event is April 11. Public parking is available at the municipal garage next to the venue.

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Load-Date: February 24, 2017

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33 Jahre lang unschuldig im Knast gesessen; ... und das FBI wusste Bescheid

Kölner Express

Samstag 28. Juli 2007

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Section: VERMISCHTES; S. 5

Length: 280 words

Body

Boston - Weil zwei Ex-Mafiosi jahrzehntelang für einen Mord hinter Gittern saßen, den sie nicht begangen hatten, teilen sie sich 101 Mio Dollar Entschädigung aus Steuergeldern. Schuld: der Geheimdienst FBI.

Gemeinsam mit Henry Tameleo und Louis Greco waren Peter Limone und Joseph Salvati 1968 verhaftet worden. Den Hinweis auf die vier hatte Joe „das Tier“ Barboza gegeben. Die Aussage des Kronzeugen: Die Angeklagten hätten den Mafiaboss Edward „Teddy“ Deegan umgelegt. Das Gericht glaubte „Tier“ Barboza, verurteilte Limone zu lebenslänglich, die anderen zum Tod.

Pikant: Die Beweise stützten sich auf den US-Geheimdienst FBI. Doch sie waren gefälscht. Denn in Wahrheit hatte Barboza, der Kronzeuge, den Mord an Deegan begangen. Weil er aber ein wichtiger Informant des FBI war, der weiter für den Geheimdienst schnüffeln sollte, wurden die vier unschuldigen Klein-Mafiosi ans Messer geliefert.

Die Todesstrafen wurden in lebenslängliche Haft umgewandelt. 1982 starb Tamaleo nach 15 Jahren Knast, 1995 Greco nach 27 Jahren. Erst 2001 kamen die Überlebenden frei, nachdem eine FBI-interne Untersuchung den Skandal ans Licht brachte. Limone und Salvati klagten - und bekamen Recht: Für 33 Jahre hinter Gittern erkannte das Gericht auf 101,7 Mio Dollar (74 Mio Euro) Entschädigung. Die Familien Greco und Tamaleo werden ebenfalls mit hohen Summen entschädigt. Salvati: „Nichts kann das Unrecht wieder gutmachen.“

Mio-Entschädigung nach einem halben Leben hinter Gittern: Joseph Salvati (75, l.), Peter Limone (73) Fotos: AP

33 Jahre lang unschuldig im Knast gesessen; ... und das FBI wusste Bescheid

Kronzeuge Joseph „Tier“ Barboza 1968 vor Gericht. Aufgrund seiner Aussage wurden die Unschuldigen verurteilt.

Load-Date: June 24, 2014

End of Document

\$102 million awarded to men for wrongful convictions



[\\$102 million awarded to men for wrongful convictions](#)

The Virginian-Pilot(Norfolk, VA.)

July 27, 2007 Friday

The Virginian-Pilot Edition

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Section: FRONT; Pg. A4

Length: 546 words

Byline: DENISE LAVOIE

Body

By Denise Lavoie

The Associated Press

BOSTON

In a stinging rebuke of the FBI, a federal judge Thursday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob killing they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 slaying of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

\$102 million awarded to men for wrongful convictions

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government had argued that federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's killing had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

the case

FBI agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove four men were not involved in the 1965 slaying of Edward "Teddy" Deegan, a small-time thug shot in an alley in Boston.

Graphic

Stephan Savoia | the associated press ***Joseph Salvati*** with his wife, Marie, after Salvati, Peter Limone and two other families were awarded a \$101.7 million settlement.

Load-Date: July 27, 2007



[AT 78, RICO DIES UNDER GUARD; Former G-man was to be tried for murder](#)

The Boston Herald
January 18, 2004 Sunday
ALL EDITIONS

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Section: NEWS;

Length: 925 words

Byline: By J.M. LAWRENCE

Body

H. Paul Rico, the retired Boston FBI agent who created Stephen "The Rifleman" Flemmi's double life as an informant in 1965, died yesterday at a Tulsa Hospital while awaiting trial on charges he conspired with his ex-informants to commit murder.

Tulsa police said no cause of death has been determined for the 78-year-old Rico, a Belmont native, who died alone around 12:30 a.m. with jail guards outside his room, according to a source.

"It's not the closure desired or expected by law enforcement," Tulsa County District Attorney Timothy Harris said. "But life holds different turns and I don't think anyone could have expected this."

Police launched an investigation into Rico's death and were forced to retrieve his body from a funeral home yesterday. His body should have gone directly to the medical examiner's office, sources said.

A judge on Friday had put the case on hold until Rico faced a competency evaluation following reports he suffered an assault by other inmates in December in Miami and hallucinated visions of snakes.

Rico was accused of conspiring with Flemmi and James "Whitey" Bulger to kill World Jai Alai owner Roger Wheeler in 1981 in a bid to take over Wheeler's gambling frontons. Two other men connected to the case also were murdered by the mob in 1982.

"I'm about to join the grassy knoll club myself here," said Frank Libby, attorney for the Wheeler family, yesterday.

Libby speculated guilt killed Rico, though the ex-G-man entered a plea of innocence from his wheelchair on Tuesday in the Tulsa jail infirmary.

"You can't discount the notion the body is driven by the mind," Libby said. "He and Roger Wheeler were just about same age in 1981. Wheeler gets grotesquely murdered and Rico goes on to enjoy another 23 years of life and then the long bony arm of justice grabs him. That's gotta do something to you."

AT 78, RICO DIES UNDER GUARD; Former G-man was to be tried for murder

Hospital officials said Rico died of natural causes, but Tulsa police called the statement "premature" until an autopsy is performed.

Rico's attorney, Garvin Issacs, and family members told a judge on Friday that Rico suffered from congestive heart failure and had lost 53 pounds since his October arrest but was lucid and eager to go to trial.

Issacs could not be reached for comment yesterday.

Former FBI colleagues of Ricoreacted to his death with anger and blamed Tulsa law enforcement for pursuing a case on the testimony of Flemmi and hitman John Martorano. Flemmi pleaded guilty to Wheeler's murder and nine other killings in October, while Martorano testified in 2002 that Rico gave him details about Wheeler's habits.

"It's an atrocity," said retired FBI agent Mike McPheters of Moses Lake, Wash., who last saw Rico days before his arrest at his Florida home. "He was doing fine. This whole thing just precipitated his death. He had to die for something that no one knows he ever did."

Tulsa officials dismissed a brotherhood of 25 retired FBI agents who wrote letters to the court on Rico's behalf as blind loyalists. "They don't know what the case is," Harris said. "They have a friend who was charged and it's valiant they stand by him."

Sgt. Michael Huff, who began his investigation of the Wheeler case almost 23 years ago, said citizens deserve to hear all the evidence now.

"We wanted our day in court, too," Huff said. "This wasn't a guy that had one bad day that he made a slip up and somebody wound up dead. This was something much more complicated. The conspiracy was much deeper."

Harris declined comment on details of the murder case, citing Tulsa's outstanding warrant in the Wheeler murder for Bulger, the notorious FBI informant now on the Top 10 Most Wanted list and a fugitive since 1995.

Rico's death cancels a raft of subpoenas for testimony that could have shed more light on the Boston FBI's use of murderous informants and Rico's bond with Flemmi and Bulger after his 1975 retirement from the FBI, according to Huff.

"The axis of the story was Rico," Huff said. "Rico's the one who tied everything together. He bridged the gap from the 1960s Boston gang wars through the Wheeler murder and beyond."

During his FBI years, Rico won accolades for turning hitman Joseph "The Animal" Barboza against the Mafia, but then withheld exculpatory evidence, leading to wrongful convictions against four men for a 1965 mob murder. **Joseph Salvati** and Peter Limone spent three decades in prison before charges were dropped in 2001, while two others died in prison.

"He was not the only person who took part in cover-ups and the framing of innocent people," Salvati's attorney, Victor Garo, said. "There is no doubt that many people feared what Paul Rico might have said if he ever became talkative."

Caption: BEREAVED: Walter and Barbara Bennett wait in November at a possible burial site in Hopkinton in hopes the bodies of Edward and Walter Bennett would be recovered. Stephen Flemmi, an H. Paul Rico informant, admitted killing the two. Bill Bennett Jr., a nephew, said of Rico yesterday, 'I'll see him in hell!' STAFF FILE PHOTO BY GEORGE MARTELL

Caption: BUSTED: Ex-agent John J. Connolly was accused with H. Paul Rico of withholding evidence. STAFF FILE PHOTO BY MARK GARFINKEL

Caption: SO HELP ME GOD: Above, former FBI agent H. Paul Rico is sworn in for his testimony before congress on the false imprisonment of **Joseph Salvati**. Rico was to be tried foR the 1981 murder of Tulsa, Okla.,

AT 78, RICO DIES UNDER GUARD; Former G-man was to be tried for murder

businessman Roger Wheeler, below left, a case Tulsa police detective, Mike Huff, below right, has worked on for more than 20 years. STAFF PHOTO BY MARK GARFINKEL.

Load-Date: January 18, 2004

End of Document



[AT WHAT PRICE THE FBI'S TREACHERY?; 4 families abused by feds await justice](#)

The Boston Herald

February 28, 2007 Wednesday

ALL EDITIONS

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Section: NEWS; Pg. 006

Length: 609 words

Byline: By PETER GELZINIS

Body

No one paid much attention 42 years ago when Edward ``Teddy" Deegan, a very minor street gremlin, made his graceless exit from this vale of tears.

But then, back on the night of March 12, 1965, who could ever have imagined all who would die when this anonymous hood caught a couple of bullets in a Chelsea alley?

In a twist of fate more bizarre than ironic, the anniversary of Teddy's demise is likely to be memorialized with an epic judgment against the federal government in general - and the FBI in particular - that could exceed \$100 million.

The question is not whether U.S. District Court Judge Nancy Gertner will find for the plaintiffs who were framed for the Deegan murder.

It is how much compensation she decides to award to **Joseph Salvati** and Peter Limone, who survived a total of 64 years in prison, as well as to relatives of Louis Greco and Henry Tameleo, who died behind bars.

So far, they have received the sincere apologies of the governor(s) who vacated their wrongful convictions, along with the condolences of congressmen who gagged on the twisted tale of FBI treachery that left a trail of human wreckage in the wake of Teddy Deegan's innocuous death.

But not a penny for all the lost years, or what has been clinically referred to as the FBI's notion, ``acceptable collateral damage."

Yesterday, a fleet of lawyers described that ``collateral damage" in searing detail.

Michael Avery began by reminding a packed courtroom - where a trio of congressmen sat in the front row - that Joe Salvati and Peter Limone were not supposed to be there. Our government had intended for them die in prison, Avery said, describing how bolts of electricity were scheduled to burn through the flesh of Limone, Greco and Tameleo.

AT WHAT PRICE THE FBI'S TREACHERY?; 4 families abused by feds await justice

The story of how a ruthlessly ambitious pair of G-men, H. Paul Rico and Dennis Condon, conspired to protect a psychotic hit man and serial killer named Joe "The Animal" Barboza was laid out in linear fashion, with the FBI's own internal documents as road signs.

"When you hear the story presented like that," Bill Delahunt remarked, "you gain a real appreciation for the culture of treachery that existed." And still exists.

As sinister and sordid as this "liability" presentation was, the most haunting aspect of what occurred in Nancy Gertner's courtroom yesterday was when the "damages" inflicted upon wives, children, grandparents, brothers, sisters, grandchildren - all the so-called "acceptable collateral damage" - was spelled out.

Unlike the families of Joe Salvati and Peter Limone, which were held together by a pair of heroic wives, Louis Greco's family perished when what had been a conventional suburban life fell apart with his imprisonment.

Greco was a hero of Bataan who was awarded 12 medals, survived 10 operations and was fearless enough to stare down a thug like Barboza in defense of a friend. And when Teddy Deegan was killed in that Chelsea alley, Louis Greco had taken his wife to a movie . . . in Florida.

Roberta (Greco) descended into a bottle before abandoning her two sons. After his father died in prison, Louis Jr. would kill himself by swallowing Drano. Edward, the younger, "stronger" brother who would drift on a sea of drugs, is now in a New Orleans nursing home, trying to recover from cancer.

All those years ago, the FBI figured that building an elaborate frame around the death of a slug like Deegan would somehow grant them access to the inner workings of the local mafia.

What it really did was expose the great lie behind the G-Man myth. When Teddy Deegan died in that alley 42 years ago, a certain faith in justice died with him. The FBI BECAME the gangsters they were chasing.

Graphic

DAY IN COURT: [Joseph Salvati](#), above, and Peter Limone, left, are greeted by U.S. Reps. Stephen Lynch (shaking hands) and William Delahunt outside federal court yesterday morning. STAFF PHOTOS BY MIKE ADASKAVEG

Load-Date: February 28, 2007



Board OKs commutation of Salvati life sentence

The Boston Herald

February 6, 1997 Thursday

FIRST EDITION

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Section: NEWS;

Length: 315 words

Byline: By Ed Hayward

Body

After spending 30 years in prison for his role in a gangland slaying, **Joseph Salvati** could be a free man in a few weeks following a vote yesterday in favor of commutation of his life sentence.

The Governor's Council voted 8-0 in favor of Salvati's freedom following an emotional meeting that left his wife, four children and his attorney crying tears of joy.

"As of this moment, **Joseph Salvati** is eligible for parole," Lt. Gov. Paul Cellucci, who chaired the meeting, said as family and friends cheered.

Salvati, 64, was not present in the crowded council chambers to hear all the members support Gov. William F. Weld's commutation request. Some councilors said they voted for commutation because they believed he is innocent.

Weld was not present, but sent a letter agreeing to the council's request to eliminate a proposal that Salvati spend a year in a pre-release center before going home to the North End.

"It's just a relief," said Salvati's wife, Marie. "There's always a doubt (about the vote) in the back of your mind until you actually hear it yourself."

Salvati will be evaluated by a state panel, which will recommend the terms of his parole, which will last the remainder of his life. The process typically takes four to six weeks, but council members urged that the parole board act swiftly.

Salvati has denied any role in the 1965 gangland slaying of Edward "Teddy" Deegan. But he exhausted all appeals without receiving a re-trial.

Attorney Victor Garo fought his case for 21 years and found an ally in WBZ-TV reporter Dan Rea, who has aired more than 25 stories about Salvati's plight since 1993.

Board OKs commutation of Salvati life sentence

Garro said he had no idea that the case he accepted in 1976 would eventually consume as many as 10,000 pro bono hours.

"In our system of justice, we never stop pursuing justice," said Garro. "In this case I saw an injustice and I wanted to meet it head-on."

Load-Date: February 6, 1997

End of Document



BOSTON MAN SUES THE U.S. FOR WRONGFUL IMPRISONMENT

Hartford Courant (Connecticut)

August 1, 2003 Friday, 7 SPORTS FINAL

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Section: MAIN; Pg. A1

Length: 1350 words

Byline: EDMUND H. MAHONY; Courant Staff Writer

Body

A Boston grandfather who was wrongfully imprisoned for 30 years while law enforcement agents -- including former FBI Director J. Edgar Hoover -- concealed evidence of his innocence, sued the federal government and dozens of retired police officials Thursday in U.S. District Court in Boston.

Joseph Salvati's suit against the FBI and police officials may be the strongest yet among about \$2 billion in claims brought by victims or relatives of victims who say they were murdered or wrongly imprisoned during the 1960s, '70s and '80s by mobsters who were supposed to be working as FBI informants.

Salvati did not place a dollar amount on the damages he, his wife and four children are seeking in the suit.

Hartford attorneys Austin J. McGuigan and Glenn E. Coe of the law firm Rome McGuigan Sabanosh drafted the lawsuit. In many ways, it presents McGuigan with an opportunity to revisit an unfinished fight. In the late 1970s and '80s, as Connecticut's chief state's attorney, McGuigan squared off against some of the targets named in the Salvati lawsuit while investigating mob penetration of the state's jai alai industry. Coe was one of McGuigan's top assistants.

A series of disclosures in federal court and in Congress beginning in 1995 revealed evidence that Salvati's imprisonment and the gangland murders of four men linked to the jai alai industry were part of the same pattern.

Salvati was convicted in Massachusetts on July 31, 1968, in the murder of Edward "Teddy" Deegan. Investigators now view the conviction as one of the first signs of a decadeslong pattern of possible misconduct by influential organized crime fighters working for the FBI and the U.S. attorney's office in Boston.

Salvati was one of six men convicted in Deegan's murder in an alley behind a finance company in Chelsea on March 12, 1965. But hidden FBI memos recently uncovered by a special federal investigative task force strongly suggest that four of the men were innocent. The memos contain evidence that key FBI agents and other law enforcement officials knew the men were probably innocent yet did nothing to correct the injustice.

Two of the wrongly convicted men, Henry Tameleo and Louis Greico, died in prison. Former Massachusetts Gov. William Weld commuted Salvati's life sentence in 1997 and a state judge dismissed his murder conviction in

BOSTON MAN SUES THE U.S. FOR WRONGFUL IMPRISONMENT

January 2001 after the federal investigative task force made public the documents pointing to his innocence. The fourth man, Peter Limone, was released from prison and cleared of the murder charge at the same time.

Salvati's suit against now-retired FBI agents and state and local police detectives in Massachusetts is based largely on the memos uncovered by the federal task force. Assistant U.S. Attorney John Durham of New Haven ran the task force with assistance from Leonard Boyle, another federal prosecutor in New Haven.

"Mr. Durham and Mr. Boyle and their group deserve credit for discovering much of the evidence contained in our suit," McGuigan said Thursday. "Mr. Salvati and his attorneys understand the debt we owe to those people."

Through the liberal reproduction of internal FBI memos, the lawsuit portrays Salvati's imprisonment as part of a chillingly brutal series of events. At the time, he was a truck driver working two jobs to support a wife and four young children. His biggest offense seems to have been borrowing \$400 from a loan shark and failing to repay it quickly enough.

The lawsuit contends the FBI had substantial evidence that the men who probably killed Deegan plotted the murder for as long as five months. The FBI knew it, according to the suit, because it had installed an illegal listening device in the Providence office used by Raymond L.S. Patriarca, then the boss of New England's strongest Mafia group.

According to the suit, FBI agents listened repeatedly as the two probable ring leaders of the Deegan hit -- James Vincent Flemmi and Joseph "The Animal" Barboza -- sought permission from Patriarca to commit the murder. At the time, Barboza was one of the most prolific killers in New England and Flemmi aspired to the same thing.

"The FBI knew that James Flemmi stated that he wanted to become the number one 'hit man' in the Boston area," according to the lawsuit. "This information was documented ... in an Official FBI Memorandum on October 8, 1964."

The suit also contends Hoover had advance warning of the Deegan murder:

"The FBI Director, J. Edgar Hoover, also was informed that James Flemmi and Barboza wanted to kill Deegan prior to the Deegan murder. A memorandum was sent from FBI-Boston to the FBI Director on March 10, 1965 stating that James Flemmi and Barboza had visited Patriarca, 'to get the OK to kill Eddie Deegan of Boston.'"

The FBI microphone in Patriarca's office produced evidence that the mob boss had initial misgivings about Flemmi's credentials as a murderer, but eventually gave Deegan's death his blessing. An FBI synopsis of the conversation, used in the suit, reported that Patriarca "has a high regard for [James] Flemmi, but that he, Patriarca, thought that Flemmi did not use sufficient common sense when it came to killing people."

The suit contends FBI agents did not intervene to protect Deegan.

Days before Deegan's murder, the suit says, FBI agents had information about who the killers would probably be. And hours after the murder, the FBI was learning from its informants who the killers were. The information was consistent. Salvati's name was never included among those of the killers, while the names of Barboza and Flemmi always were.

It was Barboza who eventually sealed the convictions of Salvati and the other three probably innocent men. After Barboza had been imprisoned for an unrelated crime, FBI agents H. Paul Rico and Dennis Condon approached him in an effort to turn him into an informant or cooperating witness. At the same time, the FBI was trying to persuade Flemmi to become an informant.

FBI memos indicate that Barboza said he would cooperate with Rico and Condon, but he had one condition: He would never say or do anything that would "fry" his pal Flemmi. Investigators now generally believe that Barboza put Tameleo, Greico and Limone at the Deegan murder because they were influential members of the Patriarca mob and, at the time, Barboza was in the midst of a violent dispute with the organization.

BOSTON MAN SUES THE U.S. FOR WRONGFUL IMPRISONMENT

"Barboza informed Rico and Condon that he would not implicate James Flemmi in the Deegan murder, and would implicate **Joseph Salvati**," the lawsuit contends. "Barboza stated that Salvati had borrowed \$400.00 from a friend of Barboza's and had not repaid the debt, and that Salvati had 'disrespected' Barboza."

Barboza became a key prosecution witness in other federal mob cases. The Justice Department created the witness protection program to keep him safe.

A former tier mate of Barboza's at Walpole State Prison in Massachusetts said Barboza admitted killing at least two more people while in the witness program before being shot on a San Francisco street by another FBI informer.

Rico and Condon received commendations from Hoover for their work with Barboza. Rico retired from the FBI in the 1970s and was hired as vice president of World Jai Alai, a company that operated pari-mutuel facilities in Connecticut and Florida.

Rico was hired by John B. Callahan, a money launderer for another of Boston's criminal mobs, the Winter Hill Gang. At the time, Callahan was running World Jai Alai, and investigators believe he was a key player in the gang's efforts to seize control of the company.

Fellow gang members killed Callahan in the summer of 1982 just as McGuigan and his staff began searching for him as part of their investigation. The trigger man, who is now cooperating with authorities, testified in federal court a year ago that other Winter Hill members were afraid Callahan would fold under pressure from the investigators.

A discussion of this story with Courant Staff Writer Edmund H. Mahony is scheduled to be shown on New England Cable News each half-hour today between 9 a.m. and noon.

Graphic

PHOTO: (b&w) mug; SALVATI

Load-Date: August 1, 2003



Charges Dropped 36 Years After Mob Hit;

2 men imprisoned for decades say FBI let them be framed

The San Francisco Chronicle
JANUARY 31, 2001, WEDNESDAY,
FINAL EDITION

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Dateline: Cambridge, Mass.

Body

Prosecutors dropped charges yesterday against two men who said they spent decades in prison because the FBI -- trying to protect an informant -- allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said Joseph Salvati, 68, who was joined by friends and family at the courthouse. "It took us a while getting here, but we made it."

Associated Press

The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

The decision to drop charges was "what justice demands," said prosecutor Mark Lee, declining to comment further.

FBI spokeswoman Gail Marcinkiewicz would not comment.

Salvati and Limone both said they were innocent of the slaying. Salvati's sentence was commuted in 1997 and he was released on parole. Limone was freed this month after 32 years behind bars.

"Joe Salvati was innocent in this matter and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo, who has argued that the FBI allowed the frame-up to protect an informant, Vincent "Jimmy the Bear" Flemmi, who may have taken part in the slaying.

Garo said Salvati was a law-abiding citizen who was framed because he owed \$400 to the chief prosecution witness -- hit man Joseph "The Animal" Barboza, the first participant in the federal witness protection program.

Limone was a reputed mobster and was once convicted of a gambling offense.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense attorneys FBI informant reports, discovered in Washington FBI files, from the time of Deegan's murder.

Charges Dropped 36 Years After Mob Hit; 2 men imprisoned for decades say FBI let them be framed

The reports showed FBI agents were told of plans for Deegan's slaying beforehand and were given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom have since died in prison.

Superior Court Judge Margaret Hinkle threw out Salvati and Limone's convictions earlier this month, saying the FBI reports should have been disclosed.

Flemmi and Barboza are both dead, Flemmi of a drug overdose in prison and Barboza in a mob hit.

Garo and Limone's lawyer, John Cavicchi, both indicated they plan to sue. "Anyone who was involved with the investigation, arrest, prosecution and judicial review of the Salvati case is not above suspicion," Garo said.

The Justice Department is investigating allegations that some Boston FBI agents grew too friendly with mobsters, allowing them to roam the city untouched by law enforcement for decades. One agent already faces charges.

Agent John Connolly is accused of protecting Stephen "The Rifleman" Flemmi, Vincent Flemmi's brother.

Graphic

PHOTO (2), (1) **Joseph Salvati**, (2) Peter Limone

Load-Date: March 20, 2001



[Charges dropped in 1965 Boston mob hit](#)

Providence Journal-Bulletin (Rhode Island)

January 31, 2001, Wednesday,

All EDITIONS

Copyright 2001 The Providence Journal Company

Section: NEWS,

Length: 503 words

Body

CAMBRIDGE, Mass. (AP) - Both [Joseph Salvati](#) and Peter Limone, who spent decades behind bars for the slaying, plan to sue.

Prosecutors dropped charges yesterday against two men who claimed they spent decades in prison because the FBI trying to protect an informant allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said [Joseph Salvati](#), 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it."

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Charges dropped in 1965 Boston mob hit

The reports showed that FBI agents were told of plans for Deegan's slaying beforehand and were given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom have since died in prison.

Superior Court Judge Margaret Hinkle threw out Salvati and Limone's convictions earlier this month, saying the FBI reports should have been disclosed at the time. Following Hinkle's ruling, prosecutors said they would review both men's cases; yesterday's action ends all legal proceedings against them.

Flemmi and Barboza are both dead, Flemmi of a drug overdose in prison and Barboza in a mob hit.

Garo and Limone's lawyer, John Cavicchi, both indicated that they plan to sue. "Anyone who was involved with the investigation, arrest, prosecution and judicial review of the Salvati case is not above suspicion," Garo said.

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Agent John Connolly is accused of protecting Stephen "The Rifleman" Flemmi, Vincent Flemmi's brother.

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Chelsea slaying spawned years of injustice

The Boston Herald

August 14, 2002 Wednesday

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Section: NEWS;

Length: 371 words

Body

The 1965 gangland murder of Edward "Teddy" Deegan was the beginning of a wrongful imprisonment nightmare for **Joseph Salvati** and five other men framed for the crime.

** March 12, 1965, Edward "Teddy" Deegan, 35, shot six times and killed in Chelsea alley.

** Spring 1967, mob hitman Joseph "The Animal" Barboza agrees to testify for the government in series of cases against the New England mob.

** Oct. 25, 1967, **Joseph Salvati** arrested on charges of taking part in plot to kill Deegan.

** July 31, 1968, Suffolk jury finds Salvati guilty of being an accessory to the Deegan murder. Also convicted were Peter J. Limone, Louis Greco, Henry Tameleo, Ronald Cassesso and Wilfred Roy French.

** 1989, Massachusetts Parole Board votes unanimously for commutation but does not forward vote to Gov. Michael Dukakis.

** Jan. 20, 1993, Gov. William Weld denies commutation for Salvati.

** Aug. 23, 1993, Salvati attorney Victor J. Garo moves for a new trial citing newly discovered 1965 Chelsea police report about the murder.

** January 1994, Suffolk Superior Judge Robert Banks denies motion for new trial.

** April 6, 1994, Supreme Judicial Court Justice Herbert Wilkins Jr. rules "new and substantial" evidence exists and recommends SJC hold a hearing on the case.

** June 12, 1995, SJC judges Paul Liacos, Ruth Abrams, John Greaney, and Neil Lynch unanimously deny Salvati a new trial.

** December 1996, Gov. Weld reverses course and commutes Salvati's sentence.

** March 20, 1997, Joe Salvati leaves prison after almost 30 years.

Chelsea slaying spawned years of injustice

** December 2000, Justice Department Task Force headed by Connecticut federal prosecutor John Durham discloses hidden Boston FBI reports containing exculpatory information in the Deegan murder case.

** January 2001, Suffolk District Attorney's Office files motion to set aside the 1968 verdict against Salvati and Limone.

** Jan. 30, 2001, Middlesex Superior Court Judge Margaret Hinkle accepts DA's motion to drop all charges against Salvati.

** May 3, 2001, Congress begins investigation into the Deegan case.

Caption: MOB VICTIM: Edward 'Teddy' Deegan was shot six times in a 1965 mob hit in a Chelsea alley.

Caption: SALVATI: Wrongfully imprisoned for Deegan murder.

Load-Date: August 14, 2002

End of Document



CITY CLASSROOMS WIRED TO THE WEB / CONTROVERSIAL E-RATE FUNDS WEB CONNECTIONS

Newsday (New York)

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QUEENS EDITION

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Section: NEWS;

Length: 1984 words

Byline: By Rita Ciolli. STAFF WRITER

Body

Just one year after phone companies began adding a small monthly fee to phone bills in a politically controversial plan to link more students to the Internet, New York City's schools have received \$ 70 million dollars in new federal funding from the program, and they are expecting another \$ 75 million by the end of the current school year.

The bounty makes the city one of the biggest winners nationally in the E-Rate, or "Universal Service" program that's designed to bring state-of-the-art Internet and networking technology to the nation's poorest school districts and libraries.

Along with the public schools, religious and private schools in Queens and Brooklyn have received \$ 2 million so far, while the Queens Borough Public Library received \$ 1.3 million, allowing it to upgrade all 62 of its branches to high speed Net connections. Funding to the library system is expected to double for 1999-2000.

E-Rate has allowed the city to provide high speed Internet connections and networking systems to every school in the five boroughs, officials said. While the city had a long-range technology plan in place, it would have taken years to accomplish without the new funding, said Joseph Salvati, the city's program coordinator.

"This program was a godsend," said Salvati, who shepherded the city's application for funding through a difficult process. "E-rate gave us a chance to get in the ballgame." When classes ended in June, he said, only a few schools had direct Internet connections, most of the rest had a single modem connection, usually in the library. But when city students returned this fall, they found five to 10 classrooms in each school already connected to the Internet, as well as the school's library and one other room. After a summer of frantically wiring the schools, 1,000 of the city's 1,157 schools were connected by opening day, with the rest expected to be completed by the end of the month.

CITY CLASSROOMS WIRED TO THE WEB / CONTROVERSIAL E-RATE FUNDS WEB CONNECTIONS

"The two biggest problems were the number of circuits we had to install in a short time and getting the cables into all of our buildings, which are pretty old," said Mike Inzerillo, project manager for the city's E-rate effort.

Most of the work began in March, when the city was notified that its application for the first year of funding was approved. Approval for a second year of funding is expected this week.

"More technology will be installed in the New York City schools in this two-year period than in its entire history," Inzerillo said.

But while schools may have the wiring in place, officials said they still need to buy computers to take advantage of all these new connections. The central board is providing some computers to middle schools through a program called "Project Smart Schools," but other decisions on hardware purchases are being left to the individual community boards, officials said.

"We have the asphalt down, and the highway is ready to be traveled. Now we need to get cars on it," Salvati said.

E-rate was created through a little noticed, last-minute provision in the Telecommunications Act of 1996, which was intended to allow more competition for data and phone services.

Earlier that year, in his 1996 State of the Union speech, President Bill Clinton promised that by the year 2000, every classroom and library would be wired to the Internet. As part of the horse-trading on the bill, telecommunication companies agreed to fund the effort. But the specifics of the program were left to the Federal Communications Commission, which decided to require long distance telephone carriers to contribute to the rate fund based on a percentage of their revenues-costs they could pass along to customers.

The FCC, which has been criticized by Congress and even one of its own commissioners for not being more direct with consumers about the program, says it hasn't calculated how much E-rate costs the average telephone user. That may be because different companies charge differently, critics say.

For example, AT&T charges its customers 99 cents a month, while MCI and Sprint calculate a percentage of long distance use. Others charge just a few cents to recoup their costs.

About one-third of this money is allotted to E-rate, which in turn is sent along to 80,000 schools and libraries nationwide, using a formula based on the number of students that qualify for the federal school lunch program.

Poorer schools can qualify for money to pay for both internal wiring and hardware to support those connections, such as routers. And every district is entitled to a discount on their entire telephone bill that can range from 20 percent to 90 percent.

Because of E-rate, the city's Board of Education now pays only 22 percent of its annual \$ 18 million telephone bill, with the nation's long distance telephone users paying the rest.

In its first year, the program awarded \$ 1.66 billion overall for the period covering January 1998 through June 1999, with almost 10 percent-or about \$ 164 million-of that going to New York State. While the city received the biggest payout among the state's regions, Long Island received about \$ 15 million last month, and is expecting an additional \$ 10 million by the end of the school year.

The money can't be used to purchase the computers, only to wire and network the school and pay for the cost of Internet hookups.

Educators say that top level computing networks allow for better communications among administrators, students and teachers within a district, as well as between parents and teachers using e-mail.

They also say that the Internet will enable teachers to offer improved learning opportunities, such as distance learning, global access to the resources of libraries, museums and other academic centers.

CITY CLASSROOMS WIRED TO THE WEB / CONTROVERSIAL E-RATE FUNDS WEB CONNECTIONS

"If you don't prepare students today to use this technology and learn the skills of the 21st Century, then you might as well teach them to use a quill pen and stay in the 18th Century," said Howard Koenig, superintendent for Central Islip schools in Suffolk county, which is one of the big winners on Long Island, with a \$ 775,000 first-year payout.

Critics, however, are concerned that there is furious spending on technology without proper thought about how to use it as an educational tool.

"Just putting a computer in a classroom is not going to make a child smart," said Adam Thierer, a communications policy specialist at the Heritage Institute in Washington, D.C. "Certainly, they can be used to educate, but they can also be used to goof off. Kids can be on the Internet playing video games." The program has been controversial virtually from the moment it was proposed.

Republicans, for instance, quickly labeled the plan the "Gore tax" because the vice president took every opportunity to champion it, and conservatives warned that a new entitlement program was being created to expand the federal role in education.

"It's the oldest game in town. Once you start giving away money you can't stop," said Rep. Tom Tancredo, a Republican in Littleton, Colo.

Tancredo is fearful that the program will put cell phones in the hands of custodians while ignoring more pressing educational needs. "The possibilities for fraud, waste and abuse are great," he said.

Even congressional Democrats have been upset by the fact that the huge expenditures involved in the program have come through the back door. The funds are not included in the federal budget and Congress has no control over the spending.

"The E-rate is worthwhile, but its implementation must be defensible," Rep.

John Dingell of Michigan, the ranking Democrat on the House Commerce Committee, said in May as he opposed an increase in E-rate funding. "The American telephone consumer will pay higher telephone bills so that the FCC can dole out money for plainly illegal purchases never approved by Congress." While Tancredo introduced a bill in May to kill E-rate, he concedes there is little political will to take on a popular program. When there was a fight this spring over increasing funding, the education lobby notified each congressional representative of how much E-rate money their district received.

"We can't get rid of E-rate now," Tancredo says.

Despite this opposition, the FCC boosted the E-rate funding to \$ 2.25 billion for the second year.

E-rate allowed the 177 Catholic schools in Brooklyn and Queens to link themselves electronically and enabled most schools to get their first Internet connections. More importantly, it forced educators to immerse themselves in the language of the Information Age, according to Brother William Clifford, technology coordinator for schools in the Brooklyn Diocese.

"It caused an enormous amount of heightened awareness on the part of principals and teachers of the importance of the Internet," Clifford said.

Since the funding is awarded on a use-it-or-lose-it basis, districts quickly tried to spend the money by the June 30 deadline, once the quasi-governmental Universal Service Administrative Company began giving approvals, said Winston Himsworth, president of a consulting firm that helps school administrators navigate a cumbersome application process.

However, delayed approval notices and the difficulty of doing wiring while students were in class made meeting that deadline very difficult. The agency eventually gave schools and libraries until the end of September to spend their first year of funding.

CITY CLASSROOMS WIRED TO THE WEB / CONTROVERSIAL E-RATE FUNDS WEB CONNECTIONS

The delays also mean that many of the districts are getting a cash refund instead of a discount on their telephone bills. Though many districts intend to use the money to buy computers to hook up all those Internet connections, "nothing says you have to go cash that check and go down your local computer store and buy computers," Himsworth explained.

But despite the delays, and the hours spent filling out detailed forms, New York City educators said the result was well worth the effort.

Working right up to the deadline to complete the city's detailed 300-page application, Salvati said he personally carried the document to Iowa City in April, 1998, to ensure that it was filed on time.

"With \$ 70 million dollars at stake, how could we take a chance? What if Fed-Ex had a delay," said Salvati. "So they tied a briefcase to my hand and I flew to Chicago, changed planes for Cedar Rapids and then drove to Iowa City.

"When I asked for directions they told me to go 25 miles down this road and turn left," he recalled. When he got there, he asked for a receipt. "I gave out Big Apple pens to the people to make sure they remember me," he added.

"In a situation like New York, E-rate is a revolution," Himsworth said. "It funded a lot of projects that never would have gotten funds." The federal funding is also flowing into the city's Catholic schools, with the Diocese of Brooklyn being awarded \$ 1.3 million dollars. "Most of our schools were still struggling to get the one-time cost of the wiring covered. E-rate certainly moved our schools very quickly into the Internet," Brother Clifford said.

The \$ 54,468 E-rate funding received by Our Lady of Sorrows in Corona is allowing the school's 413 students, mostly children of immigrants, more than entry into the Information Age.

"The children struggle here. The reading scores aren't as great as I would like them to be," said Sister Katherine Hanrahan, the school principal. "This has encouraged our students and made our parents feel like we are moving into the future with energy. That's a boon to the school." The parochial elementary school, housed in a building built in 1911, is so strapped for funds that it had to have bake sales to buy a television. Now it has two computers with Internet access in each of its 17 classrooms. Before E-rate, the school had one Internet computer with a dial-up modem.

The first e-mail message sent went to the Philippines, Hanrahan said, to the brother of one of the teachers. "When he e-mailed back everyone was so excited, there was an immediate response on our first outreach," she said.

Graphic

Newsday PhotosJ. Conrad Williams - 1) At left, Our Lady of sorrows students Jessica Flores and Jeffrey Fermin, both 112, look at Web sites from different high schools. The Corona school takes part in E-rate program. 2) Laurie Petrilloo demonstrates the Internet to her second- grade class at Our Lady of Sorrows Catholic school, which received \$ 54, 468 in funding from the E-rate program. 3) Cover Photo - **Joseph Salvati**, coordinator of the city's E-rate project, among the computers at PS 165 in Flushing.

Load-Date: December 9, 1999



[Civil trial begins for men framed in mob killing Millions sought from government](#)

The Boston Globe

November 17, 2006 Friday

THIRD EDITION

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Section: METRO; Pg. B4

Length: 701 words

Byline: Shelley Murphy Globe Staff

Body

There's no question that the FBI recruited notorious hit man Joseph "The Animal" Barboza as a witness against local Mafia leaders, then turned him over to state prosecutors in a case that led to the wrongful conviction of four men for a 1965 gangland murder in Chelsea.

But yesterday, on the first day of a civil trial seeking more than \$100 million in damages from the federal government, a Justice Department lawyer asserted the FBI can't be blamed because state prosecutors were responsible for investigating and trying the case.

"The FBI is not liable," said the government lawyer, Bridget Bailey Lipscomb.

But lawyers for Peter Limone, ***Joseph Salvati***, Henry Tameleo, and Louis Greco accused the FBI of making a "mockery" of justice by failing to tell state prosecutors or defense lawyers about evidence that suggested Barboza had framed the four men for the slaying of small-time hoodlum Edward "Teddy" Deegan.

Limone, 72, and Salvati, 74, spent more than 30 years in prison before they were exonerated five years ago, while Greco and Tameleo both died in prison.

"The FBI initiated the prosecution by delivering a perjurious witness to the state prosecutor, knowing his testimony was false," said Boston lawyer Juliane Balliro, who represents the families of Limone and Tameleo. "But for the deliberate misconduct of the FBI, these men would not even have been indicted, let alone convicted for the murder of Edward Deegan."

The lawsuit accuses the government of malicious prosecution, intentional infliction of emotional distress, negligent supervision of FBI agents, conspiracy, and loss of consortium by the men and their families.

Deegan was gunned down in a Chelsea alley in March 1965, but local police were unable to solve the slaying until the FBI struck a deal with Barboza. He was sentenced to a year in prison for his role in Deegan's murder and his

Civil trial begins for men framed in mob killing Millions sought from government

testimony led to the 1968 conviction of the four men. Tameleo, Limone, and Greco were initially given the death penalty, then later sentenced to life. Salvati was also sentenced to life in prison.

Lawyers for the four men allege the FBI failed to disclose that agents listening in on an illegal bug planted in the offices of New England Mafia boss Raymond L.S. Patriarca overheard Barboza and his sidekick, Vincent "Jimmy" Flemmi, seeking permission to kill Deegan several days before the murder, according to lawyers.

The FBI also didn't disclose internal memos that suggested Barboza was framing the four men, while protecting Flemmi. Barboza was killed in 1976 and Flemmi died in prison in 1979.

Vincent Flemmi was an FBI informant at the time of Deegan's slaying, according to FBI memos.

Hartford lawyer Austin J. McGuigan, who represents the Salvatis, said FBI memos reveal that the FBI believed Vincent Flemmi had killed seven people, including Deegan, yet agents continued to use him because "his value as an informant outweighed the risk."

During opening statements yesterday before US District Judge Nancy Gertner, Lipscomb asserted the FBI "had no obligation" to share internal documents with state prosecutors, but also said agents provided some information about the Deegan murder to state and local police.

She also said that two of the defense lawyers involved in the state trial had previously been involved in another case where they were given access to some of the evidence gathered from the Patriarca bugging operation.

However, lawyers for the four men said the internal FBI documents didn't surface until six years ago, when they were found by a Justice Department task force investigating the FBI's mishandling of longtime informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi - brother of Vincent Flemmi.

The new evidence prompted a state judge to free Limone from prison in 2001. Salvati was freed from prison in 1997 after he was pardoned.

After yesterday's court session, Limone, who was with his wife and four children, said he couldn't understand how the government could claim that they had no obligation to turn over the documents or that it wasn't critical to the case.

"It was their paperwork that got me out," said Limone, noting that it was obviously crucial since it led to his release after 33 years in prison.

Graphic

Joseph Salvati, with his daughter, Gail Orenberg, arriving yesterday at US District Court in Boston. Peter Limone and his wife, Olly, were seen through a glass door at US District Court in Boston yesterday. Henry Tameleo, of Cranston, R.I., was escorted by FBI agents leaving the JFK federal building in 1967. Louis Greco, one of four men convicted in Edward Deegan's murder, died in prison. He was interviewed in 1991.

Load-Date: November 22, 2006

Cleared in mob slaying, 2 men want feds to pay; FBI is accused of withholding key evidence to protect hitman informant



Cleared in mob slaying, 2 men want feds to pay; FBI is accused of withholding key evidence to protect hitman informant

The Houston Chronicle

November 17, 2006 Friday

3 STAR EDITION

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Section: A; Pg. 10

Length: 449 words

Byline: JAY LINDSAY, Associated Press

Dateline: BOSTON

Body

BOSTON - Two Boston men spent 30 years in prison for an underworld slaying they did not commit after a judge ruled that the FBI withheld evidence that would have cleared the pair to protect a mob hitman who was serving as an informant.

Now, in a trial that opened Thursday, those men and the families of two others who were wrongfully convicted are seeking damages from the government that could total more than \$100 million.

Joseph "The Animal" Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to FBI efforts to crack the mob that the agency allowed him to wrongly implicate four men for murder, attorneys for the plaintiffs said in opening statements.

Joseph Salvati and Peter Limone and the families of two other men who died while behind bars accuse the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said attorney Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The case is the latest development in a scandal that unfolded in Boston about a decade ago, when it was learned that the FBI had a corrupt relationship with the mob, protecting killers who were informants and even tipping them off to pending indictments.

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld evidence from state prosecutors that could have cleared the men so the agency could protect an informant who actually committed the crime.

Cleared in mob slaying, 2 men want feds to pay; FBI is accused of withholding key evidence to protect hitman informant

The lawsuit does not ask for a specific dollar award, but briefs filed in the case point to past decisions that have awarded

\$1 million for each year wrongly imprisoned, which would total more than \$100 million in this case.

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to some FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial.

Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before the death penalty was banned in 1975. Salvati was sentenced to life in prison.

Salvati, 72, and Limone, 74, were exonerated in 2001 after the Justice Department documents were released. Greco and Tameleo died behind bars before being exonerated.

The case is being tried without a jury before U.S. District Judge Nancy Gertner.

Graphic

Mugs: 1. PETER LIMONE; 2. **JOSEPH SALVATI**

Load-Date: November 17, 2006



[Colony Group names 6 new principals](#)

SNL Financial Services Daily

February 26, 2014 Wednesday

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Length: 96 words

Byline: Francis Monfort

Highlight: Colony Group named Patrick Donnelly, Rick Macdonald, Erin Manganello, Peter Mitrano, **Joseph Salvati** and Janet Tighe principals, giving the senior leadership team 28 principals total.

Body

Colony Group LLC said Feb. 25 that it named six new principals.

The firm named Patrick Donnelly, Rick Macdonald, Erin Manganello, Peter Mitrano, **Joseph Salvati** and Janet Tighe principals, giving the senior leadership team 28 principals total.

Donnelly, Manganello and Mitrano are senior financial counselors in Colony Wealth Management, the firm's financial counseling division. Macdonald and Salvati are senior financial counselors at Colony Group, and Salvati is also a senior vice president in charge of the firm's Naples, Fla., office. Tighe is also a senior financial counselor.

Load-Date: March 4, 2014



DEAD BODIES, SECRET FILES; LAWSUITS SEEK ACCESS TO FBI DOCUMENTS

Hartford Courant (Connecticut)

April 7, 2002 Sunday, 1N/5/6/7 SPORTS FINAL

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Section: MAIN; Pg. A1

Length: 1869 words

Byline: By EDMUND H. MAHONY; Courant Staff Writer

Dateline: BOSTON --

Body

The lawsuits read like B-movie scripts.

A petrified fisherman is tortured and buried in a highway ditch after trying to bolt the mob. A stunning young woman threatens to dump her gangster boyfriend, an FBI informant, and he has her strangled for knowing too much. A thousand miles away, deep in the Bible Belt, a multimillionaire Sunday school teacher is gunned down when he suspects the mob is skimming from one of his companies.

Tragically, the allegations are real. They are part of an astonishing cluster of lawsuits that follow an equally astonishing series of crimes.

The target of the lawsuits is the U.S. Department of Justice, accused of condoning murder by permitting a vicious gang of killers to run around New England with impunity. And, proving again that life is always better than fiction, the Justice Department has admitted, under intense pressure, that evidence from its own files proves the essence of the lawsuits to be true.

So far, in about a half-dozen related cases, victims or their estates have sued the federal government for a total sum approaching \$2 billion. Ten or more suits could follow, including the most powerful case: that of an innocent truck driver, now a grandfather, whom the FBI allowed to languish in prison for 30 years.

But even though the Justice Department's criminal division has memorandums in its archives supporting central claims in many of the lawsuits, resolving the suits could be a long and adversarial process. The department's civil division, which defends the government from suits, has shown, at least in public, no willingness to even talk about settlements.

In fact, the department's civil lawyers recently tried to dismiss the case of long-lost fisherman John L. McIntyre on a technicality. They argued that McIntyre's estate failed to meet a legal deadline to sue within two years of his 1984 murder -- even though an official in the department's criminal division announced as late as 1995 that McIntyre was

DEAD BODIES, SECRET FILES;LAWSUITS SEEK ACCESS TO FBI DOCUMENTS

probably still alive. Actually, investigators could not prove McIntyre was dead until 2000, when they dug his bones from a hole beside the Southeast Expressway in Dorchester.

An outraged letter from the eastern Massachusetts congressional delegation helped put the McIntyre lawsuit back on track. The letter also showed how the lawsuits have set agencies of the government at odds. Not only are the Justice Department's criminal and civil divisions operating at cross-purposes, but the White House, which wants to keep old FBI records secret, is fighting with Congress, which wants the records opened.

Intra-government bickering has convinced plaintiffs that any settlement of the lawsuits could be years away. But victims' families are used to waiting. In some cases, they waited decades for government admissions that led to the lawsuits -- that they or their loved ones are victims of notorious FBI informants, including James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

'Bad Dogs On A Leash'

As "Top Echelon" informants for 20 years -- informants the FBI said "could provide a continuous flow of quality criminal intelligence information regarding the leaders of organized crime" -- Bulger and Flemmi ran Boston's sophisticated but violent Winter Hill Gang. They are accused of killing about two dozen people while informing to the FBI on rivals in the Italian Mafia. In return, a few FBI agents shielded them from arrest. Their last FBI handler is accused of tipping the pair to the identities of people, such as McIntyre, who tried to inform on them. McIntyre and the others became part of the Winter Hill body count.

"The way I pitch it is [the FBI] has these two bad dogs on a leash," said Frank A. Libby Jr., "and they just drop the leash and hope they don't bite anybody."

Libby, a former federal prosecutor, is suing for \$860 million on behalf of the family of Roger M. Wheeler. Wheeler, a multimillionaire who owned World Jai Alai and taught Sunday school, was shot between the eyes in 1981 after finishing a round of golf at the Southern Hills Country Club in Tulsa, Okla. Not long before, he had shared his suspicion that gangsters from New England were skimming money from World Jai Alai, one of his diverse group of businesses. World Jai Alai operated a fronton in Hartford at the time.

In Libby's view, a handful of FBI agents permitted Bulger and Flemmi to become multiple murderers and then protected them from prosecution. He believes the Justice Department continues to stonewall by resisting a variety of demands to disclose FBI records.

"This went on for 20 years?" Libby asked. "The best thing you can say is people aren't dropping dead in the FBI lobby. Things like having the CEO of a major corporation getting plugged between the eyes on his golf course don't happen spontaneously in nature. The world's best investigative body doesn't say, 'Well, we'll get to it some day.'"

All the lawsuits allege some sort of FBI misconduct, but most turn on, or are likely to turn on, misconduct involving three informants -- Bulger, Flemmi and another notorious snitch who preceded them, Joseph "The Animal" Barboza.

"The FBI's mishandling of confidential informants in Boston is among the most infamous and cynical episodes in the modern history of law enforcement in this country," is the way U.S. Rep. William Delahunt, D-Mass., a former state district attorney, summarizes the situation.

A Shocking Memo

For decades beginning in 1960s, plaintiffs and families of victims suspected they had been wronged by the judicial system. They didn't learn precisely how until September 1999, when a U.S. district judge in Boston published a shocking, 661-page memorandum that has become the country's definitive text on law enforcement mistakes.

Judge Mark L. Wolf wrote the memo after an acrimonious, yearlong hearing. He listened to dozens of witnesses and forced the FBI to produce hundreds of secret documents for parties arguing pretrial issues in a 1995 criminal

DEAD BODIES, SECRET FILES;LAWSUITS SEEK ACCESS TO FBI DOCUMENTS

case. At one point, Wolf had to threaten a deputy U.S. attorney general with imprisonment to persuade the Justice Department to produce sought-after information.

The judge's memo confirmed the worst suspicions about the FBI and Bulger and Flemmi: The FBI broke its own rules, and probably a number of laws, while protecting its relationship with the two informants.

Wolf's long hearing also energized four related -- if moribund -- cases, all involving the informant Barboza. **Joseph Salvati**, who became a grandfather during his three decades in prison, and three other men had been complaining futilely since 1968 that Barboza's perjured testimony wrongly imprisoned them for life on murder charges. By the time of Wolf's memo, two of Salvati's codefendants had died in prison of old age.

Wolf's conclusions spawned two investigations, one by Congress and another, a criminal probe, by special federal prosecutor John Durham of New Haven. Together, the investigations have pried documents from FBI archives and produced indictments that, combined with Wolf's work, provide substantial corroboration of the major allegations in the lawsuits. Documents unearthed by Durham resulted in the dismissal last year of the murder charges against Salvati and his surviving codefendant.

So why, many lawyers are asking, has the Justice Department's civil division shown that it is determined to fight lawsuits that its own criminal division records appear to substantiate?

Federal prosecutors in Boston argue that disclosure of the evidence could compromise continuing criminal investigations. Justice Department lawyers in Washington have fought congressional subpoenas, saying disclosure could threaten the privacy of their internal decision-making process in criminal cases. Outside the department, others think that the resistance is simply reflexive and that the government cannot just cave in to billions in potential claims.

In any event, dodging subpoenas became substantially easier late last year when the Bush administration, acting on Justice Department advice, exercised executive privilege rather than divulge information about FBI misbehavior to Congress. The White House said it needed to protect deliberative decisions by federal crime fighters from political second-guessing.

That did not sit well in Congress, whose members believe their constitutional authority to oversee government should not be construed as second-guessing.

"It's appalling that the current administration would somehow feel the need to cover up the mistakes of previous administrations," complained U.S. Rep. Barney Frank, D-Mass. "I don't know what bureaucratic reflex drives people to do this."

'Families Who Were Hurt'

In Washington, intra-government bickering may be a debate over principle. But in Boston, the lockdown of Justice Department records has a practical effect on families suing the government.

To prevail in their lawsuits, victims must obtain -- through an adversarial legal process called discovery -- the hundreds of still-secret FBI documents upon which Wolf's memo and the subsequent indictments were based.

"I understand the statute of limitations arguments and all the arguments we get involved in as lawyers," lawyer Albert F. Cullen Jr. said. "That's the way we make our living. But what we have here are families who were hurt."

Cullen, a former federal prosecutor, represents the family of Edward Brian Halloran, a disaffected Winter Hill Gang member whom Bulger is accused of gunning down on the South Boston waterfront. Halloran, like McIntyre, was a criminal. He was a leg breaker and a drug dealer. But he was killed after offering to provide information about Bulger and Flemmi to the FBI. Bulger and Flemmi killed Halloran after learning from their federal handler that he was informing on them, according to pending indictments.

DEAD BODIES, SECRET FILES;LAWSUITS SEEK ACCESS TO FBI DOCUMENTS

The lawsuits are coming from an eclectic group -- criminals, noncriminals and others who inhabited the middle ground. McIntyre, the fisherman, was a sometime drug smuggler who claimed to know how Bulger imported marijuana and exported guns to the Irish Republican Army. Halloran was under arrest for murder at the time of his death.

Salvati, a young father and truck driver, was simply unlucky enough to have a recognizable name when a psychopathic informer needed someone to pin a murder on. Wheeler was a hugely successful businessman who happened to own a company that overlapped on Winter Hill turf.

The stunning young Debra Davis was guilty mostly of terrible judgment. She agreed to date Flemmi, a ruthless gangster old enough to be her father, and died nine years later in 1981 after trying to end the relationship. When the police dug her remains from a tidal pool in Quincy, Mass., they discovered that her killers had yanked out her teeth and chopped off her fingers and toes in an effort to prevent identification of the body.

"The government in some of the cases has more responsibility than it does in others," Cullen said. "But the government clearly has a responsibility for the deaths of these people. Yet it's up there fighting tooth and nail instead of saying, 'Let's sit down and see if we can resolve these cases. Because it was wrong.'"

Graphic

GRAPHIC: (B&W); GRAPHIC: BURIED DEEP IN FBI FILES; Families suing the government want documents such as this 1965 memo from the Boston FBI office to former Director J. Edgar Hoover. A special prosecutor found the document hidden in FBI files in late 2000, and it and others resulted in the dismissal of murder charges against **Joseph Salvati** and Peter Limone of Boston a month later. The two men wrongly served about 30 years in prison for a 1995 murder, even though -- as the document shows -- FBI agents knew they probably were innocent.

Load-Date: April 8, 2002

End of Document



Egregious injustice

Bay State Banner

August 2, 2007

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Ethnic NewsWatch

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Section: Pg. 4; Vol. 42; No. 51

Length: 380 words

Body

ABSTRACT

[Joseph Barboza] falsely implicated Henry Tameleo, Louis Greco, *Joseph Salvati* and Peter Limone in the murder. All were sent to prison in 1968. Tameleo and Greco died in prison after serving 18 and 28 years, respectively. Salvati served nearly 30 years and Limone served 33 before being released from prison after FBI reports indicating the bureau's knowledge of the frame-up were disclosed.

FULL TEXT

African Americans rarely take notice of even the most egregious miscarriage of justice if no blacks are involved. That attitude is exceedingly shortsighted. The baleful history of blacks in America should have established a profound awareness that civil rights are difficult to attain and are also challenging to retain once acquired.

The bedrock of civil rights is the national commitment to the primacy of the rule of law. Civil rights do not depend, as some believe, on cordial interracial relationships. The most important element is the law that provides an aggrieved individual recourse in the event of racial bigotry.

Commitment to the rule of law is an enlightened societal value and is difficult to maintain. Those with power are often willing to deviate from this principle to achieve their goals. The civil rights leadership and others should be prepared to oppose any serious deviation, regardless of racial or ethnic considerations.

One of the most egregious cases of official misconduct in a criminal case is the refusal of the Federal Bureau of Investigation to disclose to Massachusetts prosecutors that the testimony of Joseph Barboza in the Edward Deegan murder was perjured.

Barboza falsely implicated Henry Tameleo, Louis Greco, *Joseph Salvati* and Peter Limone in the murder. All were sent to prison in 1968. Tameleo and Greco died in prison after serving 18 and 28 years, respectively. Salvati served nearly 30 years and Limone served 33 before being released from prison after FBI reports indicating the bureau's knowledge of the frame-up were disclosed.

Egregious injustice

U.S. District Judge Nancy Gertner awarded a \$101.7 million judgment against the United States for the intentional misconduct of the FBI. Civil rights activists should be very concerned about the conduct of the FBI. As Dr. Martin Luther King Jr. said, "Injustice anywhere is a threat to justice everywhere."

Load-Date: August 26, 2007

End of Document



Egregious injustice

The Boston Banner; BA

August 2, 2007 Thursday

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Load-Date: August 26, 2009

End of Document



Evidence concludes in framed men's suit

The Boston Globe
January 26, 2007 Friday
THIRD EDITION

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Section: METRO; Pg. B2

Length: 579 words

Byline: Shelley Murphy Globe Staff

Body

As they strolled out of federal court yesterday, **Joseph Salvati** and Peter Limone said they are happy that a federal judge has now heard all the evidence in a civil trial over whether the government should pay more than \$100 million for the wrongful conviction that sent them and two other men to prison for decades for a 1965 murder they didn't commit.

But with a decision in the case not expected until at least mid-March, Salvati, 74, of the North End, said: "Now starts the worst part. Like Yogi Berra said, 'It's not over till it's over.'"

Salvati and Limone, 72, of Malden, attended every day of the 21-day civil trial with their wives, sons, and daughters. The two other men, Henry Tameleo and Louis Greco, died in prison before FBI reports surfaced five years ago indicating that the four had been framed for the slaying in Chelsea of Edward Deegan.

After seeing the reports, a state judge overturned Limone's murder conviction in January 2001, and he walked free after 33 years in prison. She also vacated the conviction of Salvati, who was paroled in 1997 after 30 years in prison. Greco's exoneration came two years ago, when his conviction was posthumously set aside.

Yesterday, hours after evidence concluded in the federal civil trial, state prosecutors filed a motion urging Suffolk Superior Judge Margaret Hinkle to vacate the murder conviction posthumously of Tameleo, who was 84 years old when he died in prison in 1985.

After receiving a petition from Tameleo's family last June and reviewing the other three cases, Suffolk District Attorney Daniel F. Conley "determined that vacating Mr. Tameleo's conviction was the legal, ethical, and moral thing to do," said Jake Wark, a spokesman for Conley's office.

The motion asserts there is "newly discovered evidence indicating that justice may not have been done at Tameleo's trial," Wark said.

In federal court yesterday, US District Judge Nancy Gertner accepted the last of thousands of exhibits and filings just before 11 a.m. in the civil suit for wrongful imprisonment. Lawyers for the four men and the government will file

Evidence concludes in framed men's suit

briefs next month, and final arguments in the case will be given Feb. 27. The judge said she will try to reach a decision about two weeks later.

During the trial, lawyers for the four men accused the FBI of making a mockery of justice by failing to tell state prosecutors or defense lawyers about evidence that suggested that notorious hitman Joseph "The Animal" Barboza, who had been recruited by the FBI as a witness against local Mafia leaders in another case, framed Salvati, Limone, Tameleo, and Greco. At the time, Tameleo was the reputed consigliere of the New England Mafia, according to organized crime reports compiled by the FBI.

Deegan was gunned down in a Chelsea alley in March 1965. Local police were unable to solve the slaying until the FBI struck a deal with Barboza, whose testimony resulted in the 1968 convictions of the four men and of two others whose involvement in the slaying has not been disputed.

A Justice Department lawyer asserted during the trial that the FBI cannot be blamed because state prosecutors were responsible for investigating and trying the case. She also argued that the FBI had no obligation to share internal documents with state prosecutors, but also said that agents provided some information about the Deegan slaying to state and local police.

After yesterday's session, Limone, said: "I'm glad it's all over. It was like going to trial again."

Graphic

Joseph Salvati (top) and Peter Limone attended every day of the trial.

Load-Date: January 26, 2007

Ex-agent retraces gang war; Tells how FBI cultivated mob pair in violent '60s



***Ex-agent retraces gang war;
Tells how FBI cultivated mob pair in violent '60s***

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Byline: By Shelley Murphy and Patricia Nealon, Globe Staff

Body

Rival gangsters were shooting it out on the streets of Boston in the 1960s when Stephen "The Rifleman" Flemmi became an FBI informant on local underworld figures.

In a 1965 dispatch to FBI director J. Edgar Hoover, Special Agent H. Paul Rico reported that Flemmi "appears to be emotionally stable, and if he survives the gang war, he would be a very influential individual in the Boston criminal element."

Over the next three decades, Flemmi and his partner, fugitive South Boston crime boss James J. "Whitey" Bulger, were among the most powerful organized crime leaders in Boston while serving as the FBI's most prized informants.

And yesterday, an aging Rico was called to the stand on the fourth day of laborious pretrial hearings exploring Flemmi's contention that he was promised immunity from prosecution in exchange for his long career as an FBI informant.

Defense lawyers have asked US District Judge Mark L. Wolf to toss out a 1995 racketeering indictment against Flemmi, Bulger, reputed New England Mafia boss Francis "Cadillac Frank" Salemme, and alleged underlings Robert DeLuca and John Martorano.

Seated in the jury box with his codefendants, Flemmi waved to Rico, and the former agent smiled back as he took the stand.

Describing how he developed Flemmi as an informant, Rico reminisced about the Boston gang wars of the 1960s that claimed some 60 lives, the result of hostility between two main factions: the Winter Hill gang of Somerville and the McLaughlin gang in Charlestown. Bulger and Flemmi were members of the Winter Hill gang during that time and assumed leadership of the gang by 1980.

"Several different factions in the city appeared to be angry at each other, and there was a lot of shooting and bodies around," Rico said.

Ex-agent retraces gang war; Tells how FBI cultivated mob pair in violent '60s

Flemmi believed he was targeted for death by a rival gang, and began providing information to the FBI about the leaders of some of the gangs, including Joseph "The Animal" Barboza (also known as Joseph Baron), a hitman from Swampscott who later admitted killing 26 people.

The FBI used information provided by Flemmi to pressure Barboza to cooperate against its ultimate target: La Cosa Nostra, more commonly known as the Mafia.

Barboza's testimony led to the 1968 conviction of New England Mafia boss Raymond Patriarca for plotting to kill a Providence man.

Barboza also admitted his role in the March 12, 1965, slaying of Edward "Teddy" Deegan in a Chelsea alley, and testified against five men he claimed were his accomplices, all of whom were sentenced to life in prison.

One of the alleged accomplices was **Joseph Salvati**, who served 29 years in prison for Deegan's murder despite claims that Barboza had falsely implicated him. The Governor's Council commuted his sentence and freed him last year.

During questioning by Flemmi's lawyer, Kenneth Fishman, Rico agreed that Patriarca tried to enlist Flemmi's brother to discredit Barboza as a government witness.

In 1967, according to Rico, Flemmi told him that Boston lawyer Joseph Balliro, who was representing Patriarca, had visited his brother, Vincent "Jimmy the Bear" Flemmi, in prison. Balliro urged Jimmy Flemmi to testify against Barboza to destroy his credibility.

Rico did not reveal what Patriarca wanted Jimmy Flemmi to say on the witness stand, but he said Stephen Flemmi "was upset about" the effort to involve his brother.

Salvati always claimed Barboza had framed him in the Deegan murder, that Barboza's real accomplice had been Jimmy Flemmi.

Salvati's commutation followed a series of reports by WBZ-TV.

Balliro could not be reached for comment yesterday. But during an interview with WBZ reporter Dan Rea several years ago, Balliro said he was "100 percent convinced that **Joseph Salvati** was innocent."

Balliro, who once represented Jimmy Flemmi and Barboza, said he couldn't reveal how he knew Salvati was innocent, citing attorney-client privilege.

Barboza was murdered by the mob in San Francisco in 1976.

Barboza was not the only underworld figure that Steve Flemmi provided information against. Rico testified that Flemmi met "on occasion" with Patriarca and his underboss Gennaro "Jerry" Angiulo, then relayed their conversations to the FBI.

When asked if he was aware of Flemmi's own involvement in crime, Rico said, "It had been alleged there were times when Stevie Flemmi was involved in some criminal activity."

Rico will retake the stand when the hearings continue Tuesday.

Flemmi and Salemme are charged in the racketeering indictment with murdering four men during the 1960s.

Judge Wolf must decide if an actual contract existed between Flemmi and the FBI that guaranteed that he would not be prosecuted for any crimes he committed in exchange for information he provided them as an informant.

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Ex-agent retraces gang war; Tells how FBI cultivated mob pair in violent '60s

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Ex-agent tells panel jailed man is innocent



Ex-agent tells panel jailed man is innocent

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Body

WASHINGTON (AP) - A former FBI agent ignored his attorney's advice and testified yesterday that he now believes that a man who claims he spent 30 years in prison because he was framed by the FBI was innocent.

"I was not convinced he was innocent until today," former Agent H. Paul Rico told the House Government Reform Committee, which is investigating the case of Joseph Salvati and the relationship of the Boston FBI and its mob informants.

Salvati, 68, was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997.

He and a co-defendant, Peter J. Limone, 66, were exonerated this year after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who were helping them bring down high-ranking New England mobsters and manipulated testimony in their 1968 murder trial, the judge found.

Secret reports written by Rico showed that informants told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved. Salvati and Limone's names were not included.

The FBI has said there was no effort to hide the information.

Rico said yesterday that he would answer committee members' questions against the advice of his attorney, who told him to plead the Fifth Amendment until he was given immunity. Still, he showed no sympathy for Salvati.

"Would you like tears or something?" Rico said when asked if he felt any remorse about Salvati having spent 30 years in prison. "I believe the FBI handled it properly."

The committee focused on the Salvati case in the first of several hearings it plans to hold as it investigates the FBI's use of informants.

* *

Ex-agent tells panel jailed man is innocent

THREE DECADES: **Joseph Salvati**, freed in 1997, was jailed for 30 years for a 1965 murder in Chelsea, Mass., in a case that has prompted House Government Reform Committee hearings on the Boston FBI and its mob informants.

AP

PICTURE CAPTION

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FBI agent denies framing innocent man

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Body

A former FBI agent told a congressional committee Thursday that he did not hide evidence that would have exonerated an innocent man for the 1965 murder he spent 30 years in jail for-despite having written numerous memos that named other men as suspects.

Former Special Agent H. Paul Rico told the House Government Reform Committee that despite providing a witness-Joseph "The Animal" Barboza-whose testimony convicted *Joseph Salvati* and several others for the murder of Edward "Teddy" Deegan in 1968, he did not tell defense lawyers about informant reports that named several other men as the culprits.

But Rico insisted that he only supplied Barboza to the prosecutors and did not knowingly allow him to commit perjury, adding that he assumed that someone else had supplied a plethora of information pointing the finger at others to the defense.

The testimony came as a shock, because Rico had previously said-through his attorney William Cagney-that he would refuse to testify unless granted immunity from a federal taskforce currently investigating the FBI use of informants in organized crime investigations over the last three decades.

Salvati, Peter Limone, Henry Tameleo and Louis Greco were all convicted for the Deegan murder-along with one of the real killers Roy French-and all except Salvati were sentenced to death. Salvati received life without the possibility of parole and the other death sentences were commuted to life after the Supreme Court outlawed the death penalty in 1972. The men were convicted-without any corroborative evidence-on the testimony of Barboza, who admitted to participating in the crime.

Evidence unearthed by a Justice Department task force investigating the use of informants by the FBI exonerated Salvati and Limone in January this year. Tameleo and Greco both died in prison.

The House Government Reform Committee subpoenaed Rico and his colleague Dennis Condon to testify as part of an investigation into the FBI's use of informants.

FBI agent denies framing innocent man

The inquiry has potentially far-reaching consequences, and at its heart raises a disturbing question: In an overzealous effort to defeat the mob, did the FBI, in effect, become a partner in crime with mobsters in Boston and possibly elsewhere?

Led by Chairman Dan Burton, R-In., the committee pressed Rico for details of the Deegan investigation after a slew of internal FBI memos, local police reports and the testimony of two lawyers raised questions about the FBI's role.

F. Lee Bailey, who represented Barboza in later proceedings, and Joseph Balliro, who represented Tameleo in the Deegan trial, testified Thursday that Barboza later tried to recant his testimony and was discouraged and threatened by the FBI from doing so in 1970.

In response to the questions about why Salvati and the other men were convicted despite repeated statements from informants that named other suspects, Rico said that informant testimony was difficult to handle, compared to eyewitness testimony supplied by Barboza.

Rico said he had sent memos to FBI officials that detailed informant reports that Vincent James Flemmi had threatened to kill Deegan, including a report that Deegan's murder had been approved by reputed New England Mafia boss Raymond Patriarca and a dry run of the killing had been performed two days prior to the March 12, 1965 murder.

He also said he delivered an informant report that was sent to then-FBI Director J. Edgar Hoover a week after the murder which reported it had been committed by Vincent Flemmi, Romeo Martin, Ronald Casessa and Roy French. Only French was convicted of the crime with the others who were later exonerated.

Under questioning from Burton, Rico denied that Steven "The Rifleman" Flemmi, Vincent's brother, was the informant who named the alleged killers.

When Burton asked him who the informant had been, Rico replied, "I don't know."

When Burton followed up by asking whether Steven Flemmi was the source, Rico tentatively denied it.

"I don't think that Stevie Flemmi would have given me his brother," he said. "I'm under oath and pretty confident that it wasn't him."

Investigators and the committee suspect that Barboza added Salvati to his murder testimony to obscure the role of Vincent Flemmi in the killing and that the FBI either encouraged or turned a blind eye to the perjury because they wanted to protect Barboza's credibility in other mob trials. They also suspect that steps were taken to protect Steven Flemmi's role as an informant for the FBI.

When Rico denied that Steven Flemmi was the informant, Burton hastily called a recess, concerned-according to committee sources-that Rico might have committed perjury because of previous statements he had made that Flemmi was a top FBI informant. The legal counsel for the committee was concerned that if Rico did not understand the grave nature of the proceeding, his statement might have implications for the justice department task force investigating the case.

Burton reconvened the committee and read a stern warning to Rico that he was under oath, had the right to a lawyer and could be prosecuted under federal law for making false statements.

But Rico remained defiant.

"I am not taking my counsel's advice," he said to the committee. "My counsel advises me to take the Fifth Amendment until you people offer me immunity."

According to committee sources, Chief Counsel Jim Wilson had already approached Rico during the recess to warn about the consequences of lying under oath to the committee.

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"I'm 76 years old," the former FBI agent said, according to a witness. "What the f--k do you think you can do to me?"

Committee members-joined by Judiciary Committee member Rep. William Delahunt, D-Mass.-pushed him on why he allowed Barboza to testify against Salvati and the others when they had information that Flemmi wanted to kill Deegan. They also had evidence that Flemmi had taken part in the killing, and that a heavysset, bald man fitting his description was seen leaving the crime.

Rico was also asked about a statement that Barboza made to him and his partner, Dennis Condon, that Barboza would testify to several murders but would "never provide information that would allow James Vincent Flemmi to 'fry' but that he will consider furnishing information."

Rico said he did not remember such a statement-found in an FBI memo-and could not recall if it had been supplied to investigators on the Deegan killing.

Rep. Chris Shays, R-Ct., expressed disgust at Rico's inability to explain how so much crucial evidence was kept from the defense during the trial in 1967 to 1968, and surprise that he had chosen to testify. He also assailed the witness for his lack of remorse over having contributed to sending innocent me to prison for decades.

"My view is that you sent innocent men to jail and knew it, that you worked for organized crime and I never thought that you would come before this committee and testify," Shays said.

"We supplied the information we had available to local law enforcement," Rico replied. "I have faith in the jury system and the decisions that juries make."

"This is fascinating," Shays retorted. "How can you not get on bended knee and ask[Salvati]for an eternal pardon, even if you didn't know he was innocent. You don't seem to give a s--t."

When Shays asked Rico if he had any remorse at all for the situation, Rico responded belligerently.

"I feel we have a judicial system that has to eventually play itself out," he said. "It would be a nice movie, but no[remorse.]"

In his first public statement on the Salvati matter, current FBI Director Louis Freeh released a statement that said the allegations that the FBI ignored evidence were 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," he said. "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." Testimony touches CongressJoseph and Marie Salvati's tale of 30-years spent separated while Joseph was imprisoned for a murder he did not commit brought a congressional committee room to tears Thursday.

Members of the House Government Reform Committee, staff, journalists and audience members were visibly emotional as the Salvati family and their attorney, Victor Garo, explained how they fought for Joe's freedom, while fighting to keep a family together through phone calls, prison visits and occasional furloughs over three decades.

"From October 25, 1967, the date my husband was arrested, until January 30, 2001, when all charges were dropped, my life was extremely difficult," Marie Salvati told the committee with considerable understatement. "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 on by many."

Salvati was wrongly convicted in 1968 with four others for the 1965 gangland murder of Edward Deegan-on the now discredited testimony of Joseph "The Animal" Barboza, an FBI witness who helped plan the crime.

Chairman Dan Burton, R-In., lashed out at the FBI for its handling of the case in his opening statement.

FBI agent denies framing innocent man

"I think this whole episode is disgraceful," he said. "It's the greatest failure in the history of federal law enforcement."

Burton and other committee members repeatedly apologized to the Salvati family for the ordeal.

Garo took 25 years and put in over 20,000 hours of pro bono legal work in his quest to free Salvati, who was released in 1997. Two other men - who were also innocent-died in prison for the murder and Peter Limone was released earlier this year. But where the others were reputed mobsters with criminal records, Salvati had no ties to organized crime and was apparently named by Barboza only to protect a friend.

FBI memos since uncovered indicate that law enforcement authorities had credible information that others committed the murder, which took place in a Boston suburb. This evidence was never turned over to the defense and was only found last year by a Justice department taskforce investigating the use of informants by the FBI in the Boston area over the past three decades.

Despite this blatant disregard for his legal rights by the FBI - whose then-Director J. Edgar Hoover received memos that named other perpetrators for the murder just days after it happened - Salvati is not bitter toward the government that stole a huge portion of his life.

"As you all know, I have served 30 long and hard years in prison for crimes that I did not commit," Joe Salvati said. "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."

Salvati thanked Assistant U.S. Attorney John Durham, who heads the task force that uncovered the exculpatory evidence, for freeing him from prison.

While this stoic testimony touched members of the committee, Marie Salvati's detailed account of working to keep her marriage and family intact through the ordeal choked the room with emotion.

"While my husband was in prison, there was a pact between us," she explained. "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 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 the prison so they would have their father's guidance...."

With that, Marie Salvati was overcome with emotion and could not continue. Throughout the hearing room, members including Burton, Rep. Chris Shays, R-Ct., and Rep. Connie Morella, staff and reporters could be seen wiping away tears of frustration.

Committee spokesman Mark Corolla told United Press International that he had to leave the room because he was overcome.

"When I saw the chairman and [Chief Counsel] Jim Wilson choking up, I knew I had to get out before I started to sob. It's that sad," he said. Mob and FBI have violent history Little could Edward "Teddy" Deegan have known that his murder gangland-style in 1965 would be a key element three decades later in perhaps the most embarrassing chapter in the history of the FBI.

Deegan was a small-time Boston hood who was shot to death apparently because he had become a "problem" to others in the New England underworld.

He wasn't the only victim.

In the 1960s, bloody warfare raged on the streets of Boston and elsewhere in New England as Irish and Italian gangsters battled for control over lucrative criminal activities.

Overseeing it all for the Italian Mafia was Raymond L.S. Patriarca, the founder of the family that ruled New England for La Cosa Nostra.

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Virtually nothing went on in loan sharking, prostitution, gambling, robberies, or protection rackets in New England without Patriarca's permission, and he got a cut from it all.

Patriarca ruled his evil empire from his base in the New England Coin-o-matic company on Federal Hill in Providence, R.I., for 40 years until his death in 1984. Under him was the Boston Mafia, run by Gennaro "Jerry" Angiulo and his four brothers from their headquarters in Boston's Italian neighborhood, the North End.

Irish gangsters based in predominantly Irish South Boston were quick to use violence to get and protect their slice of the action.

Gangland killings were commonplace as the factions vied for the illicit profits.

Deegan was just one of those whose activities resulted in Patriarca being asked to give permission for a "hit."

What's caught in the throat of the FBI now more than 30 years later is that not only did agents know in advance that Deegan was going to be "whacked," but knew who carried out the "hit" -- and then stood by lips sealed as four innocent men were charged, tried, convicted and sentenced for the crime.

Their silence apparently was designed to protect their underworld informants.

A congressional committee in Washington is now investigating the FBI and its relationship with such informants, a probe triggered by the recent disclosure of long-hidden FBI documents in which agents were told by an informant who really killed Deegan.

The documents indicate Special Agents H. Paul Rico and Dennis Condon knew Joseph Salvati, Peter Limone, Louis Greco and Henry Tameleo were innocent, but allowed the men to be framed to protect an informant, allegedly hit man Vincent James "Jimmy the Bear" Flemmi.

At least one of the documents was a memo to then FBI Director J. Edgar Hoover.

Two of the real killers were Flemmi and Joseph "The Animal" Barboza, one of the most feared hit men for the New England Mafia. Barboza, also known as Joe Baron, wanted to kill Deegan, but first had to get Patriarca's permission.

In an FBI memo, based on information allegedly provided by Flemmi, Patriarca was described as being "infuriated" and "enraged" that a person whose name had been blacked out of the memo "had the audacity" to give orders to Barboza and Flemmi to carry out the hit without prior approval from Patriarca.

"Patriarca told Gennaro J. 'Jerry' Angiulo that he explained to Flemmi that he was to tell (name blanked out) that 'no more killings were to take place unless he, Patriarca, cleared (them),' " the memo said.

Angiulo reportedly talked to Flemmi and explained that Patriarca thought Flemmi "did not use sufficient common sense when it came to killing people."

"Angiulo gave Flemmi a lecture on killing people," the memo said. If there was an argument, Flemmi should "get word to Raymond Patriarca who, in turn, will either 'OK' or deny" the hit.

Flemmi and Barboza allegedly wanted to kill Deegan because they were having a problem with him, and because Deegan was looking for an excuse to "whack" another person, whose name was blanked out in the memo. Patriarca, according to the memo, told Flemmi and Barboza to get more information about Deegan and then contact Angiulo, ranked second behind Patriarca, who would furnish them a decision.

Deegan was found murdered in Chelsea, Mass., on March 12, 1965.

An FBI memo dated two days previously said an informant had learned that Patriarca had put out the word that Deegan "is to be 'hit.'"

FBI agent denies framing innocent man

Former Philadelphia Mafia under boss Philip Leonetti explained in 1995 that nothing is done "without consulting the boss." He said the Mafia Commission, comprised of the bosses of the five New York families and the Chicago and Philadelphia families, set the rules for the Mob nationwide.

"You need rules in an organization so you don't have chaos," Leonetti said. He explained that the boss is supposed to OK all murders, get a kickback of all family business, set up meetings among members and decide when to admit new members.

In October 1962, Attorney General Robert F. Kennedy proposed expanding the use of wiretaps in probes of organized crime.

The feds placed a bug in Patriarca's vending machine company office from March 1962 until July 1965, taping "business meetings" between Gennaro Angiulo and Patriarca in which they discussed the organizational structure of La Cosa Nostra. The so-called Patriarca crime family allegedly was part of a national organization headed by a commission that settled underworld disputes and set the jurisdiction of 25 or so similar organizations across the country.

Barboza became the government's key witness in a 1968 trial that resulted in four men, including Salvati and Limone, being unjustly convicted for the Deegan murder, despite the fact that Barboza admitted his own participation in the killing.

Agent Condon actually testified during the trial that Barboza's testimony was credible, even though FBI documents suggest he knew otherwise.

Attorney F. Lee Bailey, who at one point represented Barboza, said in 1970 that Barboza had told him he should try to "right the injustice which his testimony had caused." Bailey said Barboza confided that he had been assured that a conviction was unlikely, and in case of a conviction the Supreme Court would be expected to reverse the cases and "no permanent harm would be done to anyone whereas the government would have accomplished its primary objective: much publicity about prosecuting organized crime."

After the convictions were upheld, however, Barboza "became persuaded" that the four men might be executed for something they hadn't done," Bailey wrote, adding he passed on this information to law enforcement officials.

However, Bailey wrote, "I have had no response to my letter to the Attorney General asking for help in writing (sic) the injustice that Baron has caused." Bailey said law enforcement authorities had "every reason to believe that a terrible mistake has been made," but did nothing to correct it.

Salvati spent 30 years in prison and Limone 33, some on death row, before their 1968 convictions were tossed out last January, based on the newly revealed FBI documents. The other two unjustly convicted men -- Greco and Tameleo -- died in prison.

Barboza had apparently become bitter over the murder of two of his friends, and broke the Mafia's code of silence, becoming a government informant in the Deegan trial. Barboza's testimony subsequently helped put Patriarca away in prison on a conspiracy to commit murder rap. It was concern about his credibility in such later cases that allegedly led the FBI to allow his perjured testimony in the Deegan trial to go unchallenged.

On Oct. 6, 1966, at the height of gang warfare on the streets of Boston, Barboza was arrested, but he expected his Mafia bosses to bail him out. When they did not, his friends tried to collect bail money by shaking down businessmen in the North End, Angiulo's backyard, a fatal mistake. Both Arthur C. "Trash" Bratsos and Thomas J. DePrisco were found murdered on Nov. 1, 1966, and robbed of cash they had collected to help free Barboza.

Those murders prompted Barboza to turn against his former friends. His later attorney, John E. Fitzgerald Jr., testified before the National Gambling Commission that he was "subjected to all kinds of pressure" and threats to "exercise my influence over Baron (Barboza) in order to prevent him from testifying."

FBI agent denies framing innocent man

Larry Zannino, third ranked in the New England Mafia behind Patriarca and Gennaro Angiulo, after a meeting in December 1967, allegedly told Fitzgerald, "You're playing with dynamite."

On the night of Jan. 30, 1968, Fitzgerald turned on his car's ignition and caused two sticks of dynamite to explode. Fitzgerald lost his right leg.

After he wound up testifying against Patriarca and Gennaro Angiulo, Barboza became the first person to get a new identity under what would become the government's Witness Protection Program. It did him little good. He was gunned down in San Francisco on Feb. 11, 1976.

Despite some internal opposition, Patriarca's son, Raymond J. "Junior" Patriarca, took over as head of the New England Mob after his father died on July 11, 1984, but Junior would also wind up in prison. He copped a plea in 1992 for overseeing murder and drug trafficking during his reign. He was released in 1998 after serving eight years.

Authorities said Junior never attained the ruthless crime king status of his late father. Federal judge Mark Wolf said Junior was "a weak boss who could not lead a Brownie troop."

The Patriarca faction dominated the New England underworld since the 1940s, but declined steadily after the elder Patriarca's death. Boston mobsters reportedly planned to murder Junior if he refused to give up leadership. Those plans were never carried out, however, after Junior, in tears, was said to have begged for his life.

Junior apparently had tried to make peace with other Mafiosi at an alleged induction ceremony on Oct. 29, 1989, in Medford, Mass. What wasn't known to the gangsters was that the FBI had been tipped to the meeting by an informant and had planted a "bug" to tape the ceremony.

On the tapes, Patriarca Jr. is heard saying: "We're all here to bring in some new members into our family and more than that, to start maybe a new beginning." Some 17 other alleged mobsters were at the ceremony where four new members were inducted.

"Put all that's got started behind us," Patriarca said, "Cause they (the four inductees) come into our family to start a new thing with us. Hopefully, they'll leave here with what we had years past. And by-gones are by-gones and a good future for all of us."

With the help of informants, the FBI also used tapes to break up the Boston Mafia run by the Angiulos. Gennaro Angiulo and brothers Francesco and Donato were convicted in 1986 for racketeering, based on 104 days of secret FBI tape recordings of conversations at the Angiulos' North End headquarters in 1981. Gennaro was sentenced to 45 years, Francesco to 25, Donato to 20, and another brother, Michele, to three years for gambling.

Gennaro Angiulo, described by an associate as an "evil genius," was also convicted a year later and sentenced to life for ordering a 1981 murder. Gennaro's name was first publicly linked to organized crime in testimony before the Senate Investigation Committee in 1963. He was identified by a Boston police official as an under boss for Patriarca. The oldest brother, Vittore Nicolo, a chief advisor, escaped trial because of illness.

There was a vital link between the Italian Mafia and the Irish mobsters, Stephen "The Rifleman" Flemmi, Vincent's brother. Stephen Flemmi had declined Patriarca Sr.'s invitation to become a member of the Mafia, and instead allied with James "Whitey" Bulger, who had taken over as boss of the Winter Hill gang, based in predominantly Irish South Boston.

Flemmi reportedly moved easily between the gang groups. He was trusted by, and frequently visited, both factions. He had longstanding ties to the Italian Mob and its new boss, Francis "Cadillac Frank" Salemme.

Flemmi and Salemme were both charged with blowing up Fitzgerald's car with the lawyer in it in 1968, but only Salemme was convicted. After Salemme got out of prison in 1988, he and Flemmi rekindled their friendship. Salemme, however, did not know that by this time Flemmi had become an informant for the FBI.

FBI agent denies framing innocent man

At the same time, according to prosecutors, Flemmi was telling the FBI about Salemme's attempts to gain control over the Boston mob. Flemmi's association with Bulger dates back three decades when both were members of the Winter Hill Gang.

Special Agent John J. Connolly Jr., who as a youngster in South Boston knew Bulger, recruited Bulger and Flemmi as underworld informants in the 1970s and acted as their handler for the agency.

Boston Magazine reported that Connolly told Bulger at a meeting in October 1973 that his organization was in danger from Italian competitors who were using friends in law enforcement against Bulger, and suggested he do the same. Two weeks later Bulger allegedly agreed and over the next 15 years the Boston FBI put dozens of La Cosa Nostra members in prison, including Gennaro Angiulo and three of his brothers.

Connolly over the years allegedly received money and real estate from Bulger, and was indicted in 1999 and 2000 for crimes he allegedly committed while handling Bulger and Flemmi as informants, including racketeering. Later a charge of obstruction of justice was added because he allegedly told Bulger that Brian Halloran was 'ratting' to the FBI that Bulger and Flemmi were responsible for the 1981 murder of Tulsa, Okla., businessman Roger Wheeler. With Connolly allegedly serving as a lookout, Halloran was murdered in 1982.

Bulger, who has been a fugitive since 1995 and is now on the FBI's Most Wanted list, has been charged with committing 19 murders, a dozen while serving as Connolly's informant. The Boston Herald quotes former associate Edward J. "Eddie" MacKenzie Jr. as claiming Bulger was responsible for as many as 80 murders. Stephen Flemmi has been indicted for 10 murders.

It was allegedly a tip from Connolly that allowed Bulger to flee in 1995.

With the disclosure that Flemmi and Bulger were FBI informants, it became increasingly evident that the FBI had decided to side with the Irish-dominated Winter Hill gang against what it considered the greater threat, the Italian Mafia.

Bulger provided federal authorities with information on local Mafia figures during the 1970s and 1980s, leading to the conviction of a slew of New England mobsters.

Lawyers for reputed Mafia figures have suggested criminals of Irish descent like Bulger were cultivated as informants by Irish-American FBI agents who targeted Italian-American mobsters.

Whether the congressional hearings will result in changes in the way the FBI handles underworld informants remains to be seen.

Salvati and Limone, meanwhile, are enjoying their new freedom with relatives, as their lawyers pursue lawsuits against the FBI to compensate the men for the decades they spent in prison despite their innocence.

Load-Date: May 5, 2001

FBI agent doesn't apologize to wrongfully convicted man: Emotional testimony during hearings on FBI informants



[FBI agent doesn't apologize to wrongfully convicted man: Emotional testimony during hearings on FBI informants](#)

Edmonton Journal (Alberta)

May 4, 2001 Friday Final Edition

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Section: World; Pg. A5; Crime

Length: 688 words

Byline: Shelley Murphy

Dateline: Washington

Body

After spending 30 years in prison for a murder he didn't commit, **Joseph Salvati** received profuse apologies and promises of compensation from members of U.S. Congress Thursday, but not a word of remorse from the FBI agent who helped put him away.

"What do you want, tears?" sneered retired agent H. Paul Rico, 76, as he conceded during a Congressional hearing that he now believes Salvati was framed by a vengeful hitman-turned-government witness for a 1965 gangland murder.

When asked by Representative Christopher Shays if he cared that Salvati's wife, Marie, had to raise their four children alone because FBI reports authored by Rico which would have helped Salvati prove his innocence were never turned over to the defence, Rico replied, "It would probably be a nice movie or something, but I don't know.

"I do not know everything that Joe Salvati did in his life," said Rico. "I don't know if Joe Salvati is innocent of everything."

The Boston Globe

But after listening to the Salvatis and three defence lawyers testify, Rico said he now believed Salvati was not guilty of the murder which put him in prison for three decades. "I was not convinced he was innocent until today," said Rico.

The surprising testimony came as the House Committee on Government Reform launched its first day of hearings into the FBI's handling of controversial informants -- including gangsters James "Whitey" Bulger and Stephen Flemmi -- in its quest to dismantle the Mafia. Rico testified against the advice of his lawyer, who advised him to invoke his Fifth Amendment right against self-incrimination.

Rico is a prime target of a federal grand jury in Massachusetts that has been investigating wrongdoing by FBI agents.

FBI agent doesn't apologize to wrongfully convicted man: Emotional testimony during hearings on FBI informants

Salvati and his wife, who both gave an emotional account of their last three decades that was halted by tears, were clearly disgusted by Rico's testimony.

"He wouldn't apologize," Salvati said. "He abused his power and he ruined 30 years of my life. It took 34 years for him to say that I was innocent. He could have said that 34 years ago."

The committee chaired by Indiana Republican Dan Burton heard overwhelming evidence that hitman Joseph "The Animal" Barboza lied about who participated in the 1965 slaying of hoodlum Edward "Teddy" Deegan in Chelsea, Mass., after striking a deal with the FBI to testify against local Mafiosi.

Called to testify were attorney Victor Garo, who spent 26 years trying to get Salvati's conviction overturned, and criminal defence lawyers F. Lee Bailey, who once represented Barboza, and Joseph Balliro, who said one of the real killers of Deegan, Vincent Flemmi, had confessed to him.

"The FBI has a nest of ruthless, cold-blooded, psychopathic killers," said Bailey, noting that Bulger, Flemmi and Flemmi's brother all allegedly killed people while working as informants.

"The federal government determined it was more important to protect informants than it was for innocent people to be framed," said Garo. "The federal government determined that Joe Salvati's life was expendable."

Salvati was freed from prison in 1997 after Gov. William Weld commuted his sentence amid mounting doubts about his guilt. In January, a state judge tossed out the convictions of Salvati and co-defendant Peter Limone, after newly-uncovered FBI documents suggested that the two men, and two others who died in prison, were wrongly convicted.

The reports revealed that informants told Rico that Deegan was going to be killed two days before the slaying. After the murder, Rico's informants identified Barboza and four other men as the killers -- and indicated that Barboza was lying about the involvement of Salvati, Limone, and the two other men.

Another FBI report revealed that Barboza's close friend, Vincent Flemmi, had been involved in the slaying, but Barboza was lying to protect him. Flemmi, now dead, was the brother of Stephen Flemmi, a longtime FBI informant recruited by Rico in 1965.

Balliro, who represented one of Salvati's co-defendants, said the defence never had a chance because FBI agents took the stand and gave credibility to Barboza's account of the murder.

Graphic

Photo: File Photo; ***Joseph Salvati***, who spent 30 years in jail for a murder he didn't commit, pauses on Thursday, while testifying before the House Government Reform Committee hearing on the FBI's use of informants.

Load-Date: March 27, 2002



FBI denies hiding evidence in Deegan murder case

The Boston Herald

February 9, 2001 Friday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 520 words

Byline: By J.M. LAWRENCE

Body

The Boston FBI yesterday denied the bureau hid evidence 35 years ago that might have saved **Joseph Salvati** and Peter Limone from spending three decades in prison for a gangland murder it now appears they did not commit.

In a statement, the FBI said its agents in 1965 shared information with "local authorities" from a confidential informant who named killers of Edward "Teddy" Deegan, and they were not Salvati, 68, and Limone, 66.

A Cambridge judge vacated both men's convictions last month in the wake of newly released evidence uncovered during a Justice Department probe into internal FBI corruption.

Two other men convicted in the case, Louis Greco and Henry Tameleo, died in prison.

Facing the threat of civil suits from the former defendants, the FBI yesterday said other agencies knew about the informant who claimed others killed Deegan.

Deegan was a local hoodlum whose Mob pals lured him to a Chelsea alley on the pretext of breaking into a finance company and shot him.

"To date, our review has disclosed documents indicating the confidential source of information recently released, which directly relates to the Deegan homicide, was disseminated to local authorities in 1965," the bureau's statement reads.

The bureau refused to name those "local authorities."

"The FBI is still in denial they have done anything wrong," Salvati's attorney, Victor Garo, said yesterday. "This latest version of theirs is a step beyond fiction."

A 1965 Chelsea police report obtained by the Herald states an informant told them Deegan's killers departed for the murder from the Ebb Tide Lounge in Revere and later returned bragging about it. Salvati and Limone were not there, the informant said.

FBI denies hiding evidence in Deegan murder case

A source yesterday told the Herald that the informant who told the Chelsea police who left the Ebb Tide the night of the murder was linked to the FBI.

Earlier yesterday, Garo held a news conference calling for a congressional investigation into the case and criminal charges against authorities for suborning perjury.

Legendary Boston FBI agents H. Paul Rico and Dennis Condon knew Salvati was innocent but allowed Mob turncoat hit man Joseph "The Animal" Barboza - the government's only witness in the case - to concoct a story implicating the men, Garosaid.

The story Barboza told the jury included the claim that he had Salvati work as his getaway car driver and made him wear a disguise that included a wig to make him appear bald. The story was a cover, according to Garo, and the getaway driver was actually Barboza's partner Vincent "The Bear" Flemmi, a bald man.

The FBI let Barboza spin the story to protect Flemmi, whom the agents were cultivating as a prized informant to bring down the Mob's leadership, Garo said.

"If the FBI admits that they gave this information to local authorities, then what happened when H. Paul Rico, Dennis Condon and J. Edgar Hoover allowed Barboza to commit perjury?" he said.

Photo Caption: 'A STEP BEYOND FICTION': Attorney Vincent Garo, left, with his client **Joseph Salvati** counters the FBI's claims at a press conference yesterday. STAFF PHOTO BY NANCY LANE

Load-Date: February 9, 2001



FBI's misconduct yields nearly \$102M for wrongful convictions

The York Dispatch (Pennsylvania)

July 27, 2007 Friday

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Section: NATIONAL

Length: 860 words

Byline: DENISE LAVOIE The Associated Press

Body

BOSTON -- In a stinging rebuke of the FBI, a federal judge ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom yesterday that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through -- I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

FBI's misconduct yields nearly \$102M for wrongful convictions

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument. "The government's position is ... absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

Republican Rep. Dan Burton of Indiana, who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informants, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

One of the agents blamed in the case, Rico, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Okla., businessman. Rico died in state custody in 2004 while awaiting trial.

During testimony before Burton's committee in 2001, Rico denied he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Rico was unrepentant when asked how he felt about Salvati's wrongful imprisonment.

"What do you want, tears?" he said.

Graphic

FBI's misconduct yields nearly \$102M for wrongful convictions

Jennifer Medrano kisses her grandfather, **Joseph Salvati**, outside the Federal Courthouse in Boston. (Stephan Savoia/AP photo)

Limone

Load-Date: July 27, 2007

End of Document

FBI stung by record payout; Agents withheld evidence, let 4 men wrongly go to jail



FBI stung by record payout; Agents withheld evidence, let 4 men wrongly go to jail

The Houston Chronicle

July 27, 2007 Friday

3 STAR EDITION

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Section: A; Pg. 3

Length: 515 words

Byline: DENISE LAVOIE, Associated Press

Dateline: BOSTON

Body

BOSTON - In a stinging rebuke of the FBI, a federal judge on Thursday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who is a fugitive.

FBI stung by record payout; Agents withheld evidence, let 4 men wrongly go to jail

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument as "absurd."

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a Justice spokesman, said officials there would have no immediate comment.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Rico, arrested in 2003 on murder and conspiracy charges in the 1981 killing of an Oklahoma businessman, died in state custody in 2004 while awaiting trial.

Attorneys for Condon could not be reached.

Graphic

Photos: 1. RESTITUTION: After spending almost 30 years in jail for a murder he didn't commit, ***Joseph Salvati*** and grandson Michael learned they would share in a \$101.7 million settlement for the wrongful conviction; 2. FREED: Peter Limone, exonerated in 2001, and his wife, Olympia, also share in the award.

1-2. STEPHAN SAVOIA PHOTOS : ASSOCIATED PRESS

Load-Date: July 27, 2007



Feds face possible \$100 mil. payout for false convictions

Chicago Sun Times

November 17, 2006 Friday

Final Edition

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Section: NEWS; Pg. 32

Length: 373 words

Byline: Jay Lindsay, Associated Press

Dateline: BOSTON

Body

BOSTON -- Two Boston men spent 30 years in prison for an underworld slaying they did not commit after a judge ruled that the FBI withheld evidence that would have cleared the pair to protect a mob hit man who was serving as an informant.

Now, in a trial that opened Thursday, those men and the families of two others who were wrongfully convicted are seeking damages from the government that could total more than \$100 million.

Joseph "The Animal" Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to FBI efforts to crack the mob that the agency allowed him to wrongly implicate four men for murder, attorneys for the plaintiffs said in opening statements.

Joseph Salvati and Peter Limone and the families of two other men who died while behind bars accuse the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said attorney Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The case is the latest development in a scandal that unfolded in Boston about a decade ago, when it was learned that the FBI had a corrupt relationship with the mob, protecting killers who were informants and even tipping them off to pending indictments.

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld evidence from state prosecutors that could have cleared the men so the agency could protect an informant who actually committed the crime.

The lawsuit does not ask for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million for each year wrongly imprisoned, which would total more than \$100 million in this case.

Feds face possible \$100 mil. payout for false convictions

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to some FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial.

Graphic

Photo: 30 YEARS BEHIND BARS: **Joseph Salvati**;

Photo: 30 YEARS BEHIND BARS: Peter Limone

Load-Date: November 17, 2006

End of Document



Framed men take stand at trial Tearfully recall decades in prison

The Boston Globe
January 9, 2007 Tuesday
THIRD EDITION

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Section: METRO; Pg. B2

Length: 528 words

Byline: Shelley Murphy Globe Staff

Body

Tears rolled down **Joseph Salvati**'s face yesterday as he took the stand in federal court, recounting the family milestones he missed as his four young children grew up without him while he spent 30 years in prison for a murder he didn't commit.

Describing a jailhouse meeting with his parents shortly after his arrest in a 1965 gangland slaying, Salvati said, "I just sat with them and cried. I said: `Don't believe none of this. This is a nightmare. It's a lie.'"

Salvati, who was 35 years old when he went to prison in 1967, spent 29 years and five months behind bars for the murder of petty thief Edward "Teddy" Deegan in a Chelsea alley before he was freed in March 1997, after William Weld, then governor, commuted his life sentence.

Four years later, Salvati's codefendant, Peter Limone, was set free and the convictions of both men were overturned after it was revealed that long-secret FBI documents indicated they had been framed by a Mafia hitman-turned-government witness, Joseph "The Animal" Barboza.

"I couldn't believe the FBI would do a thing like that," said Salvati, wiping his eyes with a handkerchief. "These are people you look up to. They didn't care 40 years ago, and they don't care now."

Salvati and Limone testified yesterday in a civil trial over a wrongful imprisonment suit they have filed against the government, along with the families of two other men, Henry Tameleo and Louis Greco, who died in prison before they were exonerated in Deegan's slaying. They are seeking more than \$100 million in damages.

Limone, also a father of four, who served 33 years in prison, described how Greco, a highly decorated World War II veteran and boxer, confided as he grew ill, "I'm going to end up dying in these prisons for nothing."

Salvati said he didn't know Deegan and suspected Barboza framed him because he had borrowed \$400 from a loan shark, then got the better of bat-wielding thugs sent by Barboza to collect the debt.

Salvati said his wife of 53 years, Marie, visited him every week in prison while raising their children alone and "never doubted me."

Framed men take stand at trial Tearfully recall decades in prison

Salvati's son, Anthony, who was 5 when his father went to prison, sobbed as he testified yesterday about how he tried to become the man of the family and was 8 years old when he gave his older sister away at her wedding.

"I cried my eyes out," said Anthony Salvati, now 44. "At 8 years old, I was taking his place. My father wasn't there so I knew it was my job to do it."

Salvati and Limone said they were able to go home on furloughs occasionally in the 1970s and 1980s, until the Dukakis administration halted the furlough program in 1987.

Anthony Salvati said his father missed his graduation, his wedding, and the birth of his two children.

Sharon Salvati, who was 11 when her father went to prison, broke into tears on the stand yesterday as she told the government lawyers that she was being forced to relive a nightmare by going through the trial.

"It's just very unfair for my family and all the families bringing this up," Sharon Salvati testified. "You took all our lives away, all of our childhoods. You'll never replace 30 years. You can never give it back to us. And, to think that you knew."

Graphic

Codefendants Peter Limone (top) and **Joseph Salvati** are suing over their imprisonment.

Load-Date: January 9, 2007



HANGING WITH THE MOB? JOE, SAY IT AIN'T SO

The Boston Herald

December 2, 2003 Tuesday

THIRD EDITION

Copyright 2003 Boston Herald Inc.

Section: NEWS;

Length: 587 words

Byline: By J.M. LAWRENCE and KEVIN ROTHSTEIN

Body

Joseph Salvati, who was wrongly imprisoned for 30 years for a 1965 mob murder, has been caught on federal wiretap tapes consorting with a top underworld figure and a mob soldier, according to sources familiar with the investigation.

Salvati, 70, who just inked a deal with Steven Spielberg's SKG DreamWorks studio to tell his life story, can be heard ferrying Springfield mobster Alfredo "Al" Bruno to a meeting with Frederick "The Neighbor" Simone.

Bruno, 58, was gunned down outside a Springfield social club Nov. 23 by a white man who called out Bruno's name as he climbed into his vehicle.

Salvati talked on the phone often with Simone, who did 10 years for murder and was arrested yesterday on racketeering charges along with two other men.

"He was the most intercepted person on Simone's wiretape. They talked every day," one source said.

The wiretaps show Salvati acting as a kind of "secretary" for Simone, setting up the meeting with Bruno, the No. 2 man in the western Massachusetts mob. Simone hoped to patch up his relationship with mafia leaders after rebelling against another soldier's promotion, sources said.

But when the meeting time came, Simone backed out, citing a hangover in a conversation with Salvati.

Salvati's attorney Victor Garo said yesterday that Simone and Salvati knew each other while in prison at MCI-Norfolk.

But Garo said Salvati was never part of any racketeering organization.

"In prison, you don't meet doctors and lawyers as friends. Just because you associate with somebody doesn't make you a criminal," said Garo, who spent 25 years trying to prove Salvati's innocence.

HANGING WITH THE MOB? JOE, SAY IT AIN'T SO

Salvati associated with Simone in the months before a Justice Department Task Force uncovered hidden FBI reports in December 2000 proving that Salvati was wrongly convicted. His sentence had been commuted in March 1997.

Federal and state investigators refused to comment when questioned about Salvati yesterday.

Simone, who was released from prison in 1998 after serving 10 years for helping to hogtie and murder mob associate Angelo Patrizzi, invited Salvati to socialize with him and asked Salvati to drive him around after he lost his license, sources said.

Garo said Salvati responded to Simone because he "likes to help people" and rarely turns down anyone's request for assistance.

Simone was hit with a 39-count federal racketeering indictment yesterday accusing him of operating a lucrative gambling and loansharking operation based in East Boston.

Simone chuckled yesterday in court as he listened to the long list of charges threatening to put him away for 20 years.

"I was just wonderin' if they left any counts out," he said when a federal magistrate reprimanded him.

Also indicted yesterday were mafia soldier Vincent "Dee Dee" Gioacchini, 51, who was convicted in 1991 after the FBI taped a Medford mafia induction ceremony, and Francis "The White-Haired Guy" White, 59, a long-time mob associate who has avoided prosecution for years, sources said.

All three men were held without bail. A detention hearing is set for Thursday.

Federal prosecutors said the men ran an old school racket collecting rent from bookies and extorting loan payments from 1991 until January 2002. They also crossed state lines traveling to Rhode Island "in an attempt to settle an internal Family dispute," prosecutors said but declined to elaborate.

Franci Richardson contributed to this report.

Caption: **JOSEPH SALVATI**

Caption: GIOACCHINI: Convicted after Medford induction ceremony.

Load-Date: December 2, 2003

Her husband's coming home after a 30-year absence



[Her husband's coming home after a 30-year absence](#)

The Boston Herald

March 20, 1997 Thursday

ALL EDITIONS

Copyright 1997 Boston Herald Inc.

Section: NEWS;**Length:** 711 words**Byline:** By MARGERY EAGAN

Body

It was October 1967 when **Joseph Salvati** began a life sentence for a crime he and many others insist he did not commit. Today he is coming home.

"I feel like a new bride," said Marie Salvati, his wife of 44 years, in the North End apartment where, until today, she has lived alone.

Now she has emptied out three drawers in the rosewood cherry bureau which is part of the couple's original bedroom set. She has cleared a space in her closet, and on its shelf are new leather slippers from Filene's Basement, \$ 9.99, and a gift box of Aramis, Salvati's favorite cologne. Attached is a note: "Welcome home, Joe. Love, Marie."

Now Marie Salvati has bought new silverware and china. She spent yesterday at the beauty parlor: hair done, manicure, pedicure, body wax. There is a big yellow ribbon on her apartment's front door.

"I want everything new and just perfect," she says, comparing these last days to waiting for her wedding. "It feels just the same way. Believe me."

When **Joseph Salvati** leaves Northeastern Correctional Center in Norfolk this morning, he will first visit his parole officer, then his 93-year-old widowed mother who still lives in the North End. "Oh, his mother," says Marie, "he will kiss her up one arm and down the other."

Wearing a black suit and tie from Martini Carl, Salvati then plans to walk the neighborhood with his only son, Anthony. Now the father of two, Anthony was 4 when his own father went away. He was 9 when he walked his eldest sister down the aisle. "They never had a chance to walk the street together," Marie Salvati says. "That's such a great thing for a father and son, so special."

Then Salvati will stop at Johnny Cammarata's on Hanover Street for a haircut. Then he will go home for a family party: macaroni, meatballs, sausage, peppers, mushrooms and St. Joseph's Zeppoles, the cream-filled fried pastry

Her husband's coming home after a 30-year absence

that Modern Pastry makes only from January until Wednesday. That's the feast of St. Joseph, her husband's patron saint.

"I'm a religious person," Marie says. "That's something, that he's coming home the day after the feast."

Marie Salvati was a striking 32-year-old mother of four when "my first love," as she calls the man she married at 19, was convicted of driving the getaway car in a 1965 gangland slaying.

She says few gave her hope he would ever come home. An exception was Victor Garo, the lawyer Salvati met 10 years into his term. Garo agreed to take his case even though Marie, on a Head Start teacher's salary, could not pay his fees.

It is Garo she credits with freeing her husband. It is Dan Rea of WBZ-TV she credits with investigating Salvati's story when no one in the media would. Garo and Rea produced witnesses who claim Salvati was framed, and Garo says he will prove Salvati's innocence.

Marie Salvati also says many people encouraged her to begin a new life. But she is rare: she waited for her husband. For 30 years. "I could never, ever see myself with another man."

So each Saturday at 8 a.m. when her children were small, she dressed them in their Sunday best. She took the MBTA and then the bus or train to whichever prison held her husband at the time.

She endured being patted down by guards, watching her children, then her six grandchildren, be patted down, their bottles and formula checked for contraband. She endured their tears when classmates ridiculed them about their father, "the con"; when friends would learn about their father, "the con," and disappear.

There were many times Marie Salvati yearned to speak to her husband. But he was only allowed two collect calls a week from a hallway pay phone. So when their daughter's Chelsea apartment burned to the ground, Salvati had to hear it on the 11 o'clock news.

"I took the train from South Station Saturday to see him for the last time" Marie Salvati says. "Do you know what a feeling that is?"

"Now the telegrams and flowers are coming. On the street people stop me, 'Good luck, Marie.' 'All the happiness, Marie.' Good wishes from everybody, even the ticket takers at the train.

"Now there's no more disappointment. No more waiting. It's over. I feel like he's already back in this house. And if we have to go in there on a snow plow to get him, he's coming out of there this time."

Load-Date: March 21, 1997



[Hidden truth; Hoover's FBI may have suppressed info on Mob hit](#)

The Boston Herald

December 21, 2000 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 2211 words

Byline: By JONATHAN WELLS and MAGGIE MULVIHILL

Body

Top FBI officials, including then-director J. Edgar Hoover, may have suppressed credible information that could have prevented four innocent men from being charged, tried and convicted for a 1965 Mob hit, newly disclosed FBI records reveal.

The explosive FBI reports, released Tuesday by a Justice Task Force probing FBI corruption in Massachusetts, may provide potent new evidence for two men - **Joseph Salvati** and Peter Limone - who are trying to overturn their 32-year-old convictions for the murder of low-level gangster Edward "Teddy" Deegan.

The reports show that former FBI agent H. Paul Rico, then a top organized crime investigator in the bureau's Boston office, received details on the March 12, 1965, Deegan murder from an informant the day after it happened.

That informant, whose identity is blacked out in the reports, told Rico he had spoken to a known criminal, Vincent "Jimmy" Flemmi, who admitted a part in killing Deegan and revealed the names of four other men who were involved with him.

Rico wrote a report two days later, on March 15, to then-FBI special-agent-in-charge in Boston James L. Handley, who four days later wrote his own report about the Deegan murder and sent it to Hoover at FBI headquarters in Washington, D.C.

The informant provided Rico with a detailed account of the Deegan murder and gave him the names of five men who allegedly carried it out: Vincent Flemmi, Joseph "The Animal" Barboza, Ronald Cassesso, Wilfred Roy French and Romeo Martin.

But when indictments were issued two years later by then-Suffolk County District Attorney Garrett Byrne, whose prosecutors worked closely on the case with Rico and the FBI, the list of Deegan's murderers had changed. The men charged were Salvati, Limone, Henry Tameleo, Louis Greco, Cassesso and French.

The FBI reports released this week, if accurate, provide compelling new evidence that suggests Salvati, Limone, Tameleo and Greco were actually innocent of the Deegan murder.

Hidden truth; Hoover's FBI may have suppressed info on Mob hit

The government centered its case on Barboza, a notorious Mob hit man who Rico had convinced to become a government witness against the hierarchy of the New England Mafia. Barboza, considered to be a major prize by the FBI, became the first participant in the FBI's new witness protection program.

Barboza testified he was a hired killer employed by Limone to kill Deegan, a Malden tough and ex-boxer.

Deegan was found sprawled in a pool of his own blood in a Chelsea alley.

Barboza said the murder was ordered "by what people know as Cosa Nostra." He said Tameleo, a top aide to then New England Mafia boss Raymond L.S. Patriarca, personally sanctioned the killing.

In 1968, a Suffolk County jury believed Barboza and convicted Salvati, Limone, Tameleo, Greco, Cassesso and French in the murder. When the six men were indicted, tried and convicted, the penalty in Massachusetts for first-degree murder was death by electrocution.

Four men - Greco, Limone, Tameleo and Cassesso - were sentenced to death in the electric chair in Walpole State Prison.

After the verdict, Greco told the jury, "I'm not guilty of this murder. I took a lie detector test and it showed that I didn't do it."

The four men's lives were spared in 1974 when Massachusetts abolished the death penalty and their sentences were changed to life in prison.

Tameleo, Greco and Cassesso died in prison.

Salvati also professed his innocence from the beginning, and in 1976 Medford attorney Victor Garo agreed to take his case. In the 1980s and early 1990s, Garo unearthed new evidence suggesting Barboza had implicated innocent men, including his client, but his motion for a new trial was opposed by the Suffolk County DA's office and later denied by the Massachusetts Supreme Judicial Court.

In 1997, then-Gov. William F. Weld commuted Salvati's sentence and he was released from prison. But Salvati still wants his record cleared.

Salvati chose not to comment yesterday, but Garo said the latest FBI reports confirm what he has been alleging for years.

"It's my opinion that the federal and state governments conspired to murder Joe Salvati and the murder weapon was the indictment," Garo said. "The cover-up started in 1965 and continues in the year 2000. When does it end?"

"I find all of this outrageous. This is an organization (the FBI) that we the people are supposed to be protected by and they are breaking laws whenever they want to."

Garo said Hoover and the FBI were so intent on making high-profile Mob cases in the 1960s that they did not care if innocent people and their families were destroyed in the process. "Sensationalism and good press became more important than human rights and human decency," he said.

Officials in the Boston office of the FBI and at FBI headquarters in Washington declined comment.

An attorney for Rico, William Cagney, said he had not seen the FBI reports and declined comment.

Handley, the former head of the FBI's Boston office, and Hoover are dead.

The FBI reports were released by the head of the Justice Task Force, John H. Durham, and given to Garo and John Cavicchi, the attorney for Limone, who is pressing for a new trial for his client.

Hidden truth; Hoover's FBI may have suppressed info on Mob hit

In a cover letter to Cavicchi accompanying the FBI reports, Durham and U.S. Attorney Donald K. Stern wrote that the Justice Task Force, the U.S. Attorney's office, the Boston FBI 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." Neither Durham nor Stern would comment further.

The letter did not mention Suffolk County DA Ralph C. Martin II, whose office successfully opposed Salvati's attempt to get a new trial and is currently fighting Limone's motion for new trial.

Yesterday, Martin declined to be interviewed about the FBI reports unearthed by Durham's office. Instead, he released a written statement stating his office received the documents for the first time Tuesday, and is in the process of reviewing them.

Martin also said his office is "intent on pursuing the truth about the Deegan murder, wherever it leads us, and to do so as expeditiously as possible."

Jack Zalkind, the lead prosecutor for Suffolk County at the Deegan murder trial in 1968, was surprised yesterday when told of the just-released FBI reports.

"I am stunned," Zalkind said. "I have never seen any FBI reports that were signed by Paul Rico and I was the prosecutor," Zalkind said.

The newly disclosed FBI reports also reveal for the first time that the FBI recruited Vincent Flemmi as an informant, right around the time Deegan was murdered. Just a month earlier, Vincent Flemmi's brother, the notorious Winter Hill Gang boss Stephen "The Rifleman" Flemmi, had been signed up as an informant by Rico.

Lawyers involved in the case have suggested that the FBI privately agreed not to indict Vincent Flemmi for the Deegan murder as a favor to his brother Stephen Flemmi, who by then had become a "top echelon" informant.

The newly released FBI reports raise the possibility that Vincent Flemmi was protected because he himself was an informant for the FBI.

The reports also raise questions about the FBI's decision to use Vincent Flemmi as an informant, given his apparent appetite for killing.

In May 1964 report, Rico's partner, FBI agent Dennis M. Condon said he spoke with an informant about Vincent Flemmi. "FLEMMI told him that all he wants to do now is to kill people, and that it is better than hitting banks . . . Informant said, FLEMMI said that he feels he can now be the top hit man in this area and intends to be."

Photo Caption: SEEKS EXONERATION: Joe Salvati, convicted of the murder of gangster Teddy Deegan, wants his 32-year-old conviction overturned. STAFF PHOTO BY MATTHEW WEST

Graphic: Justice in doubt (photo-text graphic)

Top FBI officials, including then-director J. Edgar Hoover, may have suppressed credible information which could have prevented four innocent men from being charged, tried and convicted for a 1965 mob hit, newly disclosed FBI records reveal.

The victim: Edward "Teddy" Deegan

Star witness: Joseph Barboza; Notorious Mob hit man who may have fingered four innocent men.

FBI snitch: Vincent Flemmi; Identified by informant as one of Deegan's killers, but never charged.

The new evidence: Seven days after Edward "Teddy" Deegan was murdered, then FBI Director J. Edgar Hoover, right, was told who killed Deegan in this March 1965 FBI communique.

Hidden truth; Hoover's FBI may have suppressed info on Mob hit

The convicted:

Ronald Cassesso; Said to be in on Deegan's murder, died in prison.

Joseph Salvati; Life sentence was commuted in 1997, wants his name cleared.

Wilfred Roy French; Admitted role in Deegan murder, still in prison.

Peter Limone; Seeking new trial, possibly innocent.

Louis Greco; Sentenced to life, may have been innocent but died in prison.

Henry Tameleo; Number two mafia boss in New England, possibly innocent in Deegan murder, died in prison.

STAFF GRAPHIC BY JEFF WALSH

Load-Date: December 21, 2000

End of Document



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

The New York Times
August 25, 2002 Sunday
Late Edition - Final

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Section: Section 1; Column 1; National Desk; Pg. 16

Length: 1080 words

Byline: By FOX BUTTERFIELD

Dateline: BOSTON, Aug. 24

Body

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.

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

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 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 Stephen 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.

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

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.

<http://www.nytimes.com>

Graphic

Photo: ***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. (Associated Press)

Load-Date: August 25, 2002

HOUSE COMMITTEE BEGINS HEARINGS ON HOW FBI USES INFORMANTS

**HOUSE COMMITTEE BEGINS HEARINGS ON HOW FBI USES INFORMANTS**

ABC NEWS WORLD NEWS TONIGHT (6:30 PM ET)

May 3, 2001, Thursday

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Section: Newscast**Length:** 416 words**Body**

PETER JENNINGS, anchor:

On Capitol Hill today, a House committee began hearings about how the FBI uses informants to pursue criminal investigations. The first witness was a man who says the FBI let him languish in prison for more than three decades so an informant could go free. Here's ABC's Pierre Thomas.

PIERRE THOMAS reporting:

(VO) **Joseph Salvati** spent 30 years in prison because the FBI, he says, allowed him to be framed for murder. He says the FBI knew he was innocent and had the evidence to prove it, but did nothing.

Mr. **JOSEPH SALVATI**: They took my family. They took birthdays of my children. They took christenings, and they took when my kids were sick I wasn't there to hold them. And it's just a horrendous thing.

Ms. MARIE SALVATI: Even though I had a husband, he belonged to the state. He never really belonged to me while he was incarcerated.

THOMAS: (VO) Salvati's nightmare began with the 1965 killing of a Boston area mobster. Salvati was convicted based solely on the testimony of a top FBI informant, Joseph "The Animal" Barboza.

Mr. JOSEPH BARBOZA: I may be all kinds of birds...

THOMAS: (VO) But Barboza, a known killer, may have actually planned the murder himself. And internal FBI memos show FBI officials, including director J. Edgar Hoover, knew their informant might have been involved but wanted to protect him even from a murder charge.

(OC) Salvati's attorney says the FBI protected Barboza because he was crucial to taking down the New England mafia.

(VO) Today's hearing highlighted the Salvati's story.

Ms. SALVATI: And he would give them their father's guidance, even though he was not at home with them.

Mr. SALVATI: When God made my Marie, she--they threw the mold away.

HOUSE COMMITTEE BEGINS HEARINGS ON HOW FBI USES INFORMANTS

THOMAS: (VO) Later a congressman challenged one of the FBI agents who had information that might have cleared Salvati years ago.

Unidentified Congressman: You don't really care much, and you don't really have any remorse. Is that true?

Unidentified FBI AGENT: Would you--would you like tears or something, what?

THOMAS: (VO) The Salvatis have shed more than 30 years worth of tears. Pierre Thomas, ABC News, Washington.

JENNINGS: When we come back this evening, some of the other news, the prescription painkiller that is killing people who abuse it.

Tonight we'll take A CLOSER LOOK at the city trying to avoid another round of violence.

And we are going to honor an American tradition, listen carefully.

Announcer: This is WORLD NEWS TONIGHT with Peter Jennings, brought to you by...

(Commercial break)

Load-Date: May 4, 2001



[Inocente convicto pede compensacao de US\\$ 300 mi ao governo dos EUA](#)

Agence France Presse -- Portuguese

August 14, 2002 Wednesday

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Section: INTERNACIONAL

Length: 194 words

Dateline: NOVA YORK, 14 ago

Body

Um morador da cidade americana de Boston, condenado por erro em 1968 a 30 anos de prisao por manipulacoes de informantes do FBI, acionou o governo federal esta quarta-feira, numa acao de 300 milhoes de dolares, de acordo com seu advogado.

Joseph Salvati, de 69 anos, libertado em 1997, foi envolvido equivocadamente no assassinato de um lider local da mafia, Edward "Teddy" Deegan.

Salvati sempre insistiu em sua inocencia e uma pesquisa do Departamento da Justica mostrou em dezembro de 2000 que os verdadeiros culpados eram alguns informantes do FBI que testemunharam contra o proprio Salvati e outros tres inocentes.

Para **Joseph Salvati**, o FBI sempre soube que os informantes eram os culpados pelo assassinato, mas que o Departamento preferiu esconde-los.

O advogado Victor Garo explicou que a acao foi consequencias de negociacoes fracassadas de acordo com o Departamento de Justica para obter compensacoes.

A inocencia de Salvati foi oficialmente reconhecida em 2001, depois de sair da prisao em liberdade condicional em 1997. Os outros tres acusados tambem foram declarados inocentes, mas dois deles morreram quando ainda estavam presos.

Load-Date: August 15, 2002



[Investigators call on 'ailing' ex-FBI agent](#)

The Boston Herald

February 21, 2002 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 598 words

Byline: By J.M. Lawrence

Body

A former Boston FBI agent accused of withholding information to win convictions in a mob case 30 years ago faces a closed-door grilling today after convincing Congress he is too sick to go to Washington.

But WBZ-TV Channel 4 cameras captured Dennis Condon, 79, driving himself around Waltham and smoking a cigar on Tuesday.

An entourage from the House Government Reform Committee has traveled to Boston to question Condon this afternoon after his doctor advised he cannot travel.

In a report aired last night, television reporter Dan Rea and a cameraman watched Condon leave his Waltham home alone, go to the bank and purchase items.

"I have nothing to say to you," Condon told the newsman who has spent 10 years covering [Joseph Salvati](#)'s fight to prove his innocence in the 1965 murder of Edward "Teddy" Deegan. "I think it's unethical for you to come down here while I'm running an errand."

A Middlesex Superior Court judge last year found Condon and his former partner, H. Paul Rico, withheld information that might have exonerated Salvati, Peter Limone and two other men convicted in the Deegan case.

Condon, who was also a state public safety official, cited two heart attacks and hip replacements along with numerous other health conditions as the reason he could not join Rico last week for questioning by House Government Reform Committee Chairman Rep. Dan Burton (R-Ind.).

Rico, also in his late 70s, exercised his Fifth Amendment rights against self-incrimination and ignored reporters' questions after the hearing.

U.S. Reps. William Delahunt (D-Quincy) and Steve C. LaTourette (R-Ohio) will question Condon today along with the committee's chief counsel, James Wilson.

Investigators call on 'ailing' ex-FBI agent

"It's a matter of knowing everything he can tell us or corroborate regarding his involvement with these various mob informants starting with (Joseph) Barboza and going up through the years," said committee spokesman Mark Corallo.

Condon took the stand in the Deegan murder trial and supported what House investigators now contend was the perjured testimony of mob hitman Joseph "The Animal" Barboza.

During hearings last week, Congress heard testimony that Condon, Rico and former federal prosecutor Edward F. Harrington continued to back Barboza after he killed a man while in the witness protection program in 1971. The agents' testimony helped Barboza beat the death penalty and serve less than four years for shooting a thief to steal his bonds.

The House committee yesterday issued another subpoena to the Justice Department for the FBI's 1997 Office of Professional Responsibility investigation into Condon, Rico and other agents' use of criminal informants.

The Justice Department has refused to turn over scores of documents in the House's yearlong probe into the bureau's relationships with Barboza, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

Burton has accused the Justice Department of trying to escape congressional oversight and obscure government decisions that wrongly put Salvati and Limone in prison for three decades. Convictions against the men were overturned last year.

Caption: SURPRISINGLY MOBILE: Former FBI agent Dennis Condon leaves his Waltham home Tuesday to run errands. Condon told House panel members he was too sick to travel to Washington, D.C., to testify. Photo courtesy of WBZ-TV

Caption: TIGHT-LIPPED: Ex-FBI agent H. Paul Rico testifies last year before a congressional panel about the imprisonment of Joseph Salvati. Rico, Dennis Condon's ex-partner, also appeared before the panel last week. Herald file photo by Mark Garfinkel

Load-Date: February 21, 2002

Judge orders government to pay \$101



[Judge orders government to pay \\$101](#)

The Sanford Herald (North Carolina)

July 27, 2007 Friday

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Section: THE SANFORD HERALD; Pg. A16**Length:** 467 words**Byline:** DENISE LAVOIE

Body

Judge orders government to pay \$101 M to wrongly imprisoned men Says FBI withheld evidence in 1965 murderAssociated Press WriterBOSTON - The FBI helped frame four men for a 1965 murder and withheld information for decades that could have cleared them, a federal judge ruled Thursday in ordering the government to pay \$101.7 million for the years they spent in prison. "The FBI's misconduct was clearly the sole cause of this conviction," U.S. District Judge Nancy Gertner said in issuing her ruling in the civil lawsuit.

She called the government's argument that the FBI had no duty to get involved in the state case "absurd." Peter Limone and [Joseph Salvati](#), who were exonerated in 2001, and the families of the two other men who died in prison had sued the federal government for malicious prosecution. They argued that Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named the men as killers in the 1965 death of Edward Deegan. They said Barboza was protecting a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the hit. The four wrongly convicted men were treated as "acceptable collateral damage" because the FBI's priority at the time was taking down the Mafia, their attorneys said. A Justice Department lawyer had argued that federal authorities couldn't be held responsible for the results of a state prosecution and had no duty to share information with the officials who prosecuted

Limone, Salvati, Henry Tameleo and Louis Greco. "It took 30 years to uncover this injustice, and the government's position is, in a word, absurd," Gertner told the packed courtroom. "No lost liberty is dispensable. We have fought wars over this principle. We are still fighting these wars." Salvati and Limone were exonerated after FBI memos dating back to the Deegan case surfaced, indicating that the four men had been framed by Barboza. The memos were made public during a Justice Department task force probe of the Boston FBI's relationship with gangsters and FBI informants James "Whitey" Bulger and Stephen "The

Rifleman" Flemmi.

Limone, now 73, and Salvati, 75, stared straight ahead as the judge announced her ruling. A gasp could be heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay. Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each

Judge orders government to pay \$101

were awarded slightly more than \$1 million, and the men's 10 children were each awarded \$250,000. The men's attorneys had not asked for a specific amount in damages, but in court documents they cited other wrongful conviction cases in which \$1 million was awarded for every year of imprisonment.

Graphic

AP photoPeter Limone (at left, right) and ***Joseph Salvati*** embrace outside the Federal Courthouse in Boston after they were awarded a \$101.7 million settlement for their wrongful conviction and three decade imprisonment Thursday. The two men were released from prison in 2001 after it was learned the FBI withheld evidence of their innocence to protect an informant, Joseph "The Animal" Barboza (at right).

Load-Date: August 9, 2014

End of Document



[Judge orders government to pay nearly \\$102M for wrongful convictions](#)

The Associated Press State & Local Wire

July 26, 2007 Thursday 10:46 PM GMT

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Section: STATE AND REGIONAL

Length: 939 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

Peter Limone's mother, sister and two brothers died during the decades he spent in prison. **Joseph Salvati**'s son, 5 years old when his father was arrested, grew up hearing children taunt, "Your father is a murderer."

The men and two others who died in prison served a collective 109 years for a 1965 mob murder the FBI knew they did not commit.

A federal judge tried to set things straight Thursday, awarding them and their families a record \$101.75 million. She found the government liable for two agents who withheld evidence in the name of protecting informants.

In a stinging rebuke of the FBI, U.S. District Court Judge Nancy Gertner found that agents withheld evidence they knew could prove the four men were not involved in the murder of Edward "Teddy" Deegan, a small-time thug who was shot in a Chelsea alley on March 12, 1965.

She bluntly rejected the government's argument that the FBI had no duty to share information with state officials who prosecuted the men.

"The government's position is, in a word, absurd," Gertner said.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers.

Salvati and Limone spent three decades in prison before they were exonerated in 2001; Tameleo and Greco died behind bars.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through I hope it never happens to anyone else."

Judge orders government to pay nearly \$102M for wrongful convictions

Salvati was 35, with a wife and four young children, when he was arrested. Before he left prison, he had eight grandchildren and three great-grandchildren. His son Anthony Salvati recalled during the civil trial the taunts he endured as a child.

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

Gertner rejected the Justice Department's argument that federal authorities cannot be held responsible for the results of a state prosecution.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, co-founder of The Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

U.S. Rep. Dan Burton, R-Ind., who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informants, including in the Deegan case, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

One of the agents blamed in the case, Rico, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Okla., businessman. Rico died in state custody in 2004 while awaiting trial.

Attorneys for Condon did not immediately return phone messages seeking comment Thursday.

Judge orders government to pay nearly \$102M for wrongful convictions

During testimony before Burton's committee in 2001, Rico denied he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Rico was unrepentant when asked how he felt about Salvati's wrongful imprisonment.

"What do you want, tears?" he said.

Associated Press writer Nancy Rabinowitz contributed to this report.

Load-Date: July 27, 2007

End of Document



[Judge orders government to pay nearly \\$102M for wrongful convictions](#)

The Associated Press

July 26, 2007 Thursday 11:00 PM GMT

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Section: DOMESTIC NEWS

Length: 939 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

Peter Limone's mother, sister and two brothers died during the decades he spent in prison. **Joseph Salvati**'s son, 5 years old when his father was arrested, grew up hearing children taunt, "Your father is a murderer."

The men and two others who died in prison served a collective 109 years for a 1965 mob murder the FBI knew they did not commit.

A federal judge tried to set things straight Thursday, awarding them and their families a record \$101.75 million. She found the government liable for two agents who withheld evidence in the name of protecting informants.

In a stinging rebuke of the FBI, U.S. District Court Judge Nancy Gertner found that agents withheld evidence they knew could prove the four men were not involved in the murder of Edward "Teddy" Deegan, a small-time thug who was shot in a Chelsea alley on March 12, 1965.

She bluntly rejected the government's argument that the FBI had no duty to share information with state officials who prosecuted the men.

"The government's position is, in a word, absurd," Gertner said.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers.

Salvati and Limone spent three decades in prison before they were exonerated in 2001; Tameleo and Greco died behind bars.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through I hope it never happens to anyone else."

Judge orders government to pay nearly \$102M for wrongful convictions

Salvati was 35, with a wife and four young children, when he was arrested. Before he left prison, he had eight grandchildren and three great-grandchildren. His son Anthony Salvati recalled during the civil trial the taunts he endured as a child.

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

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Load-Date: July 27, 2007

End of Document



Judge vacates man's murder conviction

The Associated Press State & Local Wire

January 18, 2001, Thursday, BC cycle

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Section: State and Regional

Length: 751 words

Byline: By MARTIN FINUCANE, Associated Press Writer

Dateline: CAMBRIDGE, Mass.

Body

A judge on Thursday threw out the conviction of a man who served 30 years in prison for a 1965 underworld murder he said he didn't commit.

Superior Court Judge Margaret Hinkle vacated the conviction of ***Joseph Salvati***, 68, saying newly discovered evidence raised doubts about the conduct of the FBI and fairness of his trial.

"The conduct of certain agents of the bureau ... stains the legacy of the FBI," Hinkle said. Hinkle said the FBI failed to give prosecution and defense lawyers information that might have shown the men were innocent.

It was the second time Hinkle had thrown out a conviction in the murder of Edward "Teddy" Deegan in nearby Chelsea. Two weeks ago she vacated the conviction of Peter Limone, who also insisted he was innocent.

Salvati's lawyer, Victor Garo, said the FBI allowed the men to be framed to protect an informant.

Salvati said after the hearing that he hadn't been dealt with justly, "But we still have the greatest criminal justice system in the world. ... Thank God, there's more good feds than bad feds or I wouldn't be here today."

Salvati and Limone, 66, were in a group of six men found guilty of Deegan's slaying. Salvati had his sentence commuted in 1997 and was released on parole, but he has continued to fight to clear his name.

Last month, Justice Department investigators probing corruption in the Boston FBI gave the two men's lawyers FBI informant reports written around the time of Deegan's murder.

The reports show that FBI agents were told of plans for the slaying beforehand and were given a list naming those involved. Neither Limone nor Salvati was on the list - nor were two of the other four men convicted. The other two died in prison.

Hinkle said she wouldn't rule on the accuracy of the reports, but said they should have been disclosed at trial and they weren't, either to prosecutors or defense attorneys.

Judge vacates man's murder conviction

While the case was prosecuted in state court, the FBI played a major role in the prosecution.

"It is thus all the more troubling that certain FBI agents did not disclose information that was known to them..." Hinkle said.

Hinkle noted that the newly released documents appear to show that Vincent "Jimmy the Bear" Flemmi - who was named in the reports as a suspect, but never charged - was an informant himself for the FBI at the time of the murder.

Garo said the chief prosecution witness in the case, hitman Joseph "The Animal" Barboza, the first participant in the federal Witness Protection Program, framed Salvati because of a personal beef: a \$400 debt Salvati refused to pay to Barboza.

Garo said FBI agents knew Salvati was innocent, "but they didn't care about the truth" and they wanted to protect their informant, Flemmi.

"To them, informants were more important than the life of an innocent man," he said.

"J. Edgar Hoover, along with federal agents ... conspired to murder Joseph Salvati," said Garo. The sentence for being an accessory before the fact to murder, one of the charges brought against Salvati, could be death at the time of Salvati's trial.

"Our comment is no comment with regard to the Salvati matter," said Jay Grant, a Boston FBI spokesman.

When Hinkle announced her decision, applause broke out among dozens of friends and relatives gathered in the courtroom.

Salvati, a gray-haired man with wire-rimmed glasses, said it was a happy day - and a sad day because his parents and Garo's parents had died before seeing him exonerated.

"It's a sad day because there's a few people that couldn't make it," he said, choking back tears. "They just couldn't last."

Asked if his client would sue, Garo said he had no comment Thursday but would hold a "major" news conference and discuss the topic next month.

Garo said he expected that prosecutors would eventually drop the case against Salvati.

David Meier, chief of the homicide unit for the Suffolk County district attorney's office, said prosecutors would be reviewing both Limone's and Salvati's cases.

He said the criminal justice system had failed Salvati and "what the Commonwealth did today was the first step in an attempt to rectify that failure."

The Boston FBI office is under the microscope after allegations that FBI agents grew too chummy with gangsters, allowing them to roam the city untouched by law enforcement for decades. One agent is already facing charges.

Agent John Connolly allegedly was in league with Stephen "The Rifleman" Flemmi, Vincent Flemmi's brother. Stephen Flemmi is now facing trial in four different federal cases, some of which include allegations of murder.

Load-Date: January 19, 2001



JUSTICE DEPT. IS SCOLDED FOR SECRECY

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The Boston Globe
May 12, 2002, Sunday
,THIRD EDITION

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Section: METRO/REGION;

Length: 743 words

Byline: By Ralph Ranalli, Globe Staff

Body

Members of a congressional committee probing FBI misconduct excoriated the US Justice Department yesterday for continuing to withhold information from their investigation on privacy and secrecy grounds, even though some incidents occurred 40 years ago and many key figures are dead.

The scathing remarks were made during a special House Government Reform Committee hearing in Boston on the case of two men, **Joseph Salvati** and Peter Limone, who served about 30 years in prison for murder even as FBI officials withheld documents that proved their innocence.

Some of the congressmen called the Justice Department's actions particularly irksome given that the hearing was held just a few blocks from where federal prosecutors have put former FBI special agent John Connolly on trial for racketeering and obstruction of justice. Lawmakers and a federal judge have blamed excessive government secrecy in the use of informants for both the wrongful convictions and Connolly's alleged collusion with Boston gangsters James "Whitey" Bulger and Stephen Flemmi.

"It's absurd. It's absolutely unconscionable," said US Representative William D. Delahunt, a Quincy Democrat. "Forty years later, they are exactly as intransigent as they were then. The Department of Justice has learned nothing."

Some of the remarks were made after chief counsel James Wilson disclosed that the committee had received a document showing that top FBI officials knew that Flemmi's brother, Vincent J. "Jimmy the Bear" Flemmi had killed seven men, including Edward "Teddy" Deegan.

Salvati and Limone's convictions in the 1965 Deegan murder were overturned last year when a state judge found that they had probably been framed by Flemmi's friend and the FBI's key witness in the case, legendary underworld assassin Joseph Barboza.

The names of the other six Flemmi victims, however, were blacked out from a copy of the document given to the committee, even though the record was 37 years old.

JUSTICE DEPT. IS SCOLDED FOR SECRECY

"There is no apparent reason for this," said US Representative John F. Tierney, a Salem Democrat. "Why there continues to be a building in Washington, D.C., named after J. Edgar Hoover is entirely beyond my comprehension."

The committee briefly closed the hearing to the public to discuss a memorandum that members said shows that not only the FBI, but federal prosecutors in New England and Justice Department officials in Washington, knew about the evidence that cleared Salvati and Limone and withheld it from state prosecutors and the men's defense attorneys.

Wilson said the committee was forced to make a deal with the Justice Department in order to move forward with the hearings. In the past, President Bush has attempted to invoke executive privilege in order to keep the committee from seeing some FBI and Justice Department documents relating to informants.

"We did it so we could ask some questions today," Wilson said. "Otherwise we would have been able to do nothing."

The memo was briefly described by the committee but not released. Members discussed it behind closed doors with the key witness at the hearing, former Suffolk assistant district attorney Jack Zalkind, for about 15 minutes.

Zalkind, who prosecuted the Deegan murder case in 1968, apologized yesterday to Salvati and Limone, who attended the hearings with their wives, but he also described himself as "a victim" of the FBI.

"I have lived with this for a long time," said Zalkind, now a well-known Boston defense lawyer. "I feel terrible."

Zalkind testified that he "never liked and never trusted" Barboza, the key witness in the case, but that he was also never given any evidence that contradicted Barboza's version of the killing of Deegan, a small-time hoodlum, in an alley behind a finance company in Chelsea.

He said he only found out later that Barboza had told the FBI two days before the murder who was really going to participate.

"I was outraged. I would never have allowed myself to prosecute the case with this information," Zalkind said. "It's horrible. That trial should never have gone forward."

Both Limone and Salvati's lawyers said yesterday that they accepted Zalkind's version of events and his apology.

"The FBI not only withheld information from the defense, they also withheld information from the prosecution, meaning that they knew the state would not prosecute if given this evidence," said Victor Garo, Salvati's lawyer.

"Instead, innocent men went to prison and their informants were free to kill again."

Graphic

PHOTO, [Joseph Salvati](#), right, and his wife, Marie, listening to former Suffolk County prosecutor Jack Zalkind's testimony in a Boston court yesterday. / AP PHOTO

Load-Date: May 13, 2002

Lifer won't be home for Christmas _ again



Lifer won't be home for Christmas _ again

The Boston Herald

December 21, 1993 Tuesday

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Section: NEWS; Pg. 8**Length:** 757 words**Byline:** Margery Eagan

Body

Joseph Salvati, 61, calls home collect twice a week from the hallway payphone in whatever correctional facility he's living in at the moment. After 28 years in jail, he's been in most of the commonwealth's finest.

But neither his four children, his five grandchildren, nor Marie, his wife of 40 years, can call him. So his daughter could not call from the hospital when her father first became a grandfather. His wife could not call to talk about being a single mother struggling with the family alone.

There was the time his daughter Chelsea's apartment burned down to the ground. Salvati heard it on the 11 o'clock news.

"Killer Jailed Since '68 Seeks New Trial." That headline last week announced retrial efforts by Salvati's attorney, Victor Garo.

Salvati never killed anybody. He was convicted of driving the getaway car in the 1965 gangland murder of Edward "Teddy" Deagan. His family and his attorney maintain he was framed as retribution for not paying back \$400 to a loan shark.

But even if Salvati were guilty, he may now be serving the longest sentence in correctional history - life - for being part of a criminal gang. Katherine Power, the 1960s antiwar activist, just pleaded guilty to essentially the same crime. She'll likely be out in six years.

When **Joseph Salvati** was arrested in 1967, Marie Salvati was a mother of children aged 11, 9, 7, and 5. She lived in a five-room coldwater flat in Boston's North End. She did not drive. She did not write checks. She had not worked outside the home since, at 19, she married her high school sweetheart, the young man with the curly black hair who played CYO basketball for Sacred Heart.

After 1968 Marie Salvati became both single mother, student, and career woman. She went to work with Head Start. She went to Wheelock College at night. On Saturdays at 8 a.m. she dressed her children in their Sunday best. The family took the MBTA to Park Street and a 9 a.m. bus to Walpole.

Lifer won't be home for Christmas _ again

After guards patted her and her children down, after metal detectors and clanging doors, the children saw their father in his prison-issue denims for 90 minutes a week.

"There was a stigma," Marie Salvati said this week. There were the potential boyfriends who dropped her daughters when their father's history became known. "Sometimes the children came home from school crying about taunts. 'Shoot shoot, bang, bang,' a child said once. I told my daughter not to pay attention. I always tried to soften it.

"We don't use the word 'jail.' We say Papa is in a special place for something he didn't do. I say that now to the second generation visiting prisons. I'll be a great-grandmother in March, and it'll be the third generation." The third generation of babies whose bottles and formula is inspected for contraband.

"My husband has kept his dignity," Marie Salvati says. But it has not been easy when new guards younger than your son still tell you when to get up, eat, shower, shave. The bright spot had long been the state's furlough program, which allowed Salvati 12 visits home a year. Then along came Willie Horton. The state canceled furloughs for lifers in 1988. Salvati has not stepped outside prison since.

Marie Salvati still lives in the North End. In her bedroom is her original wedding set, two ornate cherry bureaus with a matching double bed. Above the bed hangs a crucifix. Beside it is her wedding portrait, a present from her husband.

On her living room TV is a romantic card from her husband. He sends one each Friday. She puts it on the TV and keeps old cards wrapped neatly in elastic bands. There are hundreds of them now.

A year ago Gov. William F. Weld turned down Salvati's commutation despite a unanimous vote from the parole board. He did grant those of three others convicted, like Salvati, of participating in crimes in which murder resulted. Weld cited Salvati's "long criminal record." That consists of a single conviction for breaking and entering in 1955.

It makes one wonder whether part of Salvati's problem is his name and his hometown. You know that nasty assumption about North End Italians' alleged connections. But yesterday Weld spokeswoman Ann Murphy said Weld will give Salvati another review if he doesn't get a new trial.

It is a promise that gives Marie Salvati hope. Her 40th wedding anniversary was in August. Saturday will be Salvati's 28th Christmas behind bars. "We live on memories," Marie Salvati says. "But they fade after awhile." She says she wants to cook her husband supper. She wants to watch him brush his teeth, read the paper and watch TV. In his own home.

Load-Date: March 16, 2007



MAN JAILED 30 YEARS TALKS OF FBI DECEIT

The Commercial Appeal (Memphis, TN)

May 4, 2001, FRIDAY,

FINAL EDITION

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Section: NEWS,

Length: 433 words

Byline: Ken Maguire The Associated Press

Dateline: WASHINGTON

Body

A House panel investigating the shady relationship between the Boston FBI office and its mob informants apologized Thursday to a man who spent 30 years in prison for a murder he didn't commit.

Joseph Salvati, 66, was convicted of the 1965 murder of Edward 'Teddy' Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997. He and a co-defendant were exonerated this year.

Members of the House Government Reform Committee told Salvati and his wife, Marie, there is no excuse for what the government did.

"I want to express to both of you how deeply sorry we are for everything that was taken away from you and everything you've had to go through the last 30 years," said committee chairman Dan Burton (R-Ind.).

Salvati, 68, and Peter Limone, 66, were exonerated after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who helped them bring down top New England mobsters and manipulated testimony in their 1968 murder trial.

"This is a story that needs to be told," Salvati testified. "The government stole more than 30 years of my life."

The hearing included testimony from famed lawyer F. Lee Bailey and one of the two former FBI agents accused of hiding evidence.

Bailey testified that he believes the FBI coached Joseph 'The Animal' Barboza - the prosecution's key witness - on how to lie on the witness stand.

"He told me he had quite a bit of help," Bailey said of Barboza, whom he briefly represented in 1970, when Barboza signed an affidavit recanting his story. "I believe the testimony was furnished."

Rep. Christopher Shays (R-Conn.) told Salvati Thursday that he was "profoundly sorry" for what happened.

MAN JAILED 30 YEARS TALKS OF FBI DECEIT

There was no such regret, however, from former FBI agent H. Paul Rico, who said Salvati's ordeal would "be a nice movie."

"Remorse? For what? Would you like tears or something?" he said. "I believe the FBI handled it properly."

Rico, whose attorney advised him to invoke his Fifth Amendment rights, said he was not convinced of Salvati's innocence until hearing him testify Thursday.

Secret reports written by Rico showed informants told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved.

Neither Salvati's nor Limone's names were included in the reports, which were suppressed to the FBI. The two defendants' defense lawyers never saw them.

"I think you should be prosecuted," Shays told Rico. "I think you should be sent to jail."

The Salvati case is the first of several hearings the committee plans to hold as it investigates the FBI's use of informants.

Graphic

photo;

By Rick Bowmer/AP;

Joseph Salvati testifies to Congress Thursday about his ordeal. "The government stole ... 30 years of my life."

Load-Date: May 5, 2001

Man wrongly held in prison for 30 years gets apology; FBI hid evidence proving innocence



[Man wrongly held in prison for 30 years gets apology; FBI hid evidence proving innocence](#)

The San Diego Union-Tribune

May 4, 2001, Friday

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Section: NEWS;Pg. A-12

Length: 379 words

Byline: Ken Maguire; ASSOCIATED PRESS

Body

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Man wrongly held in prison for 30 years gets apology; FBI hid evidence proving innocence

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"I think you should be prosecuted," Shays told Rico. "I think you should be sent to jail."

Graphic

1 PIC; Rick Bowmer / Associated Press; **Joseph Salvati** told members of the House Government Reform Committee yesterday that "the government stole more than 30 years of my life."

Load-Date: May 6, 2001

MEMOS POINT TO FBI MURDER COVERUP

**MEMOS POINT TO FBI MURDER COVERUP**

Hartford Courant (Connecticut)

December 21, 2000 Thursday, 7 SPORTS FINAL

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Section: MAIN; Pg. A1**Length:** 1547 words**Byline:** By EDMUND H. MAHONY; Courant Staff Writer**Dateline:** BOSTON --**Body**

Senior FBI agents have had credible information for nearly 40 years that a gangster they were recruiting as an informant planned a notorious local murder, but agents hid the evidence and allowed four apparently innocent men to be convicted of the crime, newly released documents show.

Of the four men, two died of old age in prison, a third had his sentence commuted after serving about 30 years and the fourth remains imprisoned. Some of the men were initially sentenced to death, but their sentences were later commuted to life in prison.

The new disclosures about the 1965 murder of local hoodlum Edward "Teddy" Deegan -- the subject of decades of heated rumors in law enforcement circles -- are the most recent made by a special federal task force conducting a sensational investigation into whether organized crime investigators in Boston committed crimes ranging from obstruction of justice to murder.

The task force investigation, now in its third year, has focused principally on the relationship between FBI agents and two infamous informants -- James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, leaders of the city's Winter Hill Gang.

Evidence presented in court accuses Bulger and Flemmi of committing at least 21 murders, many of them while working for the FBI. A federal judge, in a related proceeding, has concluded that FBI mob investigators routinely broke the bureau's own rules governing the use of informants.

A number of observers who have followed the Boston investigation closely are convinced that the pattern of law enforcement conduct being rooted out by the task force began with Deegan's murder. Deegan was gunned down in a Chelsea, Mass., alley while Boston was rocked by mob warfare. At the time, the FBI was under enormous public pressure to shut down organized crime.

The new revelations about the men who may have been wrongly convicted in the Deegan case are contained in 26 pages of previously secret FBI memos disclosed to defense lawyers. Distribution lists made when the memos were

MEMOS POINT TO FBI MURDER COVERUP

generated suggest that senior bureau officers -- including the late Director J. Edgar Hoover -- knew that another bureau informant and at least one senior agent believed that innocent men may have been wrongly convicted.

"[The FBI] is an organization that we the people are supposed to be protected by," said attorney Victor Garo, who represents Joseph Salvati, one of the four men. "And they are breaking the law whenever they want. This cover-up started in 1965 and it continues into the year 2000. When does it end?"

An FBI spokeswoman in Boston declined to comment.

Deegan was shot down during what, in retrospect, looks like the dark ages of law enforcement's fight against organized crime. In Boston, small gangs of violent thugs cruised the city in eight-cylinder sedans, gunning one another down in disputes over small time rackets. The FBI lacked many of the crimefighting tools it now has.

At the time, one of the bureau's most effective tools was the development of confidential informants -- men who had to be criminals themselves to be effective.

The newly released memos show that on March 9, 1965 -- three days before Deegan died -- the FBI's Boston Division targeted Vincent James Flemmi as an informant. Flemmi, who has since died, is the man who another bureau informant and at least one influential agent believe arranged and directed Deegan's murder. Flemmi, described in the memos as an unpredictable killer who aspired to be the city's top "hitman," was Stephen Flemmi's brother.

Both Flemmi brothers were being recruited as informants during the 1960s. Eventually, both were recruited by two legendary FBI mob investigators -- H. Paul Rico and Dennis Condon. Rico and Condon, both retired, are subjects of the special task force investigation. Among other things, the task force is curious about how some of their informants seem to have escaped prosecution for a variety of crimes.

The memos, which have been censored, show that the FBI had learned from other informants that Vincent Flemmi was trying to arrange Deegan's murder as early as October 1964 -- five months before his death.

Under bureau rules, agents are required to write memos every time they debrief informants. As 1964 turned into 1965, the memo traffic shows Flemmi was becoming increasingly anxious to kill Deegan, although his reasons are never definitively spelled out.

As spring approached in 1965, Flemmi's desire to "whack" Deegan had come to the attention of Raymond L.S. Patriarca, who was then the head of New England's Mafia faction. Patriarca at the time was infuriated at the law enforcement "heat" being generated by a growing number of seemingly spontaneous mob murders in Boston.

In early March 1965, a memo from the FBI's Boston office to Hoover in Washington, shows that Flemmi and his closest associate -- a multiple murderer named Joseph "Baron" Barboza -- were summoned to Providence to meet with Patriarca. At about the same time, Patriarca met with Genaro Angiulo, who was then the mob's top man in Boston.

Patriarca expressed his displeasure over the murder rate in Boston to Angiulo, who was known as Jerry. Angiulo passed that sentiment along to Flemmi.

"Jerry explained that he also had a talk with Flemmi," a memo to Hoover reported. "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."

Flemmi, for his part, was trying to establish himself as the mob's top killer in Boston, according to another memo, reflecting the debriefing of another informant.

"Flemmi told him that all he wants to do now is to kill people, and that it is better than hitting banks. Flemmi said that [he and another individual] have taken money for about six contract hits which they have not fulfilled. They spent the money for these hits drinking."

MEMOS POINT TO FBI MURDER COVERUP

The memos suggest that Flemmi eventually discussed killing Deegan with Patriarca. There is no indication of whether Patriarca ever approved. But there is reference to how Flemmi regarded Deegan.

"Flemmi stated that Deegan is an arrogant, nasty sneak and he should be killed," another memo to Hoover reported.

The memos show that on March 10, 1965 -- two days before Deegan's death -- Rico learned from an informant that Flemmi bragged 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."

On March 13, 1965 -- a day after Deegan's death -- the same informant told Rico in meticulous detail who killed Deegan and how the murder was carried out.

According to a memo Rico wrote about that conversation, Deegan had been lured to a finance company in Chelsea on the pretext that he was going to participate in a robbery there with five other gangsters. An employee of the company had left open a door that led to an alley.

As Deegan approached the door, he was shot in the back of the head by a mobster named Roy French. As he was falling forward, two other mobsters -- Romeo Martin and Ronald Casessa -- also shot him. The informant told Rico that Flemmi and Barboza were also present, but fired no shots. The informant said that Flemmi complained that the men who fired the shots did "an awful sloppy job."

Within hours of the murder, detectives with the Chelsea Police Department obtained information independently that corroborated Rico's informant. Both the FBI and the Chelsea detectives learned that the men listed as participants in the crime by Rico's informant met at a Revere Beach restaurant shortly before the murder, left together at about the time of the murder, and returned together shortly afterward.

However, the case was closed on the basis of sworn testimony of still another informant recruited by Rico and Condon -- Barboza. Based on information in the newly disclosed memos, as well as other investigative documents, Barboza's testimony appears to have been a mixed bag of truth and falsehood.

He said French and Casessa were involved in the murder. But the other accomplices he listed were Henry Tameleo, Louis Grieco, Peter Limone and **Joseph Salvati**. A jury believed Barboza and they were all convicted.

Barboza's testimony appears to have satisfied the FBI's ambition of locking up New England mobsters. Tameleo was a senior mob figure and a confidant of Patriarca. Limone, the only one still in prison, was also a powerful New England mob figure. Barboza had complained that Salvati owed him money but wouldn't pay. It is not known how Grieco got put into the mix.

Task force investigators would not say what, if anything, they plan to do with the memos, which were recently discovered in Washington. Garo said he is consulting with Salvati on how to proceed. Salvati was released from prison when former Gov. William Weld commuted his sentence. Limone's lawyer could not be reached to discuss the case.

In a June 4, 1965, memo to Hoover evaluating Flemmi's fitness as a possible FBI informant, the head of the FBI's Boston Division wrote that the agent handling Flemmi "believes" that Flemmi murdered Deegan and "from all indications, he is going to continue to commit murder."

Load-Date: December 21, 2000



National briefs

The Houston Chronicle
January 31, 2001, Wednesday
3 STAR EDITION

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Section: A;; -LINKS-

Length: 456 words

Body

Judge orders release of Columbine autopsy

DENVER - A judge on Tuesday ordered the release of the autopsy report on a slain Columbine High School student whose parents say police shot as they responded to the attack.

Jefferson County District Judge Brooke Jackson refused to release autopsy reports for the remaining victims and gunman Dylan Klebold, saying he wanted to spare survivors and victims' relatives needless emotional pain.

The ruling involved Daniel Rohrbough, 15, who was killed outside Columbine High School when Klebold and Harris stormed the building April 20, 1999.

Houston Chronicle News Services

Duo's charges dropped in '65 underworld killing

CAMBRIDGE, Mass. - Prosecutors dropped charges Tuesday against two men who claimed they spent decades in prison because the FBI - trying to protect an informant - allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said ***Joseph Salvati***, 68, who was joined by friends and family at the courthouse.

The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

Salvati had gotten his sentence commuted in 1997 and was released on parole. Limone was freed earlier this month after 32 years behind bars.

Anti-Semitic leader walks out of his trial

National briefs

GAINESVILLE, Mo. - Dismissing the case as a "Jewish fiasco," the leader of an anti-Semitic church walked out of his own kidnapping trial, leaving jury selection up to the judge and prosecutor.

The Rev. Gordon Winrod, 73, who elected to represent himself in court, asked to be taken back to his cell Monday.

"If you are not going to listen to my evidence, you can take me back to my cell and you can run this Jewish fiasco the way you want," said Winrod, known for his hatred of Jews, nonwhites and the government.

Winrod faces up to 30 years in prison on charges he kidnapped six of his grandchildren from their fathers in North Dakota in the mid-1990s and hid them on his farm.

Woman killed by 2 dogs outside her apartment

SAN FRANCISCO - A woman was attacked and killed outside her apartment door by two guard dogs.

Diane Whipple, a 33-year-old lacrosse coach, died Friday after the five-minute attack just steps from her door.

The dogs' owners, lawyers Robert Noel, 59, and his wife, Marjorie Knoller, 45, were Whipple's next-door neighbors. No immediate charges were filed against the couple.

One of the dogs was a 3-year-old, 120-pound mastiff-Canary Island mix. It was put to death Friday. The other dog was a 2-year-old, 113-pound dog of the same mix. It was taken to an animal shelter for the time being.

Graphic

Mugs: 1. Peter Limone; 2. **Joseph Salvati**; 3. Rev. Gordon Winrod

Load-Date: February 1, 2001



NO APOLOGIES TO AN INNOCENT MAN; EX-AGENT: SURPRISES PANEL WITH TESTIMONY

Hartford Courant (Connecticut)

May 4, 2001 Friday, 7 SPORTS FINAL

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Section: MAIN; Pg. A1

Length: 1016 words

Byline: By EDMUND H. MAHONY; Courant Staff Writer

Dateline: WASHINGTON --

Body

A retired FBI agent at the center of a federal corruption investigation stunned a congressional committee Thursday when he conceded that a man he helped send to prison for 30 years is probably innocent.

The unexpected, late-day admission from H. Paul Rico, a hard-talking former organized crime investigator from Boston, seemed -- at least briefly -- to drain whatever composure remained among members of the House Committee on Government Reform.

Earlier in the day, they had fought back tears while listening to ***Joseph Salvati***, the man they believe Rico wronged, describe how he was recently freed from prison after an unscrupulous FBI witness framed him for murder.

The statement from Rico that literally silenced the hearing room was his reply to a taunting question from Chairman Dan Burton, R-Ind., who echoed the committee conclusion that unscrupulous FBI agents knew Salvati was innocent. Burton dared Rico to say Salvati, still seated in the audience next to his wife, was really guilty of anything.

"I have heard what has transpired here," Rico said. "I'm saying that justice has finally been done. Until today I was not convinced he was innocent. I'm convinced he is innocent."

That Rico answered anything at all was a surprise. Committee staff had expected him to exercise his Fifth Amendment privilege against self-incrimination. He is the subject of a special federal task force investigating the misuse of informants and other law enforcement misconduct in Boston.

Among other things, the task force wants to know whether the FBI -- and by extension Rico -- broke the law in Salvati's case by first allowing him to be wrongly convicted and then misleading local authorities about the identities of the real killers, who may have been FBI informants. The task force also is examining allegations that link Rico to at least one murder in the jai alai industry where he went to work after retiring from the FBI in 1975.

NO APOLOGIES TO AN INNOCENT MAN; EX-AGENT: SURPRISES PANEL WITH TESTIMONY

Minutes after Rico's startling admission, the committee recessed in disbelief, then re-emerged to inquire whether the retired agent, whose craftiness as a criminal investigator is still legend in New England, was fully aware of the gravity of his responses.

Rico, now retired to Florida, appeared before the committee under subpoena. After being advised of his right to legal counsel, Rico said he had a lawyer but was ignoring his advice.

"My counsel advised me to take the Fifth Amendment until you people agree to give me immunity," Rico said. "I decided that I have been in law enforcement all those years and I'm interested in answering any and all questions."

Rico's decision unleashed 3 1/2 hours of hostile questions led by Connecticut Rep. Christopher Shays, R-4th District.

"I've been watching you all day and I'm going to tell you what I think," Shays said. "I think you worked for the FBI, then you went to work for organized crime at jai alai and you sent an innocent man to jail.

"If I were you I would get down on bended knee before the Salvati family and ask for eternal pardon ... and you just don't give a shit."

"Is that on the record?" Rico cracked.

Yes, Shays replied. Then he implored Rico to ask himself how Salvati and his wife managed to survive emotionally, being apart for 30 years and knowing every minute that he was innocent.

After a brief pause, Rico said: "It would probably be a nice movie."

Rico's wisecracks didn't win him any support among committee members, just as they didn't help him the last time he was asked similar questions at a federal court hearing in Boston in January 1999. But for the most part, his sarcastic answers were few and usually came when a committee member tried to pressure him into a concession he didn't want to make.

Nearly all the questions zeroed in on a series of FBI memorandums Rico wrote in 1964 and 1965. They suggest that he and others in the FBI -- including former Director J. Edgar Hoover -- knew that Salvati and three other men convicted with him were not involved in the March 1965 murder of small-time hoodlum Edward "Teddy" Deegan.

Committee members asked repeatedly why the FBI did not intercede at Salvati's trial to clear him. Rico said the FBI gave the information to police in Chelsea, Mass., where the murder took place, and he implied that that was the end of the bureau's responsibility.

For all his time on the witness stand, Rico shed little new light on Salvati's case or any of the other matters committee members inquired about: Three murders connected to the jai alai industry and the recruitment of James "Whitey" Bulger and Stephen "The Rifleman" Flemmi as FBI informants. Flemmi was once one of Rico's informants.

Rep. William Delahunt, D-Mass., asked Rico whether it was coincidence that when Rico worked at World Jai Alai, his former informant Flemmi ordered the murder of Rico's new boss, World Jai Alai owner Roger Wheeler. Rico said it was a coincidence.

Rico, at 76, looked worn out, compared with the robust picture he presented as recently as two years ago. He is still darkly tanned, but haggard, even while putting on so much weight his dark blue suit is no longer a comfortable fit. His white hair has grown long and unkempt and he has given up leather shoes for a pair of black tennis shoes with Velcro closures.

Still, he overshadowed the other witnesses, who gave the spacious congressional hearing room the feel of a mid-'60s Boston mob trial.

"This is a story that needs to be told," Salvati told the panel. "The government stole more than 30 years of my life."

NO APOLOGIES TO AN INNOCENT MAN;EX-AGENT: SURPRISES PANEL WITH TESTIMONY

Also appearing as witnesses were noted Boston defense lawyers F. Lee Bailey and Joseph Balliro.

Bailey once represented Joseph "the Animal" Barboza, a psychopathic mob murderer Rico recruited as a prosecution witness against Salvati.

Over 50 years, Balliro has represented the biggest gangsters in New England. Balliro and Bailey appeared before the committee to criticize the FBI handling of Salvati's case, but spent much of their energy attacking Rico and his old FBI partner, Dennis Condon. Condon was excused from testifying for medical reasons.

Graphic

PHOTOS: (2B&W) MUGS; PHOTO 1: **JOSEPH SALVATI**

PHOTO 2: RICO

Load-Date: May 4, 2001

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NO APOLOGY FROM AGENT IN SALVATI CASE BUT HE ACKNOWLEDGES A MAN'S INNOCENCE

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The Boston Globe

May 4, 2001, Friday

,THIRD EDITION

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Section: METRO/REGION;

Length: 793 words

Byline: By Shelley Murphy, Globe Staff

Body

WASHINGTON - After spending 30 years in prison for a murder that he didn't commit, ***Joseph Salvati*** received profuse apologies and promises of compensation from members of Congress yesterday, but not a word of remorse from the FBI agent who helped put him away.

"What do you want, tears?" sneered retired agent H. Paul Rico, 76, as he conceded during a congressional hearing that he now believes Salvati was framed by a vengeful hit man turned government witness for a 1965 gangland murder.

"I believe the FBI handled it properly," Rico said.

When asked by Representative Christopher Shays, Republican of Connecticut, if he cared that Salvati's wife, Marie, had to raise their four children alone because FBI reports authored by Rico that would have helped Salvati prove his innocence were never turned over to the defense, Rico replied, "It would probably be a nice movie or something, but I don't know.

"I do not know everything that Joe Salvati did in his life," said Rico. "I don't know if Joe Salvati is innocent of everything."

But after listening to the Salvatis and three defense lawyers testify yesterday, Rico said he now believes Salvati is not guilty of the murder that put him in prison for three decades. "I was not convinced he was innocent until today," said Rico.

The surprising testimony came as the House Committee on Government Reform launched its first day of hearings into the FBI's handling of controversial informants - including gangsters James "Whitey" Bulger and Stephen Flemmi - in its quest to dismantle the Mafia. Rico testified against the advice of his lawyer, who advised him to invoke his Fifth Amendment right against self-incrimination.

NO APOLOGY FROM AGENT IN SALVATI CASE BUT HE ACKNOWLEDGES A MAN'S INNOCENCE

Rico is a prime target of a federal grand jury in Massachusetts that has been investigating wrongdoing by former FBI agents.

Salvati and his wife, who both gave an emotional account of their last three decades that was halted by tears, were clearly disgusted by Rico's testimony.

"He wouldn't apologize," Salvati said. "He abused his power and he ruined 30 years of my life. It took 34 years for him to say that I was innocent. He could have said that 34 years ago."

The committee chaired by Indiana Republican Dan Burton heard overwhelming evidence that hit man Joseph "The Animal" Barboza lied about who participated in the 1965 slaying of small-time hoodlum Edward "Teddy" Deegan in Chelsea, after striking a deal with the FBI to testify against local Mafiosi.

Called to testify were attorney Victor Garo, who spent 26 years trying to get Salvati's conviction overturned, and prominent criminal defense lawyers F. Lee Bailey, who once represented Barboza, and Joseph Balliro, who said one of Deegan's killers, Vincent Flemmi, had confessed to him.

"The FBI has a nest of ruthless, cold-blooded, psychopathic killers," said Bailey, noting that Bulger, Flemmi, and Flemmi's brother all allegedly killed people while working as informants.

"The federal government determined that it was more important for them to protect informants than it was for innocent people to be framed," said Garo. "The federal government determined that Joe Salvati's life was expendable."

Salvati was freed from prison in 1997 after Governor William Weld commuted his sentence amid mounting doubts about his guilt. In January, a state judge tossed out the convictions of Salvati and co-defendant Peter Limone after newly uncovered FBI documents suggested that the two men, and two others who died in prison, were wrongly convicted.

The reports revealed that two days before the slaying, informants told Rico that Deegan was going to be killed. After the murder, Rico's informants identified Barboza and four other men as the killers - and indicated that Barboza was lying about the involvement of Salvati, Limone, and the two other men.

Another FBI report revealed that Barboza's close friend, Vincent Flemmi, had been involved in the slaying, but Barboza was lying to protect him.

Flemmi, now dead, was the brother of Stephen Flemmi, a longtime FBI informant recruited by Rico in 1965.

Balliro, who represented one of Salvati's co-defendants, said the defense never had a chance because FBI agents took the stand and gave credibility to Barboza's account of the murder.

In a written statement to the committee, FBI Director Louis J. Freeh said, "These allegations that law enforcement personnel, including the FBI, 'turned a blind eye' to exculpatory information and allowed an innocent man to serve 30 years of a life sentence are alarming and warrant thorough investigation."

Freeh said the FBI's role in the investigation of Deegan's murder that led to Salvati's conviction is being investigated by the same task force that led to the 1999 federal racketeering indictment of Bulger's handler, retired FBI agent John Connolly.

Graphic

PHOTO, AP PHOTO / [Joseph Salvati](#) testifying on Capitol Hill yesterday about the FBI's use of informants.

NO APOLOGY FROM AGENT IN SALVATI CASE BUT HE ACKNOWLEDGES A MAN'S INNOCENCE

Load-Date: May 4, 2001

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No Headline In Original



No Headline In Original

Global Broadcast Database - English Newscenter 5 at 5 5:00 AM ABC

July 26, 2007 Thursday

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Length: 56 words

Body

STATION: 5 WCVB

Boston, MA (Manchester,NH)

BOSTON - federal judge ordered FBI to pay \$101.7 million to PETER LIMONE, **JOSEPH SALVATI**, and the families of 2 other men who died in prison. FBI held evidence that could have proved their innocence. I - MARIE SALVATI, awarded damages. JUDGE NANCY GERDNER. I - **JOSEPH SALVATI**. I - MICHAEL AVERY, LIMONE'S attorney. I - OLYMPIA LIMONE, wife.

Load-Date: July 28, 2007

End of Document

No Headline In Original



No Headline In Original

Global Broadcast Database - English 6:00 AM WCVB

July 27, 2007 Friday

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Length: 765 words

Body

STATION: WCVB

USA

[CAPTIONING SPONSORED BY WCVB] >> HEATHER: NOW AT 6:00 A LOCAL PIER HAS GONE UP IN FLAMES OVERNIGHT AND WE HAVE THE LATEST FROM THE FIRE DEPARTMENT. >> DAVID: TWO MEN SERVING DECADES IN PRISON FOR A MURDER THEY DIDN'T COMMIT, THIS MORNING THEIR EMOTIONAL REACTIONS TO A MULTIMILLION DOLLAR RULING. >> HEATHER: WILL CAPE COD TOURISM TAKE A MAJOR HIT IF A CASINO COMES TO THE BAY STATE? WE'LL TELL YOU WHY SOME BUSINESS OWNERS ARE GETTING WORRIED. >> DAVID: ALSO A HAZARD DISCOVERED IN NEW ENGLAND RIVERS, HOW THIS SLIME IS COATING MANY ROCKS AND HURTING THE ENVIRONMENT. GOOD MORNING, I'M DAVID BROWN. WE'RE ALSO FOLLOWING BREAKING NEWS ALONG 128. CINDY CAMPBELL WILL JOIN US WITH THAT IN A MOMENT. BUT FIRST WE'RE OFF TO A BUSY TART TODAY. >> HEATHER: YES, AND WE'RE OFF TO A HUMID START AS WELL. >> J.C.: IT'S GOING TO FEEL TROPICAL OVER THE NEXT COUPLE DAYS. IT'S GOING TO BE A VERY WARM DAY, NOT QUITE AS HOT AS YESTERDAY, BUT THAT IS A FACTOR OF LESS SUNSHINE. THE TEMPERATURES RIGHT NOW ARE IN THE 70'S. SO IT'S A MILD START. 68 IN NANTUCKET. A LITTLE PATCHY FOG IN SPOTS. HERE'S H.D. DOPPLER NET AND IT'S SHOWING JUST A SPOT HOUR AROUND, REALLY OUR AREA IS DRY. BUT I WIDENED OUT THE PICTURE TO SHOW YOU THE RAIN TO THE SOUTH TO SHOW YOU THAT A FEW OF THESE SHOWERS WILL BE COMING IN FROM TIME TO TIME. TEMPERATURES WARMING UP TO ABOUT 80. WINDS WILL BE FROM THE SOUTHWEST, UPER 80'S FOR HIGHS TODAY, JUST SHY OF THAT 90 DEGREE MARK. TODAY SHOULD BE MOSTLY DRY, BUT A SPRINKLE OR QUICK SHOWER IS POSSIBLE. LATER THIS AFTERNOON THERE COULD BE AN ISOLATED SHOWER, BUT I DON'T EXPECT ANYTHING HEAVY TODAY. THE WEEKEND FORECAST IS COMING UP IN A FEW. >> HEATHER: LET'S GET YOU THE INFORMATION WE KNOW ABOUT THIS BRICKING NEWS STORY COMING TO US FROM WESTWOOD. A MANHOLE COVER CAME LOOSE AND SOMEHOW WENT FLYING THROUGH A CAR WINDSHIELD A SHORT WHILE AGO, AND THAT SEVERELY INJURED THE DRIVER. IT HAPPENED ON ROUTE 128 AT UNIVERSITY AVENUE. THE DRIVER APPARENTLY IS IN AND OUT OF CONSCIOUSNESS RIGHT NOW AND THIS IS ENOUGH OF A SERIOUS SITUATION THAT A MED FLIGHT HELICOPTER HAS BEEN CALLED IN TO TAKE THAT VICTIM TO THE HOSPITAL. WE'RE TOLD THIS VERY SAME MANHOLE CAME LOOSE WEDNESDAY AND THURSDAY AS WELL AND CREWS

No Headline In Original

WERE ON THE SCENE TRYING TO FIX IT JUST YESTERDAY. LET'S GET YOU RIGHT OVER TO CINDY CAMPBELL NOW AND SEE HOW THIS IS AFFECTING THE COMMUTE. >> CINDY: WELL, IT IS ON THE NORTHBOUND SIDE OF ROUTE 128 AT THIS TIME, AND WHEN THE MED FLIGHT HELICOPTER COMES TO LAND PROBABLY WITHIN THE NEXT 10 MINUTES OR SO, WE'LL SEE THE ENTIRE ROAD CLOSED DOWN FOR A PERIOD OF TIME. NOW RIGHT HOW THE LEFT LANES ARE CLOSED DOWN BY UNIVERSITY AVENUE ON THE NORTHBOUND SIDE OF 128. THAT'S WHERE THIS CRASH OCCURRED. WE'RE NOT SURE HOW THIS MANHOLE COVER CAME LOOSE AND WENT THROUGH THE WINDSHIELD, BUT OF COURSE THEY ARE CHECKING ON THAT. RECONSTRUCTION TEAMS HAVE BEEN CALLED TO THE SCENE DUE TO THE SERIOUS NATURE OF INJURIES HERE, AND WE EXPECT THIS TO BE ON SCENE FOR SOME TIME. LIVE SKY 5 IS ON THE WAY TO THE SCENE, WE HAVE VIDEO FOR NEW THE NEXT COUPLE MINUTES. >> DAVID: ALL RIGHT. A JUDGE IS SENDING A CLEAR MESSAGE TO AUTHORITIES THIS MORNING, ABIDE BY THE LAW. >> HEATHER: SHE HAS AWARDED A RECORD \$101 MILLION TO FOUR MEN CONVICTED OF MURDER WHO WERE FRAMED BY THE F.B.I. JOSEPH SALVATI AND PETERLY MONEY SAY YOU CAN PUT A PRICE ON THE NUMBER OF YEARS THEY WERE BEHIND BARS. >> REPORTER: GOOD MORNING. THE JUDGE'S OTHER SENDS A VERY CLEAR MESSAGE THAT NO ONE IS ABOVE THE LAW, EVEN THE F.B.I. AND IT'S ANOTHER BLACK EYE ON THE BUREAU'S BOSTON OFFICE. >> NO, I DIDN'T DO THE CRIME AND I KNEW I WAS INNOCENT IN MY HEART AND MY FAMILY KNEW IT. >> REPORTER: IT TOOK JOSEPH SALVATI MORE THAN 40 YEARS TO CONVINCED THE COURTS THAT HE AND THREE OTHERS DID NOT KILL EDWARD DEEGAN. LAST NIGHT HE WAS TAKING CALLS FROM WBZ RADIO LISTENERS. >> IF I EVER MEET JUDGE GERTNER, I'M GOING TO GIVE HER A KISS ON THE CHEEK BECAUSE WHAT SHE DID WAS SO RIGHT. >> REPORTER: WHAT THE JUDGE SAID WAS THAT THE F.B.I. HAD FRAMED THE MEN FOR DECADES, ENCOURAGING AND PROTECTING THEIR STAR WITNESS JOE BARBOSA, KNOWING HIS STORY WAS A LIE. SALVATI, LIMONE AND THE FAMILIES OF TWO OTHER MEN WHO DIED IN PRISON WERE AWARDED \$101. MILLION. >> THEY CAN NEVER GIVE ME BACK WHAT I LOST. ALL THE MONEY IN THE WORLD CONE GIVE ME 33 YEARS. >> REPORTER: SALVATI'S WIFE OF 52 YEARS, MARIE, STAYED BY HIS SIDE. >> WE ALL HAD YOUNG FAMILIES, AND IT WAS REALLY VERY DIFFICULT. >> I WAS THERE AND MARIE WAS HOME, SHE TOOK CARE OF THE CHILDREN, SHE WAS THE GLUE THAT HELD EVERYTHING TOGETHER. >> REPORTER: FOR MANY, MANY YEARS.

Load-Date: July 28, 2007

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No Headline In Original



No Headline In Original

The Bismarck Tribune

July 27, 2007 Friday

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Section: WIRE; Pg. 2A**Length:** 418 words**Byline:** DENISE LAVOIE Associated Press Writer

Body

BOSTON - Peter Limone's mother, sister and two brothers died during the decades he spent in prison. **Joseph Salvati**'s son, 5 years old when his father was arrested, grew up hearing children taunt, "Your father is a murderer."

The men and two others who died in prison served a collective 109 years for a 1965 mob murder the FBI knew they did not commit.

A federal judge tried to set things straight Thursday, awarding them and their families a record \$101.75 million. She found the government liable for two agents who withheld evidence in the name of protecting informants.

In a stinging rebuke of the FBI, U.S. District Court Judge Nancy Gertner found that agents withheld evidence they knew could prove the four men were not involved in the murder of Edward "Teddy" Deegan, a small-time thug who was shot in a Chelsea alley on March 12, 1965.

She bluntly rejected the government's argument that the FBI had no duty to share information with state officials who prosecuted the men.

"The government's position is, in a word, absurd," Gertner said.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers.

Salvati and Limone spent three decades in prison before they were exonerated in 2001; Tameleo and Greco died behind bars.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

Salvati was 35, with a wife and four young children, when he was arrested. Before he left prison, he had eight grandchildren and three great-grandchildren. His son, Anthony Salvati, recalled during the civil trial the taunts he endured as a child.

No Headline In Original

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston Agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI Agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said. Government to pay for wrongful convictions

Load-Date: July 30, 2007

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[Panel probing FBI apologizes to man jailed 30 years](#)

Chicago Tribune

May 4, 2001 Friday

NORTH SPORTS FINAL EDITION

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Section: NEWS; ZONE: N; ACROSS THE NATION.; Pg. 22

Length: 253 words

Byline: Items compiled from Tribune news services

Dateline: WASHINGTON, D.C.

Body

A House committee investigating the shady relationship between the Boston FBI office and its mob informants apologized Thursday to a man who spent 30 years in prison for a murder he had not committed.

Joseph Salvati was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997.

He and a co-defendant were exonerated this year.

Members of the House Government Reform Committee told Salvati and his wife, Marie, there is no excuse for what the government did.

"I want to express to both of you how deeply sorry we are for everything that was taken away from you and everything you've had to go through the last 30 years," said Rep. Dan Burton (R-Ind.), committee chairman.

Salvati, 68, and Peter Limone, 66, were exonerated after a judge concluded FBI agents hid evidence that would have proven their innocence. The FBI protected informants who helped them bring down top New England mobsters and manipulated testimony in their 1968 murder trial.

There was no regret from former FBI Agent H. Paul Rico, who said Salvati's ordeal would "be a nice movie."

"Remorse -- for what? Would do you want? Tears?" he told the committee. "I believe the FBI handled it properly."

Rico, whose attorney advised him to invoke his 5th Amendment rights, said he had not been convinced of Salvati's innocence until hearing him testify Thursday.

The Salvati case is the first of several hearings the committee plans to hold as it investigates the FBI's use of informants.

Graphic

PHOTOPHOTO: **Joseph Salvati**, who spent 30 years in jail for a murder he didn't commit, wipes his eye Thursday while testifying before the House Government Reform Committee on the FBI's use of informants. AP photo by Rick Bowmer.

Load-Date: May 4, 2001

End of Document



[President Bush uses executive privilege to block a congressional inquiry into the FBI](#)

ABC News World News Tonight Sunday (6:30 PM ET) - ABC

January 6, 2002 Sunday

Copyright 2002 American Broadcasting Companies, Inc.

Section: Profile

Length: 470 words

Body

CAROLE SIMPSON, anchor:

There's another controversy involving the White House tonight. At issue is the president's decision to block a congressional inquiry into the FBI's use of informants. ABC's Josh Gerstein reports.

JOSH GERSTEIN reporting:

(VO) **Joseph Salvati** spent decades in prison for murder, even though the FBI knew he was innocent.

Mr. **JOSEPH SALVATI**: (From May 2, 2001) The FBI took away 30 years of my life, my--my family, my--my wife and my four children. That should never ever have to happen again.

GERSTEIN: (VO) The FBI's Boston office kept quiet about Salvati to protect two informants, reputed mobsters Whitey Bulger and Steven Flemmi. While working for the FBI, they allegedly carried out at least 19 murders. Their FBI handler says his actions were authorized by top Justice Department officials.

Mr. JOHN CONNOLLY (Former FBI Agent): The strike force directed the FBI, my superiors, to confer a special status on Mr. Bulger and Mr. Flemmi. They were--we were told they were to be left alone to continue to do what they were doing.

GERSTEIN: (VO) Congress opened an investigation into the FBI's handling of top informants, but last month, President Bush invoked executive privilege, ordering the Justice Department not to turn over documents detailing prosecutors' internal discussions about the informants. The move puts Mr. Bush at odds with members of his own party.

Representative DAN BURTON (Chairman, Committee of Government Reform): If Congress cannot exercise its oversight responsibilities, then you end up with a--one branch of government, the executive branch, running everything, and they'll be able to control and cover up anything they want to.

GERSTEIN: (VO) Traditionally, executive privilege has protected a president's right to confidential advice, but one law professor says Mr. Bush is trying to extend the privilege to decisions at all federal agencies.

President Bush uses executive privilege to block a congressional inquiry into the FBI

Professor MARK ROZELL (Catholic University of America): I think the Bush team is trying to rewrite the rules on executive privilege. They are trying to expand the scope of executive privilege, I think, in almost a breathtaking fashion, quite frankly.

GERSTEIN: (VO) Bush administration officials declined to be interviewed, but one former White House counsel says the president is right to resist.

Mr. C. BOYDEN GRAY (Former White House Counsel): The enforcement of the criminal laws is a very unique area. It's--it's one of a few areas that is committed exclusively to the president, who is charged by the constitution with seeing that the laws are faithfully executed.

GERSTEIN: Congressman Burton says he will not seek a court fight with the president, but he will hold hearings to expose the FBI's misconduct and to press Mr. Bush to cooperate with the Congress. Josh Gerstein, ABC News, with the president, Crawford, Texas.

Load-Date: January 31, 2002

End of Document



[Prosecutor drops mob murder charges](#)

Organized Crime Digest

February 28, 2001 Wednesday

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Section: Pg. 7; Vol. 22; No. 4; ISSN: 0889-5716

Length: 165 words

Body

ABSTRACT

The Boston District Attorney's office dropped charges against Peter Limone and [Joseph Salvati](#) for the 1965 gangland slaying of Edward "Teddy" Deegan. Limone and Salvati claimed the FBI allowed them to be framed to protect an informant.

FULL TEXT

The Boston District Attorney's office dropped charges against Peter Limone, 66, and [Joseph Salvati](#), 68, for the 1965 gangland slaying of Edward "Teddy" Deegan.

Prosecutor Mark Lee did not elaborate on the reason the charges were dropped, saying only the move was "what justice demands."

The release is believed to be linked to a Justice Department investigation into alleged corruption of FBI agents in Boston dating back to that time period.

A report revealed FBI agents failed to notify the District Attorney of evidence that exonerated Limone and Salvati from involvement in the conspiracy to kill Deegan.

Limone and Salvati, who both spent 20 years in prison for the crime, claimed the FBI allowed them to be framed to protect an informant.

Load-Date: November 1, 2007

ROBERT JOHNSTON



ROBERT JOHNSTON

Bucyrus Telegraph Forum (Bucyrus, OH)

October 4, 2002 Friday

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Section: Pg. 2A**Length:** 567 words

Body

Robert L. Johnston

June 7, 1932-Oct. 2, 2002

Robert L. Johnston, 70, of 620 W. Main St., Crestline, died Wednesday, Oct. 2, 2002, at MedCentral Crestline Hospital after an apparent heart attack at his home.

He was born in Rio Grande on June 7, 1932, to Norwood and Lois L. (Evans) Johnston, both deceased. He is survived by his wife, the former Ruth V. Davis, whom he married Feb. 22, 1957.

He also is survived by one daughter and son-in-law, Theresa and Robert Salvati; two sons and one daughter-in-law, Robert and Annette Johnston and Jason Johnston, both of Crestline; five grandsons and three granddaughters, Allen and Heidi Hocker, Deke and Nandee Hocker, Angela Johnston, Ben Hocker, Anthony Johnson, Rose Salvati, Krista Johnston and Nick Johnston; three great-granddaughters, Olivia, Abby and Ally Hocker; one sister, Harriet Lenhart of West Virginia; three brothers, Dick and Vickie Johnston of Plain City; Joe Johnston and Steve and Barb Johnston of Marion; and two sisters-in-law, Barb Johnston and Mary Alice Johnston.

He was preceded in death by one grandson, Joseph Salvati, and three brothers, Norwood, Bill and Dan Johnston.

He retired from Conrail as a conductor after 30 years. He was also a police officer with

ROBERT JOHNSTON

Crestline Police Department, served as assistant safety service director for the city and served as a board member of Crestline Railroad Community Center. He was a veteran of the U.S. Army serving during the Korean conflict.

He was a devoted husband, father and grandfather.

Friends may call from 2-4 and 7-9 p.m. Sunday, Oct. 6, 2002, at the Mark A. Schneider Funeral Home, Crestline. Services will be at 2 p.m. Monday, Oct. 7, 2002, at the funeral home with the Rev. Gary Walters officiating, and burial with full military services will be in Saint Joseph Catholic Cemetery, Crestline.

Memorial contributions may be made to the **Joseph Salvati** Scholarship Fund in care of the funeral home.

Zenobia G. Davie

Oct. 18, 1927-Oct. 2, 2002

Zenobia Grace "Snookie" Davie, 74, of 25 Mar-Do Lane, Galion, died at 4:54 p.m.

Wednesday, Oct. 2, 2002, at Galion Community Hospital.

She was born Oct. 18, 1927, in Galion to George W. and Zenobia M. (Hyatt) Vanderkooi, both deceased. She married Allen D. Poast in 1947, and he preceded her in death March 10, 1996. She married Donald A. Davie on May 7, 1977, and he preceded her in death Sept. 18, 1997.

She is survived by two daughters, Susan Poast and Frieda and Thomas Johnston, both of Long Beach, Miss.; three stepsons, Greg and Karen Davie, Don and Debra Davie and Tim and Vivian Davie; two brothers, George Vanderkooi and Bill and Barbara Vanderkooi of Galion; one sister, Vera Treadway of Dayhoit, Ky.; 19 grandchildren; seven great-grandchildren; and several nieces and nephews.

She was preceded in death by two sons, Steven L. Poast and Allen D. Post Jr.; two brothers, Charles Vanderkooi and Ernie Vanderkooi; and three sisters, Emma Jean Chaney, Leeta Hobson and Asta M. "Tootsie" Smith.

Mrs. Davie lived in the area all of her life and worked as an assembler, wirer and inspector at ITT retiring in 1988. She was of the Methodist faith, a member of American Legion Post 488 and an avid bingo player. She was a loving mother, grandmother, great-grandmother and aunt.

ROBERT JOHNSTON

Friends may call from 2-4 and 6-8 p.m. Saturday at the Mark A. Schneider Funeral Home, Galion, where services will be at 8 p.m. with the Rev. Rose A. Wilson officiating. Burial will take place at a later date.

Load-Date: November 26, 2002

End of Document

ROBERT L. JOHNSTON



ROBERT L. JOHNSTON

Mansfield News Journal (Mansfield, OH)

October 4, 2002 Friday

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Section: Pg. 7A**Length:** 309 words

Body

Robert L. Johnston

CRESTLINE -- Robert L. Johnston, 70, of 620 W. Main St. died Wednesday, Oct. 2, 2002, at MedCentral/Crestline Hospital.

He died after an apparent heart attack at his home.

He was born in Rio Grande, Ohio, on June 7, 1932, to the late Norwood and Lois L. Evans Johnston.

Surviving are his wife, the former Ruth V. Davis, whom he married Feb. 22, 1957. Also surviving are daughter and son-in-law, Theresa and Robert Salvati; two sons and one daughter-in-law, Robert and Annette Johnston and Jason Johnston, both of Crestline; five grandsons and three granddaughters, Allen and Heidi Hocker, Deke and Nandee Hocker, Angela Johnston, Ben Hocker, Anthony Johnston, Rose Salvati, Krista Johnston and Nick Johnston; three great-granddaughters, Olivia, Abby and Ally Hocker; sister, Harriet Lenhart of West Virginia; three brothers, Dick and Vickie Johnston, Plain City, Joe Johnston and Steve and Barb Johnston, Marion; two sisters-in-law, Barb Johnston and Mary Alice Johnston.

He was preceded in death by grandson, Joseph Salvati, and three brothers, Norwood, Bill and Dan Johnston.

He retired from Conrail as a conductor after 30 years. He was also a police officer with Crestline Police Department, served as Assistant Safety Service Director for the city and served as a board

ROBERT L. JOHNSTON

member of Crestline Railroad Community Center.

He was a veteran of the U.S. Army, serving during the Korean Conflict. He was a devoted husband, father and grandfather.

Friends may call from 2-4 and 7-9 p.m. Sunday, Oct. 6, 2002, at Mark A. Schneider Funeral Home, Crestline. Funeral services will be held at the funeral home Monday, Oct. 7, 2002, at 10 a.m., conducted by the Rev. Gary Walters. Burial with full military services will be in Saint Joseph Catholic Cemetery, Crestline.

Memorial contributions may be made to the Joseph Salvati Scholarship Fund in care of the funeral home.

Load-Date: October 24, 2002

End of Document



[SALVATI LAWYER SEES A PLAN IN IRS AUDIT - Correction Appended](#)

The Boston Globe

January 19, 2006 Thursday

THIRD EDITION

Correction Appended

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Section: METRO/REGION; Pg. B2

Length: 326 words

Byline: BY SHELLEY MURPHY, GLOBE STAFF

Body

When Medford lawyer Victor Garo was notified last month that the IRS was auditing his 2003 tax returns, he became suspicious.

It's no secret that Garo is suing the US government for \$300 million on behalf of ***Joseph Salvati***, who spent 30 years in prison after he was framed in a gangland murder. The story of Salvati's life and Garo's crusade to exonerate him captured the attention of Steven Spielberg's DreamWorks SKG, which signed a movie contract with the pair.

Garo believes it's "highly unlikely" the IRS audit is random, because it is being conducted at the same time Justice Department lawyers are urging a judge in the civil case to force him and Salvati to disclose details of their contract with DreamWorks. "If this is a move by the government to intimidate me, it won't work," Garo said.

Peggy Riley, a spokeswoman for the IRS in Boston, said privacy and disclosure laws prohibit the agency from commenting on individual taxpayer cases. But she said, "In general, IRS enforcement decisions are based strictly on tax issues."

Garo, who has practiced law for 41 years, said he could not think of anything unusual about his filings that would trigger scrutiny. But he added he was concerned about the fact that it's for 2003, the year he and Salvati got a payment from DreamWorks.

Salvati, 73 and living in Boston's North End, was among six men convicted of the 1965 murder of Edward "Teddy" Deegan in a Chelsea alley, primarily on the word of hit man Joseph "The Animal" Barboza.

Only after Salvati and Peter Limone spent more than 30 years in prison and two codefendants died in prison was it disclosed that the FBI had withheld evidence that might have helped them prove Barboza had framed them.

SALVATI LAWYER SEES A PLAN IN IRS AUDIT - Correction Appended

Salvati declined to answer questions from government lawyers about his deal with DreamWorks during a deposition last summer. US District Judge Nancy Gertner has yet to rule on a request from the government to compel Garo to disclose information about the deal.

Correction

Omission : Key comments from a Justice Department spokesman were omitted during the editing of a story in yesterday's City & Region section reporting on an IRS audit of the tax returns of attorney Victor Garo. Garo, the lawyer for **Joseph Salvati**, who spent 30 years in prison after he was framed in a gangland murder, was quoted as saying he believed that it is "highly unlikely" that the audit was random because it is being conducted at the same time that Justice Department lawyers are urging a judge to force Garo and Salvati to disclose details of a movie contract they signed. Charles Miller, a spokesman for the Justice Department, said attorneys from the department's civil division, who are defending the government in a civil case brought by Salvati on his wrongful imprisonment, "have had no communication or contact with the IRS concerning either Mr. Salvati or Mr. Garo, and we don't know anything about an audit of either one."

Correction-Date: January 20, 2006 Friday

Load-Date: January 20, 2006



Salvati released, asserts innocence

The Patriot Ledger (Quincy, MA)

March 21, 1997 Friday

ROP Edition

Copyright 1997 The Patriot Ledger

Section: NEWS;

Length: 181 words

Byline: Carolyn Thompson, Associated Press

Body

NORFOLK -- To the happy group outside the Bay State Correctional Center, the man about to walk through the door was many things: husband, father, grandfather, great-grandfather.

When ***Joseph Salvati*** stepped outside yesterday, he collected another title. Associated PressOne he had chased for 30 years. Free man.

After serving three decades for a role he denies playing in a 1965 gangland murder, Salvati, 64, was released on parole.

He began his first day of freedom the same way he had ended his last: with claims he was an innocent man. "I promise that you have not heard the last of my case," Salvati said, vowing to clear his name.

Salvati has said all along that Joseph (Barboza) Baron lied when he said he had hired Salvati to drive the getaway car during a "hit" on Edward Deegan, who was shot to death in Chelsea.

Salvati's life sentence was commuted last month by the Governor's Council.

Marie Salvati, his wife of 44 years, and his three grown daughters and son and their children, stood outside the prison in the chilly morning to greet him.

"It's just like a new life," Salvati declared.

Graphic

Photo,Associated Press - ***Joseph Salvati*** hugs his wife, Marie, as he leaves Bay State Correctional Center in Norfolk yesterday after 30 years in prison.

Salvati released, asserts innocence

Load-Date: March 24, 1997

End of Document

Settlement awarded (STAND ALONE PHOTO)



Settlement awarded (STAND ALONE PHOTO)

Newsday (New York)

July 27, 2007 Friday

NASSAU AND SUFFOLK EDITION

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Section: NEWS; Pg. A34**Length:** 110 words

Body

AP Photo - Settlement awarded / ***Joseph Salvati*** hugs his grandson Michael Salvati, 10, as they stand outside federal court in Boston after Salvati, Peter Limone and the families of Henry Tameleo and Louis Greco were awarded a \$101.7 million settlement for their wrongful conviction and three-decade imprisonment yesterday. Salvati and Limone were released from prison in 2001 after it was learned the FBI withheld evidence of their innocence to protect an informant. Tameleo and Greco died in prison. Judge Nancy Gertner told a packed courtroom that the FBI considered the four "collateral damage" in its war against the mob, the bureau's top priority in the 1960s.

Graphic

AP Photo - Settlement awarded / ***Joseph Salvati*** hugs his grandson Michael Salvati, 10, as they stand outside federal court in Boston after Salvati, Peter Limone and the families of Henry Tameleo and Louis Greco were awarded a \$101.7 million settlement for their wrongful conviction and three-decade imprisonment yesterday. Salvati and Limone were released from prison in 2001 after it was learned the FBI withheld evidence of their innocence to protect an informant. Tameleo and Greco died in prison. Judge Nancy Gertner told a packed courtroom that the FBI considered the four "collateral damage" in its war against the mob, the bureau's top priority in the 1960s.

Load-Date: July 27, 2007



'Smoking gun'; Probers unveil memo showing Boston FBI protected killer

The Boston Herald
May 12, 2002 Sunday
ALL EDITIONS

Copyright 2002 Boston Herald Inc.

Section: NEWS;

Length: 1021 words

Byline: By J.M. Lawrence

Body

Congressional investigators released a "smoking gun" 1965 memo yesterday showing FBI Director J. Edgar Hoover knew informant Vincent "Jimmy The Bear" Flemmi murdered seven men but still protected him from the electric chair and let four other men go to prison for one of the murders.

"From all indications, (Jimmy The Bear) is going to continue to commit murder," the Boston FBI special agent in charge wrote to Hoover on June 9, 1965, but concluded, "The informant's potential outweighs the risks."

The memo names Vincent Flemmi - the younger brother of Steven "The Rifleman" Flemmi - as the killer of six men and of Edward "Teddy" Deegan in Chelsea in 1965.

The Justice Department blacked out the names of the hit man's other victims and the FBI's special agent in charge before releasing the document.

"This is a matter not limited to a couple of rogue agents. This is an endemic problem that goes straight to the top," said U.S. Rep. John Tierney (D-Salem), making references to the on-going federal corruption trial of former FBI agent John J. Connolly Jr.

During a hearing at the McCormack Building in Boston yesterday as part of a yearlong probe, members of the Government Reform Committee of the U.S. House registered outrage over the FBI's handling of informants and vowed to lift the "veil of secrecy" to restore public confidence in federal law enforcement.

"This has nothing to do with who's in the White House," U.S. Rep. William Delahunt (D-Quincy) said. "This is a culture of concealment created over decades and we have to change this."

U.S. Rep. Barney Frank (D-Newton) remarked, "This is one of the worst examples of failure of people to do their duty that I've ever seen."

Investigators called the memo a "smoking gun" in their investigation of New England law enforcement and also released another explosive memo yesterday.

'Smoking gun'; Probers unveil memo showing Boston FBI protected killer

The document shows the Boston FBI's celebrated flipping of mob hit man Joseph "The Animal" Barboza in the 1960s against the New England Mafia was actually greased by Steven "The Rifleman" Flemmi.

Seeking pay raises for former FBI agents H. Paul Rico and Dennis Condon, the Boston FBI's special agent in charge told Hoover the agents, "via imaginative direction and professional ingenuity," used Steven "The Rifleman" Flemmi to get Barboza to turn against the mob.

Both agents each received \$ 150 and a commendation for getting Barboza to testify against mob Boss Raymond L.S. Patriarca and underboss Gennaro Angiulo.

The government's cover-up for Barboza's fellow hit man Vincent Flemmi allowed Barboza to lie to a 1968 Suffolk County jury about Flemmi's role in the Deegan murder.

In his testimony, Barboza put **Joseph Salvati** in Vincent Flemmi's place at the Deegan murder and also accused three other men who are now widely believed to be innocent - Peter J. Limone, Louis Greco and Henry Tameleo.

Limone narrowly escaped the death penalty and was released last year after 33 years in prison when prosecutors dropped the case. Greco died in prison in 1996 and Tameleo died in prison in 1985.

"The Deegan case was never a quest for truth. The truth be damned. It was more important to protect informants," said Salvati attorney Victor J. Garo, who spent 25 years trying to free Salvati from prison.

Limone, 67, and his wife, Olympia, emerged from the session yesterday in shock.

"It gets worse and worse every day," said the former West End club owner whose lawyers are preparing a \$ 325 million suit against the government on behalf of his family and Greco's family.

"They were all working together. The government went to bed with the devil," Limone said.

Salvati, who spent 30 years in prison before his sentence was commuted in 1997, also attended with his wife, Marie.

"It's a disgrace what they've done," Salvati said after seeing the documents. "I'm just glad we've got the support of the committee to keep digging and do what we have to do to get justice."

The young prosecutor who won the men's convictions in 1968 told the committee yesterday that the FBI hid information from him.

Now white-haired and guilt-stricken, Jack Zalkind apologized to the men and said he never would have brought the case had he known Barboza had vowed never to say anything that would allow his pal Flemmi "to fry," as FBI documents now reveal.

Zalkind's assistant during the Deegan trial, James M. McDonough, testified yesterday that the Deegan jury heard extensive defense arguments accusing Barboza of falsely tagging innocent men.

McDonough also pointed out that the Massachusetts Supreme Judicial Court later ruled that a Chelsea Police report, which contradicted Barboza and was not shared with the men's defense, was not enough evidence to overturn their convictions.

The FBI memos released yesterday are fraught with "serious evidentiary problems," McDonough noted, explaining the information is mostly hearsay.

But Delahunt, a former Norfolk District Attorney, maintained the government did not ask the "hard questions" in the Deegan murder because it did not want the answers and was bent on convictions against the four men.

Limone, Greco and Tameleo all had strong mob connections.

'Smoking gun'; Probers unveil memo showing Boston FBI protected killer

"I understand we have an adversarial system, but it's not a game. It's a search for the truth," Delahunt said.

The committee agreed yesterday not to call former U.S. Attorney Jeremiah O'Sullivan, head of the Organized Crime Strike Force whose convictions decimated the New England mob.

Justice Department prosecutors had asked the committee to hold off because they plan to call O'Sullivan as a witness against ex-agent Connolly, whose corruption trial resumes tomorrow in federal court.

The reform committee will hold additional hearings later this year on law enforcement in New England and will issue a report at the end of its investigation, according to a spokesman.

Caption: TRUTH SEEKERS: Listening to yesterday's testimony on the FBI's handling of informants are, from left, Olympia and Peter Limone, Salvati family friend David Riccio, Anthony Salvati, Marie Salvati, **Joseph Salvati** and Salvati attorney Victor Garo. Staff photo by Mark Garfinkel

Load-Date: May 12, 2002

End of Document



[The Colony Group Names Six New Principals](#)

PR Newswire

February 25, 2014 Tuesday 9:05 AM EST

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Length: 781 words

Dateline: BOSTON, Feb. 25, 2014

Body

The Colony Group, LLC, a wealth management company with over \$3.3 billion in assets under management, announced the elevation of Patrick Donnelly, CFP®, Rick Macdonald, CFA, CFP®, Erin Manganello, CFP®, Peter Mitrano, CFA, CFP®, **Joseph Salvati**, CFP®, and Janet Tighe, CFP®, as Principals. With the addition of these six individuals, the company's senior leadership team now includes 28 Principals, highlighting its commitment to growing the firm.

Michael Nathanson, Chairman and CEO of The Colony Group, said, "The elevation of these six extraordinary individuals is the latest installment in The Colony Group's multi-year commitment to building the deepest, most talented, and most capable team of professionals in the wealth management industry. We strive to ensure that our clients experience service excellence not only now but for generations to come, and these new principals will be integral in continuing to deliver the high quality, comprehensive financial advice that our clients have come to expect from us."

Patrick Donnelly is a Senior Financial Counselor in Colony Wealth Management. Patrick is a CERTIFIED FINANCIAL PLANNER(TM) practitioner and has presented on personal finance before corporate and educational organizations, including Harvard University and Boston University School of Law. Patrick earned his BA from Susquehanna University and received his Certificate in Financial Planning from Boston University. Rick Macdonald is a Senior Financial Counselor at The Colony Group with over 10 years of experience in financial planning. He is a CERTIFIED FINANCIAL PLANNER(TM) practitioner, holds the Chartered Financial Analyst designation, and is a member of the Boston Security Analysts Society. Rick has been included twice in Boston Magazine's list of "Five Star Wealth Managers" and has been quoted in several publications. He earned his BA from the University of Massachusetts and received both his MBA and his MS in Finance from Boston College. Erin Manganello is a Senior Financial Counselor in Colony Wealth Management, the firm's financial counseling division. She is a graduate of Saint Francis University and received her Certificate in Financial Planning from Boston University. Erin is a CERTIFIED FINANCIAL PLANNER(TM) practitioner and has extensive experience in comprehensive financial planning for high-net-worth clients. Peter Mitrano is a Senior Financial Counselor in Colony Wealth Management. He earned his BSBA in Finance from the University of Massachusetts at Lowell and is a CERTIFIED FINANCIAL PLANNER(TM) practitioner, an Accredited Asset Management Specialist, a member of the Boston Security Analysts Society, and a holder of the Chartered Financial Analyst designation. Peter has presented to corporate audiences on a variety of financial planning topics and has been included four times in Boston Magazine's list of "Five Star Wealth Managers." **Joseph Salvati** is a Senior Financial Counselor at The Colony Group and a Senior

The Colony Group Names Six New Principals

Vice President in charge of the firm's Naples, Florida office. Joe is a graduate of Brandeis University and a CERTIFIED FINANCIAL PLANNER(TM) professional and has provided comprehensive wealth management services to high-net-worth clients for over 10 years. Janet Tighe is a Senior Financial Counselor who brings extensive experience in investment management and the development of asset allocations as well as tax, retirement, insurance, and estate planning. She has appeared on Boston's FOX25 TV news broadcasts to discuss financial planning topics and has been featured and quoted in several industry-leading publications. Janet earned her BS from Rider University and her MBA from New York University's Stern School of Business. She is a member of the Financial Planning Association and is a CERTIFIED FINANCIAL PLANNER(TM) practitioner.

About The Colony Group, LLC

The Colony Group, LLC is an independent, fee-only, wealth management company with over \$3.3 billion in assets under management and offices in Massachusetts, New York, and Florida. Founded in 1986, The Colony Group, with nearly 70 employees, provides high-net-worth individuals and families, corporate executives, professionals, and institutions with deep expertise that goes beyond investment management and also encompasses the full suite of financial counseling services, including tax, estate, retirement, and philanthropic planning, asset allocation, and cash and risk management. For more information, please visit <http://www.thecolonygroup.com>.

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Logo: <http://photos.prnewswire.com/prnh/20130321/NE80960LOGO>

SOURCE The Colony Group, LLC

Load-Date: February 26, 2014

The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge



The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

CBS News Transcripts 60 Minutes (7:00 PM ET) - CBS

June 30, 2002 Sunday

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Section: Profile

Length: 2501 words

Body

THE FBI'S DIRTY LITTLE SECRET

MIKE WALLACE, co-host:

The legendary crime-buster J. Edgar Hoover, was he part of an FBI conspiracy to put an innocent man in prison for 30 years? We we first reported last January, it's an explosive allegation. Did Hoover, head of the FBI for half a century, deliberately sit on evidence that would have freed the man? A congressional investigation into alleged corruption and misconduct in Hoover's FBI has so angered the Congress that they've delivered a subpoena to Attorney General John Ashcroft demanding documents they hope will explain just why the FBI hid evidence that cost this innocent man, name of Joseph Salvati, 30 years behind bars.

Representative DAN BURTON (Republican; Chairman, House Committee on Government Reform): It's just unthinkable that that could happen in America.

Joe Salvati and his wife, Marie, are going to testify today.

(Footage of Burton; vintage footage of Hoover)

WALLACE: (Voiceover) A disillusioned Dan Burton, Republican congressman, chairman of the House Committee on Government Reform, says this case has destroyed his faith in a man he once revered.

Rep. BURTON: (Voiceover) I always thought J. Edgar Hoover walked on water when I was a kid.

When I found out Mr. Salvati had been put in prison for a crime he didn't commit, and they knew it--the FBI--for 32 years, and there was no remorse because of it, I said something has to be done.

Mr. JOE SALVATI: The government stole more than 30 years of my life.

(Footage of Salvati at House hearing; Salvati in prison; vintage footage of Barboza)

The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

WALLACE: (Voiceover) Joseph Salvati spent those stolen years in prison, falsely and maliciously accused of murder by this man, Joseph "The Animal" Barboza, a contract killer for the mob who became an unlikely star witness in the FBI's war against the mob.

Mr. JIM WILSON (Chief Council for Burton Committee): Joe Barboza was an assassin. He was a hit man for the Mafia.

(Footage of Wilson)

WALLACE: (Voiceover) Jim Wilson, chief counsel for Burton's committee, has spent the past year investigating why the US government would make a deal with the likes of Barboza.

Mr. WILSON: Everybody in New England knew exactly who he was. They knew that he killed people, and he killed people for fun.

WALLACE: What could he offer the FBI that they would permit him to commit murders and lie on the stand in the name of justice?

Mr. WILSON: Well, I think what he offered was what they wanted.

WALLACE: And what they wanted, back in the '60s, was to break the back of the mob. J. Edgar Hoover, embarrassed after insisting for years there was no such thing as the Mafia, suddenly became a man on a mission to bring down organized crime. And with one witness, Joseph Barboza, the FBI thought they could do it, at least in New England.

(Vintage photos of Barboza)

WALLACE: (Voiceover) Barboza, facing life in prison as a career criminal, was eager to make a deal, and so in exchange for his testimony against high-level, organized crime figures in a number of upcoming trials, the Department of Justice promised Barboza he would stay out of prison.

Mr. WILSON: They knew that they'd made a deal with the devil, and that's OK sometimes. But you've got to make sure that the person's telling you the truth, and--and the federal agents knew that the stories he was telling were not true.

WALLACE: Hoover looks like a co-conspirator with the mob.

Mr. WILSON: The ends justified the means, the law didn't matter, and it appears that people wanted to do whatever they could do to achieve a goal, and people like Joe Salvati be damned.

(Vintage photos of Salvati and Marie; Barboza)

WALLACE: (Voiceover) Which brings us to how Joe Salvati, a truck driver who grew up in a close-knit Italian family and married his childhood sweetheart, Marie--how he got fingered for a murder he did not commit. Salvati, it turns out, had made the mistake of his life when he borrowed \$400 from a loan shark, who had ties to Barboza. When he couldn't pay it back, Barboza found a way to get even. On his word alone, Salvati was arrested as the getaway driver in a mob murder that Barboza himself had masterminded.

Out of the blue, the cops come and arrest you for murder. You were shocked.

Mr. SALVATI: Shocked wasn't the word. They had to sit me down and--and, you know, I--I--I was numb.

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Mr. SALVATI: Then they booked me, and that was the beginning of a nightmare.

(Footage of Suffolk County Courthouse; vintage footage of Barboza)

The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

WALLACE: (Voiceover) And that nightmare played out at this courthouse in downtown Boston, where Joe Salvati was put on trial back in 1968 for the gangland slaying of a local thug. Barboza, the government's star witness, testified for more than a week.

And you were sentenced to life in prison.

Mr. SALVATI: Right.

WALLACE: Thirty-four years old.

Mr. SALVATI: Right.

WALLACE: Four youngsters.

Mr. SALVATI: Youngsters, right.

Mrs. MARIE SALVATI: And, Mr. Wallace, let me tell you, he got a life sentence and we got a life sentence with him.

WALLACE: How old were the kids at the time?

(Photo of children)

Mrs. SALVATI: (Voiceover) Four, seven, nine and 11.

WALLACE: (Voiceover) And all of a sudden their dad is...

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WALLACE: (Voiceover) How often did you visit Joe in prison?

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WALLACE: Every week?

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WALLACE: For 30 years?

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The US government thought that Barboza was so valuable to them that they, basically, developed the witness protection program for him. He was the first guy in.

Rep. BURTON: Yes, and while he was in the pr--witness protection program, we know he murdered one person, and it's believed he murdered several others. And he was protected by the FBI.

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(Photo of Barboza's body covered with blanket; footage of Joe)

WALLACE: (Voiceover) ...gunned down on the streets of San Francisco back in 1976. And any hope Joe Salvati had that the truth might one day be told died along with Barboza and his perjured testimony.

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WALLACE: Victor Garo?

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Mr. GARO: Over 20,000. We've stopped counting.

(Footage of Garo; documents; photo of murdered man)

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And Joe Salvati's name is nowhere in that report?

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WALLACE: But until a reporter for the CBS affiliate in Boston, name of Dan Rea, began reporting on that evidence, no one was taking Victor Garo very seriously.

DAN REA (CBS Correspondent): Victor starts off telling me he's going to tell me about the greatest miscarriage of justice in the history of the Commonwealth of Massachusetts. I truly thought at that moment, 'This guy's tapioca.'

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REA: (Voiceover) But this shocked me that people in law enforcement would betray their badge in order to win a conviction.

I strongly believe that justice had to be done in this case.

(Excerpt from "Eyewitness News Nightcast"; footage of sign being put in window; Joe in prison)

WALLACE: (Voiceover) And so for four years, WBZ aired report after report on Dan Rea's investigation, which resulted in a groundswell of public support for Salvati's release. But his nightmare continued; he remained behind bars.

How did you not turn bitter during all of this?

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WALLACE: But thinking all that time, 'I didn't do this.'

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WALLACE: 'They swindled me.'

Mr. SALVATI: Took my family, my life.

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Mrs. SALVATI: Oh, there was a void in our life. Every holiday--Christmas, Thanksgiving--and graduations, birthdays, first Communion, confirmations, I mean, it--you know, you're talking about 30 years.

Mr. SALVATI: This should never happen again to nobody.

(Footage of Joe and Garo leaving prison)

WALLACE: (Voiceover) And then as suddenly as it had begun, the nightmare ended for Salvati in 1997. It's not clear just what convinced the governor of Massachusetts to change his mind, but Joe Salvati was finally paroled. You were the first person that Joe Salvati embraced when he got out of prison.

Mr. GARO: On March 20th of 1997, I walked Joe Salvati out of prison--prison.

(From 1997) Daddy's home again. If you want to hug him...

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WALLACE: (Voiceover) The day you finally got out, 30 years that you hadn't been a free man...

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WALLACE: (Voiceover) Salvati had his freedom, but he was still a convicted killer on parole. He and Victor Garo were determined to clear his name. Three years passed, and then, one week before Christmas in the year 2000, salvation came in a phone call.

Mr. GARO: I received a call from the assistant US attorney, John Durham, who was in charge of the Justice task force. And he says, 'Victor, you going to be there tonight?'

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WALLACE: (Voiceover) That night, Garo got evidence a defense attorney only dreams of getting: dozens of documents which showed unequivocally that the FBI knew Salvati was innocent before he even went on trial.

Mr. GARO: I was in a state of shock.

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Mr. GARO: (Voiceover) These are actual documents kept by the FBI, which were sent to J. Edgar Hoover.

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WALLACE: There was, in fact, a conspiracy at the top of the United States government...

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WALLACE: ...to keep Joe Salvati in jail in order to protect informant, murderers and liars and so forth.

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(Footage inside courtroom; Marie and Joe)

WALLACE: (Voiceover) Those no-longer-secret FBI memos succeeded in undoing 30 years of injustice; Joe Salvati's conviction was overturned. But despite the exoneration, no one in the US government has made a move to compensate Salvati and his family for the 30 years he was falsely imprisoned.

Mr. GARO: (At press conference) They, in their own minds, know what they should do.

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WALLACE: (Voiceover) Garo is angry at the idea that he should have to sue the federal government, which would, no doubt, take years.

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Mr. GARO: You know what it is, Mike? They hope he dies before he gets the money.

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WALLACE: (Voiceover) Which raises the obvious question: What price do you put on the 30 years stolen from Joe Salvati?

Rep. BURTON: Well, I don't think there's anything in the world we could ever do to make restitution for the 32 years his wife had to suffer, his children had to suffer...

WALLACE: Right.

Rep. BURTON: ...and he had to suffer, but I do believe that the state of Massachusetts and the federal government owe this man compensation.

WALLACE: You've called this case one of the greatest, if not the greatest, failure in American justice in history.

Rep. BURTON: I--I believe it is.

(Footage of Burton and Wallace; Hoover; J. Edgar Hoover FBI Building)

WALLACE: (Voiceover) And he didn't stop there.

Rep. BURTON: (Voiceover) J. Edgar Hoover knew Mr. Salvati was innocent, and yet he let Mr. Salvati go to prison. That was a miscarriage of justice. He knew it, and his name should not be emblazoned on the FBI headquarters. We ought to change the name of that building.

WALLACE: You serious?

Rep. BURTON: Yes, sir, I'm serious.

WALLACE: Chairman Burton is so serious that he says that he will introduce legislation this summer to strip J. Edgar Hoover's name from FBI headquarters. The man who prosecuted Joe Salvati has now apologized, says that if the FBI had produced any of the documents that have now come to light, he never would have indicted Salvati in the first place.

As for the Department of Justice, they have made no move to compensate Joe Salvati for the 30 years he spent in prison.

(Announcements)

Load-Date: July 1, 2002



The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

CBS News Transcripts 60 Minutes (7:00 PM ET) - CBS

January 27, 2002 Sunday

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Section: Profile

Length: 2528 words

Body

THE FBI'S DIRTY LITTLE SECRET

MIKE WALLACE, co-host:

Was the legendary crime-buster J. Edgar Hoover part of an FBI conspiracy to put an innocent man in prison for 30 years and let a guilty man go free? That's an explosive accusation, and as you'll see, it's a subject the government is trying to keep under wraps. Even worse, did J. Edgar Hoover himself, head of the FBI for almost 50 years, sit on evidence that would have freed the man? The case has become the centerpiece of a congressional investigation into alleged corruption and misconduct in the FBI, and what they've already found so angered them that the Congress delivered a subpoena to Attorney General John Ashcroft demanding documents they hope will explain just why the FBI purposely hid evidence that cost this innocent man, name of ***Joseph Salvati***, his freedom.

Representative DAN BURTON (Republican; Chairman, House Committee on Government Reform): It's just unthinkable that that could happen in America.

Joe Salvati and his wife, Marie, are going to testify today.

(Footage of Burton; vintage footage of Hoover)

WALLACE: (Voiceover) A disillusioned Dan Burton, Republican congressman, chairman of the House Committee on Government Reform, says this case has destroyed his faith in a man he once revered.

Rep. BURTON: (Voiceover) I always thought J. Edgar Hoover walked on water when I was a kid.

When I found out Mr. Salvati had been put in prison for a crime he didn't commit, and they knew it--the FBI--for 32 years, and there was no remorse because of it, I said something has to be done.

Mr. JOE SALVATI: The government stole more than 30 years of my life.

(Footage of Salvati at House hearing; Salvati in prison; vintage footage of Barboza)

The FBI's dirty little secret; case of Joe Salvati, wrongly convicted for murder with the FBI's knowledge

WALLACE: (Voiceover) Joseph Salvati spent those stolen years in prison, falsely and maliciously accused of murder by this man, Joseph "The Animal" Barboza, a contract killer for the mob who became an unlikely star witness in the FBI's war against the mob.

Mr. JIM WILSON (Chief Council for Burton Committee): Joe Barboza was an assassin. He was a hit man for the Mafia.

(Footage of Wilson)

WALLACE: (Voiceover) Jim Wilson, chief counsel for Burton's committee, has spent the past year investigating why the US government would make a deal with the likes of Barboza.

Mr. WILSON: Everybody in New England knew exactly who he was. They knew that he killed people, and he killed people for fun.

WALLACE: What could he offer the FBI that they would permit him to commit murders and lie on the stand in the name of justice?

Mr. WILSON: Well, I think what he offered was what they wanted.

WALLACE: And what they wanted, back in the '60s, was to break the back of the mob. J. Edgar Hoover, embarrassed after insisting for years there was no such thing as the Mafia, suddenly became a man on a mission to bring down organized crime. And with one witness, Joseph Barboza, the FBI thought they could do it, at least in New England.

(Vintage photos of Barboza)

WALLACE: (Voiceover) Barboza, facing life in prison as a career criminal, was eager to make a deal, and so in exchange for his testimony against high-level, organized crime figures in a number of upcoming trials, the Department of Justice promised Barboza he would stay out of prison.

Mr. WILSON: They knew that they'd made a deal with the devil, and that's OK sometimes. But you've got to make sure that the person's telling you the truth, and--and the federal agents knew that the stories he was telling were not true.

WALLACE: Hoover looks like a co-conspirator with the mob.

Mr. WILSON: The ends justified the means, the law didn't matter, and it appears that people wanted to do whatever they could do to achieve a goal, and people like Joe Salvati be damned.

(Vintage photos of Salvati and Marie; Barboza)

WALLACE: (Voiceover) Which brings us to how Joe Salvati, a truck driver who grew up in a close-knit Italian family and married his childhood sweetheart, Marie--how he got fingered for a murder he did not commit. Salvati, it turns out, had made the mistake of his life when he borrowed \$400 from a loan shark, who had ties to Barboza. When he couldn't pay it back, Barboza found a way to get even. On his word alone, Salvati was arrested as the getaway driver in a mob murder that Barboza himself had masterminded.

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Mr. SALVATI: Right.

WALLACE: Thirty-four years old.

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WALLACE: Four youngsters.

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WALLACE: How old were the kids at the time?

(Photo of children)

Mrs. SALVATI: (Voiceover) Four, seven, nine and 11.

WALLACE: (Voiceover) And all of a sudden their dad is...

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(Excerpt from "Eyewitness News Nightcast"; footage of sign being put in window; Joe in prison)

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Rep. BURTON: I--I believe it is.

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Rep. BURTON: (Voiceover) J. Edgar Hoover knew Mr. Salvati was innocent, and yet he let Mr. Salvati go to prison. That was a miscarriage of justice. He knew it, and his name should not be emblazoned on the FBI headquarters. We ought to change the name of that building.

WALLACE: You serious?

Rep. BURTON: Yes, sir, I'm serious.

WALLACE: Chairman Burton is so serious, he's convening additional hearings for the first week of February, convinced there are other cases like Joe Salvati's. But Attorney General John Ashcroft is still refusing to give Congress the documents they've subpoenaed, and the president is backing him up, claiming that turning over those documents 'would be contrary to the national interest.' So he has invoked executive privilege to keep Burton and his committee from digging deeper.

(Announcements)

Load-Date: January 28, 2002



The law: President Bush's first executive privilege claim: the FBI/Boston investigation.

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ASAP

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Body

Executive-legislative controversies, and particularly the record of parallel prior oversight situations, warrant examination, for they illuminate how Congress and the president resolve one of the recurring central questions in the interaction of democratic governance and the rule of law. Can the system of checks and balances scrutinize one of the ultimate centers of a particular kind of absolute power--the Justice Department--without congressional oversight in this context politicizing the administration of justice? In the classic short form of this dilemma, Who guards the guardians?

This article starts with the background about how the controversy over the Boston FBI came to a head with President Bush's formal executive privilege invocation. It then traces the path of previous parallel situations of congressional oversight through the mixture of famous and obscure confrontations.

President Bush Invokes Executive Privilege

The House Committee on Government Reform conducts oversight investigations on the whole range of federal departments, including the Justice Department. Under its chairman since 1997, Representative Dan Burton, it had a number of confrontations with Attorney General Janet Reno. In 2001, the committee took an interest in a well-documented scandal regarding the Boston FBI's protecting major criminals, starting in the late 1960s and continuing for decades, who served as its informants in its organized crime investigations.

Senior FBI agents extended protection to two particularly notorious mobsters (among others), Joseph "The Animal" Barboza and Vincent Flemmi. On one hand, Barboza, Flemmi, and the Boston FBI's other informants helped the FBI destroy the Patriarca and Angiulo families, who controlled organized crime in New England. On the other hand, the FBI had known that these mobsters engaged in numerous murders before they became informants and anticipated they would continue to commit murder. In the central incident, they apparently committed a 1965 murder for which they helped convict four men who had nothing to do with it. One of those, ***Joseph Salvati***, spent thirty

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years in prison before the scandal broke and his sentence was commuted in 1997. Belatedly, the Justice Department conducted its own internal investigation (Butterfield 2002; Lewis 2001).

To conduct oversight, the Government Reform Committee demanded extensive documents from the Justice Department. The department provided some but held back in particular on its own prosecutorial memoranda during those past decades. Those memoranda, averaging twenty-two years in age, would show the extent to which the prosecuting attorneys in the Justice Department knew of the FBI's relationship with the informants. After the department indicated that receipt of a congressional subpoena might help in resolving the document standoff, on September 6 the House committee issued one. Attorney General John Ashcroft was scheduled to appear at a hearing on September 13 (Nakashima and Eggen 2001; Eggen and Allen 2001). The matter got postponed during the period of Congress and the White House shelving divisive issues after the September 11 terrorist attacks. Then, on December 12, President Bush issued a formal invocation of executive privilege (Nakashima 2001).

The president explained,

Disclosure to Congress of ... confidential recommendations to

Department of Justice officials regarding whether to bring

criminal charges would inhibit the candor necessary to the

effectiveness of the deliberative processes by which the

Department makes prosecutorial decisions. Moreover, I am concerned

that congressional access to prosecutorial decision making

documents of this kind threatens to politicize the criminal

justice process. (Bush 2001, 1783)

Stormy exchanges with the committee followed. President Bush's executive privilege invocation had somewhat muddled the matter initially by including an unrelated inquiry, which the committee did not press, regarding the 1996 campaign financing matter. However, the subsequent discussions between the committee and the department clarified that both sides understood the confrontation really concerned the Boston FBI.

The Bush administration Justice Department had taken a strong position from its view on several different levels. On one level, it had simply seized what it considered a good opportunity to mark its willingness and capability to invoke executive privilege. This accorded with its actions in other contexts to protect government secrecy (Nakashima and Eggen 2001). The benefit of this particular context lay in the Boston FBI matter having occurred in previous administrations. Moreover, Bush administration officials believed they had firm support in long-standing precedents and principles rooted in the best traditions of resisting politicization of the administration of criminal justice. That it was not "their" scandal and that they had principled reasons meant that whatever else could be said against the Bush administration in this particular matter, it was not claiming privilege for the immediate purposes of personal self-interest in covering up, or from partisan ideological objectives. So, setting up the machinery of privilege and the assertions of authority on such an occasion would give President Bush some protection, down the road, when he would engage in future invocations of privilege that could not be thus demonstrated to be free from immediate partisan or personal benefit.

On another level, President Bush's advisers apparently felt they had a strong backing from the precedents for this particular privilege context of prosecutorial deliberative documents. In their belief, the strong backing could come out in a chronological narration as follows. In 1983, Theodore B. Olson, then assistant attorney general for the Office of Legal Counsel (OLC) in the Reagan administration and in the current administration the well-known solicitor general, had composed a monumental opinion about the history of claiming privilege for Justice Department deliberative documents (OLC 1983). He would maintain that the history to 1983 thus showed Congress does not see such documents.

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About the period from 1983 to 1992, the same would be maintained by other high officials in the current administration. Notably, Michael Chertoff, who rose during that period to United States attorney for New Jersey and in the current administration serves as assistant attorney general for the Criminal Division, felt confident that during that period, Congress did not see such documents. Olson, Chertoff, and other sophisticated administration figures--particularly the Deputy White House Counsel Peter Fleming--thought of the few instances of congressional access they knew of, during famous scandals such as Teapot Dome and Watergate, as the rare exceptions that proved the general rule.

During the early Clinton administration in 1993-94, a particular congressional probe did see such documents (U.S. House 1994). And once Republicans took control of the House and Senate, a number of confrontations ensued over efforts to see such documents (Tiefer 1998b; Rozell 1998, 2002). The Bush administration lawyers knew that the Government Reform Committee put great stock in these, from personal experience with them. However, they believed these could be characterized as aberrations, reflecting flaws specific to the Clinton administration. During recent years, what could be called the "Republican Justice Department in exile" had apparently developed an elaborate theory about privilege during the Clinton administration, combining two seemingly contradictory critiques: that privilege had not been invoked strongly and rightly enough, as in the 1993-94 disclosure of prosecutorial documents, and had been invoked too much and wrongly, for the covering up of the personal scandals of the president and the first lady (Blum 2002b).

Crucial to this analysis was the shared article of faith that until 1992, there was, by contrast, a persuasive record of successful privilege and, specifically, of successfully keeping Congress from seeing prosecutorial deliberative documents. Ironically, the lack of partisan or personal motives for this particular invocation of privilege, which started as its greatest strength, had the potential to become its weakness. President Bush lacked a strong stake in fighting to defend his invocation. Moreover, partisan Republicans who would have supported the president loyally if this were a partisan struggle saw no point in doing so (Novak 2002). Whether it would succeed thus appeared to turn on whether the Bush administration's lawyers' article of faith represented the actual historical record, or just a selective misperception on their part.

The Period from Teapot Dome to the 1983 Opinion

This article takes as its point of departure the early opinion by Olson (OLC 1983) that purports to show the successful invocation of executive privilege earlier in the twentieth century. Starting with the period from the 1920s to the 1940s, that 1983 opinion is conspicuous in its not addressing the most important examples of that time. First, in 1920-21, congressional investigations looked into the so-called Palmer raids, in which, under the direction of Attorney General A. Mitchell Palmer, thousands of suspects were arrested and deported, often in violation of basic liberties. (1) For three days of Senate hearings, Palmer, accompanied by his Special Assistant J. Edgar Hoover, was grilled. Palmer provided the congressional investigators with various department memoranda, including confidential instructions to the Bureau of Investigation, Bureau of Investigation reports, and a "memorandum of comments and analysis" about the key case that had been incourt. What had occurred so discredited the Bureau of Investigation that it spent ensuing decades rebuilding its shattered stature--not asserting privilege.

Next was investigation into the Teapot Dome scandal. Congressional inquiries led to a Supreme Court case affirming Congress's investigative power in general, and with respect to the Justice Department in particular. As the Supreme Court specifically held about the investigation of the attorney general's failure to prosecute in the Teapot Dome matter, "plainly the subject was one on which legislation could be had and would be materially aided by the information which the investigation was calculated to elicit" (*McGrain v. Daugherty*, 273 U.S. 135, 177 [1927]). Oversight was "plainly" legitimate when

the subject to be investigated was the administration of the

Department of Justice-whether its functions were being properly

discharged or were being neglected or misdirected, and

particularly whether the Attorney General and his assistants were

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performing or neglecting their duties in respect of the institution and prosecution of proceedings to punish crimes.

(McGrain v. Daugherty, 273 U.S. at 177 [1927] [emphasis added])

Starting in 1941, the OLC opinion does mention one area of refusals to provide congressional access: loyalty or domestic intelligence investigations, with several examples from 1941 to the 1954 Eisenhower directive that raised "executive privilege" to prominence. However, this was not a matter of protecting the deliberative process, for in the disputes over those providing files, the names and the file evidence themselves (because of the effect on the civil liberties of those named), not deliberative material, were the focus of contention. By and large, the privilege assertions do not concern prosecutorial documents but, rather, FBI domestic intelligence files and the like; proper oversight in these contexts was restored by the Church Committee, ABSCAM, and Committee in Solidarity with the People of El Salvador (CISPES) congressional investigations. Apart from loyalty or domestic intelligence matters, during the Truman administration, the congressional scandal-probing investigations of the Justice Department--notably, the investigation of the Truman administration fixing of criminal tax cases, also called the "Grand Jury Curbing Investigation"--succeeded in obtaining the deliberative memoranda they needed, which eventually led to an assistant attorney general going to jail.

There was certainly sparring, temporarily, in the late 1950s between the Eisenhower administration and congressional investigations following Eisenhower's 1954 directive (Schlesinger 1973). However, the OLC opinion is misleading in giving the impression that this sparring consistently denied congressional access to deliberative documents. The OLC opinion cites the Dixon-Yates scandal as an example of withholding of deliberative documents, but Attorney General Herbert Brownell's advice, quoted by OLC, is actually to provide deliberative documents in closed cases, not to withhold them. (2)

The other main Justice Department example cited by the OLC opinion--and raised again in the Justice Department letter of February 1, 2002--consists of the department resistance to proper oversight about the much-criticized consent decree by which the Justice Department settled the Truman administration's suit against AT&T's Western Electric monopoly. What followed was a historic investigation by a House judiciary subcommittee chaired by Representative Emanuel Celler that obtained, by a different route, the memoranda it needed: the repeated private meetings between Attorney General Brownell and the head of AT&T, where the former gave the latter a famous "friendly little tip" that settled the case on terms of a giveaway to the phone monopoly.

After very little in the way of instances of oversight clashes with the Kennedy and Johnson Justice Departments, there was, of course, a historically famous shift during the Nixon administration, which made new intense efforts to withhold documents. But the Nixon administration's experiment was disastrous. The main story of the Justice Department in Watergate is too well known to require retelling: how it provided back-channel information, during the cover-up, to the White House and how successive investigations by the Senate Watergate Committee, the special prosecutor, and the House impeachment inquiry had to strip off the secrecy to trace this. Ultimately, the House impeachment inquiry was not denied documents on deliberative process grounds, even obtaining the president's tapes.

But that was not the only Watergate story at the Justice Department, by a long stretch. Even before the main story broke open, congressional investigations studied in depth the efforts of International Telephone and Telegraph to obtain favorable settlement of cases--that is, to fix cases--by bringing outside pressure through the White House and the attorney general. When the privilege claims broke down, the probe of how International Telephone and Telegraph had endeavored to fix cases in the Justice Department's Antitrust Division figured significantly in the House impeachment investigation. And the famous cases of the Watergate era--symbolized by Watergate itself, with its attempt to plant an illegal bug--led to a breaking down of the effort to keep FBI domestic intelligence abuses shielded from proper congressional oversight.

In 1975-76, following an initial spate of inquiries by House committees--including the Committee on Government Operations--the Senate Select Committee on Intelligence, chaired by Frank Church, investigated abuses at the FBI and at other agencies. That FBI operation, known as COINTELPRO, used a number of techniques, and these

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included working with informants whose management involved the kinds of issues of the Boston FBI. While the Church Committee met with various forms of resistance, the FBI simply could not withhold memoranda on grounds of deliberative document privilege. Moreover, in response to the Church Committee probe, Attorney General Ed Levi ordered OLC to draft what became known as the "Levi guidelines" for the FBI's investigations of organized crime groups and domestic security and counterintelligence investigations.

In 1980, a congressional investigation probed in detail the exchanges within the Carter administration's Justice Department following the declination by the Criminal Division of criminal prosecution of Billy Carter in favor of a civil settlement. The president's brother had taken \$220,000 from Libya, and there were again allegations of pressure on, or monitoring of, the Criminal Division through the White House and the attorney general. Then assistant attorney general Philip Heymann had initially protested the oversight on the argument there had been no wrongdoing within his division but, recognizing the necessity of oversight, eventually cooperated fully in the inquiry. The author served as the head of that congressional investigation's Justice Department task force and personally questioned officials at three levels in the Criminal Division, the deputy attorney general, and Attorney General Civiletti, precisely about the deliberative processes by which they had declined criminal prosecution of the president's brother. Thereafter, those interviewed, from Joel Lisker to Civiletti, testified at televised hearings before the committee on these same points.

Another congressional oversight investigation of the early 1980s warrants attention. The Justice Department's AB SCAM operation, in which an undercover sting operation run by the department was used to offer bribes to senators and representatives, had raised serious questions regarding the department's use of its powerful tools, including its management of informants. A Senate Select Committee investigated ABSCAM. Once the cases were closed, the committee obtained access to all the documents it needed, including the Criminal Division prosecutorial memoranda.

During this time, the most high-profile executive privilege claim occurred in the Superfund investigation that was the genesis of the 1983 OLC opinion. That executive privilege exercise was discredited by the surrounding and subsequent events in court (as litigated by House General Counsel Stan Brand and Deputy Counsel Steven R. Ross), in Congress in the subsequent investigation of the Justice Department role in withholding documents from Congress, and within the administration.

After the OLC Opinions of 1983

In a word, the collapse of the 1982 Superfund executive privilege claim meant the discrediting of the 1983 OLC opinion, and this ushered in an era of seriously negotiated but productive congressional oversight of the Justice Department and the FBI. Here are the principal confrontations:

1983. An investigation was conducted by the Senate Labor and Human Resources Committee, concerning the FBI's withholding of information during the confirmation hearings for Secretary of Labor Raymond J. Donovan. The FBI documents needed by the committee for the probe were provided, not withheld.

1984. Senator Grassley's committee conducted an investigation of General Dynamics contract fraud. The Justice Department initially resisted by seeking a 6(e) ruling (access to grand jury material) but lost in court. The Senate obtained the documents it needed.

1985-86. The Criminal Division was investigated by a House Judiciary Committee subcommittee, regarding its decision to accept a corporate plea, without individual charges, from E. F. Hutton (which was caught in an extraordinary pattern of two thousand instances of check-kiting fraud). Initially, the Criminal Division resisted questioning of its line attorneys and the providing of their deliberative documents about its declination of charges against the corporate officials. The Criminal Division based its position on an interpretation of rule 6(e), so it filed a case seeking a court order to block the oversight. It lost. The assistant attorney general for the Criminal Division then dropped his objection to a House Judiciary subcommittee hearing in which the line attorney in the matter answered in depth about the deliberations surrounding the declination of charges, and the subcommittee obtained deliberative documents on the controversial aspects of the declination deliberations.

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1987. House and Senate special committees investigated the Iran-Contra scandal. Of particular interest was the investigation of the so-called fact-finding inquiry by Attorney General Ed Meese along with three Justice Department aides. No claim of executive privilege could be made in the climate of the times, all the Justice Department attorneys involved were questioned in depth, and all their documents were examined, whether deliberative or otherwise. After all, the case ultimately proved in the Iran-Contra hearings and in court how the White House national security staff had obstructed both the House Intelligence Committee and the FBI by shredding documents in November 1986 while Justice Department attorneys were questioning them--literally, while the questioning was going on. The committee also thoroughly probed the ways that the White House national security staff had attempted to make improper use of the FBI and the Criminal Division to shield their "enterprise," again obtaining all the documents needed for this probe, whether deliberative or otherwise.

1987-89. A House Judiciary subcommittee tasked the General Accounting Office to probe allegations about the FBI investigation of law-abiding, legal opposition to U.S. intervention in Central America, particularly by CISPES. The FBI, under Director William Webster, cooperated in the congressional probe, which developed a full picture of what many considered an abuse of FBI powers. The FBI could not, and did not, withhold the documents needed for this inquiry, whether deliberative or otherwise.

1988. Attorney General Meese had refused to appoint an independent counsel to investigate allegations about Faith Ryan Whittlesey, the well-connected ambassador to Switzerland. The explanations for that refusal figured prominently in the 1987 amendments to the independent counsel statute, but those explanations were contained in deliberative memoranda reflecting a debate between the Public Integrity Section, which favored an independent counsel, and others on whom Meese placed more reliance. In 1988, with the matter closed, Senators Ted Kennedy and Howard Metzenbaum overcame Justice Department resistance to review those memoranda.

1989. The House Intelligence Committee similarly investigated the FBI's CISPES matter and was not denied the documents needed.

1990. A House Judiciary subcommittee probed allegations of an improper "fix" regarding an important Justice Department case, INSLAW. The attorney general initially refused to provide documents, asserting privilege. The case was civil, but he relied on the argument that it was still open. Ultimately, the subcommittee subpoenaed the documents, and the probe was successfully completed.

1989-91. A House Judiciary subcommittee dealt with Attorney General Dick Thornburgh's refusal to provide a then-secret Justice Department opinion about kidnapping suspects overseas for trial in the United States. That opinion was written simultaneously with a general memorandum (OLC 1989) referenced by the Justice Department during the 2002 dispute over the executive privilege claim. What the 1989 opinion on withholding documents from Congress does not discuss is that after two years of oversight effort, the House Judiciary subcommittee subpoenaed the document it sought. Although informally the president approved an assertion of executive privilege on the matter, in 1991, faced with a subpoena both for the INSLAW material and this opinion, the department conceded on the claim of privilege in that 1989 pronouncement and agreed to congressional access to the extraterritorial kidnapping opinion.

1992. A House Science Subcommittee investigated the plea bargain settlement of the department's case regarding the Rocky Flats facility.

1992-94. The Oversight Subcommittee of the House Energy and Commerce Committee conducted its investigation of the Justice Department's Environmental Crimes section. Ultimately, the subcommittee overcame initial resistance to obtain access to the documents about prosecution decisions in closed cases (U.S. House 1994; Devins 1996).

Conclusions

The historical background and the weaknesses of President Bush's own claim establish several points about this specific context of executive privilege. First, in the wake of the famous investigations such as Watergate and Iran-Contra, it is just not the case that oversight ceased or the Justice Department could withhold documents or testimony about its deliberations. After President Reagan's initial experience with unsuccessful presidential

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executive privilege claims in 1981 and 1982, he simply refrained from making formal claims in 1983 to 1988, and presidential claims continued to be rare in the Bush administration of 1989 to 1993. On the contrary, with the lessons of those famous investigations reverberating, the Justice Department must provide access to documents, including deliberative documents. Its attempts not to provide this, although made, were unsuccessful.

Second, the needs shown by congressional committees are quite diverse and not just limited to corruption by the attorney general himself or herself. The notion that there should only be oversight in a Teapot Dome or Watergate situation is without merit. Civil liberties concerns about undercover FBI operations figured in the CISPES investigations by the House Intelligence and House Judiciary Committees, as they had figured in the Church Committee investigation in 1975-76 and in the ABS CAM oversight investigation of 1982.

Third, the supposed dangers that oversight of closed cases will politicize Justice Department decisions did not materialize. Other factors, such as the quality of leadership by the politically appointed officials in the Justice Department, appear to affect the risks of politics in the Justice Department's decisions much, much more. Proper oversight serves a salutary purpose in counterbalancing those much greater risks.

These historical and constitutional perspectives were brought to bear during the hearings in 2002 on President Bush's claim of executive privilege. I was invited to testify because of my fifteen years' experience with controversies over access to executive branch documents (Tiefer 2002). During that time, I served as assistant Senate legal counsel (1979-84) and solicitor and deputy general counsel of the House of Representatives (1984-95). These offices advise on investigative issues, including executive privilege (Tiefer 1998a). I participated in many of these disputes between the executive and legislative branches and understood how they were resolved.

After the hearings, the Justice Department agreed to surrender to the House Government Reform Committee the principal documents that had been subpoenaed and initially refused because of President Bush's claim of executive privilege. Under an agreement reached on February 27, 2002, the department retained physical possession of the documents and edited them to protect grand jury and other sensitive material. Committee staff was able to look at the documents to complete their investigation (Blum 2002a). **Joseph Salvati**, who spent thirty years in prison for a crime he did not commit, plans to sue the FBI for \$300 million for false imprisonment. Other lawsuits, including by survivors of two men who--wrongly convicted--died in prison, have been filed. These survivors have joined in a separate \$375 million lawsuit against the Justice Department filed by Peter Limone, who was sentenced to die in the electric chair. His life was spared in 1974 when Massachusetts outlawed the death penalty (Butterfield 2002).

(1.) The citations for what follows can be found in the author's April 2001 testimony and will mostly be omitted here. Most of those citations are to Congressional Research Service (1994) and Tiefer (1991), where, in turn, the citations to primary sources can be found.

(2.) "Once the proceeding is no longer pending ... such information should, upon request, be made available by the Commission to an appropriate congressional committee" (Office of Legal Counsel 1983, 797-98). As to the key transaction of the Dixon-Yates scandal,

The Kefauver Senate Committee undertook an investigation of this transaction, whereupon President Eisenhower declared that it was "open to the public." ... The President had "waived" his directive in this case so that "every pertinent paper or document could be made available to the Committee." (Berger 1974, 238)

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Charles Tiefer is professor at the University of Baltimore School of Law. His books include The Semi-sovereign President (Westview, 1994) and Congressional Practice and Procedure (Greenwood, 1989).

Load-Date: February 13, 2008

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Un innocent condamné à 30 ans de prison réclame 300 millions de dollars

Agence France Presse

14 août 2002 mercredi

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Section: INFORMATION GENERALES

Length: 217 words

Dateline: NEW YORK 14 août

Body

Un habitant de Boston injustement condamné en 1968 à 30 ans de prison à la suite de manipulations par des agents du FBI a porté plainte contre le gouvernement fédéral auquel il réclame 300 millions de dollars, a indiqué mercredi son avocat. **Joseph Salvati**, 69 ans, libéré en 1997, avait été impliqué à tort dans le meurtre d'une figure de la mafia locale, Edward "Teddy" Deegan.

Il toujours clamé son innocence et une enquête par le Département de la Justice a confirmé en décembre 2000 que les vrais coupables, qui étaient des informateurs du FBI, avaient témoigné contre lui et trois autres innocents.

Il a été depuis établi que le FBI le savait mais avait préféré couvrir ses informateurs, même s'il fallait pour cela envoyer des innocents en prison.

L'avocat, Victor Garo, a précisé que la plainte déposée faisait suite à l'échec de négociations entamées avec le Département de la Justice pour obtenir des compensations.

"C'est la première étape de la procédure, le gouvernement a maintenant six mois pour réagir", a-t-il déclaré à l'AFP.

L'innocence de **Joseph Salvati** avait été reconnue officiellement en 2001, après qu'il eut été libéré sous condition en 1997.

Les trois autres personnes condamnées à tort ont également été innocentées, mais deux d'entre elles étaient entretemps mortes en prison.

Load-Date: August 15, 2002



[U.S. Must Pay \\$101.8 Million For Role in False Convictions - Correction Appended](#)

The New York Times

July 27, 2007 Friday

Late Edition - Final

Correction Appended

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Section: Section A; Column 0; National Desk; Pg. 19

Length: 750 words

Byline: By PAM BELLUCK

Dateline: BOSTON, July 26

Body

In what appears to be the largest sum ever awarded in such a case, a judge on Thursday ordered the federal government to pay \$101.8 million for framing four men for a murder they did not commit.

Two of the men, Henry Tameleo and Louis Greco, died in prison after being falsely convicted in the 1965 gangland murder. Two others, Peter Limone and Joseph Salvati, were exonerated in 2001. Mr. Limone was released after 33 years in prison; Mr. Salvati had been paroled in 1997.

"It took nearly 30 years to uncover this injustice," said Judge Nancy Gertner of Federal District Court. Judge Gertner said the case was about "the framing of innocent men," adding that "F.B.I. officials up the line allowed their employees to break laws, violate rules and ruin lives."

The men were exonerated after the discovery of F.B.I. memorandums, which were not turned over during trial, that indicated the government's primary witness, a mob hit man named Joseph Barboza who was known as the Animal, had lied when he said the four men had killed a low-level mobster, Edward Deegan.

Mr. Barboza was protecting the real killer, and F.B.I. officials went along, the memorandums suggested, because Mr. Barboza helped them solve other cases and because the killer, Vincent Flemmi, was an F.B.I. informant. By the time the four men were exonerated, Mr. Flemmi had died while serving time in an unrelated case.

At the time of Mr. Deegan's murder, the F.B.I. under J. Edgar Hoover was zealously committed to crippling the mafia, and, the judge said, the four men were treated as "acceptable collateral damage."

Judge Gertner forcefully criticized the argument by Justice Department lawyers that federal authorities were not required to share information with state prosecutors and were not responsible for the results of a state prosecution.

U.S. Must Pay \$101.8 Million For Role in False Convictions - Correction Appended

"The government's position is, in a word, absurd," she said.

A Justice Department spokesman, Charles Miller, said the government would review the decision before deciding whether to appeal.

Legal experts say the largest previous damage award in a wrongful conviction case was a \$36 million settlement in 1999, paid to four men by Cook County, Ill.

"It's very hard to win these cases," said Adele Bernhard, an associate professor at Pace University Law School. "A lot of times when people are wrongfully convicted it looks like a series of mistakes."

Judge Gertner awarded \$26 million to Mr. Limone and \$29 million to Mr. Salvati. The estate of Mr. Tameleo, who was 84 when he died in 1985, was awarded \$13 million. The estate of Mr. Greco, who died in 1995 at 78, was awarded \$28 million. The wives and other family members of the men were awarded money as well.

The men's lawyers had not sought a specific amount but had cited cases in which people were awarded \$1 million for each year in prison.

"They stole 33 years of my life," said Mr. Limone, 73, who was a 33-year-old restaurant manager with four young children when he was arrested. He was on death row for several years, along with Mr. Greco and Mr. Tameleo, until Massachusetts ended the death penalty. Mr. Limone said his children would "come up and see me, and every time I would always smile and say everything's fine so they wouldn't know." He added: "They would go to school and people would say, 'Your father's a murderer.' I always told them I was innocent and the proof of the pudding, they heard it for themselves."

Mr. Salvati, arrested when he was a 34-year-old truck driver with four children, sent a love note from prison to his wife, Marie, every week. She kept all 29 years' worth of notes in shoeboxes.

"It was a nightmare," said Mr. Salvati, 74. He said the damage award meant that "my children can have all the things that they didn't have when I was in prison."

Mr. Tameleo's wife died while he was in prison. Mr. Greco, a decorated and disabled World War II veteran, left behind a wife who became so depressed that she left their teenage children for a time. One of Mr. Greco's sons committed suicide after his death.

A lawyer for Mr. Limone, Julianne Balliro, said evidence showed that Mr. Barboza had framed her client because Mr. Limone refused to fire a waitress Mr. Barboza was dating.

Victor Garo, a lawyer who has represented Mr. Salvati at no charge for 30 years, said Mr. Barboza had accused Mr. Salvati because he owed a \$400 loan shark debt.

"When I first took the case on in 1977, I was like a pariah," Mr. Garo said. "This is a big day for us."

<http://www.nytimes.com>

Correction

An article on Thursday about a \$101.8 million court award for the false murder convictions of four men in Boston misspelled the given name of one of the defendant's lawyers. She is Juliane Balliro, not Julianne.

Correction-Date: July 30, 2007

Graphic

Photo: **Joseph Salvati**, who was wrongfully convicted of murder, hugs his grandson, Michael, outside the federal courthouse in Boston yesterday. (Photograph by Jodi Hilton for The New York Times)

Load-Date: July 27, 2007

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[U.S. must pay \\$101 million for wrongful convictions](#)

St. Louis Post-Dispatch (Missouri)

July 27, 2007 Friday

THIRD EDITION

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Section: NEWS; Pg. A3

Length: 492 words

Byline: By Robert Barnes and Paul Lewis Washington Post The Associated Press contributed to this report.

Dateline: WASHINGTON

Body

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U.S. District Judge Nancy Gertner's scathing ruling runs more than 200 pages, calling the charges leveled against the nation's law enforcement agency "shocking" and the government's defense "absurd."

"Now is the time to say and say without equivocation: this 'cost' - to the liberty of four men, to our system of justice - is not remotely acceptable," Gertner wrote in explaining the award. "This case is about intentional misconduct, subornation of perjury, conspiracy, the framing of innocent men."

Gertner said the FBI knew that the star witness in a murder trial - a "top echelon" informer in the agency's war against La Cosa Nostra, the Italian Mafia - was lying when he identified the four wrongfully convicted men as responsible for a 1965 gangland slaying. But Gertner said agents vouched for the witness's credibility and for years covered up the lie as the men attempted to prove their innocence.

"The FBI's conduct was intentional, it was outrageous, it caused plaintiffs immeasurable and unbearable pain and the FBI must be held accountable," Gertner wrote.

Peter Neufeld, co-founder of The Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful conviction case.

Two of the men convicted, Louis Greco and Henry Tameleo, died behind bars. Tameleo died in 1985 after serving 18 years. Greco died in 1995 after serving 28 years.

The others, Peter Limone, 73, and **Joseph Salvati**, 74, spent three decades in prison - Limone for a time on death row - before being freed when their convictions were overturned in the late 1990s. The civil lawsuit against the FBI was filed in 2002.

U.S. must pay \$101 million for wrongful convictions

Salvati and Limone were in the courtroom Thursday as Gertner announced her decision. Salvati was awarded \$29 million, Limone \$26 million and Gertner awarded millions more to the estates of the deceased plaintiffs, their wives and family members.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

A Justice Department spokesman said the department would have no comment on the judge's decision, or whether it would appeal. An appeals court earlier in the case agreed with Gertner's decision that the FBI should not receive immunity from the lawsuit.

U.S. Rep. Dan Burton, R-Ind., who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informers, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

Graphic

PHOTO

PHOTO - Jennifer Medrano kisses her grandfather, ***Joseph Salvati***, outside the federal courthouse Thursday in Boston after a judge awarded him \$29 million for his wrongful conviction in 1968. Stephan Savoia | The Associated Press

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[U.S. must pay \\$101 million for wrongful convictions](#)

St. Louis Post-Dispatch (Missouri)

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U.S. ordered to pay \$100M; Wrong men spent years behind bars



[U.S. ordered to pay \\$100M; Wrong men spent years behind bars](#)

Chicago Sun Times

July 27, 2007 Friday

Final Edition

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Section: NEWS; Pg. 32**Length:** 152 words**Byline:** Denise Lavoie, Associated Press**Dateline:** BOSTON

Body

BOSTON -- The FBI helped frame four men for a 1965 murder and withheld information that could have cleared them, a federal judge ruled Thursday in ordering the government to pay \$101.7 million for the decades they spent in prison.

"The FBI's misconduct was clearly the sole cause of this conviction," U.S. District Judge Nancy Gertner said in issuing her ruling in the civil lawsuit.

She called the government's argument that the FBI had no duty to get involved in the state case "absurd."

Peter Limone, 71, and ***Joseph Salvati***, 75, who were exonerated in 2001, and the families of the two other men who died in prison had sued the federal government for malicious prosecution.

They argued that Boston FBI agents knew mob hit man Joseph "The Animal" Barboza lied when he named the men as killers in the 1965 death of Edward Deegan.

They said Barboza was protecting a fellow FBI informant who was involved in the hit.

Graphic

Photo: Stephan Savoia, Sun-Times; ***Joseph Salvati*** (left) will get \$29 million and Peter Limone will get \$26 million for being framed. ;

Load-Date: July 27, 2007

U.S. ordered to pay \$100M; Wrong men spent years behind bars

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U.S. REPRESENTATIVE THOMAS DAVIS (R-VA) HOLDS HEARING ON CONTINUING INVESTIGATIONS
OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE



**U.S. REPRESENTATIVE THOMAS DAVIS (R-VA) HOLDS HEARING ON
CONTINUING INVESTIGATIONS OF THE USE OF INFORMANTS BY THE
DEPARTMENT OF JUSTICE**

FDCH Political Transcripts

June 19, 2003 Thursday

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Section: COMMITTEE HEARING

Length: 40645 words

Byline: HOUSE GOVERNMENTAL AFFAIRS COMMITTEE

U.S. REPRESENTATIVE THOMAS DAVIS (R-VA), CHAIRMAN

Body

HOUSE COMMITTEE ON GOVERNMENT REFORM HOLDS A HEARING ON
CONTINUING INVESTIGATIONS OF THE USE OF INFORMANTS BY THE DOJ

JUNE 19, 2003

SPEAKERS:

U.S. REPRESENTATIVE THOMAS M. DAVIS III (R-VA)

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OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE

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U.S. REPRESENTATIVE THOMAS DAVIS (R-VA) HOLDS HEARING ON CONTINUING INVESTIGATIONS
OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE

WITNESS:

U.S. REPRESENTATIVE WILLIAM DELAHUNT (D-MA)

U.S. REPRESENTATIVE MARTIN MEEHAN (D-MA)

WILLIAM BULGER

FORMER MASSACHUSETTS STATE SENATE PRESIDENT AND

BROTHER OF FUGITIVE JAMES "WHITEY" BULGER

T. DAVIS: The committee will come to order and I will begin.

We're here today to receive testimony from William Bulger. During the 107th Congress, the committee conducted an investigation of the FBI's misuse of informants in New England from 1964 until the present. The committee held a number of hearings and conducted hundreds of interviews under the leadership of then-Chairman Dan Burton.

Mr. Bulger's testimony is the next step of the committee's investigation into the use of informants by the Department of Justice. James "Whitey" Bulger was an informant for the FBI in Boston. Whitey Bulger was repeatedly able to avoid arrest due to information illegally leaked by his FBI handler, John Connolly. When Whitey Bulger was finally indicted in 1995, he received advanced warning from Connolly and fled.

Federal and state authorities continue to look for him. Whitey Bulger is currently wanted on 18 counts of murder, as well as other racketeering offenses, some of which were committed during his tenure as an FBI informant. He is currently listed on the FBI's 10 Most Wanted List.

As a result of John Connolly's improper relationship with James Bulger, Connolly was convicted of racketeering and obstruction of justice and is now serving a 10-year prison sentence.

I don't believe it's a coincidence that current FBI Director Bob Mueller recently asked former Attorney General Griffin Bell to conduct a review of the FBI's Office of Professional Responsibility. The revelations about John Connolly's conduct call into serious question the deterrent value of the FBI's internal review process.

Connolly grew up in the same south Boston neighborhood as the Bulger family. As an adult, John Connolly was a friend of James Bulger's brother, William. William Bulger served as president of the Massachusetts Senate from 1978 to 1996, and is currently the president of the University of Massachusetts.

Pursuant to subpoena, William Bulger appeared before this committee on December 6, 2002. At that time, Mr. Bulger exercised his Fifth Amendment privilege and refused to testify. On April 9, 2003, this committee voted to grant William Bulger immunity to obtain information concerning Whitey's whereabouts and the FBI's misuse of informants.

The purpose of this hearing is to get to the truth about the impact that the misconduct of John Connolly had on the proper functioning of state government in Massachusetts. The record of this committee's investigation plainly establishes that the FBI's improper relationship with its informants corrupted and distorted the efforts of state law enforcement.

Joseph Salvati went to prison for 30 years for the Deegan (ph) murder when the FBI had evidence that Salvati was not the killer.

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This hearing, however, will focus on whether the relationship between John Connolly and Whitey Bulger benefited Whitey Bulger's brother, William Bulger, while he was a high-ranking elected official in Massachusetts.

The issues include whether as a result of that relationship the FBI improperly protected or advanced Mr. Bulger's career during his tenure in the Massachusetts legislature; whether Mr. Bulger used his position of power to retaliate against those who investigated Whitey's crimes; whether Mr. Bulger knew of the relationship and sought, or at least knew that he received favorable treatment as a result of the relationship; and finally, whether Mr. Bulger has knowledge on James' whereabouts and the efforts of the FBI to locate his brother.

Getting to the truth about these issues will reassure the public that these matters have been thoroughly and fairly investigated and contribute to the restoration of public confidence in government.

The disclosure of the improper relationship between John Connolly and James Bulger has cast a new light on events involving William Bulger. The committee will examine whether the investigation and prosecution of former Senate Majority Leader Joseph DiCarlo (ph) on federal corruption charges was intended to benefit Mr. Bulger, who became Senate president following that scandal.

T. DAVIS: The committee will also examine whether Mr. Bulger has any information regarding allegations that John Connolly sought to terminate prematurely an investigation of possible corruption in connection with the 75 State Street matter -- a real estate development project in the 1980s.

The committee will ask whether Mr. William Bulger had any connection in the demotion of a Massachusetts state police officer who in September 1987 filed an incident report regarding an attempt to stop Whitey Bulger at Logan Airport after \$500,000 was discovered in his bag. The officer, Billy Johnson, later committed suicide. Mr. Johnson claimed his superior requested a copy of this incident report regarding James Bulger on behalf of William Bulger.

The committee will also examine whether Mr. Bulger was aware of an amendment to the state budget which would have required state police officers -- 50 or older -- to take a reduction in pay, in rank or retire. The amendment which was later vetoed by the governor would have only affected five officers in Boston. Two of the five officers had participated in the Lancaster Street garage investigation, involving Whitey Bulger and other leaders of the Boston mob.

The misuse of informants in Boston has left an indelible mark on the public's perception of the FBI. The Department of Justice was supposed to enlist the use of informants to apprehend and prosecute high-ranking members of the mob.

Instead, certain FBI special agents in Boston, including John Connolly, chose to break the law by participating in corrupt relationships with their informant. The agents turned a blind eye to the crimes committed by their informant and participated in dismantling state and federal investigations of the New England mob by tipping off their informants to wiretaps, surveillance and pending indictments.

The agents chose personal gain over ethics by forming social relationships with their informant that exceeded the boundaries established by FBI guidelines. The agent handlers accepted personal and monetary gifts from their informants.

This committee will examine all of these issues to gain a full understanding of the serious impact of FBI's misconduct in the case. Only by having a full understanding can we take steps to make sure that it never happens again.

I now recognize our ranking member, Mr. Waxman, for his opening statement.

WAXMAN: Thank you very much, Mr. Chairman.

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I welcome this opportunity to hear from William Bulger and to give him a chance to answer the committee's questions in a public session. This is the 10th day of hearings on law enforcement abuses related to the Boston office of the FBI.

During the committee's hearings, we have learned that the FBI profoundly abused the public trust. It is now beyond dispute that agents in the Boston office of the FBI protected organized crime, or figures who committed murders and other violent crimes, helped send innocent people to jail, warned suspected criminals of impending indictments, accepted bribes and committed other illegal acts.

The person alleged to be at the center of much of this illegal conduct is James "Whitey" Bulger, who is now one of the 10 Most Wanted Fugitives in the United States. Whitey Bulger is accused of committing multiple murders and running a brutal criminal organization in New England.

Almost like the biblical parable of Cain and Abel, his brother William Bulger took a completely different path. He became a major political figure in Massachusetts and the president of his public university.

William Bulger is here today to answer questions about whether he has information on the whereabouts of his brother, Whitey; whether he was involved in or knew about the corrupt relationship between his brother, Whitey, and the former FBI special agent, John Connolly; and whether he used his public office to protect his brother or to protect himself in various law enforcement investigations.

WAXMAN: I welcome the opportunity to explore these questions with Mr. Bulger. But I would add one final point before we proceed.

When the committee considered granting Mr. Bulger immunity in April, I gave my support, reluctantly, because I was concerned that Mr. Bulger not be singled out for political purposes. I still have some of those concerns, given the ongoing political disputes brewing in Massachusetts. But I'm guided by Justice Brandeis's oft-quoted statement, "Sunshine is the best disinfectant."

Questions have been raised about what Mr. Bulger knows. It is in everyone's interest, even Mr. Bulger's, for these questions to be answered in public.

And perhaps most important, the families of the victims of Whitey Bulger need to know that no effort has been spared to find the truth.

I look forward to hearing Mr. Bulger's testimony today.

I yield back my time.

T. DAVIS: Thank you very much.

The gentleman from Indiana, who started these investigations, has played a very active role, Mr. Burton.

BURTON: Thank you, Mr. Chairman. I'm glad we finally are able to get on with this.

Two years ago, Joe Salvati and his wife sat at that table, and he spent 30-some years in prison for a crime he didn't commit. And we found out that all the way up to J. Edgar Hoover it was pretty apparent that he was innocent and they were protecting informants.

And that's because our government let them down. The FBI was protecting a killer named Jimmy Flemmi, and it didn't matter to even the people at the highest levels of the FBI that innocent people were going to prison and possibly going to die in prison.

We've learned a lot since Joe and Marie Salvati were here. When we started, we had a suspicion that terrible things had happened. Now we have some more facts, facts about innocent men who were left to die in prison so that government informants could go free; facts about the Joe "The Animal" Barboza, who lied for the government

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and who was protected while he committed crimes, including murder, after he went into the witness protection program; facts about Paul Rico, his sordid conduct as an FBI agent and his subsequent career as an organized crime facilitator at World Jai Lai, where some have testified he helped murder Roger Wheeler; facts about John Connolly and some of his corrupt FBI cronies in Boston, who didn't seem to care that their informants were out killing people; and finally, facts about Stephen "The Rifleman" Flemmi and James Whitey Bulger, who were allowed to murder with impunity.

The story is so sickening it's easy to lose sight of the forest for the trees.

BURTON: Today, however, we have an opportunity to step back and look at the big picture, and it's my sincere hope that this will be a positive step in the committee's investigation.

I've called what happened in Boston one of the greatest failures or the greatest failure in the history of federal law enforcement. In two years, no one has come up with an example that is half as bad as what happened in Boston. And I think that the government owes the people of New England an apology, but the fault cannot be put exclusively on the federal government.

Perhaps as important, there was a climate in Boston that permitted Joe Barboza, Jimmy and Steve Flemmi, and Whitey Bulger to get away with murder, multiple murders, literally. And to understand this climate we have to talk to people like Whitey Bulger's brother, Billy Bulger, who was president of the Senate.

For over 30 years, Boston was living the fable of the emperor's new clothes. I'm sure we all know that fable. Remember the story about an arrogant leader who spent his money on new clothes, and then one day two rogues came to him and commissioned a new suit, and he was told that the clothes would be invisible to all who were unfit for his office or simple in character. And when the emperor finally was presented with nothing, he could not admit that he could not see the suit, and his followers were too scared to admit they saw nothing so the emperor paraded through the streets wearing no clothes. Finally, a little child said that the emperor has nothing on at all.

In Boston, two of the rogues were Stevie Flemmi and Whitey Bulger. The appearance of being the emperor was William Bulger, and the question is: Did he know what the rogues were doing? Was he protecting in any way what the rogues were doing?

It's hard to conclude after the investigations that we've conducted over the last couple of years that he did not.

People knew that Bulger and Flemmi were criminals. They knew about the bookmaking and the loan-sharking. They knew about drug dealing and gun running. And some even knew about the murders. But for some reason nothing seemed to happen.

People could not bring themselves to speak the truth. Now we know why -- they were scared. They were terrified, and many still are. They were terrified because the local establishment tolerated Whitey Bulger and Stevie Flemmi. It facilitated their conduct. It enabled them, and no one seems to doubt that William Bulger, through the example he set, played a major role in helping his brother stay on the streets.

William Bulger did not describe his brother in front of hundreds of people at his chair of St. Patrick's Day festivities as the reverend, because he thought he was a good man. He did it because he knew that no one would question him. He knew they would laugh with him. Everyone was in on the joke, but it wasn't a joke -- ask Debbie Davis's family, ask Joe and Ann Marie Salvati, ask David Wheeler who told this committee about how his dad was killed.

Making light of, quote, "the reverend," speaks volumes about why we're here today.

BURTON: And now people are coming forward and years of silence are being broken, but we're far from finished. We have a lot of work to do. And I hope that Chairman Davis will devote the time and energy to going forward with this investigation.

We still have not seen the Bulger or Flemmi informant files, and we need the chairman's help to get that done.

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It's taken several months, but we have Mr. Bulger with us and I look forward asking him about many things today -- as well as my colleagues.

And I hope that Mr. Bulger will be concise with his answers and not ramble on, because we have a lot of questions we'd like to get answered and we'd like him to be concise and direct to the answers posed as much as possible.

With that, Mr. Chairman, I yield back the balance of my time.

T. DAVIS: Thank you very much.

Any other members wish to give opening statements?

The gentleman from Massachusetts, Mr. Lynch?

(UNKNOWN): (OFF-MIKE)

T. DAVIS: Let me start this. We'll go through seniority, give an opportunity to Mr. Tierney.

TIERNEY: Thank you, Mr. Chairman.

Mr. Chairman, I want to thank you and the preceding chairman, Mr. Burton, for having these hearings on the FBI misconduct.

For nearly 40 years the FBI agents in Boston have recruited members of organized crime to act as bureau informants. Some of the same agents may have been recruited by organized crime, or in some odd zealotry to pursue information for criminal informants against other criminals, some law enforcement, FBI agents, appear to have ignored or covered up criminal conduct of their informants to preserve cases against other targets.

The result has been a corrupt system where FBI agents protected informants at the expense of innocent citizens. The FBI and possibly other Department of Justice people are now alleged to have been complicit in miscarriages of justice, where some went to jail on tainted evidence, where discretion about whether or not to investigate and prosecute certain cases was improperly exercised.

This oversight committee has particular responsibility to determine the exact nature of these corrupt relationships, to identify all participants -- however wide or deep or how high up the chain it went -- to ensure that victims see justice done and to implement any necessary guidelines that the Department of Justice or laws or rules and regulations that will be necessary to prevent any repeat in Boston or elsewhere.

We're confronted with the new security dynamic where many are pressing for expanded law enforcement powers and less constitutional constraint on trespass against individual rights.

TIERNEY: Many people are concerned, and the facts such as those in this investigation give rise and voice to that concern: Is the FBI reliable enough to properly use any enlarged powers? Is the Department of Justice and ultimately Congress acting to ensure citizens' constitutional rights are protected?

People need to know that the FBI agents will enforce the law and not undermine it.

Already we've had hearings disclosing outrageous injustices and law enforcement's transgressions. We heard expert testimony about possible recourse to prevent future transgression: from the United States Attorney General Reno's task force guidelines for prosecutors and law enforcement personnel, to expert witnesses recommending a broadening of the obstruction of justice law to include suppression of evidence as a punishable act, and extend beyond five years the statute of limitations relative to such offenses.

One witness provoked thought with the recommendation that Congress should federalize far fewer criminal laws.

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This committee is charged with evaluating the effectiveness of current standards of determining which of the above recommendations or others, if any, should be incorporated into new standards and with issuing a full report on the extent and exact nature of the conduct forming the basis of this investigation.

The latter aspect is where today's witness testimony may be relevant. To the extent that this witness has information bearing on the FBI or other law enforcement personnel's misconduct, especially concerning the handling of confidential informants, or information of other misconduct including cover-ups or inappropriate exercise of discretion in pressing cases, the testimony will be of interest and helpful to this investigation.

And so far as the witness now testifies under a grant of immunity, we have every right to expect that he will share any and all relevant information, that he will be direct, forthright and honest. And if he does that, then we can all perform our responsibilities.

I yield back the balance of my time.

T. DAVIS: Thank you very much.

Let me just say every member's statements will be included in the record.

I also ask unanimous consent that Mr. Meehan and Mr. Delahunt, who are not members of the committee, be allowed to participate in today's hearing.

And hearing no objection, so ordered.

Other members wish to make opening statements?

Everything will be included in the record.

Mr. Lynch?

DELAHUNT: Mr. Chairman?

T. DAVIS: Yes, Mr. Delahunt.

DELAHUNT: Yes, if I may.

First, in terms of I have a need to disclose the fact that Mr. Bulger's counsel, Mr. Kiley, has represented myself on a variety of election issues and is currently the treasurer of my own campaign committee. And I presume -- I have not heard from Mr. Kiley on the subject, and I clearly have not had any conversations with Mr. Bulger. But if there is any objections to me participating in this hearing on behalf of Mr. Bulger, I'd like to know that now.

If I may, Mr. Davis, proceed with the statement.

T. DAVIS: You may. I was going to get Mr. Lynch first though...

DELAHUNT: Certainly, I didn't know.

T. DAVIS: ... because he is a member of the committee.

DELAHUNT: I defer to my colleague.

T. DAVIS: But there's no objection, you're participating. We're happy to have you, and you're here at our invitation.

LYNCH: Thank you, Mr. Chairman.

Chairman Davis, Mr. Waxman and my colleagues on this committee and invited members, Mr. Delahunt and Mr. Meehan of the Judiciary Committee, I'd like to begin by offering my thanks to the leadership of this committee --

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both Republican and Democrat, and both past and present -- for the enormous effort that's been put forward to investigate and address what must be described as one of the most shameful and troubling chapters in the history of the U.S. Justice Department and the FBI.

As a result of the good work of Federal District Judge Mark Wolf, which this committee has continued, under the able leadership of Chairman Burton and also Jim Wilson, very able counsel who served this committee very well, and also now Chairman Davis and able counsel Keith Osbrook (ph) and Mike Yeager, we have elicited and catalogued a 40-year history of unspeakable crimes and atrocities which were condoned, conducted or materially assisted by the Boston office of the FBI.

These atrocities include the murders of at least 19 individuals -- 17 men and two women -- some of whom have been retrieved from hastily dug graves, others who have yet to be found.

The trail of law enforcement misconduct also includes the wrongful imprisonment of innocent men who spent 30 or more years in prison for crimes they did not commit. While the government had evidence that would exonerate them, they were allowed to remain in prison because to expose the false testimony of government informants like Joe Barboza and others would have jeopardized the convictions of La Cosa Nostra in New England.

LYNCH: But I think, more importantly, it would have jeopardized the careers of those law enforcement officials who advanced themselves as a result of the prosecution of La Cosa Nostra through the use of these same informants.

The FBI, in league with their government informants, set forth a chain of events that spans 40 years. This crime spree saw the case of Brian Halloran (ph), who had turned to the FBI for protection in fear of his own life. He was turned away by the FBI, and only a short time later he and his friend, Michael Donahue (ph), who was an innocent bystander and who had merely given Mr. Halloran (ph) a ride, were gunned down in cold blood in my own neighborhood of south Boston.

Two other victims, Deborah Davis (ph) and Deborah Hussie (ph), were only 26 years old when they were murdered by the very men that the FBI had chosen to protect.

The record is replete with examples documented to obtain evidence against Whitey Bulger by law enforcement officials and also against Stephen Flemmi and their cohorts. But time and again, wiretap locations and surveillance attempts were thwarted by Agent John Connolly and other agents of the FBI who gave notice to their government informants of these attempts to bring them to justice, and so the killings continued.

The reach of this group was extensive, reaching to Florida and Oklahoma where businessman Roger Wheeler (ph) was shot in the face at point blank range in a parking lot, leaving behind a wife and young children.

The families of these victims have come to these hearings regularly, seeking justice where justice can be done. Others are merely hoping for a chance to give their loved ones a decent burial. For most of these families, especially for those members who were merely children when their family members were taken, justice under any fair description of that term is simply beyond reach.

Lives have been destroyed and, in some cases, stolen. This is especially true for Mr. **Joseph Salvati** and his wife, Marie and their children, as well as the Lamoni (ph) family and the Greco (ph) family and the Tamilio (ph) family.

These families had to look on while their loved ones were sent to jail for a crime the FBI knew that they did not commit. And I would be remiss if I did not note the good work of Vincent Garel (ph), legal counsel for the Salvati family, who for these many years has maintained the highest standards of professionalism and vigilant legal advocacy on behalf of a man who was wrongly convicted.

LYNCH: And in the reams and reams of testimony that we've received over the past two years, there's one conversation that sticks out in my mind and it sort of captures the scope and the depth of the wrongdoing that we investigate here -- the conversation between Mr. Garrow (ph) and Joseph Salvati's (ph) youngest son, who I think was two years old when his dad went to prison.

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Some 30 years later when Joseph Salvatti (p) was a young man, Mr. Garrow has a conversation with Joseph Salvatti's (ph) son and he said, "You know, you were only two years old when your dad went to prison and you've sort of been the man in the family for all these years." And he said, "Now it looks as though your dad is going to get out of jail and when he gets out, he's going to want to be the man of this house."

It was a light moment in a history of darkness. And Joseph's reply was this. He said, "Mr. Garrow (ph), I want you to know that I have never sat down and had breakfast with my father; I have never gone for a walk with my father; I have never gone to a baseball game with my father. And if when my father gets out of prison, he wishes to exercise his right to be the man of this house, then I'll be happy to allow him to do that."

That conversation -- probably for me -- solidified the sense of wrongness that's been done here as well, the special nature of the FBI wrongdoing that has gone on here. The American public -- I think has yet -- well, is probably just beginning to grasp the depth and the breadth of what really went on during the course of FBI misconduct. In fact, it is perhaps hard to grasp because the facts are so unbelievable.

I was disappointed recently to read a court decision that prevented the Wheeler (ph) family from bringing suit against the FBI and law enforcement officials that law enforcement was culpable in the death of their father. They were told by the court that they should have brought their claims previously; that they should have known.

They should have known that the FBI was in league with organized crime? That's unbelievable. That defies the wildest imagination.

And yet these people are being precluded from justice, precluded from any recovery because they did not know that the FBI was in league with organized crime.

LYNCH: And yet we in government have empowered the FBI through our laws and through government regulations to operate in secrecy, and I hope at some point we will revisit the cases of these victims.

Nevertheless, we only compound injustice when we seek to avoid the conflict of these offenses with the highest expectations of American democracy, when we simply wish it all to go away, to be over with, because some of these events happened so long ago and have been concealed for so long.

But it remains essential for the highest ideals of our system of justice and to the fabric of constitutional democracy that the Congress and this committee fulfill its responsibility to the victims in this case and also to the institutions of government that have been so maligned.

We must continue to address this outrage honestly and in a spirit of justice that has been for so long denied. It is an admitted fact that certain agents and supervisors of the FBI recruited and employed criminal informants in order to undermine the New England La Cosa Nostra, and that in the course of cultivating and employing these informants, these FBI agents became corrupted themselves.

This corruption included agents who took cash, bribes totalling thousands of dollars from the same criminals who have been indicted in at least 19 murders. I think it is very important for the members of this committee to be mindful that the Justice Department itself is charged with upholding and enforcing the laws, and that we as lawmakers have passed those laws and supported regulations which give the FBI an enhanced ability to operate in secrecy.

Moreover, we have so empowered the FBI and the Justice Department that local and state law enforcement authorities have been and can be in the future intimidated and obstructed in the pursuit of justice when, as in this case, the FBI asserts jurisdiction.

In the course of this investigation we have seen citizens murdered because they turned to the FBI for protection. If we were examining actions of the KGB in the Soviet Union during the Cold War, or if we were condemning the butchery of secret police in some struggling Third World country, we would instinctively -- when we read about those atrocities -- take comfort in the protections of our constitutional government.

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I think it's generally the case when we read about things like that we say to ourselves, thank God that couldn't happen here. Well, it happened here. It happened here and we've got to wake up to that fact.

The American public has yet to wake up to the fact, but we have witnessed in these committee hearings a collapse of certain constitutional protections. In constitutional terms, this is like a 40-year sinkhole -- a period where the underpinnings of democracy were allowed to decay, in which the individual protections guaranteed by our Constitution were subverted in the interest of pursuing La Cosa Nostra.

Ultimately, this investigation is about the actions taken by the Justice Department and the FBI; it is not about the particular witness before us. By way of my own disclosure, today's witness and I each have the pleasure and honor of living in south Boston, a solid, patriotic, close-knit community where we all know each other.

Mr. Bulger and I each shared the high honor of representing the good people of south Boston in Dorchester in the Massachusetts House of Representatives.

LYNCH: Similarly, we both served in the Senate and actually briefly served together in the Massachusetts legislature. And I have had the unique opportunity to witness Mr. Bulger's distinguished career of public service -- one that, in my opinion, has met the highest professional standard of excellence.

At the same time, growing up in the housing projects of south Boston I also had ample opportunity to see families that were greatly harmed by the influence of organized crime and indirectly by the effects of the misdeeds by the FBI who protected those criminals. And in the end, we have an overriding responsibility and a sacred trust to protect those families and answer to those families as well.

It may very well be that in the end this hearing is only marginally productive. Indeed, some of the areas of inquiry that we'll hear about today occurred some 35 or 40 years ago. However, it is the abiding principle of justice that now compels this committee to exercise due diligence and requires us to ask for every assistance and exploring to the fullest extent the FBI wrongdoing that is the core focus of these hearings.

Thank you, Mr. Chairman, and I yield at this time.

T. DAVIS: Thank you very much.

The gentleman from Connecticut, Mr. Shays.

SHAYS: Thank you, Mr. Chairman.

Not a long statement, but just to say that I am truly stunned that the president of a major university system would feel it necessary to exercise his Fifth Amendment right and say that he's only going to tell the truth if he's able to come before us with immunity.

SHAYS: Also to thank Chairman Burton for his extraordinary work previous to your very fine work, Mr. Chairman, and to thank you for following up.

To thank Mr. Waxman and the Democratic colleagues for our work on this committee on a very bipartisan basis and to welcome our colleagues from Massachusetts who aren't on this committee.

To say to you that I have still not gotten over how Mr. Salvatti (ph) and his beautiful wife and family had to deal with this issue, and the failure of our government to right this wrong.

And then to say, in conclusion, that I'm going to defer questions on Mr. Bulger to others and listen to what he says to them under oath and with immunity. But I believe without any hesitation to say to you that this is a story about corrupt law enforcement on the federal, state and local level, but particularly the FBI; it's a story of political corruption, deep and serious; and it's a story of organized crime, and they all mix together in this incredible cocktail that resulted in the Salvattis (ph) spending 30 years of their lives without each other.

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I am grateful you had this hearing, Mr. Chairman, and thank you for the opportunity to make that statement.

T. DAVIS: Thank you very much.

Again, members will have five legislative days to get their remarks in the record, but members who feel compelled to speak will be allowed to speak.

Mr. Clay?

CLAY: Thank you, Mr. Chairman.

Very short statement.

I welcome the continuation of this hearing from the 107th Congress. I'd also like to applaud the committee for its in-depth work in helping to uncover important facts concerning the FBI's tactics and its previous use of informants in the Boston area.

The use of informants by law enforcement is as old as law enforcement itself. Today's hearing hopefully will play a part in the restoration of public confidence in law enforcement matters. We know a few facts surrounding the investigation of Whitey Bulger, and one of them is that John Connolly, Whitey Bulger and today's witness, William Bulger, lived close to each other as children in south Boston.

And on April 9, 2003, this committee voted to grant today's witness, William Bulger, immunity to obtain information concerning the whereabouts of his brother, Whitey.

Mr. Chairman, this is some of what we know so far. However, after we have had an opportunity to formally question today's witness, I am certain this committee will learn much more and move closer to uncovering the rest of the truth about Whitey Bulger.

Finally, I would encourage this committee to remember that William Bulger is not on trial and should not be treated as such. He is only guilty of being the brother of a man that does not have the same respect for the law as he does.

CLAY: Hopefully, he will share with us what he knows about his brother's former associates, illegal activities and whereabouts.

And I ask unanimous consent to submit my entire statement in its entirety into the record, Mr. Chairman.

T. DAVIS: Thank you very much. Without objection, so ordered.

Do any other members of the committee wish to be recognized? If not, let me get to Mr. Delahunt and then to Mr. Meehan. This is of great concern to the both of you.

DELAHUNT: Thank you, Mr. Chairman, and thank you for the invitation.

As others have indicated, the committee has focused now for many months on the operation of the Boston office of the FBI. And as others have indicated there have been a number of profoundly disturbing revelations as to the misconduct and questionable practices that span decades in that particular office.

It's been established clearly that information in the possession of the FBI could have exonerated innocent men who did serve more than 30 years each for crimes that the FBI knew they did not commit, and yet the bureau never felt the need to come forward with that information.

And as important, information was withheld from state and local law enforcements as well as other federal agencies that put individuals and communities at risk from some of the most violent criminals in this country's history. Some murders might not have occurred if the bureau had fulfilled its responsibilities to be more forthcoming.

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It is important to remember that Joe Barboza was relocated to California and there was testimony that was taken by this committee from state and local authorities that established that they had never received any notification of Mr. Barboza's presence in their community. And while there, Mr. Barboza committed a murder.

And then, while serving time for that particular homicide, federal authorities intervened in his behalf before the parole board. I think we all can agree that that is unacceptable and unconscionable and that's why the work of this committee over the course of 10 public hearings now has been so essential.

And I really want to commend the former chair, Mr. Burton. He has been accused in the past of being a partisan, but it was Dan Burton that took on his own administration, that threatened the attorney general of the United States with contempt unless the documents that this particular committee was seeking were provided to the committee.

DELAHUNT: And I know he can speak for himself, but again, I don't believe we have received the kind of cooperation from the Department of Justice that this committee should have and that the American people deserve.

But my concern isn't limited to the conduct of the FBI just simply in Boston. It goes beyond that.

As Senator Grassley of Iowa has said, a culture of concealment that has eroded the confidence of the American people in the FBI and in the Department of Justice reflects what the FBI is about, and unfortunately at the moment in history when the American people yearned for confidence in their Justice Department given the events of September 11th. But it does go far beyond just the office in Boston.

All we have to do is remember that back in the 1960s, information that would have assisted in the prosecution of those responsible for the church bombings in Alabama was not disclosed.

Questions surrounding the work done in the FBI laboratories; the so-called Jewell matter, where an individual was identified as responsible for the bombing during the course of the Atlanta Olympics, and the case was never moved forward; and to the recent prosecution of Wen Ho Lee, where a federal district court judge apologized to Mr. Lee on behalf of the American people because of the work of the FBI. So this is not just about the Boston office of the FBI.

In the four terms that I've been here, the most astounding testimony I've heard from any witness was presented last December in Boston during the course of a field hearing. And in response to a question from my friend and colleague to my left, Mr. Meehan, Jeremiah O'Sullivan, former U.S. attorney, former head of the Organized Crime Strike Force, who knows the FBI well, made this statement: "If you go against the FBI, they will try to get you. They will wage war on you."

Please reflect on that statement, my colleagues.

This is a culture that requires radical surgery. It can't stand and what is necessary, as others have suggested, is transparency where appropriate and accountability.

DELAHUNT: With that, I yield back. And I thank the chair for the invitation.

T. DAVIS: Mr. Meehan?

MEEHAN: Thank you, Mr. Chairman. And I, too, want to thank the chair and the former chair for their work in this matter. Congressman Delahunt and I, way back as early as 1998, had requested that the House Judiciary Committee conduct hearings, given our jurisdiction over the Justice Department.

And, frankly, it took courage and perseverance to hold these hearings. No one likes to have a hearing on the FBI knowing that the FBI is not going to be too happy about the outcome of it. But I'm going to tell you something: The results of this hearing and the misconduct at the Boston FBI office is just absolutely incredible.

And I know, as a former prosecutor, from personal experience that informants make a significant and indeed an essential contribution to federal, state and local law enforcement efforts. Informants have been extremely useful in

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organized crime cases, in that it's a way to infiltrate, it's a way that you get rats within the organization to provide information.

That having been said, the events in Boston certainly demand that this Congress needs greater scrutiny. Attorney general of the United States testified before the Judiciary Committee 10 days or so ago looking for broader powers under the PATRIOT II Act, more secrecy under the guise of, "We have to protect the United States from terrorism."

We had better not give any more authority to the FBI or any law enforcement agency until we clear up the culture that is so evident in the case that's before us. Whitey Bulger was a government informant and is alleged to have committed eight murders while a government informant, while he was an informant for the government, and there's evidence to suggest that the FBI either knew about it or looked the other way.

And if anybody needs more evidence of why we need to make sure we keep a focus on the FBI, just look at this morning's Boston Herald, where, apparently, there are two individuals, employees of a hotel in the Caribbean, who say that they've seen Whitey Bulger. No one in St. Vincent has been interviewed by the FBI. None of the witnesses have been interviewed by the FBI. I have no idea why they haven't, but it makes me wonder how aggressive this pursuit is in the case.

Now, I don't know if the witness before us has any information, can shed any light on this. But I just want to thank the chairman and the former chairman, because the work that we are doing in terms of oversight of the FBI is important.

Remember, J. Edgar Hoover was bugging Martin Luther King, not because he thought he may have committed a crime, but he wanted to embarrass him. There's all kind of evidence to demonstrate that this Congress has a responsibility to make sure that this never happens again.

Thank you, Mr. Chairman.

T. DAVIS: I thank the gentleman.

If there are no other further statements, I would remind members they'll have until the end of the day to submit any statements for the record.

Mr. Bulger, it's the policy of the committee all witnesses be sworn before they testify. Would you please rise with me and raise your right hand?

T. DAVIS: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

BULGER: I do.

T. DAVIS: Thank you.

Note for the record that Mr. Bulger is appearing before the committee pursuant to a subpoena issued by this committee and duly served by agreement by a facsimile on Mr. Bulger's lawyer on Tuesday. A copy of that subpoena will be placed in the record.

Mr. Kiley (ph), would you please introduce yourself?

T. DAVIS: Thank you. Thank you for being with us.

In order to allow time for more questions and discussion, Mr. Bulger, we're going to give you an opportunity to make your opening statement. We won't hold you to any time limit.

This is, I think, an important statement for you and for the committee, and again, thank you for being here.

BULGER: Thank you, Mr. Chairman.

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And I appreciate the courtesies that you, the members of this committee and the committee staff have extended to me.

I know this committee seeks to ensure that our law enforcement and criminal justice functions in an effective and appropriate manner, and I certainly applaud this effort.

One of the most basic duties government faces is to provide for the public safety. Government's efforts must be unwavering. Public confidence, when it is shaken, must be restored. People must feel secure about their lives, and people must be able to trust their government.

I understand that you have a specific interest in the activities of federal law enforcement officials in Massachusetts, and I will be happy to assist in any way.

I know that you have questions about my brother, James Bulger, and I will answer those questions.

With the chairman's indulgence, I would like to offer a few words about my brother.

Many words have been written about him, but few have been spoken by me. There are reasons why I have maintained a reticence on what, for me, is a difficult and painful subject. I recognize that my reluctance to comment has been vexing for some, and I also believe that it is responsible for some significant misunderstandings and misperceptions.

So please allow me to speak plainly. I do not know where my brother is. I do not know where he has been over the past eight years. I have not aided James Bulger in any way while he has been a fugitive.

Do I possess information that could lead to my brother's arrest? The honest answer is no.

I had one very brief telephone conversation with my brother. It occurred in 1995 and has long since been disclosed to law enforcement officials. Truth to tell, over the years I was unable to penetrate the secretive life of my older brother. He marched to his own drummer and traveled a path very different from mine.

Jim had his own ways I could not possibly influence. The realities of the situation were such that his activities were, in fact, shrouded in secrecy.

BULGER: They were never shared with me. It would be unfair to impute to me knowledge of my brother's associations, knowledge that I did not have, do not have.

Much has been made of that brief telephone call that I have mentioned -- a call that has become a topic of discussion because my grand jury testimony was released to a Boston newspaper in violation of federal law. Many people, including elected public officials have offered opinions about what was said or what was not said. But few, if any, have spoken about the illegal leaking that underlies the discussion.

Very few have questioned the system that allows a transcript of my grand jury testimony to be released to the Boston Globe but not to me. This call occurred in 1995 -- six years before my grand jury appearance. The subject of my brother turning himself in never came up in that conversation. I never recommended that my brother remain at large. In 1995 and in subsequent years, I believed that the FBI wanted James Bulger killed.

It has been established that an FBI agent, John Morris, in 1988 met with Boston Globe's spotlight (ph) team editor, Gerard O'Neill (ph), and told him that my brother was an informant -- information that was summarily published in the Boston Globe. Morris' leak had one purpose, pure and simple -- bringing about the death of James Bulger. And this is not just my hunch. This is the finding of U.S. District Court Judge Mark Bull (ph) after extensive hearings.

I know my brother stands accused of many things -- serious crimes, brutal crimes. I do still live in the hope that the worst of the charges against him will prove groundless; it is my hope. I am particularly sorry to think that he may

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have been guilty of some of the horrible things of which he is accused. He has heard me often enough speak of society's right to protect itself and to impose severe penalties on anyone guilty of such deeds.

I'm mindful of the victims in this matter and I do not have the words that are adequate to let them know of my own sympathy and anguish. But I am ever mindful of the good shepherd story and its lesson that no one is to be abandoned. I cared deeply for my brother but no one should construe my expression of concern as in any way condoning any illegal acts nor should anyone ever think that I take lightly this entire matter.

One political foe has made the claim that I have somehow made a choice of my brother over my civic duties and my public responsibilities. There is no basis in fact for such an assertion.

I had, in fact, been concerned about the direction of my brother's life for many years. In truth, my effort with Jim spanned the decades. My attempts to change my brother's life were unsuccessful; I wish that I could have achieved success. But I must tell you that reforming Jim Bulger was not my sole 24-hour a day focus during the 30-year period spanning his release from prison during the mid-1960s through his departure in 1995.

During that entire period, I served in the Massachusetts legislature.

BULGER: I was honored to serve in the Massachusetts House of Representatives for 10 years and subsequently in the Senate for 25 years, elected by my Senate colleagues for nine terms as president of the Senate. Legislative duties, as the members of this committee can fully appreciate, exact heavy demands. I met those demands.

I made contributions during 35 years of legislative service, authoring the first bill to require the reporting of child abuse, championing the cause of public education, public libraries and advocating for the health and safety of my urban constituents. I kept faith with my constituents and with my colleagues.

My wife and I were blessed with nine children and early on I recognized that this was a place where my energies must be focused. It was a responsibility I embraced. Our efforts have had a happy result. Those nine children have successfully completed and have been granted a graduate -- and graduated from college and six of them also completed graduate studies in the law and business and education, and our children of the parents of 24 grandchildren, some of whom are in my house on a daily basis.

So while I never abandoned hope or abandoned my efforts with respect to my brother, the truth is that other important things were happening in my life. I never wrote my brother off or walled him off, but public service and my own immediate family placed very large claims on me. It is natural to focus our efforts on those matters that we can affect.

And while I worried about my brother, I now recognize that I didn't fully grasp the dimensions of his life. Few people probably did. By definition, his was a secretive life. His actions were covert, hidden even from -- or perhaps hidden especially from those who loved and cared about him.

The subject that interests so many, the life and the activities of my brother James is painful and difficult for me. But it is a subject I've lived with for a long time. For years my political opponents, my detractors in the press and my adversaries in public debate have tried to use my brother in a cynical and calculated way in order to gain advantage.

I first sought political office in the year 1960. Be assured that the subject of my brother was contentious from the start. On the occasion of my first speech, a political foe told me that I should "be in jail" with my brother and it has been a refrain for 40 years.

Among the constituents of my legislative district and in the Massachusetts Senate, there was always an awareness of my brother. It was never a secret. But people understood that we were different people who lived different lives and should be judged separately.

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BULGER: When I was elected president of the educational institution I am privileged to lead, the University of Massachusetts, the members of the board of trustees knew of this circumstance in my life yet they judged me on my own merits and they have my lasting gratitude.

Now I am in a much larger arena where the audience is so vast that I cannot rely on its members having personal impressions of me as the basis for their judgments.

I know that in some quarters I will no longer be seen or judged as an individual. I doubt that, that happier time will ever return for me. But there is a reason to believe that a fairer perspective will surface again for those other family members who have shown great strength in the face of the onslaught by the media and by overzealous government authority.

Thank you.

T. DAVIS: Thank you, Mr. Bulger.

With the concurrence of the ranking minority member in pursuant to Committee Rule 14, I'll recognize the ranking minority and myself to control 30 minutes each. After this time, the committee will proceed under the five-minute rule.

I recognize myself for 30 minutes.

Mr. Bulger, your brother is accused of more than 20 murders. He led a life of crime for 30 years without being caught. One murder may have occurred at the house next door to yours. FBI agents apparently sat down for dinner there with mobsters, including one dinner at which you allegedly appeared.

When Stevie "The Rifleman" Flemmi was arrested and the shed next door was searched, a large stash of weapons was discovered. You became Senate president following the federal prosecution of other Senate leaders. Former FBI agent John Morris, who was one of Whitey's handlers, admitted that he took money from Whitey during the '75 State Street investigation.

A former assistant U.S. attorney has testified that John Connolly, now serving 10 years in jail for protecting Whitey, tried to terminate that investigation prematurely.

My question is did there come a time when you came to believe that the FBI had protected your brother and that John Connolly may have used his authority to protect you or advanced your political career?

BULGER: My counsel informs me that I'm supposed to make a statement at this time, Mr. Chairman.

I understand from your staff that your procedures require me to reassert my privilege under the Fifth Amendment in order to effectuate the order of Chief Judge Hogan (ph), and I do so at this time.

T. DAVIS: Well, because you've refused to answer I'm hereby -- under your statement we have to communicate to you an order issued by the district -- court for the District of Columbia.

The order provides in substance -- you may not refuse to provide evidence to this committee on the basis of your privilege against self-incrimination. It provides that evidence obtained for you under the order may not be used against you in any criminal proceeding.

A copy of the order is at the witness table, and without objection, will be placed in the record. Pursuant to the order, now you're directed to answer the questions put to you. This has been previously scripted.

Mr. Bulger, the immunity procedure is complete.

I'll repeat my question.

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Did there come a time when you came to believe that the FBI had protected your brother and that John Connolly may have used his authority to protect you or advance your political career?

BULGER: They're a couple of questions, Mr. Chairman.

BULGER: On the question of whether I came to the conclusion that there was, in fact, a relationship between the FBI and my brother, that is so. And I already alluded to the time that that first came to my attention. It was when Mr. Morris told the newspaper and the newspaper printed it. And that was later construed by Judge Wolf (ph) as an attempt by Mr. Morris to have my brother killed.

And on the matter of the second question, of John Connolly seeking to help me, I don't know of it, especially the instance that you've referenced, but John was a friend of mine and I assure you I never asked him to interfere in any such procedures -- never.

T. DAVIS: Were you aware at the time that he may have done that...

BULGER: No, I was not.

T. DAVIS: ... even though you didn't ask him?

BULGER: No.

T. DAVIS: You became president of the Massachusetts State Senate following the prosecution of former Senate Majority Leader Joseph DiCarlo (ph) on federal corruption charges.

BULGER: Right.

T. DAVIS: Did you have any knowledge of the DiCarlo (ph) investigation before it became public?

BULGER: No, we knew that there was an -- I knew there was an investigation going on because it was in the press and it was in the general rumor mill.

T. DAVIS: Did you ever discuss the DiCarlo (ph) investigation with John Connolly?

BULGER: I don't believe I ever did. I have no recollection of ever speaking to John Connolly about that matter.

T. DAVIS: But he was your friend at the time that was going on.

BULGER: He was.

T. DAVIS: In 1985 you received \$240,000 from a trust fund established by Tom Finnerty (ph), your law associate. The money came out of the same account into which Tom Finnerty (ph) had deposited \$500,000 that he received from Harold Brown (ph), a Boston real estate developer. Brown (ph) alleged that Finnerty (ph) extorted the \$500,000 as part of the real estate venture for 75 State Street.

As you're aware, we're here today to uncover as much information as possible about FBI misconduct in Boston and the effect it may have had on state politics. You were cleared by both the federal and Massachusetts state government of any wrongdoing concerning 75 State Street. Even if you did not participate in extorting money from Harold Brown (ph), there is still the underlying question of how the FBI agents who were your brother's handlers influenced the 75 State Street matter.

Boston FBI Special Agent John Morris was the supervisor of the Public Corruption Crimes Unit during the time of the 75 State Street investigation. Morris formerly served as the supervisor of the Boston Organized Crime Squad. Morris testified under oath of taking gifts and money from your brother Whitey, including \$5,000 in 1985.

What did you know of that relationship between your brother Whitey and Special Agent Morris?

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BULGER: I knew nothing of that relationship, Mr. Chairman.

T. DAVIS: Did you know Special Agent Morris?

BULGER: I don't think I ever met him, but I've seen someplace that he claims I met him. But I do not recall such a meeting.

May I make one further reference to...

T. DAVIS: Certainly.

BULGER: ... Mr. John Morris.

John Morris was disciplined back in 1988 or 1989 because I had volunteered to speak to the United States attorney about this whole matter of that investigation. I was anxious to tell them my side of the story. My attorney at the time asked the U.S. attorney's people, "Please treat this with great confidentiality because I'm a public figure and it would be harmful to me," and it was the United States attorney's office, a couple of counsel from that office, and also an FBI agent was seated at the table as I told my story.

BULGER: The next morning my phone rang, Mr. Chairman, and it was the Boston Globe and they wanted to know how the interview had gone. My attorney was indignant about that. And so he called for some kind of investigation of this episode at the FBI.

The FBI did exactly that and the conclusion was that John Morris had called the Globe about my interview and that John Morris was then disciplined -- you should know -- for this behavior. I've written about that myself in some little political writings about the idea that I had gone through all of this with these people and the only one who seems to be in trouble as a result of it is an FBI agent. And he was suspended, I think, for several weeks for his behavior. Unless I've met him at some point which could be true too. And that's my experience with John Morris.

T. DAVIS: Did you ever discuss the 75 State Street investigation with Whitey?

BULGER: I don't think so.

T. DAVIS: What about with John Connolly? A former assistant U.S. attorney testified at John Connolly's trial that Connolly sought to prematurely terminate that investigation at 75 State Street. Did you ever discuss...

BULGER: I don't think I ever spoke on that subject to John. I was very confident about my position with respect to that. I didn't feel as though there was anything for me to answer for and I hoped for it to end. It went through three I think federal investigations and two state investigations, all of which it concluded by saying that there was no accuser for me, number one; and that this was not a close call and that was the state attorney general also.

And I have an affidavit, Mr. Chairman, which my attorney has provided for the staff.

T. DAVIS: Without objection, we will enter that into the record.

Let me ask another question -- in September of 1987, your brother Whitey was stopped by Logan Airport personnel for attempting to carry \$500,000 onto an airplane. State police trooper Billy Johnson (ph) detained and questioned Whitey at the airport with regard to that incident.

Billy Johnson (ph) later wrote an incident report. Johnson claimed that soon after the incident David Davis (ph), the executive director of the Massachusetts Port Authority, came to Johnson's (ph) office and requested a copy of his report. Johnson (ph) stated that Dave Davis (ph) told him that you had asked Davis (ph) to obtain a copy of the incident report. Johnson (ph) was demoted after this incident and he later committed suicide.

Mr. Bulger, when did you first learn of the incident between Whitey and Billy Johnson (ph) at Logan Airport?

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BULGER: I think the first I ever saw of it was when it was reported in the newspaper. And I wish to assure you, Mr. Chairman -- although you haven't asked -- that I have never made any call, I never sought to seek sanctions against that state trooper.

BULGER: He was doing his job.

I have another affidavit, which my counsel has provided for your committee, and that affidavit is a recent one from David W. Davis (ph) himself.

And he was a very respected, and is a very respected individual in Massachusetts, and he was the head of the Massachusetts Port Authority, and he maintains exactly what I am saying, that there was no such communication from me.

It has been reported a hundred times that there was, but there's no truth to it -- none.

T. DAVIS: OK. Mr. Davis's (ph) affidavit only says that no one interceded with him for Bulger, and no one else at Mass Port told him that Bulger had contacted them.

Did he ask, did we, we didn't ask all the staff at Mass Port, and does Mr. Davis (ph) know whether Mr. Bulger ever received an incident report from another source within Mass Port?

And we will go and verify that. I think we will go out and ...

BULGER: Excuse me, sir?

T. DAVIS: I just said we will go back and try to verify the affidavit. We've just been presented with that today. But I wanted to say ...

BULGER: OK.

T. DAVIS: Did you have a professional relationship, yes?

(UNKNOWN): That affidavit be placed on the record, please.

T. DAVIS: Without objection. It will be put on the record. Did you have a professional relationship with David Davis (ph)?

BULGER: Well, only that I was the president of the Senate, and he would be in touch from the Port Authority, almost with, the same relationship I'd have with most agencies in the Commonwealth.

T. DAVIS: Did you have a close -- was it a close personal relationship?

BULGER: No, we were not very -- no, we were not close.

T. DAVIS: Not a social relationship?

BULGER: No, not at all.

T. DAVIS: Did you tell David Davis (ph) to acquire Billy Johnson's (ph) incident report?

BULGER: Never.

T. DAVIS: Did you tell anyone else who worked for Mass Port to acquire Billy Johnson's (ph) incident report regarding Whitey?

BULGER: No. No.

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T. DAVIS: And finally, my last point before I'm going to yield to Mr. Burton, and we have a vote going, so we may end up at this point, Mr. Burton, after this line and then turn it over to you when we get back.

The Lancaster Street investigation was conducted by the Massachusetts State Police, and targeted the leaders of the Boston mob, which would have included your brother, Whitey.

After the investigation was closed, an amendment was added to the state budget for fiscal year 1982, which would have required officers age 50 or older to take a reduction in pay and rank or retire.

The amendment only affected five officers, two of which, John O'Donovan (ph) and John Regan (ph), were involved in investigating Whitey. Were you aware of the Lancaster Street investigation before it was revealed to the public?

BULGER: No, I was not.

T. DAVIS: Did you ever discuss the Lancaster Street investigation with John Connolly?

BULGER: I don't think so. I don't know -- in fact, I just recently started to ask where this Lancaster Street site is. I don't for certain where it is.

T. DAVIS: Did you ever discuss the Lancaster Street investigation with your brother Whitey?

BULGER: Never.

T. DAVIS: Did you know John O'Donovan (ph)?

BULGER: Pardon me?

T. DAVIS: Did you know John O'Donovan (ph), one of the officers?

BULGER: Oh, yes.

T. DAVIS: And did you know John Regan (ph)?

BULGER: I don't think I knew John Regan (ph).

T. DAVIS: Now, did you sponsor the amendment in question?

BULGER: No, I tell you, I have no memory of the amendment, none whatsoever. And the ...

T. DAVIS: You don't remember discussing the amendment with anyone?

BULGER: Never. No.

T. DAVIS: Before -- how about after the fact?

BULGER: I don't recall.

T. DAVIS: Because there was press on it, I think, later on.

BULGER: The press came much later, from what I understand. I have two affidavits from state police.

T. DAVIS: Would you like those entered into the record?

BULGER: If I may.

T. DAVIS: Without objection.

KYLIE (ph): The affidavits of Mrs. Agnes (ph) and Ally (ph), two of the other affected officers.

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T. DAVIS: OK. Those will be entered into the record without objection.

BULGER: And then they, by the way, offered a different take on the amendment, with a vote, with a 100,000 amendments ...

T. DAVIS: I wondered, Mr. Kylie (ph), if you could just take a second to tell us what the affidavits say, that are going to be entered into the record?

KYLIE (ph): Both affidavits state that the individuals were among the five affected officers. Both offer the observation that they do not believe that Mr. Bulger was the sponsor, and offer up the observation that they had nothing to do with Lancaster Street, and there were other things going on in law enforcement in Massachusetts that may well have contributed to the filing of this particular amendment.

T. DAVIS: OK.

BULGER: That's a paraphrase, Mr. Chairman.

T. DAVIS: Right, I mean, they wouldn't necessarily have known who had put it in, though. Isn't that fair to say?

BULGER: Yes.

T. DAVIS: Do you remember if you voted for the amendment, Mr. Bulger?

BULGER: I don't.

T. DAVIS: OK, and were you aware of the specific individuals who would be affected by the amendment? You are now, obviously, but...

BULGER: Oh no, it was, I think, one out of hundreds of amendments that the budget (inaudible).

T. DAVIS: All right.

BULGER: And I didn't -- I never knew of it until long afterwards.

T. DAVIS: All right, I think this would be a good time for the committee to break. We have 10 minutes left on a vote on the floor. We'll probably reconvene in about 15 minutes.

(UNKNOWN): Mr. Chairman?

T. DAVIS: Yes?

(UNKNOWN): Before we leave, can I ask one real quick question?

T. DAVIS: The gentleman is recognized.

(UNKNOWN): You said that you don't recall talking to Connolly or anybody about the Lancaster Street investigation? Is that what you said?

BULGER: I don't believe I ever spoke to John Connolly about Lancaster Street, never.

(UNKNOWN): Did you talk to anybody about that investigation?

BULGER: I don't think so.

(UNKNOWN): I know, but the point is you're saying, "I don't think so," and you know, we've had a lot of people testify before the committee who had what I call convenient memory loss. And what I want to know is can you

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categorically say you did not talk to anybody about that investigation? Can you categorically say you did not talk to anybody about that?

BULGER: Mr. Congressman, could I just ask when this Lancaster Street event occurred? I just don't have...

(UNKNOWN): 1982.

BULGER: 1982.

I -- well, my preference is to say categorically I cannot recall ever talking with anyone, but I think it's hazardous over 20 years, something that seems to have appeared in a newspaper from time to time to suggest that absolutely so.

(UNKNOWN): Well, the reason I asked the question, it's pretty significant because only five people were affected. They were people that were causing your brother some heartburn. You were the president of the Senate, and now you're saying you can't remember. That would be pretty significant if you were trying to punish these people who were after your brother. So I just want to ask one more -- you say you can't recall.

BULGER: Mr. Congressman, I have never sought to punish anyone who was in law enforcement and was in pursuit of my brother.

(UNKNOWN): But you can't categorically say that you didn't talk to anybody about that?

BULGER: During these 20 years?

(UNKNOWN): No, during the time the amendment was going to be pending and it was going to be passed.

BULGER: Oh, I don't believe so, no.

(UNKNOWN): You don't believe so. Categorically, can you say you didn't?

BULGER: At that time there were -- again, may I just explain the reason for my caution with my answer. It's this: there was some kind of a struggle between the uniformed police and the -- and this is, I think, is the basis for the amendment -- and the people who are in this category of offices who had officer status. And the uniformed people were -- thought it was against their interests that people would be frozen into their jobs after having become the officers, because then they themselves could no longer aspire to those offices.

BULGER: I don't recall any conversations with any of the state police at that time. But it could very well be that some one or some of them may have talked to me, and I thought that the amendment had a different purpose.

And then, I don't remember. I just don't remember it. was of no great significance to me. And I am confident that people who are in the legislature, you must know that amendments and measurements that are coming before you by the hundreds or dozens, the tendency is to forget what exactly...

(UNKNOWN): I know we have to go, but this affected people that were after your brother, and you don't remember these people being penalized?

BULGER: I never asked anyone to do any such thing as...

(UNKNOWN): I know you said that, but you don't remember...

(UNKNOWN): He said that categorically -- that you never...

BULGER: Oh, never. No.

T. DAVIS: Congressman, we'll recognize you when we come back.

(UNKNOWN): Thank you, Mr. Chairman.

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T. DAVIS: Mr. Bulger, we'll get a break for probably close to a half an hour. Thank you.

BULGER: Thank you.

(RECESS)

T. DAVIS: The committee will come back to order. We have people take their seats. It's our time, but the gentleman from -- we're trying to just get some continuity.

T. DAVIS: Gentleman from Massachusetts, Mr. Meehan, you have a follow-up question?

MEEHAN: I just wanted to ask Mr. Bulger, on this amendment, my understanding was that it wasn't an amendment, but rather it was an outside section of the budget, and it was actually in the Senate Ways and Means proposal, which presumably would mean that it was approved by the leadership in the Senate.

In other words, this wasn't just an amendment that was offered on the floor of the Senate, I don't think.

BULGER: It could very well be the case.

MEEHAN: OK. My point is that if an outside section is proposed and included in the Senate Ways and Means budget, it probably has the -- it's not like it was just some amendment. There are hundreds of amendments that are filed during the budget process. This was actually in the Senate Ways and Means budget proposal that was presented to the Senate. At least that was my understanding.

BULGER: It could very well be the case, Congressman.

MEEHAN: Thanks, Mr. Chairman.

T. DAVIS: Thank you very much. And we can do subsequent research to see if there's any other.

OK, gentleman from Indiana is recognized.

BURTON: Thank you, Mr. Chairman.

The bottom line is you just don't remember.

BULGER: That's right.

BURTON: Just don't remember. Five people that were after your brother, they were penalized financially, when you were the president of the Senate, you had nothing to do with it and you don't remember.

BULGER: Well, the premise is not true that such people were penalized.

BURTON: What did the amendment do?

BULGER: The amendment never -- it only becomes effective when it's signed by the governor.

BURTON: But what did the amendment do?

BULGER: I'm uncertain of that.

BURTON: You say it wasn't...

BULGER: It freezes...

BURTON: You say it wasn't penalizing them, then you must know what it did.

BULGER: But it never became law, Congressman.

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BURTON: No, but you just said it didn't penalize them.

BULGER: Because it never became law. Unless something -- there are proposals. We have about 5,000 proposals a year at legislative level. They only achieve their purpose, whatever it might be...

BURTON: I know...

BULGER: ... when they're passed into law.

BURTON: The thing that's very interesting is you said you didn't remember anything about it, but now you're saying it didn't become law. How do you recall that?

BULGER: I don't think -- it's not inconsistent.

BURTON: Well, tell me why it's not inconsistent.

BULGER: Well, if you can tell me...

BURTON: You said you didn't...

BULGER: No, I'm trying to tell you that it doesn't...

BURTON: You said you didn't remember the amendment.

BULGER: ... if it doesn't become law, it doesn't achieve its purpose, whatever the purpose might be.

BURTON: No, I understand.

(CROSSTALK)

BULGER: If it's to save money -- let us just say we have an amendment or a measure which would...

BURTON: You're thinking.

BULGER: ... which would -- I'm thinking.

BURTON: You're thinking. I'm a legislator, too. You said you didn't recall the amendment. You had thousands of amendments going on and you were the leader of the Senate. But you just said that, Well, it didn't become law. How do you know that if you don't remember?

BULGER: Because subsequent to that it's been written about.

BURTON: Oh, I see. You picked it up from the newspapers. Did you check to see if it became law when you read it in the newspapers?

BULGER: I don't believe so. By the way, I'm also relying...

BURTON: Then how do you know it didn't become law?

BULGER: Can I -- may I just acquaint you with what Mr. Agnes (ph) says of it? And he is one of those people who was affected. If you give me a chance I'd like to just give you his affidavit.

BURTON: I'm only concerned about the amendment, whether or not you recall.

BULGER: Yes, and he's speaking to the amendment. Mr. Agnes (ph) is a -- he's a retired lieutenant colonel in the Massachusetts State Police. He says, I'm one of five former senior officers who would have been adversely effected...

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BURTON: Mr. Bulger, I simply don't have the time for you to read that into the record. I'd like...

T. DAVIS: It's in the record.

(CROSSTALK)

BURTON: You can submit it for the record.

BULGER: But it would be enlightening, I think, if folks who are hearing...

BURTON: I would rather your answers be as concise as possible.

T. DAVIS: Gentleman controls the time.

BURTON: You grew up with John Connolly, didn't you?

BULGER: I did.

BURTON: And you and your brothers were buddies with John Connolly throughout your childhood and into adulthood.

BULGER: I didn't know that. That's news...

BURTON: Well, were you or weren't you?

BULGER: No. I mean, I know when I went into the Army when I was 19 years of age, John Connolly was 12 years of age, Congressman.

BURTON: Oh, I see.

BULGER: So it's highly unlikely in the course of normal relationships.

BURTON: So he was very close to Whitey, though? He was closer to Whitey?

BULGER: I don't think so.

BURTON: Well, how did he and Whitey get to know each other?

BULGER: I think it all came years later.

BURTON: But they came from the same neighborhood?

BULGER: Yes.

BURTON: Did Mr. Connolly assist you in any of your political endeavors?

BULGER: I believe so.

BURTON: In what endeavors did he help you?

BULGER: When I'd be involved in campaigns in the district.

BURTON: Did he help you in your campaign to become president of the Senate?

BULGER: No that was within the body, and he did not.

BURTON: Well, one of your opponents was indicted, wasn't he, and convicted?

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BULGER: No.

BURTON: You didn't have an opponent that was a potential opponent that was going to...

(UNKNOWN): The incumbent.

BULGER: The majority leader was indicted, and that paved the way for upward mobility.

BURTON: Well, that was one of your potential opponents. Was he indicted about that time?

BULGER: I don't think -- he is still, I hope, a friend of mine. And he was indicted, yes.

BURTON: And that paved the way for you to become the president of the Senate?

BULGER: It was still within the power of the president to decide who would be named majority leaders. So there was nothing definite about my ascendancy into that position.

BURTON: Do you know of any threats made by your brother, Whitey, to people that were giving you political difficulty, being difficulty for you?

BULGER: I don't know. But nothing authorized by me, I assure you, congressman.

BURTON: But there are people who said Whitey came up to them and said, hey you know who I am, you SOB, if you don't leave my brother alone, you're regret it. You don't know anything about that?

BULGER: I don't know much about it, no.

BURTON: Do you know who the people were that were threatened?

BULGER: No.

BURTON: You had no connection or...

BULGER: I assure you I would never, never ask for or authorize such a madcap kind of conduct on his part, or on anyone's part.

BURTON: Other than the property we talked about a while ago, did you ever use any of your authority to chastise or threaten people that were after your brother?

BULGER: No, never.

BURTON: Never did?

Did you talk to your brother about rumors that he was an informant?

BULGER: I don't recall such conversation, but I would assume that some place after it appeared in that newspaper, I might have asked the question, what is this all about?

I know his answer would -- again I'm speculating -- be very swiftly: Oh, that's just not true.

BURTON: Did you talk to Connolly about whether or not your brother was a government informant?

BULGER: No, I don't believe so.

BURTON: You know, I can't...

BULGER: Well, I have to say I don't believe so on somebody because these things are...

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BURTON: I know but that's pretty significant. You cannot categorically say you didn't talk to Connolly?

BULGER: No...

BURTON: What's that?

BULGER: No, I cannot categorically say that I did not talk...

BURTON: So you might have talked to Connolly about it.

BULGER: Of course.

BURTON: In retrospect, given your power and prestige, did you ever discourage law enforcement from doing everything it could to go after your brother?

BULGER: Never.

BURTON: Never?

BURTON: Never? You referred to your brother as reverend at a Saint Patrick's Day function. As a side, I'd like to know why you did that.

BULGER: I would like to know myself. I don't believe I ever did. But I can assure you those things are on tapes all over the place, and we could find out.

I never in my experience used that expression to describe my brother ever.

BURTON: You had a long-time aide, Mr. Joyce (ph). And I believe he was working where, at the convention center?

BULGER: Right.

BURTON: Now, he hired people like Theresa Stanley (ph), who was one of the people that fled with your brother when she came back. Did you have anything to do with that?

BULGER: No, I'm reminded by counsel that it may turn out that he, Mr. Joyce (ph), never did hire Theresa Stanley (ph).

BURTON: He did not hire her?

BULGER: That's what I believe has been...

BURTON: Well, then we have an error in the information we have. We'll check that out. But you say she was not hired by him?

BULGER: Right.

BURTON: Was anybody else hired by him that had a connection with you and your brother?

BULGER: I don't know. I'm sure there were people in South Boston. My problem with the question, if I may, is that if I recommended someone, and it was rare that I did, because when Joyce (ph) got the job I said, Please just do the very best job and you won't be imposed upon by me. And...

BURTON: But the question is...

BULGER: ... if I recommended someone, Congressman, it might very well be that he is known or she is known by both of us. But that's not the cause of it.

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BURTON: Did you have anything to do with the efforts to get the Billy Johnson police report. I think you answered that to some degree earlier?

BULGER: I what?

BURTON: Were you involved in the efforts to get the Billy Johnson police report?

BULGER: No.

BURTON: About the money at the airport?

BULGER: Never, it comes from the tabloid talk show stuff in Boston. And it was concocted there. And there is not even an accusation that I can bite on that. And when Mr. David Davis, who is the one named by them as having been asked by me, his affidavit says at no time did we inbulge (ph) or any person perporing to act on his behalf and to cede with me to affect our handling of the incident or how we dealt with information about it.

I never provided copies of reports written by Trooper Johnson to send to President Bulger. No one at Mass Port Authority ever indicated to me they were contacted in those matters by William Bulger.

BURTON: OK.

BULGER: Whenever I have been asked -- this is I think important to know...

BURTON: Well no, I think you've made the point. You don't need to read it all.

BULGER: Well no, but there's a larger point to be made, Congressman. May I respectfully just make it one sentence?

BURTON: All right.

BULGER: Whenever I have been asked about what I have described as the incident which did occur, a William Bulger in deceiving in any way in connection with it or Trooper Johnson, which did not occur, I have attempted to make clear that the former Senate president did not, to my knowledge, involve himself.

Nevertheless, the insinuation that he did persists in some circles. The insinuation is false.

BURTON: You indicated in your opening statement that you were -- you knew your brother was involved in some of the various activates, but you didn't know, you know, a great deal about it. Isn't that correct?

BULGER: That's correct.

BURTON: Did you know that he was involved in murder?

BULGER: Never, no, I do not, I did not.

BURTON: Did you know he was involved in narcotics trafficking?

BULGER: No.

BURTON: You and your brother -- you didn't know anything about that? Did you know anything about the Winter Hill mob?

BULGER: The what?

BURTON: The gang that he was connected to.

BULGER: No, I didn't. I don't think I met anybody from that...

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BURTON: You didn't know Flemeys (ph).

BULGER: I did know Steve Flemeys (ph), yes.

BURTON: Well, he was part of that gang. You didn't know he was part of that gang?

BULGER: No.

BURTON: Or his brother?

BULGER: I don't -- didn't know his brother.

BURTON: Do you know a gentleman named Maratano (ph)?

BULGER: No -- oh, no, I don't, I've read of him.

BURTON: Let me see what Mr. Maratano (ph) said here. Mr. Maratano (ph), who was the hit man for the Mafia, testified at Connely's (ph) federal racketeering trial that Connely (ph) protected James as your urging. Did you ask Connely (ph) to protect James, saying something like, Just keep my brother out of trouble?

BULGER: Whatever was done by Connely (ph) would not have been done at my urging. And I know -- there was no urging on my part along those lines. There was something about the quote itself which seemed to be kind of innocent, but then depending on the circumstances.

BULGER: And if ever said such a thing, it would mean that I am saying, Please stay him clear of getting into trouble, or keeping his nose clean, following the straight and narrow, the kind of thing we might be inclined to say.

BURTON: Did you ever ask any law enforcement officer -- state, local, federal Mr. Connely Bulger, anybody -- to assist your brother in any way?

BULGER: Never.

BURTON: None?

BULGER: I don't believe ever in my life. Never.

BURTON: I don't want you to say I don't believe...

BULGER: Well, I have to say that because you know I've lived -- I've got some mileage on me, so who knows? But I don't believe there is anything anywhere that was done nefariously or any kind of request for anyone not to do his duty -- ever.

BURTON: Did you ever express gratitude for law enforcement efforts to keep your brother out of jail?

BULGER: No.

BURTON: Never did?

BULGER: No, I don't believe so, ever.

I have to say I don't believe so because who knows what you might have said in jest or whatever? And you know that, Mr. Congressman. You know that that's the only way -- I assure you no one has been -- I have expressed gratitude to anyone on any serious note for their having failed to do their job -- ever.

BURTON: Well, you're a very good attorney, and you qualify your statements very well.

BULGER: Thank you.

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T. DAVIS: Gentleman's time has expired. If he would ask for an additional 10 minutes by unanimous consent...

BURTON: I think my colleagues may have some questions so why don't...

T. DAVIS: I think we'd be willing to do that and then break. As I understand it...

(UNKNOWN): Mr. Chairman.

T. DAVIS: Yes.

(UNKNOWN): Our side has 30 minutes to inquire of this witness. Many of us have conflicts. I have another committee going on. And I wondered if we could start off with five minutes on our side.

T. DAVIS: That's fine, gentlemen. You'll have your time.

BURTON: I think these colleagues deserve the same amount of time so that's fine with me.

T. DAVIS: All right, we will flip it to your side.

(UNKNOWN): That's fine. Mr. Waxman for five minutes.

WAXMAN: Mr. Bulger, you've just stated unequivocally that you've never intervened in any way to aid your brother in any of his activities to aid him in avoiding arrest. Is that your testimony?

BULGER: That is my testimony. Yes, sir.

WAXMAN: Then, it comes down really to a question about a conversation you've had with your brother. And I want to ask you about that last contact with your brother. You testified you spoke with him by telephone in January of 1995. Is that the only contact you've had with him?

BULGER: That was the contact.

WAXMAN: For how long a period of time?

He fled?

BULGER: Yes. Since he fled.

WAXMAN: What was the substance of your conversation?

BULGER: It was a conversation of about three or four minutes duration, Congressman. It was he calling me. And it's at like the first four or five weeks after his indictment. And I never thought that there would not have been a resolution of it. Ordinarily, in these cases...

So the tone of it was something like this. He told me don't believe everything that's being said about me. It's not true. I think he was trying to give me some comfort on that level.

And he -- I don't know -- he, I think he asked me to tell everybody he's OK. And then I told him, Well, you know we care very much for you, and we're very hopeful.

BULGER: I think I said, I hope this will have a happy ending.

WAXMAN: Did he ask you...

BULGER: I'm telling you there was not talk of the more terrible crimes.

WAXMAN: Did he ask you to do anything, other than to tell people he was OK?

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BULGER: No.

WAXMAN: And did you ask that he do anything?

BULGER: No.

WAXMAN: Did you provide him with any advice, such as advice to surrender to the authorities?

BULGER: No, the subject, I've said this before in my grand jury, Congressman, that that subject never came up.

WAXMAN: It's been alleged that you and your brother made arrangements for the call to evade surveillance of your telephone by law enforcement authorities.

Where were you when you received the telephone call from James Bulger?

BULGER: I was in a friend and an employee's home, and I was asked the question before, Did you have a desire to avoid electronic surveillance in connection with that call? And I answered, no.

I was asked where I would be, and I received the call up there.

WAXMAN: Who asked you where you would be?

BULGER: I don't have a specific recollection, but the only person it possibly could have been would be his friend Kevin Weeks (ph).

WAXMAN: You've been criticized for not contacting law enforcement officials about your call with your brother. Did you contact the authorities before or after receiving the call?

BULGER: No, I told my lawyer immediately after it. In Massachusetts, we have the benefit of a statute which allows for a sibling to talk to a brother or sister under these circumstances, and I think now that that's somewhat protective.

WAXMAN: There was a law that said...

BULGER: This is special Chapter 274, Section 4, I think, and it's one that is protective of the family relationship. It seeks to encourage the family relationship and be protective of it.

WAXMAN: Many people have written about your actions, and they said you had a basic choice, you had to choose between loyalty to your brother and your civic duty to assist in his arrest, and you chose your brother. How do you respond to that criticism?

BULGER: Well, they're wrong on that. I'm his brother, he called me, or he sought to call me, and I told his friend where I'd be, and I received the call, and it seems to me that that is in no way inconsistent with my devotion to my own responsibilities, my public responsibilities as a, well, at that time president of the Senate.

I believe that I have always taken those as my first obligation.

WAXMAN: When the ...

T. DAVIS: The gentleman's five minutes have expired.

WAXMAN: If I might just ask for one clarification for the record?

T. DAVIS: Certainly.

WAXMAN: One of my colleagues made the statement that you requested immunity before testifying, implying that you were, in essence, fishing for an immunity deal. Was that the circumstance?

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BULGER: No, it was not. The immunity request came on a couple of bases. This is the immunity I sought recently, in December, and then, Mr. Chairman, I mean, Congressman, at that time my grand jury notes, minutes, had been leaked to The Boston Globe.

I felt as though I was going to be involved in a huge memory test about what had been my testimony a couple of years before at the grand jury, and I would like to have seen my grand jury minutes, but they were denied to me.

The judge had no problem, apparently, with the fact that the Globe had my grand jury minutes, but he nevertheless denied them to me. And so it made me concerned about it.

The business of, when you're going into a grand jury, I mean, others have written about this, but innocent people are more likely to plead the privilege in secret proceedings.

BULGER: In a secret proceeding you're all alone, and the prosecutor knows -- and the prosecutors, in this case plural -- know what they're doing. And it's a time, I think, for great caution.

And it's an exercise, in my belief, of a constitutional right that is for the innocent. And so I exercised it, and I thought there should be no punishment for it and no one should question it as it being something bad. That's my understanding of it as an attorney.

And in fact the law, the cases in the Supreme Court of the United States insist that it's a law for innocent men who find themselves in ambiguous circumstances. And it should not be a method of punishment or persecution for anyone who exercises that right.

May I try one more moment on this, since you seem to be patient?

WAXMAN: Well, before you get into some of the details on the privilege, you took the privilege before this committee previously.

BULGER: Right.

WAXMAN: This committee has granted you immunity.

BULGER: Right.

WAXMAN: Which means we can compel you to testify...

BULGER: Right.

WAXMAN: ... because you will not be incriminating yourself, since you've been granted immunity. Does that grant of immunity come at your request to the committee?

BULGER: The grant of immunity?

WAXMAN: Yes.

BULGER: Well, the committee did what I would have expected, it would grant the immunity once I declined to testify. But I guess it's not at my request so much as at the request of the committee, of the Justice Department, is that...

WAXMAN: There was an offer by the committee.

BULGER: I see.

WAXMAN: Well, that clarifies it for the record. Because I think there was an impression that was not a fully thought out one. And I appreciate you elaborating on it.

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(UNKNOWN): And I appreciate the gentleman clarifying that it came from this -- this committee's reaction to his being...

WAXMAN: Mr. Chairman, I'm compelled to go to another committee.

Mr. Tierney is going to manage the time on our side. And I appreciate the courtesy that you and he have extended to me.

T. DAVIS: Thank you. The gentleman from Massachusetts.

TIERNEY: Thank you. This is a difficult format for you Mr. Bulger, probably as much as for the committee members here. We have a limited time. I'm going to do five minutes or so here, and then ask Mr. Lynch followed by Mr. Meehan and Mr. Delahunt to do the same. And then we'll collectively deal with whatever time we have left.

(UNKNOWN): Will the gentleman yield? Weren't other members expecting a break at this point?

TIERNEY: They were, but I think the chairman has...

T. DAVIS: I think at this point, we're going to let Mr. -- if we recognize people in five minute intervals, we can move through a little quicker because we have a vote expected at 1:00.

(UNKNOWN): I see. Well, I understood there was going to be a break, and I asked -- I have my opportunity now so others might have been expecting the break...

TIERNEY: That's what changed things.

(UNKNOWN): What's that?

TIERNEY: That's what changed things.

(UNKNOWN): Well, I would urge you to think through whether members have been relying on the expectation of a break, and I interceded to change. But whatever you two decide.

TIERNEY: We'll take some time and then we'll assess that. Thank you.

Mr. Bulger, at the close of your opening remarks, you made the statement that you think that the fair perspective will surface again for those other family members who have shown great strength in the face of the onslaught by the media and by overzealous government authority.

What were you referring to in the overzealous government authority part of that?

BULGER: Well, there has been a deep inquiry from various people. I'm not sure, for example, I don't mean -- I'm not thinking even of the government in Boston when it released by grand jury minutes to the press and refused to give them to me.

TIERNEY: Do you believe the government did that?

BULGER: Well, the government had control of it. I think it bears responsibility in some way for it.

TIERNEY: So that was it?

BULGER: No, there are other things. As recently as a week ago, we received a visit at my home from two people who identified themselves as FBI people. And they met my daughter. And I asked her to just give me a quick synopsis of it. May I just read it to you?

TIERNEY: I think at the end of our time we'll do that.

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BULGER: OK.

TIERNEY: But if you want to enter the written in the record, we could ask the chairman to do that with unanimous consent.

And I've got some other questions I want to...

BULGER: May I just quote one of the...

TIERNEY: Sure, we will extend some time

BULGER: One of the gentleman said, Look, I'm from Boston. We want to talk to your mother. She doesn't have to say a word.

BULGER: We just want her to listen to us. We want to explain things to her. Do you see what's going on in North Carolina with Rudolph? They're tearing that town apart. That's what will happen here.

But if we can get someone in the family, just one person, to drop, say something that will help us arrest the fugitive. It will be over just like that. We will even help to rebuild your father's reputation.

TIERNEY: Do you have the names of those two individuals?

BULGER: Yes.

TIERNEY: And would you share those names with the committee?

BULGER: Well, should I state them right now?

TIERNEY: Fine.

BULGER: One's name is James Stover (ph) and the other is J. Michaels Doyle (ph).

TIERNEY: And we ask that document be submitted on the record...

T. DAVIS: Without object, so ordered. And we'll resume the time.

TIERNEY: Mr. Bulger, you know that this committee is investigating the conduct of the FBI, and I want to go into one particular agent at the moment and that would be Mr. Connolly on that. Did you encourage Mr. Connolly to attend Boston College?

BULGER: I may have. I honestly don't recall. I was a little older, of course, and Connolly would be around, and I could very well have.

TIERNEY: Did you write a letter of recommendation for him to attend graduate school?

BULGER: I don't believe so. But the Kennedy School of Government, I'm reminded, I think I did send a letter over to the Kennedy School.

TIERNEY: And did you know whether or not he had a relationship with your brother, James?

BULGER: At some point, I became aware of it.

TIERNEY: And when was that?

BULGER: It was -- well, I'm uncertain there too -- but sometime in the '80s.

TIERNEY: Now, Mr. Connolly worked on some of your campaigns, you testified earlier.

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BULGER: I believe he probably did.

TIERNEY: And do you recall meeting with him or being in his company at your own office once you got elected?

BULGER: Yes, sir.

TIERNEY: And is it a fact that he used to bring in new FBI agents and bring them over to your office...

BULGER: He'd bring people through.

TIERNEY: In that view, did he ever introduce you to John Morris (ph)?

BULGER: I don't recall any meeting with John Morris, but I'm told that he's among those who came through.

TIERNEY: And after Mr. Connely left the FBI, did you in any way assist in his procurement of employment of the private sector?

BULGER: No, I did not, congressman. I could also tell you that I have an affidavit from the hiring authority.

TIERNEY: We would ask that be submitted on the record also.

T. DAVIS: Without objection.

Did you write any recommendations for him?

BULGER: Pardon me?

TIERNEY: Did you write any recommendations for him to go to the Edison Company?

BULGER: Yes. No, no I did not.

TIERNEY: You didn't allow your name to be used as a reference?

BULGER: No, I didn't. I don't -- I think it's against the law by the way in Massachusetts for us to intervene on the matter of employment at a utility.

TIERNEY: After Mr. Connolly left the FBI, it's a fact, isn't it, that he used to attend some of your political events?

BULGER: More than likely, yes.

TIERNEY: And at those events, isn't it also a fact that you used to ask him as a courtesy to you to take certain individuals around the room and introduce them to various people that were there?

BULGER: No, I don't remember that.

TIERNEY: Now Special Agent James Ring of the FBI, whom I believe you know -- James Ring?

BULGER: I think I know who he is.

TIERNEY: OK. He testified that in 1983 you walked into the home of Steven Flemmy's (ph) mother while James Bulger, John Connely, Mr. Ring and Steven Flemmy were there. Do you recall that event?

BULGER: I do not.

TIERNEY: Do you recall ever seeing Mr. Connely and your brother James in the same company?

BULGER: I don't believe I ever saw them together, ever.

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TIERNEY: Did you ever remember Mr. Connelly telling you that he had had conversations with your brother James, or was in his company from time to time?

BULGER: I don't think he told me. I don't think he ever told me.

TIERNEY: And on September 20, 1988, The Boston Globe article suggested that your brother James had a relationship with law enforcement. Was that the first awareness you had of that circumstance?

BULGER: Nineteen eighty-eight?

TIERNEY: Right.

BULGER: That was the first time I had heard that term. And, by the way, the word informant had a different meaning then than it has now for me. I didn't know whether it meant that someone had on one occasion informed, or whether there is now I see it as some kind of a special status, or whatever, but it was not the way I saw the word, the meaning of the word at that time.

TIERNEY: How did you see the meaning at that time?

BULGER: Well, I didn't know what to make of it. I didn't know whether, but I was very certain that at that time, and again, it was my feeling that the purpose of characterizing my brother as an informant was to put him in grave danger.

TIERNEY: Mr. Bulger, what is it that you thought your brother did for a living in those years?

BULGER: Oh, well, I knew that he was, for the most part I had the feeling that he was in the business of gaming and whatever, it was vague to me.

For a long while he did have some jobs, but ultimately, it was clear that he wasn't doing what I'd like him to do.

TIERNEY: In your book, "While the Music Lasts," in chapter nine, Mr. Bulger, you write, "In the well-publicized case against my brother, all of the evidence has been purchased, inducements more precious than money -- release from prison, the waiver of criminal charges -- have been offered time and time again. Some of those who insisted they had nothing to offer at the beginning of their incarceration have had second thoughts and suddenly remembered things they could barter for advantages. Without such purchased testimony, there would be no accusations."

Do you still believe that to be the case?

BULGER: No, I have a different understanding of it now, I wrote that, I think, in 1995. It was published in '96, and so much has gone on since then I have a different understanding.

But I think at that time, it was a fair description of what it appeared to me to be.

TIERNEY: Let me go back just to 1985. We've all heard allegations that you accepted \$240,000 from a trust fund.

BULGER: Right.

TIERNEY: And apparently your bar associate, Mr. Finnerty, is it?

BULGER: Right.

TIERNEY: Had deposited some \$500,000 into that trust fund, and that's the fund from which you withdrew \$240,000? What was the nature of that withdrawal? Was it, what was the payment for?

BULGER: First, why did I say I don't want the money from that source?

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TIERNEY: No, starting at the beginning, why did you take the \$240,000? What was the...

BULGER: Oh, oh, I'm sorry. Because Finnerty and I were law associates, and Finnerty's office, while I had left my partnership with him, was the base for my practicing law, and there was a fee that was, that exceeded \$250,000 that was due me, and it was coming, and it was late.

And Finnerty was being accommodating by providing some money in advance.

TIERNEY: When did you disassociate from that law firm, in terms of practicing regularly?

BULGER: Well, no, I think after, well, I became president in 1978, and I realized that I was a burden, myself, because of the conflicts and the rest. So that someplace in the middle, I don't know whether it's, it's in the '80s, and I'm uncertain about when ...

TIERNEY: What was the nature of the case for which the fee was owed?

BULGER: That I was working on? It was called the Quirk (ph) case, and it was about property and the Quirk (ph) brothers, Bruce and Robert, were people who had a dispute with National Semiconductor about property. and I went to court for them on many occasions, and ultimately it boiled down to a settlement. And the Quirks (ph) publicly praised the work I had done for them: They were pleased by the settlement.

And the other side, I don't which one of them, could have been Halondor (ph), I think, the other side was, they had said for the record that I had handled the case and had been, to use the term, the heavy on the case.

TIERNEY: What was the total of the recovery in that case?

BULGER: I don't recall, but it could have been something like \$350,000, or something like that.

TIERNEY: That's what your client recovered?

BULGER: That was our fee. \$350,000 was my fee.

TIERNEY: And you were owed \$240,000 of that?

BULGER: Pardon me?

TIERNEY: And you were owed \$240,000 of that total fee?

BULGER: I was owed?

TIERNEY: Well, you withdrew \$240,000...

(CROSSTALK)

BULGER: Oh no, the \$240,000 was -- I'd call that some kind of a loan or an advance. And I gave it back to Tom.

TIERNEY: Do you remember when you took the \$240,000?

BULGER: No, he put it into my account. And it was -- I don't know what year any longer. By the way, Congressman, it turns out that because of the case, Finnerty had brought an action against Harold Brown. I never worried about too much the fact that Finnerty -- because it was his money to give as he -- you know, and I just -- so there was nothing sinister about it, I assure you.

TIERNEY: We're giving you an opportunity to delay that outbound, right?

BULGER: Yes, but can I just -- my friend Harold Brown...

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TIERNEY: We're going to get to that, but we'll allow that on the record, that. But what I'd like to know is when you added that \$240,000 deposit in your account, did you spend any of that money?

BULGER: I think I took some and invested it, some of it, yes, a little bit.

TIERNEY: And at some point in time, did you become aware that Mr. Brown had alleged that Mr. Finnerty had extorted \$500,000 from him?

BULGER: No, no, not during that period. Finnerty brought suit, and that was part of some of his defense. But Brown exonerates Finnerty now.

TIERNEY: And at some time you put the \$240,000 or gave it back?

BULGER: I have it back because I knew that Brown was the source of it.

TIERNEY: And why did that bother you so much?

BULGER: Because Brown was -- I didn't know Harold Brown, but he was in some kind of trouble. And I'm elected, and it gave opportunity to any one who would like to, to misconstrue it, to claim that there was some nefarious relationship between him and me.

TIERNEY: Did you ever talk to John Connolly about that situation?

BULGER: I don't believe I ever did.

TIERNEY: Did you ever talk to John Morris about that situation?

BULGER: I don't even remember John Morris.

TIERNEY: Did you ever discuss it with your brother James, or any of his associates?

BULGER: I don't think so.

TIERNEY: Did you ever discuss it with any one associated with law enforcement before the investigation started?

BULGER: I don't think so.

TIERNEY: Mr. O'Sullivan, Jeremiah O' Sullivan indicated that he reviewed the case and thought it was a question of power-brokering. Do you know what he would have been referring to on that?

BULGER: Yes, I do. You know, I -- O'Sullivan also said that -- he said there was no one who accused me of anything. And he said it was not a close call. He gave me a very good result, the same result I received from the attorney general in Massachusetts.

But when he said that, that was at a press conference, Congressman, and it was in response to a Globe reporter. And the Globe reporter was one of those who had this kind of a vested interest in this case. They had brought it, they had discovered it, and they had worked it to death for several months.

And I believe that Jeremiah O'Sullivan, who I didn't know, but Jeremiah O'Sullivan, I think he strayed from his mandate. That's what it is.

When asked the question, you know, what about, he really should have stayed with what he found. But he was giving an opinion that may be a power brokering situation. I don't think it was myself. But nevertheless, it gave the Globe people who have always insisted despite -- he says, You know, Bulger had any involvement, he had none. The simple fact is that this did not stop the media snowball. That's what Harriman complains about.

TIERNEY: My time has expired, Mr. Bulger. Thank you very much for thoughts.

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Mr. Lynch?

DAVIS: We'll make sure everybody gets questions. We'll yield as much time as you use, and then we'll go back and forth after the time is up. We're set for five minutes, but if you need more, we'll take it.

LYNCH: Thank you, Mr. Chairman.

Sir, let's pick up right there with Jeremiah O'Sullivan.

In his testimony before this committee not long ago, he described the relationship or the dynamic in dealing with the FBI, who through various agents, have been charged with a lot of wrongdoing in this matter.

At one point, he said words to the effect that you don't mess with the FBI. You just cooperate. They can make life miserable for you.

BULGER: Right.

LYNCH: And what I'd like to do is I'd like to look at the action of the FBI with respect to your office, the Senate presidency. And it probably goes back to before you were Senate president, when you were in the Senate.

But there are a number of individuals here I'd like to ask you about, and about your relationships with them. They are all special agents of the FBI and/or supervisors.

BULGER: Sure.

LYNCH: I'd like to ask you about Dennis Condon. He is a special agent of the FBI, and he had some role early on with handling your brother James in his relationship with the FBI.

What was his relationship with you, sir?

BULGER: Dennis Condon became very friendly with me. I don't think I knew him before he retired from the FBI. I don't think I did.

LYNCH: When do you think you may have first become an acquaintance of Dennis Condon?

BULGER: I think it was when he became head of the public safety. He was appointed by Governor Dukakis, and I came to know him there -- again, because both of our duties were interrelated.

LYNCH: I see. Let me ask you then. Dennis Condon, working for the FBI, comes out of the FBI after handling matters with your brother as an informant and then becomes, I think, secretary of public safety for the Commonwealth?

BULGER: I think that's what it is.

LYNCH: Yes.

BULGER: I'm not certain of that.

LYNCH: Did he ever approach you...

(UNKNOWN): For the record, Mr. Lynch, he was commissioner of the state police.

BOLGER: Commissioner. All right, I stand corrected. He was the commissioner...

(UNKNOWN): Of public safety?

(UNKNOWN): State police.

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BOLGER: So he came out...

LYNCH: Do you recall at all then that -- did Dennis Condon ever come to you, at that point, where he was coming out of the FBI after handling your brother's case -- your brother's relationship -- and then trying to get this position with the state police, apparently -- commissioner -- did he ever come to you and use the fact of his relationship there...

BOLGER: Never.

LYNCH: ... to try to get you to refer him for that position?

BOLGER: I never was aware that he had anything to do with -- that he had any relationship at all with my brother.

LYNCH: OK. And he never approached you for help in getting appointed as commissioner?

BOLGER: I don't recall it, but he could very well have. I mean, we had many people who were friends in common. He came from Charlestown, I think.

LYNCH: And you were Senate president at this time. Would that be correct?

BOLGER: Mr. Dukakis -- well, at the beginning of the Dukakis -- there were 12 years of my (inaudible) with the Dukakis, and I think that he -- in the first one, first term in the '70s, I was not the president of the Senate, but I think that Dennis came along later while I was president.

I don't know the answer to when...

LYNCH: But you feel certain it was during the Dukakis administration?

BOLGER: I'm pretty sure.

LYNCH: OK. But you don't recall him ever coming to you and asking you for your help for that appointment? Is that your recollection?

BOLGER: I don't recall it, but if he asked, I'd probably be favorably disposed to him -- not based on any of the inferences that I draw from your question, I assure you.

LYNCH: Let me go on to another agent of the FBI, Nick Gianturco.

Do you have any knowledge, or do you have any acquaintance or relationship with Nick Gianturco?

BOLGER: I don't believe I -- I don't know him, I don't think.

LYNCH: OK. Nick Gianturco left the FBI, similar to Dennis Condon, and went to work for the Edison.

Do you recall ever getting a request from Mr. Gianturco?

BOLGER: I don't believe I ever did. But I -- don't think so.

LYNCH: Let me go back then. Do you remember Mr. Gianturco?

BULGER: I don't think I do.

LYNCH: OK.

BULGER: I know the name Gianturco, but I don't know the person.

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LYNCH: OK. We've already covered in this questioning special agent John Connolly, and just so we're certain, I do have on the record an affidavit from Mr. Davis...

BULGER: Right.

LYNCH: ... who was first at the Mass Port...

BULGER: Right.

LYNCH: ... and then went over as CEO for the Edison.

BULGER: Yes.

LYNCH: And the indication is, in his affidavit, that it is his knowledge and belief that it was others...

BULGER: Yes.

LYNCH: ... at the Edison who advocated on behalf of John Connolly.

BULGER: Right. It was Carl Gaston (ph), Congressman, not David Davis.

LYNCH: Oh, OK.

BULGER: And it's -- Gaston (ph) says, I'm aware of the rumors repeated in the press that former Senate President William Bulger got Mr. Connolly his job at Edison. The rumors are false.

LYNCH: And he points to a gentleman named John Keogh (ph). Is that correct?

BULGER: Yes, he does.

LYNCH: All right, let me ask you about John Keogh (ph). Amazingly enough, John Keogh (ph) was also another FBI agent...

BULGER: Right.

LYNCH: ... former FBI agent that went to work for the Edison.

Can I ask you about your relationship with John Keogh (ph)? Do you have any knowledge of him?

LYNCH: Yes, I do know who John Keogh (ph) was. He's a very quiet person.

I don't think I ever had a conversation with John Keogh (ph), other than in the early -- or in the '70s around 1974.

There were helicopters flying over the community during the turmoil. And I called him and complained about it, I thought, angrily. And the only thing -- the reason -- somehow I remember him because I thought he was very fair with an elected official who was advocating for the community, angrily, that he never made any kind of -- he never exploited it. Never said how tough I was on him or any of that.

LYNCH: OK. Do you recall if John Keogh (ph) in getting -- now he was also involved with those whole matter with the FBI and the Boston office.

BULGER: Right.

LYNCH: Went to work -- came out of there, went to work for the Edison.

Do you ever recall John Keogh (ph) quietly or otherwise, lobbying you or asking for your support in getting his job at the Edison?

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BULGER: I don't think he ever did. Now I have no recollection. I don't think that I ever knew that John Keogh (ph) had gone to the Edison.

LYNCH: OK. Let's go to special gent Robert Sheehan of the FBI. Left the FBI. I believe was involved with some of the informant operations there at the FBI. Actually, I think, preceding relationship with your brother and Mr. Flemmi, but also during that, he left the FBI and retired and went to work at the Hines Convention Center. What is your relationship? Do you have any knowledge of Mr. Sheehan?

BULGER: I think I came to know Sheehan toward the end of his days. I would see him at certain restaurants. And he had -- he was hooked up with a breathing apparatus.

LYNCH: What time period? Do you have a recollection...

BULGER: I don't remember exactly, but it was -- he died shortly thereafter.

But he, Sheehan, would have been friendly with the head of the convention center, Fran Joyce. So I don't know that I ever was asked even to use my...

LYNCH: Let me just ask the question and get it on the record.

LYNCH: Do you recall that Mr. Sheehan came to you, or requested -- well, given the backdrop here that your brother is in this relationship, and at some point you're aware from your earlier testimony from things that were in the paper -- I think Mr. H. Paul Rico had let slip the fact that your brother had an ongoing relationship with the FBI.

Do you have any recollection that Mr. Sheehan might have capitalized on that back to try to get you to help him in getting a job at the Hines Convention Center?

BULGER: I don't think he did. I don't think he did, but you know if you don't mind my just mentioning that the state house is in our senatorial district. People came through that office by the hundreds, and I would use my vast intercessory power for folks if I thought it was all right. And I would say to the person on the other end that this is not something you should not do; just don't. I was always careful of it.

LYNCH: Probably nobody on this panel...

BULGER: I just don't remember Sheehan coming through looking for help; I have to say that. And I knew him and his wife but -- a little restaurant they frequented -- I used to go over and chat with him, but it was in the last year or so of his life.

LYNCH: It's just that what I'm getting at is the fact of your responsibility in trying to help constituents.

BULGER: Right.

LYNCH: That is quite normal in the course of your duties. What I'm getting at is Dennis Condon, Nick Gianturco, John Connolly, John Keogh (ph), Robert Sheehan, and others who leave the FBI and then perhaps try to exercise the leverage of their relationship with your brother to get you to help them.

And so I'm looking at the wrong doing, misconduct of the FBI agents in this case, and I'm trying to find out whether or not there is a systematic...

BULGER: There was never, not one -- not to interrupt, excuse me -- but there was never a case that anybody came ever and said, I knew your brother, I befriended your brother, I therefore ask you to please befriend me. No one ever said that to me -- ever.

So those people would go to such jobs -- I'm sure they were finding similar berths before I ever arrived.

LYNCH: No doubt.

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I know I have exhausted my five minutes, Mr. Chairman.

T. DAVIS: Thank you, and then some.

Mr. Meehan?

MEEHAN: Thank you, Mr. Chairman.

First I guess I want to clear up the record. Mr. Bulger said that few, if anyone, has condemned the leaking of grand jury minutes.

When we had this hearing in Boston, I condemned the leaking of the grand jury minutes at that time, said that violations of law relevant to leaking of grand jury minutes is every bit as serious as the abuses in law enforcement that we are investigating and trying to correct today.

And I think that they should be investigated. And I think your rights in that instance were violated -- and spoke out at the time.

The other point that I wanted to mention was the outside section of the budget. I just think there's a difference between hundreds of amendments being put in and the Senate chairman of the Ways and Means presenting a budget that has this provision in, and I just view it differently.

And at the time, it was a major issue because the commissioner of public safety, Gianturco, called on Governor King to veto that provision saying that if the investigators lost their jobs to reduction and rank or retirement, we would lose our intelligence gathering management team. It would dismantle the operation of all intelligence gathering in this area would stop.

Going back to your relation, obviously, you've had a close relationship with John Connolly.

Do you recall seeing John Connolly when he came back in 1975, when he returned to Boston as an FBI agent?

BULGER: Do I recall seeing him?

MEEHAN: Seeing him, talking to him when he came back in 1975.

BULGER: I'm sure I must have, but I don't have any distinct specific recollection.

LYNCH: Well, would you have regular contact with him, for example, on the phone or in person?

BULGER: No.

LYNCH: But you were aware that he was an FBI agent?

BULGER: Right.

LYNCH: And he would bring certain people from the FBI by the see you, is that correct? That's what you testified.

BULGER: Occasionally, he did.

LYNCH: And I'm not clear on -- did you ever discuss your brother, James, with Connolly?

BULGER: I don't think I ever discussed my brother with John Connolly. I don't believe I ever did.

LYNCH: And when did you first...

BULGER: ... during those times. In later times I did; in the '90s, for example.

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LYNCH: OK, so when did you first learn that your brother, James, had an ongoing relationship with Connolly?

BULGER: I'm uncertain of that. It didn't come in a flash. It became known to me as time went on.

LYNCH: So when did you...

BULGER: In the late '80s, I'd say, or the early '90s.

LYNCH: OK, when did you first learn that he was an informant? Apparently, when it was published in the Globe.

BULGER: Right, and I wasn't sure then.

LYNCH: Did you ever discuss this relationship with your brother, James, with Connolly?

BULGER: No.

LYNCH: Did you ever discuss this ongoing relationship with James with John Connolly?

BULGER: I don't think so.

LYNCH: Now you've indicated that you didn't help John Connolly get a job with Boston Edison. Were you on the board of New England Power in 1990?

BULGER: No.

LYNCH: At anytime were you on the board?

BULGER: I went on to the board of New England Power after I left the senate and became president of the university.

LYNCH: And that was after John Connolly had gotten a job with Boston Edison.

BULGER: Yes, long after.

LYNCH: Did you serve on the board of directors at South Boston Savings Bank?

BULGER: No.

LYNCH: Did you ever assist John Connolly in ever securing a loan from South Boston Savings Bank?

BULGER: Not that I know of.

LYNCH: Did John Connolly ever bring by Special Agent in Charge James Greenleaf?

BULGER: James who?

LYNCH: Greenleaf.

BULGER: I don't -- the name doesn't ring a -- I don't know.

LYNCH: OK.

The issue of 75 State Street -- and my recollection was it was actually investigated by two state attorney generals. You can understand why it would be an issue, though, because -- and it's unfortunate, but we're looking at the FBI and there's evidence now to suggest -- John Morris was Connolly's supervisor. He's admitted to taking bribes from Whitey Bulger at the same time he apparently was in charge of this investigation.

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I mean, I don't think past investigations should be brought up. However, it's just a little funny how John Morris is in charge of the FBI portion, and now we find out that not only was he Connolly's supervisor but he's admitted to taking bribes. It's, sort of, the reasons why one would ask questions on it. Otherwise, I don't think any members would bring it up.

BULGER: May I just point out that John Morris was clearly no friend of mine? He...

LYNCH: Well, you've made that clear, but he has admitted to taking, I think, \$5,000 from James Bulger.

BULGER: And I don't know what his function was, but I don't think he was pivotal in this whole matter.

LYNCH: In the 1995 telephone call that you had with your brother, why did you go to the home of an employee to accept the call?

BULGER: I have to reconstruct, but I think that Kevin Weeks asked me where I'd be and I think I told him that.

LYNCH: And you knew Kevin Weeks pretty well?

BULGER: Not very well, no. Only through him.

LYNCH: Did he mention that you would have to use a different phone because it was likely that...

BULGER: No, he did not. Just asked where...

LYNCH: So you didn't go to the home of an employee for any reason other than -- you weren't trying to avoid being -- having a phone call tapped?

BULGER: I've been asked that question several times, Congressman, and I always said no. I was just doing what I was asked -- where will you be answering the question.

LYNCH: Do you know a Richard Schneiderhan?

BULGER: I don't recall him, but I've been told that I know him, yes.

LYNCH: But you don't know him?

BULGER: I don't remember him. I think he came to my office, according to press reports, one time, because he was interested in a particular edifice, a church which might qualify, and did ultimately qualify for some kind of protection under architectural laws. 0

LYNCH: In 1991, did anyone ever tell you that you should be careful using your phone because of law enforcement investigators?

BULGER: Prior to that I had been told my counsel, who had been told by U.S. Attorney's Office, that my phone -- my brother Jack's phones were both -- they had pin registers on them.

LYNCH: After that, did anyone ever give you any reason to suspect that any investigator was in any way monitoring your phone calls?

BULGER: No, I don't think so.

LYNCH: Did anyone...

BULGER: Other than that monitoring I suppose -- again, the meaning of the word monitoring -- I don't think they're listening in, but they were in fact hard at the task of calling people who might call me from strange places like Connecticut or places like California, Florida, Virginia, everywhere.

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So they would be visited and David Wilson lives in Stonington, Connecticut, and he liked to call from time to time.

LYNCH: Did anyone tell or suggest to you that you should be careful using your phones other than your counsel after your brother fled? Specifically, did Kevin Weeks indicated that you should be careful and investigators...

BULGER: I don't think he ever said a word to me. Kevin -- I don't think he even -- does he say he did?

I don't -- he never spoke to me about it.

LYNCH: When did you first meet Kevin Weeks?

BULGER: Well, I know his brother Jack. Jack was active in the national campaign. He was a lead person or something in the Dukakis campaign, so I know the family from -- they did not live too far from me. I don't think I knew Kevin very well until later. I would see him around occasionally.

LYNCH: So the circumstance under which you might have a discussion with Kevin Weeks would be in person or on the phone, or what was the nature of those communications?

BULGER: I don't think Kevin Weeks ever called me. Occasionally he would come by, I think, because there was just absolutely no place else to go and he'd chat with me.

LYNCH: When did you become aware that Kevin Weeks was cooperating in the investigation regarding James?

BULGER: I'm uncertain of that, but it was hugely publicized, so there was no mystery to it.

LYNCH: When did you learn that he had been arrested and charged? Is that the same time you learned that he was cooperating?

BULGER: No, but if I...

LYNCH: Did you know he was -- did anyone tell you or do you remember becoming aware that Kevin Weeks was cooperating with the investigation?

BULGER: No, but I think I saw it in the paper. I don't think anyone ever told me that, I don't think.

LYNCH: So you learned of it through the newspaper?

BULGER: I think so.

T. DAVIS: Thank you.

We have a vote pending, and the time on this side has expired.

Mr. Delahunt, do you want to be recognized?

DELAHUNT: I'll try to do these five minutes.

Following Congressman Lynch's line of inquiry in terms of your relationship with a variety of federal agents, and I will give this to your counsel during the break, and you can review it and we'll inquire after we return.

I just want to be really clear that the first time that you realized that your brother was an informant for the FBI was in 1997 when it appeared in The Boston Globe?

BULGER: No -- well, we were referring, Congressman, to a 1987 story where...

DELAHUNT: Right. But let me ask you this question, then.

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BULGER: Sure.

DELAHUNT: When you were first aware that -- or you were satisfied that, in fact, your brother was an informant with the...

BULGER: I think one of the moments when I was confident that it must be so was when, during the preliminarily proceedings in the federal court, Judge Wolf, that someone, I think it was Flemmi, used it as a defense.

DELAHUNT: So that would have been the late '90s?

BULGER: I think so.

DELAHUNT: '97, '98?

BULGER: Yes.

DELAHUNT: Were you aware or did you learn subsequently that, in fact, your brother had been an informant for the FBI since 1979?

BULGER: Since 1979?

DELAHUNT: Correct.

BULGER: I think this is the first time I ever heard about...

DELAHUNT: That date?

BULGER: Yes.

DELAHUNT: Well, let me indicate to you that there has been evidence before this committee that John Connolly and John Morris cultivated James Bulger as an informant, and in 1979 approached Jeremiah O'Sullivan to inform him that your brother James was an informant for the FBI, and that he should be given consideration in a particular case, and that was done. That's been evidenced before this committee.

Subsequently -- and, again, I want to inquire as to the involvement of the federal authorities as it relates to the so-called 75 State Street.

BULGER: Right.

DELAHUNT: And I'm not interested in the facts. I presume that you were interviewed. I don't know whether you appeared before a grand jury, but you were interviewed, I understand, by two assistant U.S. attorneys...

BULGER: Right.

DELAHUNT: ... as well as two FBI agents that were present.

BULGER: I'm sure there were other people beside those -- the two counsel. But the counsel did all the talking.

DELAHUNT: Fine. And the statements that you made to them, you'll testify here today were to the best of your ability the truth.

BULGER: Oh, sure.

DELAHUNT: So that we can obviously refer to those if necessary.

BULGER: Sure.

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DELAHUNT: Let me just digress and go back to...

(CROSSTALK)

DELAHUNT: When you were called in front of the grand jury, and you indicate that your testimony was released -- I share my colleague's concern about that leak -- the purpose of that grand jury, the purpose of those questions was to seek assistance in the whereabouts of your brother?

BULGER: I think so.

DELAHUNT: That was your understanding?

Prior...

(CROSSTALK)

BULGER: Harboring and obstruction of justice were the two matters that brought us there.

DELAHUNT: Were you declared, was it indicated to you you were either a subject or a target of that investigation?

BULGER: No.

DELAHUNT: So presuming that the purpose of the grand jury was to secure information as to the whereabouts of your brother...

BULGER: Right.

DELAHUNT: ... prior to your grand jury testimony, were you interviewed by the FBI?

BULGER: The grand jury is in 2001.

DELAHUNT: 2001?

BULGER: That's correct, yes.

DELAHUNT: If you have a memory, were you interviewed by the FBI prior to 2001 as to the whereabouts of your fugitive brother?

BULGER: I don't believe I was.

DELAHUNT: You were not?

BULGER: I don't think I was.

DELAHUNT: Are you aware that there is a task force that was created for the sole purpose of apprehending your fugitive brother?

BULGER: Yes, I am.

DELAHUNT: And you were never inquired of, by that task force prior to your grand jury testimony?

BULGER: I don't believe so, no.

DELAHUNT: Was your brother John, Jack, inquired of? If you know.

BULGER: I don't know.

DELAHUNT: You indicated that your wife was inquired of this week?

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BULGER: Last week.

DELAHUNT: Last week.

BULGER: They were looking for her.

DELAHUNT: With the purpose of determining the whereabouts of James Bulger?

BULGER: Correct.

DELAHUNT: What year did your brother flee the commonwealth?

BULGER: '95.

DELAHUNT: 1995? So eight years later, the FBI gets around to inquiring of you and your wife, in your case some six years, as to the whereabouts of your brother.

BULGER: That's the first direct effort, yes.

DELAHUNT: Do you have something prepared that you were about to read or submit to the committee regarding a conversation some Doyle (ph) had with...

BULGER: Yes. These were two FBI agents, Congressman, who came to the door last Wednesday, a week ago. This is very brief.

T. DAVIS: Can I just interrupt? We've got to get over to a vote. Let me ask this. This is a great time for us to take a break. Their time has expired, we've indulged them a little extra time so they could have some continuity.

What I'd like to do is take a 40-minute break. If you'd like, we can make sure you have lunch in the back and have some privacy.

BULGER: Thank you.

T. DAVIS: And you prepared. Allow you to read anything that you'd like to supplement at that point when you come back and read anything into the record.

Then we'll resume questioning a half an hour on our side and then a half an hour over in the Democratic side.

OK. Hearing will be in recess.

(RECESS)

T. DAVIS: Committee will return to order.

Before I refer questions over to Mr. Bulger, I have one issue that I wanted to get to the bottom of.

We'd asked earlier about the special legislation that was put in the budget amendments in 1981 following the Lancaster Street garage bugging incident.

This was legislation that, at least as I read it, was aimed at about five officers, two of whom were involved in the bugging of Whitey Bulger and the Lancaster Street garage, that some in the press have dubbed retaliatory.

I'm just trying to understand in my mind other than singling out five officers who would have to retire early or lose other benefits, how this could have happened or what other public policy issue might have been at stake here.

And I just wonder, Mr. Bulger, if either you or your counsel, Mr. Kiley, could shed any light on that? In fact, Mr. Kiley, if you'd like to -- I know you were -- can I swear you in on this just to...

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Do you solemnly swear that the testimony that you're about to give be the truth, the whole truth and nothing but the truth?

KILEY: I do.

T. DAVIS: OK.

I say this because I understand you were around the state house at the time and at least were acquainted with the issues.

KILEY: I was in 1981, as I had been for the prior six years, the first assistant attorney general for the commonwealth. I served in that position for 10 years.

We had a state police contingent in the office, which at one point, and I believe it included in 1982, was headed by Captain and later Lieutenant Colonel Agnus (ph), one of the gentleman who provided you an affidavit.

In the affidavit, and in the president's testimony, there is an allusion to, a reference to a controversy that existed in Massachusetts following the United States Supreme Court's decision in the United States v. Murgia. It related to the retirement ages in the uniform branch and the detective lieutenants.

The uniform branch people were required to retire at a very early age. The detective lieutenants, and these five individuals who were among them, were not. They had civil service status. They retired at 65.

The controversy that existed for years was whether it was fair to the uniformed branch people to leave the senior staff on top of them so that there were not opportunities for promotion. There was the issue, and if I may refer you again to the affidavit of Peter Agnus (ph), he alludes to that problem.

I also want to suggest, and I think it's an important point to the committee, that we have provided you news clips contemporaneous from 1981 in addition to these clips.

And to Congressman Meehan's point.

KILEY: One of those articles suggests the outside section actually emanated from the House and was in the House budget.

I've not been able to nail that down with historic research, but this amendment -- the outside section that you are talking to -- has an unclear provenance. It may have originated in the House, not the Senate, and there were certainly other issues on the table at the time.

One other quick point -- the Lancaster Street garage surveillance, by all accounts, was conducted largely by uniform branch personnel. The uniform branch personnel would have benefited -- not been harmed -- by the passage of the (inaudible). Now that, again, as I've told your staff that's argument -- that last point -- is argument, not fact.

T. DAVIS: Just trying to put it all together. Of course, we're going to go back to check the legislative record to the extent that we -- 20 years later -- but that at least from my perspective clears up at least what might have happened.

KILEY: And again, it's referenced in those Agnus (ph) and Nelly (ph) affidavits that you passed.

T. DAVIS: Thank you very much.

(UNKNOWN): Mr. Chairman, just so we're clear on this issue.

So, Mr. Kiley, you're saying that it wasn't an outside section that was included in the Senate Ways and Means proposal?

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KILEY: Congressman, I have gone back and done the research in our journal and so forth and I have not been able to nail it down. I can't tell you where it came from and I've been trying to do that with...

(UNKNOWN): So you can't say it is or it isn't?

RILEY: I can't.

(UNKNOWN): OK. Great.

T. DAVIS: Thank you.

Under unanimous consent, each side will now be given 30 minutes. We'll proceed with Mr. LaTourette.

LATOURETTE: Thank you very much, Mr. Chairman.

And Mr. Bulger, it's nice to see you again.

The affidavit that's sort of sporadically been put into the record during the course of the day. I have received them last night and it looks like they were faxed down from Mr. Kiley's office yesterday morning maybe about 10 o'clock.

And while I appreciate them, the difficulties I have with affidavits like these is you can't ask them questions. I mean, they are what they are.

And I might ask the chairman -- that since these folks have been kind enough to want to participate in a hearing -- maybe we should chat with them just a little bit later if there are questions on the affidavits.

And I just want to ask you, I assume that they came into existence because you and your lawyer reached out to these people. They didn't know you were coming today and said: Hey, I got something I want to say. You reached out to them -- is that true?

BULGER: Yes, my counsel has done so.

LATOURETTE: OK. And I want to return to the 1995 phone conversation between you and your brother that took place at an employee's home. And again it was set up by Kevin Weeks -- wanted to know where you were and the phone call was made.

In your opening remarks, you referred to it as a short conversation three or four times and then in response, I think, to Mr. Waxman's question, you indicated it was a three- or a four-minute conversation.

LATOURETTE: When asked what the substance of the conversation was, just to summarize what I heard you say, you said, you know: Don't believe everything you hear and tell everybody things are going to be OK. And you expressed the concern on behalf of your family that you all care about what happens to him.

That only takes about 30 seconds. I've learned that folks in the South and New England speak slower than we do in Ohio, but that's only 30 seconds.

So was it a 30-second phone call or was there more that you're not remembering today or were there variations on that theme about expressions of concern back and forth that then consumed another two and a half, three and a half minutes?

BULGER: Congressman, I don't have a distinct recollection of the minute-by-minute conversation. I don't have that. That's the idea that I came away with, that everything is not as it seems and that I'm OK. And in turn I told him, You know, we care about you...

LATOURETTE: Right.

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BULGER: ... and we want you to -- I hope it's going to have a happy ending.

LATOURETTE: Right.

BULGER: And I think what I've probably provided you with is not so much the words, but the gist of the conversation.

LATOURETTE: The gist of the conversation.

During the course of the conversation, when we spoke a couple of weeks ago, you did not advise your brother to turn himself in during that phone conversation.

BULGER: That's correct.

LATOURETTE: And likewise he did not reveal to you where he was.

BULGER: That's true.

LATOURETTE: Now, there's been some discussion about the leaking of grand jury evidence, and I find that as abhorrent as my colleagues from Massachusetts do.

But one of the newspapers is quoted as saying, that allegedly was in receipt of those documents that indicated that in fact when you were in front of the grand jury you testified that you told him not to turn himself in.

BULGER: That's not true.

LATOURETTE: That's not an accurate...

BULGER: I mean, if you reported -- I believe the Globe may have reported that, but it's absolutely not so that I told -
- I never said such a thing to him.

LATOURETTE: Prior to your appearance at the grand jury, or maybe during the course of your appearance at the grand jury, did you request immunity from the Commonwealth of Massachusetts before making that appearance?

BULGER: Did I request immunity from the commonwealth?

LATOURETTE: Before your grand jury testimony.

BULGER: I never had no occasion to do that, no, sir.

LATOURETTE: OK. Also, as I asked you a couple of weeks ago, I think -- I don't have the same strong feelings that maybe Mr. Shays expressed, but I think that when you invoked the Fifth Amendment privilege on December the 6th up in Boston that caught some of us by surprise.

LATOURETTE: I've heard you explain today and the other day that you were afraid that there was going to be some sort of memory test, and I also understand that the idea of immunity was one that was generated by the committee. It wasn't you and your counsel calling up and saying, I'm only going to come see you if you give us immunity.

But I guess the question that I have is, between the date that you invoked the Fifth Amendment when the committee was in Boston, and then I would assume that there would come a time I would think when you would say, I don't have anything to fear here.

And I think, as I expressed to you a couple of weeks ago -- as I listened to you a couple of weeks ago, and I listen to you today -- I'm not conversant with Massachusetts law, and if you and your lawyer say there is a section where

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you can talk to your brother or your sister and you don't get in trouble for that even if they happen to be killers, I'll take that on face value.

But I'm wondering, there is nothing that you said today that you've done anything wrong, so I'm trying to figure out why there didn't come a time after you took the Fifth in December and then finally the negotiations are for you to show up here, that you didn't reach that conclusion as well?

BULGER: Well, I became increasingly comfortable after the conversations, I do know that but I thought the die had been cast back in December by my invocation of my constitutional right.

And at that time in December, I can just tell you that I was very much concerned about the fact that just upon the arrival of the committee in Boston, the government had released or leaked my grand jury minutes to The Boston Globe, and I feared that other people might have it and therefore I would be at this huge disadvantage in my view where I would be required to remember exactly what I had said two years before, and they would have all the advantage of being able to look at my notes, and that was a matter of large concern to me.

LATOURETTE: Sure. Well, that's a commonly used trick that prosecutors do to take former testimony and try and trip you up, and I certainly understand that.

Let me ask you, when you received a subpoena in December -- to appear in December, did you hire a public relations firm to help you? Aside from legal counsel, did you hire a public relations firm to deal with the subpoena and your appearance before the committee?

BULGER: I hired counsel, and we had people who do public relations work who were being helpful to us, yes, and I did pay them myself.

LATOURETTE: And was the purpose of that to somehow get out your side, aside from the appearance, but was it also to help with the media, in terms of spinning whatever it is you wanted the Boston media to believe about this?

BULGER: That's exactly right. I was trying to get some part of my point of view into the public domain.

LATOURETTE: Following that retention and around the time of your testimony there were also some -- not so pleasant stories about our former chairman, who I see now is in the chair today.

LATOURETTE: But was there any strategy discussed that -- it's not an uncommon technique in politics to not only defend, but to attack. Was there any suggestion of that?

BULGER: I never heard of it, Congressman. If there were any ad hominem, they didn't come at my suggestion.

LATOURETTE: And certainly, from that answer, that isn't a tactic that you would approve of certainly by...

(CROSSTALK)

BULGER: No, I think -- no, I should...

LATOURETTE: OK.

BULGER: ... care for myself.

LATOURETTE: I want to now just turn quickly to the wire to the PEN registers for just a second. As I understand Kevin Weeks, who has recently testified in the Verizon case, has indicated that information was given to him by Mr. Schneiderhan.

And he testified that he gave that to your brother Jackie. Do you know that to be true other than I've just said it and Kevin Weeks testified under oath the last time?

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BULGER: No, I don't know that it's so.

LATOURETTE: And again, your story is that no one in law enforcement, or no one outside of law enforcement ever indicated to you that there were PEN registers on your phone, and that knowledge only came to you when pursuant to statute, your lawyer was notified that you had been a subject of a electronic surveillance.

BULGER: That's right. It was back in 1998.

And by the way, Jack would have heard the same thing from his -- yes. So the two of us were well aware of it.

LATOURETTE: Well, but I think that the allegation is that the tip came before the notification. It's after? You think it's after?

BULGER: Subsequent.

KILEY: If I may, Congressman...

LATOURETTE: Sure. Well, sure.

KILEY: Our correspondence is dated October 9, 1998. The allegation with respect to Trooper Schneiderhan is the tip came in 1999, a year later.

LATOURETTE: Well, thank you for clearing that up.

So the last area, with the chair's indulgence, I want to talk a little bit about the safe deposit boxes.

Apparently your brother has safe -- dead, or may still have safe deposit boxes around the world. And one of them was in the United Kingdom. Today you're aware of that fact, is that right?

BULGER: Yes.

LATOURETTE: And you're also aware of the fact that you were a contact name on at least one box...

BULGER: Right.

LATOURETTE: ... today. And how did you come into possession of that information?

BULGER: Through the newspaper. It was reported in the newspaper, and that was the very first I ever heard of it.

LATOURETTE: I had thought -- and I'm not trying to do anything tricky -- I had thought when we talked a couple of weeks ago that they had in fact -- that one of the banking institutions had called your home.

BULGER: That's what I understand, too. They claimed to have done so.

LATOURETTE: But in checking with your family members...

BULGER: Nobody...

LATOURETTE: ... no one remembers receiving a telephone call from the bank about such a call?

BULGER: No.

LATOURETTE: I would yield back. I don't have anything else.

T. DAVIS: Mr. Shays?

SHAYS: Thank you, Mr. Chairman.

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And thank you, Mr. Bulger, for being here.

I have a different view of the Fifth Amendment than yours, and maybe they're not all that different, but I believe that a public official has a duty to cooperate when you have an official body that wants the truth.

And it blew me away when you exercised your Fifth Amendment right, which you're allowed to do, but you are a public official.

And it bugs the heck out of me that we've had to delay six months what you could have answered. I heard nothing you said today that you couldn't have said back then.

My view is the Fifth Amendment gives you the right not to incriminate yourself, and you have the right to use it.

SHAYS: And the courts have made it very clear that you can't convict someone on it. But it doesn't say what public opinion has a right to think, or what a congressional hearing has a right to think, about the exercise of anyone using that right. And so my natural instinct is to think what do you have to hide?

And I've listened to you, and you've used as an excuse that your memory might not be good enough and that, therefore, you don't want to, you know, do something where your memory isn't good enough.

But whatever you say here -- whatever you say here -- has to be the truth. And your immunity doesn't protect you from lying before us. You were sworn in, correct? Everything you say here has to be the truth, correct?

(CROSSTALK)

SHAYS: Or you, in fact, can be prosecuted. Is that not true?

BULGER: That's exactly right, Congressman.

SHAYS: OK. So I'm just, like, mystified.

I want you to tell me what you think about Joseph and Marie Salvati.

BULGER: Joseph Henry Salvati, the gentleman who spent -- I have the same sense of outrage, same sense of actually revulsion at the story of Mr. Salvati and the other two defendants who were wrongfully convicted and sent to jail for all those years. And Mrs. Salvati, I've met her on occasion, and she knows of my feeling on that.

SHAYS: Does it bother you that you helped provide an environment in which it seemed difficult for law enforcement agencies to get at the truth?

Does it bother you that the FBI was involved with sending this man to jail when he was innocent?

Does it bother you that your brother was involved with sending this man to jail when he was innocent?

I want to know what you think about your brother's involvement in this outrageous, obscene, gross circumstance.

BULGER: This is the very first I have ever heard of my brother's involvement in that, Congressman, the very first.

SHAYS: Very first?

BULGER: Yes.

SHAYS: Yes? So somehow he just wasn't connected with this in any way?

BULGER: Somehow he was not connected with this?

SHAYS: Yes.

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BULGER: No.

SHAYS: In any way with the Salvati case?

BULGER: I don't believe so.

SHAYS: OK.

BULGER: IN fact, it's the very first I've ever heard of it.

SHAYS: You've never heard anyone suggest that before?

BULGER: No.

SHAYS: Let me ask you, when you received the phone call, you received -- your brother fled in December '94 and you received the phone call in January of '95, correct?

BULGER: Correct.

SHAYS: OK. Your brother broke the law and you were a public official. Did you go the authorities to say that your brother had contacted you?

BULGER: I informed my attorney just about immediately.

SHAYS: Did you go to the officials?

BULGER: No.

SHAYS: Why not.

BULGER: I told my attorney, and he in turn...

SHAYS: Well, big deal.

BULGER: And he in turn told the officials.

SHAYS: OK. And who interviewed you after that?

Why wouldn't you -- just offhand -- why did you have to tell the attorney, why don't you just -- I think you're a senator, correct?

BULGER: Pardon me?

SHAYS: You were a state senator at the time.

BULGER: Yes.

SHAYS: Why wouldn't you have just gone to the officials? Why do you need to speak through your attorney to tell the authorities that you spoke to your brother? Why are you looking at me...

BULGER: I have a right to do. I exercised my right to...

SHAYS: But why? You have a right to do it, but why would you do it? Why wouldn't you just pick up the phone and say, My brother who's fled contacted me. And by the way, I'd like to know why you just didn't speak to the authorities directly, why did you speak through an attorney.

BULGER: That was my preference.

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SHAYS: OK. Let me ask you this.

SHAYS: The individual who told you that you were to go to a house, his name was Kevin Weeks (ph)?

BULGER: Right.

SHAYS: Whose house did you go to?

BULGER: He didn't tell me to go to a house. He asked me where I would be.

SHAYS: And where were you?

BULGER: And I went to the -- I was, in the course of my duties that day, I was at a home in Quincy, the home of...

SHAYS: What home? Whose home?

BULGER: Edward Phillips.

SHAYS: So you spoke to your brother at Edward Phillips' home?

BULGER: Right.

SHAYS: Did Mr. Phillips know you were going to receive that call?

BULGER: I can't remember whether he knew.

SHAYS: Why not?

BULGER: I don't know whether I informed him that I was receiving...

SHAYS: So you came to that home and you said, I'm going to receive a phone call from somebody, or, I need to come to this home. Tell me how that's logical.

BULGER: No, when I go to this home -- very frequently, I'm receiving phone calls wherever I am. And it would not be unusual at all for me to receive a phone call while at his home.

SHAYS: But you knew that when you went to that home you were going to receive a phone call from your brother.

BULGER: I expected that I might.

SHAYS: Right. Why did you think you would receive it there? Why was your brother calling that...

BULGER: That was his request. I'm sure he would like a private conversation.

SHAYS: Did the FBI ask you why you received the call there?

BULGER: I'm reminded by counsel that the U.S. attorney asked me, in the grand jury.

SHAYS: Yes, when was the grand jury?

BULGER: When?

SHAYS: Yes.

BULGER: In 2001.

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SHAYS: Isn't that amazing? You receive a call in 1995 and nobody wanted to have details of why you went there and whether or not that individual knew you were receiving the call and so on. It didn't strike you as kind of interesting?

BULGER: I think the U.S. Attorney's Office knew about it far in advance.

SHAYS: Yes, the problem is that there is a suspicion, why you obviously don't agree with, that the FBI and others were intimidated in interacting with you because you were a powerful political person, and you know you were a powerful political person. Did the FBI ever try to question you, and did you refuse to talk to them or answer them? Did you ever shoo them away? Did you ever suggest that maybe they should go somewhere else? Did you ever do that?

Under oath. I'm asking you under oath if you did that.

BULGER: I think whenever they have come I told them I'd like to -- if I'm going to talk to them, I want to do so with counsel.

SHAYS: Did you ever suggest to them to get lost.

BULGER: No.

SHAYS: Did you ever suggest to them that you did not want to answer their questions?

BULGER: I don't recall. But I know that if they...

SHAYS: So if we have someone from the FBI who comes up to us in a hearing and says, We went to Mr. Bulger, we asked him, and he told us to get lost, you would...

BULGER: I don't think I used that expression...

SHAYS: Well, you get the gist. Maybe they don't say get lost up in Boston, but you get the idea of what I'm suggesting. Not willing to cooperate.

BULGER: You're suggesting...

SHAYS: I'm suggesting that -- I am asking whether you gave a signal to the FBI that you did not want to answer their questions and that they should not ask you and that they should leave.

BULGER: I don't recall meeting the FBI. I really don't recall it.

SHAYS: Did the FBI ever come to your home?

BULGER: I've told that they did, but I do not recall it.

SHAYS: Did the FBI ever come to your office?

BULGER: No, I don't think so.

SHAYS: Did any other law enforcement people come to your home?

BULGER: I don't think so.

SHAYS: Did any law enforcement people come to your office just to ask you questions?

BULGER: I don't believe so.

SHAYS: Do you think the FBI felt that if they asked you questions about your brother that you would cooperate?

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BULGER: I have no idea what the FBI is thinking. They're not too friendly to me, Congressman.

SHAYS: I'm not friendly because I'm outraged at this whole case.

BULGER: No, I'm saying that the FBI is not very friendly to me.

SHAYS: I don't blame them.

Let me ask you this question...

BULGER: Well, if you can understand then -- if you don't mind -- Congressman why I would therefore be reluctant to be a cooperative witness.

SHAYS: No, I don't understand that. The fact that someone may not like you doesn't mean you can't tell the truth. That's an absurdity.

Let me ask in the final area: Did you have any knowledge of any organizations or people that were involved in gun running to Northern Ireland?

BULGER: No.

SHAYS: Were you aware that your brother was involved in any way in with providing some kind of munitions to Northern Ireland?

BULGER: I read that in the paper.

SHAYS: When did you read it in the paper?

BULGER: The year, I have no idea. In the '90s.

SHAYS: How did you react when you read about it? Were you proud of him?

BULGER: I didn't even know whether it was true or false, Congressman. I don't know how I felt.

Is this the question that I'm here for, to answer what how I feel about things? At any given time, I don't know.

SHAYS: That's not an unusual question because it gives me a sense of your attitude about a variety of things. I just want to know if you know anything relating to Valhalla (ph)?

BULGER: No. I know nothing about it.

SHAYS: Let me just conclude with these questions about your -- you have a variety of children -- were any of your children interviewed by the FBI about anything to do with your brother or their uncle?

BULGER: Oh yes, they have been.

SHAYS: OK. They've been interviewed, but you haven't been.

BULGER: Well, they been -- I'm trying to think of how -- they've been approached. And then once counsel called them, I think that was the end of it each time.

SHAYS: So the bottom line is when anybody approaches you or your family, they're told to speak to counsel?

BULGER: That would be a sensible attitude, yes.

SHAYS: OK, thank you very much.

Thank you, Mr. Chairman.

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T. DAVIS: Before I ask questions, Mr. LaTourette, did you have some follow up real quick?

LATOURETTE: I just wanted to ask a couple of questions. From chatting with you the other day and also listening to you today, I get the sense that your family is close -- you and your nine children -- you have a very close-knit family. Does that exist in terms of your relationship with your brother? And by that I mean over the course of the years, like most families, did you get together for Thanksgiving, Christmas, Easter? Did you have family get-togethers like that, where your brother would be present?

BULGER: No he would not be on hand for such occasions.

LATOURETTE: And then whether or not those events occurred, what was your understanding that your brother did for a living? I mean, he had a lot of money. What was your understanding...

BULGER: You know I answered, Congressman, earlier that I recognized that he was doing things that were...

LATOURETTE: Extra-legal...

BULGER: That were beyond the law at some point.

LATOURETTE: Thanks.

Thanks, Mr. Chairman.

T. DAVIS: Let me ask a few questions here.

You indicated at first that you heard that your brother might have been aware of the killing of Deagon (ph)?

BULGER: Deagon?

T. DAVIS: Deagon was the gentleman that was killed -- that they accused Mr. Salvatti of being involved with, as well as the others. You indicated you didn't brother knew anything about that, or at least the first you've heard about it if that's the case. Is that right?

BULGER: That my brother did not know anything about it?

T. DAVIS: Yes.

BULGER: That was not my intention to say that, I'm sure.

T. DAVIS: Well, I just want to clarify one thing.

MORES

T. DAVIS: The Winter Hill mob, or gang, or whatever you want to call it, he was pretty much the head of it. And Barboza and Flemmi, those guys answered to patriarch up there, who was north of them, I believe, in Connecticut.

And when they gave the approval to kill Deagan (ph), I'm sure that they had to know that, I'm sure he had to know that Deagan was going to hit.

BULGER: Could I ask you what year that was, Congressman?

T. DAVIS: What year was that?

BULGER: 1965? I think it's the year my brother was released from prison: 1965. So I...

T. DAVIS: He nevertheless was very tightly involved with all these guys.

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BULGER: He was?

T. DAVIS: Well, he was the head of the Winter Hill mob as far, as I know. Isn't that correct?

BULGER: He was...

T. DAVIS: I know he was in Alcatraz.

BULGER: Right. And I don't think he could manage it from there. I'm not being -- I don't mean to be -- seeming -- excuse me for that.

No, but I mean that's my problem with this.

T. DAVIS: I understand.

BULGER: You see my problem?

T. DAVIS: Earlier you said that Linda Riordan (ph), who left with your brother, he came back and you said that she did not get a job with the -- was it Linda Riordan (ph)?

BULGER: I think it's Theresa Stanley (ph), sir.

T. DAVIS: Theresa Stanley (ph), excuse me. I've got the wrong year.

Theresa Stanley (ph) -- that she didn't get a job at the convention center from your friend?

BULGER: I don't know that she did. I just...

T. DAVIS: It was...

BULGER: I didn't think she had worked there.

T. DAVIS: No, it was her daughter.

BULGER: Her daughter, OK.

T. DAVIS: I just want to correct that for the record.

Do you know whether John Connolly ever tipped your brother off to the fact that a criminal investigation was underway?

BULGER: With respect to -- do I? No, I don't know of it.

T. DAVIS: Did you consider writing a letter to Judge Terrell (ph) regarding Connolly's sentencing?

BULGER: Did I consider writing a letter?

T. DAVIS: To Judge Terrell (ph) regarding the sentencing of Mr. Connolly?

BULGER: No.

T. DAVIS: Did you encourage any others to write letters?

BULGER: I don't believe so.

T. DAVIS: Well, you say you don't believe so. Could you be more specific?

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BULGER: But I know I never called anyone, Congressman, Mr. Chairman, and said to him, please write a letter. There was nothing of that nature.

T. DAVIS: Did you ever talk to anybody on the street and say, you know, Connolly is a friend of mine and appreciate it if you'd write a letter to the judge?

BULGER: No, I don't think so ever.

T. DAVIS: You don't think so.

BULGER: No.

T. DAVIS: So categorically you're saying you never did that?

BULGER: I'm categorically telling you that I have no recollection of such a thing.

T. DAVIS: I know you have no recollection. But you can't say for sure that you didn't ask somebody to write a letter to the judge on his behalf?

BULGER: I believe I never asked anyone to write a letter to Mr. Connolly, never.

T. DAVIS: Did you encourage -- did Connolly introduce you to John Morris and any other FBI agents?

BULGER: Yes. Along the way he did introduce me to FBI people. I don't recall us meeting, or an introduction to John Morris, but I hear it frequently that Mr. Morris claims that there was such an introduction.

T. DAVIS: Now, I don't know if you answered this question -- I was out of the room for part of the time.

Did you ever take any steps to help Connolly get the police commissioner of Boston's position? Did you ever refer him to anyone for that job?

BULGER: Can you give me an idea of the year of that?

T. DAVIS: Well, I presume it was right after his retirement party, which would have been around 1990.

BULGER: 1990? And that was when he went to work, I think, for the Edison Company.

T. DAVIS: But did you recommend him for that position as police commissioner of Boston?

BULGER: Excuse me, who's the mayor at that -- maybe way back many years before there was a neighbor of ours who was mayor and I heard that I may have suggested John to Raymond Flynn (ph). He was the mayor some years back.

T. DAVIS: Did you try to help Connolly get other jobs, I mean, like at Edison? I guess you did.

BULGER: No.

T. DAVIS: You did not. That's the only time that you can recall?

BULGER: No, I think -- it wasn't even an effort. It wouldn't qualify as an effort to get the man a job. I may have suggested him as a possible candidate, somebody that might be looked at.

T. DAVIS: When you got that phone call, did you know in advance how far in advance you were going to get that call?

BULGER: I've answered that question before. I'm not positive. It seems as though it was very close to the time that I'd be in Quincy, where...

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T. DAVIS: Well, I just wondered if maybe you felt it might be better to get a call someplace besides either your office or your residence because your phone or something might be tapped.

BULGER: Yes. This request was one as to where I would be at a certain time of day, and I was quite certain I would be there at that particular place.

T. DAVIS: Well, if you knew you were getting a call from your brother, who was gone, had fled, why would you go to somebody else's house instead of your own to get the call, or go to your office? Because he was your brother after all.

BULGER: Right.

T. DAVIS: I mean, why wouldn't you just say, Well, you know, I'll be someplace. You can give me a call if you get a chance?

I mean, if he was on the lamb, you would know that he might not be able to make three or four phone calls chasing you down if you were going to different places.

BULGER: No, I answered where I would be. I was pretty sure I'd be down at Phillips' house that evening.

T. DAVIS: And of course you knew that Phillips would -- there wasn't any chance that anybody would be listening in on that phone conversation down there.

BULGER: Well, it was my brother's request that he wanted to talk to me.

T. DAVIS: Yes, going back to the State Street episode: You have the \$240,000 back because it came from Brown.

BULGER: Right.

T. DAVIS: Did he get the \$240,000 back when the money came? Did you get the money back when it came from other sources? You ended up getting a fee. Right?

BULGER: No. I got the money to which I was entitled. And I had done other work in that office. And because I now was in a more difficult position as president of the Senate, I had to step away from the formal practice of law as a partner of Mr. Finnerty.

T. DAVIS: But it had nothing to do with the first issue, the first case, the \$240,000.

BULGER: No, but the money was something in the nature of an advance. Finnerty was working on a particular matter with Mr. Brown.

Mr. Brown had a degree of notoriety, which caused me say to Finnerty, Why don't I just -- since the money's coming immediately from Mr. Brown, I should probably not receive it.

It was more to do with appearances. I don't think there's anything substantively wrong.

T. DAVIS: Nevertheless...

BULGER: It turned out to be Tom Finnerty's money. He could do whatever he wanted with it.

T. DAVIS: Nevertheless, you did receive \$240,000 later.

BULGER: Later? Oh, much more than that, I hope. No, more, because I was entitled to a fee. I think we may have covered this when you were out of the room.

T. DAVIS: You did. You did.

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BULGER: What happened was I had a fee coming for about \$350,000, and I was expecting that. Ultimately, that did come.

T. DAVIS: But it had nothing to do with the \$240,000 that you gave back.

BULGER: No, that's a totally different matter.

T. DAVIS: I see my time's expired.

Mr. Tierney?

TIERNEY: Thank you, Mr. Chairman.

Let me just try to round out on that subject. What was the name of the trust from which you took the \$240,000?

BULGER: The Saint Pascal (ph) trust.

TIERNEY: And for what purpose was that trust established?

BULGER: Finnerty established the trust. It was his, he did it, I think just for the sake of separating some assets in his office. He ran the office.

TIERNEY: Who were the trustees?

BULGER: I think just himself.

TIERNEY: And who were the beneficiaries?

BULGER: I think just himself. I don't know. I think it doesn't stand the test of a real trust ultimately.

TIERNEY: Have you seen the documents?

BULGER: Well, way back I think I did. It was the fact that he's the beneficiary, as well as the...

TIERNEY: Trustee?

BULGER: Trustee.

TIERNEY: He was the only beneficiary and the only trustee?

BULGER: Yes, he was everything in that trust, yes.

TIERNEY: And nobody else shared either of those positions, so in fact it wasn't a trust.

BULGER: Yes, I think that's -- I'm remembering that from Emil Shlosetzski (ph).

(CROSSTALK)

TIERNEY: So when you took that money, you didn't take it as a beneficiary...

BULGER: Oh, no.

TIERNEY: ... it was some other form of transfer?

BULGER: He was free to pay it as he wished.

TIERNEY: And you didn't take it as a beneficiary, you took it as some other...

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BULGER: Oh, no. It was really because the other money was coming, it was slowed up. And I think he had some sense at the time that the slow-up on the other fee, which I had earned, was something which was the fault of the office. They had not been receiving the money on time, due to some inaction of their own.

TIERNEY: But as you testified just a short while ago when you received that money you invested it.

BULGER: Yes, I did. Some of it. Yes.

TIERNEY: Were there immediate needs that you had to meet with that money?

(CROSSTALK)

TIERNEY: Were you putting pressure on Mr. Finnerty for it?

BULGER: I don't think I did.

TIERNEY: I'm trying to figure out why he felt compelled to have to give an advance when everybody knew the fee was coming in eventually...

BULGER: I don't think he felt...

TIERNEY: ... and you had no apparent need for it.

BULGER: My sense of it is now, so many years later, 15 years, maybe more -- must be longer -- my sense of it is that he just wanted to do it. There were needs, nothing critical, I don't think, but it would be something he would be willing to do.

TIERNEY: Can you tell me how much of that money went towards needs that you had and how much of it got invested?

BULGER: Oh, only a very -- I didn't have it very long. I didn't put it toward needs. Just a very little bit, about \$10,000 or \$15,000, I think, was invested.

TIERNEY: When that money was paid back, did you make the check out to Mr. Finnerty or to the trust?

BULGER: I assume it was to the trust. I assume.

TIERNEY: And did any of the money which you used to reimburse the trust come from James Bulger...

BULGER: Oh, no.

TIERNEY: ... or any of his associates?

BULGER: No.

TIERNEY: Now, you had testified earlier also that Mr. Connolly from time to time brought by various FBI personnel to your Senate office to introduce them to you.

BULGER: Sure.

TIERNEY: Do you know what the frequency of those visits were?

BULGER: It would be occasionally, maybe -- I think if new people were coming to town, he might come by and introduce them.

TIERNEY: Did he visit your office on other occasions?

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BULGER: He may have. I have some sense that he was around a bit. He knew everyone, nearly everyone who worked for me.

BULGER: And I think frequently that was the reason for his presence there.

TIERNEY: Was there any associations with other people in your office?

BULGER: He was friendly with several people, yes.

TIERNEY: Did you have periodic telephone conversations with Mr. Connolly while you were in the state Senate?

BULGER: No.

TIERNEY: Would he call your office?

BULGER: Not very frequently, no.

TIERNEY: And when he would call what were the topics that he'd discuss with you?

BULGER: I don't know. He might ask me if I would be an emcee at something, that was always a request that I would receive. I think I visited every senatorial district in Massachusetts doing that, Democrat and Republican.

TIERNEY: And Mr. Connolly would ask you to do that?

BULGER: He would do that, too. There were some event that he were interested in, if there were a charitable event or something, and I think I recall his asking me on some such event, Would you come and be the emcee?

TIERNEY: Is it your testimony that in none of those telephone conversations and in none of those personal visits between you and Mr. Connolly was the subject of James Bulger made?

BULGER: I don't -- no, it was -- no, he didn't. He just didn't -- there is an awareness on the part of people that my brother is there, Congressman.

TIERNEY: But this individual was somebody that you and your brother grew up in the same neighborhood with him, you had a long- standing relationship. He's in the FBI, he's running your brother as a confidential informant.

BULGER: Right.

TIERNEY: And he never mentions anything of that to you?

BULGER: He doesn't tell me about it. He does not. He, I think, years later, as he's leaving, maybe around 1990 or thereabouts, it's becoming clearer and clearer that they all know each other. He knows my brother. But I don't think I ever was even aware of it until much later.

You know, can I -- just an example. Governor Welles served for, I don't know, seven years as governor of Massachusetts, and we were very close during the five years in which I was still the president of the Senate.

He never mentioned my brother, never once, and we had traveled together and we worked together to resolve some of the problems that confronted both the House and the Senate and the governor. And I can only say he never mentioned it, and that is not an unusual way that the fact of my brother's presence was handled. Everyone knew about my brother, but it frequently was just something that didn't get referred to.

TIERNEY: Mr. Bulger, you wrote that...

BULGER: Can I have one moment?

TIERNEY: Sure.

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BULGER: I'm reminded by counsel that one time I did ask John Connolly about something that was in the paper, that my brother was involved in drugs, and I began to, I think, asking people about that because I didn't think it was something that could go on without a lot of people being aware of it.

And I asked him, you know, if he could find out within his right to know and he came back to me and said, they gave me a negative on it. He said that he didn't think that was so.

TIERNEY: Earlier when we talked about what it is that you thought your brother did, you indicated you thought that he was involved with numbers and things of that nature.

BULGER: Yes.

TIERNEY: How come you never asked John Connolly then if your brother was engaged in those things?

BULGER: Well, because I thought there was validity to it. In the case of this drug business, I thought it was false. There was something, a claim made against him that was false. I asked other people about it too.

TIERNEY: You've never asked Connolly to the extent that your brother might be involved in gaming or anything of that nature?

BULGER: No, no I didn't, no.

TIERNEY: You never asked him if your brother was in trouble with the FBI or other law enforcement officials or should you have talked to your brother about it?

BULGER: I don't believe I did. I didn't think it was within my right to inquire or that it was his right to tell me.

TIERNEY: You wrote a while back that your wife at one time all you and informed you that your brother and a group of people purchased the lottery ticket together and that the ticket had been bought jointly. Apparently, a \$1 ticket we're talking about here. But it had been bought jointly by Mike Linsky (ph) and his brother Patty (ph), Kevin Weeks and Jim. Half of the purchase price, I guess, 50 cents, was paid by Mike -- was thus entitled half of the proceeds of the \$4.3 million prize. The remaining half was divided equally among Patty, Jim and Kevin. And my brother's share amounted to about \$1.6 million.

Do you have any idea of whether your brother would or not have received \$80,000 a year I guess over 20 years. Do you have any idea where your brother may have invested or spent that money during the five years before his disappearance?

BULGER: No, I don't know where he spent that money.

TIERNEY: Do you know if he took it as a lump sum or if he did take it over the periodic payment period?

BULGER: I don't think he took the lump sum because there was a squabble about whether it was a valid win.

TIERNEY: You testified at one point -- there was information at one point -- that your brother had a safe deposit box in London with your name on it. What knowledge did you have about that box, and when did you acquire knowledge about it?

BULGER: Whenever it appeared in the newspaper is the first I knew of it. Understand I'm not a joint, but rather somebody to whom they would go if there were no one else.

TIERNEY: In that phone conversation you had with your brother, he mentioned to you that this was the case in case something happened to him?

BULGER: No he never told me that. I don't think he -- he'd know that I would tell him that I don't want to be on it.

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TIERNEY: Do you know of any other safe deposit box belonging to your brother James?

BULGER: No, I've heard of one in Florida which is involved.

TIERNEY: How did you hear about that?

BULGER: Because my brother, Jack, was paying the annual bill for it.

TIERNEY: Was your name on that one also?

BULGER: Oh, no.

TIERNEY: Do you have any financial interest in any money or property or business that's owned in part by your brother James?

BULGER: No, not at all.

TIERNEY: Do you have any awareness of any assets belonging to James and where they might be at this point in time?

BULGER: No.

TIERNEY: Have you ever received any large gifts with the value of \$1,000 or more from your brother, James?

BULGER: No.

TIERNEY: Thank you, Mr. Chairman.

T. DAVIS: Mr. Lynch?

LYNCH: Let me continue. I just have a few questions, but let me just continue on that line of questioning.

Based on earlier testimony by, I believe, Mr. Weeks, Mr. Martorano, and actually confirmed by Mr. Morris, for a certain period of time there was an awful lot of money flowing between the FBI agents themselves and other third parties as well as your brother and Mr. Flemmi and their organization.

Were you ever confronted with an offer of money either from the FBI or from any of your brother's associates like Kevin Weeks or any of those gentlemen that are affiliated with your brother's organization?

BULGER: Never, no.

An offer of money to me from...

TIERNEY: From either an FBI agent or from -- all right, even an unexpected offer of money from an unknown third party?

BULGER: No.

TIERNEY: That's all I have, Mr. Chairman.

T. DAVIS: Mr. Meehan?

MEEHAN: This will be my final question on this 75 State Street.

Before you paid back the money, had anyone suggested to you that Harold Brown was going to be indicted?

BULGER: No.

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MEEHAN: So you never had a discussion with anyone relative to Harold Brown potentially being...

BULGER: No, I didn't know much about Harold Brown at all and then, but it became pretty clear that he was in some sort of difficulty. And I'm not sure how I came to know it but I thought it would be advisable since the money - - the source was from him -- and (inaudible), by the way, was suing him by that time. And that it would not be sensible for me to receive that money, since I already have the other money coming before long.

Tom Finnerty was trying to be helpful to me. He had it, and he thought that would be some help to me.

MEEHAN: Going back to the telephone conversation in 1995, when you went to your staff person's house, you knew that you were going to get a call -- it's not clear to me: Did you know that you were going to get a call from your brother?

BULGER: Well, you know, I still don't have a specific recollection, as I've indicated about the conversation with Kevin Weeks.

MEEHAN: But you testified that the information came from Kevin Weeks.

BULGER: Right. I have. But I've also said I hope each time -- I don't remember exactly the conversation, I settled on Weeks because I don't know anyone else -- I didn't know anyone else then -- who ever seemed to be in touch with my brother.

MEEHAN: And this is the same Kevin Weeks who was involved in the Logan Airport incident in 1987 where he escaped, apparently with the money.

MEEHAN: And this is the same Kevin Weeks that issued the lottery ticket. Apparently he was involved in this, maybe still in dispute of extorting a \$14 million winning ticket from the first person who won it. That was Kevin Weeks?

BULGER: I didn't know that that -- is that -- I didn't know that that was a claim.

MEEHAN: I think he's testified, I think that he's testified...

BULGER: That he did?

MEEHAN: ... to that.

BULGER: Yes, I didn't know that.

MEEHAN: And this is the same Kevin Weeks who along with -- apparently along with your brother and Steve Fleming -- at least according to his testimony -- forced legitimate owners of a south Boston liquor store to sell them the business apparently, according to Mr. Weeks, at gun point in 1984. And I think it's the same Kevin Weeks who, at least according to his testimony, has said that he participated in burying bodies all over the -- apparently all over south Boston.

Is it fair to say John Connolly was a close friend?

BULGER: Of mine? Yes.

MEEHAN: Yes. And John Connolly and John Morris apparently were friends.

BULGER: I didn't think so...

MEEHAN: You don't know that -- you don't know that...

(CROSSTALK)

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MEEHAN: John Morris was, apparently, was the agent in charge of Connolly. Are you aware of that?

BULGER: Pardon me?

MEEHAN: Are you aware that Morris...

BULGER: I think he was, yes. I think I was aware of that too.

MEEHAN: On the issue of the safe deposit box in 1997, you never, ever got notification that your name was on the box.

BULGER: No.

MEEHAN: Is that correct?

BULGER: Never.

MEEHAN: And was there a phone conversation or not, a telephone conversation, relative to that box? It's unclear to me whether or not...

BULGER: Well, I think there was some claim -- I'm remembering the newspaper reports that at some place something was changed -- I don't even know the name of the bank -- but that that was communicated. And my sense of it is that it was communicated by telephone. But no one seems to have heard that.

MEEHAN: So you never knew that he had put you name on...

BULGER: No.

MEEHAN: ... this box in London. And your name wasn't on the one in Florida, and apparently you heard of the one in Florida only through...

BULGER: Right.

MEEHAN: ... your brother Jack. After the phone call from your brother, you've testified that you notified your attorney.

BULGER: Well, I did tell my attorney that I had received the phone call. I didn't...

MEEHAN: You've stated that that was your last conversation, in 1995. And have you receive any other information from any source relative to your brother?

BULGER: Well, back in '95, there were people who they all seemed to claimed to have received a phone call or were aware through someone else who had that he was doing fine, or something like that.

Now I would hear it through third parties. And that seemed to be sort of a common bit of information.

MEEHAN: So information would get to you generally through third parties relative to how he was doing.

BULGER: I think so, yes.

MEEHAN: Do you recall the names of any of those third parties?

BULGER: Well, now I remember the incidents, some of the people. I mentioned that there was a young lady named Kathy McDunna (ph). I did not know her at the time. I since have come to know her. And I understand that she had received such a call.

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And then there was someone named, I said Hart (ph). I don't know if it might be Caputo (ph). And she was someone who was a friend of Theresa Stanley. She may have received a phone call. I'm not sure of that.

And then there were some folks who made large claims that would just -- the usual things you hear, you know, that were false.

MEEHAN: On a separate subject: Do you know a man named Roger Concannon (ph).

BULGER: Yes.

MEEHAN: How do you know him? What's your relation with him?

BULGER: Well, Roger grew up in that community. I know his brother for the most part, James.

MEEHAN: Have you ever been to his home?

BULGER: Roger? No.

MEEHAN: Has he been to your home? Are you close friends?

BULGER: No. I don't think I've seen him in years and years.

MEEHAN: Are you familiar with a musical group called The Irish Volunteers?

BULGER: Musical group? Yes. Very flattering.

MEEHAN: And you know they were...

(LAUGHTER)

... they would perform with the group. Is that right?

BULGER: Roger did, yes.

MEEHAN: Did you ever hire them to perform at events?

BULGER: Oh, I'm sure I did. But they were -- yes, they were -- yes, I know who they are.

MEEHAN: Were they any good?

BULGER: Well, you know -- well, I'm not a -- no, I would not recommend them.

(LAUGHTER)

I would also say that -- well, I used to chide them -- do you want to hear that? I should say it's a nice group. They hold themselves out as volunteers. The trouble's 3,000 miles away, and they're here.

MEEHAN: Are you aware that Roger and Bill Driscoll owned the Coconut Beach Inn?

BULGER: No. I don't know that place. I never heard of it. Coconut Beach?

MEEHAN: Coconut Beach Inn. Have you ever been to Saint Vincent?

BULGER: Pardon me?

MEEHAN: Have you been to Saint Vincent, in the Caribbean?

BULGER: No. I was going to -- I know another Saint Vincent.

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MEEHAN: Thanks, Mr. Chairman, that's it for now.

T. DAVIS: Mr. Delahunt?

DELAHUNT: Thank you, Mr. Chairman.

You mentioned Theresa Stanley. I'm sure you're curious about the whereabouts of your brother.

DELAHUNT: Have you ever had a conversation with Theresa Stanley since she returned to Boston?

BULGER: I have...

DELAHUNT: After your brother dropped her off?

BULGER: Yes, I did -- I saw her at a couple of events, and I've seen her a few times, but she becomes very silent, very quiet about things.

I don't bring up those subjects, but even the chance meetings seem to be subdued. She doesn't -- I don't know what -- but she's very polite and very...

DELAHUNT: But you've had no conversation with her about your brother?

BULGER: No.

DELAHUNT: I just want to name some FBI officials and determine whether you know them, and if you do, how you know them.

A James Ring, Jim Ring?

BULGER: Jim Ring, I do know that name and I think I have met him.

DELAHUNT: Do you remember where you met him?

BULGER: No, I don't remember meeting him at this alleged chance meeting at Mary Flemmi's home, but that's where I've seen his name. I don't remember that. I told you -- but it's, I think, 20 years.

DELAHUNT: You're familiar though with his testimony?

BULGER: Yes.

DELAHUNT: Regarding your appearance at the Flemmi household while he was there with John Connolly and your brother and Stephen Flemmi?

BULGER: Yes.

DELAHUNT: And you have no memory?

BULGER: No, I could not have seen that. I would have -- I just -- I never saw that.

DELAHUNT: Have you ever met a Dennis O'Callahan (ph)?

BULGER: I don't know that I have. I know the name.

DELAHUNT: He was a former assistant special agent in charge.

BULGER: Yes, I know the name.

DELAHUNT: But you don't remember meeting him?

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BULGER: I don't remember meeting him.

DELAHUNT: Are you aware that there is testimony that was given in the federal court that it was Dennis O'Callahan (ph) that provided John Connolly information relative to the indictment of your brother?

BULGER: I didn't know that, no.

DELAHUNT: There is a -- do you know this name, a Richard Baker? Would be a special agent.

BULGER: No, no.

DELAHUNT: There were reports that pursuant to a recommendation or instructions from John Connolly, you purchased liquor from the south Boston liquor mart that reportedly was owned by your brother after the incident that was just related by Mr. Meahan. But you don't remember -- you don't know a Richard Baker?

BULGER: No, and Richard Baker is an FBI...

DELAHUNT: Special agent.

BULGER: I don't know him, no.

DELAHUNT: A James O'Hearn (ph).

BULGER: I know that name.

DELAHUNT: He was a former special agent in charge in Boston.

BULGER: Right, I don't -- I'm sure I must have met him at some point, but I don't recall him or I don't recall ever having any conversation with him. But I do know he was -- I think he was very much in the news.

DELAHUNT: Yes, he was very much in the news. Do you remember a John Claridy (ph), Jack Claridy (ph)?

BULGER: Yes, I do. I think I know his sister.

DELAHUNT: You know his sister?

BULGER: Yes.

DELAHUNT: But you know Jack Claridy (ph)?

BULGER: If he is from West Roxbury, then I think I know him.

DELAHUNT: Do you remember being, again, a master ceremonies at his retirement party?

BULGER: Jack Claridy's (ph)?

DELAHUNT: Yes.

BULGER: No, I don't.

DELAHUNT: You don't?

BULGER: I could have done it, though. I did it all the time.

DELAHUNT: But you don't have a memory of...

BULGER: I don't have a specific memory. If you told me when and where it took place, I might.

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DELAHUNT: I think it was actually in June of -- if you give me a moment.

BULGER: Sure.

DELAHUNT: I think it was June of 1989.

BULGER: Yes, and the place?

DELAHUNT: I don't know the name of the place. I just...

BULGER: I could very well have been. I know his sister. She worked at the statehouse.

DELAHUNT: Her name was Hagedy (ph), as I remember?

BULGER: Yes, she -- and she always mentioned her brother as though we were -- we knew each other, yes.

DELAHUNT: Others have indicated that on multiple occasions, John Connolly would introduce you, either at your office or elsewhere, to members of the FBI.

BULGER: At his house?

DELAHUNT: Not at his house, no, either at your office or...

BULGER: That's how I remember him coming through. Someone new was in town and would you like to say hello, and that stuff. But that's very common. Lots of people did it. The place was open for traffic all of the time.

DELAHUNT: I understand, but you know, others have asked the frequency. I'm not asking you...

BULGER: Oh, but I don't know how. It wasn't very frequent. I'm sure that there were a couple of times a year, that would be about the way I would think of it.

DELAHUNT: But one inference could be drawn that Mr. Connolly enhanced his own status by bringing FBI officials in to meet the president of the Massachusetts Senate? That's an inference that could be drawn, would you...

BULGER: Sure, we assume that anyone who comes through, and is doing it either a social purpose or a self-promotion purpose. But I think it happens to all of us in public office.

DELAHUNT: And let me just -- again, I'm not interested in the facts of 75 State Street...

BULGER: Sure.

DELAHUNT: ... because you have testified here that the statements that you provided to the federal prosecutors were the truth. So I don't think there's any need for us, but by incorporation, those statements could be made part of our record.

And I would recommend to the chair that they be made part of our record.

BULGER: I hope you'll consider carefully, if I may...

DELAHUNT: Certainly.

BULGER: ... the affidavit I've submitted from Harold Brown. Harold Brown seeks to set the record straight, and he uses the word that I was totally innocent, that he doesn't ever intend to accuse me of anything.

DELAHUNT: I understand, Mr. Bulger, and I'm confident that this committee will consider that. But if the chair would honor my request, if we can secure the statements of Mr. Bulger...

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T. DAVIS: Without objection.

DELAHUNT: Thank you.

But what I find interesting is the -- well, let me ask you this question, Mr. Bulger. Who represented you during the 75 State Street...

BULGER: Bob Popio (ph).

DELAHUNT: Bob Popio (ph) represented you.

BULGER: Yes.

DELAHUNT: Did he ever raise with you the question of, or did he ever raise with you, an issue regarding a request or a suggestion by the federal government that would entail that investigation being conducted by another United States attorney's office or by a different office of the FBI?

BULGER: I never heard of that.

By the way, it had been already investigated.

DELAHUNT: I understand that.

BULGER: And then it went to a grand jury, and they said no.

DELAHUNT: I understand that all...

BULGER: And you know there are no accusers. The accusers of the lawyers of Harold Brown.

DELAHUNT: Well, let me explain the reason again why I'm posing these questions, is that while you testified here that you were unaware...

(CROSSTALK)

DELAHUNT: ... you were unaware that your brother was an informant...

BULGER: Right.

DELAHUNT: ... for the FBI...

BULGER: Right.

DELAHUNT: ... the individuals that were either involved in the investigation of 75 State Street, or even were in the periphery, were fully aware of your brother's status as an informant.

BULGER: But...

DELAHUNT: Go ahead.

I was doing some reading last night, and in a story that was dated December 9, 1988, it appeared in the Globe indicating that the FBI had called off an investigation of some two and a half years into the matter involving 75 State Street. And I'm quoting now: "FBI Agent John Clougherty (ph) yesterday confirmed that there was a formal investigation started in March of 1986. This investigation failed to develop any evidence of a violation within the jurisdiction of the FBI."

In December of 1988, as you've indicated, the investigation was closed.

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Let me just interpose a question here. At that point in time it has been reported that you had never been interviewed by the FBI. Do you have a memory of being interviewed by the FBI as it related to 75 State Street?

BULGER: No, of course not.

DELAHUNT: Thank you. But they did go ahead and made an announcement closing the investigation.

BULGER: May I also -- I think that's exactly the same time as the grand jury spoke and said there was nothing to...

(CROSSTALK)

DELAHUNT: Now, let me try to refresh your memory. The grand jury was subsequent to the announcement by the FBI. And obviously, it was John Clougherty (ph) who made that particular announcement.

BULGER: I never knew there was any kind of an investigation going on. I didn't.

DELAHUNT: I'm not in any way suggesting that you did. What I am saying, Mr. Bulger, is that the Federal Bureau of Investigation in Boston made an announcement that they were closing an investigation that you indicate of some two and a half years that you were unaware of, and then made that announcement. That doesn't happen very often with the FBI.

In fact, back in December I asked a question of the head of the Organized Crime Strike Force and the U.S. attorney, Mr. O'Sullivan, regarding his statement after the grand jury concluded its work, and he made the announcement that it was not even a close call.

And I posed the question to Mr. O'Sullivan: In your 16 years as a federal prosecutor when did you ever make an announcement that it was not a close call or that someone was vindicated?

Now, I'm not suggesting that's a policy that should be rejected out of hand, but what I am saying, it's a very exceptional policy. And he indicated -- his response to me was -- that it was very rare and he could only think of a single -- maybe one -- his words were: maybe one other time. And I requested that he, as he left, to go reflect and submit to the committee a letter outlining that other time, and I don't think we've ever received that.

Have we, Mr. Chairman.

BURTON: Not that I know of.

DELAHUNT: No.

BURTON ... the gentleman about concluding his questions. Do you have more questions, sir?

DELAHUNT: I do, but I'll be happy to...

BURTON: No, go ahead. There's continuing of questions that we want to make sure we get completed. But go ahead.

DELAHUNT: I'll do whatever the chair recommends.

And again, it was Mr. O'Sullivan that reopened that case, supervised that investigation and presented evidence to the grand jury, which, in a public statement, he exonerated you. And I think his words were "no close call."

But what I find interesting here is, we have Morris, John Morris, whom you've made a serious allegation about here today, who is in charge of that investigation; Mr. Ring, who was the special agent in charge -- strike that -- Mr. O'Hearn (ph), who was the special agent in charge of the Boston office, who clearly was not only aware of the informant status of your brother, but would sign off on any statement that was made in the name of the FBI, and

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also would have supervised Mr. Morris; we have Mr. Clougherty (ph) who was the former partner of John Connolly; and in addition to that we have Mr. O'Sullivan, who exonerated you.

And then we have testimony from Morris that he was approached by Connolly, and Connolly sought his advice as to whether you should testify in front of the grand jury. I think you've indicated...

BULGER: No, it was a meeting.

DELAHUNT: It was a meeting.

BULGER: That is what it was. It was my own request. I asked Popio is there some way I could talk to these people? So it's not the grand jury, Congressman; it was a meeting with the prosecutors.

DELAHUNT: No. This is prior to that, Mr. Bulger. There was an approach made by John Connolly to John Maurer (ph), and this has been testimony, you know, in the federal court.

BULGER: I wasn't aware of that, then.

DELAHUNT: And what I'm trying to do is clarify the record, because one could draw an inference that you requested John Connolly to make the approach to Maurer.

BULGER: Be absolutely certain, I never made such a request. Never.

DELAHUNT: But what I'm trying to relate to you is the testimony of John Maurer that was never refuted by Mr. Connolly.

Many things are said in all of our names that we're unaware of. But again -- well, I guess the bottom line for me is that the federal authorities, having knowledge that your brother was an informant, and that you were either the subject of a target of an investigation, concluded that it was fine for those that I mentioned to proceed with the investigation into 75 State Street, as opposed to referring the matter, like occurs frequently, to either another FBI office or to another U.S. attorney's office.

What I'm suggest is that I have reservations as to whether that's a very good practice, particularly when several months after you are cleared, that these same FBI officials invite you to be a master of ceremony for a departing member of the FBI.

I think it -- and again, I'm not leveling criticism at you, Mr. Bulger. What I am suggesting is that in terms of appearances and the confidence of people in our justice system, that just doesn't, as the former Governor Welles I think once said, that doesn't pass the smell test.

BULGER: May I just say a couple of things? First of all, as to the publicity, at the very -- there was a whole -- it was The Boston Globe, I'd call it a concoction. And it ran from that time, about December 8 of '88, and it ran right to the March 31. I remember it well because it was a daily, daily drum beat upon me.

And ultimately Bob Popio asked people who were conducting this thing, Please, there's never been so much publicity, if one were to go back and look at the publicity during that period, and he therefore asked, If you would please just make a public announcement so that my own opportunity to be made whole would occur.

Another thing, about being a master of ceremonies: I have to tell you, I did it more -- I'll bet I was a master of ceremonies for more state police than I have been for any FBI. I just did it all the time. It seemed to go OK.

I'm just telling you, it was a constant problem for me because people would so frequently ask me to do it. And it becomes difficult not to do.

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BULGER: I mean, Elliot Richardson (ph), who was the United -- Would you please, he said, do it? And I did it with Popio (ph), and we retired his debt. And he was ever grateful. But Elliott Richardson (ph), I mean, it was everyone. And I didn't know how to turn it off. And I did it all of the time.

And one of the things in my opening statement I don't mention, but the fact is these offices keep you very, very busy. And that was one of the...

And so, there's nothing sinister about my having agreed to be -- and by the way, I don't even know about this...

DELAHUNT: Mr. Bulger, let me be really clear. I'm not even suggesting sinister. What I am suggesting is responsibility of the office.

BULGER: My office?

DELAHUNT: No, not your office, the office of the FBI.

BULGER: Oh.

DELAHUNT: Because they were aware of the informant status of your brother.

BULGER: Right.

DELAHUNT: They knew that your brother was an informant to the Federal Bureau of Investigation, and they proceeded to conduct an investigation into the matter involving 75 State Street. And I'd just say the appropriate action by the government should have been to refer that matter to another U.S. attorney's office, to another office of the FBI.

And far be it for me, Mr. Bulger, to defend the blow. But they were correct in the information they provided relative to the status of your brother as an informant. My understanding is that it was Mr. Morris that was the source of that particular information. But that information did lead to, I dare say, the Wolf (ph) hearings, the hearings of this particular committee, that have really given us some insights into what was occurring within the Department of Justice, not just in Boston, but by implication elsewhere.

BULGER: I appreciate that, Congressman. I can't even be in disagreement with you on it, not at all.

DELAHUNT: Mr. Chairman, before we get off this round, can I ask one question on the subject of...

(CROSSTALK)

... I want to get off this Coconut Grove end. And I didn't ask the last question. I get a little sidetracked with the evaluation of the Irish Volunteers, how they were. But I do want to ask this question. You indicated that you knew Roger and James Concannon (ph). And there's a story in the Herald today. I don't suppose you've had an opportunity to read the Herald yet, but...

BULGER: I don't ever read it.

DELAHUNT: I just want to ask you this. You had indicated you knew Roger and James. Have you ever spoken to them about your brother?

BULGER: To whom?

DELAHUNT: Roger Concannon (ph) and James Concannon (ph) or Bill Grisgal (ph)?

BULGER: I don't think I've ever spoken to Roger Concannon (ph) about my brother. I see Jim Concannon (ph) so frequently that I could very well have.

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DELAHUNT: So you could have. Any idea what the content would have been?

BULGER: Jim is a contemporary, and I see him once a week. And he's usually very supportive and that sort of thing. So it would be probably just giving him some assurance that we're doing OK. And I can't remember discussing my brother with him, though, Jim. Jim is a probation officer.

DELAHUNT: You never had a conversation with them about your brother potentially being at the Coconut Grove Inn or anything of that nature?

BULGER: The Coconut Grove Inn? I don't know where that is. Where is that? Do you mind me asking that?

DELAHUNT: Well, yes, it's in Saint Vincent -- the Caribbean, apparently. But I just asked the question because it was in -- it was a piece today, and I just thought I would finish that off.

Thank you, Mr. Chairman.

T. DAVIS: Thank you very much. Your time on this side has expired.

The gentleman from Indiana is recognized.

BURTON: I just have a few questions, Mr. Chairman, to kind of wrap up. Stevie Flemmi, were you aware that he had extensive real estate holdings?

BULGER: I think only after he was in trouble, indicted. I read it in the paper. I was not aware of it before that.

BURTON: But did you ever talk to his mother about him and what he did for a living, or anything like that?

BULGER: No, his mother was just exactly next door to me, just a few feet away. And she's a very fine lady, Congressman, and she was -- really she just -- she was seldom visited. She didn't have anybody after her husband died, and she would, I think, be kind of waiting when I come home or when I was going out. And I...

BURTON: I understand. That's laudable. Was he like your brother? I mean, did you have any idea what he did for a living?

BULGER: No, I thought he had a restaurant somewhere. And also I thought he had a club or something like that, some club.

BURTON: Did you ever hear any rumors or anything that would indicate your brother was involved in murders?

BULGER: Someplace I saw it in the paper. I didn't believe it, but I did see it someplace. And that was in the '80s.

BURTON: Now, all of these -- after 1995, you were called in January, I think, in 1995, and he left around Christmas in 1994.

BULGER: Right.

BURTON: Can you give us a list of all the people that passed along information to you about Whitey and where he was and how he was doing? Or is that a...

BULGER: I could -- well, I've done it for other authorities. I've told them...

BURTON: Well, we'd like to have it here for the record, if you can give it to us.

BULGER: OK, well I think that...

BURTON: I think it's important to know how many times he contacted people.

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BULGER: Yes, well I don't think...

BURTON: The only time he contacted you.

BULGER: I think Theresa Stanley was the source of some communications, because she had been with him and then was dropped off.

BURTON: This is the one whose daughter got the job at the convention center?

BULGER: Right.

BURTON: Yes.

BULGER: And I think, by the way, that youngster had worked at the convention center long before that. She's a very good employee. And she was savaged by the local press about being there. And she left, she went someplace else.

BULGER; I think Mrs. Caputo (ph), who I haven't spoken to in years, but I think she may have received a call. There's a gentleman that I used to meet, and I told the police about this, he is a retired policeman, and he told me that he had seen my brother in Maine and decided not to arrest him.

BURTON: Now, did they pass on to you anything specifically that Whitey said to them?

BULGER: No.

BURTON: He didn't say, Tell Billy I'm fine?

BULGER: No.

BURTON: Or didn't say Merry Christmas or anything?

BULGER: When I was in public office, I listened to everyone. Frequently knew better than to take them very seriously. He would fall into that category. Very nice fellow, but he could tell a wonderful story. That happens. I mean, I just didn't go about saying to people, You're fibbing and you're telling the truth, because they're all...

(CROSSTALK)

BURTON: Were there any other people in that list?

BULGER: And then there was -- I don't know (inaudible) ended some eight years ago. It happened then, and then nobody has said anything in years and years.

BURTON: So you don't recall anybody else other than those you mentioned?

BULGER: No.

BURTON: OK. Now, I'm going to be a little redundant, but I want to make sure we've got this for the record. When did the FBI first interview you after your brother fled Boston?

BULGER: Well, I'm informed now that they said they came to my house or something, and if they say that, then they probably came, but it would not have...

BURTON: The information that we have on that is that about four days after he left there was a knock on your door, you answered the door, they asked you questions, and you were supposed to have said, I don't have anything to say, and you just shut the door.

BULGER: Well...

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BURTON: You don't recall that?

BULGER: I don't remember it, you know, but my sense is, if I did speak to them, I think I'd handle it much more diplomatically, and I'd say, I have a lawyer and would you, and I'd give them his name.

BURTON: Well, what other interviews were there?

BULGER: With me or with other members of the family?

BURTON: With you.

BULGER: No, I don't think there were other interviews, no.

BURTON: OK. Were you concerned that your Senate office was bugged?

BULGER: No, I wasn't.

BURTON: Did you ever ask anyone to conduct a sweep of your office to determine if it was bugged?

BULGER: I accepted the routine sweep of the office. There was someone from one of the police departments or the state...

BURTON: Suffolk County district attorney's equipment was used?

BULGER: Something like that. And they would go through -- I think they'd go through all of the constitutional offices, and they'd make themselves -- if you wanted to do it, fine. I think I said yes to it.

BURTON: That was a common practice for them to sweep your office?

BULGER: No. But whenever they -- it probably happened once or twice.

BURTON: Did you ask them to sweep your office?

BULGER: No, I never went looking for anyone to do that, never.

BURTON: You didn't say, You know, I'd like to have my office...

BULGER: Oh, please, no. I didn't. No. No, I didn't say, Oh, please come and do it, no. I didn't do that.

BURTON: Well, how did it happen? Did they just say...

BULGER: I think that they called, the people who were doing it...

BURTON: But they initiated the call.

BULGER: I believe so. I think so. Again, it's years and years.

BURTON: If you were concerned about your office being bugged, it seems to me you would call and say, Look, I'd like for you to sweep my office.

BULGER: Sure.

BURTON: Or if they just said, You know, we would like to come by and check your office for bugs, you would know the difference.

BULGER: I don't think I ever felt that it was...

BURTON: Necessary.

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BULGER: Necessary.

BURTON: The only reason I ask that is you went to this other house to get that call from Whitey, and I just wondered if there was any correlation between that, having your office swept.

BULGER: No.

BURTON: There wasn't?

BULGER: No.

BURTON: You did not ask them to sweep your office?

BULGER: I don't think so.

BURTON: No, no, you did not ask them to sweep your office, you didn't think so. Just a yes or no. Did you ask them to sweep your office?

BULGER: No.

BURTON: Thank you.

OK, I just have a few more questions.

In your book, you showed a great deal of contempt for informants. And you've covered this, you heard that your brother was an informant, refresh my memory, how did you find out he was an informant or alleged to be an informant?

BULGER: The very first was in this piece in the Globe in the late '80s. That's the first time, I think, that, you know, my curiosity was piqued about this.

BURTON: What steps did you take to find out if it was true?

BULGER: I didn't take any steps.

BURTON: Did you talk to your brother about rumors that he was an informant?

BULGER: No, I don't think so. I don't think so. My brother's an older brother, Congressman, he doesn't listen to -- he didn't listen to -- he didn't come to me looking for advice.

BURTON: Yes, but it seems to me you'd remember if you said, Are you an informant? I mean, that's a pretty significant thing. I mean, Are you talking to the cops? You don't remember doing that?

BULGER: I don't think so, no.

BURTON: But you can't say categorically you didn't.

BULGER: I may have said it if I saw him, but, you know, I doubt it.

BURTON: But you were curious about the truth of the Globe article.

BULGER: The truth of it was not as interesting to me as the other aspect that I have described.

BURTON: Did you talk to John Connolly about your brother and whether he was a government informant?

BULGER: No.

BURTON: Did you talk to any friends or aides about the possibility that he was an informant?

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BULGER: I don't think so.

BURTON: You didn't talk to anybody else that you recall?

BULGER: No. I know what I said about it.

BURTON: I just have one more thing, Mr. Chairman, and that is, I'm very troubled by this Boston Herald article, not because of you, Mr. Bulger, but because how can a newspaper find out all this information and the FBI hasn't done anything about it. It just mystifies me.

BURTON: It says, according to one policeman, these two guys didn't have two nickel to rub together, and yet they paid \$130,000 at the outset, plus another \$27,000 for that hotel, to buy up controlling interest in it, and that Whitey Bulger allegedly was down there and had the top two floors. And they've talked to people down there that said that that was the case. And if that's the case and the Herald can find out about it, why in the world can't the FBI?

So I don't know if we have any U.S. attorneys around, but, guys, that kind of throws a little mud on your ability to get one of the 10 most wanted criminals in the country when a newspaper finds out about it and goes into great detail.

With that, I yield back my time, Mr. Chairman.

T. DAVIS: Thank you very much.

You doing OK? I'm going to recognize counsel. Do you need a break, Mr. Bulger, or you OK?

BULGER: I'm doing fine.

T. DAVIS: All right. Let me recognize counsel for questions.

KEITH AUSBROOK, COMMITTEE COUNSEL: Thank you, Mr. Bulger, Mr. Chairman.

I just wanted to ask a few follow-up questions to some things that have been raised today.

After your brother returned to Boston from Alcatraz, you tried to get him a job. Is that right?

BULGER: Yes.

AUSBROOK: And what job was that?

BULGER: I got him a job in the Suffolk County Courthouse, janitorial.

AUSBROOK: How long did he stay in that job?

BULGER: Some months, but not very long.

AUSBROOK: And do you what he started to do after that?

BULGER: And do I know what?

AUSBROOK: After he left that job, do you know what he started to do?

BULGER: I think he was with a company that was doing billboard advertising. I think that's where he went next.

AUSBROOK: And how long was he there?

BULGER: Excuse me?

AUSBROOK: And how long was he there?

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BULGER: I don't know. I think several years.

AUSBROOK: Was that a legitimate job, or was that something that he didn't really have to show up for...

BULGER: Well, I had assumed it was.

AUSBROOK: When did you come to realize that your brother was engaged in criminal activity?

BULGER: I'm uncertain of that, very uncertain of that.

AUSBROOK: Can you even make a rough estimate of when you might have figured out that he was engaged in criminal activity, loan sharking, numbers, other activities?

BULGER: Could I make a guess? It must be in the '70s sometime.

AUSBROOK: So I think you said that you certainly could have asked John Connolly to look after him at some point. Is that true? Is that what you testified to?

BULGER: Excuse me, this comes from a newspaper story, Counsel, that...

AUSBROOK: It actually comes from John Matarano's (ph) testimony.

BULGER: Yes.

AUSBROOK: And so he testified that you asked John Connolly to, Look after my brother.

BULGER: He said that?

AUSBROOK: Yes. To keep an eye on him. Keep him out of trouble. Something like that.

BULGER: Yes. That I said that to whom, to John Connolly?

AUSBROOK: To John Connolly, about your brother Whitey.

BULGER: And was Mr. Matarano (ph) there when I -- was he present...

AUSBROOK: No, I don't think he actually was there, but I think he understood that you had done that...

(CROSSTALK)

BULGER: Well, if I ever said something like, Boy, influence him to stay on the straight and narrow, if that's what's meant by it, I could well have said it, but I never was -- the other construction of my words is wrong. I don't know anything about what Mr. Matarano (ph) has heard. And I forget who it was that told him of it.

AUSBROOK: Do you think you would have said that at a time when knowing that John Connolly was an FBI agent and that your brother was engaged in criminal activity?

BULGER: Oh, no. I mean, I didn't intend that at all. I think it's a pretty innocent comment, if in fact I made it. I have no recollection. But I don't want to quarrel with that source.

AUSBROOK: But it's not something you -- I mean, maybe it's something you'd say to a lot of people, you know, just keep an eye on somebody, keep him out of trouble. It's not an unusual thing to say to somebody, is it?

BULGER: Do you think it's unusual?

AUSBROOK: No, I'm asking you if you think it's unusual.

BULGER: I don't think it's so unusual.

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AUSBROOK: But in the context of an FBI agent and a person involved in crime that might be an unusual thing to say.

BULGER: Oh, I suppose it could be, but it's not intended as it's purported.

AUSBROOK: Let me ask a few questions about Kevin Weeks. What is your relationship with Kevin Weeks?

BULGER: I just know him from seeing him around. His brother was a friend of mine, or at least I knew him from the campaigning. He lives in Chicago.

AUSBROOK: Kevin Weeks seems to be a person who would come to you with information about your brother.

(CROSSTALK)

BULGER: On several occasions he would stop by. I think I'm the last one to, at the end of a day, he felt like talking and not going home or something, yes.

AUSBROOK: Did you have any sort of special relationship with Kevin Weeks whereby you asked him to provide you with information about your brother?

BULGER: No. No.

AUSBROOK: Was there any special treatment that Kevin Weeks was afforded in getting access to you?

BULGER: No. I think I was inflicting my advice upon him. He seems very young to me. His brother was in Chicago, and I know I told him that he should go to Chicago and that he should take his wife and family and go to Chicago. That's what I would tell him.

AUSBROOK: So if he made a phone call to your office, would it automatically be put through?

BULGER: I don't think so. Somebody would talk to him. I don't think he ever made a phone call, ever, to my office.

AUSBROOK: What about visiting your office?

(CROSSTALK)

BULGER: I don't recall ever seeing him there.

AUSBROOK: Where would you see him?

BULGER: He would stop by the house, and he'd come through unannounced, suddenly.

AUSBROOK: Let me ask you some questions about your relationship with John Connolly.

AUSBROOK: Do you recall gathering some Friday nights at something called the Bayside Club?

BULGER: No, I know the Bayside Club, but there were no big gatherings that I attended.

AUSBROOK: Any kind of gathering then. Did you have a regular gathering of some sort on Friday nights anywhere?

BULGER: No -- what year is this?

AUSBROOK: In the early 1970s.

BULGER: In the early 1970s, I don't think so.

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AUSBROOK: In your last conversation with your brother, did you discuss at all any means of further communication with him?

BULGER: No.

AUSBROOK: Did he say he would call you again?

BULGER: No.

AUSBROOK: He did not?

BULGER: There was no discussion of it. It was the first few weeks. I thought the situation was temporary.

AUSBROOK: Let me ask you about your role as Senate president, and this outside budget item that keeps coming up. Have you been involved in other outside budget items?

BULGER: I don't know. I probably must have at different times.

AUSBROOK: Do you have any formal responsibility for outside budget items?

BULGER: No.

AUSBROOK: Is there a practice in the state legislation that the leadership, as Mr. Meehan has asked, suggested that the leadership has to sign off on outside budget items?

BULGER: No, the budget items come up as amendments, outside sections. And then there is an up or down vote on them by the body. But they come from all directions. They come from the committee on the judiciary, the committee on health, the committee on insurance and taxation. They are also...

AUSBROOK: Can they be voted on without the approval of the leadership?

BULGER: Oh, sure.

AUSBROOK: Let's go to the Billy Johnson incident. Did you ever receive a copy of the incident report?

BULGER: No.

AUSBROOK: And you've mentioned that you also had some contact with people who say they've heard from your brother. Cathy McDonna (ph), Caputo (ph) maybe?

BULGER: Yes, I don't think I spoke to those people, but I think they were the source of it.

AUSBROOK: Did you tell this information to the grand jury, that you'd had contact with those people?

BULGER: I think I did, but I don't -- I told them I was hearing it. And if it were attributed to someone, I think it might be such people as that.

AUSBROOK: And did you give them their names.

BULGER: Yes, I think so.

AUSBROOK: Did you ever tell the FBI that these people -- that you had heard that these people might have had contact with your brother?

BULGER: No.

AUSBROOK: Do you have any information as to whether federal investigators have contacted any of these people?

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BULGER: Oh, yes, there's evidence of that.

AUSBROOK: And how do you know that the FBI has contacted...

BULGER: I mean, because one of -- the young lady, Cathy McDonna (ph), ended up with a perjury charge against her. And I don't know, Theresa, I've seen her picture in the paper, testifying in court. So they've all contacted.

AUSBROOK: And finally, let me just ask you a little bit about if you ever saw John Connolly in the company of your brother?

BULGER: Never, I don't believe I ever saw that. I think I'd -- that will be -- I just never saw that.

AUSBROOK: Would that have surprised you to see that?

BULGER: It would have.

AUSBROOK: Did you ever see your brother in the company of any other federal law enforcement officials?

BULGER: No, not at all.

AUSBROOK: James Ring, John Morris?

BULGER: No.

AUSBROOK: How about did you ever see federal law enforcement officials going to Steven Flemmi's mother's house?

BULGER: No.

AUSBROOK: Those dinners apparently were not -- there was more than just one?

BULGER: Right.

AUSBROOK: But you never saw anybody going in and out of the house?

BULGER: Well, of course, I've seen many people going in and out.

AUSBROOK: But I mean any of the FBI agents with whom you were familiar?

BULGER: No, never. I can recall her family coming, because she would be inviting everybody that came from Lawrence, Massachusetts. And they would come. And she loved to cook for them, and that would be a big event.

AUSBROOK: Let me go back to the Billy Johnson incident report. Did anybody tell you what was in that report?

BULGER: No, no one ever told me what was in that report.

AUSBROOK: So you have no knowledge of what was in that report?

BULGER: Absolutely no knowledge of it. I never knew his name until years later, only because the press was writing about his problems.

AUSBROOK: Was it your earlier testimony that people did suggest to you that they had been threatened by your brother?

BULGER: I have a sense that I'd hear it, not from an individual, but I hear people say, you know, your brother frightened someone to death or something. And if I share it -- if I saw him.

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Sometimes I wouldn't see him six, seven months at a time. But if I did, I'd say to him, Please, I hope that's not true. That's all I could say is I hope it's not true.

AUSBROOK: Were these people involved in politics? Or were they just -- or were they also other people?

BULGER: I'm not -- well, they, I don't know. I don't know anyone who has been a candidate or anything.

AUSBROOK: I'm not sure I understood you. But when you did see your brother and you'd heard about these threats, did you ask him to try to stop that?

BULGER: I would say I hope that that's not true. I wouldn't want to get -- there's no sense in getting into an argument. He would say I think it's not true. But rather than argue about it, I would express my consternation with that kind of behavior.

AUSBROOK: So did he ever talk to you, not just about the threats, but about any of his other activity that was illegal?

BULGER: No, he didn't, no.

BURTON: Would the counsel yield to me, Mr. Chairman?

T. DAVIS: The gentleman from Indiana (ph)?

BURTON: These people who you had heard through the grapevine were threatened, do you know who any of them were?

BULGER: I suddenly remember one.

BURTON: Well, how many were there that you know of?

BULGER: I wouldn't hear it from them.

BULGER: But as I say, indirectly.

BURTON: I understand. But if somebody said, you know, someone was scared to death by Whitey...

BULGER: He scared the...

BURTON: No, excuse me, if somebody said a friend of mine was scared to death by Whitey, they obviously would tell you their names. So we'd like to know the names of the people that were threatened.

BULGER: Oh, but not necessarily. He'd say he's arguing with someone about you, me, taking my part, he thinks. And it wouldn't necessarily be -- I do recall one maybe.

BURTON: You only recall one?

BULGER: This, by the way, happened many years ago. We're back to 25 years or something. And it was in 1970. And one of the people running against me, someone in his camp there called me and said, Boy, your brother's angry and he's sounding off about things. And so I drove up the street and I found him and I said, You know, this is madness. Don't do that, you know.

BURTON: Well, who was this person.

BULGER: The candidate was a fellow named Patrick Loftus (ph).

BURTON: Patrick Loftus (ph)?

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BULGER: Yes.

BURTON: OK. Now, were there any others like that?

BULGER: No, that's the only one I pinned down like that. I had forgotten about it. It was 30 years.

BURTON: It was a political opponent...

BULGER: Right.

BURTON: ... and you had a very long and, according to what I've heard, a pretty distinguished career.

BULGER: Right.

BURTON: You obviously had other political opponents. Did Whitey threaten any of the others that you know of?

BULGER: No. I never...

BURTON: Well, you said that from time to time you would hear this.

BULGER: I would hear him arguing. I think he probably thought he was doing it for me. And I think ultimately, I'm sure around that time, I made it very clear to him that I did not want that and please don't do it.

BURTON: But you can't recall any other names of people that were threatened?

BULGER: No. I don't think there were big incidents. It was just -- it was his displeasure, and they were concerned about it. I know that night I went and found him, and I think at that time he said, I assure you I will never be near any of this again, the political thing. I supposed that's what was intended. I had forgotten about that incident, but it comes to mind now, and it was in 1970, 30...

BURTON: You don't recall any after that time?

BULGER: I don't think so. I'm sure, you know, he'd be willing to argue, but none of it comes to my mind at this moment.

BURTON: One last question. When the majority leader of the Senate, who was the heir apparent to becoming the pro tem, who was indicted and convicted, who you said was a friend of yours and is a friend of yours, that happened just prior to you becoming president of the Senate, president pro tem, didn't it?

BULGER: No. I think it happened...

BURTON: Can you give me the time...

BULGER: Well, it was in the '70s that all of that occurred. And then I became the president in the middle of 1978. The president of the Senate at that time was the one who would decide who would be the majority leader, and he appointed me.

BURTON: So you were then in the line of succession, so to speak.

BULGER: Right.

BURTON: But you have no knowledge of anything that led up to that indictment or that investigation?

BULGER: No, I have no -- and I'm absolutely certain that I never would ask anyone or even indicate any way that I would want some harm to befall someone to further my ambition. I mean...

BURTON: Was Connolly involved in that?

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BULGER: I don't know. I don't think so.

BURTON: So Connolly was not involved in that business.

BULGER: I don't think he was.

BURTON: OK.

Thank you, Mr. Chairman.

T. DAVIS: Well, I think we're close to the end here.

Let me just ask, you had weapons found next door. There were a lot of activities going on next door to you.

BULGER: Right.

T. DAVIS: Were you aware of this?

BULGER: Sure. I was aware when they were discovered and picked up.

(CROSSTALK)

BULGER: But I didn't know. I mean, whoever, when they put them there, didn't tell me, By the way, we...

T. DAVIS: Oh, no, I understand. But what'd you think afterwards? I mean, obviously -- were you concerned?

BULGER: Well, I don't know. They were hidden away. And I think at the time when they were discovered I didn't even realize that people had come and done it; that is to say, have come and take them away. I just didn't know that.

For all of those years that the Flemmi family lived there it was two very fine people, old people, and for a long, long time the widow and the mother of Stephen Flemmi. The house had become vacant and they were looking for someplace and they came there.

T. DAVIS: Yes, I mean, these were big lots or anything, though, right?

BULGER: Pardon me?

T. DAVIS: These were relatively small units and small lots?

BULGER: Oh, yes. Very small.

T. DAVIS: Very close to each other, right?

BULGER: Very, yes.

T. DAVIS: OK.

Any other questions?

Mr. Meehan, Mr. Delahunt, I think (OFF-MIKE).

DELAHUNT: So the Flemmi house was right next door to...

BULGER: Right.

DELAHUNT: ... to your home.

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BULGER: Yes.

DELAHUNT: How much distance is there between the two?

BULGER: Perhaps from here to the desk, the first desk.

DELAHUNT: And you're aware of the machine guns and the other ammunition that was taken out of, I guess, the back shed.

BULGER: Yes.

DELAHUNT: After the fact, I mean.

BULGER: Yes.

DELAHUNT: And you never had any knowledge of...

BULGER: None.

DELAHUNT: Not of guns, guns being in there, but nothing ever looked suspicious over there?

BULGER: No.

DELAHUNT: Did you know Debbie Davis?

BULGER: I don't think I ever met Debbie Davis, no.

DELAHUNT: You're aware it's alleged that she was murdered next door?

BULGER: Yes.

DELAHUNT: I realize the difficulty with this. I'm curious, after all that has transpired, do you want your brother to give himself up now?

BULGER: Do I want him to? I hope he does what is the right thing.

DELAHUNT: Do you want law enforcement, at this point, to effectively find him and bring him back to face charges?

BULGER: Do I want them to?

DELAHUNT: Well, let me phrase it differently...

BULGER: I worry about the thing I told you in the first place, Congressman. I can't get away from that, my belief that the effort was made to kill him and that it was done by an FBI agent, Mr. Morris. And I'm mindful of the finding of the judge, Wolf.

DELAHUNT: Wolf.

BULGER: He said, I believe, and uses the verb in order to murder Bulger, that the Morris went and met with O'Neil at the Globe to have that printed. And when the question is asked, each time they say well what did you think about -- I tell you, I -- one thing I knew, it was this, that whether it were true or false, the fact is identifying him as such might result in his murder. And that was the judge's conclusion. And I think it -- and it was a chilling thing for me, with all of the talk about killings and the rest.

Believe me, I don't -- I know it may seem as though I am expressing all my sensitivity to this particular situation, it's only that it's under color of authority that it really disturbs me, that people would violate their office by doing that. I

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think it's the same sense of indignation that I am -- well, I'm aware of because I'm here at the -- your committee as you try to deal with the perennial question of who will police the police.

So I have no quarrel with whatever you are thinking. In fact, I think if I were here, I'd be similarly outraged. And also, with respect to the question, the original question, I don't know, I don't know exactly how to give the answer. Just in view of my lack of confidence in these people.

DELAHUNT: Let me ask you a question. Was that part of your rationale in 1995 when you got the phone call not to go immediately to law enforcement in an effort to try to trace...

BULGER: 1995, I still hadn't seen the official kind of pronouncement by the judge. But I was always mindful of that fact, that some years before that had appeared. And the only people who would know it would -- you know, with any kind of degree of certitude would be the ones who were -- to be an FBI informant is surely to be known for being that by the FBI.

DELAHUNT: So do you question the ability of law enforcement to, if in fact they were able to capture James (inaudible) do you question whether or not they could keep him from being murdered?

BULGER: I don't know. I'm just -- I'm taken by the fact that I have to have the doubt. I do -- I have a doubt.

(UNKNOWN): Would my friend yield?

DELAHUNT: Sure.

(UNKNOWN): Mr. Bulger, today, as we sit here in the year 2003, and there have been changes obviously in the Boston office of the FBI as well as in the leadership of the FBI down here in Washington. You've expressed the concern. You made it in your statement that you believed partially, as my understanding, on the finding by Judge Wolf. But did you have any other evidence as opposed to a feeling that there was a -- that some wanted your brother killed?

BULGER: Yes, it was a strong feeling. I think...

(UNKNOWN): But it was a feeling?

BULGER: Based on reason.

(UNKNOWN): Can I -- let me interrupt.

BULGER: Sure.

(UNKNOWN): Would you provide this committee with what you would discern as the motive for the FBI wanting to kill your brother?

BULGER: I can tell you.

(UNKNOWN): Tell us.

BULGER: It's the finding of Judge Wolf, to at the large hearings. He said that Morris had been involved in this unsavory kind of relationship and therefore he had accepted something from my brother. He thought that my brother had outlived his usefulness and he therefore knew that some day my brother would be brought in.

BULGER: And his own misconduct would have...

(UNKNOWN): I understand -- let me interrupt you by saying Mr. Morris is no longer, obviously...

BULGER: Right.

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DELAHUNT: ... with the bureau. Do you have that same concern today?

BULGER: I'm sorry, I didn't -- that was your question. I apologize (inaudible). I think it's -- I don't know, my confidence is shaken, but I don't know. I don't believe that most -- (inaudible) me just saying this -- most of those people that we've had the names about, Mr. Condon and the fellow who -- Sheehan and those people -- they seem to me to be men of integrity.

I really don't -- I cannot believe -- you don't have to listen to this -- that they would knowingly be parties to this terrible commitment of three men for their whole lifetimes. I just find that so -- I don't know Rico, I don't know Rico. So if it's somebody I don't know, like Morris, I suppose that's easier for me, but when I'm around -- when I have been around with them, they were in state government, they seemed that it would be so base for them to have been a party to that and then to be, I don't know, so, in my view, upstanding.

DELAHUNT: Let me just change the subject for one moment. Let me go back to the issue of Mr. Davis and Trooper Johnson. When you were preparing the affidavit, I don't know whether it was Mr. Kiley or yourself that prepared the Davis affidavit, but I would suggest to you, Mr. Bulger, that was he inquired of as to whether he went to the state police office and sought the report?

KILEY: May I answer, Mr. Chairman?

All of the affidavits were my work product. All of them are the result of contact following our June 3 interview here. And I asked particular questions of all of them, drafted them. They edited them, every one of these individuals...

DELAHUNT: Well, let me interrupt you. Let me interrupt you.

KILEY: And, no, I did not ask them...

DELAHUNT: You did not ask them that question. Because I would suggest the fact that Mr. Davis, who was the director of Massport, should go and seek the report can be described as unusual.

In terms of the outside section of the budget, did you at any time inquire who happened to be the chairman of the Senate Ways and Means Committee?

BULGER: In '81 it's Chester Atkins (ph).

DELAHUNT: It's Chester Atkins (ph)?

BULGER: Right.

DELAHUNT: And it's my understanding that this outside amendment was inserted in the House as opposed to the Senate?

KILEY: We don't know, Mr. Congressman. There's different accounts in the press.

DELAHUNT: And do you know who would have been the chairman of the House Ways and Means Committee at that time? If you can remember.

BULGER: I can't remember right now.

DELAHUNT: Mr. Chairman, I think that...

T. DAVIS: That's in the public record and we can find that out.

DELAHUNT: Yes. I would hope that the committee...

T. DAVIS: We're going to look at that...

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DELAHUNT: ... would review and have staff conduct its own interviews.

And let me conclude by saying to you, Mr. Chairman, I sincerely hope that this effort in terms of an examination of the FBI, and specifically the Boston office, continues. I think it's very important. And I believe that it's time for us to consider having Mr. Connolly in front of this committee, Mr. Morris in front of this committee, Mr. Weeks and Mr. Matarano (ph). And I would hope that under your direction that the staff would be instructed to initiate whatever has to be done in terms of interviewing them.

T. DAVIS: Well, let me just say, obviously this is probably not our last hearing on this issue, but we coordinate with the Justice Department on this. Mr. Connolly has an appeal pending. But that is something that we're certainly looking at, I want to assure the gentleman.

DELAHUNT: Thank you.

(UNKNOWN): Mr. Chairman, should I assume that Mr. Delahunt used all my time?

T. DAVIS: If you have another question, I think we're ready to wrap this up. It's been a long day I think for all of us.

(UNKNOWN): That's OK. No further questions.

T. DAVIS: Let me just ask Mr. Bulger, is there anything you want to add at the end of this, that you'd like to say, to straighten anything out, something you didn't get in the record?

BULGER: No, no. It's over now, but I wanted you to know that I understand your purpose and I'm serious about respecting it.

T. DAVIS: Thank you.

BULGER: I mean, it's the terrible questions, but it's the perennial question about who will watch the watchers. And it's going to be...

T. DAVIS: Going to continue here.

BULGER: ... other people will be doing it many years hence. It's an ongoing duty.

T. DAVIS: Well, unfortunately, I don't think it's confined to Massachusetts. We've had other issues we'll continue to look at, but this has been very helpful. Obviously, we're going to come back, and this has raised some other issues as you testified. We want to go back and look. But we appreciate your being here today.

All the affidavits will be entered into the record.

BULGER: Thank you.

KILEY: And how about also the statements that we alluded to and said (inaudible) instead concerning the visit last week?

T. DAVIS: That is -- that'll be -- Mr. LaTourette, do you have some questions still remaining?

LATOURETTE: One, if you can bear with me.

T. DAVIS: Sure.

LATOURETTE: I know you want to move along.

Mr. Bulger, earlier today I asked you if you'd asked for a grant of immunity when you testified, and I think I said a state grand jury. And my understanding is you never went to a state grand jury, it was a federal grand jury. So I

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hope that my bad asking didn't get me the wrong answer. When you appeared in front of the federal grand jury did you seek a grant of immunity?

BULGER: Yes, I did.

LATOURETTE: And can you explain to us why? If that section of the law is correct, the sibling exception that you talked about, why?

BULGER: Because it was a federal grand jury originally, and it was a question in my mind as to how much protection the Massachusetts statute afforded me. There were questions like that.

LATOURETTE: Thank you.

That's all I have. Thank you.

T. DAVIS: OK. Thank you. Thank you very much.

The hearing will be adjourned.

END

Notes

[????] - Indicates Speaker Unknown

[-] - Indicates could not make out what was being said.[off mike] - Indicates could not make out what was being said.

Load-Date: June 21, 2003

U.S. TOLD TO PAY \$101 MILLION FOR FRAMING FOUR FOR MURDER

**U.S. TOLD TO PAY \$101 MILLION FOR FRAMING FOUR FOR MURDER**

Pittsburgh Post-Gazette (Pennsylvania)

July 27, 2007 Friday

SOONER EDITION

Copyright 2007 P.G. Publishing Co.

Section: NATIONAL; Pg. A-9**Length:** 489 words**Byline:** Pam Belluck, The New York Times**Body**

In what appears to be the largest sum of money ever awarded to people who were wrongfully convicted, a judge yesterday ordered the federal government to pay \$101.8 million to make amends for framing four men for a murder they did not commit.

Two of the men died in prison after being falsely convicted in the 1965 gangland murder. Another, Peter Limone, spent 33 years in jail before he was exonerated in 2001. The fourth, **Joseph Salvati**, spent 29 years in prison.

"It took 30 years to uncover this injustice," U.S. District Judge Nancy Gertner said in announcing her decision. She said the case was about "the framing of innocent men."

The men were exonerated after the discovery of secret FBI memos that were never turned over to state prosecutors or defense lawyers during the trial in 1968. The memos indicated that the government's key witness, a hit man for the mob named Joseph "The Animal" Barboza, had lied when he said the four men had killed the victim, a low-level mobster, Edward Deegan, known as Teddy.

Mr. Barboza's motivation was to protect the real killer, and FBI officials went along, the memos suggested, because Mr. Barboza had been helping them solve cases and because the killer, Vincent Flemmi, was an FBI informant.

In her decision yesterday, Judge Gertner forcefully criticized the FBI and the argument made by Justice Department lawyers that federal authorities were not required to share information with state prosecutors, and were not responsible for the results of a state prosecution. "The government's position is, in a word, absurd," she said.

Justice Department spokesman Charles Miller said the government would review the decision before deciding whether to appeal.

In their suit, the men argued that Boston FBI agents knew that Mr. Barboza was lying when he named the men as killers in the 1965 killing. They said Mr. Barboza was protecting a fellow FBI informant, Mr. Flemmi, who was involved in the hit, according to The Associated Press.

U.S. TOLD TO PAY \$101 MILLION FOR FRAMING FOUR FOR MURDER

The four wrongly convicted men were treated as "acceptable collateral damage" because the FBI's priority at the time was taking down the Mafia, their lawyers said.

A Justice Department lawyer had argued federal authorities could not be held responsible for the results of a state prosecution and had no duty to share information with the officials who prosecuted Mr. Limone, Mr. Salvati, Henry Tameleo and Louis Greco, The AP said.

The judge awarded \$26 million to Mr. Limone, \$29 million to Mr. Salvati, \$13 million to Mr. Tameleo's estate and \$28 million to Mr. Greco's estate, as well as awards to the wives and children.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," Mr. Salvati told the AP.

"It's been a long time coming," said Mr. Limone, who served 33 years in prison before he was freed in 2001. "What I've been through -- I hope it never happens to anyone else."

Graphic

PHOTO: Stephan Savoia/Associated Press: **Joseph Salvati**, left, embraces his wife, Marie, as she becomes emotional while recounting her husband's years in prison outside the federal courthouse in Boston yesterday.

PHOTO: Joseph "The Animal" Barboza

Load-Date: July 28, 2007



[U.S. told to pay up for unjust verdicts](#)

The Star-Ledger (Newark, New Jersey)

July 27, 2007 Friday

FINAL EDITION

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Section: NEWS; Pg. 4

Length: 386 words

Byline: DENISE LAVOIE, ASSOCIATED PRESS

Dateline: BOSTON

Body

In a stinging rebuke of the FBI, a federal judge yesterday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its campaign against the Mafia in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one, the infamous James "Whitey" Bulger, who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

U.S. told to pay up for unjust verdicts

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government had argued that federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

Graphic

1. Wrongly convicted ex-prisoner **Joseph Salvati** kisses his wife, Marie, in Boston yesterday after winning vindication and millions of dollars from the federal government.

Load-Date: July 27, 2007

End of Document



Weld asks council to commute term of man in '65 plot

Telegram & Gazette (Massachusetts)

December 19, 1996 Thursday,

ALL EDITIONS

Copyright 1996 Worcester Telegram & Gazette, Inc.

Section: NEW ENGLAND;

Length: 864 words

Dateline: BOSTON

Body

Gov. William F. Weld filed a commutation request yesterday for

Joseph Salvati, who is serving a life sentence for his supposed role in a 1965 murder.

The Governor's Council delayed action until next month, when a public hearing will be held, although it did approve 17 other pardon requests made by Weld.

"He's not a risk of any kind," Weld said of Salvati.

Salvati, 64, a former North End resident, was convicted of two counts of conspiracy to commit murder and one count of being an accessory before the fact of murder in the March 12, 1965, shooting of Edward "Teddy" Deegan.

The Associated Press

According to the Supreme Judicial Court, which rejected an appeal of Salvati's conviction, he and four other men plotted to kill Deegan and Anthony Stathopolous for crimes committed against the Boston underworld.

Court documents said Salvati distributed guns and silk gloves to wear during the hits and then was to serve as a getaway driver.

However, Salvati and two other men did not carry out their roles in the ambush because a police officer became suspicious when he encountered

Weld asks council to commute term of man in '65 plot

the group sitting together in a car.

Salvati and another man later learned of Deegan's murder while they were at the Ebb Tide Restaurant in Revere, it said.

In his appeal, Salvati said he had no involvement in plotting or attempting to carry out the hits. He said he knew most of the men only casually and that the one who later fingered him, Joseph (Barboza) Baron, had done so because Salvati still owed him money from a \$ 400 loan.

Baron was shot to death in San Francisco in 1976.

In May 1993, WBZ-TV reporter Dan Rea began a crusade on Salvati's behalf. A lawyer, Rea had been told by the dean of the Boston University Law School that Salvati was wrongly imprisoned. He has since aired more than 30 stories on the case and in October he found three witnesses who attested to Salvati's innocence.

"**Joseph Salvati** is an innocent man who has spent nearly 30 years behind bars," Rea said after attending yesterday's meeting of the Governor's Council.

In an interview, however, Weld said he was unaffected by the media coverage.

"On a commutation, what we look at is the prisoner's history, the degree of his involvement in the offense. Certainly if he had been the triggerman, it would have been quite different, which he was not," Weld said.

While Weld also said Salvati could become a candidate for a new trial as well as a commutation, he balked at saying whether he felt Salvati was innocent.

"I've been over the case exhaustively, but that's not for me to say," he said. Salvati's request for a commutation has also been supported by Jack Zalkind, a Boston lawyer who prosecuted the murder case, and retired Detective Sgt. Frank Walsh of the Boston Police Department, who investigated the case.

Pardons allow the governor to clear a person's record and are typically used to expunge minor infractions for people who want to be police officers or other positions requiring an unblemished criminal record.

Commutations allow the governor to release a prisoner from jail by converting his sentence to time served. In Salvati's case, Weld wants him to serve a year in a pre-release center before being freed.

Weld asks council to commute term of man in '65 plot

Meantime, Weld has used his executive clemency privileges sparingly, granting only 33 pardons and six requests for commutations before yesterday.

During its meeting, the Governor's Council approved pardons for: Perry Palladino, who was placed on probation six decades ago for a misdemeanor charge of being stubborn and delinquent, and also sent to a reform school in 1934 for breaking and entering and larceny in the daytime, a felony;

David Greenberg, who was convicted of misdemeanor assault and battery in 1988;

Michael Lewis, who paid \$ 50 in fines in 1972 for larceny and receiving stolen goods;

Sofia Stavropoulos, who had his case continued in 1982 for possession and attempted use of a stolen credit card;

Peter Asacker, who was involved in a variety of offenses dating from 1968 to 1974;

James W. Bibby, who was charged with larceny in 1950;

Stephen M. Bilodeau, who was convicted of three counts of carrying a dangerous weapon in 1987;

Mark E. Caron, who was found convicted of possession of a Class B substance in 1985;

Gail R. DelRosso, who was convicted of two counts of drug distribution charges in 1982;

Michael J. Fernandes, who received probation in 1988 for misdemeanor possession of marijuana;

Francis J. Fistori, who had his case continued for possession of a dangerous weapon in 1975;

Eduardo S. Henry, who received probation for felony larceny in 1975;

David C. Kinder, who was placed on probation in 1970 for felony breaking and entering in the nighttime;

Thomas A. Martell, who received a suspended sentence in 1962 for felony breaking and entering in the nighttime;

Douglas A. Medeiros, who was involved in a variety of offenses dating from 1969 to 1982;

Joseph W. Parent III, who was charged with larceny and misdemeanor assault and battery stemming from incidents in 1991 and 1992, and;

Weld asks council to commute term of man in '65 plot

Michael J. Welch, who was charged with a variety of offenses in 1973.

Load-Date: December 20, 1996

End of Document



WIPEOUT; Public safety trio axed in shakeup

The Boston Herald

December 2, 2003 Tuesday

FIRST EDITION

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Section: NEWS;

Length: 600 words

Byline: By J.M. LAWRENCE and KEVIN ROTHSTEIN

Body

Joseph Salvati, who was wrongly imprisoned for 30 years for a 1965 mob murder, has been caught on federal wiretap tapes consorting with a top underworld figure and a mob soldier, according to sources familiar with the investigation.

Salvati, 70, who just inked a deal with Steven Spielberg's SKG DreamWorks studio to tell his life story, can be heard ferrying Springfield mobster Alfredo "Al" Bruno to a meeting with Frederick "The Neighbor" Simone.

Bruno, 58, was gunned down outside a Springfield social club Nov. 23 by a white man who called out Bruno's name as he climbed into his vehicle.

Salvati talked on the phone often with Simone, who did 10 years for murder and was arrested yesterday on racketeering charges along with two other men.

"He was the most intercepted person on Simone's wiretape. They talked every day," one source said.

The wiretaps show Salvati acting as a kind of "secretary" for Simone, setting up the meeting with Bruno, the No. 2 man in the western Massachusetts mob. Simone hoped to patch up his relationship with mafia leaders after rebelling against another soldier's promotion, sources said.

But when the meeting time came, Simone backed out, citing a hangover in a conversation with Salvati.

Salvati's attorney Victor Garo said yesterday that Simone and Salvati knew each other while in prison at MCI-Norfolk.

But Garo said Salvati was never part of any racketeering organization.

"In prison, you don't meet doctors and lawyers as friends. Just because you associate with somebody doesn't make you a criminal," said Garo, who spent 25 years trying to prove Salvati's innocence.

WIPEOUT; Public safety trio axed in shakeup

Salvati associated with Simone in the months before a Justice Department Task Force uncovered hidden FBI reports in December 2000 proving that Salvati was wrongly convicted. His sentence had been commuted in March 1997.

In July, Salvati filed a \$ 300 million lawsuit against the Justice Department.

Federal and state investigators refused to comment when questioned about Salvati yesterday.

Simone, who was released from prison in 1998 after serving 10 years for helping to hogtie and murder mob associate Angelo Patrizzi, invited Salvati to socialize with him and asked Salvati to drive him around after he lost his license, sources said.

Garo said Salvati responded to Simone because he "likes to help people" and rarely turns down anyone's request for assistance.

Simone was hit with a 39-count federal racketeering indictment yesterday accusing him of operating a lucrative gambling and loansharking operation based in East Boston.

Simone chuckled yesterday in court as he listened to the long list of charges threatening to put him away for 20 years.

"I was just wonderin' if they left any counts out," he said when a federal magistrate reprimanded him.

Also indicted yesterday were mafia soldier Vincent "Dee Dee" Gioacchini, 51, who was convicted in 1991 after the FBI taped a Medford mafia induction ceremony, and Francis "The White-Haired Guy" White, 59, a long-time mob associate who has avoided prosecution for years, sources said.

All three men were held without bail. A detention hearing is set for Thursday.

Federal prosecutors said the men ran an old school racket collecting rent from bookies and extorting loan payments from 1991 until January 2002. They also crossed state lines traveling to Rhode Island "in an attempt to settle an internal Family dispute," prosecutors said but declined to elaborate.

Franci Richardson contributed to this report.

Caption: **JOSEPH SALVATI**

Caption: GIOACCHINI: Convicted after Medford induction ceremony.

Load-Date: December 2, 2003

WRONGED BY THE FBI, FREE AT LAST;MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON



**WRONGED BY THE FBI, FREE AT LAST;
MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN
PRISON**

Hartford Courant (Connecticut)

April 29, 2001 Sunday, 1N/5/6/7 SPORTS FINAL

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Section: MAIN; Pg. A1

Length: 2583 words

Byline: By EDMUND H. MAHONY; Courant Staff Writer

Dateline: BOSTON --

Body

The best meal Joe Salvati can remember, ever, was served on a Thanksgiving, a day that is otherwise indistinguishable from the long, numbing succession of the rest of his stolen days.

His eldest daughter, now a grandmother, cooked. She was a teenager then, living in the family's North End apartment. Turkey. Dressing. Salvati's wife, Marie, loaded dinner and her four young children into the cheap used car she had just learned to drive. She girded herself. The children were always wired during the frightening ride to prison, where Salvati was serving a life sentence for a murder that his family knew he did not commit.

One day last week, a promising sunny morning in a chilly spring, Marie Salvati was touching her husband's arm again after half a lifetime. She turned to him and smiled. "You were at the Concord [prison] farm at that time, remember?

"We were allowed to take food there," she said, as if she had to explain. "And we prepared everything, I'll tell you. We all had Thanksgiving together. We all sat down. Butternut squash. The whole nine yards, my Maria made. We packed it in a carton and I think it was the best Thanksgiving dinner we ever had while he was away."

Joseph Salvati was away for 30 years. Tiny moments now fill big places in the family memory. No one could have imagined how Salvati's life would shatter on Oct. 25, 1967, the day police officers snatched him off a city street and charged him --wrongly, he has now proved -- with killing a nickel-and-dime hoodlum named Edward "Teddy" Deegan.

He was a strapping, black-haired 34-year-old, and Marie, petite and auburn-haired, was 32. The life they had planned since marrying as childhood sweethearts dissolved in a nightmare interrupted only infrequently by strained meals at prison tables. Their children, 11, 9, 7 and 4 when Salvati was arrested, were 46, 44, 42 and 39 when he was finally and conclusively cleared of the murder earlier this year.

WRONGED BY THE FBI, FREE AT LAST; MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON

He never saw them grow up. He missed first communions and graduations and weddings. He had six grandchildren and a great grandson by the time he was released. His father had died. His mother had Alzheimer's disease. She rarely recognized him.

But hard as it was to live his children's lives vicariously from his prison cell, Salvati was consumed by knowledge that has only recently become public through an investigation of misconduct in the FBI's Boston office: He was an unwitting innocent trapped in what is turning out to be one of the country's worst law enforcement scandals.

Salvati and four other men were framed for murder by a FBI informant named Joseph "The Animal" Barboza, a psychopathic killer known for porkpie hats and a propensity to club men to death. Worse, previously secret FBI memoranda that led to the dismissal in January of Salvati's murder charge show that FBI agents knew he was probably innocent within hours of Deegan's death.

And it now seems certain that Barboza, the FBI's own informant, was behind Deegan's murder.

The FBI concealed the information. Salvati's life deteriorated into pulp fiction.

The federal government invented the witness protection program in the mid-1960s, in the middle of a violent war between gangs of thugs fighting over Boston's neighborhoods. Barboza became the country's first protected witness. That, Salvati believes, predetermined his conviction.

At the time, the FBI was under enormous pressure to crack down on the Mafia, which meant the bureau was targeting Italian organized crime groups. The other men arrested with Salvati were associated with organized crime. It appears FBI agents suggested to Barboza that those others needed to be arrested for something, even if they weren't involved in Deegan's death. Barboza, who later was slain himself, probably included Salvati in the case because Salvati had borrowed \$400 from Barboza's loan sharks and hadn't repaid it fast enough.

Besides an unfailingly loyal family, Salvati attracted a crusading young lawyer from Medford named Victor Garo. Garo worked tirelessly, and for free, on Salvati's case for more than 20 years. Over the decades, the lawyer dreamed up one innovative argument after another. Invariably, judges ruled that although there was something wrong with Salvati's conviction, there was never enough wrong to free him.

Finally, on March 20, 1997, former Massachusetts Gov. William Weld relented and signed a commutation. Salvati won again in January when a Massachusetts judge dismissed the murder conviction.

But Salvati's ultimate vindication may come Thursday, when he and his wife testify in Washington, D.C., before the U.S. House Committee on Government Reform. Congress has opened its own inquiry into FBI misconduct in Boston. H. Paul Rico and Dennis Condon, the two now-retired FBI agents who turned Barboza into an informant, are expected to be subpoenaed to testify in the same hearing room. They are expected to exercise their right against self-incrimination.

The committee will examine evidence suggesting that the law enforcement misconduct that stole Salvati from his family ruined other lives as well. Barboza was replaced by equally notorious informants, among them James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. They are under indictment on a charge of assassinating the man who owned Hartford's now defunct jai alai fronton.

Salvati said he is convinced he was sentenced to what was meant to be a long, lingering prison death because he was a young Italian man living at the wrong time in Boston's Italian North End. He is gray-headed and heavier now. Marie reminds him of things and touches him frequently, as if to reassure herself. Together they tell a story of how love and loyalty can overcome frightening indifference.

"The FBI made up a story and put four innocent men to death," Salvati said last week during a long interview in his lawyer's office just outside the city. "Now to die in prison is one thing. Death is death. But to die because you're Italian? That's something else."

WRONGED BY THE FBI, FREE AT LAST; MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON

"My family kept me going. And Victor Garo brought more hope to me than all the courts. As many times as doors got slammed, we'd just crawl right back and come at them. Victor would always come up with a new idea."

But the long road from Salvati's arrest to the argument that ultimately swayed a Massachusetts governor is measured by unfathomable sadness that neither Congress nor the courts can erase.

Marie Salvati said she was walking to school to pick up her kids when word of her husband's arrest percolated through the neighborhood where the Salvatis and both their parents lived all their lives.

The couple met as teenagers on Revere Beach. They were like all their friends. He drove a truck for a meat packing company. She minded the house. The kids were in parochial school. A trip downtown to Filene's was an excursion.

"I was shocked," Marie said. "But I had to compose myself for the children."

It soon became apparent that conviction was a foregone conclusion.

"I just had bad vibes right from the beginning with this whole case," Marie said. "My husband's name was in no report anywhere to be found and still they went ahead and did what they did. They were just out for a conviction and that was what was going to happen, no matter what. You could have had the best lawyers in the world. It was a point that I guess the government wanted to prove at the time and I guess that was that."

Salvati said he and the three other men charged with him had to be convicted to preserve Barboza's credibility as a prosecution witness in upcoming cases. Two of those men died of old age in prison. The fourth was cleared with Salvati in January, based on the hidden FBI memos.

"They made the witness protection program for Barboza, so they couldn't lose him," Salvati said. "His word had to be gold. He had to be telling the truth. He'd stab you and hit you with a bat. He'd kick you and club you. But according to them, he'd never tell a lie. He was never an informant. He was a liar. He was told what to say, absolutely."

Marie said she raced to school again the day her husband was convicted. Salvati's trial had become front-page news and classmates were taunting the children. A little boy would cock his finger at a Salvati girl and say, "Bang, bang." After school one day, a daughter asked Marie, "What is the electric chair?"

"I didn't want them to hear things out on the street," Marie said. "I told them what had happened and that Dad loves us very much and that Dad is innocent of this thing. I hated to use words like crime or jail. I tried to come up with a choice of words that were kind for them. But they knew."

"That night I had nightmares about him being put away in chains," Marie said. "He was a young man, 34 years old."

Marie got a part-time job with a social service program in the neighborhood. Over the next 30 years, she attended college and became director of a Head Start program in the North End. But first she learned to drive. She scratched together enough money for a used car. She had to visit her husband.

"I had to re-evaluate myself with my goals and objectives," Marie said. "I just sat down one day by myself after his verdict came in. And let me tell you, I had to think fast because life was going pretty fast for me then. He had a life sentence he was facing. Where do I come into this picture? How do I carry on? Where do I go? All these things were heavy on me. I have no regrets for my choices."

Salvati got a prison job the day after he got a life sentence. He became Father Foley's clerk at Walpole, a top job with a top prison salary -- 50 cents a day. When friends or relatives visited and left him \$5 or \$10, he saved it. Every Christmas he sent home a check. Sometimes it approached \$500.

WRONGED BY THE FBI, FREE AT LAST; MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON

And every Friday for 30 years, a card arrived at home for Marie. It was always signed, "I love you forever, Joe." Each card sat on the television set until the next one came. Then they were stored in shoeboxes. She still has them.

"Everything is in a shoebox," she said. "I think it was after 15 or 20 years, I went through every one of them at the table and I just bawled my eyes out. Because I said, 'Really, my life is in a shoebox.' I was married to the state. They owned him. And it brought back so much pain. I just needed that moment. And then it went on."

Life was measured by sporadic family dinners. Depending on the prevailing political attitude in Massachusetts toward violent crime, or on the status of Salvati's futile appeals, prison authorities moved him between minimum- and high-security institutions. At some, the family could eat together; at others, they could only talk.

The Salvati girls grew up with body searches. Their panties and bras were examined before they could visit father. When grandchildren arrived, diapers were searched and formula was opened.

Salvati never talked about life in the institution and Marie never spoke of problems at home.

"I'd run the week by him," Marie said. "What the kids were doing. What they were not doing. And what was going on in the house. But nothing major. He had enough going on. I always told him, 'You take care of yourself inside and I'll take care of the family outside.' That was our way of dealing with things."

The children were always foremost in the couple's minds.

"I wanted to be upbeat," Marie said. "I never said, 'We can't do this because your father is away,' or, 'We can't do this because we don't have the money.' We did what we could and we did the best that we could. We lived modestly. I have great children. I'm very lucky."

She collected 10,000 signatures for her husband's commutation petition. She spoke to hundreds of neighbors who gathered to support her at the Knights of Columbus hall. She had "Free **Joseph Salvati**" posters printed and hung them in neighborhood windows. She passed police officers on the sidewalk, but they would not look her in the eye.

Salvati said he always knew he would be freed one day.

"The years go by," he said. "One year. Three years. Five years. It takes quite a while to write the appeals up. The judges take twice as long to deny you. Another two years, three years gone by. Then back to the drawing board, year after year after year.

"How do you explain to you children year after year that you're not coming home?" he asked. "The kids got older. They stopped asking."

The Massachusetts parole board voted to commute Salvati's sentence in 1989, but Weld killed it four years later. Then the unexpected happened. Garo had just finished a prison meeting with Salvati and was driving back to his office where his secretary, Claire, was at work.

"I don't have my radio on because I'm thinking about what my newest strategy is going to be." Garo said. "And I walk into the office and Claire is all excited, asking 'Did you hear? Did you hear?' And I said, 'What are you talking about?'"

"She said, 'The governor just approved a commutation. It's on the radio.' I am the last one in this whole state to know. Everyone is calling and everyone is excited and I'm thinking, 'Wow. What a Christmas present for Joe.'"

It was a gift, one that has never been clearly explained. Salvati had not reapplied for commutation after Weld's initial denial.

Garo jumped back into his car and returned to the prison. Sympathetic guards had already told Salvati.

WRONGED BY THE FBI, FREE AT LAST;MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30 YEARS IN PRISON

"It was kind of emotional between Joe and I," Garo said. "And I think that better stay between us."

On his release date, March 20, 1997, Salvati's family met him at the prison gate. He reported to his parole officer. He visited his mother. Later, during a brief moment of lucidity, he thinks she recognized him. There was a party at the apartment.

"It was a new beginning," Marie said. "A new life."

"It was amazing," Salvati said.

The couple tried to settle into a routine they had not shared in three decades.

"The biggest thing for us when he came home was, he's doing fine." Marie said. "But I'm not doing that great. It was the whole routine, you know. I'm saying 'Joe, you got to do it this way. This is done this way.'

"He says to me, 'Stop telling me what to do.' But, you know, I didn't mean it like that. I had to realize he had 30 years of when to get up, when to stand for count, when to eat, when to do this, when to do that.

"But that only lasted a couple of months and we got over that."

It is funny now.

"Every March 20, she wanted a cake and a celebration," Salvati said. "Every year the cake, everything. I said, 'I don't want to remember this. I want to forget about it.'"

A month after his release, their youngest grandson was born. Salvati assisted in the delivery. The doctors watched him and asked, "Is that the guy? Is that the guy?"

The Salvati children still have trouble with what happened to their father.

"They grumble," Salvati said. "I tell them they can't dwell on it, they can't let it eat at them. But, of course, that's impossible."

Marie is angry that the family has yet to receive an apology.

"They're still in denial and still not giving us the respect that we should have for our family," she said. "That's like putting salt on wounds to me."

Salvati has developed a superhuman capacity for forgiveness.

"All the FBI agents aren't bad," he said. "There are plenty of good ones. We still have the greatest criminal justice system in the world. This is a good system. This is the United States of America and it is still the greatest county in the world. But this shouldn't have happened."

Graphic

PHOTO 1: (COLOR), CLOE POISSON / THE HARTFORD COURANT

PHOTO 2: (B&W), PHOTO COURTESY OF SALVATI FAMILY

PHOTO 3: (B&W) MUG

; PHOTO 2: A PORTRAIT THAT HANGS in Joe and Marie Salvati's bedroom in their North End apartment in Boston shows their four

WRONGED BY THE FBI, FREE AT LAST;MAN'S WIFE, CHILDREN, INNOCENCE HELPED HIM BEAR 30
YEARS IN PRISON

children as they looked around the time of his arrest.

PHOTO 3: VICTOR GARO worked tirelessly on Salvati's case for more than 20 years, dreaming up innovative legal arguments.

Load-Date: April 30, 2001

End of Document



[Wrongful conviction could cost taxpayers \\$100 million](#)

CBS News Transcripts The Osgood File Various Times CBS

January 9, 2007 Tuesday

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Length: 338 words

Reporters: CHARLES OSGOOD

Body

CHARLES OSGOOD reporting:

In a false imprisonment case that could cost the government \$100 million, two men who were arrested and sent to prison, and the families of two other men arrested with them in 1965, who have since died in prison are charging that the FBI knew they hadn't committed the crime they were convicted of and withheld from them, their lawyers and the court, evidence that might have cleared them.

The story after this for Welch's grape juice.

(Announcements)

OSGOOD: The principal witness against [Joseph Salvati](#), Peter Limone Sr., Henry Tameleo and Louis Greco in their trial in the gangland killing of Edward Deegan in 1965 was Joseph "The Animal" Barboza, a man the FBI had reason--which is to say evidence had participated in the rub-out along with Vincent Flemmi, who were both informants for the FBI. And so agents wanted to protect them. So they allowed Barboza to frame the four and withheld that evidence, and the four men being tried were convicted.

In the case of [Joseph Salvati](#), then 35 years old, with a wife and four young children, it would be 29 years behind bars before the truth came out and he was freed. At that point he was a grandfather eight times over with three great-grandchildren. Yesterday, this 74-year-old man broke down and cried on the witness stand as he described what those years were like, he and his co-defendants insisting that they were innocent, the FBI knowing they were innocent and not telling what they knew and what evidence they had. 'I couldn't believe when I found out.' he said, 'that the FBI could do a thing a thing like this. People who protect you, people you look up to.'

Salvati and Limone were exonerated in 2001 when a state judge found that FBI agents hid evidence that could have cleared them. The Justice Department lawyers argue, in this \$100 million civil case, that the FBI had no duty to share information with state prosecutors and cannot be liable for results of a separate state investigation.

The Osgood File. Charles Osgood on the CBS Radio network.

Load-Date: January 11, 2007

Wrongful conviction could cost taxpayers \$100 million

End of Document



[Wrongfully jailed men file suit](#)

The Providence Journal (Rhode Island)

November 17, 2006 Friday

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Section: NEWS; Pg. B-03

Length: 613 words

Byline: .

Body

Joseph Salvati, 72, and Peter Limone, 74, both of Boston, were exonerated in 2001 of murder.

BOSTON (AP) - Two Boston men who spent 30 years in prison for an underworld slaying they did not commit are suing the federal government after the FBI withheld evidence that would have cleared them to protect an informant.

In a trial that opened yesterday, those men and the families of two others who were wrongfully convicted but died in prison are seeking damages from the government that could total more than \$100 million.

Joseph Salvati, 72, and Peter Limone, 74, were exonerated in 2001 after a state judge found that FBI agents hid wiretap tapes and other information from state prosecutors to protect an FBI informant and former mob hit man, Joseph "The Animal" Barboza.

Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to FBI efforts to crack the mob that the agency allowed him to frame four men for murder, attorneys for the plaintiffs said in opening statements.

The lawsuit accuses the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said attorney Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The case is the latest development in a scandal that unfolded in Boston about a decade ago, when it was learned that the FBI had a corrupt relationship with the mob, protecting killers who were informants and even tipping them off to pending indictments.

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld evidence from state prosecutors that could have cleared the men so the agency could protect an informant who actually committed the crime.

Wrongfully jailed men file suit

The plaintiffs have not asked for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million for each year wrongly imprisoned, which would total more than \$100 million in this case.

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to some FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial.

Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before the death penalty was banned in 1975. Salvati was sentenced to life in prison.

Salvati, 72, and Limone, 74, were exonerated in 2001 after the Justice Department documents were released. Greco and Tameleo died behind bars before being exonerated.

The case is being tried without a jury before U.S. District Judge Nancy Gertner.

Yesterday, attorneys for the men and their families, said the problems were rooted in a 1960s FBI policy of protecting informants' identities at all costs.

Days before Deegan was shot in the head in a Chelsea alley, FBI wiretaps caught Barboza and Vincent "Jimmy" Flemmi asking a Rhode Island mob boss for permission for the hit. Informants later told FBI agents that Barboza, Flemmi and three other men were responsible. FBI agent Paul Rico, who handled top-echelon informants, listed Deegan as among seven killed by Flemmi.

Barboza was sentenced to a year and a day in prison after the Deegan trial, and later moved to California as the first participant of the federal witness-protection program. He was shot to death in San Francisco in 1976.

Load-Date: December 8, 2006



2 FORMER FBI AGENTS SUBPOENAED BY PANEL QUESTIONS' FOCUS IS '65 SLAY PROBE

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The Boston Globe

April 27, 2001, Friday

,THIRD EDITION

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Section: METRO/REGION;

Length: 339 words

Byline: By Shelley Murphy, Globe Staff

Body

Two former FBI agents have been subpoenaed to testify Thursday in Washington before a congressional committee that is investigating the FBI's controversial relationship with gangsters James "Whitey" Bulger and Stephen Flemmi.

H. Paul Rico, who cultivated Flemmi as an FBI informant in 1965, and Dennis Condon, a former state commissioner of public safety who retired from the FBI in 1977, will be questioned about their roles in an investigation that sent the wrong men to prison for a 1965 gangland slaying.

Last January, a judge concluded that newly released FBI reports written by Rico and Condon indicated that mob hitman-turned-government-witness Joseph "The Animal" Barboza had framed four men for the slaying of Edward "Teddy" Deegan in Chelsea.

The reports suggested that Barboza lied about the involvement of Flemmi's brother, Vincent, in the murder. Vincent Flemmi was also an FBI informant.

The judge tossed out murder convictions against **Joseph Salvati** and Peter Limone last January and chastised the FBI for failing to turn over the documents to defense lawyers during the 1968 trial. FBI officials have said they turned the documents over to Chelsea police. Two others who were believed to have been wrongly convicted died in prison.

Salvati, who spent 30 years in prison before Governor William F. Weld commuted his sentence in 1997, is slated to be the first witness at the hearings before the Committee on Government Reform, which is chaired by Representative Dan Burton, an Indiana Republican.

Also slated to testify are Salvati's wife, Marie; attorney Victor Garo, who spent 26 years fighting to prove Salvati's innocence; and attorneys Joseph J. Balliro and F. Lee Bailey.

2 FORMER FBI AGENTS SUBPOENAED BY PANEL QUESTIONS' FOCUS IS '65 SLAY PROBE

"This gives an opportunity for the country and Congress to finally understand the power that was exerted by the FBI over innocent people, who were sacrificed so the FBI could get information from informants," Garo said.

Mark Corallo, a spokesman for the Committee on Government Reform, said more hearings will be scheduled in the following months.

Load-Date: April 27, 2001

End of Document



**2 FREED IN ' 65 MURDER CASE;
FBI ALLOWED FRAMEUP TO PROTECT MOB INFORMANT**

Pittsburgh Post-Gazette (Pennsylvania)

January 31, 2001, Wednesday,

SOONER EDITION

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Section: NATIONAL,

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Byline: MARTIN FINUCANE, THE ASSOCIATED PRESS

Dateline: CAMBRIDGE, Mass. --

Body

Prosecutors dropped charges yesterday against two men who claimed they spent decades in prison because the FBI -- trying to protect an informant -allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said **Joseph Salvati**, 68, who was joined by friends and family at the courthouse. The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

Salvati and Limone both said they were innocent of the slaying. Salvati had gotten his sentence commuted in 1997 and was released on parole.

Limone was freed earlier this month after 32 years behind bars.

"Joe Salvati was innocent in this matter and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo, who has argued that the FBI allowed the frame-up to protect an informant, Vincent "Jimmy the Bear" Flemmi, who may have taken part in the slaying.

Garo said Salvati was a law-abiding citizen who was framed because he owed \$ 400 to the chief prosecution witness -- hit man Joseph "The Animal" Barboza, the first participant in the federal witness protection program. Limone was a reputed mobster and was once convicted of a gambling offense.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense attorneys FBI informant reports, discovered in Washington FBI files, from the time of Deegan's murder.

The reports showed that FBI agents were told of plans for Deegan's slaying beforehand and were given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom have since died in prison.

2 FREED IN ' 65 MURDER CASE;FBI ALLOWED FRAMEUP TO PROTECT MOB INFORMANT

Superior Court Judge Margaret Hinkle threw out Salvati and Limone's convictions, saying the FBI reports should have been disclosed at the time.

Flemmi and Barboza are both dead, Flemmi of a drug overdose in prison and Barboza in a mob hit.

The Justice Department is investigating allegations that some Boston FBI agents grew too friendly with mobsters, allowing them to roam the city untouched by law enforcement for decades. One agent already faces charges.

Load-Date: February 1, 2001

End of Document

32-YEAR WAIT NOT OVER YET FOR CONVICT; FBI MEMOS INDICATE MAN WAS FRAMED IN MURDER TRIAL; JUDGE DELAYS DECISION



**32-YEAR WAIT NOT OVER YET FOR CONVICT;
FBI MEMOS INDICATE MAN WAS FRAMED IN MURDER TRIAL; JUDGE
DELAYS DECISION**

Hartford Courant (Connecticut)

December 23, 2000 Saturday, 6/7 SPORTS FINAL

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Byline: By EDMUND H. MAHONY; Courant Staff Writer

Body

Even though long-hidden FBI records strongly suggest he is innocent, the only man remaining in prison for a 1965 Boston murder learned Friday from a Massachusetts judge that he will have to spend a 33rd Christmas behind bars.

The Superior Court judge said during a hastily scheduled hearing that she would not rule until next week on a motion for release from Peter J. Limone. Limone based the request on newly discovered federal documents that suggest senior FBI agents knew he and three other innocent men were framed for the gangland murder.

The previously secret FBI memos were recently discovered in Washington by John H. Durham, a federal prosecutor from New Haven who for two years has directed a sensational investigation of law enforcement corruption in Boston.

Judge Marianne B. Hinkle convened the Friday morning hearing after getting copies of the memos. The documents raise disturbing questions about the 1968 murder convictions of Limone, **Joseph Salvati**, Henry Tameleo and Louis Greco. The four, all of whom once had ties to the Boston underworld, were among six men convicted of murder in the gunning down of local hoodlum Edward "Teddy" Deegan in March 1965.

Tameleo and Greco died of old age in prison. Salvati was released in 1997 when former Massachusetts Gov. William Weld, after reviewing evidence similar to the FBI memos, commuted his sentence. All four men have consistently claimed to be innocent. The two other men convicted with the four are widely agreed to have been guilty. One admitted his involvement after the convictions.

Limone's attorney, William Koski, said Friday that the FBI documents offer "incredible corroboration" to Limone's declarations of innocence. "It seems pretty clear he is innocent," Koski said.

Limone's family said they were disappointed he wasn't released in time for Christmas, but are hopeful he may be able to celebrate New Year's at home.

32-YEAR WAIT NOT OVER YET FOR CONVICT; FBI MEMOS INDICATE MAN WAS FRAMED IN MURDER TRIAL; JUDGE DELAYS DECISION

"Sometimes it takes a little time. We waited this long. We can wait a little longer," Limone's son, Paul Limone, said after the hearing in Middlesex Superior Court.

Assistant Middlesex District Attorney Mark Lee asked Hinkle to hold Limone, saying the state needed more time to review the case. Lee said the state might "change its posture" in the future and agree to the release. Hinkle postponed a decision until Friday.

Deegan was a 35-year-old longshoreman and ex-con who had 25 arrests on his record when he was shot six times near the Lincoln National Bank. He was lured to the bank by gangsters who claimed they were going to rob it.

The newly discovered memos, which Durham released to defense lawyers Tuesday night, present a set of circumstances that are at odds with positions prosecutors and FBI agents have taken in the Deegan case for decades.

The memos suggest:

- * Bureau officials in Boston and Washington had information five months in advance that influential members of the New England Mafia were talking about plans to kill Deegan, but the FBI did nothing to stop it.

- * Senior FBI officials -- perhaps including former Director J. Edgar Hoover -- knew that the star witness at the 1968 Deegan murder trial may have been lying when he implicated Limone, Salvati, Greco and Tameleo. But the bureau did nothing to refute him.

- * The same FBI officials had information that two notorious Boston murderers who eventually became bureau informers were probably behind Deegan's death.

The two informants were James Vincent Flemmi and his partner Joseph "The Animal" Barboza. The FBI knew that Flemmi had been planning Deegan's murder for months, but took him on as a confidential informant three days before Deegan was shot, the memos show.

Barboza became an informant after the Deegan murder and was the star prosecution witness at the trial. At one point he told yet another FBI informant that he had a dispute with the Mafia and wanted to get even with as many mob associates as he could. Limone, Salvati, Tameleo and Greco were all associated in some way with the mob. At the time, Tameleo was the Mafia's second in command in New England.

"They screwed me and now I'm going to screw as many of them as possible," another informant said he was told by Barboza.

Barboza provided the bureau with important information and testimony during a time when the FBI was under enormous public pressure to shut down the New England Mafia.

The release of the FBI memos has only served to heat up the talk about the Deegan murder, a case that has been hotly disputed in New England for years. In a letter to lawyers for Salvati and Limone, Durham said the files appear to have somehow escaped routine destruction. He said his Justice Task Force has found more documents and is studying them.

Most of the task force's work has focused on the relationship between the FBI and informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. Flemmi was recruited as an informant shortly after his brother Vincent.

Bulger and Flemmi are accused of killing at least 21 people, several while they worked for the bureau.

So far, Durham's team has indicted a retired FBI agent, a retired Massachusetts State Police lieutenant and a retired Boston police officer. In addition, Durham has persuaded a number of members of Bulger's Winter Hill Gang to become cooperating government witnesses.

32-YEAR WAIT NOT OVER YET FOR CONVICT;FBI MEMOS INDICATE MAN WAS FRAMED IN MURDER TRIAL; JUDGE DELAYS DECISION

Load-Date: December 26, 2000

End of Document

33 years



33 years

The Vancouver Province (British Columbia)

January 31, 2001 Wednesday Final Edition

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Section: News; World News; Pg. A6; Brief; Crime

Length: 41 words

Dateline: CAMBRIDGE, Mass

Body

CAMBRIDGE, Mass. -- Peter Limone has been freed after a murder conviction was dropped. News Services He served 33 years in prison for the murder of reputed mobster Edward Deegan. Limone and **Joseph Salvati** claim the FBI had allowed them to be framed.

Graphic

Color Photo: (Peter) Limone

Load-Date: March 28, 2002

End of Document



72 Millionen Euro nach Fehlurteil

Stuttgarter Nachrichten

29. August 2009

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Section: Panorama; S. 9

Length: 93 words

Body

BOSTON (AP). Für Jahrzehnte unschuldig im Gefängnis verbrachte Zeit bekommen zwei Ex-Häftlinge und die Hinterbliebenen von zwei weiteren in der Haft verstorbenen Männern 102 Millionen Dollar (rund 72 Millionen Euro) Schadenersatz vom amerikanischen Staat. Joseph Salvati, Peter Limone, Henry Tameleo und Louis Greco waren verurteilt worden, weil sie 1965 den Ganoven Edward Deegan erschossen haben sollen. 2001 wurden sie rehabilitiert - aus Akten des FBI ging hervor, dass ein wichtiger Zeuge der Anklage schlicht gelogen hatte, als er sie als Täter belastete.

Load-Date: August 31, 2009



75 miljoen euro schadevergoeding voor onterechte celstraffen

Het Laatste Nieuws

27 Juli 2007 Vrijdag

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HET LAATSTE NIEUWS

Section: ALGEMEEN; Actueel; Blz. 4

Length: 137 words

Byline: XAVIER Peter GORLE

Body

BOSTON Een rechter in Boston heeft de Amerikaanse regering gisteren veroordeeld om meer dan 100 miljoen dollar (75 miljoen euro) te betalen aan vier mannen die ten onrechte veroordeeld werden voor een moord in 1965. Twee van de vier zijn in de gevangenis overleden op 78-jarige en 84-jarige leeftijd. De twee anderen hebben zo'n dertig jaar onschuldig in de cel gezeten. **Joseph Salvati** (74) was 34 jaar toen hij gearresteerd werd voor de moord. Hij bracht 29 jaar door achter de tralies. De 73-jarige Peter Limone verbleef 33 jaar onschuldig in de cel. «Zoveel tijd is er nodig geweest om deze onrechtvaardigheid recht te zetten», zei rechter Nancy Gertner. Ze oordeelde dat de FBI onrechtmatig bewijsmateriaal had achtergehouden om de echte dader - een FBI-informant - te sparen.

Salvati (74) en Limone (73, rechts). Foto AP

Load-Date: March 30, 2009



102 Millionen für ein Fehlurteil; Vier Männer saßen unschuldig im Gefängnis

General-Anzeiger (Bonn)

Samstag 29. August 2009

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Section: PAN; S. 39

Length: 311 words

Body

BOSTON. Für Jahrzehnte unschuldig im Gefängnis verbrachte Zeit bekommen zwei Exhäftlinge und die Hinterbliebenen von zwei weiteren in der Haft verstorbenen Männern 102 Millionen Dollar (71,5 Millionen Euro) Schadenersatz vom amerikanischen Staat. Das entschied das 1. US-Berufungsgericht am Donnerstag (Ortszeit) in Boston und bestätigte damit ein Urteil der Vorinstanz von 2007. Das US-Justizministerium wollte sich vor der Analyse der Urteilsbegründung nicht äußern.

Joseph Salvati, Peter Limone, Henry Tameleo und Louis Greco waren zu langjährigen Haftstrafen verurteilt worden, weil sie 1965 den Ganoven Edward Deegan erschossen haben sollen. 2001 wurden sie rehabilitiert - aus Akten der US-Bundespolizei FBI ging hervor, dass ein wichtiger Zeuge der Anklage schlicht gelogen hatte, als er sie als Täter belastete. Mehr noch: Das FBI habe sogar gewusst, dass der Mann, ein Mafiosi namens Joseph "The Animal" Barboza, gelogen habe. Für Tameleo und Greco kam dies zu spät: Sie waren im Gefängnis gestorben. Salvati und Limone kamen nach 30 Jahren Haft frei.

Das Berufungsgericht folgte zwar nicht der Urteilsbegründung von Bezirksrichterin Nancy Gertner vor zwei Jahren, der Staat habe in dem Fall eine "böswillige strafrechtliche Verfolgung" betrieben. Für das, was den unschuldigen Männern mit der jahrzehntelangen Haft angetan worden sei, seien 102 Millionen Dollar aber "nicht grob unverhältnismäßig".

Dem FBI schrieb das Berufungsgericht ins Stammbuch, es habe in seinem "Krieg gegen das organisierte Verbrechen" es auf einen "Kollateralschaden" ankommen lassen, damit Barboza und sein Freund Vincent Flemmi - der einer der Mörder Deegans war - weiter Informationen über die Cosa Nostra liefern konnten. "Dieser Fall veranschaulicht eine Situation, in der das Endergebnis nicht die Anwendung sehr unattraktiver Mittel durch die Behörden rechtfertigt", hieß es. ap

Load-Date: August 28, 2009



1965 MURDER CHARGES AGAINST TWO MEN DROPPED

The Miami Herald

January 31, 2001 Wednesday FINAL EDITION

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Section: FRONT; Pg. 13A

Length: 312 words

Byline: Associated Press

Dateline: CAMBRIDGE, Mass.

Body

Prosecutors on Tuesday dropped charges against two men who claimed that they spent decades in prison because the FBI - trying to protect an informant - allowed them to be framed for a 1965 Boston underworld murder.

"Freedom is a beautiful thing," said Joseph Salvati, 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it."

The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

The decision to drop charges was "what justice demands," prosecutor Mark Lee said.

Salvati and Limone both said they were innocent of the slaying. Salvati had gotten his sentence commuted in 1997 and was released on parole. Limone was freed earlier this month after 32 years behind bars.

"Joe Salvati was innocent in this matter, and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo, who has argued that the FBI allowed the frame-up to protect an informant, Vincent "Jimmy the Bear" Flemmi, who might have taken part in the slaying.

Garo said Salvati was a law-abiding citizen who was framed because he owed \$400 to the chief prosecution witness - hit man Joseph "The Animal" Barboza, who later became the first participant in the federal witness-protection program.

Limone was a reputed mobster and once was convicted of a gambling offense.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense attorneys FBI informant reports from the time of Deegan's murder. The reports showed that FBI agents were told of plans for

1965 MURDER CHARGES AGAINST TWO MEN DROPPED

Deegan's slaying beforehand and were given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom later died in prison.

Load-Date: November 5, 2001

End of Document



1997 YEAR IN REVIEW

The Boston Herald
December 28, 1997 Sunday
ALL EDITIONS

Copyright 1997 Boston Herald Inc.

Section: NEWS;

Length: 2004 words

Body

Convicted

Timothy McVeigh for bombing the Murrah federal building in Oklahoma City

Edward S. O'Brien for murdering Janice Downing

Louise Woodward for the death of Matthew Eappen

Anthony Clemente for a shooting massacre at a 99 restaurant

Corby and Nancy Adkinson of Lowell, for drugging and raping their sons

John Anthony Diaz for killing Dawn Brown, the sister of his ex-girlfriend

Sen. Dianne Wilkerson pled guilty to evading \$ 52,000 in federal income taxes

Goodbyes

Princess Diana, 36

Gianni Versace, 50

John Denver, 53

Jimmy Stewart, 89

Paul E. Tsongas, 55

"Col." Tom Parker, 87

Jeane L. Dixon, 79

Deng Xiaoping, 92

Mobutu Sese Seko, 66

1997 YEAR IN REVIEW

Allen Ginsberg, 70

J. Anthony Lukas, 64

Betty Shabazz, 61

Mother Teresa, 87

Notorious B.I.G., aka Christopher Wallace, 24

Ennis Cosby, 27

Brian Keith, 75

Jacques Cousteau, 87

Robert Mitchum, 79

Charles Kuralt, 62

William S. Burroughs, 83

Burgess Meredith, 89

Red Skelton, 84

Coleman A. Young, 79

Killers, wackos and jerks

Deranged loner Carl Drega went on a four-hour shooting spree, killing two state troopers, a judge and the local newspaper editor in Colebrook, NH. Authorities later found an arsenal of bombs on his boobie trapped property.

Tech Sgt. Peter C. Contos allegedly killed his girlfriend and his two young sons and then stuffed the kids' bodies in his locker at Otis Air Force Base. Charles Jaynes, 22, and Salvatore Sicari, 21, allegedly kidnapped Jeffrey Curley, 10, and suffocated him with gasoline soaked rag before molesting his body and dumping him in a Maine river.

Edward Donahue, 44, allegedly killed his wife, hid her body and then led neighborhood searches for the missing woman.

Harry Simonton and his brother Karol, both 60, allegedly tortured and sexually abused two mentally retarded men for years in their Raynham shack.

Dr. Laxma Reddy, 41, shot his wife, daughter and father-in-law before going on a cross-country escape that ended with a police shootout near Las Vegas. Reddy brandished a gun and was shot multiple times by police.

Welfare queen Phung Thi Dang, 46, collected more than \$ 170,000 in benefits and lived in a \$ 290,000 Peabody home with as swimming pool while she ran two convenience stores.

Richard Minsky of Winthrop allegedly called women from a Park Plaza pay phone and threatened to kill their boyfriends if they didn't come to the hotel and have sex with him.

Richard DiGiacomo, a Medford vice principal with more than 30 years in the school system, was charged with sexually assaulting six girls ages 9-15.

Grafton vet Richard Rodger, 49, brutally clubbed a goose named Matilda and severed her eye because she interrupted his golf game on Cape Cod. He says she attacked him.

Foul play

1997 YEAR IN REVIEW

Wil Cordero pled guilty to wacking his wife and kissed his Red Sox career goodbye.

Mike Tyson was hungry for Evander Holyfield's title and his ear.

Drew Bledsoe, Scott Zolak and Max Lane decided to stage dive at an Everclear concert at the Paradise, seriously injuring a woman.

Marcus Camby's greed finally cost UMass it's '96 Final Four finish.

Denver linebacker Bill Romanowski spit in the face of San Francisco wide receiver J.J. Stokes after someone grabbed his groin during a tackle pileup.

Golden State Warrior and social work major Latrell Sprewell tried to choke his coach, P.J. Carlesimo.

Second chances

Joseph Salvati, 64, was released from prison after 30 years for his role in the gangland slaying of Edward Deegan.

Thirteen junior high kids from Woburn overdosed on stolen prescription drugs at a dance; some wound up on life support; all survived.

Peter Didick, 18, of Whitman, awoke after 59 days in a coma following a car accident.

British au pair Louise Woodward was convicted of killing baby Matthew Eappen but a judge reduced the sentence to manslaughter and released her after 279 days in prison.

Convicted child molesters Cheryl and Violet Amirault were ordered back to prison in March and got a new trial in May. (But Violet Amirault died of cancer in September.)

The death penalty was almost law in Massachusetts until Peabody Democrat John P. Slattery reversed his vote and killed the law for another year.

Aerosmith mustered another hot album and Steven Tyler finished a Billboard Awards show number by diving into a Las Vegas pool filled with synchronized swimmers

Photo Caption: OUCH: Mike Tyson was hungry for Evander Holyfield's title and his ear. Photo Caption: DIVE BOMBER: Drew Bledsoe, above, Scott Zolak and Max Lane decided to stage dive at an Everclear concert at the Paradise. A woman was seriously injured in the incident. Photo Caption: FREED: Convicted child molesters Cheryl and Violet Amirault were ordered back to prison in March and got a new trial in May. (But Violet Amirault died of cancer in September.)

Load-Date: December 28, 1997



[\\$100m damages for men framed by FBI in mafia hunt](#)

Guardian.com

July 26, 2007

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Length: 414 words

Highlight: A federal judge today ordered the US government to pay more than \$100m (50m) in compensation to a group of men jailed for decades after being framed by a mafia hitman with the complicity of the FBI.

Body

A federal judge today ordered the US government to pay more than \$100m (50m) in compensation to a group of men jailed for decades after being framed by a mafia hitman with the complicity of the FBI.

The FBI knew the men were innocent but did not inform state prosecutors at the time.

The men, two of whom died in prison, were set up by a Mob hitman, Joseph "The Animal" Barboza. A former boxer from east Boston, Barboza worked for the Patriarcas, a New England underworld family. He turned FBI informant while in jail for murder and was shot dead by the mafia in San Francisco in 1976.

The government argued that the FBI, which knew the wrong men were being accused, had no obligation to share its information.

The district judge, Nancy Gertner, said: "It took 30 years to uncover this injustice, and the government's position is, in a word, absurd. No lost liberty is dispensable. We have fought wars over this principle. We are still fighting these wars."

Peter Limone, ***Joseph Salvati*** and the families of the two who died in prison, Henry Tameleo and Louis Greco, had sued the federal government for malicious prosecution.

Mr Salvati and Mr Limone were exonerated in 2001, after FBI memos surfaced, showing the men had been framed by Barboza. The memos were made public during a justice department investigation into the FBI's relationship with the mafia in the 1960s.

Mr Salvati, aged 75, said: "Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done."

The lawyers for the men said that Boston FBI agents knew Barboza lied when he named them as the killer of Edward Deegan in 1965. They said that the FBI was protecting one of its informants, Vincent "Jimmy" Flemmi. The lawyers said the FBI treated the four as "acceptable collateral damage".

\$100m damages for men framed by FBI in mafia hunt

Victor Garo, one of the lawyers for the men, said: "It was more important for the FBI to protect their informants than to protect innocent people who had families."

The FBI failed to disclose that agents listening in on an illegal bug had overheard Barboza and Flemmi seeking Patriarca's permission to kill Deegan several days before he was killed in an alley.

Bridget Lipscomb, a government lawyer, in the closing arguments, said: "The FBI did not initiate this prosecution, and there is no duty of the FBI to submit to state or local governments any of its internal files."

She said the FBI had shared some information about Mr Deegan's death with local police.

Load-Date: July 26, 2007

End of Document

\$100 million to four falsely convicted



[\\$100 million to four falsely convicted](#)

UPI

July 27, 2007 Friday 11:23 AM EST

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**Length:** 167 words**Dateline:** BOSTON, July 27

Body

A judge in Boston ordered the U.S. government to pay \$101.7 million in the case of four men who spent decades in prison after being wrongly convicted of murder.

U.S. District Judge Nancy Gertner said the FBI was "responsible for the framing of four innocent men" -- Peter J. Limone, **Joseph Salvati**, Louis Greco, and Henry Tameleo -- by withholding evidence in the 1965 Chelsea, Mass., killing of Edward Deegan, the Boston Globe reported.

"FBI officials up the line allowed their employees to break laws, violate rules, and ruin lives, interrupted only with the occasional burst of applause," said Gertner, the Globe reported.

Limone, 73, and Salvati, 74, listened to Gertner with their wives and children. Greco and Tameleo have died.

A state judge overturned Limone and Salvati's murder convictions six years ago after the discovery of secret FBI files that showed a prosecution witness who had been vouched for by agents may have been lying to protect the real killer, an FBI informant, the Globe reported.

Load-Date: July 28, 2007

\$100m judgment grows as Justice Department weighs appeal



[\\$100m judgment grows as Justice Department weighs appeal](#)

The Associated Press State & Local Wire

February 8, 2008 Friday 1:42 PM GMT

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Section: STATE AND REGIONAL

Length: 138 words

Dateline: BOSTON

Body

The Justice Department has yet to decide whether it will appeal a \$101.7 million award in the case of four men who spent decades in prison for a murder they did not commit.

Meanwhile, the award has been accruing \$100,000 in interest per week and lawyers say the interest will continue to mount at an annual rate of more than 5 percent until the case is resolved.

A federal judge last year found the FBI responsible for framing [Joseph Salvati](#), Peter Limone, Louis Greco and Henry Tameleo for the 1965 slaying of Edward "Teddy" Deegan.

The government has until Feb. 19 to appeal.

Victor Garo, who represents Salvati, estimates that an appeal would take more than a year and could cost the government as much as \$14 million in interest and legal fees if the judgment is upheld.

Information from: The Boston Globe, <http://www.boston.com/globe>

Load-Date: February 9, 2008

\$100M wrongful conviction ruling appealed by feds



[\\$100M wrongful conviction ruling appealed by feds](#)

Lowell Sun (Massachusetts)

February 16, 2008 Saturday

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Section: TODAY'S HEADLINES

Length: 501 words

Byline: The Lowell Sun

Body

By Matt Pitta

Associated Press Writer

BOSTON -- The Justice Department decided yesterday to appeal a \$101.7 million judgment awarded to four men who spent decades in prison for a murder they did not commit.

A federal judge in July found the FBI responsible for framing [Joseph Salvati](#), Peter Limone, Louis Greco and Henry Tameleo for the 1965 slaying of Edward "Teddy" Deegan.

The government filed notice of appeal just four days ahead of the deadline.

The Justice Department did not spell out its reasons for appealing. The document just gives notice the government plans to fight the judgment, which was issued in July and became final in December.

Justice Department spokesman Charles Miller said the reasons for the appeal would be explained when the government files its brief in case at a later date. He said he could not estimate when that would happen, and declined further comment.

An attorney for Salvati, Vincent Garo, has estimated that an appeal would take more than a year and could cost the government as much as \$14 million in interest and legal fees if the judgment is upheld.

Garo said he would comment later.

Deegan was a small-time thug who was shot in a Chelsea alley on March 12, 1965.

In her ruling last year, U.S. District Judge Nancy Gertner found that FBI agents Dennis Condon and H. Paul Rico knew that mob hitman and FBI informant Joseph "The Animal" Barboza was lying when he named the four men as Deegan's killers.

Barboza fingered the four men in order to protect Vincent "Jimmy" Flemmi, a fellow FBI informant who was involved in the Deegan slaying.

\$100M wrongful conviction ruling appealed by feds

Gertner said Condon and Rico covered up evidence of Barboza's lie, and also told state prosecutors who were handling the Deegan murder investigation that they had verified Barboza's story.

Tameleo and Greco died behind bars.

Salvati and Limone were freed after three decades in prison in 2001, after FBI memos related to the Deegan case surfaced during probes of the Boston FBI's corrupt relationship with its gangster informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, Vincent's brother.

Salvati, Limone and the families of Tameleo and Greco sued the federal government for malicious prosecution.

Gertner awarded \$29 million to Salvati, \$26 million to Limone, \$13 million to Tameleo's estate and \$28 million to Greco's estate.

The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million.

The men's 10 children were each awarded \$250,000.

The Deegan case was included in the House Government Reform Committee's investigation of the FBI and its use of criminal informants.

Rico, one of the agents blamed in the case, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Okla., businessman. Rico died in state custody in 2004 while awaiting trial. Rice denied before the House committee that he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Load-Date: February 16, 2008

\$102 million awarded for false convictions; BRIEFLY: UNITED STATES: BOSTON



**\$102 million awarded for false convictions; BRIEFLY: UNITED STATES:
BOSTON**

The International Herald Tribune

July 27, 2007 Friday

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Section: NEWS; Pg. 6

Length: 134 words

Body

In what appears to be the largest sum of money ever awarded to people who were wrongfully convicted, a judge on Thursday ordered the federal government to pay \$101.8 million to make amends for framing four men for a murder they did not commit.

Two of the men died in prison after being falsely convicted in the 1965 gangland murder. Another, Peter Limone, spent 33 years in prison before he was exonerated in 2001. The fourth, **Joseph Salvati**, spent 29 years in prison.

The men were cleared after the discovery of secret FBI memos that were never turned over to state prosecutors or defense lawyers during the trial in 1968. The memos indicated that the government's key witness, a hit man for the mob named Joseph "The Animal" Barboza, had lied when he said the four men had killed the victim, Edward Deegan.

Load-Date: July 27, 2007

End of Document

\$102 million judgment for 4 men FBI framed



[\\$102 million judgment for 4 men FBI framed](#)

Chicago Tribune

July 27, 2007 Friday

Chicago Edition

Copyright 2007 Chicago Tribune Company

Section: NEWS ; ZONE C; Pg. 8**Length:** 405 words**Byline:** By Denise Lavoie, Associated Press**Dateline:** BOSTON

Body

In a stinging rebuke of the FBI, a federal judge on Thursday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through -- I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

\$102 million judgment for 4 men FBI framed

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Notes

NATION

Load-Date: July 27, 2007

End of Document

\$117m frame-up payout



[\\$117m frame-up payout](#)

Weekend Australian

July 28, 2007 Saturday

NSW Metro Edition

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Section: WORLD; Pg. 14**Length:** 104 words

Body

BOSTON: A federal judge yesterday ordered the US Government to pay more than \$US101 million (\$117.4million) in the case of four men who spent decades in jail for a 1965 murder they did not commit after the FBI withheld evidence of their innocence.

Peter Limone, *Joseph Salvati* and the families of two other men who died in prison had sued the federal Government for malicious prosecution.

They argued Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named them as killers in the 1965 death of Edward Deegan. They said Barboza was protecting a fellow FBI informant, Vincent Flemmi, who was involved.

Load-Date: July 28, 2007

End of Document



[\\$ 375M lawsuit filed vs. FBI](#)

The Boston Herald

July 25, 2001 Wednesday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 386 words

Byline: By J.M. Lawrence

Body

Attorneys for three men sentenced to death for a 1965 murder they didn't commit filed a \$ 375 million suit against the FBI yesterday seeking restitution for families that were torn apart when agents concealed evidence in a battle to break the Mob.

"The FBI as an agency knew this, allowed this to happen and perhaps fostered it happening," said attorney William T. Koski, who represents Peter J. Limone and the estates of Henry Tameleo and Louis Greco.

The three men were convicted of killing Edward "Teddy" Deegan in a gangland case whose legacy spawned an apology from outgoing FBI director Louis Freeh earlier this year and an ongoing congressional investigation.

Limone, 66, who was released in January after 33 years in prison, yesterday lamented the years he was kept from parenting and providing for his children.

"They made my family suffer," he said, wondering how his children's lives might be different today had he been able to send them to college.

Far from scheming to kill Deegan - an amateur boxer whose bravado had drawn the ire of Mob hit men - Limone actually warned Deegan his life was in jeopardy, according to the claim letter his attorneys sent federal authorities yesterday.

FBI agents H. Paul Rico and Dennis Condon allegedly hid evidence in the case to protect Vincent Flemmi, who was their informant against the Mob and helped kill Deegan in a Chelsea alley. The Boston FBI has denied agents intentionally concealed evidence in the case.

In their claim, Limone's attorneys allege there was a federal conspiracy to keep the men in jail during the 1980s despite favorable votes by the parole board for commutations.

Limone's wife, Olympia, yesterday said: "I just was destroyed every time he got turned down."

"Eventually you just give up," she said, calling her husband's release "a miracle."

\$ 375M lawsuit filed vs. FBI

Tameleo, 84, died in prison in 1985 of pneumonia. Greco, 78, also died in prison in 1995 of natural causes.

Victor J. Garo, the attorney for a fourth man wrongly convicted in the case, has called for the government to spare **Joseph Salvati** and his family a civil trial and pay them restitution.

Photo Caption: BACK TOGETHER: Peter Limone sits with his wife, Olympia, yesterday as they discuss the \$ 375M suit filed over his wrongful conviction. Staff photo by Ted Fitzgerald

Load-Date: July 25, 2001

End of Document



Accused FBI agent dies in Tulsa hospital

The Associated Press State & Local Wire

January 17, 2004, Saturday, BC cycle

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Section: State and Regional

Length: 776 words

Byline: By GREG SUKIENNIK, Associated Press Writer

Dateline: BOSTON

Body

For years, federal prosecutors alleged, former FBI agent H. Paul Rico had a corrupt relationship with some of the mobster informants he used to take down the Mafia in Boston.

But it was one of those same informants, Stephen "the Rifleman" Flemmi, whose cooperation with prosecutors sent Rico to Tulsa, Okla. to face murder charges in the 1981 shooting death of a business executive.

Rico died in a Tulsa hospital Friday, facing charges he helped his former mobster informants, Flemmi and James "Whitey" Bulger, plotted the murder of World Jai Alai owner Roger Wheeler.

Rico, 78 and weakened by poor health, died just a few hours after a Tulsa County judge put the murder case against him on hold pending a psychological evaluation. Police said he died of natural causes.

Rico had a storied career at the FBI, spending 24 years working on organized crime cases in Boston and, later, Miami. FBI agents who knew him said he cut a dashing figure in the 1960s and '70s, when he was a rising star in the FBI.

"(Rico) was one of the maestros of the informant system in Boston. He devised the system where you play informants off each other, and you protect one at the expense of the other," said Gerard O'Neill, co-author of "Black Mass," a book chronicling the Boston FBI's relationship with the leaders of the Irish mob, who were FBI informants on the Italian Mafia.

"He was not your typical agent," said Robert Fitzpatrick, the former second-in-command at the Boston FBI office. "He kind of hung with this special group - the organized crime (FBI) guys - and they were more or less set apart because they handled a lot of high-profile cases. He was a gentleman, but he was aloof."

But his reputation was tarnished when he was accused of allowing innocent men to spend decades in prison for a 1960s gangland slaying, rather than give up his mobster informants.

A defiant Rico denied his role before a Congressional committee investigating the FBI's use of criminal informants.

Accused FBI agent dies in Tulsa hospital

After U.S. Rep. Christopher Shays, R-Conn., accused Rico of feeling no remorse for his role in the conviction of four innocent men in the killing of Edward "Teddy" Deegan, Rico replied, "What do you want, tears?"

Two of the men, **Joseph Salvati** and Peter Limone, were freed after the Justice Department turned over documents showing the FBI had information that could have cleared the men.

But it was Flemmi, whom Rico cultivated as an informant in the 1960s, who implicated Rico in connection with Wheeler's death and pleaded guilty to racketeering charges connecting him to 10 murders. The plea allowed Flemmi to avoid the death penalty for killings in Florida and Oklahoma.

Prosecutors in Oklahoma alleged that Rico helped set up the slaying of Wheeler, a Tulsa businessman who owned World Jai Alai and had discovered that Bulger and Flemmi were skimming money from his business.

Rico's arrest in Florida in October was another turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. In 2002, former FBI Agent John Connolly Jr. was convicted of protecting gangsters, including Bulger, who is on the FBI's "Ten Most Wanted" list and is sought in connection with 21 murders.

Rico was extradited to Oklahoma and was flown by a private air ambulance from Miami to Tulsa on Jan. 8. He was in the David L. Moss Correctional Center for a little more than a week before his death.

Rico had been in the hospital since Wednesday evening and appeared in a wheelchair in court via a video feed earlier that day, occasionally moaning before the proceedings began. He did not attend Friday's hearing and was listed in critical condition at Hillcrest Medical Center.

His family said he had congestive heart failure and had lost 53 pounds since going to jail in October. Rico wore a pacemaker, had undergone three bypass surgeries and was on oxygen, his attorney Garvin Isaacs said.

Special Judge Carlos Chappelle had ordered a mental evaluation of Rico after Friday's hearing, finding sufficient doubts about Rico's ability to stand trial.

Messages left at Rico's home in Miami Beach, Florida were not returned Saturday, and attempts to reach Isaacs were unsuccessful.

Tulsa Police Sgt. Mike Huff, who investigated the murder of Wheeler from the start and arrested Rico at his Florida home on Oct. 9, extended condolences to the Rico family but said he was disappointed the case wouldn't go to court.

"It's unfortunate for people to not get to hear this story and come to their own decisions and conclusions about what happened," Huff said. "We did our job and we'd do it all over again."

Graphic

AP Photo OKTUL101

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Accused FBI agent had storied career

The Associated Press State & Local Wire

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Byline: By GREG SUKIENNIK, Associated Press Writer

Dateline: BOSTON

Body

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AP Photo OKTUL101

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Across the Nation

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Body

Chinese girl, father will seek asylum

AMHERST, Mass. A 12-year-old Chinese girl who disappeared after arriving in San Francisco with a tour group and reappeared with relatives will seek asylum, her lawyer says.

Yukun Jia arrived in Amherst Aug. 1 and joined her father, who has been in the United States since 2000. Their reunion was part of a family plan that went amiss because Yukun's mother was unable to leave China and is in hiding, lawyer Shen-Shin Lu said Tuesday.

Yukun's mother, Hong Jia, and her husband hoped to seek asylum on the grounds that Hong was forced to have two abortions under China's "one child" population-control policy, Lu said.

Yukun and her father, Bing Jia, are expected to apply for asylum as early as tomorrow, but that could be complicated by the fact that the father is in this country illegally. The Immigration and Naturalization Service ordered him deported last week.

Wrongly imprisoned man plans to sue for \$300 million

BOSTON A man who spent 30 years in prison for a murder he did not commit even though the FBI had evidence to clear him will sue the government for \$300 million.

Calling 69-year-old **Joseph Salvati** "a casualty" of the FBI's war on organized crime, attorney Victor Garo said he planned to notify the FBI yesterday that he will file a lawsuit after discussions with the Department of Justice failed to produce a "fair and reasonable compensation package."

Salvati, whose sentence was commuted in 1997, was exonerated last year in the 1965 murder of Edward "Teddy" Deegan. A judge ruled FBI agents, to protect an informant, withheld evidence that would have cleared Salvati.

Chlorine-gas leak causes evacuations, sickens dozens

CRYSTAL CITY, Mo. A chlorine-gas leak created a toxic cloud that sickened dozens of chemical-plant workers and neighbors and closed two highways yesterday.

Across the Nation

The leak began about 9:30 a.m. when a hose ruptured as DPC Enterprises workers unloaded chlorine from a freight-car tank. The leak was stopped about noon.

Two mobile-home parks were evacuated. Light wind and a steady rain helped keep fumes from spreading far.

About 50 people complained of breathing problems, Jefferson County Sheriff's Department Capt. Chris Pigg said. Twenty-eight were hospitalized.

Georgia tissue-bank products recalled due to health risk

WASHINGTON The government has ordered a Georgia tissue bank whose products are linked to a death and serious infections to stop distributing its cadaver tissue, charging that CryoLife can't guarantee the grafts are free of fungus or bacteria.

The unusually harsh action by the Food and Drug Administration (FDA) yesterday comes after months of failed inspections and negotiations with the company, which the FDA said has refused to follow safety procedures.

The FDA ordered CryoLife to recall all soft tissue such as cartilage and tendons processed since Oct. 3, one month before a 23-year-old Minnesota man died from a bacterial infection linked to CryoLife cartilage received during knee surgery.

Chandra Levy's remains reveal no DNA evidence

WASHINGTON An FBI analysis of clothing found with Chandra Levy's remains has detected no traces of DNA, law-enforcement sources said, all but eliminating the possibility that forensic evidence from the site in Rock Creek Park will help solve the case.

Levy's remains were found May 22, one year to the month after she disappeared. Authorities suspect that she may have been tied up and sexually assaulted.

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ACROSS THE USA: NEWS FROM EVERY STATE

USA TODAY

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Body

Alabama

Mobile -- Vivian Figures, 39, was sworn in as a state senator after winning Tuesday's election by 87%. Figures is filling the seat vacated by her husband Michael Figures, 48, who died of a brain hemorrhage in September. He was president pro tem and one of the highest ranking black legislators in the country.

Alaska

Anchorage -- The city's new police chief is Duane Udland, 46, following a unanimous vote by the Anchorage Assembly. Udland has been the city's deputy chief for more than eight years.

Arizona

Phoenix -- Legislators in both parties are questioning a plan to eliminate the state income tax, worth \$ 1.5 billion in annual revenue. A bill introduced at Gov. Symington's request would eliminate the tax beginning in 2003. . . . The Arizona Center for Law in the Public Interest filed a lawsuit that contends giving companies tax breaks through "foreign trade zones" violates the state constitution. A '91 law allows companies in such zones to pay only 5% instead of 25% of the assessed property value.

Arkansas

Little Rock -- First lady Janet Huckabee said she plans to help

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lead the drive to get more children under age 2 immunized. She'll travel the state to raise awareness for the need for early shots. The goal is to have 90% of state kids immunized by 2000.

California

Sacramento -- California's crime rate dropped by 12.3% in '96 to its lowest rate since '68, Atty. Gen. Dan Lungren said. He credited the decline to tough three-strikes sentencing laws and "community-oriented policing" programs. . . . San Francisco -- More concerts were canceled -- bringing the number to 40 -- after musicians rejected a contract offer from the San Francisco Symphony. The 102-member orchestra voted down a three-year contract, officials said.

Colorado

Denver -- The state House will review a bill that would charge inmates in state prisons \$ 2 a day to help pay for the electricity needed to run their appliances. The estimated annual cost to operate radios, TVs, hair driers and other appliances is about \$ 111,000 a year, sponsor Phil Pankey says.

Connecticut

Middlefield -- Developer Kenneth Leavitt, 46, and a group of investors have bought the Powder Ridge Ski Resort and plan to add a summer water park, officials said.

Delaware

Dover -- State Sen. Howard McDowell says low- and middle income students who keep their grades up and stay away from crime should get free tuition at Delaware Tech, Delaware State or the University of Delaware. The program will pay for itself by producing higher-income earners, officials said.

D.C.

Mayor Marion Barry drew criticism from Councilman Harold Brazil for suggesting trimming the police force to 3,400 from 3,800 to offset a budget deficit. The suggestion comes on the heels of Barry's pledge to crack down on crime. . . . A judge is giving school officials until today to prove that fire code violations have been fixed in 20 schools. Otherwise, Judge Kay Christian says she'll close them.

Florida

Daytona Beach -- Museum of Arts and Sciences officials say a painting

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displayed since Jan. 7 is that of former Argentine first lady Eva Peron, despite skepticism from international sources, including the son of the late artist, Candido Portinari. . . . Miami -- Martin Gill faces up to five years in prison and a \$ 250,000 fine for stealing a rare, 2 1/2-inch snail shell while he was doing work for a New York museum. The tiny shell was later sold for \$ 20,000 to an Indonesian collector before it was recovered.

Georgia

Albany -- City Commission has restored the name Jefferson Street to a thoroughfare that it had renamed for the Rev. Martin Luther King Jr. after the state informed the city that it had no authority to rename a state road.

Hawaii

Honolulu -- Names of violent sex offenders and child molesters would be listed in newspapers and on the Internet under a bill lawmakers are considering. Legislators also want to set up a database of sex offenders that the public could access.

Idaho

Sandpoint -- Dentist Willard Osmunson, a Bonner County School District trustee, filed suit claiming inadequate financing has denied his two daughters and other Bonner County students an education equal to that provided elsewhere in Idaho.

Illinois

Chicago -- The Nuclear Regulatory Commission put Commonwealth Edison's LaSalle and Zion nuclear power stations on a list of troubled plants, bringing to three the number of Edison plants under federal watch. It's the most ever for a single utility at one time, federal officials say.

Indiana

Indianapolis -- Hundreds of senior citizens rallied to support expanding the Choice home health care program. The seniors want the state to put money into programs that allow them to receive health care in their homes and not force them to receive nursing home care paid for by Medicaid.

Iowa

Des Moines -- Residential customers will get most of a \$ 130 million cut in electric rates, MidAmerican Energy Co. announced. The utility is also prohibited under a settlement from hiking rates prior

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to Dec. 31, 2000, officials said.

Kansas

Wichita -- Union Pacific's proposal to increase the number of daily coal trains through downtown from four to 12 is drawing objections. Opponents, including Mayor Bob Knight, say they're concerned about emergency vehicle delays and children's safety.

Kentucky

Lexington -- Drafts of a bill to allow video slot machines at race tracks would designate some of the profits for treatment of problem gamblers and to market horse racing. Race tracks say they are losing money to riverboat casinos.

Louisiana

New Orleans -- The Association of Community Organizations for Reform Now filed a federal suit against the state to force it to improve its "motor voter" procedures. The law allows registration by mail, at public assistance offices or when applying for a driver's license, but ACORN says some agencies have not complied with it.

Maine

Standish -- Charges that Bonny Eagle High teacher Robert Bourget hit a student, 16, will be dropped after Bourget apologizes and gives \$ 250 to charity. The gym teacher was accused of slapping the teen after the teen's basketball hit his face.

Maryland

Annapolis -- A judge upheld Gov. Glendening's order allowing collective bargaining for state employees, a right denied workers by in the '96 Legislature. Legislators have no power over an executive decree, the judge said.

Massachusetts

Boston -- Gov. Weld is expected to commute the life sentence of **Joseph Salvati**, 64, who has served 30 years in prison for conspiracy in the death of Edward Deegan. None of the estimated 100 people who attended the hearing, including Deegan's relatives, spoke against Salvati.

Michigan

Saginaw -- A Saginaw Indian Chippewa Tribe's council has agreed to pay \$ 7.3 million in retroactive casino profit-sharing payments

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to members who didn't get paid last year. The previous tribal council was wrong in not paying 484 members of the tribe after questions arose about their Indian heritage, the new council decided.

Minnesota

St. Paul -- Minnesota's new life jacket law is being credited for the record low number of boating deaths in '96. Twelve people died in boating accidents last year, statistics show. The previous low was 16 deaths in '89.

Mississippi

Columbus -- The Lowndes County United Way is \$ 190,000 short of funds needed to continue services, says staff director Sharon Claghorn. She says contributions are down 25% because of an economic downturn. The agency serves 20 charitable groups, officials said.

Missouri

Potosi -- The state executed Eric Schneider, 35, convicted of robbing and killing two teachers who were trussed up with horse harnesses and strands of Christmas lights in '85.

Montana

Helena -- The death penalty could be imposed on repeat offenders convicted of selling drugs, or of rape that involves serious bodily injury under a bill proposed by Sen. Bill Glaser. Several groups oppose the measure. Crimes currently punishable by death include murder and aggravated kidnapping.

Nebraska

Lincoln -- Nebraskans may soon be able to pay some governmental fines and fees by credit card if a bill before the state Legislature passes. The question remains who would pay the credit card companies' surcharges.

Nevada

Las Vegas -- A record 30.5 million passengers passed through McCarran International Airport in '96, a jump of 8.7% over '95, the Clark County Aviation Department said. In December, 2.4 million passengers passed through the airport, up 10.1% from December '95.

New Hampshire

Portsmouth -- The school board unanimously approved a dress code for teachers at Portsmouth High School. Teachers suggested the code because they felt it would be unfair to impose one on students

ACROSS THE USA: NEWS FROM EVERY STATE

and not themselves. The outlawed clothing includes miniskirts, ripped jeans, and sweatsuits.

New Jersey

Trenton -- Gov. Whitman's \$ 16.4 billion election-year budget includes tougher drug laws, a bond issue for college technology, and a health insurance plan for at-risk youths. The Republican governor included no new tax cuts in her budget but preserved previous cuts that helped get her elected in '94.

New Mexico

Santa Fe -- State Sen. Pauline Eisenstadt introduced a bill to require public schools to teach evolution. She says when the state School Board voted in August not to specify evolutionary theory be taught, it left the option in the hands of teachers.

New York

Albany -- Gov. Pataki's proposed tuition hike for public colleges is "affordable," said John Ryan, chief of the State University of New York. The plan would cut \$ 124 million in state aid from SUNY's operating fund; \$ 64 million of that would be made up through a tuition hike. . . . Pollution enforcement in the state will be stepped up under a plan by state environmental chief John Cahill. The proposal includes hiring 15 more investigators of polluted sites..

North Carolina

Charlotte -- House Republicans held all 61 of their votes together and drew three Democrats to re-elect House Speaker Harold Brubaker to a second term.

North Dakota

Bismarck -- State Sen. Les LaFountain's bill would allow the state's four Indian tribes to send non-voting delegates to the state Legislature. It would help end their second-class citizens status, says LaFountain, a member of the Turtle Mountain Band of Chippewa.

Ohio

Columbus -- A coalition of environmental advocates says a state law that allows companies to keep from the public certain records related to environmental problems has crippled the Ohio Environmental Protection Agency. The group wants the federal EPA to step in and enforce clean air and hazardous waste laws.

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Oklahoma

Choctaw -- The Oklahoma Highway Patrol kicked off the "Stop the Knock" campaign to encourage motorists to drive sensibly, obey safety rules and prevent crashes. The name derives from the troopers' duty to knock on doors to inform families that their loved ones have died on the highways.

Oregon

Salem -- A law requiring prison inmates in Oregon to work 40 hours a week and turn earnings over to inmate expenses and restitution will probably be sent back to voters with revisions, officials said. The law, passed by voters in '94, conflicts with federal law.

Pennsylvania

Pittsburgh -- Three top prison officials have lost their jobs after the Jan. 8 escape of six inmates from State Correctional Institution at Pittsburgh. Prison officials have ordered several changes to the way the prison is run. The inmates were recaptured, officials said.

Rhode Island

Providence -- Gov. Almond accused state House members of sacrificing his Supreme Court nominee in a political power play after they rejected Margaret Curran, 61-36. No one testified against her nomination at the hearing.

South Carolina

Columbia -- Public schools in Charleston, Lexington and Greenville counties have the best standardized test scores in the state, says the South Carolina Education Information Network, a conservative research group. It used test scores from the state Education Department to rank the schools.

South Dakota

Sioux Falls -- United Express will begin two daily, nonstop flights to Chicago from Sioux Falls Regional Airport in April. A third flight may be added this summer, officials said. Flights currently stop in Iowa en route to Chicago.

Tennessee

Memphis -- State Racing Commission Chairman Mike Whitaker wants his board disbanded. It's been 10 years since horse race gambling

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was legalized in Tennessee and there's still no race track in the state, he says. The only two counties that have taken advantage of the law by soliciting a track have met with financing problems.

Texas

Austin -- The number of Texans receiving food stamps dropped by 169,645 during '96, state officials say. The average monthly total was 2.46 million, down from 2.63 million a year ago. . . . Beaumont

-- Three men accused of selling a phony tracking device to police and school agencies nationwide were acquitted of federal mail fraud charges. Schools and police spent \$ 1 million on the Quadro Tracker, advertised as equipment that detects hidden drugs, explosives and weapons, before the FBI declared it a fake.

Utah

Salt Lake City -- The Revenue and Taxation Committee passed two bills that would hike the state's cigarette tax 25 cents to 51.5 cents to raise between \$ 15 million to \$ 20 million. One bill spends the funds on a number of programs, the other puts them in the general fund.

Vermont

Montpelier -- Only three of 282 elementary schools statewide have 80% or more of its fourth-graders meeting accepted standards in handling math concepts, a report says. The results of the test given last spring also show that in 167 schools, 40% or fewer met the standards for math problem solving.

Virginia

Norfolk -- An area code change becomes final Saturday for the state's Tidewater and Eastern Shore areas. Callers who use the old 804 area code over the next year will hear a recorded reminder to dial 757.

Washington

Tacoma -- Two toddlers are improving after being tossed out of a third-story window during a domestic dispute Tuesday. Their father, Walter White, 28, faces attempted murder charges, police say. Semaj White, 2, is in critical condition with internal injuries; brother Sirrell, 1, is in serious condition with bruises and minor internal injuries.

West Virginia

Charles Town -- The Jefferson County school board gave preliminary

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OK to a \$ 10.6 million expansion at Jefferson High. The plan includes more classrooms, a new library, technology center and gym, officials said. It will boost the school's capacity by almost 1,000.

Wisconsin

Eau Claire -- Two-time U.S. House candidate Scott West agreed to pay a \$ 3,500 fine for election law violations. West, a Republican, admits that some of his campaign finance reports were filed late but says it was a mistake.

Wyoming

Jackson -- The state hopes to have a three-mile stretch of Teton Pass between Jackson and Victor, Idaho, open today. The road has been closed due to recent snows that triggered several avalanches on the road.

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Body

Alabama

Tuscaloosa -- University of Alabama trustees unanimously agreed to hire Thomas Meredith as chancellor of the three-university network. Thomas headed Western Kentucky University. . . . Montgomery -- A House committee OK'd a bill that would allow an unlimited number of video poker machines at Alabama's four dog racing tracks.

Alaska

Nome -- The Port of Nome posted its busiest season of the decade in '96 due to increases in fishing and construction activity.

Harbormaster Joy Baker said 140 vessels called on Nome's port, up from 130 in '95.

Arizona

Phoenix -- A bipartisan group of state lawmakers is pushing legislation to tighten a voter-OK'd law that allows the release of nonviolent drug offenders from prison and gives doctors permission to prescribe drugs like marijuana.

Arkansas

Little Rock -- A Senate panel defeated a plan that would have made it easier for public school districts to switch to four-day weeks. Some senators worried the plan would burden parents with extra day-care costs.

ACROSS THE USA: NEWS FROM EVERY STATE

California

Los Angeles -- The Twin Towers jail complex that will hold 4,200 prisoners was dedicated by the county after sitting empty for over a year for lack of operating funds. Inmates were allowed in Jan. 25. . . . Pomona -- A freight train jumped the tracks on Wednesday, spilling hundreds of gallons of diesel fuel. No injuries were reported. The 24-car train was heading from Arkansas to Long Beach when three locomotives and one freight car went off the tracks.

Colorado

Denver -- The IRS has signed a 10-year, \$ 28 million lease in Dominion Plaza. Its 784 employees will occupy 171,534 square feet. . . . The state's Limited Gaming Control Commission voted to allow Colorado's 56 casinos to offer video blackjack. Five players can play against a computer "dealer."

Connecticut

Hartford -- An advisory panel urged the state Board of Education to double the number of minority teachers in public schools. Now, 7% of the state's teachers are minorities, while 30% of students are minorities, officials say.

Delaware

Dover -- Teachers and key lawmakers support Gov. Carper's plan to more than triple funding to give struggling students more time in study programs. Carper's proposal would boost funding from \$ 2.2 million to \$ 7.2 million.

D.C.

Marthell Dean, 23, was charged in the murder of police officer Brian Gibson, 27. Gibson was ambushed while sitting in his car at a traffic light, police said. "He was in the wrong place at the wrong time," Police Chief Larry Soulsby said. "This was an unprovoked attack. It's almost like an assassination."

Florida

Tallahassee -- Residents with Internet access can help decide if the state song, *Old Folks at Home*, should be canned because of its original reference to "darkeys." E-mail the secretary of state's office at www.dos.state.fl.us.

Georgia

ACROSS THE USA: NEWS FROM EVERY STATE

Atlanta -- A private service will be held for Edwin I. Hatch, a former chairman and president of Georgia Power Co. He died Tuesday of an undisclosed illness at age 84, his family said.

Hawaii

Honolulu -- State lawmakers are moving to impose something similar to the state's hotel room tax on time-share apartments. Sen. Rosalyn Baker said it could mean an additional \$ 20 million to \$ 30 million a year in state tax revenues.

Idaho

Caldwell -- Area doctors have called on state and federal health experts to help explain the deaths of seven Canyon County residents who died in their sleep in the past five months. "There were some unusual findings in the cases that suggest they might be tied together," said Mercy Medical Center pathologist Thomas Donndelinger. He would not elaborate.

Illinois

Joliet -- Peter Kapsimalis, 15, and his sister, Galatea, 16, gave up their one-day hunger strike after a judge threatened to jail their mother if they didn't cooperate with lawyers handling their parents' pending divorce. Neither wants to be ordered to visit their father.

Indiana

Indianapolis -- Indiana Women's Prison officials opened a children's visiting center. They said it is the missing piece in efforts to improve inmates' parenting skills.

Iowa

Des Moines -- Gov. Branstad said he'll push a program to convert criminals into computer specialists. Businesses would donate outdated computers to the state and prisoners would fix them up and give the computers to schools.

Kansas

Wichita -- Uptown Pizza Co. agreed to pay \$ 28,087 in fines for child labor violations at five Pizza Huts, the U.S. Dept. of Labor said.

Kentucky

Frankfort -- A survey of 800 registered voters found 49.9% strongly oppose the addition of video lottery terminals at horse tracks,

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said Front & Center, a group of Kentucky Democrats.

Louisiana

Lake Charles -- A probe of whether the Star Riverboat Casino discharged untreated sewage into Lake Charles could take several weeks, Coast Guard officials said. The CG got an anonymous complaint about the discharge.

Maine

South Portland -- About 20,000 gallons of gasoline spilled into Portland Harbor as it was being loaded onto a barge. It caused a noxious odor but minimal environmental damage, the Coast Guard said.

Maryland

Friendsville -- Garrett County agricultural officials want to form a cooperative for goat and rabbit meat producers. Increased demands from immigrants and the health-conscious could lead to production of 3 million pounds a year, officials said. . . . Linthicum -- Air freight traffic at Baltimore-Washington International Airport increased 19% to 275 million pounds in '96, figures show. Passenger traffic rose 2% to 13.4 million.

Massachusetts

Boston -- The Governor's Council voted to commute the life sentence of ***Joseph Salvati***, 64, who has served 30 years in prison for conspiracy in the '65 murder of Edward Deegan. Salvati has always maintained his innocence. He'll be on parole for life if the Parole Board agrees with the council. . . . A \$ 65 million computer system will allow elimination of 40 jobs, state Treasurer Joe Malone said. Malone has brought the workforce from 530 in '91 to 435.

Michigan

Kalamazoo -- City Manager Marc Ott will receive at least \$ 85,000 and perhaps as much as \$ 141,000 over the next year for agreeing to resign, a *Kalamazoo Gazette* story said. Residents are questioning the agreement.

Minnesota

St. Paul -- Some state and county officials say attempts to turn welfare into workfare are doomed if the state fails to spend enough on public transportation so workers can get to their jobs.

ACROSS THE USA: NEWS FROM EVERY STATE

Mississippi

Jackson -- The House has passed a constitutional ban on homosexual marriages. The Senate has yet to deal with the issue. If both houses OK it, it would go before voters. The bill is in response to a judge's decision barring Hawaii from denying marriage licenses to gay couples.

Missouri

St. Louis -- Workers at the Jefferson Barracks excavation are unearthing WWI explosives that were washed down from an old powder magazine onto the banks of the Mississippi.

Montana

Helena -- The Legislature would switch to annual sessions instead of 90 days every other year under a bill endorsed by the Senate. Sen. Mike Sprague said states that make timely decisions have an edge in attracting new industries.

Nebraska

Omaha -- The Metropolitan Utilities District will temporarily lower its rates in a nod to consumers who have had to crank up the heat during an unusually bitter winter. The average customer will see a \$ 20.40 monthly savings.

Nevada

Carson City -- Parents or guardians would have to pay for property damaged by their children or wards under a bill reviewed by an Assembly panel. Those unable to pay and their children could be made to perform community service.

New Hampshire

Concord -- Legislators are reviewing a bill that would allow charity gambling organizations to raise the \$ 1 bets to \$ 5. New England Fund Raising Co. says the bill would help pull back gamblers that seek out-of-state casinos.

New Jersey

New Hanover Township -- Police dismissed charges against a Camden teenager who called 911 when he needed directions to a bus station. Rashon Jackson, 19, said he was cold, hungry and lost on Jan. 13 when he made the call.

New Mexico

ACROSS THE USA: NEWS FROM EVERY STATE

Santa Fe -- The Public Utility Commission will hold a hearing Feb. 19 on the state's first electric deregulation agreement. A proposal by Texas New Mexico Power would let 43,000 customers shop for electric power.

New York

Albany -- Advocates for nursing home residents say the proposed elimination of a state rule that requires nursing homes to give residents 30 days notice before they are moved will make "transfer trauma" more frequent. The change is scheduled to take effect in April. . . . High school kids may soon have to pass a foreign language test to graduate under a proposal before the Board of Regents.

North Carolina

Raleigh -- Gov. Hunt told the North Carolina Citizens for Business and Industry conference he is serious about raising teacher pay to the national average, but he will make sure the best teachers get the biggest raises.

North Dakota

Bismarck -- The state Senate killed a bill that would have required convenience store owners to protect overnight clerks by adding bullet-proof glass, security cameras and extra lights.

Ohio

Cincinnati -- State environmental regulators refused to renew a permit for a landfill that neighbors claim is smelly and causes health problems. Waste Management of Ohio has 30 days to appeal. . . . Columbus -- Voters across Ohio rejected 20 of 31 school issues on special ballots Tuesday. Only two of 14 measures to fund building projects were OK'd.

Oklahoma

Lugert -- Searchers recovered wreckage they think is part of a plane reported missing Monday afternoon. Witnesses say the plane, which carried three people, crashed into Lake Altus-Lugert. Divers have found no bodies.

Oregon

Salem -- The Oregon Employment Dept. is reminding residents of Jackson, Josephine, Klamath and Wallowa counties that they can get help if they lost jobs due to the December floods. Residents should check with the office by Feb. 26.

ACROSS THE USA: NEWS FROM EVERY STATE

Pennsylvania

Harrisburg -- The House added five more county judges to a bill it sent back to the Senate, raising to 31 the total number of judgeships to be created. The bill would provide judges to 23 counties.

Rhode Island

Bristol -- Roger Williams University's law school announced it has been accredited by the American Bar Association. The state's only law school opened in '93.

South Carolina

Fort Mill -- Gov. Beasley told the Governor's Conference on Tourism and Travel that about 32 million people visited the state in '96, spending \$ 6.1 billion. In '95, 31 million visitors spent \$ 6 billion.

South Dakota

Sioux Falls -- Rental property owners now can evict tenants convicted of criminal behavior in their homes under the city's new safety program. Tenants must agree in writing they will not commit on-property crimes.

Tennessee

Nashville -- Highway deaths are rising in Tennessee and dropping nationwide, giving the state the nation's seventh-highest fatality rate. The state needs to restrict teen drivers, enforce seat belt laws and make life hard for drunken drivers, a NTSB official said.

Texas

Houston -- Four of the six escapees who tunneled out of a Pittsburgh prison in January will remain in the Harris County Jail for at least three weeks. They refused terms of voluntary extradition to Pennsylvania. The other two escapees voluntarily returned.

Utah

Salt Lake City -- The House Government Operations Committee sent the House a bill to repeal the state's term-limits law. Lawmakers in '94 passed legislation limiting legislators and other state elected officials to 12 years.

Vermont

Montpelier -- The state's system of depending on local property taxes to pay for education is unconstitutional. It's unfair to

ACROSS THE USA: NEWS FROM EVERY STATE

children in poorer areas, the state Supreme Court ruled.

Virginia

Richmond -- A federal appeals court ruled the U.S. Dept. of Education can't withhold \$ 50 million from Virginia over the state's refusal to educate special education students while expelled or suspended. The state isn't required to treat such children differently, the panel said.

Washington

Olympia -- The state OK'd the proposed merger between Puget Sound Power & Light and Washington Energy, which could create the largest electric and natural gas utility in the Northwest.

West Virginia

Point Pleasant -- A Wisconsin firm was awarded a \$ 29.9 million contract to replace the 65-year-old Shadle Bridge, Gov. Underwood said. Residents feared it was on the verge of collapse. Work should be finished by fall of '98.

Wisconsin

Madison -- Wisconsin sued eight tobacco companies and three industry groups, seeking billions of dollars in the companies' profits and reimbursement for smoking-related health costs. It's the 21st state to file suit.

Wyoming

Riverton -- Gov. Geringer probably won't comply with a state Senate measure that directs him to negotiate a gambling compact with the Wind River Indian Reservation, an aide said. Geringer opposes any type of gambling in Wyoming, said police director Mary Kay Hill.

Load-Date: February 6, 1997



**ACTOR COLIN FARRELL WELCOMES A BABY BOY;
BUT FROM A DISTANCE**

San Jose Mercury News (California)

September 18, 2003 Thursday MORNING FINAL EDITION

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Section: FRONT; Pg. 2A

Length: 457 words

Byline: MERCURY NEWS WIRE SERVICES

Body

"S.W.A.T." star Colin Farrell and model Kim Bordenave are the parents of a baby boy. The infant was born Friday at a Los Angeles hospital and weighed seven pounds, nine ounces, publicist Susan Patricola said Tuesday. Both mother and son are doing well, she said.

Farrell, 27, wasn't there for his son's arrival because he was in Morocco shooting "Alexander," the Oliver Stone film in which he stars as Alexander the Great.

"Although Colin couldn't attend the birth, he had family members standing in and is longing to see his new son and couldn't be happier," Patricola said in a news release. "The three will be together very soon." Their son won't be named until then, Patricola said.

MORE BABY NEWS: Olympic figure skating champion Scott Hamilton and his wife, Tracie, gave birth to their first child, six years after Hamilton was treated for testicular cancer, his publicist said Wednesday. The baby, a boy named Aidan McIntosh Hamilton, was born in suburban Los Angeles on Tuesday. Hamilton, 45, who won a 1984 Olympic gold medal, married in December 2002.

RUNNING OFF WITH THE CIRCUS: Monaco's Princess Stephanie married Portuguese acrobat Adans Lopez Peres, 29, on Friday in a quiet ceremony, reports the New York Daily News. The 38-year-old daughter of Grace Kelly had been living with Peres in a recreational vehicle.

A German magazine reported that her father, Prince Rainier, sanctioned the wedding only when he found out his daughter was pregnant. Before Peres, Stephanie had been dating his boss, circus impresario Franco Knie.

Stephanie had two children, Louis and Pauline, with her bodyguard, Daniel Ducruet, before they married in 1995. They divorced after he was photographed frolicking nude with a stripper. Her third child, Camille, is the daughter of another bodyguard, Jean-Raymond Gottlieb.

IN NUGENT'S WORLD: Rocker Ted Nugent is getting into the reality-show craze with his own show called "Surviving Nugent," reports Yahoo.com. Seven daring souls will try to survive Nugent's all-terrain universe for cash and prizes. The seven include a vegan, a gay man and a New Yorker. The two-hour reality event will premiere Oct. 5 on VH1.

ACTOR COLIN FARRELL WELCOMES A BABY BOY;BUT FROM A DISTANCE

INNOCENT PRISONER'S STORY: Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying.

Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward "Teddy" Deegan in 1965, even though the FBI had evidence of Salvati's innocence. His sentence was commuted in 1997 and he was exonerated in 2001. Salvati sued in July, seeking \$300 million in damages from the government, former FBI agents and a former Boston police officer.

Notes

People in the News

Graphic

Photos (5);

PHOTO: CHRIS PIZZELLO -- ASSOCIATED PRESS ARCHIVES

Colin Farrell missed the birth of his first child, a boy, because he was in Morocco shooting an Oliver Stone movie.

PHOTO: Hamilton

PHOTO: Stephanie

PHOTO: Nugent

PHOTO: Spielberg

Load-Date: August 16, 2005



***A Decade's Blunders;
Critics say McVeigh debacle is one of many FBI mistakes***

Newsday (New York)

May 13, 2001 Sunday

NASSAU AND SUFFOLK EDITION

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Section: NEWS,

Length: 980 words

Byline: By Tom Brune; WASHINGTON BUREAU

Body

Washington-In 1992, an FBI sharpshooter killed militia member Randy Weaver's wife while she was holding her baby during a siege in Ruby Ridge, Idaho, prompted by a botched attempt to arrest Weaver on a weapons charge.

The death was tragic enough, but the FBI then made the situation worse: Field agents later admitted they tampered with evidence by staging photos at the scene of the shooting. A judge ordered the FBI to pay Weaver and his family \$3 million.

That was, according to FBI critic Sen. Charles Grassley (R-Iowa), the beginning of a decade of blunders in the FBI's handling of high-profile investigations and evidence, belying the bureau's reputation as the best law enforcement agency in the world.

Confidence in the FBI was again shaken Thursday with its admission that it had withheld 3,135 pages of evidence promised years before to defense attorneys in the Oklahoma City bombing trials of Timothy McVeigh and Terry Nichols. The FBI said the failure to turn over the documents was inadvertent and blamed it on a computer glitch.

The disclosure that 46 field offices had failed to submit investigation notes, photographs, tapes and other evidence came less than a week before McVeigh was to die by lethal injection in the first federal execution in 38 years.

It has resulted in Attorney General John Ashcroft's postponement of the execution to June 11 to allow McVeigh's attorneys to review the materials and has brought a vow by Nichols attorney Michael Tigar to seek a new trial to overturn Nichols' life sentence.

"It's astounding," said McVeigh attorney Nathan Chambers. "This is the FBI's most important investigation, maybe ever, and they hold themselves out as being the premier law enforcement agency in the world." He added, "Regardless of the content of materials recently released, the most recent episode demonstrates in dramatic fashion why trust and confidence should be reserved."

A Decade's Blunders; Critics say McVeigh debacle is one of many FBI mistakes

Criminal defense attorney Gerald Lefcourt called last week's revelation "a microcosm" of the FBI's larger problems. "It's a very big agency that needs a lot of good management and a lot of good supervision," he said. "And it's not all that it's cracked up to be."

In the past few years, the Justice Department's inspector general, Congress and even the FBI itself have admitted that the agency's ability to manage its information and investigative files has failed to keep up with its rapid expansion in the 1990s.

With an annual budget that doubled to \$3.4 billion during that time, the FBI has vastly expanded its reach into the international realm, cybercrime and money laundering, making it central to the nation's counterintelligence and counterterrorism programs.

But while its mission has widened, the FBI continues to pursue bank robberies and bank fraud, which make up the largest number of cases it refers for prosecution, and illegal drug cases, perhaps stretching itself too thin, some critics say.

In 1999, following a critical audit, the FBI announced a reorganization to create a separate division dedicated explicitly to information management. This year, the FBI has launched a \$242 million three-year upgrade of its computer systems.

But its mistakes from the past continue to haunt it today, and not all of them appear to be inadvertent or created by faulty computer programs.

"Sometimes it's accidental. Sometimes it's poor management or inadequate supervision. And sometimes it's intentional," said Lefcourt, a former president of the National Association of Criminal Defense Lawyers.

Following the astonishing revelations of evidence-tampering in the 1992 Ruby Ridge shooting, other FBI officials admitted they had shredded documents to cover up the origin of the orders that allowed agents to fire without being fired upon.

In 1993 came the disastrous siege of the Branch Davidians in Waco, Texas, that ended in the fiery deaths of cult figure David Koresh and about 80 followers. After many probes, the FBI stunned the nation last year when it admitted it had not disclosed reports about finding shells from incendiary ammunition FBI agents had fired at the cult compound.

The FBI also came under harsh criticism for overlooking evidence that pointed to a mechanical malfunction in the explosion of TWA Flight 800 and for inaccurately and publicly fingering security guard Richard Jewell in the 1996 Olympic Park bombing in Atlanta.

In mid-1997, a whistle-blower at the famed FBI laboratory-whose creation enhanced the bureau's reputation as being on the cutting edge of scientific forensics-led to a highly critical inspector general's report, which Lefcourt and other defense attorneys sued the Justice Department to make public.

The report charged that lab workers had given inaccurate testimony, mishandled evidence and testified on topics that were beyond their expertise in some of the highest profile cases, including the Oklahoma City bombing trial.

More recently, Congress criticized the FBI for its lapses in investigating charges of Chinese spying in U.S. nuclear weapons facilities and its failures in probing the activities of Los Alamos, N.M., scientist Wen Ho Lee, who ultimately pleaded guilty to a single misdemeanor after originally being charged with 59 counts of breaching national security.

The FBI's historical reputation for integrity has also recently been shattered by two cases from the 1960s.

In recent weeks, the FBI admitted it failed to disclose for three decades that it had hundreds of hours of tape recordings and other evidence that could have helped convict Ku Klux Klansmen in the 1963 Birmingham, Ala., church bombing that killed four black girls.

A Decade's Blunders;Critics say McVeigh debacle is one of many FBI mistakes

And a House panel just completed hearings on how the FBI allowed a Boston mafia informer to implicate **Joseph Salvati** in a murder plot and withheld evidence of Salvati's innocence to protect the informer's identity. Salvati served 30 years of his life sentence before being freed in 1997.

Load-Date: May 13, 2001

End of Document



ADRIAN WALKER; POSTHUMOUS PARDONS DUE

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Section: METRO/REGION;

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Byline: BY ADRIAN WALKER

Body

It is true that Enrico Tameleo's career in organized crime spanned decades and more than once attracted the attention of the authorities.

Tameleo was convicted, mostly in the 1920s and '30s, of a variety of minor, street-level crimes. He probably got away with a slew of other, more serious offenses.

Until he went to prison for good in 1966, Tameleo was an old-school consigliere in the Patriarca crime family, the liaison between factions in Providence and Boston. He primarily served as a peacemaker, though perhaps not in every instance.

It is clearly untrue that Henry Tameleo had anything to do with whacking Edward "Teddy" Deegan, the low-rent Malden mobster who was found dead in a Chelsea alleyway in 1965.

Tameleo - along with Peter Limone, **Joseph Salvati**, and Louis Greco - was nevertheless convicted of the murder and sentenced to death. He had served 19 years when he died in prison in 1985. He was 84.

The four were convicted on the false testimony of Joseph Barboza, a Mafia hit man acting under the coaching of some of the most corrupt agents ever to serve in the Boston office of the FBI.

Salvati and Limone have both been released. They lived to see their vindication amid revelations of years of FBI misconduct in handling its informants. Tameleo and Greco did not; Greco also died behind bars, in 1995. Their families are now seeking pardons, posthumously, for the murder they did not commit. They are also suing the government, some former FBI agents, and other officials.

"Tameleo and Greco are the forgotten victims," said attorney William T. Koski, who is representing the families. "It destroyed each of their families."

ADRIAN WALKER;POSTHUMOUS PARDONS DUE

After Deegan's slaying, four other men were first mentioned as suspects. But when Barboza lied on the stand, with the full knowledge of the federal government, a quartet of innocent men went to prison.

It's obvious that the FBI didn't care who did the deed. As far as the agents were concerned, it didn't matter that the wrong people were going to prison. They had other priorities.

Judge Margaret R. Hinkle granted Limone a new trial, before prosecutors dropped the nonexistent case. From the bench, she said this about the FBI: "The conduct of the bureau at the time of the murder of Mr. Deegan, and at the time of the trial of Mr. Limone and his co-defendants, tarnishes that agency."

Limone yesterday recalled a hearing he had before the Parole Board in the early 1980s. "One of them said, 'If we let him out, we'll have to let all those [expletives] out.' " Limone, of course, didn't get out then.

"They were exonerated," Limone said of Tameleo and Greco. "The FBI's own records exonerate them."

The history of posthumous pardons is murky. Generally they have taken the form of gubernatorial proclamations - like the one Governor Michael S. Dukakis issued for Sacco and Vanzetti in 1977 - rather than formal pardons. Governors in other states have issued them in a handful of cases - but they haven't involved such current, still-sensitive issues as the FBI's handling of Mob informants.

Emphasizing that the issue has not yet reached the governor's desk, Stephen Pierce, the administration's chief legal counsel, said, "I think there are some real questions, administrative and legal, about the applicability of the parole process to dead people."

Perhaps so. But those pale next to the unfairness of being labeled as murderers years after the government's complicity, and the defendants' innocence, are settled fact.

After all, even a mobster has rights. Tameleo and Greco didn't murder Teddy Deegan. If they were alive, the charges against them would be dismissed, their names cleared. They deserve at least that, even if they aren't here to enjoy it.

Adrian Walker can be reached at walker@globe.com.

Load-Date: June 20, 2002



[A FATE ACCOMPLI; Long lost lovebirds tie knot](#)

The Boston Herald

October 27, 2003 Monday

ALL EDITIONS

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Section: NEWS;

Length: 348 words

Byline: By JESSICA HESLAM

Body

Their love sparked during World War II but it wasn't until yesterday, 60 years after they first locked eyes in the North End, that Marie Salvati and Joseph Ramos finally tied the knot.

And their long overdue reunion came after many prayers and a Chicago operator who gave Marie Ramos her old love's unpublished number.

"Maybe we weren't meant to be in the beginning, but I'd say, now, we're meant to be in each other's life," the 74-year-old bride said after exchanging vows before more than 100 guests at Boston's Embassy Suites hotel.

Marie was just 14 when she spotted Ramos, a 19-year-old soldier, walking guard duty outside the mess hall.

"Our eyes met and we were instantly attracted to one another," Marie Ramos said. The pair went on a date that night and fell in love through their letters over the next three years.

At one point, Marie Ramos thought he'd been killed in action. But then she got a letter from him while he was in the hospital. He promised to write when he got home but never did, fearing she wouldn't want to deal with his emotional state.

A devastated Marie got on with her life. She married, had two children and later divorced. Joseph Ramos also married, losing his wife five years ago.

Despite their separate lives, neither one forgot the other.

One day last January, a tearful Marie picked up the phone to call him after re-reading his letters. The operator gave her his number, which she later discovered was unpublished.

"I said, 'This is Marie Salvati from Boston, do you remember me?'" recalled Ramos. "He said, 'Of course I do.' I said, 'Well, I've been looking for you for 60 years.' "

He came to Boston for Easter and the rest is history.

A FATE ACCOMPLI; Long lost lovebirds tie knot

Marie's brother is **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying. "It's a great story," he said of his sister's wedding.

The couple plans to honeymoon in Charleston, S.C.

"I feel like a weight has been lifted off my shoulders. I don't have to say, 'What happened?' anymore. Now I know. Now I have my Joe," Marie Ramos said.

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End of Document



Agents of chaos

The Daily Telegraph (Sydney, Australia)

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Section: FEATURES; Pg. G08

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Byline: Michael Beach

Body

It's unthinkable ... the top snoops in the US are facing a snoop, reports MICHAEL BEACH in New York.

If the FBI was a company, the razor gangs would be queuing up to swing an axe at the bloated crime-fighting legend. It has all the classic symptoms of an old-style firm that's lost the plot: bad management practices, over-staffing, poor business plan, outdated computer systems and spiteful employees.

It hasn't helped that for the past decade the once revered institution has stumbled spectacularly from one disaster to another.

When even Oklahoma bomber Timothy McVeigh managed to have some fun in his final days at the FBI's expense, something had to give. That came this week when US Attorney General John Ashcroft announced the unthinkable: an investigation into the nation's top investigators.

No one likes someone else reviewing their performance, let alone a bunch of agents touted as the best in the world.

But Ashcroft ordered his grandly named Strategic Management Council to turn over the Federal Bureau of Investigation from top to bottom and come back with a reform plan next January.

It's a job any self-respecting sleuth would kill for. Unfortunately, the findings aren't likely to be pretty.

Even Louis Freeh, the FBI's director who retires this month after eight difficult years, admits there are fundamental flaws.

It's a big admission from the man who controls 27,000 employees and a hefty \$US3.6 billion (about \$A6.95 billion) budget.

"We've had troubles with this agency," he says. "We've had failures."

So what's wrong? When did catching crooks become so difficult?

Agents of chaos

"The FBI has always been considered the crown jewel of law-enforcement agencies but it has lost a great deal of its lustre lately and a lot of that has been of its own doing," says veteran FBI watcher Senator Patrick Leahy. "Most places, if you make a mistake, you try and learn from your mistakes. Too many times, if they make a mistake they try to protect themselves, try to excuse the mistake and not learn from it."

Just 10 years ago things couldn't have been better. Jodie Foster's turn as FBI special agent Clarice Starling in *The Silence Of The Lambs* was reaping priceless PR for the agency. She embodied the FBI's motto of "Fidelity, Bravery, Integrity" and reinforced everyone's perceptions of the dogged dignity of FBI snoops.

But a year later a wayward FBI sniper gunned down a mother holding a 10-month-old baby on her front porch at Ruby Ridge, Idaho. Vicki Weaver's death amid the FBI's clumsy attempts to arrest her white separatist husband prompted outrage from mentally dodgy militia and survivalist groups.

Most observers marked down this incident as an aberration. They were wrong.

Six months later the FBI was at it again.

Federal Alcohol, Tobacco and Firearms Bureau agents bungled a raid on a Branch Davidian compound in Waco, Texas. Four officers and six Davidians died in a shootout.

Then the FBI moved in after the two sides had retreated for a long-running stand-off. McVeigh drove up there at one point to hand out anti-government propaganda.

When the FBI finally set the place alight, killing 83 people, an incredulous McVeigh watched it on TV and vowed retribution.

Freeh inherited this legacy when he took over in September 1993 on a promise from President Bill Clinton he'd keep his nose out of the FBI's business. Freeh, now 51, seemed perfectly suited to the role: a square-jawed Roman Catholic straight-shooter, free of scandal, who had earned respect as a lawyer, mafia prosecutor and federal judge.

But, in hindsight, he lacked one devastatingly essential ingredient in the fast-changing world of the 1990s.

Freeh had no management experience and he was taking over a recalcitrant, rambling organisation with no idea how to keep it under control.

The checks and balances even small businesses routinely enforce were virtually non-existent at the FBI.

When McVeigh blew up the Murrah federal building in Oklahoma City in 1995 -- exactly two years after Waco -- hundreds of FBI agents swung into action.

Thousands of people were interviewed, their evidence scribbled on paper. But there was no adequate system in place to collate this mountain of paperwork after it was mailed to headquarters.

"We've watched this fiasco in every one of these super-investigations, which create millions of records," says a senior FBI agent. "Not only was our record-keeping bad to begin with, we don't know what we don't have. We're hanging ourselves."

This simple error led to an embarrassed government being forced to delay killing McVeigh when 3000 bits of stray evidence emerged as his execution squad was going through its final rehearsals. But the deadly link between Ruby Ridge, Waco and Oklahoma City was only part of the problem.

Other stuff-ups included wrongly naming Richard Jewell as the prime suspect in the 1996 Atlanta Olympics bombing, wrongly accusing scientist Wen Ho Lee of being a nuclear spy and an FBI chemist revealing that the famed crime lab tampered with evidence.

Then there was a judge freeing Joseph Salvati from 30 years in jail because the FBI hid evidence to protect informants.

Agents of chaos

Throughout this, the FBI ignored warnings its own spycatcher, Robert Hanssen, was selling secrets to the Russians.

When the FBI caught Hanssen in February, Freeh called it the "most traitorous actions imaginable". What he couldn't answer was why it took the FBI's supposedly hot-shot agents so long to find out their workmate was a double-agent.

The litany of disasters has obscured the FBI's day-to-day success in catching its bread-and-butter criminals while trying to keep pace with emerging threats such as global terrorism, Internet fraud and credit-card crimes. But that is what America expects it to do. What the mistakes have done is erode trust in the agency.

Apart from Ashcroft's inquiry, the US government is also searching for Freeh's replacement. Leading contenders Robert S. Mueller III and George J. Terwilliger III are both lawyers who have served as deputy attorney generals. Neither, though, has any experience in running a vast organisation.

Even though the business is looking shoddy, the FBI brand has 93 years of history behind it.

But it is in desperate need of a fresh approach to restore some gloss to its tarnished image. And the confused image is nowhere more apparent than at the Washington head office.

Written in large letters above the entrance is the name of the office block: The J. Edgar Hoover Building. It is named after the tyrannical former director who spent 48 years obsessed with spying on his own people and blackmailing presidents while zealously guarding his asexual (some say homosexual) private life. In a new era that demands openness, it is a perplexing reminder of the FBI's secretive past.

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A GOOD AGE; Facing fed heat? They'll be there

The Patriot Ledger (Quincy, MA)

March 20, 2007 Tuesday

ROP Edition

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Byline: Sue Scheible

Body

On a frigid, sunny morning, two sisters stand side by side at their easels in a large studio in Norwell. A clear light streams in behind them from seven large windows facing north - the best location for artists.

Constance Flavell Pratt, who owns the house built in 1890, and Jane Flavell Collins, who lives in Duxbury, are finishing portraits of young girls.

Both are seniors, well-known portrait painters who often work together. They're also survivors in a disappearing sideline: courtroom artists who, on short notice, take their pastels and sketch pads into federal courtrooms, where cameras are not allowed. It's a fast-paced job.

"If someone is on the stand for just three minutes, you have to get an initial likeness and finish it later," Collins says. She began doing the courtroom assignments in Boston in the late 1970s and recruited her sister in 1982. They've often covered court together, Collins for Channel 4; Pratt for Channel 5.

But their artistic bread and butter has always come from their other pursuits. Pratt is best known for her portraits; Collins specializes in landscapes. Both have won many art show awards.

When they get together to work, they exchange helpful suggestions - a different highlight here, a warmer tone there - but they're also apt to talk about memorable court cases. Once cameras were allowed in the state courts in the 1980s, those assignments fell off, but they remain familiar figures in the federal courts in Boston.

"We see them frequently," said Susan Goldberg, deputy circuit executive for the U.S. First Circuit Court of Appeals.

Collins was in federal district court on Feb. 27 for the case of *Joseph Salvati*, 71, and Peter Limone, 69. The two, along with the families of two other men who died in prison, are suing the federal government for \$100 million. Their convictions in the 1965 gangland murder of Edward "Teddy" Deegan were overturned in 2001, because of new information linked to false testimony by FBI informant Joseph "The Animal" Barboza.

A GOOD AGE; Facing fed heat? They'll be there

The artists say the saddest and most tragic case they've covered was the 2003 murder trial of Gary Sampson, 44, who confessed to killing three men, including Jonathon Rizzo, a 19-year-old college student from Kingston, and Phillip McCloskey, 69, a former Quincy resident from Taunton, in a three-state crime spree in July 2001.

Their biggest international trial was that of terrorist Richard Reid, the so-called "shoe bomber" who tried to ignite explosives in his shoes on a flight from Europe that landed in Boston in December 2001.

Pratt and Collins grew up in Rockland. They drew and painted as children and graduated from the Massachusetts College of Art. While Collins taught art for a few years at Rockland High School, Pratt always favored portraiture.

"I think of portraits as the ultimate challenge - you have to be absolutely fascinated by it," she says. "I'm never bored - it's observation all the way."

She begins by drawing the live subject and continues in her studio, working from photographs. She's always looking for features that tell her, "This is that person ... the expression of the mouth and how you do noses are the most important. Noses are the only thing that stick out on a face - and there are so many ways of their doing that."

Collins, 11 years younger than Pratt, followed in her older sister's direction but soon developed her own style. She likes to do landscapes - something Pratt says she could never master.

The studio walls are covered with paintings, drawings and photographs. Dozens of framed portraits are stored in a loft above; papers, contest ribbons and invitations to openings lie about.

Pratt points to a pastel portrait of a white-haired man, done many years ago. She can't remember his name, but the way the light hit his cheekbones, the way his hair stuck out, the curl of his bottom lip remain a vivid memory.

I first interviewed Pratt in 1982, when she was 56. Back then, she said, "When you get to be my age, you are conscious of the fact that you don't have that many years left to waste. I'm busy all day, every day with my art."

Twenty-five years later at age 81, that's still true. Since her husband, Bob, a jewelry maker, died last April, she's had to spend more time on household business, but she's apt to stay up until 4 a.m., absorbed in her work.

"Art is something you can do no matter what your age, and I can do it at home, right here," she says. "The world is so full of faces. All of them are interesting to me, and many are willing to sit still for you."

"I feel very lucky that this is what I like to do better than anything."

CORRECTION - No excuse on my part, just stupidity and rushing. In last week's column, I used the wrong last name for 90-year-old Al Francis, calling him Al Smith and then simply "Al." Thankfully, the photo caption had it right. Smith is the last name of the couple Al was writing about and wanted to contact. Maybe I was thinking of the legendary Al Smith of New York State who ran for president in 1928? Al Francis graciously showed his good sense of humor when I apologized.

COMPUTER BASICS - Plymouth Public Library will present a free program, "Computer Basics for Seniors," from 2 to 3:30 p.m. tomorrow at the library at 132 South St. Wrestling Brewster, a computer consultant, will take the mystery out of using a computer and show you how to keep in touch with family and friends, find information on the Internet, and help organize your life. No registration is required. Call 508-830-4250, ext. 219.

LOWELL MILL GIRL - Storyteller Sharon Kennedy will present her historical reenactment of Mary Margaret O'Connell, a 15-year-old Lowell mill girl in 1847, from 7 to 8:30 p.m. Monday in the Plymouth Public Library at 132 South St. "Mary Margaret" will tell stories, in costume, about her parents' immigration from County Cork, Ireland, her father's job digging canals, her own toil as a weaver in the mills and the daily life of the Irish in "The Acre" section of Lowell. Call 508-830-4250, ext. 219.

Sue Scheible can be reached at 617-786-7044, by mail at The Patriot Ledger, Box 699159, Quincy, MA 02269-9159 or E-mail at sscheible@ledger.com.

A GOOD AGE; Facing fed heat? They'll be there

Graphic

Constance Flavell Pratt, 81, of Norwell, left, and her sister Jane Flavell Collins, 70, of Duxbury, enjoy working side by side in the studio and in the courtroom., LISA BUL/The Patriot Ledger

Jane Flavell Collins, left, and Constance Flavell Pratt, sisters who grew up in Rockland, are courtroom portrait artists who have covered cases in federal district court in Boston for local television stations., LISA BUL/The Patriot Ledger

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[AG urges pols to find Bulger truth](#)

The Boston Herald

June 19, 2003 Thursday

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Byline: By J.M. Lawrence

Body

WASHINGTON, D.C. - Weeks after calling on UMass President William M. Bulger to resign for not urging his fugitive brother to surrender, Attorney General Tom Reilly boldly urged Congressional investigators in Washington yesterday to uncover the truth about the Bulger brothers and the FBI.

"This is about three people," Reilly said, referring to William, James "Whitey" Bulger and ex-FBI agent John J. Connolly Jr. "There's a history here, a documented history. Maybe it's coincidence. I don't think so."

Reilly sought out House Government Reform Committee leaders yesterday to emphasize the "seminal moment" William Bulger's immunized testimony today marks in the sprawling saga of organized crime, politics and law enforcement.

"People in Boston and New England need to know the truth," Reilly said while preparing to board a return flight at Washington National Airport to Boston. "We need to get to the bottom of this."

Reilly would not say what specific information he shared during his meeting with the committee's chief counsel and three congressmen, including former committee head Dan Burton (R-Ind.).

Yesterday, Burton said Bulger's testimony isn't the last chapter in the probe.

"We are going to get as much information from Billy Bulger while he is under oath so that we can follow up," he said. "This is about the FBI and cleaning it up."

Burton was drawn to the probe after learning about evidence that the Boston FBI helped frame four men for a 1965 mob murder and protected their informant from prosecution.

Yesterday, Reilly had a chance meeting with a lawyer for one of the men at the airport. Reilly warmly greeted attorney Victor J. Garo, who helped free [Joseph Salvati](#) from prison after 30 years.

"God bless him for what he did," Reilly said, adding that Salvati's wrongful imprisonment underscored the reason for his visit. "We're talking about people going to prison for the rest of their lives. This is serious business."

AG urges pols to find Bulger truth

Reilly yesterday said Bulger gets to answer questions "in his environment" and with the benefit of knowing many areas of inquiry.

Committee Chairman Tom Davis (R-Va.) denied Bulger received special treatment. He said members can ask anything they wish but maintained the session is about gathering information.

"This is not a gotcha," Davis said. "This is about getting information we need about the FBI."

Davis said he had "read a lot about Billy Bulger" and would quiz him on whether he used his influence as the former state Senate president to aid his brother.

Bulger's spokesman said the UMass president wants to dispel any "myths" that he has protected his brother from the law.

"If President Bulger had information that would be helpful to the authorities investigating this case he would have imparted it long ago," said Robert P. Connolly, Bulger's university spokesman.

Load-Date: June 19, 2003



AIAA WELCOMES NEW MEMBERS

Aerospace America

October, 2004

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Section: AIAA BULLETIN; AIAA News; Pg. B10

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[Albano comes out swinging](#)

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Body

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"Someone told me I was the most investigated mayor in the state ..."

- Former Springfield Mayor Michael J. Albano

The former Springfield mayor has broken his silence on the corruption scandals that engulfed members of his administration.

EAST LONGMEADOW - Aside from the address, it could be the mayor's office at City Hall.

Michael J. Albano sits at a desk before an ornate city seal, crafted of glass. To his left is a wall covered in framed headlines spotlighting high points in an eight-year tenure as Springfield's chief executive. Photos of the city skyline and mementos from various civic groups dot the rest of the space.

But the former mayor is nearly four years out of City Hall. He's set up shop as a political consultant, in a rear office at a small business complex on North Main Street here.

In this office, Albano, now 56, exudes the relaxed confidence of a popular mayor - rather than the wary hostility of a political question mark.

He says he decided to leave politics in 2003, when his youngest son came home from school one day with news that a classmate told him his father was a crook.

"Most political pundits agreed that I would have most likely won another term," Albano said in a recent interview. "I just couldn't do it to my family. I announced that I wouldn't run on the radio the next day."

He attempted a graceful exit that year amid a federal corruption probe careening through city government that had rained grand jury subpoenas on municipal offices since 2001.

Albano comes out swinging

"I guess you have to take the highs with the lows," Albano said, with a wry laugh.

But for many years - as the corruption investigation ramped up, federal investigators circled and several key members of his administration were lined up to be indicted - Albano wasn't laughing. To plummet from remarkable poll appeal to an object of suspicion was, at best, unsettling.

Although his top aide wound up convicted of tax charges, his close friend and appointee to chair the Police Commission served 21 months for fraud and at least a dozen other city employees were convicted of crimes ranging from insurance fraud to embezzlement from a city loan fund, Albano emerged unscathed.

Although all the signs were there, he said federal investigators never attempted to interview him and he never received a grand jury subpoena, or a so-called "target letter." Nor was his office searched, he said.

He insists, though, that his City Hall office was bugged by the FBI, an allegation never reflected in any court records and proceedings in the long-running probe.

Early in the local probe, Albano was defiant, attributing the investigation to anti-Italian sentiment and a government conspiracy dating back to the 1980s when he defied the FBI while a member of the state Parole Board. Later on, and particularly after he left office, he fell silent and refused to respond to any questions from the media about the probe.

Buoyed this summer by a landmark \$101 million awarded to four plaintiffs framed by the Boston FBI for a 1964 mob murder in Chelsea, the embattled former mayor has signaled that he will fight back. He has come out very publicly against the municipal corruption probe, again denouncing it as retaliatory.

In addition to signaling that he is mounting a lawsuit against the federal government, Albano in January filed a multi-volume complaint against the FBI and U.S. Attorney's Office with the U.S. Justice Department's Office of Professional Responsibility. This amounts to a request for an internal investigation; the department has confirmed it received the initial report, plus four amendments to date, according to records Albano provided to The Republican.

The complaint cites a litany of alleged misbehavior dating back to the 1980s, when Albano was appointed to the Parole Board. This is where the saga began, he argues.

Twenty years earlier, Edward "Teddy" Deegan was gunned down in a Chelsea alleyway. Four were convicted of the murder after being fingered by former mob hitman (turned FBI informant) Joseph Barboza. The four were Peter Limone, **Joseph Salvati**, Louis Greco and Henry Tameleo.

The government enticed Barboza as a "top-echelon" mob informant, court records and a congressional probe have since revealed. He testified against the four defendants who ultimately took the rap for the murder. Serving life sentences in state prison, several filed appeals and asked for commutations over the years, proclaiming their innocence. Three came before the Parole Board on which Albano, a one-time district court probation officer, sat.

Although the Parole Board voted twice to commute the sentences of Limone, Salvati and Greco, its recommendations were denied by the then-sitting governors, based on information provided by federal investigators. At the plaintiffs' civil trial in Boston this summer, Albano testified that two FBI agents - John Connolly and John Morris - arrived unannounced at his office in 1983 to attempt to muscle him into denying the first petition. He also testified he was investigated by State Police for alleged links to organized crime after he refused to bend to the government's will.

Over four weeks of testimony, a picture emerged of corrupt FBI agents lusting to take down the Italian mob and covering up the facts of the case for decades, allowing Barboza to lie on the witness stand, withholding evidence and more. FBI recordings turned over at trial also showed investigators heard discussions of Deegan's planned murder over a wiretap and did nothing to stop it.

Salvati and Limone were released from prison in 1997 and 2001, respectively; Greco and Tameleo died in jail and were posthumously pardoned.

Albano comes out swinging

U.S. District Judge Nancy Gertner awarded the plaintiffs, which included the families of Greco and Tameleo, the unprecedented \$101 million settlement and issued a brutal, 235-page decision.

"FBI officials up the line allowed their employees to break laws, violate rules and ruin lives, interrupted only with the occasional burst of applause," Gertner wrote in the decision in which she cited Albano's testimony.

Connolly is serving a federal prison sentence on racketeering charges for protecting mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi while using them as informants against the Boston mob. He also faces a murder charge for allegedly providing a tip that prompted the slaying in 1982 of a former World Jai Alai president.

Recently, Albano claimed he was even caught on FBI surveillance having a meal with Salvati following a 1998 business meeting in Boston with Mayor Thomas Menino and Anthony M. Ardlono, Albano's former chief of staff who is now poised to begin a year-long term in federal prison for tax evasion.

Although evidence of the surveillance could not be confirmed through Salvati's lawyer or the FBI, Albano insists photographs exist, and that they revived investigators' interest in him. The Springfield corruption probe began percolating about 18 months later.

"They went after me," Albano said, noting that he testified before a congressional committee probing FBI corruption while the Springfield investigation was in full swing.

When he really gets going, Albano often speaks in hyperbole about the investigation:

"Someone told me I was the most investigated mayor in the state since Kevin White," he argues, referring to the Boston mayor who was investigated for corruption for 10 years during the 1980s, but never charged.

Albano also contends former aide Ardolino, 37, was "the most investigated public servant in the country."

Of close friend Gerald A. Phillips, whom Albano appointed as Police Commission chairman and director of a city-run trade school, he dismisses fraud convictions against him as well.

"In the end, what did they find? They could not account for a student's hours of employment," Albano argued.

Phillips initially faced an 11-count indictment linked to a no-show job scheme hatched at the school. Phillips and three codefendants were charged with various roles in the scheme. Phillips himself was found guilty of handing out jobs and other perks to a female student he took on as a sexual partner.

Unseemly details about Phillips' relationships with her and other young students emerged over a six-week trial in federal court. In the end, Phillips was cleared of nine of the 11 charges either through acquittal or a judge's dismissal.

Despite the bad behavior, Albano defends Phillips, with whom he still enjoys a close relationship.

"Everyone makes mistakes," he said mildly.

Of other fraud and embezzlement cases made against the heads of a homeless shelter, a city-run employment consortium, and the Springfield Housing Authority, which is not a city entity, Albano contends the funds in question were federal monies, and technically not his purview.

"One could argue it was a corruption investigation of federal programs, not city programs," he said.

Springfield FBI supervisor Mark S. Karangekis denies Albano's characterization of the municipal corruption probe as payback.

"The FBI does not investigate people in bad faith. We follow the evidence where it leads . . . consistent with the privacy protections and civil liberties we're sworn to uphold," Karangekis said. "Anything less will not be tolerated."

Albano comes out swinging

If Albano becomes a bit over-the-top when discussing the probe, he is still eloquent and persuasive on city politics and finance, tapping into the charm and quick wit that propelled him to the mayor's office in 1995.

"He was popular, almost like a Bill Clinton was popular," said School Committee Vice Chairman Kenneth E. Shea, who frequently clashed with Albano over issues.

The two served together on the School Committee, where Shea remained as Albano ascended first to city councilor and eventually to mayor.

"He's got a lot of personality and charisma," Shea continued. "He's quick on his feet. He's very polished in front of a camera or a microphone. He doesn't make many mistakes or put his foot in his mouth much."

Albano, the son of a labor activist, ushered in a relatively young, sometimes brash administration that aggressively pushed economic development and worked to build up a once-thriving bar and restaurant scene downtown.

Though the so-called entertainment district earned Albano kudos, it also served to draw more investigative attention to his allegiances, since the district's prime mover and business owner was Victor C. Bruno, son of now-slain mob boss Adolfo "Big Al" Bruno.

But Albano argued - then, and now - that the younger Bruno should not have been denied a business opportunity because of his lineage.

"This is a very small community. There are so many different factions that you can't avoid them," he said. "You just can't work around the centerpiece of the entertainment district . . . As far as I was concerned, Victor Bruno was just like the guy who owns Max's Tavern or (late local developer) Peter Picknelly."

To complicate matters, Ardolino was ultimately convicted of a tax conspiracy linked to his once-hidden ownership in the Pour House, a bar on Worthington Street.

Albano defends Ardolino equally as vehemently.

"That case was about taxes, not corruption," Albano said. "He was like a son to me, and I'm very saddened for his family . . . I'm saddened that so many people have gotten sucked into this because of their ties to me."

Now that several of the bars in the entertainment district have been shuttered or changed ownership, and the corruption investigation has cooled, many legislators and political observers who had distanced themselves from Albano have begun voicing their support.

"One thing about Mike Albano was that he was a great inspirer of the people . . . We had vision, we had hope, people felt they were a part of the city of Springfield and we had pride," said state Rep. Cheryl Coakley-Rivera. "He did a great job selling the city . . . he talked to people, and honestly, a lot of people miss him."

Coakley-Rivera, D-Springfield, notoriously mercurial when it comes to her political alliances, was an Albano appointee to the Parks Commission and formerly a supporter. However, she threw her support behind current Mayor Charles V. Ryan when he ran in 2003, after Albano bowed out.

Coakley-Rivera now says the city is missing something under Ryan and the state-run Finance Control Board that took over in 2004.

She and others opine that the city has become dour and stodgy in Albano's absence.

"We're missing that inspiring message. Everybody's fleeing the city because they're tired, and the one thing they're missing in city government now is that piece," the legislator said.

In response, Ryan said the city needs a leader, not a cheerleader.

Albano comes out swinging

"I suppose the people who are cheering are the citizens who finally have a responsive government," he said. "We're paving roads, we're taking down derelict buildings . . . all of these things that stopping happening before. They turned off the streetlights!"

Albano and Ryan were opponents in the 1995 bid for the mayor's seat. Albano won by a comfortable margin. Political consultant Anthony L. Cignoli says Albano's approval numbers were off the charts early in his mayoral tenure, and he still enjoys statewide popularity today.

"He seemed to very much connect with people across a very, very diverse city - almost in a Camelot-like way," Cignoli said. "You wanted to believe him. You wanted to follow him."

Of Albano's future prospects in politics, Cignoli said: "Time is a great healer, especially with an individual like Mike Albano . . . And clearly, the issue he's got with the FBI has got some legs to it."

Albano said he has no plans to attempt to get back into city politics. In the midst of a divorce from his wife of 20 years - which he attributes, in part, to the stress of the investigation - Albano is building a home in Longmeadow, where he grew up, and hopes to one day become part of a presidential campaign as a strategist.

He also has applications in at several area colleges to teach criminal justice or government classes.

Though he does not miss the mayor's office, Albano still grins widely when he speaks of his old job.

"It's the best job in the world. I loved it . . . every minute of it."

MICHAEL J. ALBANO THROUGH THE YEARS ...

- 1974 - Appointed as a probation officer in Westfield District Court
- 1978 Ran unsuccessfully against state Sen. Alan D. Sisitsky for the Democratic nomination for the 2nd Hampden-Hampshire District
- 1981 Appointed to Mayor's Youth Commission in Springfield
- 1982 Appointed to Massachusetts Parole Board
- 1985-1990 Served on School Committee
- 1990-1992 Member of the city's Conservation Commission
- 1992-1996 Served on City Council; was president 1994-1995
- 1996-2004 Served as Mayor of Springfield

Today - Michael J. Albano, 56, is a political consultant with an office in East Longmeadow.

(PHOTO 2 - Page A15) The cover of a campaign flyer put out by former Springfield Mayor Michael J. Albano in 1997.

(PHOTO 3) Attending a rally in support of the Massachusetts Career Development Institute in Springfield in 2001 were, from left, Michael J. Albano, mayor at the time; City Councilor Brian A. Santaniello; Massachusetts Career Development Institute case manager Terrill Winston; and Massachusetts Career Development Institute Director Gerald Phillips..

(PHOTO 4) Seated together at a federal housing conference in Washington, D.C., in 2003 are, from left, former Vice President Al Gore, former secretary of U.S. Housing and Urban Development Andrew Cuomo and Mayor Michael J. Albano.

Graphic

Former Springfield Mayor Michael J. Albano, 56, sits in his East Longmeadow office where his is a political consultant.

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End of Document



[Albano may testify in Bulger trial](#)

The Republican (Springfield, Massachusetts)

July 20, 2013 Saturday

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Body

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BOSTON - Governor's Councilor Michael J. Albano may testify as a witness for the defense in the murder trial of James J. "Whitey" Bulger.

Albano, former mayor of Springfield, said he was served Tuesday at his Longmeadow home a subpoena requested by J. W. Carney Jr., lawyer for Bulger.

"I'm not testifying for Whitey," Albano said on Friday. "I am testifying against the FBI and the U.S. Attorney's office."

Albano said "there's no question . . . none whatsoever" that the FBI retaliated against him by investigating his administration when he was mayor of Springfield. Albano served four two-year terms before stepping down as mayor in 2004.

Bulger has pleaded innocent to charges of participating in 19 murders and an array of other charges, according to the Associated Press, which is covering the trial in Boston.

Albano said he is not sure that he actually will testify in the sensational trial in U.S. District Court in Boston.

Albano's testimony would come after witness Stephen Rakes was found dead in Lincoln on Wednesday. Rakes had hoped to testify against Bulger.

Prosecutors say Rakes, 59, of Quincy, and his former wife were forced to sell Bulger their South Boston liquor store in 1984 to use as a headquarters for his Winter Hill gang and as a source of legitimate income.

While an autopsy found no trauma to the body of Rakes, authorities believe that he may have died elsewhere and that his body was dumped near a popular walking trail, The Boston Globe reported.

Albano said he felt a lot better before he learned of the death of Rakes.

Albano may testify in Bulger trial

"Oh sure, absolutely," Albano said when asked if he was concerned about Rakes. "You've got a dead witness. Sure, I am concerned."

Albano, a Democrat who is serving his first two-year term on the Governor's Council, squared off against the FBI in 1983 when he was a member of the Parole Board. During his tenure on the board, two now-former agents allegedly attempted to intimidate him into voting to keep in prison a man who was convicted of murder but who was actually innocent.

One of those former FBI agents, John J. Connolly Jr., served a federal prison sentence on racketeering and obstruction of justice charges for protecting Bulger and Stephen "The Rifleman" Flemmi -- while using them as informants against the Boston mob. Connolly is currently in a Florida state prison serving a sentence on a second degree murder conviction.

Albano eventually voted to recommend the commutation of sentences for three of four murder convicts - Peter Limone, ***Joseph Salvati*** and Louis Greco - who later were found to be innocent of a gangland slaying near Boston. The fourth defendant, Henry Tameleo, died in prison before Albano had a chance to recommend release for him. In 2007, a U.S. District Court judge ordered the government to pay \$102 million to two of the men who spent three decades in prison and the families of two others who died in prison. The four murder convictions were overturned well before the civil trial in Boston.

Testimony revealed the FBI was protecting a mob informant - Joe "The Animal" Barbosa - when it concealed evidence that would have proved the four men weren't involved in the murder. Barbosa, who is now dead, admitted to killing 26 people.

Albano, now 62, testified for the plaintiffs in 2006 during the civil trial that led to the massive civil judgment. Albano said the FBI was attempting to compromise his testimony in the civil trial by investigating his administration in Springfield.

Last year, Special agent Greg Comcowich, a spokesman for the FBI in Boston, provided a prepared statement in response to Albano 's comments about the agency.

"Five years ago we responded to assertions that the FBI 's investigation of corruption in Springfield's government was inappropriate," Comcowich said in the statement. "We stand by that statement, which broadly outlined the parameters governing FBI investigations. The FBI does not investigate people in bad faith and we initiate and carry on investigations consistent with the constitution, law and policy."

The FBI investigation, which occurred during the former mayor's final two years in office, resulted in the conviction of Albano 's former chief of staff, who pleaded guilty to conspiracy and filing false personal income tax returns in a fraud case involving his part ownerships in a couple of downtown bars. He was sentenced in 2007 to a year in federal prison.

Also as a result of the investigation, the executive director of a city job training and educational school - the Massachusetts Career Development Institute - was sentenced to 21 months in federal prison in 2005 on two fraud and conspiracy charges. Three other former officials of the school were also convicted by a jury in U.S. District Court and received lesser sentences.

Graphic

Michael J. Albano

Load-Date: August 28, 2013

Albano may testify in Bulger trial

End of Document



[Albano out in Bulger trial](#)

The Republican (Springfield, Massachusetts)

July 26, 2013 Friday

ALL EDITION

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Section: NEWS; Pg. A05

Length: 543 words

Byline: DAN RING, STAFF

Body

dring@repub.com

BOSTON - Governor's Councilor and former Springfield mayor Michael J. Albano was barred Thursday as a defense witness in the trial of James "Whitey" Bulger.

In U.S. District Court in Boston, Judge Denise J. Casper excluded several defense witnesses, including Albano, who last week was subpoenaed to testify by Bulger's lawyer, J. W. Carney Jr. of Boston.

The judge ruled that Albano's testimony would not be relevant, according to The Boston Globe.

"Judge says Mike Albano, a former parole board member, not relevant witness in Bulger's case, defense can't call him," the Globe reported.

On Wednesday, during the Bulger trial, Assistant U.S. Attorney Brian T. Kelly asked the judge to rule out Albano as a witness.

Kelly said Albano, a former mayor of Springfield, was being called to testify about "a collateral matter" and argued that Albano's testimony would be irrelevant. Last November, Albano was elected to the Governor's Council, which votes whether to confirm judicial appointments by the governor.

Bulger, a noted former mob boss in Boston, is charged with taking part in 19 murders. He was captured in California in 2011.

Albano said it's unfortunate his story will not get out to the public. Albano said his testimony would have shown in greater depth the level of corruption that plagued the Boston office of the FBI.

"My testimony would reveal they (former FBI agents) would do anything to protect their informants -- anything -- including sending men to the electric chair, knowing they were innocent," Albano said. Albano, a Democrat, clashed with the FBI in 1983 when he was a member of the Parole Board.

Albano out in Bulger trial

During his tenure on the board, two now-former agents - John J. Connolly Jr. and John M. Morris - allegedly attempted to intimidate him into voting to keep in prison Peter Limone, who was convicted of murder but who was actually innocent, Albano said.

Connolly and Morris visited him at his parole board office in Boston, Albano said.

"They stood over my desk and said, 'We understand you are looking at a political career. This case is not going to do you any good,' " Albano said.

Connolly served a federal prison sentence on racketeering and obstruction of justice charges for protecting Bulger and Stephen "The Rifleman" Flemmi - while using them as informants against the Boston mob. Connolly is currently in a Florida state prison serving a sentence on a second degree murder conviction.

Morris, who was granted immunity from prosecution, had accepted \$7,000 in payoffs from Bulger, the Globe has reported. He retired from the FBI in 1995 and moved to Tennessee, the Globe reported.

Morris helped use Bulger and a former associate as informants.

As a member of the Parole Board, Albano voted in support of the commutation of sentences for three of four murder convicts -- Limone, **Joseph Salvati** and Louis Greco -- who later were found to be innocent of a gangland slaying near Boston.

In 2007, a U.S. District Court judge ordered the government to pay \$102 million to two of the men who spent three decades in prison and the families of two others who died in prison. The four murder convictions were thrown out before the civil trial in Boston.

Albano said the two now-former agents were attempting to protect Bulger and his gang.

Graphic

Michael J. Albano

Load-Date: September 6, 2013



A life is destroyed for feds' convenience

Plain Dealer (Cleveland, Ohio)

July 30, 2002 Tuesday, Final / All

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Section: FORUM; Pg. B9

Length: 734 words

Byline: Phillip Morris, Plain Dealer Associate Editor

Body

The story of *Joseph Salvati* is one that tests considerably the wisdom of blind faith in our nation's government.

Salvati, a 69-year-old Boston truck driver, spent more than 30 years of his life in prison for a murder that he didn't commit. The FBI knew Salvati did not commit the murder - it knew the true killers - but it maintained a deadening silence on the matter.

Why?

The answer is what breeds cynicism: Because, the Associated Press recently reported, one of the true killers was a mob informant whom the FBI wanted to protect. Allowing Salvati to take the fall for the murder enabled the government to keep its vicious informant free and on the streets of Boston.

This leads to a disturbing question for civil libertarians - or anyone who has ever sung our national anthem with conviction: How many more innocent men continue to suffer the deprivation of their freedom because of mistakes in the judicial process or because of the calculated decisions of others to compromise justice?

How many of the 3,071 people on death row in the United States, for instance, are there because some moral calculus said their actual guilt or innocence was immaterial and that they were dispensable?

It's hard to tell. With the national prison anthem being the ubiquitous "It Wasn't Me," it is difficult to distinguish the wails of the innocent from the self-serving gripes of the con artists. But as Salvati's story shows, the government is "situationally" willing to sacrifice its own citizens in the pursuit of what it deems a greater goal.

This documented reality provides timely material for reflection as the government again eases its rules governing criminal informants, and as Congress debates rules allowing death-row inmates better access to DNA evidence and to qualified lawyers.

The recently reissued rules governing the official use of informants are especially sobering, if not downright troubling. While the old rules required that FBI agents explicitly warn informants against committing "serious" crimes, going as far as to warn them that they could be "called to testify in a proceeding as a witness," the new rules are much softer and more vague.

A life is destroyed for feds' convenience

In the aftermath of the Sept. 11 terrorist attacks, with anti-terrorism efforts being the FBI's first priority, agents are permitted to issue individualized warnings in their own "fuzzy" language, the Associated Press reports.

This means that once again the dirtiest and most dangerous organized crime figures and street hoodlums can become eligible for sweeping official protections, assuming the FBI believes they have something to offer. On the flip-side, this suggests that some of these immoral characters will now swagger arrogantly above the law and perhaps carry out personal vendettas, as mob-recruited informants have historically been known to do. That is what led to the incarceration of Salvati and untold other innocents.

Indeed, as one high-profile case after another demonstrates, the nation's judicial system must take a hard second look at those it has condemned to die. Capital punishment remains an appropriate judicial sanction, but one that should be imposed only after all available circumstantial and scientific evidence and procedures have been put to the test.

The measure pending in Congress, which is receiving strong bipartisan support, would make it easier for convicted offenders as well as defendants to prove their innocence. The bill, fortunately, has gathered steam in the wake of Supreme Court rulings prohibiting the execution of the mentally retarded and requiring juries, rather than judges, to impose capital sentences.

Given that the government has demonstrated time and again its willingness to accuse the innocent falsely or to stand idle while they suffer, any measure that requires such thoroughness is exceedingly appropriate.

Completely protecting the nation's borders is practically impossible. But protecting the individual and collective freedoms of Americans must remain the government's foremost priority. A government that routinely sends its personnel into hostile fire to retrieve the bodies of fallen soldiers cannot, in the name of fighting crime or terrorism, turn its back on its own civilians. That would represent the height of hypocrisy.

The Salvati story shames us all.

Morris is an associate editor of The Plain Dealer's editorial pages.

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Load-Date: July 30, 2002



ALLEGATIONS OF IMPROPRIETIES BY FLORIDA PROSECUTORS

Federal Document Clearing House Congressional Testimony

June 15, 2001, Friday

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Section: CAPITOL HILL HEARING TESTIMONY

Length: 989 words

Byline: HOUSE GOVERNMENT REFORM

CHRISTOPHER S SHAYS, REPRESENTATIVE

Body

June 15, 2001

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS, AND INTERNATIONAL RELATIONS

Statement of Rep. Christopher Shays

Last month this Committee heard testimony from Joseph Salvati, a man convicted of a crime he did not commit. In that case, an innocent man went to prison for thirty years because FBI agents, prosecutors and local law enforcement officers suppressed exculpatory evidence in a cynical conspiracy to protect a corrupt informant. His life and the lives of his wife and children were destroyed by the very forces of law and justice solemnly sworn to protect and serve.

Another case of alleged official misprision brings us here this morning. In March, the Committee staff issued a report entitled, "The Joseph Gersten Case: A Study of the Abuse of Government Power." It describes a complex series of events in south Florida, starting in 1992, during which prosecutorial zeal to achieve a preordained conclusion appears to have resulted in the suppression of obviously exculpatory facts.

The Committee had hoped to conduct voluntary interviews with two of today's witnesses, Mr. Gregorie and Mr. Band, but they declined. Their lawyers informed us their clients would only appear pursuant to subpoenas. So subpoenas were issued. Still, despite the more formal forum, our purpose in seeking their testimony remains the same: amplify and clarify the public record on this troubling case.

We know the FBI and prosecutors suspected that Joseph Gersten had done something wrong. They received information that he had been involved with prostitutes, had smoked crack cocaine, and had filed a false police report. They initiated an investigation. We certainly don't have a problem with that.

ALLEGATIONS OF IMPROPRIETIES BY FLORIDA PROSECUTORS

But we all should have a problem with the apparent failure to follow all the relevant evidence discovered by that investigation. When prosecutors fail to follow potentially exculpatory evidence, there should be a reason. Today, I sincerely hope we will hear a plausible explanation why it was ignored in this case.

The Committee's investigation has uncovered questions that should have been asked, questions that bring us here today:

-A government witness was trying to frame Mr. Gersten for a murder. According to the FBI, this was one of the government's most reliable witnesses. The government did not ask a single question about why their witness was trying to frame Gersten for a murder. It appears they didn't want to know the answer. Why?

-The FBI paid money to the witness, who was trying to frame Gersten for the murder - after the false allegation had been made. Why would the FBI pay money to someone who was trying to put an innocent man in the electric chair?

-All government prosecutors and investigators have maintained that they knew nothing about the false murder allegation, notwithstanding evidence to the contrary. When the Committee asked an FBI agent why a government witness to the alleged sex and drugs matter was trying to frame Gersten for murder, the agent said he had never been told about the false murder allegation. He said it would have been important information." He also said, "I don't know why we weren't given this information." Who knew about the false murder allegation, and when did they know it?

-The man who was offered money by the government's witness to make the false murder allegation came to the conclusion that: "the FBI [is] trying to set up the man [Gersten] for something he didn't do." Why did he reach that conclusion and why did the government never ask him why he had reached that conclusion?

-The man who was offered money to make the false murder allegation knew the exact amount involved two days before records show the money being requested. How could he have known that, and why did no one ask him why the FBI was prepared to pay a witness who was trying to frame Gersten for a murder?

-Someone in the Florida State Attorney's Office appears to have attempted to cover up the fact there was a false murder allegation. When the Committee received documents about the Gersten investigation, the report describing the false allegation, which we did eventually obtain, was not provided. Who was responsible, and why was it so important to keep the false murder allegation from coming to the attention of Congress?

Almost every exculpatory statement or piece of evidence appears to have been ignored by the government. Why? Why does this case appear to be a predetermined conclusion in search of proof, not a search for truth?

The Gersten case is not the Salvati case. Gersten was never indicted, never tried. He left the country. He didn't spend thirty years in prison. But he did pay a price for what he was only alleged to have done. But it does appear the path of justice was misdirected when exculpatory information was not pursued.

The facts discovered to date raise significant questions. Just because those facts arose nine years ago does not mean they are unimportant. To the contrary, the long and long memory of oversight like this should help sustain confidence the vast powers of the state are being exercised properly and for the public good.

Carved over the entrance to the Supreme Court, the words "Equal Justice Under Law" express both a command and a promise. When the command is ignored, the promise of individual liberty in the Bill of Rights is broken.

The plight of the Salvati and Mr. Gersten gives us cause to question presumptions long taken for granted about blind justice and the power to prosecute. Anyone can be accused of a crime. The government can tap telephones, record conversations, obtain bank records, and even - as in the Gersten investigation - go so far as to get supermarket purchase records of the suspect's fiancée. We must be sure the power to seize that evidence is wielded objectively, with restraint and with a profound respect for the rights of the accused.

ALLEGATIONS OF IMPROPRIETIES BY FLORIDA PROSECUTORS

End of Document



American fascism: Not a far-fetched notion

South Bend Tribune (Indiana)

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Michigan Edition

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Section: NATION;; MICHIANA POINT OF VIEW

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Byline: By DAVID R. HOFFMAN

Body

When Lord Acton wrote on April 3, 1887, that "power tends to corrupt and absolute power corrupts absolutely," his words, although accurate, were certainly not prophetic. A century earlier, the founders of the United States, having emerged from a war against a monarchy and mindful of the fanatical Puritanism that in some American colonies turned the once-oppressed into the oppressors, created a Constitution with a system of "checks and balances" to ensure that no individual or oligarchy within government would become too powerful. Then, at the urging of Patrick Henry and Thomas Jefferson, a Bill of Rights was added to ensure that the government would always respect the fundamental rights of the governed.

I thought of Acton's quote recently when former Illinois governor George Ryan condemned the abuses inherent in America's legal system. One downfall of the checks-and-balances system is the failure to effectively implement it within a branch of government. Too often only "ethics" rules or policies exist to prevent abuses, and history has incessantly demonstrated that such rules or policies are frequently only as strong as the forces pushing against them.

Therefore it was not surprising to learn that the Illinois police officer whose alleged use of torture had resulted in the conviction of innocent men was never criminally prosecuted for his actions.

And it was equally predictable that President George W. Bush's campaign boasts about the "infallibility" and "integrity" of the legal system were conveniently forgotten when he withheld (through executive order) documents from *Joseph Salvati*, an innocent man imprisoned for 30 years, so the FBI could protect an informant alleged to have committed the murder for which Salvati was convicted.

These examples, and countless others, demonstrate the tragic reality that those in power are not offended by evil, as long as the evil benefits them.

And this is the second downfall of the checks-and-balances system: when one branch of government surrenders its responsibilities it inevitably enhances the power of another branch. The irony today is that the judicial branch, theoretically the most diligent in upholding the Constitution and Bill of Rights, has either through endorsement or abdication been the branch most responsible for its own destruction.

American fascism: Not a far-fetched notion

This is why I cannot dismiss as hyperbole the sentiments of recent Voice of the People writers who state that, under Bush's reign, America is transforming into a fascist state. Fascism, after all, not only acknowledges the inherent evil that Acton wrote about, but it actively exploits it. Appeals to bigotry, glorification of war and death, a climate of fear designed to destroy freedom and human rights, and the suppression of individuality through regimentation and indoctrination, are all elements of fascism and all are present in the United States today.

The appeals to bigotry are evidenced by Bush's condemnation as "preferences" affirmative action policies that favor racial minorities. Here, after all, is a man who has profited from preferential treatment his entire life. So the subliminal message is that "preferences" should not be abhorred, unless the "wrong" types of people are preferred.

It is also not surprising that America is on the brink of war. With rare exceptions, it is the "wartime" presidents who are fondly remembered by history, even those who achieve office under dubious circumstances. In addition, Bush has shown no compunction about exploiting death. As governor of Texas he routinely denied 30-day reprieves to death row inmates who requested DNA tests that could potentially establish their innocence, even as dozens of people across the nation were being released because of such tests.

In addition, concerns about terrorism have created such a climate of fear that Attorney General John Ashcroft had no qualms about labeling it treason to not support the speciously named "Patriot Act." But if treason is defined as giving aid and comfort to the enemy, what better comfort can the nation's enemies have than the knowledge that they changed America from a democracy into a dictatorship?

Finally, education in America has now been replaced by indoctrination. In 1943, when fascism was the enemy, the United States Supreme Court stated that the "officially disciplined uniformity" prevalent in the educational institutions of fascist nations was doomed to a "disappointing and disastrous end." The Court further stated that since American schools were "educating the young for citizenship," there should be "scrupulous protection of constitutional freedoms of the individual." Otherwise the result would be the strangulation of "the free mind at its source," and the notion that "important principles of government (are) mere platitudes."

Sixty years later, the courts now favor the fascist tactics they once condemned. School systems that allegedly lack the funds for the arts programs that encourage individuality and creativity nevertheless have the funds to pay for "random drug tests."

With all these dangers, some may find it hard to understand how fascism can flourish. The answer is simply that fascism is seductive. When a ubiquitous big brother tells you what to think, read or watch, who to hate, what to wear, who should have "rights" and who shouldn't, it alleviates the need to make personal decisions and thus absolves one of personal responsibilities. In a climate of fear, this seductive potential is immeasurably enhanced.

So as the Constitution and Bill of Rights become faded memories, perhaps it is fitting to recall the words of the Rev. Martin Niemöller: "By the time the fascists came for me, there was nobody left to speak up."

David R. Hoffman is an attorney and college teacher who lives in Mishawaka.

Load-Date: March 27, 2003



ANALYSIS; Staggering judgment clear warning to law enforcement

The Boston Herald

July 27, 2007 Friday

ALL EDITIONS

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Section: NEWS; Pg. 006

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Byline: By DAVE WEDGE and MIKE UNDERWOOD

Body

Stinging criticism of the FBI and the staggering sum awarded to four men wrongly jailed for murder should flash a warning that no one is above the law, experts believe.

U.S. District Judge Nancy Gertner yesterday awarded \$101.7 million after the men were jailed for a 1965 murder they did not commit, spending three decades behind bars because the FBI withheld crucial evidence of their innocence.

"I have concluded that the plaintiffs' accusations that the United States government violated the law are proved," Gertner seethed as she fired a broadside at the feds.

Peter Limone, 73, and ***Joseph Salvati***, 75, and the families of the two other men who died in prison had sued the federal government for malicious prosecution.

They argued that Boston FBI agents H. Paul Rico and Dennis Condon knew mob hit man Joseph "The Animal" Barboza lied when he named the men as killers in the 1965 death of Edward "Teddy" Deegan.

They said Barboza was protecting a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved.

The government's argument that federal authorities could not be held responsible for a state prosecution was branded "absurd" by Gertner.

"While Salvati and Limone languished in jail for thirty-odd years and Greco and Tameleo died in prison, Barboza and his FBI handlers flourished," the judge blasted.

Experts say the settlement and Gertner's fierce criticism should have a ripple effect on the way law enforcement conducts business in future.

"The judgment has definitely sent a message and the message is law enforcement needs to play the game fairly and if they don't play it fairly there's going to be ramifications," said Boston College law Professor Robert Bloom.

ANALYSIS; Staggering judgment clear warning to law enforcement

``The fact that it's \$100 million, will be a loud and clear message."

Attorney Juliane Balliro, who represented the plaintiffs, said she believes the judgment will stand up to appeal because the judge adhered to long-standing guidelines.

Balliro said the \$101 million award was based on a baseline figure of \$1 million per year each of her wrongly jailed client's spent in prison.

``She tried to stay within the heartland of damages awards in these kinds of cases," Balliro said. ``She tried to come up with damage awards that would withstand the rigors of appeal."

She added: ``I think this will stand as is. It really is very defensible on its face. If anything, an argument could be made that the damages could be increased."

Balliro said it's difficult to handicap what the legal fallout from the award will be since the case was so unique.

``All we can do is hope that another one really doesn't come down the line," she said.

Load-Date: July 27, 2007

End of Document



An Innocent Man Goes Free 33 Years After Conviction

The New York Times

February 2, 2001 Friday

Late Edition - Final

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Byline: By CAREY GOLDBERG

Dateline: BOSTON, Feb. 1

Body

Thirty-three years, two months and five days.

That is how long Peter Limone sat in prison, pinned by a murder conviction that just last month, after many appeals, was finally vacated.

For four years of that prison time, Mr. Limone was on death row. His wife eked out a living by sewing, and visited him faithfully twice a week, convinced of his innocence. His four children grew up and began having children of their own; he had a heart attack. His middle years passed, they all passed, inside.

Now, at 66, Mr. Limone has been returned to his family, a circle so devoted that two dozen relatives and friends, from 2-year-old twin granddaughters to an 82-year-old brother, came to court this week to watch a judge confirm that Mr. Limone was officially free and the case against him officially dropped.

"It was disgusting, what was done to him," said William T. Koski, a lawyer for Mr. Limone, who plans to sue. "It should be chilling to everyone else."

What was done to Mr. Limone, who was a lounge manager and sometime numbers runner before he was imprisoned, became overwhelmingly clear only in recent weeks. He was effectively framed by a hit man cooperating with prosecutors and left to languish by Federal Bureau of Investigation agents who apparently knew he was innocent but never spoke out.

And it emerged as an unexpected side effect of a major federal trial here involving two notorious old Boston mob leaders, Stephen Flemmi and James Bulger, known as Whitey.

In proceedings over several years here, Judge Mark L. Wolf of Federal District Court turned up instances of F.B.I. misdeeds so disturbing that they prompted an investigation by a Department of Justice task force and the establishment of guidelines on how agents interact with informants and what they must tell prosecutors about those relationships.

An Innocent Man Goes Free 33 Years After Conviction

Testimony has painted some F.B.I. agents as corrupt, and others as so intent on cracking the Italian mob in New England a generation ago that they entered into relationships with "top echelon informants" and let them literally get away with murder.

As those proceedings unfolded, John Cavicchi kept an eye on them. Beginning in 1977, Mr. Cavicchi, a lawyer, had fought to clear a man named Louis Greco who had been convicted with Mr. Limone and four others in the 1965 murder of Edward Deegan, a small-time criminal. The main witness against them was Joseph Barboza, a hit man also known as The Animal, who later admitted that he had fabricated much of his testimony. He later died.

Mr. Cavicchi's efforts had failed; Mr. Greco died in prison in 1995. But the fight in Mr. Cavicchi remained alive. He knew some of the testimony in the proceedings before Judge Wolf touched on the Deegan murder, and he started to ask Judge Wolf for documents in the case, he said.

"It's just good fortune for everybody Judge Wolf got this case," Mr. Cavicchi said. Mr. Cavicchi, who now had Mr. Limone as his client, began building a new line of defense showing that Mr. Barboza, the hit man, had been offered many inducements by the authorities to testify as he did. The judge in the case, he planned to argue, should therefore not have given the jury the impression that Mr. Barboza was a disinterested party. He also requested that the Justice Department task force investigators examining the F.B.I. misdeeds look into the Deegan case.

Then came a pivotal moment. In December, the task force released explosive documents that had turned up in its search. The documents showed that informants had told the F.B.I. beforehand that Mr. Deegan would soon be killed and had said who would do it. An agency memorandum after the crime also listed the men who had apparently been involved. Neither list included Mr. Limone or Mr. Greco.

The implications were shocking. F.B.I. agents had good reason to believe that Mr. Limone, Mr. Greco and two others were not guilty, yet had done nothing to free them, apparently to protect their own informants, who were the real culprits. Also, it appeared they had done nothing to prevent the murder.

One of the two other men cleared by the F.B.I. papers was Joseph Salvati, who got out of prison in 1997 when the Massachusetts governor commuted his sentence; Mr. Salvati's lawyer, Victor Garo, had fought for him for more than 25 years. Like Mr. Limone, Mr. Salvati received word from prosecutors this week that they were dropping the case against him.

The veracity of the F.B.I. papers may be impossible to determine, said Ralph C. Martin II, the Suffolk County district attorney, "but I do know that the fair thing to do is to release these men from prison and acknowledge that a great wrong was committed."

Henry Tameleo, an additional defendant in the case whom the F.B.I. papers appear to clear, died in prison like Mr. Greco.

Harvey A. Silverglate, a Boston defense and civil liberties lawyer who has followed Mr. Limone's case, said the case showed once again that offering criminals leniency for implicating others is dangerously prone to producing wrongful convictions, as DNA evidence has proved in some recent cases.

"There are people on death row who've been convicted by these techniques," Mr. Silverglate said.

Mr. Koski said Mr. Limone's planned civil suit would seek to examine, among other things, who encouraged Mr. Barboza to lie, why and who else knew about it.

"This wasn't a mistake," Mr. Koski said. "This was an intentional abuse by participants in our system of justice."

The F.B.I. and federal prosecutors here declined to comment on Mr. Limone's case.

Mr. Limone does not specify what damages he will seek in the lawsuit. "What can they give you for 33 years?" he asked.

An Innocent Man Goes Free 33 Years After Conviction

Still, he has a lottery-winner beam these days as he talks about the first-time joys of attending a birthday party for his 7-year-old granddaughter, Lia, and watching the Super Bowl with his sons. Asked if he was bitter, he said simply, "I'm happy to be home."

His wife, Olympia, promptly inserted: "He puts on a good show. He's very bitter."

Bitter and happy both, perhaps. "It's still like a dream," Mrs. Limone said. "Thank God he's here."

<http://www.nytimes.com>

Graphic

Photo: Peter Limone, 66, is back with his wife, Olympia, and their family after serving 33 years in prison for a murder he did not commit. (Jared Leeds for The New York Times)

Load-Date: February 2, 2001

End of Document



Another dropped ball for the bureau

The Australian

May 14, 2001, Monday

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Section: WORLD; Pg. 8

Length: 726 words

Body

The McVeigh debacle is the latest in a litany of embarrassments for the FBI, writes a correspondent in Washington

THE botching of the Timothy McVeigh case, in which the FBI failed to turn over evidence to the accused's lawyers, is not the first time the bureau has dropped the ball in a high-profile investigation.

In recent years, the bureau has failed to notice a Russian spy in its ranks, accused the wrong man of the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear secrets.

President George W. Bush and Attorney-General John Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Mr Bush said on Friday.

AP

Less circumspect was senator Chuck Grassley, a Republican from Iowa. "We must change the FBI culture that has caused these colossal mistakes," said Senator Grassley, a senior member of the judiciary committee.

The committee will review nominees to replace FBI director Louis Freeh, who retires in June, two years ahead of time.

"I want to know that the next FBI director is committed to sweeping changes," said Senator Grassley.

Danny Coulson, a lead investigator with the FBI's hostage rescue team who took McVeigh into custody, said the latest incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing (in the documents) that changes the outcome of the case."

The FBI blames the problem on a computer glitch. Senator Grassley is not so sure.

"We saw documents suddenly disappear in the Waco, TWA flight 800 and Wen Ho Lee cases," he said.

"FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

Another dropped ball for the bureau

Kris Kolesnik, a director of the National Whistleblower Centre, a Washington-based non-profit public-interest organisation, said the blunders reflect the FBI's tendency to emphasise public relations over pure science or good investigative technique.

On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba.

But success stories have been overshadowed by missteps:

IN February, Robert Philip Hanssen, an FBI agent for 20 years, was accused of selling secrets to Moscow. Hanssen carried on his alleged spying undetected for 15 years.

JOSEPH Salvati of Boston spent 30 years in jail for a murder he did not commit. Salvati was freed in January after a judge concluded that FBI agents had hidden testimony that would have cleared Salvati because they wanted to protect an informant.

LAST year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist indicted on 59 counts of mishandling nuclear-weapons secrets. Lee spent nine months in solitary confinement. All but one count was dropped.

IN 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms -- which pointed to the explosion of a centre fuel tank as the cause of the 1996 crash of TWA flight 800 -- was provided to the FBI. But the FBI had never forwarded the report to the National Transportation Safety Board.

THE FBI targeted Richard Jewell in the bombing during the 1996 Olympic Games that killed one person and injured more than 100. Jewell was cleared three months later.

IN the mid-1990s, the FBI suffered an embarrassing investigation of its crime laboratory. Justice Inspector-General Michael Bromwich criticised the laboratory for flawed scientific work and inaccurate, pro-prosecution testimony in important cases, including the Oklahoma City bombing.

IN July, former Missouri senator John Danforth said an FBI lawyer had "goofed" by not telling superiors that agents had fired pyrotechnic tear-gas canisters into the Branch Davidian compound in Waco, Texas. Four agents and more than 80 Davidians died during a 51-day standoff.

DURING a 1992 standoff in Ruby Ridge, Idaho, an FBI agent fatally shot white separatist Randy Weaver's wife, Vicki, and his son Sammy.

Load-Date: November 27, 2001



ANOTHER SCANDAL FOR THE FEDS

Independent on Sunday (London)

May 13, 2001, Sunday

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Section: FOREIGN NEWS; Pg. 17

Length: 159 words

Body

The furore over the Oklahoma City bombing case is the latest of many scandals dogging the FBI. Others include:

t Wen Ho Lee.

The government scientist spent nine months in solitary confinement without trial on suspicion of passing nuclear secrets to China. He was released last summer after the FBI acknowledged it had no evidence of espionage.

t **Joseph Salvati**. The Boston man spent 30 years in prison for a murder he did not commit. He was recently released after a judge found that the FBI deliberately hid testimony exonerating him.

t Birmingham church bomb. The FBI investigated the deaths of four black girls in the 1963 Ku Klux Klan bombing but suppressed its findings. One of the suspects was convicted this month.

t Robert Hanssen. The counterintelligence agent for the FBI was arrested in February on suspicion that he was a Soviet spy.

t Crime lab. Investigation spurred by Frederic Whitehurst, a whistle-blower, revealed unreliable forensic work.

Load-Date: May 13, 2001



Answers for energy crisis

The Post and Courier (Charleston, SC)

May 7, 2001, Monday,

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Body

Energy conservation by federal agencies, ordered Thursday by President Bush, will not, by itself, go a long way toward preventing electricity shortages in California and the Northeast this summer. Nor will it meet the nation's long-term energy and environmental challenges. But it sets a good example.

As Mr. Bush said, "such conservation would save public money, protect the environment, and help to minimize shortages."

Particularly important is the president's directive that federal agencies in California be among the first energy users in the state to participate in "emergency load reductions," undertaken to reduce peak demand at critical times in order to avert blackouts.

The administration's conservation order follows the lead of California state and local governments, which cut power demand by up to 20 percent this winter. The New York Times reports California consumers are also cutting back, now that the higher price of energy has caught their attention.

But these short-term conservation measures may not be enough to get California through the summer without serious energy disruption. The administration is also considering some startling proposals to help meet peak demand in California this summer, according to the Times, including the supply of electrical power generated by one or more nuclear submarines.

Nuclear power is also likely to receive increased emphasis in the administration's long-term energy policy when it is unveiled later this year. However, experts have said the need is for small and medium size, efficient nuclear power generators that can compete economically with gas-fired generating plants, rather than the massive nuclear power plants built in past decades. It will take time to develop new technology. And it will take time to work through the difficult problem of disposing of nuclear waste.

The administration argues that in the long run the nation must solve the following multi-sided dilemma:

The growth in energy demand has begun to outstrip supply, with consequent rising prices. Conservation measures, including more energy-efficient cars, appliances and manufacturing methods, will fill only a part of the projected energy gap. Eliminating the remaining shortfall will require more energy supplies. But increasing the supply of

Answers for energy crisis

traditional hydrocarbon energy sources will lead to an undesirable - and potentially dangerous - rising output of greenhouse gasses.

Finding a way out of this maze will not be easy. It will require short-term conservation and an environmentally responsible long-term supply strategy. Adjusting thermostats is a good place to begin.

FBI credibility at stake

The FBI's role in the wrongful 30-year incarceration of a man for a murder he didn't commit was bad enough. A retired FBI agent's flippant attitude about this egregious miscarriage of justice was downright appalling. If the FBI is to overcome the damage to its reputation from a series of recent scandals, it must recommit itself to accountability - and fairness.

As The Boston Globe reported, some members of the House Committee on Government Reform apologized to **Joseph Salvati** Thursday after hearing conclusive testimony that he unfairly served three decades in prison because the FBI failed to present documented evidence, in its possession, that would have helped to exonerate him.

Yet H. Paul Rico, the former agent who wrote those reports but didn't turn them over to Mr. Salvati's attorneys, was unapologetic - even as he admitted he now is convinced that Mr. Salvati is, indeed, innocent of the organized-crime killing for which he was convicted and imprisoned. "What do you want, tears?" Mr. Rico asked the committee members.

When confronted with the fact that Mr. Salvati's wife, Marie, had to raise their four children alone, Mr. Rico responded: "It would probably be a nice movie or something, but I don't know."

No, this would not make a nice movie. Nor does it reflect nicely on the FBI. Departing FBI Director Louis J. Freeh acknowledged the need for further review in a written statement to the House committee: "These allegations that law enforcement personnel, including the FBI, 'turned a blind eye' to exculpatory information and allowed an innocent man to serve 30 years of a life sentence, are alarming and warrant thorough investigation."

The FBI also must answer for its lengthy failure to come forward with evidence in the 1963 Birmingham, Ala., church bombing that killed four little girls. That case finally produced a guilty verdict this week, but not without renewed doubts about the FBI's credibility, already reeling from an ongoing spy scandal.

The next FBI director must make a fresh start to restore the agency's credibility. The FBI's effectiveness as a law-enforcement organization depends upon it. Animal shelter in good hands

The Berkeley County animal shelter is under new management. It is now the Berkeley County SPCA, a transfer of the home for un-wanted animals from a government-run to a nonprofit operation. The move, as in Dorchester and Charleston counties, should be mutually beneficial.

The name recognition of the Society for the Prevention of Cruelty to Animals should help bring in volunteers and donations in a way that was impossible for county government. The county will do its part by continuing to pay \$ 15,000 a month to run the shelter.

The SPCA staff will have a more direct hand in saving animals and controlling the population. The SPCA's mission dovetails with other nonprofit efforts, local rescue groups and the SPCA Adoption Center in Goose Creek.

The shelter will still be the depository for Berkeley County Animal Control, but euthanization is expected to decrease because the Berkeley County SPCA won't have to operate under the same restrictions as county government. The Moncks Corner shelter will now have expanded hours and services. Most important, the SPCA will have more flexibility in the number of days animals can be held, increasing the chances for adoption.

Answers for energy crisis

Though fees for animal adoption will go up, as reported by our Tyees Douglas, to between \$ 55 and \$ 75, that will presumably help save more animals in the long run. With county funding and nonprofit fund raising combined, the operation will have a better chance at expansion and effectively controlling animal births.

Animal overpopulation remains a Lowcountry problem. Animal welfare groups and shelters struggle to get the message out that spaying and neutering is the responsible course. Lack of education and responsibility leads to crowded shelters and low adoption rates. In Berkeley County, only 20 percent of the thousands of animals abandoned or given up each year are adopted. The rest are euthanized.

The system, as it stands, simply cannot sustain the exponential increase in unclaimed animals. But through perseverance and SPCA management, the tri-county can more effectively deal with this problem.

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End of Document



AP Massachusetts News In Brief

The Associated Press State & Local Wire

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Section: STATE AND REGIONAL

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Byline: By The Associated Press

Body

Romney kicks off presidential campaign with fundraising blitz

BOSTON (AP) Republican Mitt Romney and 400 of his strongest supporters raised over \$6.5 million on Monday in a glitzy fundraising blitz aimed not only at financing his fledgling presidential campaign, but also scaring off potential rivals and putting existing ones on notice.

"They've come together and blown us away today, and humbled us at the same time," the beaming former Massachusetts governor said as he clutched the hand of his wife, Ann. "Had we raised \$80,000 today, that would have made me rethink."

The figure dwarfed the \$2 million estimated to have been raised by Sen. John McCain, R-Ariz., and the \$1 million raised by former New York Mayor Rudy Giuliani, who also have created 2008 exploratory committees.

While Romney declared he was not trying to send message to anybody but his supporters, one of his national fundraising co-chairman disagreed.

"I think it's going to be a very strong message today to everybody," said Tom Tellefsen, a former Harvard Business School classmate of Romney's and President Bush who was a fundraising "Pioneer" and "Super-Ranger" for past Bush campaigns.

"I think it's going to be a strong message to McCain as well as Giuliani, and I think it's going to be a strong message to those that are considering or haven't really yet laid the groundwork that maybe they should have," added Tellefsen, a Romney national fundraising co-chairman.

Among those also considering campaigns, arguing conservatives aren't adequately represented in the current field, are Sen. Sam Brownback, R-Kan., former Gov. Mike Huckabee of Arkansas and former Virginia Gov. Jim Gilmore.

Patrick announces plan to create new volunteer corps

BOSTON (AP) Gov. Deval Patrick announced plans Monday to create a new organization to encourage residents to volunteer up to a year of their lives to help improve local communities.

AP Massachusetts News In Brief

The new organization, called Commonwealth Corps, will start with 250 individuals in the first year with the goal of expanding to 1,000 members over five years.

Those signing up will be asked to dedicate one year of service to a nonprofit organization, civic initiative, or other agency that provides direct services to people in need.

The estimated cost of the program is \$3 million.

Patrick said the goal of the new organization is to draw people together of all ages and backgrounds who want to volunteer for everything from mentoring programs, after-school programs or shelters.

"Every single one of us has a stake in each others dreams and struggles, and in stronger communities," Patrick said in a statement. "To that end, this administration will play a role in encouraging civic engagement."

Patrick said he plans to file enabling legislation soon to create the new organization.

Wrongly convicted men describe decades in prison

BOSTON (AP) **Joseph Salvati** was 35, with a wife and four young children, when he was arrested in the 1965 gangland murder of Edward "Teddy" Deegan.

It would be more than 29 years, eight grandchildren and three great-grandchildren later before he left prison.

On Monday, Salvati, now 74, broke down and sobbed on the witness stand as he described his shock when he was arrested, his decades in prison and his feelings when he learned that the FBI knew he and three other men had been framed.

"I couldn't believe it that the FBI could do a thing like this," he said. "This is people who protect you, people you look up to.

"They don't care that's the bottom line," he said, burying his face in a handkerchief.

Salvati, Peter Limone Sr. and the families of two other men who died in prison Henry Tameleo and Louis Greco are suing the federal government for \$100 million for false imprisonment.

The lawsuit accuses the government of malicious prosecution, intentional infliction of emotional distress, conspiracy and negligent supervision of FBI agents.

Justice Department lawyers have argued during the civil case that federal authorities had no duty to share information with state prosecutors and cannot be liable for the results of a separate state investigation.

Salvati and Limone were exonerated in 2001 after a state judge found that FBI agents hid evidence from state prosecutors that could have cleared the men in order to protect an informant, Joseph "The Animal" Barboza.

Healey returns to Harvard and its leadership center

BOSTON (AP) Kerry Healey is returning to Harvard.

The former Massachusetts lieutenant governor said Monday she will join the Center for Public Leadership at Harvard's John F. Kennedy School of Government. An aide said the commitment would begin in the fall, after spring plans still to be announced.

"I'm really looking forward to the opportunity to talk about and learn more about leadership issues," Healey said during a break from making fundraising calls at the "National Call Day" on behalf of former Gov. Mitt Romney, who is now exploring a presidential run.

AP Massachusetts News In Brief

Healey sat side-by-side with her husband, Sean, president of Affiliated Managers Group Inc. of Beverly, as they worked through a call list that included friends and family members.

Asked if they were competing against each other to raise money, Kerry Healey laughed and said, "We're working together."

She left office last week after four years as the state's No. 2 executive and an unsuccessful campaign for governor. She said she is still exploring other corporate, philanthropic and community opportunities.

Healey graduated from Harvard College in 1982.

'Apprentice' reject sues Trump, claims age discrimination

BOSTON (AP) Richard J. Hewett never heard "You're fired!" but he's suing Donald Trump anyway.

The rejected applicant for NBC's "The Apprentice" is suing the real estate mogul claiming he was turned away because of age discrimination.

Hewett was 49 when he was rejected in July 2005, and claims in his lawsuit filed last week in U.S. District Court in Boston that only two of the finalists covering six seasons has been over 40. He alleges Trump and the show's producers are in violation of the federal Age Discrimination in Employment Act.

"People watching it get the impression that if you want to work for a big organization like the Trump Organization you have to be young," Hewett told The Associated Press in a telephone interview Monday. He's seeking unspecified damages.

"The Apprentice" pits entrepreneurial-minded people against each other, with Trump firing contestants over a period of weeks until one is "hired" into a high-paying job in one of Trump's companies.

Hewett, who grew up in Lawrence and lives in Hampstead, N.H., is employed as a technology manager for a commercial real estate company. He would not reveal the name of the company. His lawsuit named Trump, the Trump Organization Inc., Trump Productions, producer Mark Burnett, Mark Burnett Productions, and three affiliated California companies. NBC is not named as a defendant.

Trump, in statement released by his spokesman, disputed Hewett's claims.

"We have had very few people over a certain age apply to be on the show," said Trump, the show's executive director. "If they did and we liked them, we would love to cast them on the show."

Load-Date: January 9, 2007



**APOLOGY ISSUED BY PANEL;
MAN WAS WRONGLY JAILED FOR 30 YEARS**

Belleville News-Democrat

May 4, 2001 Friday

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Section: LOCAL: NATIONAL; Pg. 5A

Length: 329 words

Byline: Associated Press

Body

WASHINGTON -- A House panel investigating the shady relationship between the Boston FBI office and its mob informants apologized Thursday to a man who spent 30 years in prison for a murder he didn't commit.

Joseph Salvati, 66, was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997. He and a co-defendant were exonerated this year.

Members of the House Government Reform Committee told Salvati and his wife, Marie, there is no excuse for what the government did.

"I want to express to both of you how deeply sorry we are for everything that was taken away from you and everything you've had to go through the last 30 years," said committee chairman Dan Burton, R-Ind.

Salvati, 68, and Peter J. Limone, 66, were exonerated after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who helped them bring down top New England mobsters and manipulated testimony in their 1968 murder trial.

"This is a story that needs to be told," Salvati testified. "The government stole more than 30 years of my life."

The hearing included testimony from famed lawyer F. Lee Bailey and one of the two former FBI agents accused of hiding evidence that would have proven Salvati's innocence.

Bailey testified that he believes the FBI coached Joseph "The Animal" Barboza -- the prosecution's key witness -- on how to lie on the witness stand.

"He told me he had quite a bit of help," Bailey said of Barboza, whom he briefly represented in 1970, when Barboza signed an affidavit recanting his story. "I believe the testimony was furnished."

APOLOGY ISSUED BY PANEL;MAN WAS WRONGLY JAILED FOR 30 YEARS

Rep. Christopher Shays, R-Conn., told Salvati he was "profoundly sorry" for what happened.

There was no such regret, however, from former FBI Agent H. Paul Rico, who said Salvati's ordeal would "be a nice movie."

"Remorse -- for what? Would you like tears or something?" he said. "I believe the FBI handled it properly."

Load-Date: November 28, 2001

End of Document



[A post-9/11 American nightmare](#)

Salon.com

September 5, 2002 Thursday

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Section: Feature

Length: 4464 words

Byline: By Jake Tapper

Highlight: Garad Jama was branded a terrorist. His business was shuttered, his assets frozen. He couldn't support his family. Nine months later the U.S. government said, "Never mind."

Body

Somali immigrant turned naturalized U.S. citizen Garad Jama, 28, had the bad judgment to name his business "Aaran Money Wire Service, Inc." The double-A made Jama's hawala, a money-wiring service that catered to immigrants, easier to find in a Twin Cities, Minn., phone book, but it also meant that Aaran showed up first on a list of allegedly al-Qaida linked businesses closed by the U.S. government in November.

"They present themselves as legitimate businesses," Bush said of Jama and Aaran, along with the other 60 individuals and companies he was shutting down. "But they skim money from every transaction for the benefit of terrorist organizations. They enable the proceeds of crime in one country to be transferred to pay for terrorist acts in another."

Quickly Garad's name and face were plastered all over the Minnesota newspapers and airwaves, his office was raided, his professional and personal assets were frozen. His first-place listing on the government's terror roster made him an early call for many national journalists -- messages from all the network news organizations, from CNN, from the Washington Post jammed his answering machine. For almost half a year, he wasn't permitted even to get a job to feed his family. His daughter Ayan cried, his wife Fartune fretted, and Garad hid in his house, terrified for his life. Friends shunned them, lest they be labeled terrorists themselves. All the while Garad swore to anyone who would listen that the charges were false, that he had nothing to do with Osama bin Laden, that he loves his country and that he is innocent. No one listened.

"I feel my life was destroyed," Garad Jama says.

And then he and another friend who'd been labeled a terrorist, Abdullahi Farah, owner of Global Services International, got a lawyer. In April they sued the government to release \$500,000 in combined assets that had been frozen and to take him off their terrorist list.

After nine months of hell, the government was forced to admit that it didn't have any real evidence against Garad Jama. On Aug. 27 President Bush said "never mind" and Jama was taken off the terrorist list.

A post-9/11 American nightmare

To Garad Jama, it's all a sign of how America lives up to its promise. "I'm very happy," he says today, sitting in his modest two-bedroom apartment on 15th Street in Minneapolis. "The Constitution is working, the system is working." This attitude makes sense for a man who was raised in Somalia, where such accusations against him might more naturally crescendo with the business end of a machete. But to those of us perhaps less hung up on the merits of the American system relative to the barbarism of most of the rest of the globe -- to anyone concerned that the U.S. may be headed toward a civil-liberties My Lai, where our freedoms are being destroyed in order to preserve them -- the saga of Garad Jama won't provide reassurance that in this difficult time the system is "working." Indeed, Garad Jama's tale might make you wonder if behind the curtain there's really much of a system at all.

Garad and his wife Fartune's 6-year-old son, Yonas, was born four months premature, and is severely mentally and developmentally disabled. He can't talk, he can't walk, he can't feed himself. "He no OK," Garad says sadly one August afternoon as he tries to play with the boy, who lies in his crib, a tube providing him with nourishment.

Last Nov. 7, Fartune Jama, clad in her colorful Somali garb, complete with hijab covering her head, returned home from Children's Hospital with Yonas.

As she brought him into the apartment, Fartune was disturbed to find messages on the voice mail -- from CNN, ABC News, CBS News, the Washington Post, ad infinitum -- all asking to speak to her husband.

The reporters had good reason to want a comment: President Bush, Secretary of State Colin Powell, Attorney General John Ashcroft and Treasury Secretary Paul O'Neill had just held a press conference calling Fartune's husband a key player in the al-Qaida financial network.

It was not even two months after the Sept. 11 terror attacks, and the four U.S. leaders appeared at the Treasury Department's Financial Crimes Enforcement Network offices in Tysons Corner, Va. President Bush said that Garad and Aaran Money Wire Service were among "62 individuals and organizations connected with two terrorist-supporting financial networks, the Al Taqua and the Al-Barakaat."

"I was scared, confused, I don't know what to do," Fartune recalls with the help of an interpreter. "Every newspaper call me and ask me, 'Your husband is connected to terrorists.'"

Before Sept. 11, Fartune had never even heard of Osama bin Laden, she says. Raised in Central Somalia, she and the man she would marry have similar stories of how they ended up in Minnesota, Land of 10,000 Lakes. As horrific as life in Somalia was during the reign of brutal Soviet-allied military dictator Siad Barre, things for the country somehow managed to find a way to descend into an even lower circle of hell after Barre's government collapsed and he was exiled in 1991. Civil war destroyed the nation, and within one year a quarter of all Somali children had died of malnutrition.

Fartune, like Garad, fled Somalia, lived in a refugee camp in Kenya, and finally was permitted to move to the U.S., where in San Diego she met Garad, who worked with her on her English. They wed in 1993. In 1994, Fartune came to Marshall, Minn., where she -- like many Somali immigrants before her -- worked processing turkey for Heartland Foods Co. A few months later, Garad joined her in the Twin Cities region, which is said to be home to the largest Somali community outside of East Africa, up to 25,000 Somalis by some estimates. They relished their lives here -- especially the freedom, and the medical care they could get for Yonas.

"To look for a life," Garad says when asked why he came to the U.S. "For education. Freedom."

But then the land he loved accused him of supporting terrorism. Aaran Money Wire Service was a hawala -- Arabic for "trust." He had started it informally in 1994 and incorporated it a few years later. Hawalas make up an informal and unregulated money-wiring system thousands of years old. Somalis, Kenyans and Ethiopians would give Garad money, plus a fee, and request that the same amount be received by another individual served by another hawala in another location -- often in refugee camps and places where there are no banks.

"It's a hardship for people looking to send money back home," Garad explains.

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People would come to him, give him \$100 and tell him the name of their loved one, his or her tribe and his or her location. Garad would then call a hawala in the refugee camp. Or maybe he would contact another larger company, Amal Express, and transfer the \$100 to its account at the Bank of Dubai, and Amal Express representatives would find the hawala closest to the recipient. Garad would usually charge customers a commission of 5 percent, two-thirds of which he sent on to the other hawala brokers, one-third of which he kept. He made about \$1,500 a month.

"I was big guy," Garad recalls. "People like me. Always they call me, nighttime. I was the first guy who started this business" in the area.

Most hawala transactions are completely innocent. But officials say that terrorists often make use of hawalas -- which are prominent in the Middle East and East Asia -- because of the anonymity they provide. The deal is agreed to between hawala brokers, often with the use of a code word, and when it is completed all records are disposed of. A 1999 study by the Treasury Department identified hawalas as having been used by terrorists to fund terrorism in India, and as the principal means of money laundering from East Asian heroin trafficking.

That November press conference featuring Bush, Powell, Ashcroft and O'Neill was an attempt to combat the hawala network Al-Barakaat, which Bush said "is a group of money-wiring and communication companies owned by a friend and supporter of Osama bin Laden," and Al Taqwa, an association of offshore banks and financial management firms that he said had helped al-Qaida shift money around the world.

Garad Jama's co-plaintiff in his April 2002 lawsuit, Abdullahi Farah of Global Services International, was indeed dealing with Al-Barakaat, though he maintains that he was not aware of its involvement in any terrorism-related activities.

But Garad Jama did not deal with either Al-Barakaat or Al Taqwa. Still, was it possible someone used him to send money used for nefarious purposes? Garad doesn't think so. His customers all have references. Besides, they are mostly Somali, some Ethiopians. "We don't deal with people from the Middle East." The relatively small sums sent would also seem to undermine the government's case that Jama was a big-time al-Qaida supporter.

But bin Laden has bragged in the past that he trained and provided arms for the Somali fighters under warlord Mohammed Farah Aidid, the infamous soldiers from "Black Hawk Down" who were involved in the Oct. 3, 1993, battle in Mogadishu, Somalia, that left 18 U.S. Army Ranger and Delta Force soldiers dead and 84 wounded.

Garad says he doesn't know anything about that, but argues that al-Qaida's international interests don't fit in with the Somali character. He doesn't think the men from Amal Express would get involved in such things; they're Somalis and good Muslims. "Somali is trouble," he says. "Have you heard of any Somali suicide bombers? Have you of any Somali who hijacks a plane? No. In Somalia they kill each other. They don't focus on other peoples."

From the very beginning there was reason to question the government's case. The Treasury Department's "Designation and Blocking Memorandum," listed Fartune's maiden name -- Fartune Ahmed Wasrsame -- as one of her husband's aliases. I discovered this after just one phone call to Fartune on Nov. 7; you'd think maybe the government would have known enough about the Jamas to have avoided such an error. But no one from the government had even interviewed Garad Jama before President Bush quite publicly called him a terrorist.

"No one talked to me before, or even after," Jama says.

But that didn't matter right then. Fartune was terrified. And alone. Garad had left for Dubai, in the United Arab Emirates, on Oct. 11, to meet with some representatives from Amal Express, Inc., and to do some shopping for his family. Fartune called him there on a friend's cellphone he was using. "She was yelling to me, 'Your office has been raided and your business is shut down! Listen to messages!'" So he called into his voice mail back in Minneapolis. "I got CNN, I got NBC: 'Call us, call us.' Washington Post: 'Call us.'"

Photographers and TV cameramen somehow having been given notice ahead of time, agents of the FBI, Internal Revenue Service, United States Customs Service and others searched Garad's office on the second floor of 1806 Riverside Ave. in Minneapolis. They took records and locked the door. A sign on the door now read: "All property

A post-9/11 American nightmare

contained in this building is blocked pursuant to an executive order of the president on Sept. 23 of this year under the authority of the International Emergency Economic Powers Act."

In Dubai, Garad couldn't believe what Fortune was telling him. He ran to Amal Express's office and asked to use a computer. He hopped onto the Internet, punched up CNN.com and the story was front page center. He clicked on, and the name of his business was on the top of the list -- the curse of alphabetical order.

"Designated on November 7, 2001 1. Aaran Money Wire Service, Inc ... "

"This is wrong. Wrong, wrong, wrong, wrong," Garad said. "I have to go back." He phoned an attorney, David Sullivan, who had done some work for his business.

"You're in trouble," Garad says Sullivan told him. "What do you want to do?"

"I want to come back," Garad said.

Sullivan said he would help him find a criminal lawyer. Soon he did: Rick Petry, a criminal defense attorney with the Minneapolis firm of Frederikson and Byron. They spoke. Two days later, Petry met Garad at the Minneapolis-St. Paul International Airport.

"My heart was --" Garad searches for the word. He pats his chest, pound pound pound "-- very scared," he finally says.

Petry spoke to him, interviewed him, found out all he could. He asked Garad to let him know as soon as the government contacted him.

But the government never called.

Meanwhile, Garad Jama couldn't believe what the government was accusing him of doing -- but the media certainly could.

"Terrorist assets seized in raids," one Associated Press story was headlined. "Agents search Minnesota businesses on Bush terrorist list," blared another. The St. Paul Pioneer Press announced: "Cash-transfer offices raided. Local wire services that help immigrants send money home are linked to Osama bin Laden."

"Before Sept. 11, I never heard before of al-Qaida," Garad says. But now his name was "everywhere" as an alleged member of the terrorist group. "I was here Sept. 11. I know people, how they anger, how they feel," he says. A red, white and blue "United We Stand" placard hung in his former office, media reports indicated.

Home sick with a cold, Garad watched the first plane hit the first tower and thought it was an accident of some sort. Then the second plane hit. "I was crying," he says. "I saw people in the towers, innocent people, they are doing their jobs. All the people falling off the building."

To this day, he bristles when asked how he feels about bin Laden or al-Qaida.

"As you know, the No. 1 enemy is al-Qaida," he says. "We are Muslims, we do not support killing innocent people." In the Quran, he says, "it says if you kill somebody innocent you kill all humans."

OK, fine, but there are clearly some Muslims with a somewhat different interpretation of the Quran, who may not think of Americans as innocent.

Garad gets annoyed. "We are not supporting whoever kills innocent people, terrorism. We had a lot of warlords in Somalia who killed innocent people, so we are not supporting anyone else who does it."

Reporters ask him questions like this and it bothers him. "We are Americans," he says. "We don't like any of the enemies. Bin Laden is No. 1 enemy. How can I support him, people who are killing innocent people? There is no way. If I ask you, 'Do you like bin Laden?' that's a foolish question."

A post-9/11 American nightmare

"I understand," he finally says. "I am Muslim. That's why you ask me questions like that. But how can you ask if I think bin Laden is doing right? He did Sept. 11."

He has other things to worry about besides geopolitics, at any rate, Garad says. Ayan was born in 1994, Yonas in 1996. "For three years he was always in hospital. He has a heart problem. Sometimes he paralyzed. We focused on our family. We don't have time to support someone who kills people. I try to take care of my family."

He is a devout Muslim, but this does not make him a man of hate, he says. "One of my doctors for Yonas is a nice guy. He is Jewish. And we love each other. We have nice relations. He was helping my son. People understand, people who live here, we have respect."

When Garad got home from the airport, he looked through the newspapers. He had no idea where TV news, the Minneapolis Star-Tribune, the Pioneer Press, got his photo. He couldn't believe how fluent Fartune seemed in the interviews she gave. Suddenly, when forced to defend her husband, "I got English!" Fartune told him. And she was able to converse with reporters in English with a proficiency she didn't know she had. "I don't know where I got these words!" she said.

But if his wife's loyalty heartened him, Garad was saddened by the way most people looked at him after the news broke. "People are scared of me. They think I'm a terrorist. People who used to call me, they never call me." Garad says he was "waiting for the government to say something." They didn't, but soon a letter arrived:

U.S. Department of Treasury

Nov. 30, 2001

Dear Mr. Jama:

This letter is to inform you that pursuant to Executive Order No. 13224 (66FR49079), issued by President Bush on September 23, 2001 (the "Order"), and under the authority granted by the International Emergency Economic Powers Act, 50 U.S.C. SS 1701-06 ("IEERA"), the Office of Foreign Assets Control ("OFAC"), U.S. Department of the Treasury, added your name to the list of persons who commit, threaten to commit, or support terrorism (specifically designated global terrorist ("SDGT")) ...

R. Richard Newcomb

Director

Office of Foreign Assets Control Specifically designated global terrorist Garad Jama appeared on the government's master list of "Specially Designated Nationals and Blocked Persons," as well as in its brochure on "Terrorism."

He couldn't get into his place of business. His professional and personal bank accounts had been legally blocked. There was \$166,111.86 in his Associated Bank account, all of which was other people's money on its way to one hawala or another. There was \$41,225.35 in his personal Wells Fargo account, which he sometimes used for business transfers as well since Wells Fargo has more branches around the world. That was blocked, too. Several customers got angry at Garad; some threatened violence.

But Garad had no way to repay them. Though he had become an American citizen in 1997, the U.S. government was now telling him he was prohibited from conducting any business whatsoever. Rent, utilities, food, clothes -- he had no way to pay for any of these. Nor was he permitted to buy groceries or spend money on day-to-day expenses.

John Lundquist, who took Petry's place when Petry left the law firm, says that he once asked a government lawyer how it's possible for someone to survive a blocking notice.

"Is Mr. Jama breathing?" the lawyer asked.

A post-9/11 American nightmare

"I believe so," Lundquist responded.

"Then he's probably in violation of the blocking notice," the government lawyer said nonchalantly.

Garad's lawyers wrote to the government -- the Office of Foreign Assets Control, or OFAC -- on Dec. 14, 2001, asking for limited permission to get some funds from the blocked accounts "necessary to satisfy Plaintiffs' legal fees and expenses." A Dec. 28, 2001, letter to OFAC noted that because one of the blocking orders covered Garad Jama as a person, and not just his business, "it is virtually impossible for him to pay any bills or receive any funds whatsoever. This is an extreme emergency for him that requires immediate attention."

But the government didn't seem exactly on top of the matter. Despite several conversations about it, OFAC never granted the request. Letters were not answered, calls went unreturned. No one interviewed Garad to ascertain his guilt or innocence, to clear him or build a case or get whatever information they could from him. They labeled him a terrorist and then walked away as if it never happened.

On Dec. 14, 2001, Garad and his attorneys wrote to OFAC and said they would reorganize his business in any way they wanted him to. If they wanted him to stop dealing with Amal Express, he would do so. OFAC never got back to them.

On Jan. 7, 2002, Garad's attorneys again contacted OFAC. Any word on Garad's request to get some of his money, to be allowed to seek employment? Nada.

On Feb. 7, 2002, an OFAC official told Garad's lawyers "that he did not understand why OFAC had not issued the requested license and indicated that he would investigate the issue," the lawyers later wrote. They spoke again on Feb. 26, 2002. The OFAC official said he didn't quite know what was going on, but that he would put a "red star" next to Garad's request.

The lawyers, meanwhile, were also urging OFAC to lift the blocking notice altogether since Garad had nothing to do with terrorist activities. They wrote to OFAC on Jan. 10, Jan. 15 and Feb. 14, 2002; they called on Jan. 23, Feb. 20 and March 11, 2002. Nada.

On April 12, 2002, Garad and his attorneys decided they had to take other action. They sued the government for the blocking orders, for labeling him a terrorist -- "and in the process being totally inconsistent with the Constitution," Lundquist says.

"He was denied any due process whatsoever," Lundquist says. "These were actions taken without any notice, without any hearing, without the government presenting whatever evidence they felt they had." Garad Jama, it's worth noting, is a naturalized U.S. citizen.

Garad, the lawsuit notes, "operated its business in a fashion similar to other wiring services such as Western Union Financial Services, Inc. Published news reports indicate that in the three days prior to the terrorist attacks against the United States on Sept. 11, 2001, the hijackers involved in those attacks sent four payments to the United Arab Emirates using the services of Western Union."

In a motion unsealed in July 2002, in fact, alleged "20th hijacker" Zacarias Moussaoui requested a copy of the Western Union money transfer document that prosecutors contend that Ramzi bin al-Shibh, using the alias Ahad Sabet, used to wire Moussaoui money in the summer of 2001. The government has provided no such documentation for any of Garad's money transfers.

The difference between Garad Jama and Western Union, the lawsuit states, is that unlike Western Union, "there is no direct or indirect connection" between Garad's business and terrorism or terrorists. And unlike Garad Jama, Western Union has never been subjected to a blocking notice or labeled a terrorist.

After the lawsuit was filed, suddenly the government found Lundquist's phone number and it finally permitted Garad to work and spend up to \$3,200 in living expenses a month.

A post-9/11 American nightmare

His business shut down, his reputation in tatters, he finally was able to find a job as a cashier at a local grocery.

"The first five months was very tough," Garad says. "And it was getting worse." He borrowed money and got help from family. But immigrant communities are not wealthy communities, and people feared getting involved with someone whom the president himself had called a terrorist. Life was bleak. "If I was going two years, three years, four years like this ... " His voice trails off. If the U.S. government says that some guy is a terrorist, he probably is one, right? Otherwise, why would they charge him with such a thing? For kicks? Out of incompetence? Surely not. Our government is hard at work protecting us from evildoers, ensuring that there are no future 9/11s. And there is ample evidence of evildoers around us. Shoe-bomber Richard Reid. Self-confessed al-Qaida adherent Zacarias Moussaoui. The killers of Daniel Pearl.

So when a bunch of guys in Detroit with names like Karim and Ahmed and Farouk are indicted by a federal grand jury for conspiring to provide material resources to terrorists -- as happened last week -- we read the news report and thank our government for its vigilance. Our terror and insecurity compel many Americans to believe every word from Ashcroft when he announces our vigilant law enforcement men and women bringing down "American Taliban" John Walker Lindh or "dirty bomber" Jose Padilla, despite the far weaker charges and scater evidence the government ultimately presents once the blustery accusation has morphed into conviction in the court of public opinion.

Sure, other sections of the newspaper are replete with other tales that should jolt us out of our acceptance, of FBI bungling and CIA ass-covering, of DNA evidence last week freeing Eddie Joe Lloyd, 54, from a Detroit jail where he'd been held since 1984 after a conviction for raping and strangling a teenager, a crime he never committed, or over in Boston, poor Joseph Salvati, 69, who spent nearly 30 years in the clink for the 1968 murder of a local mafia hood who was actually killed by snitches whom the FBI did everything it could to protect. Sure, such tales make Kafka's neuroses seem all too reasonable. But we ignore. We endure. We get on with our lives and let Tom Ridge figure out what color code is appropriate.

At 8 a.m. on Aug. 27, Jama and Farah (Farah was also represented by Lundquist) were taken off the United Nations' designation of organizations, businesses and individuals who are believed to support terrorism. Their assets, including approximately \$500,000 in area bank accounts, were unfrozen. Most of the money was returned to the customers, primarily Somali immigrants.

Lundquist says that the government hasn't apologized and that a decision has yet to be made about whether or not Jama will drop his lawsuit.

"Certainly the thrust of the lawsuit, what we attempted to achieve, has been done in that Garad and his business have been delisted and the assets unfrozen," Lundquist says. But that's declaratory and injunctive relief, not monetary, so there may be more that Garad and Farah seek. "I think both of these gentlemen and their businesses have been seriously damaged," Lundquist says.

Jama says he thinks he understands what happened. "I was sending a lot of money overseas. The government was trying to protect the country, so they tried to cut all the money going overseas."

He says he wishes the media would devote as much attention to his delisting as they did to the accusation last November. "I want the media to make good news from me. They already have bad news from me," he says, motioning toward a stack of newspapers -- Star Tribunes and Pioneer Presses.

We're sitting in his apartment; paintings of flowers are on the wall. Lying in his crib, Yanos makes a giggling sound. "He in good mood today," Garad says softly. An Islamic art contest certificate for Ayan from last year is framed and hangs from a place of prominence. Ayan listens to her dad talk to me while she devours an ice cream cone, then some candy.

She pours me a glass of ice water.

"I can give forgiveness," Garad says.

A post-9/11 American nightmare

Fartune says that she can, too. "Before, I am angry. Because I know my husband is innocent. But now I'm OK."

Garad says he may try to start his money transfer business again, that the work and the humanitarian achievements are important. But one thing he'll do differently: get American investors. That way, he says, "no more can people say, 'You are Somalis so you are al-Qaida.'"

The Department of Justice attorney working on the case, Sylvia Kaser, would not answer questions, referring media inquiries to the Justice Department press office, which did not return a call for comment.

The only official comment from the government has been a statement issued by Jimmy Gurule, the Treasury Department's undersecretary for enforcement. "The individuals and entities have demonstrated that they had no prior knowledge and have taken active steps to cut all ties with those entities funneling funds to terrorism," Gurule's statement read -- which makes sense in reference to Farah, since he dealt with Al Barakaat, but has no relevance to Garad Jama.

"This is how the process was designed to work," Gurule's statement concluded.

Load-Date: September 5, 2002



[Appeals court: lawsuit alleging FBI-police frameup can proceed](#)

The Associated Press State & Local Wire

June 10, 2004, Thursday, BC cycle

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Section: State and Regional

Length: 284 words

Dateline: BOSTON

Body

A federal appeals court on Thursday upheld a judge's decision that kept alive a lawsuit filed by two men who say the FBI and police framed them in a 1960s murder.

Peter J. Limone and Henry Tameleo spent years in prison for the murder of Edward Deegan. Limone, as well as Tameleo's estate, filed civil lawsuits against former Boston FBI Agent Dennis Condon and former Boston Police Detective Frank Walsh, claiming they framed them and helped convict them of murder.

The central claim in their lawsuits is that Condon and Walsh violated the Constitution by developing Joseph Barboza as a prosecution witness despite knowing that Barboza would perjure himself and falsely implicate them in Deegan's murder.

Last year, a U.S. District Court judge rejected a bid by Condon and Walsh to dismiss both lawsuits based on the doctrine of qualified immunity. The doctrine protects public officials from lawsuits for actions they performed in their official capacity except when their conduct is unlawful.

Upholding the lower court ruling Thursday, the 1st U.S. Circuit Court of Appeals agreed that Condon and Walsh had not shown that they are entitled to qualified immunity.

"If any concept is fundamental to our American system of justice, it is that those charged with upholding the law are prohibited from deliberately fabricating evidence and framing individuals for crimes they did not commit," the court said in its ruling.

The ruling means the lawsuits can move forward.

Limone, Tameleo, and two other men - Louis Greco and [Joseph Salvati](#) - were convicted of Deegan's murder in 1968.

Limone was released in 2001, and Salvati was released in 1997. Greco and Tameleo died in prison.

Load-Date: June 11, 2004

Appeals court: lawsuit alleging FBI-police frameup can proceed

End of Document



[Appeals court OKs \\$100M wrongful conviction awards](#)

The Associated Press State & Local Wire

August 27, 2009 Thursday 10:07 PM GMT

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Section: STATE AND REGIONAL

Length: 126 words

Byline: By RODRIQUE NGOWI, Associated Press Writer

Dateline: BOSTON

Body

A federal appeals court has upheld a \$101.7 million judgment against the government for withholding evidence that could have cleared four men who spent decades in prison, including two who died there for a murder they didn't commit.

The Justice Department had appealed the 2007 award by a federal judge who found Boston FBI agents protecting informants withheld evidence they knew could prove the men were not involved in a 1965 killing.

The 1st U.S. Circuit Court of Appeals on Thursday acknowledged the award was high, but said it was appropriate for the harm suffered.

Joseph Salvati and Peter Limone were freed in 2001 after three decades in prison. Henry Tameleo and Louis Greco died in prison.

A Justice Department spokesman declined immediate comment.

Load-Date: August 28, 2009



[Appeals court OKs \\$102M for wrongful convictions; Boston judge found FBI withheld evidence](#)

The Canadian Press(CP)

August 27, 2009 Thursday

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Section: FOREIGN GENERAL NEWS

Length: 557 words

Byline: RODRIQUE NGOWI, CP

Body

BOSTON _ A federal appeals court on Thursday upheld a \$102 million judgment against the U.S. government for withholding evidence that could have cleared four men who spent decades in prison _ including two who died there _ for a murder they didn't commit.

Joseph Salvati, Peter Limone and the families of Henry Tameleo and Louis Greco sued the federal government for malicious prosecution after U.S. District Judge Nancy Gertner ruled in July 2007 that Boston FBI agents withheld evidence they knew could prove the men weren't involved in the 1965 killing of Edward "Teddy" Deegan, a small-time hoodlum who was shot in an alley.

"While we reject its finding that the government is liable for malicious prosecution, we uphold the court's alternate finding that the government is liable for intentional infliction of emotional distress," the 1st U.S. Circuit Court of Appeals said on Thursday. "We conclude that the awards, though high, are not so grossly disproportionate to the harm sustained as to either shock our collective conscience or raise the spectre of a miscarriage of justice."

A U.S. Department of Justice spokesman said the agency would only comment after studying the ruling.

Attorneys for some of the men, however, were not restrained in their reaction.

"It's a good day for civil rights, and I hope that the FBI will be able to put this sordid chapter in their history behind them and redeem themselves to be an institution that they once were," said Juliane Balliro, one of the lawyers representing Limone, Tameleo and their families.

Balliro said the quick ruling has left the two men and their families ecstatic.

Attorneys for Salvati and Greco did not immediately return telephone calls seeking comment.

The district court judge said FBI agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove Limone and the three other men weren't involved in the Deegan killing.

Appeals court OKs \$102M for wrongful convictions; Boston judge found FBI withheld evidence

She said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named Limone, Salvati, Tameleo and Greco as the killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, while Salvati and Limone spent three decades in prison before they were exonerated in 2001.

A state judge found two Boston FBI agents had allowed Barboza to frame the men because Barboza and his friend Vincent "Jimmy" Flemmi, one of Deegan's killers, were FBI informants who provided evidence in the agency's highly publicized war against La Cosa Nostra.

"This case exemplifies a situation in which the end did not justify the government's use of very unattractive means," the appeals court said Thursday. "In its zeal to accomplish a worthwhile objective (stamping out organized crime), the FBI stooped too low."

The appeals court said the district court used a permissible methodology in computing damages. The district court judge had awarded \$26 million of the \$101.7 million judgment to Limone, who served 33 years in prison. Greco's estate gets \$28 million, Salvati gets \$29 million and Tameleo's estate gets \$13 million; the men's wives, ex-wives and children get the rest of the money.

Limone and Salvati were exonerated after FBI memos dating back to the Deegan case surfaced.

Load-Date: August 28, 2009



[Appeals court OKs \\$102M for wrongful convictions; Boston judge found FBI withheld evidence](#)

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Load-Date: August 28, 2009



[Appeals Court Upholds \\$101.7 Million Verdict Against FBI](#)

TalkLeft the Politics of Crime

August 30, 2009 Sunday 1:03 PM EST

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Newstex Web Blogs

Copyright 2009 TalkLeft: the Politics of Crime

Length: 150 words

Byline: Jeralyn

Body

Aug. 30, 2009 ([TalkLeft: the Politics of Crime](#) delivered by Newstex) --

The 1st Circuit Court of Appeals has [upheld an award of \\$101.7 million against the FBI](#) for framing four men in a gangland slaying. One man served 33 years in prison, another 29 years and the other two died in prison. The verdict was initially entered by U.S. District Court Judge Nancy Gertner following a 22 day bench trial.

Judge Gertner found the FBI not only withheld exculpatory evidence, it continued to hide it for decades after the trial. The award is to the families of Peter J. Limone, ***Joseph Salvati***, Louis Greco, and Henry Tameleo. The appeals court wrote (opinion [here](#)):

œBut when we take into account the severe emotional trauma inflicted upon the scapegoats...we cannot say with any firm conviction that those awards are grossly disproportionate to the injuries sustained.

Newstex ID: TALK-0001-37601175

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Appeals Court Upholds \$101.7 Million Verdict Against FBI

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Load-Date: August 30, 2009

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[AP Top News at 1 p.m. EST Thursday, Jan. 18, 2001](#)

Associated Press Online

January 18, 2001; Thursday

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Section: Domestic, non-Washington, general news item

Length: 737 words

Byline: DAVID GOODMAN

Body

California Hit by More Blackouts

SACRAMENTO, Calif. (AP)

California cut off power to thousands of people again today as lawmakers rushed to enact emergency legislation to buy power at taxpayer expense and keep the lights on. Californians stocked up on flashlights, generators and firewood as the northern half of the state was struck by rolling blackouts for a second straight day. To add to potential problems, Pacific Gas and Electric Co. officials say they may have to cut off natural gas supplies to customers.

Bush Urged To Limit Mideast Moves

WASHINGTON (AP)

A 52-member study group recommended today that President-elect Bush limit his intervention into Arab-Israeli negotiations to imminent breakthroughs or breakdowns. The group also suggested Bush move the U.S. Embassy in Israel to Jerusalem from Tel Aviv and scale back the participation of the Central Intelligence Agency in security arrangements between Israel and the Palestinians. The 52 members of the panel include Democrats and Republicans, sponsored by the private Washington Institute for Near East Policy, concluded that the highest priority for Bush is to prevent a descent into regional war.

Clinton Preparing Farewell Speech

WASHINGTON (AP)

President Clinton plans to closet himself in the White House today to prepare for a nationally televised speech that aides bill as largely a thank you to Americans who sent him to the White House twice and regularly told pollsters they approved of his performance, even at his lowest moments. A Clinton aide, speaking on condition of anonymity, said Clinton's remarks tonight would have "a little bit of an edge" to them, containing, among other things, an appeal for Americans to reject an isolationist stance and remember U.S. responsibilities as a world leader.

AP Top News at 1 p.m. EST Thursday, Jan. 18, 2001

Judge Angered by Ashcroft Accusations

WASHINGTON (AP)

Judge Ronnie White expressed anger today that Attorney General-designee John Ashcroft had blocked him from becoming a federal judge by persuading the Senate that he had a history of overturning death sentences. "I deeply resent those baseless accusations," White, a black Missouri Supreme Court judge, told the Senate Judiciary Committee. Committee Democrat Charles Schumer says the Senate's rejection of White's nomination shows a "real insensitivity" to the nation's "long and tortured" history of race relations.

Jackson Admits Affair, Daughter

WASHINGTON (AP)

Civil rights activist Jesse Jackson said today he will be stepping aside temporarily from public life after revealing today that he had an extramarital affair that resulted in the birth of a daughter. Jackson, a Baptist minister and one-time aide to Martin Luther King Jr., issued a statement admitting that he fathered the child, now 20 months old, and has provided emotional and financial support since her birth. "I fully accept responsibility and I am truly sorry for my actions," he said. Jackson said his family was aware of the situation with the child and was experiencing "an extremely painful, trying and difficult time."

Judge Vacates Murder Conviction

CAMBRIDGE, Mass. (AP)

A judge today threw out the conviction of a man who served 30 years in prison for a 1965 underworld murder he said he didn't commit. Superior Court Judge Margaret Hinkle vacated the conviction of **Joseph Salvati**, 68, saying newly discovered evidence raised doubts about the conduct of the FBI and fairness of his trial. "The conduct of certain agents of the bureau ... stains the legacy of the FBI," Hinkle said. It is the second time Hinkle has thrown out convictions in the murder of Edward "Teddy" Deegan.

Dow Up 102, Nasdaq Up 50

NEW YORK (AP)

Just before 1 p.m. EST, the Dow Jones industrial average was up 102.48 points at 10,686.82. Advancers on the New York Stock Exchange led decliners 1,380-1,322. The Nasdaq was up 49.52 at 2,732.30.

Jurors Divided on Carruth Charges

CHARLOTTE, N.C. (AP)

Jurors in the Rae Carruth murder trial are divided on all four charges against the former NFL player, they told the judge today. "We voted on all four charges, and we are split on all four charges," Judge Charles Lamm said, reading from the jurors' note to him. "We are at impasse and need instruction on what to do at this point." The jurors have been deliberating since Tuesday. Carruth, 26, is accused of arranging the shooting death of Cherica Adams, his girlfriend who was eight months pregnant. He could face the death sentence if convicted.

Load-Date: January 18, 2001



AROUND THE U.S.

The Dallas Morning News
January 31, 2001, Wednesday
FIRST EDITION

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Section: NEWS;; AROUND THE U.S.

Length: 264 words

Body

CHICAGO

Governor won't resign in bribe, accident case

Gov. George Ryan rejected calls for his resignation and said he was not directly to blame for the death of six children killed in an accident caused by a driver who may have paid a bribe for his license. Federal investigators looking into allegations that driver's license tests were fixed say about \$ 170,000 in bribe money was funneled to the Citizens for Ryan campaign fund. Mr. Ryan says he didn't know the money was being donated to his campaign and certainly did not encourage it.

From Wire Reports Last week, Mr. Ryan was urged to resign by the Rev. Scott Willis, whose children were killed in the 1994 accident.

MASSACHUSETTS

Case dropped against 2 long jailed in '65 slaying

Prosecutors dropped charges Tuesday against two men who said they spent decades in prison because the FBI - trying to protect an informant - allowed them to be framed for a 1965 underworld murder. Charges were dropped against **Joseph Salvati**, 68, and Peter Limone, 66, who were convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum. FBI officials declined to comment.

CALIFORNIA

Ex-student arrested after weapons found

Police arrested a 19-year-old man who they said had dozens of pipe bombs, Molotov cocktails and other weapons and planned to carry out a "Columbine-style attack" on DeAnza College, a community college in Cupertino. Al DeGuzman was arrested late Monday by police in San Jose, where he lives. Police said Mr. DeGuzman had attended the 26,000-student school, which they closed Tuesday.

AROUND THE U.S.

Load-Date: February 1, 2001

End of Document



As FBI bungling increases, confidence in agency sinks

The Star-Ledger (Newark, New Jersey)

May 13, 2001 Sunday

FINAL EDITION

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Section: NEWS; Pg. 10

Length: 720 words

Byline: DEB RIECHMANN, ASSOCIATED PRESS

Dateline: WASHINGTON

Body

It's happened before, the FBI fumbling high-profile cases.

Now, it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's attorneys.

That disclosure prompted Attorney General John Ashcroft on Friday to delay the convicted bomber's execution, scheduled for Wednesday, until June 11.

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the Atlanta Olympics bombing and botched its investigation of a government scientist who handled nuclear weapons secrets.

With word of the new misstep, President Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Bush said at a news conference Friday.

Less circumspect was Sen. Chuck Grassley (R-Iowa). "We must change the FBI culture that has caused these colossal mistakes," Grassley, a senior member of the Judiciary Committee, said in a statement.

The committee will review nominees to replace FBI Director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Grassley said.

The FBI blames the problem on a computer glitch. Grassley is not so sure.

"We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

As FBI bungling increases, confidence in agency sinks

Kris Kolesnik, director of the National Whistleblower Center, a Washington-based nonprofit public interest organization, said the recent blunders reflect what he contended was the FBI's tendency to emphasize public relations over pure science or good investigative technique.

On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba. Four Cuban-Americans were killed in the incident.

But success stories like this have been overshadowed by a series of missteps:

In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Hanssen carried on his alleged spying activities for 15 years without being detected by his bosses.

Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati was freed in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

Last year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. All but one count was eventually dropped.

In 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms, which pointed early on to the explosion of a center fuel tank as the cause of the 1996 crash of TWA Flight 800, was never forwarded to the National Transportation Safety Board.

The FBI targeted Richard Jewell in the bombing at the 1996 Summer Games that killed one person and injured more than 100 others. Jewell was cleared three months later.

In the mid-1990s, the FBI suffered an embarrassing investigation of its world-renowned crime lab. Justice Inspector General Michael Bromwich criticized the lab for flawed scientific work and inaccurate, pro-prosecution testimony in major cases.

In July, former Missouri Sen. John Danforth said an FBI lawyer "goofed" in not telling superiors in 1996 that federal agents fired pyrotechnic tear gas canisters into David Koresh's Branch Davidian compound in Waco, Texas. Four agents and more than 80 Davidians died during a 51-day standoff with federal officials.

During a 1992 standoff in Ruby Ridge, Idaho, an FBI agent fatally shot white separatist Randy Weaver's wife, Vicki, while she held her 10-month-old baby.

Load-Date: April 17, 2007



[A STEVEN SPIELBERG BLOCKBUSTER; I WAS FRAMED: THE JOE SALVATI STORY; Salvati film in the \(Dream\) Works](#)

The Boston Herald

September 17, 2003 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 641 words

Byline: By J.M. Lawrence

Body

Joseph Salvati, a North End truck driver who spent 30 years in prison while the FBI hid evidence of his innocence, has sold his life story to Steven Spielberg's DreamWorks SKG studio for a megaflick that could cost as much as \$ 100 million.

Salvati, 70, who quietly inked the deal in July for an undisclosed amount, says he hasn't walked into a movie theater once since his release from prison in 1997. He likes to watch old westerns at home.

But he summed up the script: "The government had their own gang of hoodlums, bad guys who hid behind badges and destroyed people's lives."

DreamWorks billion-dollar producer Walter Parkes, who made "Gladiator," "Catch Me If You Can" and "Men in Black," said in an interview he wants to tell the story of a "classic miscarriage of justice" and the bond between Salvati and his pro-bono lawyer Victor J. Garo.

"What really got us was when we met the two men," Parkes said yesterday. "We saw, first of all, the intensity of friendship between them and the passion Victor had toward this case."

Garo, who took the case 27 years ago and still runs a one-man law office in Medford, battled for decades to prove mob turncoat Joseph "The Animal" Barboza falsely accused Salvati for the 1965 murder of Edward "Teddy" Deegan.

DreamWorks flew Garo and Salvati to Hollywood a year ago for lunch with Parkes and his wife producer Laurie MacDonald, whose films grossed \$ 4.3 billion worldwide last year.

"Just the truth of what Joe went through. . . the commitment of Victor over almost a lifetime. . . These are all the things of a great drama," Parkes said.

A STEVEN SPIELBERG BLOCKBUSTER; I WAS FRAMED: THE JOE SALVATI STORY; Salvati film in the
(Dream) Works

Garos entire career became devoted to Salvati. Garo says his driving credo were the words of his parents on the day he became a lawyer in 1965: "We want you to help people."

"The telling of this story by way of a motion picture will allow the country, and the world, to make their own judgement as to the actions of the federal government for nearly four decades in Boston," said Garo, who filed a \$ 300 million lawsuit against the Justice Department on July 31.

DreamWorks signed Garo as its consultant on the picture. Production costs are expected to hit \$ 80-\$ 100 million.

Salvati was eventually cleared in 2001 when a Suffolk judge ruled FBI agents hid evidence to protect murderous mob informants.

There's a love story, of course. Salvatis wife Marie, who met him on Revere Beach when she was 16, raised their children alone and took the family to visit him in prison. A new card with Joe's love notes to Marie sat atop the familys TV every week.

"How could it not touch people's lives?" Marie Salvati said. "We lived it. It's the truth."

Joe Salvati said he knows the notoriety will likely rekindle whispers from enemies who have tried for years to portray him as a player in organized crime. In 1989, he had a unanimous vote of the state's parole board for a commutation but the vote was mysteriously never forwarded to the governor.

"Naw. There's nothing to hide," he said. "If they do come out with something, they better have the proof."

Boston attorneys Larry Kaplan and Robert Brennan negotiated the contract for the Salvatis and Garo. "We think the deal is every bit as good as anyone could hope to get," Kaplan said but would not name the figure.

At the signing, Kaplan's office toasted the Salvatis with champagne and personalized directors chairs. Kaplan noted a remarkable aspect of the couple. "There's not a trace of bitterness coming from either of them," he said.

Salvati has no idea who should play him in the movie. He joked that only Whoopi Goldberg could capture his wife's sense of humor.

The script will take a year to develop and no screenwriter has been picked. "Something as special as this you don't rush it," Parkes said.

Caption: SPIELBERG: Company flew Salvati to Hollywood a year ago.

Load-Date: September 17, 2003



...A TIME TO FIX THE FBI

The Record (Bergen County, NJ)

June 12, 2001, TUESDAY; ALL EDITIONS

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Section: OPINION; Pg. L6; EDITORIAL

Length: 514 words

Byline: The Record

Body

TIMOTHY MCVEIGH'S execution took place yesterday despite the recent FBI document fiasco that embarrassed the agency and upset many families of the bombing victims. A federal judge determined that there was nothing in the 4,500 documents that the FBI failed to turn over to McVeigh's defense team that cast even the slightest doubt on his guilt.

But questionable FBI behavior in several other high-profile cases, and one in Lodi, raise serious doubts about the FBI's effectiveness and credibility, even about the agency's moral integrity.

The new director, soon to be nominated by President Bush from a short list of three candidates, must bring a new sense of urgency to rebuilding the FBI's tarnished image. At the confirmation hearings, senators should demand that the nominee explain in detail what steps would be taken to make the FBI a more responsible crime-fighting agency.

Here are some of the biggest blunders the FBI has been associated with:

Joseph Salvati, a Boston truck driver, spent 30 years in prison for a murder he didn't commit because FBI agents withheld information that would have cleared him. They were protecting an informant. His conviction was thrown out last winter.

Thomas Blanton Jr. was finally convicted this year of the 1963 church bombing in Birmingham, Ala., that killed four black girls.

...A TIME TO FIX THE FBI

The ex-Klansman might have been convicted much sooner had the FBI turned over incriminating evidence that it kept under wraps for almost four decades.

Wen Ho Lee, the nuclear scientist held 1 for nine months in solitary confinement, was freed last year after the government dropped 58 of 59 charges against him. In a case that a federal judge said embarrassed the nation, an FBI agent admitted giving false testimony against Mr. Lee.

Robert Hanssen was a top FBI agent specializing in counterintelligence when it was discovered that he allegedly spied on the United States for Moscow for 15 years. The FBI had previously ignored warnings about a mole within its ranks.

And then, of course, there are the much earlier FBI fiascoes concerning the agency's involvement in the raid on the Branch Davidian compound in Waco, Texas, and the 1992 shootings in Ruby Ridge, Idaho.

Finally, there is the case of Luke Hoffman, the owner of the Ultima Spa in Lodi. Mr. Hoffman was an FBI informant who enjoyed protection that may have kept his alleged brothel open for years, despite persistent rumors of prostitution and repeated attempts by local officials to close it.

A woman who worked at the spa and tried to alert Lodi police to illegal activity was visited by FBI agents and later arrested for filing a false police report. The spa was finally raided by the Bergen County Prosecutor's Office this spring and the charges against the woman dropped.

All these cases paint a picture of an agency that seems to be out of control. FBI Director Louis Freeh, who is resigning at the end of this month, leaves an agency in disarray. With a new FBI director taking over shortly, a rare opportunity exists to overhaul the agency and assure that this type of conduct is brought to an end.

Load-Date: June 12, 2001



Authorities search home of reputed Boston-area mob leader wrongly imprisoned for 30 years

The Associated Press

April 1, 2008 Tuesday 3:59 AM GMT

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Section: DOMESTIC NEWS

Length: 428 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

A man who spent more than three decades in prison after being framed by the FBI for a gangland slaying he did not commit is being investigated again by law enforcers.

State police raided the suburban Boston home of Peter Limone last week, his lawyer confirmed to The Associated Press. It was not immediately clear why Limone's home was searched or what was taken by police.

Limone, 73, and three other men and their families won a \$101.7 million judgment last year after a federal judge found that Boston FBI agents withheld evidence they knew could prove the men were not involved in the 1965 killing of Edward "Teddy" Deegan, a small-time hoodlum who was shot in an alley.

At the time of the Deegan slaying, Limone was a reputed leader of the New England mob.

Limone's lawyer, Juliane Balliro, confirmed that state police searched Limone's Medford home Friday but dismissed published reports that he is now considered by law enforcers to be the leader of the Boston mob.

"They've been singing that song for 35 years now," Balliro said. "They were looking, obviously, for evidence of some sort of a crime ... to my knowledge, they didn't find anything. I don't know where they are getting their information from."

"If you are asking me if he is involved in organized crime, my answer to you is no," she said.

Balliro said she does not know what police took from Limone's home. Limone did not immediately return a call seeking comment Monday.

Spokesmen for the state police and for Middlesex prosecutor's office both declined to comment.

In July, U.S. District Judge Nancy Gertner said FBI agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove Limone and three other men were not involved in the Deegan killing. The U.S. Justice Department is appealing the ruling.

Authorities search home of reputed Boston-area mob leader wrongly imprisoned for 30 years

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named Limone, **Joseph Salvati**, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, while Salvati and Limone spent three decades in prison before they were exonerated in 2001. Limone, Salvati and the families of the other men sued the federal government for malicious prosecution.

Gertner awarded \$26 million of the \$101.7 million judgment to Limone, who served 33 years in prison before being freed in 2001. Limone and Salvati were exonerated after FBI memos dating back to the Deegan case surfaced.

Load-Date: April 2, 2008

End of Document



Bad news from the vaults

The Southland Times (New Zealand)

May 14, 2001, Monday

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Section: FEATURES; EDITORIAL;

Length: 456 words

Body

THE FBI is now in the wretched position of needing to come across as horribly inept. The alternative scenario for its failure to turn over more than 3000 documents to the lawyers of admitted Oklahoma City bomber Timothy McVeigh is that a coverup occurred. As things stand, ineptitude does seem the more likely explanation, although that is scarcely cause for comfort.

It is unlikely any of the newly uncovered information will do more than delay the execution of McVeigh, who has admitted committing the most deadly act of terror the United States has ever suffered, killing 168 men, women and children in the 1995 bombing.

However, in the US, the land of the conspiracy theorist, many still believe that he was not the instigator of the crime, merely a footsoldier agent for a larger right-wing movement. They suspect the withholding of the FBI files was not an act of mismanagement and omission, but of calculated suppression to protect shadowy figures.

Viewed from this distance, that notion seems fanciful, although the uncovered documents will certainly be pored over with acute suspicion. More likely, although equally worrying, is the conclusion that the FBI, for all its huge resources, enormous responsibilities and considerable prestige among jury-summonsed Americans, is alarmingly disorganised. From the old days of movies about fast-talking, heroic G-men, to the modern screen image of Mulder and Scully, or Hannibal Lecter's Clarice Starling, the image of the FBI has been upheld as one in which beneath a surface glamour lies an immensely painstaking organisation relying heavily on science. Increasingly, through a series of major errors, the feds have not lived up to their fiction.

The amended picture that emerges is one of a bureau that is certainly capable of quickly bringing together information on a massive scale, then striking real trouble finding its way around the mountain of facts.

Bad records are unlikely to explain why Richard Jewell was publicly and wrongly fingered for the bombing at the 1996 Olympic Games, or how agent Robert Hanssen was able to moonlight as a Moscow spy for 15 years, or the disastrous teargas-ignited fire at the Branch Davidian compound at Waco. But what of Joseph Salvati, who spent 30 years in jail for a murder he did not commit, even though the FBI -- somewhere -- had evidence of his innocence? In that case, a judge eventually decided the feds had deliberately concealed information. Then there's the FBI failure to send a file that pointed to the cause of the 1996 crash of TWA flight 800 to the National Transportation Safety Board. The safety implications of that failure were huge.

Bad news from the vaults

In the most colossal and urgent way, the FBI needs to get its information-accessing act together.

Load-Date: May 16, 2001

End of Document



BAIL DENIED IN REVIEW OF REPUTED MOBSTER'S CONVICTION

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The Boston Globe

December 23, 2000, Saturday

,THIRD EDITION

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Section: METRO/REGION;

Length: 508 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

Reputed Mafia associate Peter J. Limone's hopes of being home for Christmas after 32 years in prison were dashed yesterday by a Superior Court judge who said it is not clear that she has the authority to release him on bail despite mounting evidence that he was framed.

Limone did receive some good news at a hearing on his motion for a new trial, however, as Middlesex Superior Court Judge Margaret Hinkle ruled that she will let a lawyer for a key figure in the case break his silence after more than three decades.

Hinkle said that she would release longtime Boston defense lawyer Joseph Balliro from the attorney-client privilege that has prevented him from talking about a deceased former client, gangster Vincent J. "Jimmy the Bear" Flemmi.

Documents long hidden at FBI headquarters in Washington were recently discovered by a Justice Department task force. They strongly suggest that it was Vincent Flemmi and his friend, notorious Boston hit man Joseph "The Animal" Barboza who planned the 1965 murder of small-time hoodlum Edward Deegan in Chelsea.

In 1968, however, Barboza agreed to cooperate with the FBI and said Deegan's killing was plotted by Limone, top Mafia figure Henry Tameleo, and two other men, ***Joseph Salvati*** and Louis Greco.

For years, all four men maintained their innocence.

In an affidavit given to Hinkle recently, Balliro said Flemmi made statements to him during their attorney-client relationship that may be helpful to Limone's cause. Balliro could not be reached for comment yesterday.

Yesterday, Hinkle said the law appears to allow the breaking of the privilege if there is a chance it could correct a "wrongful incarceration."

BAIL DENIED IN REVIEW OF REPUTED MOBSTER'S CONVICTION

The judge said that the law was less clear, however, about whether she could release Limone on bail while his lawyers and Suffolk District Attorney Ralph C. Martin II's office argue the evidence in the case.

Convicted defendants are routinely released on bail pending appeal, but technically, Limone's motion for a new trial is not an appeal.

Hinkle asked both defense and prosecution lawyers to research the law and file briefs by Friday.

Though Martin's office will oppose bail for Limone until it can fully analyze all the recently released FBI documents, a prosecutor yesterday held out the possibility that the office could change its position.

About two dozen of Limone's relatives attended the hearing, and some left teary-eyed when it became clear that he would not be out of prison in time for the Christmas holiday.

"Unbelievable," sighed one of Limone's four sisters.

Other family members put a more positive spin on the day's events, calling Hinkle's order another step toward Limone's release.

"We've gone through this for almost 33 years," said Limone's wife, Olympia.

"Hopefully things are changing."

She had harsh words for FBI officials, who apparently kept files that could have proven her husband's innocence locked up for three decades.

"I don't know how you can put men in prison for life just because some federal men are lying," she said. "I don't know how they sleep at night."

Graphic

PHOTO, GLOBE STAFF PHOTO/JOHN BLANDING /Convicted felon Peter J. Limone's daughter Janine (left) and his wife, Olympia, appearing at a hearing yesterday for the reputed Mafia associate. A judge denied bail despite mounting evidence that he may have been framed.

Load-Date: December 28, 2000



BC-FBI-LAWSUITS-[TRIMS]-NYT

Inland Valley Daily Bulletin (Ontario, CA)

August 24, 2002 Saturday

Copyright 2002 Valley Daily Bulletin

Section: NEWS

Length: 1071 words

Body

HOOVER'S FBI AND THE MAFIA: A CASE OF BAD BEDFELLOWS By FOX BUTTERFIELD c.2002 New York Times News Service

BOSTON It was March 1965, in the early days of J. Edgar Hoover's war against the Mafia. FBI 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 Patriarca's permission to kill a small-time hoodlum, Edward Deegan, "as they were having a problem with him," according to an FBI log of the conversation. "Patriarca ultimately furnished this OK," the FBI reported, and three days later Deegan turned up dead in an alley, shot six times.

It was an extraordinary situation: The FBI 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 FBI 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 recently that he planned to sue the FBI for \$300 million for false imprisonment.

His is the latest in a series of lawsuits against the FBI, the Justice Department and some FBI agents growing out of the tangled, corrupt collaboration between gangsters and the FBI'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 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 FBI in Boston.

BC-FBI-LAWSUITS-[TRIMS]-NYT

The documents show that officials at FBI headquarters, apparently including Hoover, knew as long ago as 1965 that Boston agents were employing killers and gang leaders as informers and were protecting them from prosecution.

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

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

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

[BEGIN OPTIONAL TRIM]

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 FBI informers, James Bulger and Stephen Flemmi. Vincent and Stephen Flemmi are brothers.

The Government Reform Committee, led by Rep. Dan Burton, R-Ind., has uncovered memorandums from the Boston office to headquarters in Washington revealing the bureau's knowledge that Vincent Flemmi and Barboza were involved in killing Deegan. A memorandum a week after the killing described the crime and mentioned who had fired the first shot.

Then, on June 4, 1965, 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 Flemmi was in a hospital recovering from gunshot wounds but because of his connections to Patriarca "potentially could be an excellent informant."

The agent also informed Hoover that 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 Hoover to move more forcefully against the growing power of the Mafia, which he had largely ignored. In Boston, FBI agents recruited Barboza and Flemmi and developed close ties to a rival criminal organization, the Winter Hill Gang, led by Bulger.

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

One reason the FBI may not have used its information about 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 FBI 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.

[END OPTIONAL TRIM]

BC-FBI-LAWSUITS-[TRIMS]-NYT

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 some 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. Limone was sentenced to die in the electric chair. His life was spared only when Massachusetts outlawed the death penalty in 1974.

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 Salvati sent her a romantic card, which she put on the television set. It was, Garo said, all they had of each other.

NYT-08-24-02 1500EDT

Load-Date: October 16, 2003

End of Document



BEACON HILL; Patrick mulls first commutations

The MetroWest Daily News (Framingham, Massachusetts)

December 24, 2013 Tuesday

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Section: MA NEWS; Pg. 3

Length: 709 words

Byline: Andy Metzger State House News Service

Body

BOSTON - Expressing continued concern with mandatory minimum sentences for non-violent drug offenders, Gov. Deval Patrick said he would be "very interested" in commuting the sentences of a segment of the inmate population if it would relieve overcrowding in prisons.

"I have a lot of concerns about the impact on our criminal justice system, and on the prisons in particular, of non-violent drug offenders and the mandatory minimum around that. We've moved some legislation, tried to make some changes there, and if there was a way to relieve the crowding in the prisons by commuting a class of those cases, I'd be very interested in doing it," Patrick said outside the WGBH studios in Brighton following his monthly radio appearance Friday, according to a recording.

President Barack Obama last week commuted the sentences of eight federal inmates who had been convicted of cocaine offenses when there was more disparity in the punishment for powder versus crack cocaine. Among those who received a commutation was Patrick's cousin, Reynolds Allen Wintersmith Jr., whom Patrick has said was the son of his uncle, a heroin addict.

"I don't know this cousin, at least not well," Patrick said in a televised interview. Patrick also said he would likely meet Wintersmith, who is due for release in April. He said, "I'd like to. I'd probably, at some point I will."

A former Justice Department civil rights chief who later worked for Coca Cola and Texaco, Patrick has not commuted nor pardoned any offenders in his seven years in office.

The last commutation in Massachusetts was granted to ***Joseph Salvati***, at the recommendation of Gov. Bill Weld. In February 1997, the eight-member Governor's Council voted unanimously to commute the first-degree-murder life sentence of Salvati, whose conviction was later overturned when a judge concluded the FBI hid exculpatory evidence.

After his sentence was commuted and he was freed, Salvati visited the council to thank them for his "freedom."

"I served 30 years for a crime I didn't commit. I still believe our justice system is the best in the world, although sometimes it fails. I was a victim of the war against crime," Salvati said at the time.

BEACON HILL; Patrick mulls first commutations

According to the governor's office, Acting Gov. Jane Swift pardoned seven people in 2002. A pardon expunges a conviction while a commutation shortens a sentence. Swift pardoned John Abusheery on the charge of distributing a Class D substance; Daniel Carney on an insurance violation and other charges; Carolyn Bissonnette on larceny; Peter Dugan on operating to endanger; John Frigon on possession of Class C and D substances; Ojingwa Leclair on a range of charges including forgery, assault and battery and possession of a Class B substance; and Robert Leitch for a range of charges including shoplifting, operating to endanger and minor transporting alcohol.

Patrick was buffeted during his 2006 campaign over his advocacy to the Parole Board on behalf of convicted rapist Benjamin LaGuer and revamped the board after the Dec. 26, 2010 murder of Woburn police officer John "Jack" Maguire by parolee Dominic Cinelli.

On Friday, Patrick also noted clemency must be confirmed by the Governor's Council, an eight-member elected body that confirms judicial

"The Senate President and the Speaker have pledged to return to the subject of mandatory minimum sentencing early in the next session. I take them at their word," Patrick said before signing a sentencing bill in 2012. The bill reduced mandatory minimum sentences for some drug offenses while automatically granting the maximum sentence to certain habitual offenders.

The prison system is almost uniformly crowded beyond the design capacity of the facilities. The two maximum security prisons are overcrowded with an average occupancy rate of 121 percent, as of Dec. 16, according to the Department of Correction. The 12 medium security prisons are an average 145 percent occupied, well above the design capacity, with only two – the medium security portion of Cedar Junction in Walpole and the Shattuck Hospital Correctional Unit in Jamaica Plain – under capacity. County houses of correction and jails are occupied at an average of 128 percent of capacity, with Essex County experiencing the greatest overcrowding.

Load-Date: December 25, 2013



[Bill would remove Hoover's name from FBI building](#)

The Associated Press State & Local Wire

July 25, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 427 words

Dateline: WASHINGTON

Body

J. Edgar Hoover's name should be removed from the FBI building because he let innocent men go to prison for murder while mob informants remained free, members of a House committee said Thursday.

"There is no reason we should honor a man who threw everything out the window, including the lives of innocent men, in order to get what he wanted," said Rep. Dan Burton, R-Ind., chairman of the Government Reform Committee.

Hoover, the late FBI director, knew that Joseph Salvati was framed for a 1965 murder in Boston but did nothing, Burton said. Salvati was convicted and spent 30 years in prison. His sentence was commuted in 1997.

Burton and four co-sponsors, including Massachusetts Democrats William Delahunt and John Tierney, filed a bill Thursday to remove Hoover's name from the building in Washington.

Hoover oversaw a "long list of injustices" as director from 1924 until his death in 1972, Burton said. He said Hoover disrupted the civil rights movement, conducted illegal surveillance, and extorted favors from politicians.

In Boston, a mobster working as an FBI informant was a suspect in the slaying of Edward "Teddy" Deegan, but cut a deal and fingered Salvati, Peter Limone and three other men.

An FBI memo showed that an informant told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved. Salvati's name was not included.

F. Lee Bailey, who briefly represented Joseph "The Animal" Barboza, testified that he thinks FBI agents coached Barboza to concoct a story about Salvati's involvement in the Deegan murder.

Limone was freed last year after the Justice Department turned over documents showing the FBI had information that could have cleared the men. A third man was released this year. Two other defendants died in prison.

The Boston FBI office for years protected informants, despite ongoing criminal activity, in an effort to bring down the New England mafia.

Bill would remove Hoover's name from FBI building

In a separate case, former agent John Connolly Jr. was convicted this year of racketeering for his handling of underworld informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. Bulger, indicted for his role in 19 murders, remains a fugitive.

Spokesmen for the FBI and Justice Department did not immediately return calls to comment on Burton's legislation.

"It was more important for the FBI to protect their prized informants than it was for innocent people to be framed for murder and potentially face the electric chair," said Victor Garo, Salvati's attorney. Salvati did not comment.

Load-Date: July 26, 2002

End of Document



BLINDED JUSTICE

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The Boston Globe

December 18, 2001, Tuesday

,THIRD EDITION

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Section: EDITORIAL;

Length: 434 words

Body

PRESIDENT BUSH SOUGHT to hoodwink the House Government Reform Committee and the American public last week when he invoked executive privilege to thwart a congressional investigation of abuses in the Boston FBI office. But Dan Burton, the Indiana Republican who heads the committee, refused the blindfold and accused the president of "dictatorial" tendencies.

Burton spoke for many Massachusetts residents who demand a full accounting of how the FBI knowingly allowed four local men - two of whom, Joseph Salvati and Peter Limone, are still alive - to be sent to jail on perjured testimony for a 1965 murder and how mobster James "Whitey" Bulger thrived with the protection of FBI handlers while allegedly killing 19 people during the 1970s and 1980s.

Back then the US Justice Department had the craven habit of deferring to rogue FBI agents. Now Justice Department lawyers are running interference for an administration that seeks to enlarge the curtain of secrecy over government proceedings, whether it covers the government's use of mob informants or plans for military tribunals to try suspected terrorists.

The motives as well as the methods of the Bush administration deserve careful attention. The wording of Bush's executive privilege memorandum is so vague that it could be applied to nearly any criminal investigation or general inquiry. Congressional access to documents is dismissed as a politicization of the criminal justice process rather than an important source of unedited information about key public issues, including government misconduct.

Could the president cite privilege to block attempts by the Government Accounting Office or Congress to determine which energy industry officials met with Vice President Cheney to formulate energy policy? It seems that anything goes under the new executive privilege policy.

Thankfully, members of Congress are willing to stand up to the president. Representative William Delahunt, a Quincy Democrat and former district attorney, told the committee that he and his colleagues are not about to relinquish legislative oversight of the executive branch, regardless of the political climate.

BLINDED JUSTICE

"We all support the administration's efforts to address the current emergency," said Delahunt. "But we cannot prevail in our fight against foreign tyranny by scrapping the checks and balances that preserve us from tyranny here at home."

The president is forcing a constitutional confrontation with Congress. Republicans and Democrats should join in the defense of accountable and transparent government, whether on the floors of Congress or in America's courtrooms.

Load-Date: December 21, 2001

End of Document



[BLOG: Herald Bulldog: Gov. Patrick 'running out of time' for more pardons](#)

Herald Bulldog

November 19, 2014 Wednesday 11:05 PM EST

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Length: 345 words

Byline: Matt Stout

Body

Nov 19, 2014 (Herald Bulldog:<http://www.bostonherald.com/blogs/news/bulldog/> Delivered by Newstex)

Nov. 19--Gov. Deval Patrick today indicated it may be unlikely more pardon recommendations are coming in the last weeks of his second term, noting his team is still "triaging" hundreds of applications for pardons and commutations.

"I understand I am running out of time," Patrick said at a Governor's Council hearing when asked if he expected to add to a list of four pardons and one commutation he's recommended, the first of his two terms. Patrick said officials are pouring over hundreds of applications to determine whether there are any "particularly compelling" cases.

Any recommendations he makes then have to be approved by the Governor's Council, which has scheduled the first of its pardon hearings for Nov. 26, when True-See Allah will go before the board.

"Whether they will finish what they need to do in time for you to finish what you need to do is still a question," Patrick told the board. After wrapping the meeting, the governor left without taking questions from reporters.

Patrick has recommended for the early release of a Deanna Hamilton, who is about midway through a 7 1/2-year sentence on drug dealing charges.

He's also granted pardons -- which wipe a conviction from a person's record -- to four men: Allah, who was convicted in 1991 of armed assault and attempted murder; Jeffrey Snyder, convicted of marijuana distribution; Thomas K. Schoolcraft, who has breaking and entering on his record; and Guy James Coraccio, convicted of larceny and motor vehicle infractions.

Hamilton is scheduled to before the board on Dec. 8, followed by Snyder the same day. Coraccio is slated for Dec. 10, and Schoolcraft on Dec. 17.

The state's last commutation was in 1997 under Gov. Bill Weld, who cut the sentence of [Joseph Salvati](#), a wrongly accused killer. Gov. Jane Swift granted the state's last pardons in 2002, when she issued seven.

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Load-Date: November 20, 2014

BLOG: Herald Bulldog: Gov. Patrick 'running out of time' for more pardons

End of Document



Blunders in big cases haunt FBI

Charleston Gazette (West Virginia)

May 13, 2001, Sunday

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Section: News; Pg. P2A

Length: 822 words

Byline: Deb Riechmann The Associated Press

Body

WASHINGTON - It's happened before, the FBI fumbling high-profile cases. Now it turns out the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's attorneys.

That disclosure prompted Attorney General John Ashcroft on Friday to delay the convicted bomber's execution, scheduled for Wednesday, until June 11.

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear weapons secrets.

With word of the new misstep, President Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Bush said at a news conference Friday.

Less circumspect was Sen. Chuck Grassley, R-Iowa. "We must change the FBI culture that has caused these colossal mistakes," Grassley, a senior member of the Judiciary Committee, said in a statement.

The committee will review nominees to replace FBI director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Grassley said.

Danny Coulson, a lead investigator with the FBI's hostage rescue team who took McVeigh into federal custody, said the incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing [in the documents] that changes the outcome of the case."

The FBI blames the problem on a computer glitch. Grassley is not so sure.

"We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said.

"FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

Blunders in big cases haunt FBI

Kris Kolesnik, director of the National Whistleblower Center, a Washington-based nonprofit public interest organization, said the recent blunders reflect what he contended was the FBI's tendency to emphasize public relations over pure science or good investigative technique.

"The culture is driven by image. Don't embarrass the bureau; make the bureau look good," he said.

On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba. Four Cuban-Americans were killed in the incident.

A series of missteps

But success stories like this have been overshadowed by a series of missteps:

s In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Hanssen carried on his alleged spying activities for 15 years without being detected by his bosses.

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On the Net:

FBI: <http://www.fbi.gov>

Load-Date: May 14, 2001



Blunders in big cases plague FBI

Associated Press International

May 12, 2001; Saturday

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Section: International news

Length: 825 words

Byline: DEB RIECHMANN

Dateline: WASHINGTON

Body

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On the Net:

FBI: <http://www.fbi.gov>

Load-Date: May 12, 2001

Blunders in big cases plague FBI

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The Associated Press State & Local Wire

May 12, 2001, Saturday, BC cycle

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Section: State and Regional

Length: 830 words

Byline: By DEB RIECHMANN, Associated Press Writer

Dateline: WASHINGTON

Body

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On the Net:

FBI: <http://www.fbi.gov>

Load-Date: May 13, 2001



Blunders in big cases plague FBI

May 12, 2001, Saturday, BC cycle

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Section: Washington Dateline

Length: 816 words

Byline: By DEB RIECHMANN, Associated Press Writer

Dateline: WASHINGTON

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Blunders in Big Cases Plague FBI

Associated Press Online

May 12, 2001; Saturday

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Section: Domestic, non-Washington, general news item

Length: 823 words

Byline: DEB RIECHMANN

Dateline: WASHINGTON

Body

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On the Net:

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Blunders in major cases continue to plague FBI

The Herald-Sun (Durham, NC)

May 13, 2001 Sunday

Final Edition

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Section: INSIDE FRONT; Pg. A3

Length: 797 words

Byline: By DEB RIECHMANN Associated Press

Body

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* Last year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. Lee spent nine months in solitary confinement. All but one count was eventually dropped.

* In 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms, which pointed to the explosion of a center fuel tank as the cause of the 1996 crash of TWA Flight 800, was never forwarded to the National Transportation Safety Board.

* The FBI targeted Richard Jewell in the bombing at the 1996 Summer Games that killed one person and injured more than 100 others. Jewell was cleared three months later.

* In the mid-1990s, the FBI suffered an embarrassing investigation of its world-renowned crime lab. Justice Inspector General Michael Bromwich criticized the lab for flawed scientific work and inaccurate, pro-prosecution testimony in major cases, including the Oklahoma City bombing.

* In July, former Missouri Sen. John Danforth said an FBI lawyer "goofed" in not telling superiors in 1996 that federal agents fired pyrotechnic tear gas canisters into David Koresh's Branch Davidian compound in Waco, Texas. Four agents and more than 80 Davidians died during a 51-day standoff with federal officials.

* During a 1992 standoff in Ruby Ridge, Idaho, an FBI agent fatally shot white separatist Randy Weaver's wife, Vicki, while she held her 10-month-old baby.

Graphic

Photo: ASSOCIATED PRESS: With a model of his Idaho land in the foreground, white separatist Randy Weaver holds the door, with bullet holes in the window, of his Ruby Ridge, Idaho, cabin while testifying on Capitol Hill in 1995 before a Senate Judiciary subcommittee. Weaver appealed to senators for "accountability for the killings of

Blunders in major cases continue to plague FBI

my wife and son" during a 1992 standoff with FBI agents at the cabin. Photo: ASSOCIATED PRESS, The Branch Davidian compound in Waco, Texas, was engulfed by flames on April 20, 1993.

Load-Date: August 18, 2004

End of Document



Blunders plague FBI in high-profile cases

Tulsa World (Oklahoma)

May 13, 2001

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Length: 583 words

Byline: DEB RIECHMANN

Body

WASHINGTON -- It's happened before, the FBI fumbling high-profile cases.

Now, it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and evidence to Timothy McVeigh's attorneys.

That disclosure prompted Attorney General John Ashcroft on Friday to delay the bomber's execution, scheduled for Wednesday, until June 11.

Associated Press

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear weapons secrets.

With word of the new misstep, President Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Bush said Friday.

Less circumspect was Sen. Chuck Grassley, R-Iowa: "We must change the FBI culture that has caused these colossal mistakes," Grassley, a senior member of the Judiciary Committee, said in a statement.

The committee will review nominees to replace FBI Director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Grassley said.

Danny Coulson, a lead investigator with the FBI's hostage rescue team who took McVeigh into custody, said the incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing (in the documents) that changes the outcome of the case."

The FBI blames the problem on a computer glitch. Grassley is not so sure.

"We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

Blunders plague FBI in high-profile cases

Web site: www.fbi.gov FBI fumbles

Here is a list of the recent missteps by the FBI:

In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Hanssen carried on his alleged spying activities for 15 years without being detected by his bosses.

Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati was freed in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

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During a 1992 standoff in Ruby Ridge, Idaho, an FBI agent fatally shot white separatist Randy Weaver's wife, Vicki.

Load-Date: May 15, 2001



[Boston FBI chief promoted to Washington](#)

The Associated Press State & Local Wire

November 7, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 406 words

Byline: By BIPASHA RAY, Associated Press Writer

Dateline: BOSTON

Body

The head of Boston's FBI office, who worked to restore the bureau's soiled reputation after revelations that it protected local mobsters, is leaving to take a promotion in Washington.

Charles Prouty, 57, a former Navy SEAL and Vietnam veteran, has been named executive assistant director of law enforcement, a position created as part of the FBI's reorganization to face the threat of terrorism and improve communication with state and local police.

"Charlie is highly qualified to lead law enforcement services and to build on efforts under way at a critical time in the FBI's history," director Robert S. Mueller said. "His background and experience as an investigator and manager make him ideally suited in this position to help us tackle the criminal and counterterrorism challenges of the 21st century."

Prouty, who came to Boston in August 2000 from the agency's Little Rock, Ark. bureau, faced the task of restoring credibility to the office after revelations that agents colluded with Boston mobsters.

In September, a federal judge sentenced former FBI agent John Connolly to more than 10 years in prison for protecting mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

Prouty called Connolly's conduct "repugnant to all FBI employees."

Connolly's trial exposed embarrassing conduct by the FBI. His former supervisor, John Morris, testifying under a grant of immunity, admitted taking bribes. The FBI suspended agent John Newton during the trial after a Bulger crony testified that Newton had accepted a bribe from Bulger.

The Boston's FBI office also sent innocent men to prison.

Last year, prosecutors dropped charges against **Joseph Salvati** and Peter Limone for the 1965 gangland slaying of Edward Deegan, a small-time hoodlum who was gunned down in a Chelsea alley.

Boston FBI chief promoted to Washington

The Boston office under Prouty, however, was not able to track down Bulger, who has been on the run for seven years. Earlier this year, Mueller gave Prouty permission to stay with the agency past the mandatory retirement age of 57 to continue the pursuit of Bulger.

Prouty joined the FBI in 1973 and worked as an investigator in South Carolina, Virginia and Washington, D.C. He has supervised the FBI's hostage rescue team and the violent crimes section at FBI headquarters.

He graduated from the U.S. Naval Academy and holds a masters in economics and a law degree.

Prouty will replace Kathleen L. McChesney.

Load-Date: November 8, 2002

End of Document



Boston FBI promises changes following former agent's corruption conviction

The Associated Press State & Local Wire

May 30, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 768 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

When former FBI Agent John J. Connolly Jr. was indicted on racketeering charges in 1999, the FBI portrayed him as a rogue agent, one of two bad apples in an otherwise clean FBI office.

Connolly's supervisor, John Morris, had already admitted he took \$7,000 in cash and two cases of fine wine from Connolly's mob informants, Winter Hill Gang leaders James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

But Connolly's recent trial exposed embarrassing conduct by other agents. His conviction on charges he tipped Bulger and Flemmi to their indictments is not the end of the Boston FBI's troubles.

The office or its agents are named in at least a half dozen lawsuits filed by the families of people killed or victimized by Bulger and his gang. A congressional committee also has been investigating the Boston FBI's handling of mob informants in the 1960s.

Critics say Connolly's conviction is only one small step toward correcting the problems that allowed some FBI agents to become too close to their criminal informants.

"To say or to conclude that this is about a single agent in a single office is terribly misleading. What we have here are patterns of conduct by the FBI," said U.S. Rep. William Delahunt, D-Mass.

The congressional committee is investigating the FBI's decision to withhold information that could have freed at least two of the five men who spent more than 30 years in prison for a 1965 gangland murder in suburban Boston.

Joseph Salvati and Peter Limone were freed last year after the Justice Department turned over documents showing the FBI had information that could have cleared the men. A third man was released this year. Two other defendants died in prison.

Boston FBI promises changes following former agent's corruption conviction

During Connolly's trial, the FBI suspended veteran Agent John Newton after Kevin Weeks, a top aide to Bulger, said Newton had accepted a \$1,000 bribe from Bulger. Weeks also testified that Bulger bragged he had corrupted six Boston FBI agents.

The disclosures caused more embarrassment for an office that has been beset by scandal since 1995, when Bulger went on the run after Connolly's warning. Bulger remains a fugitive on the FBI's "Most Wanted" list.

Connolly was acquitted of more serious charges alleging that he told Bulger and Flemmi about three men who were providing information to the FBI. The three men were later killed in retaliation by Bulger's gang, prosecutors said.

Charles Prouty, special agent in charge of the Boston office, said the Connolly case has caused "great damage" to the FBI's reputation and has prompted changes aimed at regaining the public's trust and confidence.

"Those are very, very serious allegations and severe actions should be taken," he said. "This conduct is abhorrent to all honest FBI agents."

New FBI agents are now required to take polygraph tests. The FBI has also increased monitoring of agents by their supervisors, Prouty said.

The changes in Boston come as U.S. Attorney General John Ashcroft and FBI Director Robert Mueller on Wednesday announced a national reorganization of the FBI to better cope with terrorism threats against the United States.

Last year, spurred by the Connolly case, the U.S. Justice Department issued stricter guidelines for handling criminal informants.

The new guidelines require the FBI and other Justice agencies to tell prosecutors when informants are suspected of committing serious crimes. FBI agents are also prohibited from socializing or exchanging gifts with informants.

Former U.S. Attorney Donald Stern, who brought the case against Connolly and helped develop the new guidelines, said the FBI in Boston must continually supervise its agents.

"No system is perfect. You are always going to have the problem of individual agents, but the goal of the new guidelines is to increase accountability and checks and balances, and reduce the likelihood that individual agents will take things into their own hands," Stern said.

Connolly was considered a key player in the FBI's successful effort to cripple the New England Mafia by gleaning inside information from Bulger, Flemmi and other informants. But prosecutors said he crossed the line from law enforcer to law breaker.

Jeffrey Denner, a Boston attorney who represents the family of John McIntyre, who was allegedly killed by the Bulger gang in 1984, said the FBI needs to change its philosophy about the use of criminal informants.

"I don't think you can give up as much as they gave up in terms of principals and ideals to achieve an end," Denner said. "They created far worse demons than they killed in this case."

Graphic

With AP Photos

Load-Date: May 31, 2002

Boston FBI promises changes following former agent's corruption conviction

End of Document



Boston FBI promises changes following former agent's corruption conviction

The Associated Press State & Local Wire

May 29, 2002, Wednesday, BC cycle

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Section: State and Regional

Length: 791 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

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"I never tipped anyone with the information that caused anyone to get hurt," Connolly told WHDH-TV Wednesday, one day after his conviction.

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Graphic

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Load-Date: May 30, 2002

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BOSTON FEDERAL JUDGE TO TESTIFY IN PROBE OF FBI

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The Boston Globe

January 8, 2002, Tuesday

,THIRD EDITION

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Section: METRO/REGION;

Length: 863 words

Byline: By Shelley Murphy, Globe Staff

Body

Thirty-five years ago, then federal prosecutor Edward F. Harrington was hailed as a local hero for persuading Mafia hitman Joseph Baron Barboza to become the first member of the Federal Witness Protection Program and testify against local Mafia leaders.

Yesterday, it was announced that Harrington, now a federal judge, has been called to testify on Feb. 7 before a congressional committee investigating FBI misconduct. He will be asked to defend his handling of Barboza - whose testimony helped send four men to prison for a killing they didn't commit.

The House Committee on Government Reform, which is chaired by Indiana Republican Dan Burton, has been investigating allegations that the FBI mishandled and protected controversial informants dating back to the 1960s in its zeal to dismantle the Mafia.

"This committee has been conducting an investigation into the broad corruption that seems to have taken place in the Boston FBI with their handling of their mob informants, and it didn't start with Whitey Bulger and Stevie Flemmi; it started with Joe Barboza," said Mark Corallo, a spokesman for Burton's committee.

"Judge Harrington was a significant player in the early years of this story, and the committee has decided that it needs to hear from him," said Corallo.

Harrington, who has been a judge since 1988, declined to comment. He has willingly agreed to testify, unlike two retired FBI agents, H. Paul Rico and Dennis Condon, who have been subpoenaed to appear before the same panel next month.

Harrington was a trial attorney under US Attorney General Robert F. Kennedy and was US attorney for Massachusetts from 1977 to 1981.

During his 16 years with the Justice Department, he was head of the New England Organized Crime Strike Force.

BOSTON FEDERAL JUDGE TO TESTIFY IN PROBE OF FBI

It was while he was chief of the strike force that Harrington earned a reputation as an aggressive prosecutor with an uncanny ability to persuade vicious mobsters to switch sides.

In addition to persuading Barboza, who confessed to killing 26 people, to become a government witness, Harrington also got Vincent "Big Vinnie" Teresa to turn on his Mafia confederates, leading to the convictions of 26 major organized crime figures across the country.

During a telephone interview from Cuba yesterday, US Representative William Delahunt, a Quincy Democrat who is participating in the hearings conducted by Burton although he is not a member of the committee, said: "In my opinion Judge Harrington is an individual of unimpeachable integrity. So I think hearing from him and getting his perspective is important to get the truth.

"If mistakes were made, let's learn from them," Delahunt said. "This isn't a question of assigning blame or guilt. It's providing information, so we never allow this situation to reoccur."

Barboza, who agreed to cooperate in 1967, testified at three trials, sending then-New England Mafia boss Raymond L. S. Patriarca to prison in 1968 for plotting to commit a murder.

It was Barboza's testimony in 1968 that sent four men to prison for the 1965 gangland slaying of small-time criminal Teddy Deegan in Chelsea that is now under scrutiny by Congress.

Secret FBI reports by Condon and Rico show that informants claimed Barboza had framed four innocent men for Deegan's slaying. When the reports were released last year, a judge overturned the convictions of Joseph Salvati and Peter Limone, who each spent more than 30 years in prison.

Their two codefendants, Henry Tameleo and Louis Greco, died in prison.

Attorney John Cavicchi, who represented Greco and now represents Limone, said he wants to know why Harrington didn't credit a lie detector test that was administered to Greco by a Miami police detective shortly after his arrest and indicated he was innocent. Also, he questioned why Barboza wasn't given a polygraph examination to test his credibility.

"It was a Faustian bargain that they did with Barboza and apparently Harrington was the one who put the whole deal together," Cavicchi said. "Maybe he believed Barboza was telling the truth in his own zeal to go after the Mafia."

In 1970, Barboza approached noted criminal defense attorney F. Lee Bailey, saying that he had lied at the trial and wanted to recant his testimony. Bailey insisted that Barboza take a lie detector test. Initially, Barboza agreed, but later changed his mind after meeting with Harrington, Rico, and others.

In a telephone interview yesterday, Bailey blamed federal authorities for persuading Barboza not to recant perjurious testimony, but said, "I would be very hard put to lay the blame at Harrington's feet, simply because coming to know him as a judge, he's of much greater decency than I would have suspected when we were adversaries."

After his testimony in the Deegan case, Barboza was relocated to California, where he was charged in 1971 with killing a 26-year-old Santa Rosa man. Harrington, Rico, and Condon all traveled to California to meet with Barboza.

The two FBI agents testified at his trial, which ended when Barboza agreed to plead guilty to second-degree murder in exchange for a five-year prison term. Barboza was gunned down in San Francisco in February 1976 in a hit carried out by the New England mob.

Load-Date: January 8, 2002

BOSTON FEDERAL JUDGE TO TESTIFY IN PROBE OF FBI

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Boston jail is transformed into a luxury hotel; Liberty Hotel, which was once a notorious jail, is now a great place to stay



[Boston jail is transformed into a luxury hotel; Liberty Hotel, which was once a notorious jail, is now a great place to stay](#)

The Times & Transcript (New Brunswick)

November 17, 2007 Saturday

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Section: LIFE; Pg. G2

Length: 711 words

Byline: Denise Lavoie THE ASSOCIATED PRESS

Body

The elegant iron-railing balconies were once catwalks where guards stood watch over the inmates to make sure they didn't try to break out. If you look closely, you can still see the outline of the holes from the iron bars on the windows.

At the newly opened Liberty Hotel, it's hard to escape what this building once was: a decrepit jail where Boston locked up its most notorious prisoners.

But that's just the point.

After a five-year, \$150US million renovation, the old Charles Street jail is now a luxury hotel for guests who can afford to pay anywhere from \$319US a night for the lowest-priced room to \$5US,500 for the presidential suite. The hotel, at the foot of Boston's stately Beacon Hill neighbourhood, opened in September.

Architects took pains to preserve many features of the 156-year-old stone building and its history.

The old sally port, where guards once brought prisoners from paddy wagons to their cells, is being converted into the entrance to a new restaurant, Scampo, which is Italian for "escape."

In another restaurant, named Clink, diners can look through original bars from cell doors and windows as they order smoked lobster bisque or citrus poached prawns from waiters and waitresses wearing shirts with prison numbers. The hotel bar, Alibi, is built in the jail's former drunk tank.

Instead of con men, counterfeiters and cat burglars, the guests now include Mick Jagger, Annette Bening, Meg Ryan and Eva Mendes.

The old clientele included Boston Mayor James Michael Curley, who served time for fraud in 1904 after he took a civil service exam for a friend; Frank Abagnale Jr., a 1960s con artist played by Leonardo DiCaprio in the movie "Catch Me If You Can;" a group of thieves who pulled off the Great Brinks Robbery in Boston in 1950; and a German U-boat captain who was captured in 1945 and killed himself with shards from his sunglasses.

Boston jail is transformed into a luxury hotel; Liberty Hotel, which was once a notorious jail, is now a great place to stay

Boston also has a luxury hotel called Jurys in the former Boston police headquarters building in fashionable Back Bay. The hotel bar is called Cuffs.

The transformation of the Charles Street Jail is stunning to some of those who spent time in the notorious lockup.

"It's a magnificent place," said Bill Baird, an activist locked up for 37 days in 1967 for breaking a Massachusetts law prohibiting the distribution of contraceptives to unmarried people. His arrest led to a landmark 1972 Supreme Court decision legalizing birth control for unmarried people.

"How you could take something that was so horrible and turn it into something of tremendous beauty, I don't know," said Baird, who visited the new hotel in October, on the 40th anniversary of his conviction.

When the jail opened in 1851, it was hailed as an international model for prison architecture. Built in the shape of a cross, the granite jail had a 27- metre-high central rotunda and four wings of cells. Large arched windows provided lots of natural light and good ventilation. Each of the 220 cells housed just one inmate.

But over the years, the jail fell into disrepair and became filthy, overcrowded and prone to riots.

Joseph Salvati, who spent 10 months in the jail in 1967 and 1968 after he was charged in a gangland slaying, said everything was covered with pigeon droppings.

"They had a crew every morning that would come down with hot water hoses and brushes to scrape it off the floor and seats," he said. "You had to rush down for breakfast to get a seat that was clean."

Salvati, who was exonerated after spending 30 years in various prisons, said he gets a kick out of seeing the jail turned into a luxury hotel. It is now "very classy-looking," he said.

In the 1970s, the inmates sued over the squalid conditions. After spending a night at the jail to see things for himself, a federal judge in 1973 ordered the place closed. But it took until 1990 for a new jail to be built and the last inmates to be moved.

The property was bought by Massachusetts General Hospital, next door, which invited proposals for preserving the building's historical character.

Max Stern, the chief lawyer for the inmates whose lawsuit led to the jail's closing, said some aspects of the project - such as calling the restaurant Clink -- are too lighthearted.

"I thought they could have been a little more objective about what it really was like," he said.

Load-Date: November 17, 2007

BOSTON MAN LINKED TO SPRINGFIELD MOBSTER; SALVATI, FRAMED IN 1965 KILLING, SAID TO SET UP MEETING WITH BRUNO



**BOSTON MAN LINKED TO SPRINGFIELD MOBSTER;
SALVATI, FRAMED IN 1965 KILLING, SAID TO SET UP MEETING WITH
BRUNO**

Hartford Courant (Connecticut)

December 3, 2003 Wednesday, 7 SPORTS FINAL

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Section: MAIN; Pg. A4

Length: 861 words

Byline: EDMUND H. MAHONY; Courant Staff Writer

Body

A Boston man, who became a poster boy for law enforcement abuse after he was framed for murder, has emerged as a curious -- if perhaps unwitting -- player in a mob hit and a series of indictments in Massachusetts.

Authorities have disclosed that **Joseph Salvati**, who was wrongly imprisoned for 30 years for a 1965 gang assassination, has been repeatedly intercepted on FBI wiretaps targeting Mafia figures in Boston.

In one of those intercepted conversations, authorities said Salvati can be heard arranging a meeting between a Boston gangster and Springfield mobster Adolfo Bruno, who was gunned down Nov. 23. For more than a decade, Bruno had been a key figure in mob gambling and extortion in Hartford.

One of Salvati's Boston lawyers said Tuesday he is innocent of any wrongdoing and is not involved in organized crime. The lawyer, Victor Garo, said Salvati was picked up on as many as three secret FBI listening devices because he had a social relationship with a target of an FBI investigation.

Law enforcement sources have not identified Salvati as an investigative target. But they said the frequency with which he is overheard on wiretaps suggests he was acting as an appointment secretary for Frederick A. Simone of Wakefield, Mass., a mob figure in eastern Massachusetts.

Federal officials in Boston disclosed Monday that they have indicted Simone on racketeering charges. Simone is an old-line soldier in the Patriarca crime family who was imprisoned for murder in 1988.

After Simone's release in 1998, according to his indictment, he picked up where he had left off -- extorting payments from Boston-area bookmakers. Federal authorities began investigating Simone in 1999. Salvati was intercepted on two wiretaps of Simone's phones in the fall of 2000. Those wiretaps led to Simone's indictment Monday.

BOSTON MAN LINKED TO SPRINGFIELD MOBSTER; SALVATI, FRAMED IN 1965 KILLING, SAID TO SET UP MEETING WITH BRUNO

Garo attributed Salvati's interception on the listening devices to "stupidity." He said Salvati had befriended Simone while the two were imprisoned at a Massachusetts state prison in Norfolk. Simone was serving a 10- year sentence for helping to hogtie and murder a Boston hoodlum. Salvati and Simone resumed their friendship when they got out of prison, the lawyer said. He said Salvati's recorded conversations were innocent, but became part of the criminal case against Simone.

"Who do you think you're going to become friendly with while you're spending 30 years in prison?" Garo said.

Garo said Salvati telephoned Bruno in 2000 and arranged a meeting at Simone's request. Salvati used Simone's cellular telephone and authorities recorded the conversation, Garo said. Garo said the meeting, which never took place, was arranged more than three years before Bruno's death.

Bruno was one of the two or three most influential figures in a Springfield mob faction that is an arm of New York's Genovese crime family. The Genovese mob in Springfield has been active in Hartford area rackets for decades.

Bruno was shot four times and killed as he left his regular Sunday night card game at a church social hall. As Bruno was getting into his car, an unidentified man called his name. Bruno looked up and was riddled with bullets. Police have not identified a suspect in the killing and it is under investigation.

The day after Bruno's death, a rival for control of the Springfield mob, Anthony Delevo, was imprisoned for three years on racketeering charges. Two days after Delevo was sent to prison, Massachusetts authorities announced the indictments of eight more members of the Springfield mob on gambling, loan-sharking and drug charges.

Salvati's wrongful conviction for a 1965 murder has received enormous publicity in recent years. It was the subject of a two-year congressional investigation into FBI malfeasance in Boston and a scathing congressional report made public last month. Recently, Salvati sold the rights to his life story to movie maker Steven Spielberg's SKG Dreamworks studio.

Much of Salvati's appeal arises from the belief that he was the only person among four men implicated in the 1965 murder of Edward "Teddy" Deegan who had no affiliation with organized crime. The other three men were innocent of the Deegan murder in Chelsea, Mass.

Beginning in the late 1990s, a special Justice Department task force and congressional investigators unearthed once-secret memoranda showing that FBI agents allowed an informant to convict Salvati and the others even though they knew the men were innocent. Evidence has been produced showing the informant, a notorious murderer, was irked because Salvati refused to repay a \$400 loan.

Salvati was imprisoned in 1968.

Former Massachusetts Gov. William Weld commuted Salvati's life sentence in 1997 after overwhelming evidence of his innocence began to emerge. A Massachusetts judge dismissed the murder charge in January 2001, after reviewing the once-secret FBI memos.

Salvati's Hartford lawyer, Austin McGuigan, filed suit against the Justice Department in August for wrongful imprisonment. If Salvati prevails in the suit, some legal observers believe his interception on the Simone wiretaps could decrease the size of a potential multimillion-dollar judgment.

Graphic

PHOTO: (b&w) mug; SALVATI

BOSTON MAN LINKED TO SPRINGFIELD MOBSTER;SALVATI, FRAMED IN 1965 KILLING, SAID TO SET
UP MEETING WITH BRUNO

Load-Date: December 3, 2003

End of Document



[Boston Men Cleared in Slayings Sue Gov't](#)

Associated Press Online

November 17, 2006 Friday 1:10 AM GMT

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Section: DOMESTIC NEWS

Length: 791 words

Byline: By JAY LINDSAY, Associated Press Writer

Dateline: BOSTON

Body

Two Boston men who spent 30 years in prison for an underworld slaying they did not commit are suing the federal government after the FBI withheld evidence that would have cleared them to protect an informant.

In a trial that opened Thursday, those men and the families of two others who were wrongfully convicted but died in prison are seeking damages from the government that could total more than \$100 million.

Joseph Salvati, 72, and Peter Limone, 74, were exonerated in 2001 after a state judge found that FBI agents hid wiretap tapes and other information from state prosecutors to protect an FBI informant and former mob hit man, Joseph "The Animal" Barboza.

Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to FBI efforts to crack the mob that the agency allowed him to frame four men for murder, attorneys for the plaintiffs said in opening statements.

The lawsuit accuses the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said attorney Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The case is the latest development in a scandal that unfolded in Boston about a decade ago, when it was learned that the FBI had a corrupt relationship with the mob, protecting killers who were informants and even tipping them off to pending indictments.

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld evidence from state prosecutors that could have cleared the men so the agency could protect an informant who actually committed the crime.

The plaintiffs have not asked for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million for each year wrongly imprisoned, which would total more than \$100 million in this case.

Boston Men Cleared in Slayings Sue Gov't

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to some FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial.

Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before the death penalty was banned in 1975. Salvati was sentenced to life in prison.

Salvati, 72, and Limone, 74, were exonerated in 2001 after the Justice Department documents were released. Greco and Tameleo died behind bars before being exonerated.

The case is being tried without a jury before U.S. District Judge Nancy Gertner.

On Thursday, attorneys for the men and their families, said the problems were rooted in a 1960s FBI policy of protecting informants' identities at all costs.

Days before Deegan was shot in the head in a Chelsea alley, FBI wiretaps caught Barboza and Vincent "Jimmy" Flemmi asking a Rhode Island mob boss for permission for the hit. Informants later told FBI agents that Barboza, Flemmi and three other men were responsible. FBI agent Paul Rico, who handled top echelon informants, listed Deegan as among seven people killed by Flemmi.

"The Deegan murder was literally surrounded by information that Jimmy Flemmi was one of the killers," said Michael Avery, who represents Limone and Tameleo's family.

But the FBI had recently recruited Flemmi as an informant and believed he would provide valuable information for years, McGuigan said. And when Barboza agreed to testify, he told the FBI he would never say anything to implicate his friend Flemmi, McGuigan said.

The FBI did not share any of this evidence with the state, Avery said, making the FBI "masters of this prosecution."

In his testimony in the Deegan case, Barboza implicated Limone, Salvati and Greco because of personal grudges, and Tameleo because an FBI agent wanted to arrest him, according to attorney Juliane Balirro, who represents Limone.

The FBI had at least 20 descriptions of the Deegan murder that conflicted with Barboza's testimony, but did not share them with prosecutors, she said.

Barboza was sentenced to a year and a day in prison after the Deegan trial, and later moved to California as the first participant of the federal witness-protection program. He was shot to death in San Francisco in 1976.

Lipscomb, the Justice Department attorney, said Barboza was subjected to more than six days of intense cross-examination during the trial, which included questions about Flemmi's possible involvement and accusations that he switched who was involved.

Load-Date: November 17, 2006



[Boston men seek damages from federal government after exoneration in mob killing](#)

The Associated Press

November 17, 2006 Friday 12:56 AM GMT

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Section: DOMESTIC NEWS

Length: 791 words

Byline: By JAY LINDSAY, Associated Press Writer

Dateline: BOSTON

Body

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Boston men seek damages from federal government after exoneration in mob killing

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Load-Date: November 17, 2006



Boulder, Broomfield, Weld home sales: Nov. 26, 2012

Daily Camera (Boulder, Colorado)

November 25, 2012 Sunday

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Section: BUSINESS

Length: 805 words

Byline: Camera staff

Body

HOME SALES

Listed are the buyer, the property address, the seller and the amount.

Boulder

Saray Gutierrez -- 750 Laramie Blvd., No. H, Pamela Uhlenkamp, \$234,000.

Masoud & Foroogh Haajizadeh -- 2805 Sundown Lane, No. 311, Kevan & Noel Owen, \$345,000.

John & John Shethar -- 4442 Driftwood Place, Glenda & Scott Landers, \$362,000.

Thomas & Dorothy Reed -- 4535 Wellington Road, Becky McCarty, \$415,000.

Vinton Buffenmyer -- 333 Antler Drive, Dorothy B. Knopper, \$432,000.

David Alspector -- 4631 Talbot Drive, Dynamicduo LLC, \$440,000.

Allen Suh -- 3692 Pinedale St., Miles S. Gerson, \$475,000.

Raghavendar Bhavansikar -- 9032 Tahoe Lane, Thomas & Cari Lastick, \$477,000.

Boulder, Broomfield, Weld home sales: Nov. 26, 2012

Myles Osborne -- 5725 Olde Stage Road, Joan S. Gehm Living Trust, \$537,500.

Jodi & Marc Hubble -- 1313 Northridge Court, Laura L. Conley, \$574,000.

Dagny Scott -- 2125 Pine St., John F. Chandler, \$879,000.

Rebecca & Donald Maschka -- 792 Yellow Pine Ave., Maureen McKenna, \$900,000.

Broomfield

Michael & Julie Nielson -- 1109 E. 10th Ave., Triple One Properties LLC, \$136,000.

Trisha Ward -- 3093 W. 134th Circle, Fannie Mae, \$139,000.

Daniel Bryant -- 13031 King Circle, Bruce Darryl Adams, \$193,000.

Sarah Egolf -- 855 W. Seventh Avenue Drive, Davide & Julie Tenaglia, \$239,900.

Jane Kelii -- 14111 Sun Blaze Loop, No. A, Richard L. Mitchell Revocable, \$242,000.

Don Breit -- 13584 Via Varra, Parkway Circle Broomfield LLC, \$260,000.

Sean & Elisabetta Fitzgerald -- 1109 Eagle Road, Randall & Caren Evans, \$275,000.

Dennis & Cindy Nevins -- 12554 Utica St., Steven J. Aiello, \$283,000.

Joseph Salvati -- 12407 James Court, Debra & Kevin Reilly, \$315,000.

Penny Schumacher -- 12452 King St., & Michele Chris, \$320,000.

Craig Sanderson -- 123 Breckenridge Trail, Matthew A. Parker, \$325,000.

Melanie & Edward Harris -- 12645 Wolff St., Joshua M. Hinnendael, \$349,900.

Boulder, Broomfield, Weld home sales: Nov. 26, 2012

Thomas & Patricia Schmidt -- 16656 Edwards Way, Raymond E. & Patricia A. Marto, \$385,000.

Christopher & Heather Tomchuck -- 1190 Merion Place, Craig & Donna Scott, \$405,000.

Tiffani Oslund -- 5756 Brook Hollow Drive, Michael & Linda Spangle, \$450,000.

Leslee & Kathleen Brown -- 4402 Snowcap Lane, Penny G. Schumacher, \$505,000.

Dacono

Thomas Chavez -- 200 Sunset Lane, Paul Liuzzi, \$165,000.

Erie

Deborah Reynolds -- 1450 Blue Sky Way, No. L2206, Allyson D. Rose, \$101,000.

Amelia Degnan -- 3239 State Highway 52, Hoai Pham, \$138,000.

Tenzin & Pema Chosang -- 1301 Graham Circle, Richmond American Homes Colorado, \$304,600.

Deena Garrison -- 2082 Indian Paintbrush Way, Fed Home Loan Mortgage Corp., \$337,000.

Michael & Jennifer Fisher -- 2702 Windemere Lane, Vista Ridge Development LLC, \$367,200.

Firestone

Heather Marlin -- 10818 Cimarron St., No.1004, Brian E. Green, \$162,500.

Mitchell Johnson -- 6834 Quincy Ave., Anthony & Hope Nazzaro, \$205,900.

Ryan & Stacci Cronk -- 5235 Rustic Ave., Timothy & Karen Barry, \$224,900.

John & Chantelle Hobgood -- 5328 Bowersox Parkway, Tiffany & Robert Opp, \$229,000.

James Denham -- 10613 Farmdale St., USA, \$273,000.

Boulder, Broomfield, Weld home sales: Nov. 26, 2012

Frederick

Kim Vagher -- 7990 Shamrock Circle, Tamber Banderet, \$155,000.

Michael Vanlangenhoven -- 5430 Wolf St., William & Ulana Marino, \$185,000.

David Wiley -- 5880 Wood Duck Court, Gregg & Marlys McMullen, \$230,000.

Jon Keiser -- 9027 Harlequin Circle, Saint Aubyn Homes LLC, \$252,800.

Norman & Kelly Tatum -- 9001 Harlequin Circle, Saint Aubyn Homes LLC, \$261,200.

Jerry & Linda Thompson -- 9018 Sandpiper Drive, Saint Aubyn Homes LLC, \$261,500.

David & Cynthia Arnone -- 9025 Harlequin Circle, Saint Aubyn Homes LLC, \$262,300.

Robert & Brenda Bourg -- 9025 Sandpiper Drive, Saint Aubyn Homes LLC, \$266,400.

Nancy Robbie -- 9024 Sandpiper Drive, Saint Aubyn Homes LLC, \$283,100.

Lafayette

Scott & Janet Sloat -- 1036 Delta Drive No. B, Cathleen E McDonald, \$196,000.

Longmont

Josie Hamlin -- 10657 Durango Place, Ruben Rivera, \$125,000.

Ryan & Michelle Trabing -- 711 Cameron Lane, Adam Douglas, \$189,900.

Ann Hoyt -- 2215 Calais Drive, Unit D, Frank & Donna Willems, \$193,000.

Eric Swanson -- 1220 Fall River Circle, Fannie Mae, \$230,000.

Patricia Fagler -- 1507 Lasalle Way, Richmond American Homes Colorado, \$257,000.

Boulder, Broomfield, Weld home sales: Nov. 26, 2012

Christopher & Debbie Lowary -- 2941 Spinnaker Place, Richard A. Dziallo, \$302,900.

Jamin & Lisa Duncan -- 5240 Bella Vista Drive, Roy & Mei Wilson, \$429,500.

Louisville

Marshall Berman -- 2248 W. Hecla Drive, Boulder Creek Takoda LLC, \$432,200.

Thomas & Cari Lastick -- 1588 Ridgeview Drive, John & Susan Leutheuser, \$570,000.

Kari & Todd Riley -- 510 Eisenhower Drive, Perry & Julie Robbins, \$574,400.

Lyons

Ben & Christena Cobb -- 2248 Riverside Drive, Matthew & Irene Curran, \$185,500.

Alexandra Yakovleva -- 507 Deer Lane, Geoffrey Gabriel, \$203,000.

Douglas & Janice Bench -- 264 Simple Ranch Road, Dewey R. Brown, \$1,055,000.

Superior

Andrea Haight -- 467 Jasper Way, Sonja Bogumill, \$580,000.

Load-Date: November 27, 2012

BRAZIL

BRAZIL

The Toronto Star

January 31, 2001, Wednesday, Edition 1

Copyright 2001 Toronto Star Newspapers, Ltd.

Section: NEWS**Length:** 542 words**Body**

While corporate chieftains and central bankers head home from the economic summit in Davos, Switzerland, the 16,000 anti-globalization activists who held a rival World Social Forum in Porto Alegre said they had laid the foundation for a powerful anti-capitalist movement. "We set the foundations for a huge movement . . . the forum was a true historic happening," Candido Grzybowski, one of the forum's founders, said at a closing ceremony yesterday. In a sign that the diverse activists are getting down to business, organizers announced the World Social Forum will meet every year to coincide with the World Economic Forum next year in Porto Alegre again and in other cities after that.

Ecuador Indian leader Antonio Vargas, who led a coup one year ago that toppled president Jamil Mahuad, was detained by police yesterday as authorities sought to contain ongoing protests against government economic policies that critics say hurt the poor. Vargas was taken into custody outside a radio station in Quito after giving an interview. Police also detained union leader Luis Villacis, who has led several marches against government-mandated price hikes in the past month.

France Thousands of teachers, hospital workers and police took to the streets across the country yesterday to demand pay increases, closing some schools and disrupting public services. Salary negotiations over pay increases for three years, from 2000-2002,

BRAZIL

broke off Jan. 18 with a stalemate between the government and seven unions.

United States The Georgia Senate, exhorted by the governor to "seek the salve of reconciliation," voted 34-22 yesterday to reduce the Confederate emblem on the state flag to a miniature symbol. The rebel banner, added to the flag in 1956, occupies two-thirds of the current flag. On the new one, it will be reduced to one of five historic flags displayed on a ribbon below the state seal.

MURDER CHARGES DROPPED Prosecutors dropped charges yesterday against two Massachusetts men who claimed they spent decades in prison because the FBI - trying to protect an informant - allowed them to be framed for a

1965 underworld murder. Joseph Salvati, 68, and Peter Limone, 66, were convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in a Boston alley. Both accused said they were innocent. Salvati had his sentence commuted in 1997 and was released on parole. Limone was freed this month after 32 years behind bars.

Chile Around 500 friends of former dictator Augusto Pinochet rallied yesterday in a show of support for their idol, one day after a judge issued a new house arrest order against him on charges of murder and kidnap. Singing the national anthem, they cheered when Pinochet's wife Lucia Hiriart appeared at the gates of their coastal estate 130 kilometres southwest of Santiago to give thanks for the support. They groaned when she said her husband was too ill to appear in public himself.

Russia Former president Boris Yeltsin was rushed to a Moscow-area hospital yesterday with a fever and a suspected viral infection, a reminder of the health problems that plagued him during his presidency. Yeltsin turns 70 tomorrow and is to undergo intensive treatment.

From The Star's wire services

Load-Date: January 31, 2001



[Breakdown of \\$101M award to men wrongly convicted of murder](#)

The Associated Press State & Local Wire

July 26, 2007 Thursday 6:21 PM GMT

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Section: STATE AND REGIONAL

Length: 203 words

Byline: By The Associated Press

Body

A breakdown of the \$101.7 million awarded by a federal judge in Boston in the case of four men who spent decades in prison for a 1965 murder after the FBI withheld evidence of their innocence to protect an informant.

\$29 million to [Joseph Salvati](#), who spent 29 years in prison.

\$28 million to the estate of Louis Greco, who died in prison in 1995.

\$26 million to Peter Limone, who spent 33 years in prison.

\$13 million to the estate of Enrico Tameleo, who died in prison 1985.

\$1 million for loss of consortium and \$50,000 for intentional infliction of emotional distress to the men's wives, Olympia Limone, Marie Salvati and the estate of Giovannina (Jeannete) Tamaleo.

\$200,000 for loss of consortium and \$50,000 for intentional infliction of emotional distress to each of the men's 10 children: Peter Limone Jr., Paul Limone, Carolyn Limone Zenga, Janine Limone Arria, Maria Sidman, Sharon Salvati, Gail Orenberg, Anthony Salvati, Edward Greco and the estate of Louis Greco Jr.

\$50,000 for intentional infliction of emotional distress each to Roberta Werner, who divorced Greco in 1970, and Tameleo's son Saverio Tameleo, who was an adult when his father was convicted.

Source: Ruling by U.S. District Judge Nancy Gertner

Load-Date: July 27, 2007

BRIEFING

**BRIEFING**

Providence Journal-Bulletin (Rhode Island)

February 5, 1997, Wednesday,

MASSACHUSETTS EDITION

Copyright 1997 The Providence Journal Company

Section: NEWS,**Length:** 269 words**Body**

FRAMED? The Governor's Council meets at noon today to decide the fate of **Joseph Salvati**, who has spent the past 30 years in jail for his part in a 1965 gangland murder. During a day-long hearing last week, his request for a commutation was endorsed by a string of witnesses from the correctional and law enforcement communities. Further support came from members of Salvati's family and from the family of Edward "Teddy" Deegan, the murder victim. Salvati, 64, has always maintained his innocence. He claims he was framed by hitman Joseph "The Animal" Barboza, who fingered half a dozen mob figures he said conspired to kill Deegan and another man.

13 YEARS AGO

The computer age has finally found its way into the world of politics in Seekonk, which for the first time will be using voter punch cards for Saturday's preliminary runoff for town clerk. The \$ 30,000 electronic system not only speeds up the voting process, but also drastically reduces the time needed to count ballots. As such, it represents a retirement present for outgoing Town Clerk James McDonnell, who for more than 20 years has been tallying paper ballots into the wee hours of the morning.

6 YEARS AGO:

After a tumultuous seven months, Swansea's budget is balanced and should remain that way through June 30, the end of fiscal 1991. Executive Secretary Michael W. Finglas told the Board of Selectmen tonight that most of the town's departmental budgets are in no danger of going into the red. Town officials spent much of the last seven months trying to recover from a \$ 1 million cut in state aid imposed by former Gov. Michael Dukakis last year.

Load-Date: February 6, 1997



BRIEFS: Board wants altitude changes for Hudson aircraft

Fort Wayne Journal Gazette

August 28, 2009 Friday

Final Edition

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ProQuest SuperText

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Section: NEWS; Pg. 6A

Length: 607 words

Byline: Anonymous, News services

Dateline: NEWARK, N.J.

Body

An air traffic controller should have warned the pilot of a small plane about aircraft in its path before it collided with a helicopter over New York's Hudson River in a crash that claimed nine lives, federal officials said Thursday in making safety recommendations.

The National Transportation Safety Board recommended that helicopters and small planes be separated in the busy air corridor. The call for fast-moving planes to operate at a higher altitude than helicopters is one of five safety recommendations the NTSB issued Thursday in a letter to the Federal Aviation Administration.

NATION

Lawmaker backs off race-tinged remark

Rep. Lynn Jenkins, R-Kan., said Thursday that her remark about fellow Republicans seeking a "great white hope" was not a reference to someone who could challenge President Obama or his political agenda.

Jenkins said she was instead making a comment about GOP leaders in the House and was trying to reassure Republicans that the party has bright leaders there. She used the phrase during an Aug. 19 forum.

She and an aide apologized Thursday.

The phrase "great white hope" often is associated with pre-civil rights-era racism. It is believed to have entered usage in the U.S. when boxer Jack Johnson, who was black, captured the heavyweight title in the early 20th century. Many whites reacted by trying to find white fighters who could beat him.

Interrogators to get legal aid from CIA

BRIEFS: Board wants altitude changes for Hudson aircraft

CIA Director Leon Panetta decided Thursday that the agency will ensure legal representation for case officers who become caught up in investigations of alleged interrogation abuses of detainees at overseas locations, a senior intelligence official said.

Panetta's decision follows Attorney General Eric Holder's appointment of a special prosecutor this week to conduct a preliminary review of whether federal laws were violated in the interrogations.

Atlanta school bus hijacked; 3 injured

A shirtless man hijacked an Atlanta public school bus with about a dozen students aboard Thursday and then jumped out of the driver's seat as the bus careened down a steep hill, a school spokesman said.

Two students and the bus driver were injured, authorities said.

By the time Arris Pitmon, 23, was arrested after the crash, he was naked, police said.

During the ordeal, screaming students from Forrest Academy jumped out of the bus through the emergency exit in the back, Atlanta Public Schools spokesman Keith Bromery said. Bystanders detained Pitmon, police said.

Wrongful conviction judgment upheld

A federal appeals court on Thursday upheld a \$102 million judgment against the government for withholding evidence that could have cleared four men who spent decades in prison - including two who died there - for a murder they didn't commit.

Joseph Salvati, Peter Limone and the families of Henry Tameleo and Louis Greco sued the federal government for malicious prosecution after U.S. District Judge Nancy Gertner ruled in July 2007 that Boston FBI agents withheld evidence they knew could prove the men weren't involved in the 1965 killing of Edward Deegan.

The district court judge said FBI agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence.

WORLD

Teen youngest to sail around globe

A 17-year-old British sailor is the youngest person to sail solo around the world.

Mike Perham grabbed the record Thursday after sailing 28,000 miles to cross the finish line off the coast of Cornwall, in southern England, after nine months.

Perham is a few months younger than Zac Sunderland, from Thousand Oaks, Calif., who claimed the youngest solo crown in July when he completed a similar trip in 13 months.

Load-Date: August 29, 2009

Briefs: Confederate emblem to shrink on flag
Shooter collapses in his jail cell/Charges dropped in decades-old case



***Briefs: Confederate emblem to shrink on flag
Shooter collapses in his jail cell/Charges dropped in decades-old case***

Ventura County Star (California)

January 31, 2001 Wednesday

Copyright 2001 Ventura County Star

Section: News; Pg. A12

Length: 233 words

Byline: Associated Press

Body

Georgia

Confederate emblem to shrink on flag

ATLANTA -- Georgia lawmakers agreed to shrink the Confederate emblem on the state flag to a tiny symbol Tuesday, heeding a plea from the governor to apply the "salve of reconciliation" and avoid the turmoil that swept South Carolina.

The 34-22 vote in the Georgia Senate virtually consigns to history a flag that some say symbolizes Southern valor but others contend represents slavery.

The measure won House approval last week, and Gov. Roy Barnes promised to sign it quickly.

Shooter collapses in his jail cell

ALTO -- A boy who shot and wounded six classmates at a suburban Atlanta high school two years ago was found unconscious on the floor of his prison cell Tuesday.

T.J. Solomon, 17, was taken to a hospital, where he was reported in stable condition in intensive care.

Doctors were trying to determine whether his collapse at Arrendale State Prison was the result of a suicide attempt or whether he ate something that made him ill.

MASSACHUSETTS

Charges dropped in decades-old case

CAMBRIDGE -- Prosecutors dropped charges Tuesday against two men who claimed they spent decades in prison because the FBI -- trying to protect an informant -- allowed them to be framed for a 1965 underworld murder.

Briefs: Confederate emblem to shrink on flag
Shooter collapses in his jail cell/Charges dropped in decades-old case

"Freedom is a beautiful thing," said Joseph Salvati, 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it."

Load-Date: February 16, 2001

End of Document

Brother: Mob hitman plans to return to Boston, live quiet life



[Brother: Mob hitman plans to return to Boston, live quiet life](#)

The Associated Press State & Local Wire

March 20, 2007 Tuesday 11:24 AM GMT

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Section: STATE AND REGIONAL

Length: 454 words

Dateline: BOSTON

Body

Admitted mob hitman turned government witness John Martorano has rejected an offer to join the witness protection program and will instead return to the Boston area when he is released from federal prison later this week, his brother says.

His decision, however, is upsetting the relatives and lawyers for the families of his victims.

Martorano, 66, is scheduled to be released on Thursday after spending just over 12 years in federal prison after becoming a government witness in the pursuit of mob bosses James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and their corrupt FBI handlers.

"He just wants to keep his head down and be quiet and just get on with his life," James Martorano, John Martorano's brother, told The Boston Globe.

John Martorano reached a deal with state and federal prosecutors in 2004 under which he was sentenced to 14 years in prison for killing 10 people on behalf of Bulger's gang, as well as racketeering, extortion, and money laundering.

He also admitted killing eight people in the 1960s, but was never charged. He pleaded guilty to killing Tulsa, Okla., businessman Roger Wheeler in 1981 under orders from Bulger and Flemmi, and the related slaying of Boston financier John Callahan in Florida.

As part of the deal, he will remain under court supervision for five years and testify later this year at the Florida murder trial of former FBI agent John J. Connolly Jr., charged for his alleged role in the 1982 slaying of Callahan.

"I think it is a sad state of affairs where we have to turn to mob hitmen to find the truth about our FBI," said David Wheeler, Roger Wheeler's son.

"How do any of us have any guarantees that he's not going to murder again?" said James Duggan, the lawyer for Callahan's family. "You know he's a serial murderer. You know he still has scores to settle. It's unconscionable, really, that he should be released."

Brother: Mob hitman plans to return to Boston, live quiet life

Retired state police Col. Thomas Foley said authorities wrestled over whether to cut a deal with Martorano, but agreed to it because it helped in the pursuit of Bulger and Flemmi, who were also FBI informants.

He said Martorano was not charged with any murders when he was arrested on federal racketeering charges in 1995 and that the 20 killings had been unsolved until he came forward.

Martorano was also credited with leading investigators to new evidence that helped Peter Limone and **Joseph Salvati** prove that they had been wrongly convicted of a 1965 gangland murder.

Both men served more than 30 years in prison.

Bulger is still on the run and on the FBI's 10 Most Wanted list.

Flemmi pleaded guilty to 10 murders, was sentenced to life in prison, and is also cooperating with the government.

Information from: The Boston Globe, <http://www.boston.com/globe>

Load-Date: March 21, 2007

BULGER'S DUTY

**BULGER'S DUTY**

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The Boston Globe

December 4, 2002, Wednesday

,THIRD EDITION

Copyright 2002 Globe Newspaper Company

Section: EDITORIAL;**Length:** 465 words**Body**

THE FULL STORY of the brothers Bulger - the mobster and the political leader - still needs to be told. Yet William M. Bulger, president of the University of Massachusetts, has declined, through his lawyer, to testify voluntarily at a congressional hearing scheduled in Boston on Friday. Bulger's credibility could collapse if he resists the subpoena issued by the committee on Monday.

Bulger is loath to speak of his older brother, James "Whitey" Bulger, a fugitive who is accused of racketeering, extortion, and charges related to 22 murders. William Bulger, according to his own grand jury testimony in April 2001, last spoke with his fugitive brother in January 1995. According to the testimony obtained by the Globe, the former Senate president said he did not encourage James to surrender. Filial feelings trumped concerns for public safety and order.

There is more at stake here than family dynamics. Representative Dan Burton of Indiana, chairman of the congressional committee, is not probing wrongdoing by the likes of James Bulger alone but by the FBI itself.

James Bulger might not have escaped arrest in 1995 if the FBI had been doing its job instead of protecting him - for years he was treated as a prized informant. Burton's committee has already done good work disclosing other FBI misdeeds, notably the 30-year imprisonment of **Joseph Salvati** for a crime FBI agents knew he had not committed.

The four-year gap between James Bulger's disappearance and his placement on the most-wanted list was widely viewed as showing the FBI's lack of interest in finding him since he might make even more damaging revelations about the agency.

This is why congressional hearings are justified and why it is reasonable for Burton to expect William Bulger to testify.

James Bulger's whereabouts may be unknown, but William Bulger is boxed in. Attorneys may urge him to assert his privileges, including the right against self-incrimination. His silence, however, will likely be interpreted as subterfuge.

BULGER'S DUTY

Burton should not limit his inquiry to the former Senate president's brother. In the 2000 book "Black Mass" by Globe reporter Dick Lehr and former staffer Gerard O'Neill, the authors mention an item mysteriously inserted into the Senate budget that would have forced a small number of law enforcement personnel to take a steep pay cut or retire. One of those affected was a state police detective who had been hot on James Bulger's trail. That provision was eventually vetoed.

Grace Fey, the chairwoman of the UMass trustees, praised Bulger yesterday for his fund-raising acumen. "I've talked to every single board member," she said. "We're 100 percent behind President Bulger."

It is difficult to imagine how such a sentiment could last if Bulger ignores the subpoena in contempt of Congress.

Load-Date: December 5, 2002

End of Document



Bulger's lawyers narrow witness list

Lowell Sun (Massachusetts)

July 16, 2013 Tuesday

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Section: BREAKING

Length: 130 words

Byline: The Lowell Sun

Body

BOSTON (AP) -- James "Whitey" Bulger's lawyers have submitted a new, pared-down witness list for his racketeering trial.

Bulger's lawyers had submitted a list with the names of more than 80 potential witnesses. Their new list, filed early Tuesday, contains 37 names. It includes a man who was wrongly convicted in a gangland slaying because of FBI corruption.

Joseph Salvati spent more than 30 years in prison for a murder he didn't commit after corrupt FBI agents withheld evidence.

The prosecution is still presenting its witnesses but could wrap up by the end of this week. The defense could begin presenting its case early next week.

A former FBI agent is expected back on the stand Tuesday.

The 83-year-old Bulger is accused of playing a role in 19 killings in the 1970s and '80s.

Graphic

JW Carney, defense lawyer for James "Whitey" Bulger Sun staff photos can be ordered by visiting our MyCapture site.

Load-Date: July 16, 2013



[Bulger's lawyers pare down mob trial witness list](#)

The Associated Press State & Local Wire

July 16, 2013 Tuesday 12:28 PM GMT

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Section: STATE AND REGIONAL

Length: 129 words

Dateline: BOSTON

Body

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Load-Date: July 17, 2013



[Bulger's lawyers pare down mob trial witness list](#)

Associated Press Online

July 16, 2013 Tuesday 12:28 PM GMT

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Section: DOMESTIC NEWS

Length: 129 words

Dateline: BOSTON

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Load-Date: July 17, 2013



Bulger under fire as source says: Billy talked with Whitey

The Boston Herald

December 3, 2002 Tuesday

FIRST EDITION

Copyright 2002 Boston Herald Inc.

Section: NEWS;

Length: 927 words

Byline: By J.M. Lawrence and Maggie Mulvihill

Body

University of Massachusetts President William M. Bulger, who received a subpoena yesterday from a Congressional panel probing FBI corruption, has been in contact with his fugitive brother since the notorious informant fled Boston seven years ago, a source said yesterday.

The investigative source said the House Committee on Government Reform on Friday should ask William Bulger "whether he has talked to (James "Whitey" Bulger) since he's been a fugitive, which we know he has."

Federal marshals served a subpoena on Bulger, 68, through his Boston attorney Thomas R. Kiley yesterday afternoon after Bulger refused to appear voluntarily at the committee's hearing this week.

Bulger skillfully handled questions about his brother, who is now 73, in front of a grand jury more than a year ago, according to the source.

"Whitey" Bulger, one of the FBI's Top Ten Most Wanted, has been missing since January 1995 after he was indicted on racketeering charges. He is accused of involvement in 21 murders while acting as an informer for the FBI about the Mafia.

Another source familiar with the investigation said William Bulger has provided no help to law enforcement in the hunt for his fugitive brother.

"Bulger has not helped us and has had no interest in talking to anyone about his brother," the source said.

The source added, "As a public servant, you would think he would tell his brother to turn himself in and just get this taken care of."

But a Bulger supporter yesterday said investigators are looking for a scapegoat for their inability to catch the fugitive despite offering a \$ 1 million reward.

"There's a fringe out there that wants to blame everything but the current cold wave on him," the Bulger friend said.

Bulger under fire as source says: Billy talked with Whitey

Investigators once were willing to accept William Bulger's characterization of his brother as the family's distant black sheep who failed to reform despite attempts to get him work after his release from Alcatraz for bank robbery.

But testimony from federal witnesses altered that picture this year when they portrayed a triangle comprised of William Bulger, corrupt FBI agent John J. Connolly and his informant, "Whitey."

"If your brother's your brother and he's doing something wrong that's one thing," the source said. "But if you're helping and enabling him to do it, that's another."

At Connolly's trial in May, Winter Hill gang hit man John Martorano testified the gang relied on Connolly because William Bulger had cashed in a favor by asking the agent to keep his brother "out of trouble." William Bulger, the former state Senate president, denies ever making the request.

Former federal prosecutor Jonathan Chiel also testified that Connolly attempted to persuade investigators in 1989 not to dig into William Bulger's role in a real estate transaction at 75 State St.

And a former FBI agent testified that William Bulger appeared at the home of gangster Stephen "The Rifleman" Flemmi's mother in the 1980s while Flemmi, "Whitey," Connolly and the agent were having dinner.

"How can you act like that's nothing?" the source said.

Another Bulger brother, John P. "Jackie" Bulger faces trial in February on charges he lied to the grand jury in 1998 about his indirect contact with "Whitey."

He also is accused of obstructing justice when he claimed he did not know about his brother's Florida safe deposit box. Investigators have evidence he paid the rent on the box in 1996.

It was unclear yesterday whether William Bulger will comply with the subpoena. His attorney told Congressional investigators last week he would not appear, according to committee sources.

Kiley yesterday declined comment on whether Bulger will appear Friday but did not rule out attempting to quash the subpoena. When asked if Bulger had contact with his brother, "Whitey," he said: "I am outraged by unamed sources making suggestions at this stage. It casts doubt in my mind at the overall objectivity of the proceedings."

Others reluctant to answer questions of the House panel led by Indiana Republican Dan Burton have asserted their Fifth Amendment right against self-incrimination, including retired FBI agent H. Paul Rico.

Bulger's position as the leader of UMass makes taking the Fifth a precarious choice, Boston criminal defense attorney Norman Zalkind said yesterday.

"If this were Billy Bulger the longshoreman, not Billy Bulger the president of UMass, it would be a no-brainer to take the Fifth," Zalkind said. "He is supposed to be this high and mighty official and parents sending their kids to UMass might think differently about him if he isn't willing to testify."

If Bulger ignores the subpoena and does not attend the Friday morning session at the J.W. McCormack U.S. Post Office and Courthouse, the committee could vote to find him in contempt.

That vote would then go before the full House of Representatives, where a majority vote would be needed to hold Bulger in contempt. The U.S. Attorney's office for the District of Columbia would then decide whether to bring criminal charges, according to lawyers familiar with the procedure.

Contempt of Congress is a federal misdemeanor punishable by up to a year in prison.

On Thursday, the committee will hold a day-long hearing to question other witnesses.

Investigators want to question former U.S. Attorney Paul Markham about his office's knowledge of the FBI's role in a 1968 murder trial.

Bulger under fire as source says: Billy talked with Whitey

A state judge found FBI agents withheld evidence leading to wrongful convictions of four local men, including **Joseph Salvati**.

Caption: BULGER: Subpoenaed.

Load-Date: December 3, 2002

End of Document



[Bureau's dirty star founded original trenchcoat mafia](#)

The Boston Herald

January 18, 2004 Sunday

ALL EDITIONS

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Section: NEWS;

Length: 723 words

Byline: By TOM MASHBERG

Body

They say H. Paul Rico was one of J. Edgar Hoover's favorite G-men - a law enforcement hellion who had it in for the Mafia and could turn an informant like a flapjack.

But the real Harold Paul Rico was in evidence in 1968, the day after a group of four Italian-Americans from Boston were sent up for life for knocking off a small-potatoes Irish-American thief and gunsel, Edward "Teddy" Deegan.

The prosecution of the four - ***Joseph Salvati***, Peter Limone, Henry Tameleo and Louis Greco - was a trumped-up case allegedly set in motion by Rico and his key hand-picked turncoat hood, murderous Joseph "the Animal" Barboza.

Of the four Italian fall guys sentenced, only Greco - a double Bronze Star recipient for his World War II heroics at Bataan in the Philippines - had a bronze-clad alibi: Multiple witnesses put him in Florida the night of Deegan's killing.

Rico and his FBI confederate, agent Dennis Condon, showed up at the Central Auto Body Shop in Boston, where local Mafia kingpin Frances "Cadillac Frank" Salemme held court, to gloat about how easily they sent the four pigeons up the river.

Rico, according to law enforcement documents reviewed by the Herald, began to chuckle to Salemme about Greco in particular - about how funny it was that Greco was on death row when he in fact had been tanning in Miami when the hit went down.

Salemme, the documents show, "blew his top" at the two feckless G-men, Rico in particular, whom he saw as a "rackets guy" and a "rogue agent" who indulged in booze and horse racing and "on one occasion wrecked his FBI vehicle while at the track" - a wreck Salemme arranged to have fixed for no charge on the q.t.

Salemme was legendary for never ratting on his cohorts - and was foolish enough to include on that list informants James J. "Whitey" Bulger and Stephen "the Rifleman" Flemmi, two of the criminals who spent years conspiring with Rico and others to let some thugs prevail over others in Boston.

Bureau's dirty star founded original trenchcoat mafia

But even Salemme drew a line at Rico - a man he described as venal and arrogant, a man who sought revenge against gangsters when he heard them on wiretaps joking that Rico was a homosexual partner to J. Edgar Hoover himself.

Rico may have written his own epitaph in October 2003, when he was asked to justify the wrongful jailing of Greco, et al. by a U.S. House Judiciary Committee looking into the Boston FBI's corrupt past. Greco died in prison and as a result his conviction remains in place. "What do you want, tears?" Rico, 78, said with a smirk.-

Rico and convicted former FBI agent John J. Connolly were later named in a lawsuit accusing the FBI of withholding evidence that would have freed all four men.

Rico grew up like a typical Boston suburbs kid. A degree in history from Boston College in 1950 led to a career start with the FBI.

He was legendary among his fellow crewcuts for bringing mobsters in from the cold - even though it has been claimed his two top informants, Flemmi and Bulger, were given license to extort, peddle heroin and kill so long as they helped bust up the Italian Mafia and helped Rico look good.

Rico still has fans. Yesterday, John F. Kehoe, an ex-Bay State Public Safety commissioner and an FBI special agent in Boston for 29 years, defended him as "a very capable and tremendous agent who was very adept at developing informants.

"I don't think he ever did anything that went over the line," Kehoe said. "He stayed within the bounds of the bureau and the regulations that we all lived by."

But the family of Roger Wheeler has a different view. They believe Rico led Bulger and Flemmi to Wheeler in Tulsa, Okla., in 1981 so Wheeler could be killed for trying to get the two goons out of his Miami-based World Jai Alai pari-mutuel wagering company.

Yet attorney John Cavicchi of East Boston, who has spent decades trying to clear Greco, said even his client -- would have felt sympathy for the ailing Rico at the end of his days.

"I might be in the minority but I felt sorry for him when I saw how sick he looked," Cavicchi said. "And I'm sure if Louis Greco were alive today, he'd have felt sorry for him and for his family, too."

Caption: THE RATS: Stephen 'the Rifleman' Flemmi and James J. 'Whitey' Bulger worked with H. Paul Rico as informants to gain supremacy in the Hub's gang wars. HERALD FILE PHOTO

Caption: BARBOZA

Load-Date: January 18, 2004



[Burton Critical Of Administration For Not Turning Over Documents](#)

National Journal's CongressDaily

February 6, 2002, Wednesday 19:0019:00 pm Eastern Time

pm

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Section: POLITICS

Length: 199 words

Body

House Government Reform Chairman Burton today renewed his criticism of the Bush administration for refusing to turn over documents about the FBI's handling of Boston mob informants in the 1960s, the Associated Press reported. Burton is trying to build a case that previous administrations have regularly turned over the kinds of prosecutorial documents that Bush ordered Attorney General Ashcroft to withhold from the committee in December, citing "executive privilege."

At the start of a hearing where a Justice Department attorney was explaining the reason for withholding the documents, Burton said: "If we can't see the Boston documents, then isn't it fair for us to conclude ... that Congress will never get deliberative documents from the Justice Department? Unfortunately, I'm beginning to come to that conclusion." Burton cited a list of instances where Congress has accessed such documents, dating back to the anti-communist Palmer raids and Teapot Dome scandal of the early 1920s. The Boston case stems from revelations that ***Joseph Salvati*** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence in its possession.

Load-Date: February 6, 2002

End of Document



BURTON, JUSTICE DEPARTMENT REACH AGREEMENT ON BOSTON FBI DOCUMENTS

States News Service

February 27, 2002, Wednesday

Copyright 2002 States News Service

Length: 832 words

Byline: by Jim Geraghty, States News Service

Dateline: WASHINGTON

Body

House Government Reform Committee Chairman Dan Burton reached an agreement with the Justice Department Wednesday afternoon after threatening to hold the department in contempt of Congress if it did not comply with a committee subpoena for FBI records on its use of organized crime informants decades ago.

While Burton had threatened contempt of Congress in the morning, by the afternoon he released a statement thanking the Attorney General and the White House "for working with us as we have been trying to uncover the corruption that existed in the Boston FBI for four decades and do our part to right a tragic wrong."

Mark Corallo, a spokesman for the committee, said that the Justice Department will have lawyers from the U.S. attorney's office in Boston review the documents to see if any grand jury material is in the documents. Corallo said any grand jury material would be redacted, although committee lawyers expect that little if any such material is in the documents. Committee lawyers expect to be able to review the documents by next week.

Rep. William D. Delahunt, D-Quincy, decried "overwhelming evidence" of a "culture of concealment" at the FBI. Delahunt is not a member of the committee, but he was invited by Burton because of his interest in the investigation.

On Sept. 6, the committee announced it was subpoenaing documents related to the bureau's use of mob informants in Boston dating to the 1960s. In December, the Justice Department announced that it would not turn over documents, citing an order from President Bush. In a letter that month to Attorney General John Ashcroft, Bush said that "Congressional pressure on executive branch prosecutorial decision making is inconsistent with separation of powers and threatens individual liberty."

"It is my hope that in the future, we will be able to find similar common ground so that we can work together to get the information Congress needs to carry out our oversight of the executive branch," Burton said in a written statement.

Burton's panel examined legislative solutions to allegations of FBI misconduct, and heard testimony from state law enforcement officials who alleged the bureau's Boston office interfered with their organized crime investigations.

BURTON, JUSTICE DEPARTMENT REACH AGREEMENT ON BOSTON FBI DOCUMENTS

Austin J. McGuigan, who served as the Connecticut chief state's attorney from 1978 to 1985 and on a statewide organized crime task force the previous three years, told the panel that the Boston FBI office passed sensitive information to former agents who worked for businesses under investigation.

McGuigan told the panel that in 1975, the Connecticut organized crime task force began investigation of the World Jai Alai organization's operations in Bridgeport. State officials believed the jai alai fronton owners were connected to the Winter Hill Gang, a Boston organized crime group. The FBI told state authorities it had no information on World Jai Alai president John B. Callahan or any connections between the group and organized crime.

Callahan resigned his position as president shortly before state authorities planned to question him. McGuigan alleged that former FBI agent H. Paul Rico, who was working for World Jai Alai as a security guard, warned Callahan about the state's investigation.

McGuigan also cited the May 1982 murder of Brian Halloran, a Winter Hill Gang member. He said Halloran went to the FBI seeking to enter the witness protection program, and offered federal authorities testimony that Callahan and other members of the Winter Hill Gang had murdered World Jai Alai owner Roger Wheeler in 1980. (McGuigan said Wheeler had no known connections to organized crime.) The FBI deemed his testimony was not credible, did not give him protection, and Halloran was gunned down on a South Boston street shortly after his FBI meeting, McGuigan said.

Shortly after Halloran was murdered, Callahan was also killed, shortly after he agreed to be interviewed by Connecticut authorities in Florida in August 1982, McGuigan said.

The committee also heard testimony from Victor Garo, the lawyer for Joseph Salvati, an innocent man who spent more than 30 years in jail for the 1967 slaying of Edward "Teddy" Deegan in Chelsea. Salvati was convicted on the testimony, since proven false, of FBI informant, Joe "The Animal" Barboza. Barboza's testimony sent four men to prison for the Deegan slaying. Two of the men died in prison, and two served about 30 years each before their convictions were overturned, according to Boston Globe accounts.

His voice trembling with emotion, Garo implored committee members to consider making prosecutors who withhold evidence punishable by imprisonment.

McGuigan said he would like to see some sort of oversight agency that would arbitrate disputes about sharing information between federal and state law enforcement authorities.

"They ought to be able to work it out with state and local prosecutors," McGuigan said. "They're not unreasonable guys."

Load-Date: February 28, 2002



Burton Out Front in Drive to 'Clean Up the FBI'

Congressional Quarterly Weekly

June 22, 2001

Copyright 2001 Congressional Quarterly, Inc.

Length: 242 words

Byline: Karen Foerstel

Body

The FBI's management shakeup is just beginning, but House Government Reform Chairman Dan Burton, R-Ind., vows to continue his long-running probe of alleged wrongdoing at the agency.

"We need to clean up the FBI.

I have high regard for [just departed Director] Louis Freeh, but there appears to be some rogue agents. . . . We're not going to stop until we know what's going on," declared Burton, right.

Burton's panel held two hearings on a bizarre Miami case dating to 1992. He and his staff have sided with local politician Joe Gersten, who says the feds framed him on sex and drug charges to derail his career. Gersten fled the country and now lives in Australia.

Burton is now turning his focus to the Boston case of **Joseph Salvati**, who spent 30 years in prison for a murder he did not commit. FBI agents allegedly hid evidence from questionable mob informants to convict him.

Burton isn't the only one scrutinizing the much-ridiculed agency.

The Senate Judiciary Committee held the first of a series of oversight hearings on June 20, with Chairman Patrick J. Leahy, D-Vt., declaring that the FBI appears to have become "unmanageable, unaccountable and unreliable." The same day, in a bipartisan move, the House Judiciary Committee moved to create a new inspector general for the FBI, distinct from the Justice Department's IG.

Source: CQ Weekly

The definitive source for news about Congress.

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Load-Date: April 15, 2002



[Burton renewing efforts to get documents in Boston mob informant case](#)

The Associated Press State & Local Wire

February 6, 2002, Wednesday, BC cycle

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Section: State and Regional

Length: 546 words

Byline: By MELISSA B. ROBINSON, Associated Press Writer

Dateline: WASHINGTON

Body

House Government Reform Committee Chairman Dan Burton on Wednesday renewed his criticism of the Bush administration for refusing to turn over documents about the FBI's handling of Boston mob informants in the 1960s.

Burton, R-Ind., is trying to build a case that previous administrations have regularly turned over the kinds of prosecutorial documents that Bush ordered Attorney General John Ashcroft to withhold from the committee in December, citing "executive privilege."

"If we can't see the Boston documents, then isn't it fair for us to conclude ... that Congress will never get deliberative documents from the Justice Department? Unfortunately, I'm beginning to come to that conclusion," he said at the start of a hearing at which a Justice Department attorney was to explain the reason for withholding the material.

Burton has amassed a list of instances where Congress has accessed such documents, dating back to the anticommunist Palmer raids and Teapot Dome scandal of the early 1920s. Among those scheduled to testify Wednesday were Mark Rozell, a political science professor at Catholic University who has written a book on executive privilege.

California Rep. Henry Waxman, the ranking Democrat on the committee, said the Bush administration has used executive privilege to block access to documents on issues such as the census.

"There can be no accountability when the government chooses to operate in secrecy," he said.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear it will become public.

The Constitution doesn't mention it; its meaning has been defined over the years by presidents, judges and government policies. But since George Washington, presidents have used a form of privilege to keep information from Congress or the courts.

Burton renewing efforts to get documents in Boston mob informant case

Bush argued that he was worried about chilling prosecutors' private deliberations in criminal cases in invoking privilege in the Boston mob case and the Clinton-era fund-raising investigation of the 1990s. Wednesday's hearing is focused only on the Boston case.

Angry lawmakers accused Bush of trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch. Burton, who subpoenaed the records, threatened to take him to court.

The case is emblematic of the struggle between the White House and Congress over how much information the administration is willing to share with lawmakers.

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals.

Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy, and Congress' investigatory arm is considering suing the White House over energy meeting records.

The Boston case stems from revelations that **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence.

Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant. Salvati had been paroled in 1997.

Load-Date: February 7, 2002



[Burton renewing efforts to get documents in Boston mob informant case](#)

February 6, 2002, Wednesday, BC cycle

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Section: Washington Dateline

Length: 536 words

Byline: By MELISSA B. ROBINSON, Associated Press Writer

Dateline: WASHINGTON

Body

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Burton renewing efforts to get documents in Boston mob informant case

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Load-Date: February 7, 2002



[Burton Takes Administration To Task Over Refusal To Share Documents.](#)

The Bulletin's Frontrunner
February 7, 2002, Thursday

Copyright 2002 Bulletin Broadfaxing Network, Inc.

Section: Washington News

Length: 195 words

Body

The AP (2/6, Robinson) reports, "Lawmakers challenged the Bush administration's refusal to share documents in a wide range of cases Wednesday, from the FBI's handling of Boston mob informants in the 1960s to the Justice Department's failure to notify an Associated Press reporter before subpoenaing his home telephone records." Speaking to Assistant Attorney General Daniel J. Bryant, House Government Reform Chairman Dan Burton said, "When I get a majority in the House, I'm going to take you guys to court. . You're going to give me those documents."

The AP adds the move "would take a vote by the full House, controlled by Republicans, to find President Bush in contempt to start a court battle." But if Burton should "move for such a finding, 'You have the votes,' Rep. William Delahunt, D-Mass., a Judiciary Committee member, told him during the hearing." The AP adds Burton has "focused on revelations that **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Other lawmakers said the withholding of documents in that case points to a larger pattern of administration secrecy."

Load-Date: February 7, 2002

End of Document



BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS

States News Service

February 27, 2002, Wednesday

Copyright 2002 States News Service

Length: 744 words

Byline: by Jim Geraghty, States News Service

Dateline: WASHINGTON

Body

House Government Reform Committee Chairman Dan Burton threatened to hold the Justice Department and the Bush administration in contempt of Congress if it did not comply with a committee subpoena for FBI records on its use of organized crime informants decades ago. Rep. William D. Delahunt, D-Quincy, decried "overwhelming evidence" of a "culture of concealment" at the FBI. Delahunt is not a member of the committee, but he was invited by Burton because of his interest in the investigation.

On Sept. 6, the committee announced it was subpoenaing documents related to the bureau's use of mob informants in Boston dating to the 1960s. In December, the Justice Department announced that it would not turn over documents, citing an order from President Bush. In a letter that month to Attorney General John Ashcroft, Bush said that "Congressional pressure on executive branch prosecutorial decision making is inconsistent with separation of powers and threatens individual liberty."

Burton would not say how long he was willing to wait for the documents before deciding to bring the citation before his committee for consideration. If the committee approves it, Burton would then have to convince the House's GOP leaders to bring the citation against Bush to the full House for a vote.

"Once the White House and Justice Department realize we're going to the mats on this, they'll come around," Burton said. "It's not in the national interest to keep this under wraps."

Burton's comments came as the panel examined legislative solutions to allegations of FBI misconduct, and heard testimony from state law enforcement officials who alleged the bureau's Boston office interfered with their organized crime investigations.

Austin J. McGuigan, who served as the Connecticut chief state's attorney from 1978 to 1985 and on a statewide organized crime task force the previous three years, told the panel that the Boston FBI office passed sensitive information to former agents who worked for businesses under investigation.

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BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS

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Callahan resigned his position as president shortly before state authorities planned to question him. McGuigan alleged that former FBI agent H. Paul Rico, who was working for World Jai Alai as a security guard, warned Callahan about the state's investigation.

McGuigan also cited the May 1982 murder of Brian Halloran, a Winter Hill Gang member. He said Halloran went to the FBI seeking to enter the witness protection program, and offered federal authorities testimony that Callahan and other members of the Winter Hill Gang had murdered World Jai Alai owner Roger Wheeler in 1980. (McGuigan said Wheeler had no known connections to organized crime.) The FBI deemed his testimony was not credible, did not give him protection, and Halloran was gunned down on a South Boston street shortly after his FBI meeting, McGuigan said.

Shortly after Halloran was murdered, Callahan was also killed, shortly after he agreed to be interviewed by Connecticut authorities in Florida in August 1982, McGuigan said.

The committee also heard testimony from Victor Garo, the lawyer for **Joseph Salvati**, an innocent man who spent more than 30 years in jail for the 1967 slaying of Edward "Teddy" Deegan in Chelsea. Salvati was convicted on the testimony, since proven false, of FBI informant, Joe "The Animal" Barboza. Barboza's testimony sent four men to prison for the Deegan slaying. Two of the men died in prison, and two served about 30 years each before their convictions were overturned, according to Boston Globe accounts.

His voice trembling with emotion, Garo implored committee members to consider making prosecutors who withhold evidence punishable by imprisonment.

McGuigan said he would like to see some sort of oversight agency that would arbitrate disputes about sharing information between federal and state law enforcement authorities.

"They ought to be able to work it out with state and local prosecutors," McGuigan said. "They're not unreasonable guys."

Load-Date: February 28, 2002



BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS

States News Service

February 27, 2002, Wednesday

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Length: 744 words

Byline: by Jim Geraghty, States News Service

Dateline: WASHINGTON

Body

House Government Reform Committee Chairman Dan Burton threatened to hold the Justice Department and the Bush administration in contempt of Congress if it did not comply with a committee subpoena for FBI records on its use of organized crime informants decades ago. Rep. William D. Delahunt, D-Quincy, decried "overwhelming evidence" of a "culture of concealment" at the FBI. Delahunt is not a member of the committee, but he was invited by Burton because of his interest in the investigation.

On Sept. 6, the committee announced it was subpoenaing documents related to the bureau's use of mob informants in Boston dating to the 1960s. In December, the Justice Department announced that it would not turn over documents, citing an order from President Bush. In a letter that month to Attorney General John Ashcroft, Bush said that "Congressional pressure on executive branch prosecutorial decision making is inconsistent with separation of powers and threatens individual liberty."

Burton would not say how long he was willing to wait for the documents before deciding to bring the citation before his committee for consideration. If the committee approves it, Burton would then have to convince the House's GOP leaders to bring the citation against Bush to the full House for a vote.

"Once the White House and Justice Department realize we're going to the mats on this, they'll come around," Burton said. "It's not in the national interest to keep this under wraps."

Burton's comments came as the panel examined legislative solutions to allegations of FBI misconduct, and heard testimony from state law enforcement officials who alleged the bureau's Boston office interfered with their organized crime investigations.

Austin J. McGuigan, who served as the Connecticut chief state's attorney from 1978 to 1985 and on a statewide organized crime task force the previous three years, told the panel that the Boston FBI office passed sensitive information to former agents who worked for businesses under investigation.

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BURTON THREATENS BUSH WITH CONTEMPT OVER BOSTON FBI DOCUMENTS

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Load-Date: February 28, 2002



[Burton Threatens To Sue Administration Over FBI Documents.](#)

The White House Bulletin
February 6, 2002, Wednesday

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Section: IN THE WHITE HOUSE AND AROUND TOWN

Length: 179 words

Body

House Government Reform Committee Chairman Dan Burton today criticized the Bush Administration once again for refusing to relinquish documents about the FBI's handling of Boston mob informants in the 1960s. The Administration has cited executive privilege, but Burton maintains that previous administrations have turned over the kinds of documents that the Administration is withholding.

The Boston case stems from revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded the FBI hid testimony that would have cleared Salvati because they wanted to protect an informant. Burton, who had subpoenaed the records, threatened to take the Administration to court. Ranking Democrat Henry Waxman said the Bush Administration has used executive privilege to block access to other documents such as the census. Said Waxman, "There can be no accountability when the government chooses to operate in secrecy."

Load-Date: February 6, 2002

End of Document

Burton To Probe FBI Wrongdoing Despite Bush's "Executive Privilege" Claim.



[Burton To Probe FBI Wrongdoing Despite Bush's "Executive Privilege" Claim.](#)

The Bulletin's Frontrunner

January 28, 2002, Monday

Copyright 2002 Bulletin Broadfaxing Network, Inc.

Section: Washington News

Length: 280 words

Body

The Boston Herald (1/28, Farmer) reports, "The chairman of a congressional committee investigating FBI misconduct that led to the jailing of a Boston man for a murder he didn't commit will move forward with the probe over the objections of President Bush and Attorney General John Ashcroft." Rep. Dan Burton (R-Ind.) "said on CBS'60 Minutes' last night that the case involving Joseph Salvati is one the biggest miscarriages of justice he has ever seen. He said he wants former FBI director J. Edgar Hoover's name removed from the agency's headquarters because of evidence Hoover knew Salvati was innocent."

Burton said, "When I found out Mr. Salvati had been put in prison for a crime he didn't commit and they knew it -- the FBI for 32 years -- and there was no remorse because of it, I said, something has to be done." Salvati, Peter Limone, Louis Greco and Henry Tameleo "were convicted for the murder nearly 37 years ago of Edward 'Teddy' Deegan, despite knowledge by the FBI that the killing was done by others, including Vincent 'Jimmy the Bear' Flemmi, one of their top informants." The "four innocent men, two of whom died in prison, were implicated by another top FBI mob informant, Joseph 'The Animal' Barboza, whom the FBI knew to be a vicious hit man." Burton "believes there are other instances of FBI wrongdoing and subpoenaed additional FBI documents, but Ashcroft refused to supply them." President Bush "then backed Ashcroft with an order of executive privilege, arguing a release of the documents 'would be contrary to the national interest.'" Burton "vowed to defy the order by calling witnesses to scheduled hearings to testify about FBI misdeeds."

Load-Date: January 28, 2002

End of Document



[Bush Administration: Bush Withholds Records From Congress; Other Developments](#)

Facts on File World News Digest

December 12, 2001

Copyright 2001 Facts on File, Inc.

Section: Pg. 1027B2

Length: 560 words

Body

President Bush December 12 instructed Attorney General John Ashcroft not to comply with a subpoena from the House Government Reform and Oversight Committee, which was seeking documents about the Federal Bureau of Investigation's (FBI) shielding of Mafia informants and the Justice Department's treatment of Democratic fundraising practices during the Clinton administration. The president's assertion of executive privilege was the latest record-shielding move by the Bush White House, which in November had tightened restrictions on disclosing the papers of past administrations.

In the memo to Ashcroft, Bush expressed concern that congressional subpoenas of "prosecutorial decision-making documents" violated the separation of powers and would unduly "politicize the criminal justice process."

Some of the documents sought by the House panel related to a long-standing probe into whether then-Attorney General Janet Reno had been sufficiently diligent in pursuing alleged campaign-finance abuses by then-President Bill Clinton's 1996 reelection campaign. Others concerned the FBI's alleged mishandling of organized crime cases in Boston, Massachusetts dating back to the 1960s. The FBI was accused of protecting informants who committed murders. In one case that the House was investigating, the FBI had allowed the wrong man, **Joseph Salvati**, to be jailed for 30 years for a killing committed by an informant, even though the agency had evidence of his innocence.

Representative Dan Burton (R, Indiana), the committee chairman, December 13 said he was "genuinely disappointed" at Bush's claim of executive privilege and vowed that he had "no intention of letting this matter drop." He told a Justice Department official that "there's going to be war between the president and this committee."

Burton Questions Terrorism Statistics

Burton December 19 asked the General Accounting Office, the investigative arm of Congress, to probe whether the Justice Department had inflated the number of terrorism convictions it claimed to have secured. He cited a December 16 Philadelphia Inquirer newspaper article which had reported that many of the 236 terrorism convictions logged by the Justice Department for fiscal 2001 were mislabeled as such. Some cases involved nothing more than prison riots or misbehavior by mentally ill and intoxicated persons, the paper said.

Bush Administration: Bush Withholds Records From Congress; Other Developments

Burton argued that the dispute over the figures bolstered his case that the Justice Department needed more congressional oversight.

Some Reagan Papers Released

The White House December 20 said it would release some 8,000 pages of former President Ronald Reagan's records on January 3, 2002. Under the 1978 Presidential Records Act, all 68,000 pages of confidential communications between Reagan and his advisers had come due to be released in January, when Bush took office. However, the White House had delayed making the papers public, and in November had imposed new limitations on the release of such papers.

Energy Task Force Records Sought

The Natural Resources Defense Council, an environmental advocacy group, December 11 filed a federal lawsuit seeking to force the Department of Energy to disclose who had met with the task force that drafted the Bush administration's energy policy. Environmentalists were concerned that energy industry lobbyists had exerted too much influence on the task force.

Load-Date: January 18, 2002



[Bush Administration Under Fire For Claiming Privilege In FBI Informant Case.](#)

The Bulletin's Frontrunner

January 7, 2002, Monday

Copyright 2002 Bulletin Broadfacing Network, Inc.

Section: Washington News

Length: 444 words

Body

ABC News (1/6, story 9, Simpson) reported last night, "There's another controversy involving the White House tonight. At issue is the President's decision to block a congressional inquiry into the FBI's use of informants." ABC (Gerstein) added, "**Joseph Salvati** spent decades in prison for murder, even though the FBI knew he was innocent." Salvati was shown saying, "The FBI took away 30 years of my life, my family, my wife and my four children. That should never have to happen again." ABC added, "The FBI's Boston office kept quiet about Salvati to protect two informants, reputed mobsters Whitey Bulger and Steven Flemmi. While working for the FBI, they allegedly carried out at least 19 murders. Their FBI handler says his actions were authorized by top Justice Department officials." Former FBI agent Joseph Connolly was shown saying, "The strike force directed the FBI, my superiors, to confer a special status on Mr. Bulger and Mr. Flemmi. We were told they were to be left alone to continue to do what they were doing." ABC added, "Congress opened an investigation into the FBI's handling of top informants, but last month, President Bush invoked executive privilege, ordering the Justice Department not to turn over documents detailing prosecutors' internal discussions about the informants. The move puts Mr. Bush at odds with members of his own party." Rep. Dan Burton (R- IN) was shown saying, "If Congress cannot exercise its oversight responsibilities, then you end up with one branch of government, the executive branch, running everything, and they'll be able to control and cover up anything they want to."

ABC added, "Traditionally, executive privilege has protected a president's right to confidential advice, but one law professor says Mr. Bush is trying to extend the privilege to decisions at all Federal agencies." Legal analyst Mark Rozell was shown saying, "I think the Bush team is trying to rewrite the rules on executive privilege. They are trying to expand the scope of executive privilege, I think, in almost breathtaking fashion." ABC added, "Bush Administration officials declined to be interviewed, but one former White House counsel says the President is right to resist." C. Boyden Gray was shown saying, "The enforcement of the criminal laws is a very unique area. It's one of a few areas that's committed exclusively to the President, who is charged by the Constitution with seeing that the laws are faithfully executed." ABC added, "Congressman Burton says he will not seek a court fight with the President, but he will hold hearings to expose the FBI's misconduct and to press Mr. Bush to cooperate with Congress."

Load-Date: January 7, 2002

Bush Administration Under Fire For Claiming Privilege In FBI Informant Case.

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[Bush Aides Reportedly Furious Over FBI's Failure To Disclose Evidence In McVeigh Case.](#)

The White House Bulletin

May 14, 2001

Copyright 2001 Bulletin Broadfaxing Network, Inc.

Length: 1231 words

Body

Newsweek (5/21, Isikoff, Thomas) reports, "Acting Deputy Attorney General Robert Mueller was just about to go out the door of the office of White House Counsel Al Gonzales last Wednesday when he mentioned, almost as an aside, 'There's a problem that has come up involving some documents that weren't turned over.' Only a few hours earlier, Mueller had been told about the matter during a hallway conversation with a Justice Department press officer. He wasn't quite sure what it meant, and had not yet reported to Attorney General John Ashcroft; indeed, he would not tell his boss until the next day. Gonzales did not inform President George W. Bush or top White House aides. Instead, the next morning he flew home to Austin to see his successor sworn in on the Texas Supreme Court." Mueller "would explain that he didn't have all the facts about the missing documents when he talked to Gonzales, and that he later apologized to Ashcroft for keeping the attorney general in the dark for a day. Gonzales told Newsweek, 'I was left with a clear impression that (Mueller) didn't believe this would be a problem -- that it had absolutely nothing to do with the guilt or innocence of Timothy McVeigh.' As for not telling the president, Gonzales noted that any decision about McVeigh's fate was Ashcroft's to make, not Bush's. 'We're very sensitive to wasting the president's time,' he said." Newsweek adds, "Some Justice officials were immediately skeptical about the suggestion that the FBI headquarters found out about the problem only a few days before it exploded on the evening news.

Telling Newsweek that Justice had only 'sketchy' information about what really went on in the FBI, one official wryly added, 'Volumes of documents don't assemble themselves.'" An FBI official "told Newsweek that (FBI Dallas office chief Danny) Defenbaugh was aware of the problem by April and asked to start reviewing the documents in Dallas. 'We were not going to turn these over blindly. We're a law-enforcement agency. We needed to know what was in those documents,' said the official. Most of the 3,000 pages are 'totally irrelevant to the case,' said this official. 'There is nothing there that would be remotely exculpatory.'" Newsweek also reports, "Bush's aides were furious at the bureau. 'The FBI doesn't tell us s---t,' fumed one administration official. 'I mean, this is only the biggest case in the world.'" Time (5/21, Gibbs) reports, "'How did it happen?' aides said Bush asked Friday morning. 'Why are we finding out now?' Which were trenchant questions, given the fact that this was the biggest investigation the FBI had ever pursued and that McVeigh was just six days away from execution. The discovery rules had been set at the start of the case: Turn over to McVeigh's defense everything you find, which ultimately amounted to 43,500 leads, 28,000 interviews, 7,000 lbs. of evidence and 15,661 leads on the phantom accomplice known as John Doe No. 2. It was an extraordinary deal between prosecutors and the defense, this total disclosure of even marginal material; but it was designed to instill the greatest possible public confidence in the outcome of a trial of homegrown terror -- an act staged in supposed retaliation for questionable acts by federal officials, like Waco and the Ruby Ridge shootings."

Bush Aides Reportedly Furious Over FBI's Failure To Disclose Evidence In McVeigh Case.

FBI Blunder Gives Fuel To Conspiracy Theories. US News and World Report (5/21, Tharp, Ragavan) reports the FBI's delay has given McVeigh "a new megaphone to make his case as a martyr. His lawyers say McVeigh is 'distressed' by the FBI snafu and might fight a case that even he said was over a long time ago. Delaying the execution provides time for a new dissection of the case. Delay will put new wind behind those, including his former lawyer, who insist that McVeigh had several accomplices. For conspiracy buffs, it's like the ballgame just went into extra innings." US News adds that McVeigh's case "isn't the first where the FBI failed to turn over evidence. It happened in the investigations of the tragedies at Waco, Texas, and Ruby Ridge, Idaho. More broadly, many in the FBI have complained about the outdated computer system that is one of the principal reasons cited for not turning over the McVeigh documents. 'The state of the bureau's computer systems and their ability to determine what information they have,' says Michael Bromwich, a former top Justice Department official whom Ashcroft has asked to look into the handling of the McVeigh documents, 'is extraordinarily poor.' Those fond of conspiracy theories, however, aren't likely to be real impressed by the computer explanation. Even before last week, there were grounds to doubt the government's assertion that McVeigh acted only with Terry Nichols. Their original indictment, in 1995, said the pair 'with others unknown conspired to use a weapon of mass destruction.' That language might be the convenient boilerplate of a prosecutor, but now it has taken on a new urgency, with the government faced with the unusual burden of convincing the public that those 'others unknown' do not in fact exist. Speculation about 'others unknown' was given more credibility when Stephen Jones, McVeigh's trial attorney, spoke strongly against his former client's declaration in the recently published book, *American Terrorist*, by Lou Michel and Dan Herbeck, that McVeigh alone blew up the Murrah building." Jones "told U.S. News. 'Based on the things he told me, I feel I can now reveal this.'" US News continues, "The problem with most of the theories is that the person who would benefit most from them, McVeigh, has forcefully disavowed them. Even so, sources close to McVeigh's appellate defense team told U.S. News that when it asked for the investigative files on two men they thought might be accomplices, the FBI said no files existed. In at least one case, there should have been a file from an earlier Secret Service investigation, and the photos of one of the men, the sources said, were used during the Oklahoma bombing probe. In another case, McVeigh's lawyers said they were never given a file they requested on one antigovernment activist from Kansas because a judge sealed the case after prosecutors cited 'national security' concerns."

Recent FBI Embarrassments Examined. Time (5/21, Gibbs) reports, "The McVeigh fiasco comes just as the FBI is having to defend itself against charges that it is capable of brutal indifference to individual rights if it feels justified by some larger goal. It's hard even to say which was the worst of the recent crop of federal offenses, though the McVeigh blunder probably doesn't make the top five. Two weeks ago, officials from the Boston FBI field office were hauled before the House Committee on Government Reform to explain why they had allowed Joseph Salvati to spend 30 years in prison for a murder they knew he didn't commit, just to protect one of their informants. ... That same week, prosecutors in Alabama finally convicted the Klansman who bombed the black church in Birmingham back in 1963, killing four little girls. We could have done this years ago, they said, if the FBI had just handed over their secret tapes that proved his guilt. That conviction came after months of criticism that the FBI had dismissed warnings of a mole in its ranks right up until they tripped over Russian spy Robert Hanssen, an agent for 25 years."

Load-Date: May 14, 2001



Bush blocks bid to get documents; Privilege used to deny request

Chicago Tribune

December 14, 2001 Friday

NORTH SPORTS FINAL EDITION

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Section: NEWS; ZONE: N; Pg. 1

Length: 821 words

Byline: By Jeff Zeleny, Washington Bureau

Dateline: WASHINGTON

Body

President Bush on Thursday invoked executive privilege to reject a congressional subpoena for prosecution documents in controversial criminal cases, triggering new concerns from lawmakers about his intent to protect the secrecy of the executive branch.

The president said the release of the documents, involving an alleged FBI corruption case in Boston and a fundraising investigation during the Clinton administration, would allow Congress to second-guess federal prosecutors' work and "would be contrary to the national interest."

But Republicans and Democrats on the House Government Reform Committee criticized the White House, saying the order weakened the checks and balances between the three branches of government.

"This is not a monarchy," said Chairman Dan Burton (R-Ind.), who led tenacious investigations into President Bill Clinton's fundraising. "The legislative branch has oversight responsibility to make sure there is no corruption in the executive branch."

Burton said the Bush administration was "making a big mistake."

Last month, the president signed an executive order giving himself unprecedented powers to keep presidential papers secret, even those scheduled to be released according to federal law.

The order on Thursday was distributed on a busy White House day, moments before Bush delivered a major missile defense announcement and the Pentagon released a videotape of Osama bin Laden boasting about the deadly success of the Sept. 11 terrorist attacks.

Privilege used before

It was marked the first time that Bush invoked executive privilege. The White House noted that it was invoked three times by President Ronald Reagan, twice by President George H.W. Bush and four times by Clinton.

Bush blocks bid to get documents; Privilege used to deny request

The House Government Reform Committee had subpoenaed documents in its inquiry into the FBI's handling of mob investigations in Boston. It also sought a campaign fundraising memo from the 1996 presidential race.

Burton said the presidential order would stifle an investigation into allegations of FBI corruption and the treatment of mob informants over four decades.

To successfully challenge the executive privilege, however, Burton would have to seek a vote of the full House. Republican leaders are unlikely to allow a vote on such a politically sensitive issue, aides acknowledged.

The president made the decision public Thursday in a memo to Atty. Gen. John Ashcroft. Releasing the confidential documents, Bush said, "would inhibit the candor necessary" to bring cases to justice and would threaten to "politicize the criminal justice process."

Executive privilege allows presidents to receive candid advice without fear of it becoming public. The Nixon and Clinton administrations tried unsuccessfully to invoke the privilege to shield evidence from congressional investigators during impeachment proceedings against them.

Lawmakers expressed concern that Thursday's presidential order would be the start of a contentious battle over letting members of Congress review other sensitive documents.

Rep. Henry Waxman (D-Calif.) called the order undemocratic. The decision, he said, was a "troubling example of an administration loath to face scrutiny."

"An imperial presidency or an imperial Justice Department conflicts with the democratic principles of our nation," said Waxman, the top Democrat on the government reform panel.

White House spokesman Ari Fleischer defended the use of executive privilege, pointing to the past three presidents' use of it. In this case, he said, Bush lawyers already have turned over 3,500 pages of documents to the House committee.

White House General Counsel Alberto Gonzalez advised the president to invoke the privilege earlier this year when the congressional panel sought documents that outlined prosecution decisions in criminal cases.

After unsuccessfully trying to gain access to the documents for months, Burton's committee subpoenaed Ashcroft to its hearings into allegations of corruption at the FBI office in Boston.

At the heart of the case is Joseph Salvati, who spent 30 years in prison for a murder he did not commit. The conviction was overturned nearly a year ago after a judge ruled that FBI agents concealed testimony that would have cleared Salvati merely to protect an informant.

Panel wants records

The congressional panel is seeking Justice Department records from 13 informants in connection to the case. The conduct under investigation by the committee has cost the government \$1.2 billion in civil claims and led to several murders.

Republicans on the House Government Reform Committee rejected the White House defense that 3,500 pages of documents had been submitted for review.

"As if the number of documents turned over actually matters; it's the substance of the documents," said Mark Corallo, the spokesman for the Republican-controlled panel. "The Clinton administration used to turn over hundreds of thousands of pages of documents, hoping we would just give up."

Load-Date: December 14, 2001

Bush blocks bid to get documents; Privilege used to deny request

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Bush blocks release of papers in Hub FBI probe

The Boston Herald

December 14, 2001 Friday

ALL EDITIONS

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Section: NEWS;

Length: 923 words

Byline: By J.M. LAWRENCE and KAREN CRUMMY

Body

President Bush invoked executive privilege yesterday to keep Congress from seeing federal prosecutors' internal documents related to James "Whitey" Bulger and Joseph "The Animal" Barboza.

In a memo to the attorney general, Bush said Congress' access to the documents "would be contrary to the national interest" and would "inhibit the candor" prosecutors need while deciding to bring charges.

"I am concerned that congressional access to prosecutorial decision-making documents of this kind threatens to politicize the criminal justice process," Bush wrote. But an angry House Government Reform Committee Chairman Rep. Dan Burton (R-Ind.) said "This is not a monarchy," after Bush's order blocked subpoenas for the records and memos related to investigations of Clinton-era fund raising.

"Everyone is in agreement you guys are making a big mistake," Burton told Justice Department lawyers at a hearing after yesterday's announcement. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

Burton's committee wanted records that might shed light on why the government never charged Bulger for his "many crimes" before 1995, said its subpoena delivered in September.

Justice Department attorneys, however, maintained they have cooperated as much as possible with the committee and have supplied more than 3,500 pages of documents about the Boston FBI's handling of informants.

Congress also sought internal Justice Department records related to **Joseph Salvati** of Boston and three other men who received life sentences for a 1965 mob murder in Chelsea.

Old FBI documents uncovered by the Justice Department task force last year showed the bureau knew Barboza and other informants actually killed Edward "Teddy" Deegan but supported Barboza's testimony accusing Salvati, Peter J. Limone, Louis Greco and Henry Tameleo.

Salvati and Limone spent half of their lives in prison before their release while Greco and Tameleo died in prison.

Bush blocks release of papers in Hub FBI probe

"There has been an awful misuse of government power, now and then," Rep. William Delahunt (D-Quincy) said yesterday.

Delahunt said the executive branch's "deliberative process" privilege is not absolute.

"We cannot give carte blanche to executive agencies to make their own rules without congressional oversight - particularly when those agencies have a history of abusing the formidable powers entrusted to them," Delahunt said.

Burton cited multiple murder charges now filed against Bulger and fellow gangster Stephen "The Rifleman" Flemmi and said, "All this while being protected by FBI agents and Justice Department prosecutors. And this is the type of activity that the administration is trying to cover up? I don't get it. It isn't right," Burton said.

U.S. Rep. Barney Frank (D-Newton) said the president's order ignores months of hearings held by U.S. District Judge Mark L. Wolfe in Boston two years ago that exposed Bulger and Flemmi's role as murderous informants.

"Instead of being gratified that people like Mark Wolfe took the lead . . . they just want to hide all their mistakes," Frank said.

But Justice Department sources yesterday countered that the government has not closed the door on the Boston FBI's dark past.

A special task force created in January 1999 continues its investigation. Led by Connecticut prosecutor John Durham, the task force has brought corruption indictments against retired FBI agent John Connolly and retired state police Lt. Richard Schneiderhan.

Durham's investigators changed history by finding the misfiled FBI memos from the 1960s that led a Cambridge judge to order Limone's release from prison this year after he served 33 years. Salvati's sentence was commuted in 1998 after 30 years.

Charles S. Prouty, the special agent in charge of the Boston FBI, said yesterday the bureau has learned many lessons from its past and has entered a new era with stricter guidelines governing agents' use of informants.

The bureau cooperates with Durham's investigation, Prouty said. "Whenever we're asked for anything, we cooperate 100 percent on anything they want. We have the same goal and objective to see that justice is done."

Victor J. Garo, the Boston attorney who fought for Salvati's release for more than 20 years, said, "Once again we have the government looking like they don't want to have the evidence come out to show what really happened in the Deegan murder case."

The U.S. attorney's office in Boston yesterday refused to comment on the status of the task force probe.

Attorney William Koski, who represents Limone and Greco's and Tameleo's estates in \$ 375 million civil suits against the FBI, accused the administration of continuing to victimize the men.

"Everything was kept in the dark for 35 years, and finally, when things should really be looked at so the house can be cleaned, an entirely new administration turns the lights out again," Koski said.

The FBI faces more than \$ 1 billion in civil suits over the Boston FBI's handling of its informants.

Attorney Jeffrey Denner, who represents the family of a man who was murdered after offering the FBI information against the Bulger gang, called the president's executive order "terrifying."

"We are moving dramatically away from a constitutional democracy with a balance of powers," Denner said. "This is a transparent attempt to thwart an investigation whose ends would only help the public interest, not defeat it."

Bush blocks release of papers in Hub FBI probe

Load-Date: December 14, 2001

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BUSH DENIES CONGRESS PAPERS FOR FBI PROBE PANEL DENOUNCES CLAIM OF EXECUTIVE PRIVILEGE

**BUSH DENIES CONGRESS PAPERS FOR FBI PROBE PANEL DENOUNCES CLAIM OF EXECUTIVE PRIVILEGE**

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The Boston Globe

December 14, 2001, Friday

,THIRD EDITION

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Section: NATIONAL/FOREIGN;**Length:** 911 words**Byline:** By Glen Johnson, Globe Staff**Body**

WASHINGTON - President Bush yesterday invoked executive privilege to block a congressional subpoena exploring abuses in the Boston FBI office, prompting the chairman of a House committee to lambaste his fellow Republicans and triggering what one congressman said is the start of "a constitutional confrontation."

"You tell the president there's going to be war between the president and this committee," Dan Burton, the Indiana Republican who heads the House Government Reform Committee, told a Justice Department official during what was supposed to be a routine prehearing handshake.

"His dad was at a 90 percent approval rating and he lost, and the same thing can happen to him," Burton added, jabbing his finger and glaring at Carl Thorsen, a deputy assistant attorney general who was attempting to introduce a superior who was testifying.

"We've got a dictatorial president and a Justice Department that does not want Congress involved. . . . Your guy's acting like he's king."

The searing tone continued for more than four hours from Republicans and Democrats, liberals and conservatives. All objected to the order Bush signed Wednesday and made public yesterday. It claimed executive privilege in refusing to hand over prosecutors' memos in criminal cases, including an investigation of campaign-finance abuses, saying doing so "would be contrary to the national interest."

Committee members said the order's sweeping language created a shift in presidential policy and practices dating back to the Harding administration. They complained also that it followed a pattern in which the Bush administration has limited access to presidential historical records, refused to give Congress documents about the vice president's energy task force, and unilaterally announced plans for military commissions that would try suspected terrorists in secret.

BUSH DENIES CONGRESS PAPERS FOR FBI PROBE PANEL DENOUNCES CLAIM OF EXECUTIVE PRIVILEGE

Representative William D. Delahunt, a Quincy Democrat and former district attorney, said: "This is the beginning of a constitutional confrontation. In a short period of time, this Department of Justice has manifested tendencies that were of concern to Senate members during the confirmation hearings for John Ashcroft as attorney general."

The Government Reform Committee is investigating the FBI's use of confidential informants while the bureau investigated New England organized crime activities.

The committee seeks information on deals FBI officials struck with suspected murderers Stephen "the Rifleman" Flemmi and James "Whitey" Bulger.

It is also exploring what FBI officials, including former director J. Edgar Hoover, knew about the innocence of **Joseph Salvati** of Massachusetts. Salvati spent 30 years in prison for the 1965 murder of Edward "Teddy" Deegan in Chelsea, but the Governor's Council commuted his sentence in 1997. His conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

"The federal government wanted Joe Salvati to die in jail because dead men don't tell tales," said Salvati's lawyer, Victor J. Garo, at the hearing yesterday.

In buttressing the executive order, Michael E. Horowitz, chief of staff for the Justice Department's criminal division, told the committee that providing documents about prosecutorial decision-making could have a "chilling effect" on the advice that lower-level attorneys may be willing to provide to top prosecutors.

White House spokesman Ari Fleischer said Ronald Reagan invoked such a privilege three times, while Bill Clinton did so on four occasions. Forms of privilege were also claimed in the Nixon administration during the Watergate investigation. Fleischer said the Justice Department has already turned over 3,500 pages to Burton's committee, although members complained that many were heavily redacted.

The Justice Department offered to provide summaries of 20 documents it believes would be covered by the subpoena.

Representative Barney Frank, a Democrat from Newton, said he and Burton, a conservative, had sometimes disagreed on the committee's inquiries into the Clinton administration. He said the chairman's strong words for his fellow Republicans showed he had not merely been partisan.

Turning to Horowitz, Frank asked why the Bush administration might cover up mistakes made in a previous administration. "I don't know what bureaucratic reflex drives people to do this," the congressman said.

Glen Johnson can be reached by e-mail at johnson@globe.com. SIDEBAR: Past uses Recent invocations of executive privilege:

1974: The Supreme Court ruled that executive privilege could not be applied to prevent the supply of evidence in a criminal case, as Richard Nixon tried to do during the Watergate scandal.

1986: Ronald Reagan successfully denied access by Senate Judiciary Committee Democrats to internal memos that Chief Justice-designate William H. Rehnquist wrote when he was in the Nixon administration Justice Department.

1990: Although out of office, Reagan successfully denied access to more than 30 entries in his diary to John Poindexter during the Iran-Contra affair.

1996: Bill Clinton successfully denied the request of Republican members of Congress to see FBI Director Louis Freeh's 1995 criticism of administration drug policies.

BUSH DENIES CONGRESS PAPERS FOR FBI PROBE PANEL DENOUNCES CLAIM OF EXECUTIVE
PRIVILEGE

1998: Clinton attempted to invoke executive privilege to prevent special counsel Kenneth Starr from questioning his aides in the Monica Lewinsky case. He was overruled.

SOURCES: Globe archives

LEILA FADEL

Graphic

PHOTO, Representative Dan Burton of Indiana (left) yesterday told Carl Thorsen, a deputy assistant attorney general, that President Bush was risking his political future by withholding information from Congress. / AP PHOTO

Load-Date: December 15, 2001

End of Document



BUSH HALTS INQUIRY OF FBI AND STIRS UP A FIRESTORM

THE SEATTLE POST-INTELLIGENCER

December 14, 2001, Friday

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Section: NEWS,

Length: 491 words

Byline: GLEN JOHNSON The Boston Globe

Dateline: WASHINGTON

Body

President Bush yesterday invoked executive privilege to block a congressional subpoena exploring abuses in the Boston FBI office, prompting the chairman of a House committee to lambaste his fellow Republicans and triggering what one congressman said is the start of "a constitutional confrontation."

"You tell the president there's going to be war between the president and this committee," Dan Burton, the Indiana Republican who heads the House Government Reform Committee, told a Justice Department official during what was supposed to be a routine prehearing handshake.

"His dad was at a 90 percent approval rating and he lost, and the same thing can happen to him," Burton added, jabbing his finger and glaring at Carl Thorsen, a deputy assistant attorney general who was attempting to introduce a superior who was testifying.

"We've got a dictatorial president and a Justice Department that does not want Congress involved. ... Your guy's acting like he's king."

The searing tone continued for more than four hours from Republicans and Democrats, liberals and conservatives. All objected to the order Bush signed Wednesday and made public yesterday. It claimed executive privilege in refusing to hand over prosecutors' memos in criminal cases, including an investigation of campaign finance abuses, saying doing so "would be contrary to the national interest."

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The committee is seeking information on deals Boston FBI officials struck with suspected murderers Stephen "the Rifleman" Flemmi and James "Whitey" Bulger. It is also exploring what FBI officials, including former Director J. Edgar Hoover, may have known about the innocence of Joseph Salvati of Massachusetts.

Salvati spent 30 years in prison for the 1965 murder of Edward "Teddy" Deegan in Chelsea, but the Governor's Council commuted his sentence in 1997. His conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

Load-Date: December 15, 2001

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Bush Invokes Executive Privilege

Associated Press Online

December 13, 2001 Thursday

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Section: WASHINGTON DATELINE

Length: 851 words

Byline: KAREN GULLO; Associated Press Writer

Dateline: WASHINGTON

Body

President Bush invoked executive privilege Thursday to block Congress from seeing prosecutors' memos in controversial criminal cases in a move that angered lawmakers already concerned about access to sensitive information.

The president said he invoked the legal privilege, which gained notoriety during Nixon and Clinton scandals, because he was concerned that sharing such documents with Congress could chill prosecutors' private deliberations in criminal cases.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the papers.

A Republican House chairman threatened to take the president to court, and other lawmakers from both parties said they feared Bush was trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch.

"This is not a monarchy," said Rep. Dan Burton, R-Ind., whose House Government Reform Committee sought the documents from cases ranging from a 1960s murder in Boston to the Clinton-era fund-raising probe.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The maneuver was expected - White House counsel Alberto Gonzalez recommended earlier this year that Bush use the privilege to keep lawmakers from meddling in or exposing sensitive law enforcement conversations.

But it prompted the latest skirmish between the White House and Congress over how much information the administration is willing to share with lawmakers.

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals. Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy.

Bush Invokes Executive Privilege

Congress' investigative and auditing office is considering suing the Bush White House to force it to identify industry executives who met with Vice President Dick Cheney about the energy policy.

In his memo to Ashcroft, Bush said disclosing them would cast a pall over the confidential deliberations of government lawyers.

"Disclosure to Congress of confidential advice to the attorney general regarding the appointment of a special counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," the letter said.

Lawmakers said they were concerned the administration has set a new policy to resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

Several such memos were shared with Congress during both Republican and Democratic administrations. Most recently, in the 1990s, such documents were turned over to lawmakers during the Whitewater, fund-raising, pardons and impeachment investigations.

"Everyone is in agreement you guys are making a big mistake," Burton told Justice Department lawyers at a hearing after Thursday's announcement. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

Rep. Henry Waxman, the top Democrat on Burton's committee, who is often at odds with the chairman, agreed with his sometimes nemesis.

"An imperial presidency or an imperial justice department conflicts with the democratic principles of our nation," Waxman said.

White House spokesman Ari Fleischer said the practice of invoking executive privilege is common among presidents - President Reagan claimed it three times, Bush's father twice and President Clinton four times.

He said the administration has already handed over 3,500 pages to Burton's committee.

While invoking the privilege, Bush instructed Ashcroft to have the Justice Department "remain willing to work informally with the committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers."

Burton's committee for months has been seeking Justice Department memos about prosecutors' decisions in cases involving the handling of mob informants in Boston, Democratic fund raising, a former Clinton White House official and a former federal drug enforcement agent.

The committee subpoenaed Ashcroft, demanding those documents in the fall and scheduled a hearing Thursday to examine the Boston case.

That case stems from revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant. Salvati had been paroled in 1997.

EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this story.

Load-Date: December 13, 2001

Bush Invokes Executive Privilege

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BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS DENIED ACCESS TO JUSTICE DOCUMENTS

Lexington Herald Leader (Kentucky)

December 14, 2001 Friday FINAL EDITION

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Section: MAIN NEWS; Pg. A3

Length: 433 words

Byline: John Solomon, Associated Press

Dateline: WASHINGTON

Body

WASHINGTON -- President Bush invoked executive privilege for the first time yesterday to keep Congress from seeing documents of prosecutors' decision-making in cases ranging from a decades-old Boston murder to the Clinton-era fund-raising investigation.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the documents from a House investigative committee that subpoenaed them.

The decision institutes a dramatic change in the way the administration intends to deal with Congress after years in which the Justice Department, sometimes reluctantly, shared sensitive documents with lawmakers. Republicans and Democrats alike criticized the decision, suggesting Bush was creating a "monarchy" or "imperial" presidency to keep Congress from overseeing the executive branch and guarding against corruption.

The Republican House committee chairman who sought the documents raised the possibility of taking Bush to court for contempt of Congress. "Everyone is in agreement you guys are making a big mistake," Rep. Dan Burton, R-Ind., told Justice lawyers at a hearing after the announcement. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

In his memo to Ashcroft, the president explained his decision. "Disclosure to Congress of confidential advice to the attorney general regarding the appointment of a special counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," Bush wrote.

The decision immediately affects a subpoena from Burton's House Government Reform Committee for documents related to the FBI's handling of mob informants in Boston dating to the 1960s. It also sets a new policy in the works

BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS DENIED ACCESS TO JUSTICE DOCUMENTS

for months in which the administration will resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

The Boston murder case stems from revelations that **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

Load-Date: December 15, 2001

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BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS IS DENIED SALVATI DOCUMENTS

Hartford Courant (Connecticut)

December 14, 2001 Friday, 7 SPORTS FINAL

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Section: MAIN; Pg. A23

Length: 621 words

Byline: By EDMUND H. MAHONY; Courant Staff Writer An Associated Press report is included in this story.

Body

President Bush invoked executive privilege for the first time Thursday to block Congress from reviewing documents that could explain decisions by law enforcement officials who jailed an innocent man for 30 years in a decades-old Boston Mafia case.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold thousands of documents from a House investigative committee that subpoenaed them.

The decision signals a change in the way the administration intends to deal with Congress after years in which the Justice Department, sometimes reluctantly, shared sensitive investigative documents with lawmakers.

Bush's exercise of executive privilege is his administration's response to subpoenas for Justice Department documents filed months ago by the House Committee on Government Reform. Twelve of the document requests concern FBI and Justice decisions leading to the wrongful conviction and imprisonment of **Joseph Salvati** of Boston.

Michael Horowitz, chief of staff of the Justice Department's criminal division, said during an appearance before the committee Thursday that the administration's decision to block disclosure turned on the request for information from the Salvati case.

Republicans and Democrats alike excoriated the decision, suggesting Bush was creating a "monarchy" or "imperial" presidency to keep Congress from overseeing the executive branch and guarding against corruption.

The Republican House committee chairman who sought the documents raised the possibility of taking Bush to court for contempt of Congress.

"Everyone is in agreement you guys are making a big mistake," Rep. Dan Burton, R-Ind., told Justice lawyers at a hearing after the announcement. "We might be able to go to the [House] floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

BUSH INVOKES EXECUTIVE PRIVILEGE; CONGRESS IS DENIED SALVATI DOCUMENTS

Ashcroft has said in the past that the administration opposes disclosure of documents that could explain how prosecutors make decisions to prosecute or not to prosecute

In his memo, Bush explained:

"I am concerned that congressional access to prosecutorial decision-making documents of this kind threatens to politicize the criminal justice process. Congressional pressure on executive branch decision-making is inconsistent with separation of powers and threatens individual liberty."

Salvati was one of six men accused in 1965 of gunning down a low-level hoodlum named Edward "Teddy" Deegan in a Chelsea, Mass., alley. Secret FBI memos, which have been unsealed sporadically through an ongoing investigation of FBI wrongdoing in Boston, show that Salvati was framed by an unscrupulous FBI informant and that the FBI knew before Salvati's conviction that he was innocent.

After decades of work by Salvati's lawyer, Victor Garo, then-Massachusetts Gov. William Weld commuted Salvati's sentence March 20, 1997. During an emotional congressional hearing in May, an FBI agent who played a key role in Salvati's conviction conceded that he was innocent.

Salvati's lawyer described him as devastated by Bush's decision.

"The cruelest lies are often the ones told in silence," Garo said. "The government has been hiding evidence in the Joe Salvati case for well over 30 years. Here again, the government is trying to hide more evidence of what has been done to this poor man and his family."

U.S. Rep. Christopher Shays, R-4th District, a committee member who has adopted Salvati's case, called Bush's exercise of privilege misguided.

"This is not the case you want to make an issue of with Congress," Shays said.

Load-Date: December 14, 2001



Bush invokes executive privilege over case memos

Charleston Gazette (West Virginia)

December 14, 2001, Friday

Copyright 2001 Charleston Newspapers

Section: News; Pg. P3A

Length: 839 words

Byline: Karen Gullo The Associated Press

Body

WASHINGTON - President Bush invoked executive privilege Thursday to block Congress from seeing prosecutors' memos in controversial criminal cases in a move that angered lawmakers already concerned about access to sensitive information.

The president said he invoked the legal privilege, which gained notoriety during Nixon and Clinton scandals, because he was concerned that sharing such documents with Congress could chill prosecutors' private deliberations in criminal cases.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the papers.

A Republican House chairman threatened to take the president to court, and other lawmakers from both parties said they feared Bush was trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch.

"This is not a monarchy," said Rep. Dan Burton, R-Ind., whose House Government Reform Committee sought the documents from cases ranging from a 1960s murder in Boston to the Clinton-era fund-raising probe.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The maneuver was expected - White House counsel Alberto Gonzalez recommended earlier this year that Bush use the privilege to keep lawmakers from meddling in or exposing sensitive law enforcement conversations.

But it prompted the latest skirmish between the White House and Congress over how much information the administration is willing to share with lawmakers.

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals. Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy.

Bush invokes executive privilege over case memos

Congress' investigative and auditing office is considering suing the Bush White House to force it to identify industry executives who met with Vice President Dick Cheney about the energy policy.

In his memo to Ashcroft, Bush said disclosing them would cast a pall over the confidential deliberations of government lawyers.

"Disclosure to Congress of confidential advice to the attorney general regarding the appointment of a special counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," the letter said.

Lawmakers said they were concerned the administration has set a new policy to resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

Several such memos were shared with Congress during both Republican and Democratic administrations. Most recently, in the 1990s, such documents were turned over to lawmakers during the Whitewater, fund-raising, pardons and impeachment investigations.

"Everyone is in agreement you guys are making a big mistake," Burton told Justice Department lawyers at a hearing after Thursday's announcement. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

Rep. Henry Waxman, the top Democrat on Burton's committee, who is often at odds with the chairman, agreed with his sometimes nemesis.

"An imperial presidency or an imperial justice department conflicts with the democratic principles of our nation," Waxman said.

White House spokesman Ari Fleischer said the practice of invoking executive privilege is common among presidents - President Reagan claimed it three times, Bush's father twice and President Clinton four times.

He said the administration has already handed over 3,500 pages to Burton's committee.

While invoking the privilege, Bush instructed Ashcroft to have the Justice Department "remain willing to work informally with the committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers."

Burton's committee for months has been seeking Justice Department memos about prosecutors' decisions in cases involving the handling of mob informants in Boston, Democratic fund raising, a former Clinton White House official and a former federal drug enforcement agent.

The committee subpoenaed Ashcroft, demanding those documents in the fall and scheduled a hearing Thursday to examine the Boston case.

That case stems from revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant. Salvati had been paroled in 1997.

Load-Date: December 15, 2001

Bush invokes executive privilege to block Congress from memos Move draw cry of 'imperial presidency' from lawmakers



[Bush invokes executive privilege to block Congress from memos Move draw cry of 'imperial presidency' from lawmakers](#)

Arkansas Democrat-Gazette (Little Rock, AR)

December 14, 2001, Friday

Copyright 2001 Little Rock Newspapers, Inc.

Section: NEWS;

Length: 877 words

Byline: JOHN SOLOMON, THE ASSOCIATED PRESS

Body

WASHINGTON -- President Bush invoked executive privilege for the first time Thursday to keep Congress from seeing documents of prosecutors' decision-making in cases such as a decades-old Boston murder and the inquiry into fund-raising associated with the Clinton administration.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the documents from a House investigative committee that subpoenaed them.

The decision institutes a dramatic change in the way the administration intends to deal with Congress after years in which the Justice Department, sometimes reluctantly, shared sensitive investigative documents with lawmakers.

Republicans and Democrats alike harshly denounced the decision, suggesting Bush was creating a "monarchy" or "imperial" presidency to keep Congress from monitoring the executive branch and guarding against corruption.

The Republican House committee chairman who sought the documents raised the possibility of taking Bush to court for contempt of Congress.

"Everyone is in agreement, you guys are making a big mistake," Rep. Dan Burton, R-Ind., told Justice Department lawyers at a hearing after the announcement. "We might be able to go to the [House] floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

In his memo to Ashcroft, the president explained his decision.

"Disclosure to Congress of confidential advice to the attorney general regarding the appointment of a special counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," Bush wrote.

He added, "It is my decision that you should not release these documents or otherwise make them available to the committee. ... I have decided to assert executive privilege."

Bush invokes executive privilege to block Congress from memos Move draw cry of 'imperial presidency' from lawmakers

Burton decried the decision. "This is not a monarchy," he said. "The legislative branch has oversight responsibility to make sure there is no corruption in the executive branch."

Rep. Henry Waxman, the top Democrat on the committee, who frequently sparred with Burton during Clinton era investigations, agreed with his sometimes nemesis.

"An imperial presidency or an imperial Justice Department conflicts with the democratic principles of our nation," Waxman said.

The decision immediately affects a subpoena from Burton's House Government Reform Committee for documents related to the FBI's handling of mob informants in Boston dating to the 1960s.

More importantly, it sets a new policy in the works for months in which the administration will resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The privilege, however, is best known for the unsuccessful attempts by former Presidents Nixon and Clinton to keep evidence secret during impeachment investigations.

White House counsel Alberto Gonzales recommended Bush invoke the privilege earlier this fall.

While invoking the privilege, Bush instructed Ashcroft to have the Justice Department "remain willing to work informally with the committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers."

Burton's committee for months has been seeking Justice Department memos about prosecutors' decisions in cases involving the handling of mob informants in Boston, Democratic fund raising, a former Clinton White House official and a former federal drug enforcement agent.

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That case stems from revelations that ***Joseph Salvati*** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant. Salvati had been paroled in 1997.

Several such memos were shared with Congress during both Republican and Democratic administrations. Most recently, in the 1990s, such documents were turned over to the Whitewater, fund-raising, pardon and impeachment investigations by lawmakers.

But the concept of extending executive privilege to Justice Department decisions isn't new. During the Reagan administration, the privilege was cited as the reason the department did not tell Congress about some memos in a high-profile environmental case.

And Clinton's attorney general, Janet Reno, advised Clinton in 1999 that he could invoke the privilege to keep from disclosing documents detailing department views on 16 pardon cases.

Information for this article was contributed by Melissa Robinson of The Associated Press.

Load-Date: December 14, 2001

Bush invokes executive privilege to keep Justice Department documents secret



Bush invokes executive privilege to keep Justice Department documents secret

The Oakland Tribune (Oakland, CA)

December 13, 2001 Thursday

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Section: FRONT PAGE

Length: 850 words

Byline: By Karen Gullo Associated Press

Dateline: WASHINGTON

Body

President Bush invoked executive privilege Thursday to block Congress from seeing prosecutors' memos in controversial criminal cases in a move that angered lawmakers already concerned about access to sensitive information.

The president said he invoked the legal privilege, which gained notoriety during Nixon and Clinton scandals, because he was concerned that sharing such documents with Congress could chill prosecutors' private deliberations in criminal cases.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the papers.

A Republican House chairman threatened to take the president to court, and other lawmakers from both parties said they feared Bush was trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch.

"This is not a monarchy," said Rep. Dan Burton, R-Ind., whose House Government Reform Committee sought the documents from cases ranging from a 1960s murder in Boston to the Clinton-era fund-raising probe.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The maneuver was expected White House counsel Alberto Gonzalez recommended earlier this year that Bush use the privilege to keep lawmakers from meddling in or exposing sensitive law enforcement conversations.

But it prompted the latest skirmish between the White House and Congress over how much information the administration is willing to share with lawmakers.

Bush invokes executive privilege to keep Justice Department documents secret

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals. Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy.

Congress' investigative and auditing office is considering suing the Bush White House to force it to identify industry executives who met with Vice President Dick Cheney about the energy policy.

In his memo to Ashcroft, Bush said disclosing them would cast a pall over the confidential deliberations of government lawyers.

"Disclosure to Congress of confidential advice to the attorney general regarding the appointment of a special counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," the letter said.

Lawmakers said they were concerned the administration has set a new policy to resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

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EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this story.

Bush invokes executive privilege to keep Justice Department documents secret

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End of Document



Bush invokes executive privilege to keep Justice Department documents secret

The Associated Press State & Local Wire

December 13, 2001, Thursday, BC cycle

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Section: State and Regional

Length: 867 words

Byline: By KAREN GULLO, Associated Press Writer

Dateline: WASHINGTON

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Lawmakers said they were concerned the administration has set a new policy to resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

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"Everyone is in agreement you guys are making a big mistake," Burton told Justice Department lawyers at a hearing after Thursday's announcement. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

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Bush invokes executive privilege to keep Justice Department documents secret

EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this story.

Load-Date: December 14, 2001

End of Document



Bush invokes executive privilege to keep Justice Department documents secret

The Canadian Press (CP)

December 13, 2001 Thursday

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Section: FOREIGN GENERAL NEWS

Length: 753 words

Byline: BY JOHN SOLOMON

Body

WASHINGTON (AP) _ President George w. Bush invoked executive privilege for the first time Thursday to keep Congress from seeing documents of prosecutors' decision-making in cases ranging from a decades-old Boston murder to the Clinton-era fund-raising probe.

I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the documents from a House investigative committee that subpoenaed them.

The decision institutes a dramatic change in the way the administration intends to deal with Congress after years in which the Justice Department, sometimes reluctantly, shared sensitive investigative documents with lawmakers.

Republicans and Democrats alike excoriated the decision, suggesting Bush was creating a monarchy" or imperial" presidency to keep Congress from overseeing the executive branch and guarding against corruption.

AP

The Republican House committee chairman who sought the documents raised the possibility of taking Bush to court for contempt of Congress.

Everyone is in agreement you guys are making a big mistake," Representative Dan Burton (R_Ind.) told Justice lawyers at a hearing after the announcement. We might be able to go to the (House) floor and take this thing to court."

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In his memo to Ashcroft, the president explained his decision.

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Bush invokes executive privilege to keep Justice Department documents secret

charges would inhibit the candour necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions," Bush wrote.

He added, "It is my decision that you should not release these documents or otherwise make them available to the committee... I have decided to assert executive privilege."

Burton decried the decision. "This is not a monarchy," he said. "The legislative branch has oversight responsibility to make sure there is no corruption in the executive branch."

The decision immediately affects a subpoena from Burton's House Government Reform Committee for documents related to the FBI's handling of mob informants in Boston dating to the 1960s.

More important, it sets a new policy in the works for months in which the administration will resist lawmakers' requests to view prosecutorial decision-making documents that have been routinely turned over to Congress in years past.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The privilege, however, is best known for the unsuccessful attempts by former presidents Richard Nixon and Bill Clinton to keep evidence secret during impeachment investigations.

White House counsel Alberto Gonzales recommended Bush invoke the privilege earlier this fall.

While invoking the privilege, Bush instructed Ashcroft to have the Justice Department remain willing to work informally with the committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers."

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The concept of extending executive privilege to Justice Department decisions isn't new. During the Reagan years, the privilege was cited as the reason the department did not tell Congress about some memos in a high-profile environmental case.

And Clinton's attorney general, Janet Reno, advised Clinton in 1999 that he could invoke the privilege to keep from disclosing documents detailing department views on 16 pardon cases.

Load-Date: June 6, 2002



Bush invokes executive privilege to keep Justice Department documents secret

December 13, 2001, Thursday, BC cycle

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Section: Washington Dateline

Length: 851 words

Byline: By KAREN GULLO, Associated Press Writer

Dateline: WASHINGTON

Body

President Bush invoked executive privilege Thursday to block Congress from seeing prosecutors' memos in controversial criminal cases in a move that angered lawmakers already concerned about access to sensitive information.

The president said he invoked the legal privilege, which gained notoriety during Nixon and Clinton scandals, because he was concerned that sharing such documents with Congress could chill prosecutors' private deliberations in criminal cases.

"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the papers.

A Republican House chairman threatened to take the president to court, and other lawmakers from both parties said they feared Bush was trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch.

"This is not a monarchy," said Rep. Dan Burton, R-Ind., whose House Government Reform Committee sought the documents from cases ranging from a 1960s murder in Boston to the Clinton-era fund-raising probe.

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The maneuver was expected - White House counsel Alberto Gonzalez recommended earlier this year that Bush use the privilege to keep lawmakers from meddling in or exposing sensitive law enforcement conversations.

But it prompted the latest skirmish between the White House and Congress over how much information the administration is willing to share with lawmakers.

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals. Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy.

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EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this story.

Bush invokes executive privilege to keep Justice Department documents secret

Load-Date: December 14, 2001

End of Document



Bush invokes executive privilege to keep Justice Department investigative documents secret

The Associated Press State & Local Wire

December 14, 2001, Friday, BC cycle

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Section: State and Regional

Length: 604 words

Byline: By PETE YOST, Associated Press Writer

Dateline: WASHINGTON

Body

Since taking office, President Bush has sent a clear message to Congress: Some sensitive information Capitol Hill lawmakers have been used to getting will be off limits.

Bush sent the most powerful part of the message Thursday when he invoked executive privilege to protect the confidentiality of prosecutorial documents Congress has often received in the past.

Kept out of lawmakers' hands are documents pertaining to the FBI's handling of mob informants in Boston in the 1960s and the Clinton-era fund-raising probe of the 1990s.

"This is the beginning of a real constitutional confrontation," said Rep. William Delahunt, D-Mass. "I think they ran into the wrong chairman, the wrong committee and maybe the wrong Congress."

The House Government Reform Committee chaired by Rep. Dan Burton, R-Ind., had subpoenaed the Boston material.

"I think it's just a power grab" and "a clever maneuver politically," Catholic University political science professor Mark Rozell said of the president rebuffing congressional demands.

After a prolonged battle, Attorney General Janet Reno turned over much material to the Republican-led Congress from the fund-raising investigation of the Clinton campaign of 1996.

The Bush White House's strategy is "to make a sharp turn to get them back" to where the Republicans think the privilege should properly be, said St. John's University law professor John Barrett.

Rozell said it is disturbing that the White House takes the position that a dispute involving a prosecutorial matter is automatically resolved in the executive's favor.

The Justice Department almost always withholds materials from Congress in ongoing investigations, but in closed probes the need for secrecy is greatly reduced.

Bush invokes executive privilege to keep Justice Department investigative documents secret

Withholding information from Congress has become a White House habit.

The president didn't bother to consult the Senate Judiciary Committee chairman before disclosing his plan for military tribunals. Since last spring, Vice President Dick Cheney has been refusing to disclose his secret energy meetings with power industry executives and lobbyists.

Senate Judiciary Committee member Charles Grassley questions Bush's position that access to the Justice Department documents would be contrary to the national interest.

"Anything that limits legitimate congressional oversight is very worrisome," Grassley said. "This move needs to be carefully scrutinized, particularly in an atmosphere where Congress is giving the Justice Department additional powers and authority."

At a hearing before Burton's committee, Justice Department criminal division chief of staff Michael Horowitz argued keeping deliberative documents away from Congress would "insulate career line prosecutors and their internal deliberations from political pressure."

"What you have said is extraordinarily insulting," responded Rep. Christopher Shays, R-Conn.

"We all think this is stonewalling. It's a terrible, terrible precedent to set," Burton said. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

"The point is if you have corruption in the Justice Department and you let an executive decision stand, you can't root out corruption," Burton said. "This is not a monarchy."

In the Boston case being examined by the committee, Joseph Salvati spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence.

EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this report.

Load-Date: December 15, 2001



Bush invokes executive privilege to keep Justice Department investigative documents secret

December 14, 2001, Friday, BC cycle

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Section: Washington Dateline

Length: 591 words

Byline: By PETE YOST, Associated Press Writer

Dateline: WASHINGTON

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EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this report.

Load-Date: December 15, 2001

Bush invokes privilege on documents; House committee is denied records about prosecution decisions



***Bush invokes privilege on documents;
House committee is denied records about prosecution decisions***

The Baltimore Sun

December 14, 2001 Friday

FINAL EDITION

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Section: TELEGRAPH,

Length: 946 words

Byline: Gail Gibson

Dateline: WASHINGTON

Body

WASHINGTON -- Intent on keeping internal government records private, President Bush invoked executive privilege for the first time yesterday to block a House committee's request for documents. The papers explain why prosecutors filed or rejected charges in the Clinton-era campaign finance investigation and in a 30-year-old Boston mob case.

Such documents have been turned over to Congress in the past. But the Bush administration has launched an aggressive effort in recent months to keep internal discussions, particularly on matters of legal strategy, confidential.

SUN NATIONAL STAFF

In a memo to Attorney General John Ashcroft, Bush said it would be "contrary to the national interest" to release the Justice Department records, which were subpoenaed in September by the Republican-led House Government Reform Committee.

"Congressional pressure on executive branch prosecutorial decision-making is inconsistent with separation of powers and threatens individual liberty," Bush wrote.

The action drew criticism from both Republicans and Democrats on the committee, who raised the possibility of a court battle with the president. Committee Chairman Dan Burton, an Indiana Republican, was notified of the decision before a hearing yesterday about the FBI's handling of Mafia informants in Boston in the 1960s.

"Everyone is in agreement you guys are making a big mistake," Burton told Justice Department lawyers at the hearing. "This is not a monarchy. The legislative branch has oversight responsibilities to make sure there is no corruption in the executive branch."

Bush invokes privilege on documents; House committee is denied records about prosecution decisions

Rep. Henry A. Waxman of California, the top Democrat on the committee, said: "An imperial presidency or an imperial Justice Department conflicts with the democratic principles of our nation."

Some legal scholars expressed surprise that Bush had used a narrowly drawn power -- recognized by courts to protect a president and his close advisers on national security discussions -- to shield Justice Department records in cases that are closed.

Mark J. Rozell, a political professor at Catholic University who wrote a 1994 book about presidential executive privilege, said the Bush administration was on "weak ground" in asserting the special power in this instance.

But Rozell called the move "clever politics" and said it could allow the White House to stretch the powers of executive privilege while meeting little resistance from Democrats who are unhappy about Burton's continued investigation of the Clinton administration's campaign fund raising.

The Bush administration has accommodated other congressional investigations. Ari Fleischer, the White House spokesman, noted that 3,500 pages of records have been turned over to Burton's committee.

Earlier this year, Burton requested telephone transcripts of conversations between President Bill Clinton and then-Israeli Prime Minister Ehud Barak about a presidential pardon for the fugitive financier Marc Rich. The White House granted the request, though the transcripts were edited by National Security Council staff.

In his memo to the attorney general, Bush instructed the Justice Department to "remain willing to work informally with the committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers."

But the White House has also made a series of moves criticized by some lawmakers and outside groups for blocking congressional involvement and oversight.

Vice President Dick Cheney refused last summer to turn over documents demanded by the General Accounting Office as part of a congressional investigation of the administration's energy plan. Cheney argued that the agency was seeking to "unconstitutionally interfere" with the workings of the White House.

More recently, Bush signed an executive order vastly expanding his powers to keep the papers of former presidents secret. Some in Congress have also questioned his decision last month to sign an executive order to create military tribunals to try suspected foreign terrorists without first consulting lawmakers.

The doctrine of executive privilege has been extended to the Justice Department before. But it was intended primarily to allow presidents to receive candid advice from senior aides without fear that it would become public.

In its most famous use, Presidents Clinton and Richard M. Nixon invoked executive privilege during their impeachment proceedings, though the courts rejected the claims in both cases.

To challenge Bush's assertion now, Burton's committee would need the approval of the full Congress to ask a court to find the president in contempt. Burton raised that possibility yesterday, though it seems unlikely given the military action in Afghanistan and wide public support for Bush.

Burton's committee has been investigating the FBI's handling of confidential informants in Boston in the 1960s and 1970s. The investigation stemmed from the discovery that **Joseph Salvati** of Boston spent 30 years in prison for a killing he did not commit.

The House committee has been studying whether FBI agents purposely concealed the fact that Salvati and three other defendants were framed by Joseph "The Animal" Barboza, an underworld hit man who had been the bureau's prized witness against the New England Mafia in the 1960s.

In requesting documents about prosecutors' decision-making involving several Boston crime figures, the committee also requested some similar documents about Democratic fund raising.

Bush invokes privilege on documents; House committee is denied records about prosecution decisions

Ashcroft signaled over the summer that he would not release the records. Bush had previously said that he would back the attorney general's decision by asserting executive privilege, if necessary.

Graphic

Photo(s), Scolding: Committee chairman Rep. Dan Burton makes pointed, remarks to Carl Thorsen (right), deputy assistant attorney general., ASSOCIATED PRESS

Load-Date: December 14, 2001

End of Document



Bush invokes privilege to keep memos secret

San Mateo County Times (San Mateo, CA)

December 14, 2001 Friday

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Section: LOCAL

Length: 852 words

Dateline: WASHINGTON

Body

President Bush invoked executive privilege Thursday to block Congress from seeing prosecutors' memos in controversial criminal cases in a move that angered lawmakers already concerned about access to sensitive information.

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"I believe congressional access to these documents would be contrary to the national interest," Bush wrote in a memo ordering Attorney General John Ashcroft to withhold the papers.

A Republican House chairman threatened to take the president to court, and other lawmakers from both parties said they feared Bush was trying to create an "imperial presidency" by thwarting Congress' ability to oversee the executive branch.

"This is not a monarchy," said Rep. Dan Burton, R-Ind., whose House Government Reform Committee sought the documents from cases ranging from a 1960s murder in Boston to the Clinton-era fund-raising probe.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

The maneuver was expected -- White House counsel Alberto Gonzalez recommended earlier this year that Bush use the privilege to keep lawmakers from meddling in or exposing sensitive law enforcement conversations.

But it prompted the latest skirmish between the White House and Congress over how much information the administration is willing to share with lawmakers.

Senators recently complained that Bush didn't consult them before deciding some terrorism defendants could be tried by secret military tribunals. Other lawmakers have been frustrated by their inability to get information about the administration's deliberation on a national energy policy.

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EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this story.

Load-Date: June 20, 2003

Bush invokes privilege to keep memos secret

End of Document



Bush irks Congress by invoking 'privilege'

Deseret News (Salt Lake City)

December 13, 2001, Thursday

Copyright 2001 The Deseret News Publishing Co.

Section: WIRE;

Length: 832 words

Byline: Associated Press

Body

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The decision institutes a dramatic change in the way the administration intends to deal with Congress after years in which the Justice Department, sometimes reluctantly, shared sensitive investigative documents with lawmakers.

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Bush irks Congress by invoking 'privilege'

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Load-Date: December 13, 2001



BUSH KEEPS DOCUMENTS FROM CONGRESS; EXECUTIVEPRIVILEGE UPSETS LAWMAKERS

The Record (Bergen County, NJ)

December 14, 2001 Friday All Editions

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Section: NEWS; Pg. a15

Length: 548 words

Byline: JOHN SOLOMON, The Associated Press

Dateline: WASHINGTON

Body

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"Everyone is in agreement you guys are making a big mistake," Rep.

Dan Burton, R-Ind., told Justice lawyers at a hearing after the announcement. "We might be able to go to the [House] floor and take this thing to court. " The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear of its becoming public.

BUSH KEEPS DOCUMENTS FROM CONGRESS;EXECUTIVEPRIVILEGE UPSETS LAWMAKERS

The privilege, however, is best known for the unsuccessful attempts by former Presidents Richard Nixon and Bill Clinton to keep evidence secret during impeachment investigations.

White House counsel Alberto Gonzales recommended Bush invoke the privilege earlier this fall.

For months, Burton's committee has been seeking Justice Department memos about prosecutors, decisions in cases involving the handling of mob informants in Boston, Democratic fundraising, a former Clinton White House official, and a former federal drug enforcement agent.

The committee subpoenaed Ashcroft, demanding those documents in the fall and scheduled a hearing Thursday to examine the Boston case.

That case stems from revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati's conviction was overturned in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

Salvati had been paroled in 1997.

Several such memos were shared with Congress during both Republican and Democratic administrations. Most recently, in the 1990s, such documents were turned over to the Whitewater, fundraising, pardons, and impeachment investigations by lawmakers.

But the concept of extending executive privilege to Justice Department decisions isn't new. During the Reagan years, the privilege was cited as the reason the department did not tell Congress about some memos in a high-profile environmental case.

And Clinton's attorney general, Janet Reno, advised Clinton in 1999 that he could invoke the privilege to keep from disclosing documents detailing department views on 16 pardon cases.

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Bush Makes Justice Papers Secret

Associated Press Online

December 14, 2001 Friday

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Section: WASHINGTON DATELINE

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Byline: PETE YOST; Associated Press Writer

Dateline: WASHINGTON

Body

Since taking office, President Bush has sent a clear message to Congress: Some sensitive information Capitol Hill lawmakers have been used to getting will be off limits.

Bush sent the most powerful part of the message Thursday when he invoked executive privilege to protect the confidentiality of prosecutorial documents Congress has often received in the past.

Kept out of lawmakers' hands are documents pertaining to the FBI's handling of mob informants in Boston in the 1960s and the Clinton-era fund-raising probe of the 1990s.

"This is the beginning of a real constitutional confrontation," said Rep. William Delahunt, D-Mass. "I think they ran into the wrong chairman, the wrong committee and maybe the wrong Congress."

The House Government Reform Committee chaired by Rep. Dan Burton, R-Ind., had subpoenaed the Boston material.

"I think it's just a power grab" and "a clever maneuver politically," Catholic University political science professor Mark Rozell said of the president rebuffing congressional demands.

After a prolonged battle, Attorney General Janet Reno turned over much material to the Republican-led Congress from the fund-raising investigation of the Clinton campaign of 1996.

The Bush White House's strategy is "to make a sharp turn to get them back" to where the Republicans think the privilege should properly be, said St. John's University law professor John Barrett.

Rozell said it is disturbing that the White House takes the position that a dispute involving a prosecutorial matter is automatically resolved in the executive's favor.

The Justice Department almost always withholds materials from Congress in ongoing investigations, but in closed probes the need for secrecy is greatly reduced.

Bush Makes Justice Papers Secret

Withholding information from Congress has become a White House habit.

The president didn't bother to consult the Senate Judiciary Committee chairman before disclosing his plan for military tribunals. Since last spring, Vice President Dick Cheney has been refusing to disclose his secret energy meetings with power industry executives and lobbyists.

Senate Judiciary Committee member Charles Grassley questions Bush's position that access to the Justice Department documents would be contrary to the national interest.

"Anything that limits legitimate congressional oversight is very worrisome," Grassley said. "This move needs to be carefully scrutinized, particularly in an atmosphere where Congress is giving the Justice Department additional powers and authority."

At a hearing before Burton's committee, Justice Department criminal division chief of staff Michael Horowitz argued keeping deliberative documents away from Congress would "insulate career line prosecutors and their internal deliberations from political pressure."

"What you have said is extraordinarily insulting," responded Rep. Christopher Shays, R-Conn.

"We all think this is stonewalling. It's a terrible, terrible precedent to set," Burton said. "We might be able to go to the (House) floor and take this thing to court."

The full House, controlled by Republicans, would have to vote to find Bush in contempt to start such a court battle.

"The point is if you have corruption in the Justice Department and you let an executive decision stand, you can't root out corruption," Burton said. "This is not a monarchy."

In the Boston case being examined by the committee, Joseph Salvati spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence.

EDITOR'S NOTE: Reporter Melissa Robinson in Washington contributed to this report.

Load-Date: December 14, 2001



BUSH POLICY COULD FOIL SUITS ON FBI DEALINGS

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Byline: By Ralph Ranalli, Globe Staff

Body

The families of those allegedly murdered by James "Whitey" Bulger and other FBI informants could face a major roadblock in their efforts to sue the government from the Bush administration's use of executive privilege to shield sensitive Justice Department documents.

Two weeks ago, President Bush invoked the privilege, a move to block a congressional committee from obtaining information about the FBI's informant policy. The move came as the House Government Reform Committee continued to investigate the Boston office's ties to Bulger - a fugitive now on the FBI's 10 Most Wanted list and suspected in at least 18 murders.

The president's move sparked a battle between Congress and the White House over the scope of the president's privilege to protect executive branch documents.

Both the lawmakers and lawyers for the victims' families want to know who was responsible for the bureau's decision to maintain informant relationships with known underworld killers and why dangerous criminals like Bulger were left on the streets, to allegedly kill again.

"We would hope that the families who have suffered these grievous losses wouldn't be barred from justice and their meaningful day in court," said Frank Libby, an attorney representing the estate of Tulsa businessman Roger Wheeler, who federal prosecutors charge was murdered by Bulger's gang in 1981.

In a Boston courtroom last week, a federal judge presiding over one family's case warned government lawyers that they would have to justify withholding any documents. The lawyers are expected to cite Bush's executive privilege order.

The administration's refusal to cooperate has infuriated even some members of Bush's own party.

"There is a veil of secrecy that seems to be descending around the Justice Department and the White House. This is beyond the pale," said House Government Reform Committee chairman Daniel Burton, an Indiana Republican.

BUSH POLICY COULD FOIL SUITS ON FBI DEALINGS

Bush's move reversed the Clinton administration's policy of at least limited cooperation with outside investigations of FBI misconduct. It blocks Congressional scrutiny of the FBI's controversial Top Echelon Informant Program, of which Bulger was a longtime member. The move also appears to block congressional investigators from probing the bureau's refusal to release exculpatory evidence in the cases of Joseph Salvati and Peter Limone. The two Massachusetts men languished in prison for decades before FBI officials admitted that they had withheld documents supporting their claims of innocence.

Indeed, some legal experts warn that if Bush and Attorney General John Ashcroft are successful in asserting executive privilege, that could upset the balance of power among the executive, legislative, and judicial branches of the federal government, allowing the Justice Department and the FBI to operate with virtually no meaningful oversight. That scenario has some members of Congress threatening to sue the White House.

The lawmakers say Congress's oversight role could be permanently diminished.

"This isn't simply about the alleged misconduct of FBI agents in the Boston office; this has far-ranging implications in terms of the relationship between the branches and the separation of powers . . . that date back to the beginnings of the republic," US Representative William Delahunt, a Quincy Democrat, said last week.

Burton, an ardent Bush supporter, said last week that he was blindsided by Bush's decision to cite executive privilege - a legal maneuver usually reserved to protect the inner workings of the White House.

Two weeks ago during a telephone call to the White House, Burton said, he pledged his support for giving Bush broad new "fast track" powers to negotiate international trade agreements. Burton, a conservative Republican, hadn't supported the fast track bill before, but he said he decided to support Bush on the matter to show solidarity during the war on terrorism.

It also made him feel he could ask for a small favor in return. Would the president, Burton asked, consider supporting his committee's inquiry into the case of Salvati?

Burton explained that Salvati was a Boston man wrongly imprisoned for 30 years, thanks to the alleged misuse of organized crime informants by the FBI, which Burton's committee was investigating. Bush seemed to be taking notes, so Burton even spelled the name over the telephone: "S-A-L-V-A-T-I."

The president sent his answer a few days later. Eight Justice Department lawyers arrived at a committee hearing with word that the administration would withhold information on how FBI officials and Justice Department prosecutors made decisions about whether to prosecute or protect informants.

In a signed order to Ashcroft, Bush wrote that making public "confidential recommendations to Department of Justice officials" would chill the candid exchange of ideas "necessary to the effectiveness of the deliberative process by which the department makes prosecutorial decisions."

Burton was not pleased. "In the 19 years I have been in Congress, I have never seen it (executive privilege) used in this manner. I am a conservative Republican, who has walked in lock step with this president, but this is more important. If we set the precedent that the president can block Congress from its oversight function, we would have a potential for corruption that would be just huge," he said.

George Washington University Law School professor Mary Cheh, a specialist in constitutional law, said she believes Bush is using the FBI case to set a defining tone for his relationship with Congress.

"Congress should press him (Bush)," she said. "Even if he thinks some of the information is sensitive, there are ways to handle it. I think it is important for Congress not to lie down on this one."

Even if Congress doesn't take the issue to the courts, other legal experts say the administration and the Justice Department are likely to have a showdown with the judiciary.

BUSH POLICY COULD FOIL SUITS ON FBI DEALINGS

"The same issue you see in Washington is going to land here in court and then all three branches are going to be wrestling with it," Libby said.

Numerous relatives of people allegedly killed by FBI informants have already brought wrongful death claims totaling more than \$1.3 billion against the FBI and numerous individual agents. Many of those cases were brought based on FBI documents already made public by another federal judge in Boston, Mark L. Wolf, who in 1997 threatened to jail one of Attorney General Janet Reno's top deputies for contempt if the documents weren't turned over.

Government lawyers in the case involving John McIntyre - a Quincy man who disappeared in 1984 after telling authorities he worked for a Bulger-connected drug- and weapons-smuggling ring - have cited an ongoing criminal probe of FBI corruption, not executive privilege, for their reluctance to turn over documents. But a lawyer for McIntyre's family said another fight could develop over key documents in that case.

"If we seek documents in Washington on how they ran the (informant) program, why did they keep them open as informants, then we could run into executive privilege," attorney William Christie said.

Donald K. Stern, the former US attorney for Massachusetts who helped launch the criminal probe and oversaw an overhaul of the Justice Department's informant guidelines, said he hopes the Bush administration will find a "practical way for . . . any relevant documents to be made available and public."

"The law enforcement community is best served by having this history be available for public review, no matter how painful it might be for any particular agency, or anyone else," Stern said.

Graphic

PHOTO, DONALD K. STERN Urges release of documents

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'Cadillac Frank' Salemme set for early prison release

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Byline: Lee Hammel

Body

The planned release of the former head of the Patriarca crime family from prison this month- instead of next year- is a source of disagreement within justice circles.

There is no disagreement that Francis P. "Cadillac Frank" Salemme provided significant information in the prosecution of former FBI agent John J. Connolly Jr. and the release of two men imprisoned for more than 30 years for a murder they did not commit.

But whether Mr. Salemme provided helpful information about all the crimes he knows about, as required by his cooperation agreement, is another matter.

The 69-year-old Salemme admitted to participating in eight murders during the 1960s. However, Assistant U.S. Attorney Fred M. Wyshak Jr. argued that Salemme did not provide information about at least six mob murders committed during the 1990s, while he was head of the New England Mafia.

For that reason, Mr. Wyshak urged U.S. District Judge Mark L. Wolf to cut only 16 months off the 11-year, four-month sentence that Mr. Salemme received after his August 1995 arrest on charges of racketeering, extortion and bribery.

In a reversal of the usual response of judges, who often decry how much of a break prosecutors want to give criminals who have "flipped" in order to evade punishment for their crimes, Judge Wolf gave Mr. Salemme more of a break last month than Mr. Wyshak recommended.

Judge Wolf, who was also a prosecution witness against Mr. Connolly last May, instead shaved 28 months off the ex-Mafia don's sentence. By taking off a year more than Mr. Wyshak requested, he moved up Mr. Salemme's release to late this month instead of June 2005.

Mr. Salemme will be given a new name and location in the witness protection program to help him escape the consequences of being one of the highest-ranking mobsters ever to break the Mafia's code of silence.

'Cadillac Frank' Salemme set for early prison release

The question now is whether Mr. Salemme, who earned a living as an electrician before he turned to crime, will become a law-abiding citizen. Joseph Barboza Baron, an FBI informant for whom the federal witness protection program was created, has been the focus of Congressional hearings in the past year. He testified falsely, resulting in two innocent men going to prison, and was relocated to California, where state authorities believe he committed at least three more murders three decades ago.

Another organized crime figure, Salvatore "Sammy the Bull" Gravano, acknowledged killing 19 people, then cut a deal and served only five years in return for testifying against Gambino crime family boss John Gotti in 1992. Mr. Gravano, a Gambino underboss, was again arrested in 2000 and sentenced last year to 20 years for running a national drug ring.

But Mr. Salemme told Judge Wolf last month, "You have my word now; that life is over. The Mafia has evolved into a street gang... I wouldn't go back to any type of crime, let alone go back to the Mafia."

Judge Wolf said Mr. Salemme and others willing to forsake their criminal ways and cooperate with the government deserve sentence reductions. John H. Durham, a special federal prosecutor brought to Massachusetts to investigate law enforcement corruption, spoke before Judge Wolf on Mr. Salemme's behalf.

Mr. Durham, who used Mr. Salemme's testimony in his prosecution of Mr. Connolly, did not make a specific recommendation on how much to reduce Mr. Salemme's sentence. However, he said Mr. Salemme had helped clear two men (Joseph Salvati and Peter J. Limone) falsely implicated by prosecution witness Joseph Barboza Baron in the 1965 murder of Edward "Teddy" Deegan in Chelsea.

Although some law enforcement agents were critical of the fact that Mr. Salemme was not more helpful, Thomas B. Duffy, a Massachusetts State Police captain who participated in the investigation of James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, said, "I think, especially given the fact that it was Judge Wolf who had such intimate knowledge of the overall case, we have no problem deferring to Judge Wolf's ruling."

Capt. Duffy said, "No one has a crystal ball. The strong general consensus is that he (Mr. Salemme) will not return to a life of crime."

Mr. Salemme gave colorful and surprising testimony in the trial of Mr. Connolly, who was convicted of, among other things, giving a tip so that Mr. Salemme and Mr. Connolly's longtime informants, Mr. Flemmi and Mr. Bulger, could flee prosecution.

Among the more surprising testimony was that, after Mr. Salemme admitted to eight murders in the 1960s, he never committed murder after he became a made member of the Mafia in 1988. Mr. Salemme also testified in the Connolly trial, presided over by federal Judge Joseph L. Tauro, that he never sanctioned a murder in his four years "on the street" as the boss of the New England Mafia, a position to which he was elevated by the national commission of La Cosa Nostra in 1991. Nor did he ever exact retribution for anyone committing a murder without his blessing, he added.

Suggesting that Mr. Salemme did, in fact, cause some major problems for those who crossed him, Tracy A. Miner, Mr. Connolly's lawyer, asked what happened to "Vinnie the Pig" when they both were in the Plymouth jail in 1996.

Mr. Salemme said, "I don't remember running into any Vinnie the Pigs."

Earlier in his testimony, Mr. Salemme illustrated the traditional role of a Mafia don. He said that, in the 1960s before he belonged to the Mafia, he sought and received permission from Raymond L.S. Patriarca of Providence, then head of the New England mob, to kill two men associated with Mr. Patriarca.

During testimony, Mr. Salemme was like an elder statesman. He had to get out glasses to examine evidence handed to him, he has suffered tremors after medical problems that began with his being shot in an assassination attempt in 1989, and he referred to his loan-sharking business as "usury."

'Cadillac Frank' Salemme set for early prison release

Mr. Salemme also bemoaned the decline of the Mafia in Massachusetts, caused in part by exactly the kind of snitching he did in the Connolly trial. He referred to the penetration of a 1989 Mafia induction ceremony by FBI bugs being the result of informants and a general lack of discipline. Prosecutors from that era previously testified they were astonished by such a ritual taking place on a suburban street- Guild Street in Medford- with an FBI agent living only a few doors away.

"It's too loose today, as was proven at Guild Street," Mr. Salemme sniffed at the trial. When the older generation ushered in new members, it was "certainly no celebration at somebody's private home with imported prosciutto," he said.

When Ms. Miner asked sarcastically if Mr. Salemme was "one of the few high-quality people" left, he looked her in the eye and replied, "I would say, in that field."

It may not be surprising that Mr. Salemme joined the parade of criminals who have made deals with prosecutors after what he listened to during a year of pretrial hearings in his 1998 case before Judge Wolf. Mr. Flemmi, Mr. Salemme's friend of 40 years, it turns out, had been an FBI informant for decades.

Judge Wolf concluded, as Mr. Salemme also may have, that Mr. Flemmi might have been the source that enabled Mr. Connolly to arrest Mr. Salemme while he was on the lam in 1972 in New York City. Mr. Salemme, but not Mr. Flemmi, served 16 years in prison for a bombing that both of them committed in 1968.

Mr. Salemme said it was "extremely upsetting" at Mr. Connolly's trial to learn of Mr. Flemmi's "breach of friendship that goes back to the '60s." He was "furious," he said, to hear Mr. Flemmi testify that it was John Morris, Mr. Connolly's FBI supervisor, and not Mr. Connolly who was the source of the tip on the indictment.

Mr. Salemme said Mr. Flemmi had told him many times that Mr. Connolly was the source of the tip. He said he was counting on the truth to set free all of the defendants named in the 1995 indictment. In fact, Mr. Salemme testified that Mr. Connolly told him directly in 1994 that he would let Mr. Flemmi know when the indictment was coming down.

Back in the court's holding cell, Mr. Salemme said, Mr. Flemmi told his co-defendants he had to cover for Mr. Connolly because "John Connolly could hurt him and Jimmy" Bulger.

There are reports that guards had to separate the men in the holding cell. Mr. Salemme testified, "It was not very friendly" in the holding cell "and I had very little discussion with him after that."

Mr. Salemme also took the opportunity at the trial last year to say he had not known ahead of time that the 1989 Mafia induction ceremony was going to be bugged. He did not attend, he said, because he still was not feeling well after being shot four months earlier.

He acknowledged that he ascended to the top of the family because most of the hierarchy was convicted in the wake of that ceremony. But he said he was bothered when Mr. Connolly told him he was writing a book about his own career and that, when he showed the book to colleagues in the FBI's New York office, they "said if they didn't know him better, that he tipped me off not to go to the induction ceremony in 1989."

Graphic

PHOTO; Salemme

Load-Date: March 3, 2003

'Cadillac Frank' Salemme set for early prison release

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CALLING FBI TO ACCOUNT; DID BAY STATE AGENTS HAVE OWN AGENDA?

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Body

Almost 40 years after two men were framed for murder by an FBI witness, troubling questions have arisen about the motivation of agents who -- years later -- developed information that frustrated the two men's chances at having their sentences commuted, extending their imprisonment by years.

The questions have long circulated among local lawyers and former members of the Massachusetts Parole Board. But they were amplified a month ago during an emotional congressional hearing on FBI misconduct. Those questions are now the subjects of close examination by congressional investigators.

One circumstance under review is why, after five members of the parole board voted to begin the commutation process to free one of the men, the five members themselves were accused of ties to organized crime and became subjects of an investigation in which the FBI participated.

"The whole thing is an absolutely incredible situation," said Springfield Mayor Michael Albano, who in the 1980s was one of the parole board members investigated after voting for commutation. "I was a young guy trying to participate in public service and I wound up wondering if I was going to jail. It was almost like I felt dirty."

For 15 years, Albano said, he has struggled to understand how his vote to free a man he suspected was wrongfully convicted created an enduring cloud of public suspicion. Now, based on disclosures from a lengthy investigation of misconduct by organized crime investigators in the local FBI division, he says agents may have generated misleading evidence and tried to intimidate board members to keep the two men in prison.

U.S. Rep. William Dellahunt, D-Mass., a former state prosecutor, said the question now before criminal investigators and the FBI's congressional overseers is: "At any point in time did the FBI take affirmative action to delay, stop or impede the commutation process?"

Evidence of the parole board investigation and the information passed to board members by FBI agents can be found in an examination of archived parole board records.

CALLING FBI TO ACCOUNT; DID BAY STATE AGENTS HAVE OWN AGENDA?

Some of that material seems to add to a growing body of evidence that the FBI's Boston division engaged in years of extraordinary and possibly illegal measures. Many of those measures appear to have been designed to bolster the credibility of shaky informants and witnesses the bureau was using in its fight against New England's dominant organized crime operation.

Last month, Louis B. Freeh, the embattled, departing FBI director, acknowledged that Boston agents might be charged with crimes for their conduct of organized crime investigations from the 1960s to the 1990s.

A special federal task force investigating corruption among retired Boston agents already has indicted one on racketeering charges. A second agent has been granted immunity from prosecution for his testimony at a sensational federal racketeering trial. And congressional investigators were in Massachusetts as recently as last week.

Albano is concerned that the long and frustrating commutation process for the two wrongly convicted men -- **Joseph Salvati** and Peter Limone of Boston -- may have been subverted. Other observers or participants in the process say a handful of agents were afraid -- justifiably, it has turned out -- that the exoneration of the men would prompt an examination of failures in the Boston division's informant program.

"It was unusual -- highly unusual -- for the feds to take such an interest in a case," Albano said. "It was almost like a lobbying effort, a political lobbying effort. And when we went against them, we became criminals."

What makes a troubling situation more so for a number of observers are recent disclosures that senior FBI officials, including former Director J. Edgar Hoover, had information shortly after the killing suggesting that Salvati and Limone were not involved. The information was not presented at trial. The two men were convicted on apparently perjured testimony by the FBI's informant. Years later, their efforts to win commutation were thwarted.

No evidence linking Salvati to organized crime has ever been made public. Limone has been described by law enforcement officers as formerly running a bookmaking operation for the Patriarca crime family, New England's most powerful Mafia group.

Salvati and Limone were accused with four others of gunning down a small-time hoodlum named Edward "Teddy" Deegan in an alley on March 12, 1965. A jury convicted Salvati, Limone and their co-defendants after hearing the testimony of Joseph "The Animal" Barboza.

Barboza was a psychopathic killer who agreed to become a cooperating FBI witness in the 1960s, a period when the bureau had made the elimination of the Mafia a priority. Barboza, who had detailed knowledge of the operations of the Patriarca family, admitted participating in Deegan's slaying, but he was spared prosecution after agreeing to become the FBI's first participant in the federal witness protection program.

Evidence suggests that Barboza tailored his testimony at the trial to fit the FBI agenda of knocking out the Mafia. Barboza's former lawyer, F. Lee Bailey, has said that Barboza once admitted delivering perjured testimony at the Salvati-Limone trial on the instructions of his FBI handlers.

Bailey's assertion became more convincing late last year when a special federal task force examining FBI misconduct discovered previously secret bureau memoranda generated in Boston. Those documents show that the FBI agent who persuaded Barboza to join the witness protection program had a list of the men now believed to be Deegan's real killers within hours of his death.

Salvati and Limone were not among them. Neither were their two co-defendants -- Henry Tameleo and Louis Grieco, who, like Limone, were associated with the Patriarca crime family. Parole and commutation proceedings for Tameleo and Grieco never became an issue because they died in prison of old age before their release could be seriously considered.

The conviction of Patriarca associates Limone, Tameleo and Grieco satisfied the interests of both the FBI and Barboza, who held a grudge against what he called the "outfit" for stealing \$90,000 he once hoped to use for bail

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money. Barboza is believed to have implicated Salvati in the murder because Salvati was too slow in repaying a \$400 debt owed to a loan shark.

Salvati was not released from prison until 1997, when Gov. William Weld commuted his sentence. Limone was released in January, after the task force discovered the secret memos.

Salvati has always professed innocence. But he was unable to find a committed lawyer until the mid-1970s. That's when he began filing repeated applications for a commutation of his sentence, a measure that would release him from prison after time served.

Three applications -- in 1975, 1979 and 1980 -- failed when the Massachusetts Parole Board said he had not served enough of his life sentence. But in 1985, after attorney Victor Garo of Medford began accumulating evidence suggesting that Salvati was innocent, board members became more sympathetic.

The question before the board was whether to grant Salvati a commutation hearing. Members voted for or against a hearing on a vote sheet that circulated, sometimes slowly, among their offices. In late December 1985 and early January 1986, four of seven members voted to grant Salvati a hearing.

But before the remaining members could cast their votes, the chairman, John Curran Jr., convened a closed session of the board to disseminate disturbing information about the Salvati case.

People involved in the events and parole board documents indicate that Curran told board members he had received information from the FBI that Salvati was under federal investigation and faced possible indictment for involvement in a Boston loan-sharking operation run by an ex-convict named Frank Oreto. On the basis of the Oreto allegation, the board rescinded its partial vote and voted unanimously against giving Salvati a commutation hearing.

In brief remarks accompanying his vote, Curran wrote: "I am not inclined to grant a hearing at this time in light of the information re: meeting with a parolee who is presently subject of a major federal investigation."

Curran is now a state district court judge in Leominster. Last week, he said he cannot remember who provided the Oreto information and probably won't be able to unless he finds records to refresh his memory. Salvati's state parole file shows only that the federal loan-sharking allegation killed his chance for a commutation hearing. It does not show where, specifically, it came from.

By 1988, the date of Salvati's next commutation application, Oreto had been indicted on loan-sharking charges and Salvati had not. Salvati's lawyer, Garo, said he telephoned board chairman Curran and renewed his demand that Salvati be granted a hearing.

Garo said Curran promised a hearing if he determined that Salvati was not involved in the loan-sharking operation. Curran wrote to James Ahearn, then the agent in charge of the FBI's Boston office, and asked for any evidence linking Salvati to Oreto.

Ahearn replied that a joint FBI/Massachusetts State Police wiretap intercepted Salvati speaking with Oreto seven times between September 1985 and January 1986. Ahearn said Salvati, who was allowed prison furloughs during that period, met with Oreto. What's more, Ahearn said Salvati's wife, Marie, then a social worker supporting the couple's four children, also met with Oreto.

Ahearn wrote: "... the FBI is of the opinion that (A) Mr. Salvati had no ownership or management relationship with the Oreto Loanshark Operation; (B) Mr. Salvati probably met with Mr. Oreto for the purpose of having his wife borrow some money from Mr. Oreto."

Ahearn's letter is a backhanded exoneration, but the parole board apparently didn't buy his interpretation of the evidence. In a subsequent report, the board wrote that Salvati told them he telephoned Oreto about the sale of an antique automobile. Salvati said he learned from another inmate that Oreto bought and sold classic cars, and Salvati's son had one he was trying to get rid of. During their conversation, Salvati said, Oreto tried to persuade him

CALLING FBI TO ACCOUNT; DID BAY STATE AGENTS HAVE OWN AGENDA?

to rent a restaurant Oreto managed for his son's wedding. Mrs. Salvati met with Oreto to discuss renting the restaurant.

After digesting the information, the parole board voted to grant Salvati a commutation hearing. But for a variety of reasons, some apparently political, others simply inexplicable, his ultimate release was still many years away.

Weld finally ruled favorably on Salvati's commutation in 1997. It was a surprise to Salvati, who at that point had stopped filing applications and was close to giving up. The decision by Weld came a year after the return of a racketeering indictment in Boston that ultimately uncovered spectacular failure in the local FBI informant program and set in motion the events that unearthed the FBI memos clearing Salvati and Limone.

Limone's experience before the parole board was marked by a series of equally inexplicable twists, according to participants in the process. However, his case is more difficult to sort through because lawyers for the parole board have been unable to pull together the approximately 700 documents that make up his file.

But parole board members and others familiar with the process said they do recall that Limone's long and unsuccessful bid for commutation, like Salvati's, was at one point blocked by an erroneous investigative tip that Albano believes came from the FBI.

Former Gov. Michael Dukakis blocked a recommendation by the parole board to commute Limone's sentence after receiving information that he faced indictment in a gambling case. Albano said the target turned out to be a Limone relative with the same name.

But the development that most disturbed the board was a joint Massachusetts State Police/FBI investigation of the five members who voted in favor of Limone. The five voted against the strong opposition of several law enforcement members, including the FBI's local organized crime supervisor.

"It's difficult for me to explain even now," said Kevin Burke, one of the five parole board members. "I have no idea what the rationale for that whole thing was."

Burke said that "hysteria over organized crime" seemed to have infected law enforcement and members and employees of the parole board who interacted with law enforcement. One board employee trained at the FBI academy. A board chairman at one point during the Limone proceedings had a father-in-law who worked for the FBI, Albano and Burke said.

The investigation began after the two members who voted against a Limone commutation raised questions about their colleagues in a letter to Dukakis.

Burke and Albano said they were subjected to hostile interviews by a senior Massachusetts State Police officer. Both men said they were advised to hire lawyers and threatened with lie detector tests. Albano said the threat was withdrawn when he agreed to submit. Albano also said the state police officer told him the FBI was involved in the investigation.

Both men said they believed Limone deserved a chance at freedom because, like Salvati, he had a prior criminal record that was relatively light. Information had begun to surface suggesting he might have been wrongly convicted and he had already served almost 20 years. What's more, Limone had saved the life of a corrections officer while in prison.

"My feeling was why, just because these guys were labeled organized crime, they shouldn't get the same shot that everyone else got," Burke said.

Albano said he couldn't understand the vehemence with which federal law enforcement opposed Limone's release.

"It was like they were making a stand on this one case," Albano said.

CALLING FBI TO ACCOUNT;DID BAY STATE AGENTS HAVE OWN AGENDA?

Albano said his finances were thoroughly analyzed, and news reports that he was being investigated for links to organized crime continue to haunt his political career.

"Certainly the investigation was very difficult," Burke said. "It was very accusatory. It was as if we had done something wrong. I was flabbergasted, to be honest with you, that it went this far and somebody was making an allegation for something which I never did -- as far as doing anything, or taking anything or being influenced by anyone."

Said Albano: "I used to wake up in the middle of the night and ask myself what I did except vote my conscience. They wanted to put innocent men in jail and keep them there."

Graphic

PHOTO: (B&W) MUG; PHOTO: ALBANO

Load-Date: June 4, 2001



CANARY FRANK: FLEMMI, WHITEY WORTH MILLIONS

The Boston Herald
February 13, 2004 Friday
ALL EDITIONS

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Section: NEWS;

Length: 858 words

Byline: By J. M. LAWRENCE

Body

James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were tightwad "squirrels" worth \$ 20 million each who swore no oath to anyone but themselves, ex-New England godfather Francis "Cadillac Frank" Salemme told Congress last year in a secret interview.

"There's two things with Flemmi paramount to everything, his money and his women," Salemme said. "That's what it was to him, his money and his women, not necessarily in that order."

Given immunity during an April 10, 2003, meeting with House Government Reform Committee investigators, Salemme claimed Bulger made millions bringing drugs into Boston by boat and stashed his money in Iowa banks in preparation for his run, while Flemmi put money in the Cayman Islands.

The Boston FBI yesterday refused to discuss whether agents ever found Bulger's stashed cash in the Midwest. He's been a fugitive for nine years.

The House committee, which issued a blistering report last year condemning the FBI's alliance with murderous informants, voted yesterday to make public the transcript of Salemme's wide-ranging interview. Two portions were cut at the request of the Justice Department.

Salemme portrayed Flemmi's original FBI handler agent, H. Paul Rico, as a gangster with a badge. The mob even got Rico a gun during the 1960s gang wars when the agent allegedly requested an untraceable weapon to kill gang leader Edward "Punchy" McLaughlin, Salemme claimed.

Rico, who died last month at 78 in Tulsa, Okla., while awaiting trial for a mob murder, had good reason for hating McLaughlin, according to Salemme.

"The feds would pick up the McLaughlins . . . casting aspersions on Paul's manhood and his relationship with J. Edgar Hoover, and J. Edgar Hoover was, excuse me again, a fag. . . . They had a menage a trois with a guy by the name of Colson, I think," Salemme said.

CANARY FRANK: FLEMMI, WHITEY WORTH MILLIONS

The committee's chief investigator corrected him. "I believe the name was Tolson," attorney James Wilson noted of Hoover aide Clyde Tolson.

Now in the Witness Protection Program, Salemme offered little information about Bulger but said the Irish crime boss and Flemmi were rich mercenaries who hoarded cash.

"Bulger was a squirrel, and so was Flemmi. They're not extravagant people. They're not nightlifers or boozers. They weren't gamblers and they didn't do drugs, so they had plenty of money," he said.

In the late 1980s, when Salemme joined forces with the pair, their rackets were pulling down \$ 120,000 a week or \$ 5 million to \$ 6 million a year with a steady stream of payoffs to "local police," Salemme said but gave no names.

The godfather said he never oversaw any bribes until Flemmi sought \$ 5,000 for top dirty cops, including ex-State Police Lt. Richard J. Schneiderhan, who was convicted of obstructing justice last year.

Other claims made by Salemme include:

** Flemmi became an informant out of a "natural dislike for the LCN" and to protect himself. "It gave him a safe boundary so that he would do what he wanted, and obviously he could do what he wanted up until the time that we got indicted."

** Hub defense lawyer John Fitzgerald, who represented Joseph "The Animal" Barboza" and lost his leg in a 1968 mob assassination attempt, was actually a numbers man for Barboza.

"John Fitzgerald was playing both sides against the middle. He was a lawyer, and he was also, as I like to say in the vernacular, a crook," Salemme said.

Fitzgerald became a judge in South Dakota and died in 2001.

** Salemme admitted he was ordered by Raymond L.S. Patriarca in 1968 to kill Fitzgerald because Patriarca feared the lawyer would be a witness against him.

But Salemme, who served 17 years in prison for the bombing, maintains he quit the hit when the mob decided Fitzgerald should be blown up to "make an example." "That's when I withdrew. I abandoned it. Flemmi stayed on board," Salemme said.

** Rico told Salemme and Flemmi how to find McLaughlin at a girlfriend's home in Canton where they killed him at a bus stop.

The hit came after two failed attempts, including one at Beth Israel Hospital where the gangsters posed as rabbis and shot McLaughlin in the jaw.

"The bus stop was much better, boom, boom and out," Salemme said.

** Flemmi believed the FBI in 1995 would save him again from racketeering charges and kept asking for agent Charlie Gianturco.

** Salemme rapped Joseph Salvati, who was wrongly convicted of a mob murder and spent 30 years in prison, for parlaying his prison stint into media glory, including a VIP seat at a play last year about innocent men on death row.

"What gets me is don't play off like you're some kind of abused hero," Salemme said.

** Flemmi killed the mob's numbers man Peter Poulos because he was a witness to Flemmi's murder of Wimpy Bennett over stolen money.

He had planned to bury Poulos outside Las Vegas but ran into trouble. Flemmi, who had a shovel and rope in his trunk and a gun under his seat, was stopped by a state trooper but never searched.

CANARY FRANK: FLEMMI, WHITEY WORTH MILLIONS

"He said the desert's not soft. I said what were you thinking, it's the Sahara? I said this is Nevada, this isn't North Africa," Salemme said.

Caption: FRANCI P. SALEMME

Load-Date: February 13, 2004

End of Document

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United Press International

July 31, 2002, Wednesday

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Section: FINANCIAL NEWS

Length: 1029 words

Dateline: WASHINGTON, July 31

Body

Through the sandblasts of time-- Rep. Dan Burton, R-Ind., the chairman of the House Committee on Government Reform and Oversight, has introduced legislation that would strip J. Edgar Hoover's name from the FBI headquarters on Pennsylvania Avenue in Washington, D.C. "Several reasons played an important role in my decision to introduce this important piece of legislation," Burton says. "J. Edgar Hoover clearly abused his role as director of the FBI. Symbolism matters in the United States, and it is wrong to honor a man who frequently manipulated the law to achieve his personal goals." Burton's committee has been investigating allegations, as reported by UPI's P. Mitchell Prothero, that the FBI protected informants inside organized crime at the expense of at least one innocent man who was sent to prison for 30 years. A statement from Burton's office describes the case thusly: "Evidence indicates that (FBI) Director J. Edgar Hoover himself turned a blind eye to numerous murders in order to develop and protect informants. As a result, **Joseph Salvati** and others were left to die in prison, notwithstanding clear evidence that they were innocent." The building bearing Hoover's name was dedicated in 1975.

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From the more bad news department -- No one knows why the politicians in North Carolina cannot draw district lines that pass muster in the courts. After the lines were drawn and redrawn numerous times during the 1990s, officials hoped the post-2000 census would bring about a map that everyone could live with. Not so -- and the resulting judicial machinations have resulted in the state's political primaries being delayed and in the runoff elections eventually being canceled.

Politicos of both stripes believe this has acted like a torpedo amidships for Democrats in the state, who believed that for the first time since 1984 they had a real shot to win the Senate seat occupied by Republican Jesse Helms since 1972, probably because Helms has retired and is not seeking re-election in the fall. The Democrats are faced with an embarrassment of riches in their primary -- with Erskine Bowles, former White House chief of staff to

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President Bill Clinton; state Secretary of State Elaine Marshall; and state Rep. Dan Blue all bidding for the party's nod.

The longer the primary season drags on, the stronger the probable GOP nominee, former U.S. Labor and Transportation Secretary Elizabeth Dole, becomes in the fall election. The Democrats continue to fight each other, making it harder to pull everyone together behind one candidate in the fall while Dole is free to campaign for the general election.

A new poll, conducted by Voter/Consumer Research -- a GOP-leaning firm -- of 600 likely voters shows Dole winning decisively. The poll also includes a subsample of 295 Democrats that produced news that should be less than encouraging. While 29 percent chose Bowles as their candidate, making him the front-runner in this survey, 34 percent said they remained undecided as to how they would vote. The margin of error is plus or minus 6 percent but it can hardly be seen as a show of strength when the nominal front-runner comes in behind "I don't know."

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I scream, you scream, we all scream for... hydrogenated oils? -- The Center for Science in the Public Interest, the self-appointed guardian of America's dietary habits, is going after ice cream favorite Ben and Jerry's. The CSPI says Ben and Jerry's "misleads customers by falsely claiming that some of its ice cream and frozen yogurt products are 'All Natural,' when they contain artificial flavors, hydrogenated oils, or other factory-made substances." The group filed a complaint against the company with the Food and Drug Administration, asking the government agency to take enforcement action against the company, which is now a unit of the multinational food conglomerate Unilever. Before being acquired by the company, however, Ben and Jerry's was owned by, well, Ben and Jerry -- two liberals from New England famous for the way they blended their personal politics and their pleasing products -- like Chunky Monkey and Cherry Garcia.

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Mosque masking -- Talbert Shaw, president of Shaw University in Raleigh, N.C., has recommended closing the campus mosque because of a lack of space on campus, much to the chagrin of the American Muslim Council. The mosque was built after the late King Khalid of Saudi Arabia made a million-dollar donation to the university in 1983. According to the AMC, Ihsan Bagby, a professor of international relations at the university, who also leads prayers at the mosque, told Muslims assembled for prayer that the proposal to close the mosque is a sign that the university no longer welcomes Muslims on campus. The American Muslim Council is asking people to contact the university and ask them to reconsider, saying that, "The recommendation to close the mosque at a time when there is a free season for anti-Muslim rhetoric will further deteriorate the situation for Muslims in this country. A mosque, which was built with donations from Muslims, must not be allowed to close."

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Personnel note -- Donna M. Erwin, an enrolled member of the Muscogee Creek Nation of Oklahoma, has been named by the president to be acting special trustee of the Office of the Special Trustee for American Indians in the Department of the Interior, effective Wednesday. Erwin joined the Bureau of Indian Affairs in 1992 as deputy director of the Office of Funds Management, becoming director in 1996. Since November 2001, she has been assigned to the Office of Trust Transition. Her predecessor in the post resigned under pressure when he challenged the department's contention it was making progress in repairing the troubled trust fund. Robert Orr, currently a senior fellow at the Center for Strategic and International Studies, has been tapped to head up the Washington office of the Council on Foreign Relations. Orr is a veteran of the U.S. Mission to the United Nations, the National Security Council, the International Peace Academy and the Brookings Institution.

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Load-Date: August 1, 2002

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Capital Watch

The Seattle Times

February 28, 2002, Thursday

Fourth Edition

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Section: ROP ZONE; News;; Capital Watch; Brief

Length: 729 words

Dateline: Washington, DC

Body

House backs easing of broadband access

WASHINGTON The House yesterday approved legislation that would make it easier for regional Bell telephone companies to enter the high-speed broadband market.

The 273-157 vote Democrats Norm Dicks, Rick Larsen and Adam Smith were the only proponents among nine lawmakers from Washington state follows nearly three years of debate over how best to provide high-speed Internet access to consumers. The fight had sparked an intense advertising-and-lobbying campaign, with the regional Bell companies the so-called Baby Bells and AT&T spending tens of millions of dollars to sway lawmakers.

Supporters predicted the bill, sponsored by Reps. W.J. "Billy" Tauzin, R-La., and John Dingell, D-Mich., would help modernize the nation's communications system and spur economic growth. But opponents said loosening regulations imposed as part of the 1996 Telecommunications Act would allow the regional Bell companies to crush rivals.

In Washington state, Gov. Gary Locke and the state Utilities and Transportation Commission have urged representatives to oppose the bill. Both said the bill would eliminate competition and leave little incentive for providers to give customers better services, such as digital-subscriber-line (DSL) broadband service.

"Right now, you have a choice of 30 to 35 DSL providers in this market," said Gary Gardner, executive director of the Washington Association of Internet Service Providers. "The reason for that is because the Federal Communications Commission and the Telecom Act of 1996 require the phone company to offer alternative providers."

The legislation is not likely to become law soon, at least not in the House-passed form. Senate Commerce Committee Chairman Ernest Hollings, D-S.C., an ally of AT&T, repeated his opposition to the bill yesterday.

Panel to get FBI mob-informer files

Capital Watch

The Justice Department, faced with a contempt threat, agreed yesterday to give a congressional panel records on the FBI's handling of mob informers in the 1960s, the committee chairman said.

"My committee has been investigating this tragic case for over a year," House Government Reform Chairman Dan Burton said. "We've finally reached an agreement with the Justice Department to see the documents we need to see to move forward with this investigation."

A department spokesman declined comment.

For now, the agreement settles a showdown between Burton and the White House over its use of executive privilege to shield prosecutorial documents from congressional scrutiny.

Burton has focused on revelations that Joseph Salvati of Boston spent 30 years in prison for murder even though the FBI had evidence of his innocence.

Election-reform bill at risk in Senate

An election-overhaul bill is in danger of being killed in the Senate because of a disagreement over what identification to require for first-time voters.

Republicans said they would delay the bill after Democrats refused to back down on demands that identification requirements be eased.

"We are at an impasse," Senate Majority Leader Tom Daschle, D-S.D, said yesterday. "I don't know what else can be done."

Bush against fuel-economy plan

The Bush administration today will announce that it opposes a Democratic proposal to require dramatic improvements in fuel efficiency for cars and trucks sold in the United States.

While the Democratic plan would mandate specific fuel-economy increases in the next 10 years, the administration will urge that Congress authorize the Department of Transportation to set the standards later, a White House official said.

Bush picks analyst for key CIA job

President Bush has selected a senior intelligence analyst as the inspector general of the CIA, the White House announced yesterday.

Bush intends to nominate John Helgerson to be the agency's top internal watchdog. Helgerson is the chairman of the National Intelligence Council, strategic analysts who report to CIA Director George Tenet.

The Senate must confirm Helgerson.

Also ...

The United States probably will have prototype rockets capable of destroying an enemy's long-range missile available in about two years, Deputy Defense Secretary Paul Wolfowitz told a Senate Appropriations subcommittee yesterday. ... President Bush used a trip to Charlotte, N.C., yesterday to give a \$1 million fund-raising boost to former rival Elizabeth Dole, who is hoping to replace Sen. Jesse Helms, R-N.C.

Load-Date: July 21, 2003



[Capitol Hill hearings scheduled on link between FBI and mob](#)

The Associated Press State & Local Wire

April 6, 2001, Friday, BC cycle

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Section: State and Regional

Length: 416 words

Dateline: BOSTON

Body

Hearings will be held on Capitol Hill next month to investigate the alleged criminal relationship between organized crime and the Boston FBI.

U.S. Rep. Dan Burton, R-Ind., will chair Government Reform Committee hearings into allegations the FBI, to protect informants, knowingly allowed innocent men to go to prison for a murder they didn't commit.

Three Massachusetts congressmen wrote to the chairman of the House Crime Subcommittee asking for hearings, dismayed by federal indictments charging former Boston FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi with more than 20 murders and allegations that FBI agents covered up their crimes.

U.S. Reps. Barney Frank, William Delahunt and Martin Meehan called for a probe just as Burton announced hearings beginning on May 3 into the FBI's role in sending **Joseph Salvati** to prison.

Salvati, 68, and co-defendant Peter J. Limone, 66, received life sentences for the murder of Edward "Teddy" Deegan in 1968. Both men were exonerated earlier this year after a judge found that FBI agents hid evidence to protect an informant and manipulated testimony in an effort to bring down the New England mob. Both men served at least 30 years in prison.

"It is becoming increasingly clear that innocent men were left in prison to protect government informants and their interests," said a news release from Burton's office.

In one of her final acts before leaving office, U.S. Attorney General Janet Reno adopted tough new rules that gave Justice Department attorneys a role in monitoring the FBI's use of informants. The new rules were based in large part on revelations about Bulger and Flemmi.

In their letter, Frank, Delahunt and Meehan questioned whether new Department of Justice guidelines on federal informants will change the way agents conduct investigations.

"However, it remains to be seen if guideline adjustments are sufficient to remedy the egregious infractions revealed by court hearings and testimony," the congressmen said in their letter.

Capitol Hill hearings scheduled on link between FBI and mob

Bulger, 71, and Flemmi, 63, are accused of 19 and 10 murders respectively, including the deaths of men who had gone to the FBI office offering information about the Bulger gang.

Connolly is now under indictment for obstruction of justice and racketeering.

Flemmi's attempts to avoid prosecution based on an argument of federal immunity failed. He is scheduled for trial in May. Bulger fled in 1995 and remains one of the FBI's Most Wanted fugitives.

Load-Date: April 7, 2001

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CARMELA H. SALVATI

**CARMELA H. SALVATI**

The Journal News (Westchester County, New York)

December 27, 2000 Wednesday

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Section: OBITUARIES**Length:** 93 words**Body**

Carmela H. Salvati died on December 24, 2000. Beloved wife of Joseph J. Salvati. Dear mother of Daniel, Annette, Joseph R. and John Salvati. Loving grandmother of Liane Minster, Laura K. Picarella, Suzette, Lisa and **Joseph Salvati** and Chiara Nilsson Salvati. Cherished great grandmother of Zachary, Kristin and Nicholas. Mass of Christian Burial Thursday 10 am at St. John the Baptist Church. Entombment at Woodlawn Mausoleum. The family will be present Tuesday 7-9 and Wednesday 2-4 and 7-9 pm. F. RUGGIERO & SONS, INC 732 Yonkers Avenue, Yonkers (914)375-1400

Load-Date: July 28, 2015

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Load-Date: October 13, 2017

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Cell blocks transformed into suites

Charleston Daily Mail (West Virginia)

November 9, 2007, Friday

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Section: LIFE; Pg. P3D

Length: 840 words

Byline: DENISE LAVOIE, THE ASSOCIATED PRESS

Body

BOSTON - The elegant iron-railing balconies were once catwalks where guards stood watch over the inmates to make sure they didn't try to break out. If you look closely, you can still see the outline of the holes from the iron bars on the windows.

At the newly opened Liberty Hotel, it's hard to escape what this building once was: a decrepit jail where Boston locked up its most notorious prisoners.

But that's just the point.

After a five-year, \$150 million renovation, the old Charles Street jail is now a luxury hotel for guests who can afford to pay anywhere from \$319 a night for the lowest-priced room to \$5,500 for the presidential suite. The hotel, at the foot of Boston's stately Beacon Hill neighborhood, opened in September.

Architects took pains to preserve many features of the 156-year-old stone building and its history.

The old sally port, where guards once brought prisoners from paddy wagons to their cells, is being converted into the entrance to a new restaurant, Scampo, which is Italian for "escape."

In another restaurant, named Clink, diners can look through original bars from cell doors and windows as they order smoked lobster bisque or citrus poached prawns from waiters and waitresses wearing shirts with prison numbers. The hotel bar, Alibi, is built in the jail's former drunk tank.

Instead of con men, counterfeiters and cat burglars, the guests now include Mick Jagger, Annette Bening, Meg Ryan and Eva Mendes.

The old clientele included Boston Mayor James Michael Curley, who served time for fraud in 1904 after he took a civil service exam for a friend; Frank Abagnale Jr., a 1960s con artist played by Leonardo DiCaprio in the movie "Catch Me If You Can;" a group of thieves who pulled off the Great Brinks Robbery in Boston in 1950; and a German U-boat captain who was captured in 1945 and killed himself with shards from his sunglasses.

Cell blocks transformed into suites

Boston also has a luxury hotel called Jurys in the former Boston police headquarters building in fashionable Back Bay. The hotel bar is called Cuffs.

The transformation of the Charles Street Jail is stunning to some of those who spent time in the notorious lockup.

"It's a magnificent place," said Bill Baird, an activist locked up for 37 days in 1967 for breaking a Massachusetts law prohibiting the distribution of contraceptives to unmarried people. His arrest led to a landmark 1972 Supreme Court decision legalizing birth control for unmarried people.

"How you could take something that was so horrible and turn it into something of tremendous beauty, I don't know," said Baird, who visited the new hotel in October, on the 40th anniversary of his conviction.

When the jail opened in 1851, it was hailed as an international model for prison architecture. Built in the shape of a cross, the granite jail had a 90-foot-high central rotunda and four wings of cells. Large arched windows provided lots of natural light and good ventilation. Each of the 220 cells housed just one inmate.

But over the years, the jail fell into disrepair and became filthy, overcrowded and prone to riots.

Joseph Salvati, who spent 10 months in the jail in 1967 and 1968 after he was charged in a gangland slaying, said everything was covered with pigeon droppings.

"They had a crew every morning that would come down with hot water hoses and brushes to scrape it off the floor and seats," he said. "You had to rush down for breakfast to get a seat that was clean."

Salvati, who was exonerated after spending 30 years in various prisons, said he gets a kick out of seeing the jail turned into a luxury hotel. It is now "very classy-looking," he said.

In the 1970s, the inmates sued over the squalid conditions. After spending a night at the jail to see things for himself, a federal judge in 1973 ordered the place closed. But it took until 1990 for a new jail to be built and the last inmates to be moved.

The property was bought by Massachusetts General Hospital, next door, which invited proposals for preserving the building's historical character.

Cambridge developer Richard Friedman said the architects tried to retain some original elements while not reminding people too much of its dark past.

"How do you transform that into a joyous place where people have fun and a good time?" Friedman said. "We tried to use a sense of humor."

Charlene Swauger of Albuquerque, N.M., who stayed at the hotel for a long weekend in October, said the designers preserved elements of the old jail without crossing the line into bad taste.

"I thought it was very clever. I didn't discover any ghosts or anything," she said.

Eighteen of the hotel's 298 rooms are built in the original jail. Those rooms feature the original brick walls of the jail but also have high-definition TVs. The remaining rooms are in a new 16-story tower.

Max Stern, the chief lawyer for the inmates whose lawsuit led to the jail's closing, said some aspects of the project - such as calling the restaurant Clink - are too lighthearted.

"I thought they could have been a little more objective about what it really was like," he said.

Load-Date: November 9, 2007

Cell blocks transformed into suites

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[Charges Dropped in 1965 Mob Case](#)

Associated Press Online

January 30, 2001; Tuesday

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Section: Domestic, non-Washington, general news item

Length: 471 words

Byline: MARTIN FINUCANE

Dateline: CAMBRIDGE, Mass.

Body

Prosecutors on Tuesday dropped charges against a man who says he served three decades in prison because the FBI allowed him to be framed by a mob figure for a 1965 underworld killing.

"Freedom is a beautiful thing," said [Joseph Salvati](#), 68, who was joined by friends and family at the Suffolk County courthouse. "It took us a while getting here, but we made it."

The Suffolk County district attorney's office also planned to drop charges against Peter Limone, 66, a second man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan.

The decision to drop charges was "what justice demands," said prosecutor Mark Lee, declining further comment.

FBI spokeswoman Gail Marcinkiewicz would not comment.

"Joe Salvati was innocent in this matter and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo.

Salvati and Limone both said they were innocent of the slaying. By 1997, Salvati had won a commutation of his sentence and was released on parole. Limone was released this month after 32 years behind bars.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense lawyers FBI informant reports from the time of Deegan's murder.

The reports showed that FBI agents were told of plans for Deegan's slaying beforehand and given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom have died in prison.

Superior Court Judge Margaret Hinkle vacated Salvati's and Limone's convictions earlier this month, saying the reports appear to show that Vincent "Jimmy the Bear" Flemmi named in the reports as one of the killers but never charged was an FBI informant at the time.

Charges Dropped in 1965 Mob Case

She said the FBI reports should have been disclosed both to state prosecutors trying the case and to the defense and they apparently weren't.

Garro has said the chief prosecution witness hit man Joseph "The Animal" Barboza, the first participant in the federal witness protection program framed Salvati because Salvati owned him \$400.

Flemmi and Barboza are both dead, Flemmi of a drug overdose in prison and Barboza in a mob hit.

Garro and Limone's lawyer, John Cavicchi, both indicated they plan to file lawsuits. "Anyone who was involved with the investigation, arrest, prosecution and judicial review of the Salvati case is not above suspicion," Garro said.

The Justice Department is investigating allegations that some Boston FBI agents grew too friendly with gangsters, allowing them to roam the city untouched by law enforcement for decades. One agent already faces charges.

Agent John Connolly is accused of being in league with Stephen "The Rifleman" Flemmi, Vincent Flemmi's brother. Stephen Flemmi faces trial in four different federal cases, some of which include multiple allegations of murder.

Load-Date: January 30, 2001

End of Document



[Charges Dropped in 1965 Mob Case](#)

Associated Press Online

January 30, 2001; Tuesday

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Section: Domestic, non-Washington, general news item

Length: 485 words

Byline: MARTIN FINUCANE

Dateline: CAMBRIDGE, Mass.

Body

Prosecutors dropped charges Tuesday against two men who claimed they spent decades in prison because the FBI trying to protect an informant allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said **Joseph Salvati**, 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it."

The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

The decision to drop charges was "what justice demands," said prosecutor Mark Lee, declining to comment further.

FBI spokeswoman Gail Marcinkiewicz would not comment.

Salvati and Limone both said they were innocent of the slaying. Salvati had gotten his sentence commuted in 1997 and was released on parole. Limone was freed earlier this month after 32 years behind bars.

"Joe Salvati was innocent in this matter and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo, who has argued that the FBI allowed the frame-up to protect an informant, Vincent "Jimmy the Bear" Flemmi, who may have taken part in the slaying.

Garo said Salvati was a law-abiding citizen who was framed because he owed \$400 to the chief prosecution witness hit man Joseph "The Animal" Barboza, the first participant in the federal witness protection program.

Limone was a reputed mobster and was once convicted of a gambling offense.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense attorneys FBI informant reports, discovered in Washington FBI files, from the time of Deegan's murder.

Charges Dropped in 1965 Mob Case

The reports showed that FBI agents were told of plans for Deegan's slaying beforehand and were given the names of those involved. The names did not include Limone, Salvati or two other men convicted in the case, both of whom have since died in prison.

Superior Court Judge Margaret Hinkle threw out Salvati and Limone's convictions earlier this month, saying the FBI reports should have been disclosed at the time. Following Hinkle's ruling, prosecutors said they would review both men's cases; the action Tuesday ends all legal proceedings against them.

Flemmi and Barboza are both dead, Flemmi of a drug overdose in prison and Barboza in a mob hit.

Garo and Limone's lawyer, John Cavicchi, both indicated they plan to sue. "Anyone who was involved with the investigation, arrest, prosecution and judicial review of the Salvati case is not above suspicion," Garo said.

The Justice Department is investigating allegations that some Boston FBI agents grew too friendly with mobsters, allowing them to roam the city untouched by law enforcement for decades. One agent already faces charges.

Agent John Connolly is accused of protecting Stephen "The Rifleman" Flemmi, Vincent Flemmi's brother.

Load-Date: January 30, 2001



Charges Dropped in 1965 Mob Case

Associated Press Online

January 30, 2001; Tuesday

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Section: Domestic, non-Washington, general news item

Length: 462 words

Byline: MARTIN FINUCANE

Dateline: CAMBRIDGE, Mass.

Body

Prosecutors dropped charges Tuesday against two men who claimed they spent decades in prison because the FBI trying to protect an informant allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said **Joseph Salvati**, 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it."

The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

The decision to drop charges was "what justice demands," said prosecutor Mark Lee, declining to comment further.

FBI spokeswoman Gail Marcinkiewicz would not comment.

Salvati and Limone both said they were innocent of the slaying. Salvati had gotten his sentence commuted in 1997 and was released on parole. Limone was freed earlier this month after 32 years behind bars.

"Joe Salvati was innocent in this matter and the sad part of it is, the government knew he was innocent," said Salvati's lawyer, Victor Garo, who has argued that the FBI allowed the frame-up to protect an informant, Vincent "Jimmy the Bear" Flemmi, who may have taken part in the slaying.

Garo said Salvati was a law-abiding citizen who was framed because he owed \$400 to the chief prosecution witness hit man Joseph "The Animal" Barboza, the first participant in the federal witness protection program.

Limone was a reputed mobster and was once convicted of a gambling offense.

Last month, Justice Department officials investigating corruption in the Boston FBI gave defense attorneys FBI informant reports, discovered in Washington FBI files, from the time of Deegan's murder.

Charges Dropped in 1965 Mob Case

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Load-Date: January 30, 2001



[Charges Dropped in Mob-Related Frame-Up](#)

Associated Press Online

November 4, 2004 Thursday

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Section: DOMESTIC NEWS

Length: 415 words

Dateline: BOSTON

Body

Charges were dropped posthumously against a man who died in prison after serving 30 years for a mob-related murder that authorities now acknowledge he didn't commit.

In a motion quietly filed in Suffolk Superior Court in September, the Suffolk County district attorney's office cited FBI memos showing that Louis Greco, who died in prison in 1995, was set up by mob hitman-turned-government witness Joseph Barboza. Also in September, a judge ruled that a civil suit in the case could go forward.

The case was part of a series of embarrassing episodes involving the Boston office of the FBI, which has been the subject of a congressional probe into the agency's corrupt relationship with its mob informants.

"It appears that justice may not have been done," Assistant District Attorney Mark Lee said in the motion exonerating Greco. The motion also cites "legal and ethical considerations raised by the newly discovered FBI documents, as well as principles of consistency and fundamental fairness."

Greco always maintained he was in Florida on March 12, 1965, when Edward Deegan was gunned down in an alley. He was 78 when he died in a prison hospital of colon cancer and heart disease.

In 2000, a Justice Department task force uncovered secret FBI memos showing Greco and three co-defendants, Peter J. Limone, **Joseph Salvati** and Edward Tameleo, had been wrongly convicted based on perjured testimony.

The following year, a judge exonerated the surviving co-defendants, Limone, who spent 33 years in prison, and Salvati, behind bars for 30 years. Tameleo had died in prison in 1985. The judge found that FBI agents hid testimony that would have cleared the men because they wanted to protect their informant, Barboza, who later became a star witness in three Mafia trials.

Limone, Salvati and Greco's family sued the federal government for malicious prosecution, wrongful imprisonment and other claims.

In her Sept. 17 ruling allowing the suits to go forward, U.S. District Judge Nancy Gertner rejected the government's argument that there were no laws allowing the men to sue at the time they went to prison in Deegan's murder. Congress didn't vote to waive immunity to such claims until 1974

Charges Dropped in Mob-Related Frame-Up

Attorney Howard Friedman, who represents Greco's son, Edward, told the Boston Herald that the district attorney's decision to drop the charges will aid his lawsuit.

"He knew his father didn't do it," Friedman said. "This was an innocent man who was framed, and the most amazing part is the government knew it."

Load-Date: November 5, 2004

End of Document

CLEARED EX-INMATE TO SUE FBI



CLEARED EX-INMATE TO SUE FBI

Orlando Sentinel (Florida)

August 15, 2002 Thursday, FINAL

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Section: A SECTION; Pg. A13; U.S. & LATIN AMERICA The Nation In Brief

Length: 80 words

Body

BOSTON -- A man who spent 30 years in prison for a killing he did not commit -- while the FBI had evidence to clear him -- will sue the government for a reported \$300 million. Calling 69-year-old **Joseph Salvati** "a casualty" of the FBI's war on organized crime, attorney Victor J. Garo said Wednesday that he planned to notify the agency that he will file a lawsuit after discussions with the Department of Justice failed to produce a "fair and reasonable compensation package."

Load-Date: August 15, 2002

End of Document



[Coakley defends death penalty shift](#)

The Berkshire Eagle (Pittsfield, Massachusetts)

October 5, 2009 Monday

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Section: STATE; Headlines

Length: 470 words

Byline: Associated Press

Body

Tuesday, Oct. 06BOSTON (AP) -- Democrat Martha Coakley, vying to succeed famed liberal Edward M. Kennedy in the U.S. Senate, defended herself Monday from suggestions she is a flip-flopper after acknowledging she had changed her position on the death penalty.

Coakley, the state's attorney general and a Berkshire County native, said she no longer supports the death penalty for any reason, a change from her first race for Middlesex district attorney.

In 1998, Coakley said she was "primarily anti-death penalty" but favored it for the first-degree murder of a police officer, as well for a repeat murder in prison by a convicted first-degree murderer.

"I believe I was mistaken," Coakley, now the state's chief law enforcement officer, told reporters.

She said the case of [Joseph Salvati](#), who spent nearly 40 years on death row for a murder he was found in 2001 to not have committed, convinced her someone could be wrongly charged or prosecutors could commit misconduct denying them a fair trial.

She brushed off the suggestion made by one of her opponents, U.S. Rep. Michael Capuano, who describes himself in television advertising as a Kennedy progressive and the only Democratic candidate who opposes the death penalty.

"It doesn't aggravate me; it just shows that he's wrong, and so the record will correct itself," she said.

Capuano himself was among an overwhelming majority of congressmen who voted in favor of a 2001 bill authorizing the U.S. government to execute terrorists who bomb public areas or government buildings.

Coakley said the death penalty is not a deterrent to murder and can be misapplied when emotions run high, positions she says she has held since at least 2002. She noted she had received an award from an anti-death penalty group in 2008, suggesting her change was no election-year conversion.

"I think that, for many reasons, the death penalty is a mistake, I do not believe in it and I do not have any exceptions to it," she said.

Coakley defends death penalty shift

On another topic, Coakley said she is waiting for President Barack Obama to make a decision about committing more U.S. troops to Afghanistan, and either expanding or narrowing their mission, before she declares her position on the war's future.

So far she has supported the war, but she also has warned against another Vietnam-style quagmire.

"Before we send women and men back to Afghanistan on a second, third, fourth, fifth tour of duty, then we better make sure we know what the mission is and that they're necessary," she said. "That is what the president will decide."

Both Coakley and Capuano are vying to succeed Kennedy, who died Aug. 25 of brain cancer. The Democratic and Republican primaries are Dec. 8, and the special election is Jan. 19.

Other Democrats running for the seat include City Year founder Alan Khazei and Boston Celtics co-owner Stephen Pagliuca.

Load-Date: October 7, 2009



[-Colony Group Announces plans Florida expansion](#)

Internet Business News

October 1, 2013 Tuesday

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Length: 211 words

Body

1 October 2013 -- Massachusetts USA-based investment advisor The Colony Group said it has made plans for further expansion in Florida.

According to the firm, the expansion includes the appointment of ***Joseph Salvati***, a long-time veteran of the company and a resident of Naples, Florida, as senior vice president in charge of The Colony Group's Florida offices.

The company also has hired Jack Clark, a lifelong Florida resident, to work with Salvati in its Naples office.

Salvati, a graduate of Brandeis University who holds the professional designation of CFP Professional, has provided wealth management services to high-net-worth clients for over ten years. He will oversee The Colony Group's business in Florida primarily out of its offices in Naples and West Palm Beach.

Clark, a graduate of the University of Florida, holds the Chartered Financial Analyst designation.

While headquartered in Boston, the company reports that of the nearly USD 3bn it manages for clients, approximately USD 300 m is managed for clients who reside in Florida.

The Colony Group is an independent, fee-only, wealth management company with nearly USD 3bn in assets under management and offices in Massachusetts and Florida.

Find out more at www.thecolonygroup.com.

-Colony Group Announces plans Florida expansion

1 USD = 0.619438 GBP

Load-Date: October 1, 2013

End of Document



-Colony Group Announces plans Florida expansion

Banking and Credit News

October 1, 2013 Tuesday

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Length: 210 words

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Load-Date: October 1, 2013

-Colony Group Announces plans Florida expansion

End of Document



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M2 EquityBites

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Load-Date: October 1, 2013

-Colony Group Announces plans Florida expansion

End of Document



[Colony Group announces plans to expand in Florida](#)

MarketLine NewsWire (Formerly Datamonitor)

October 9, 2013 Wednesday 12:23 PM GMT

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MarketLine

Section: FINANCIAL SERVICES

Length: 175 words

Highlight: The Colony Group, a wealth management company, has announced plans to further expand in Florida.

Body

The expansion includes the appointment of ***Joseph Salvati***, a long-time veteran of the company and a resident of Naples, Florida, as Senior vice president in charge of The Colony Group's Florida offices. The company also has hired Jack Clark, a lifelong Florida resident, to work with Mr Salvati in its Naples office. Mr Salvati has provided comprehensive wealth management services to high-net-worth clients for over ten years. He will oversee The Colony Group's growing business in Florida primarily out of its offices in Naples and West Palm Beach. "I look forward to working with our entire team to offer our Florida clients the high-caliber, objective, and comprehensive wealth management services that have propelled the growth of our organization for over 27 years," said Salvati. "The Florida markets have long been one of our most important markets, and our recent actions and investments reflect our continuing commitment to offer service excellence in Florida and, indeed, throughout the country," said Michael Nathanson, CEO of The Colony Group.

Load-Date: October 15, 2013



[Colony Group to Expand in Florida](#)

SocialBizWire

October 2, 2013 Wednesday

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Length: 205 words

Body

Massachusetts USA-based investment advisor The Colony Group said it has made plans for further expansion in Florida.

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Colony Group to Expand in Florida

Load-Date: October 2, 2013

End of Document



COMMENTARY ;
Connolly case may only be beginning

The Patriot Ledger (Quincy, MA)

June 8, 2002 Saturday

ROP Edition

Copyright 2002 The Patriot Ledger

Section: EDITORIAL,

Length: 639 words

Byline: David A. Mittell

Body

David A. Mittell

The crimes of which John Connolly was convicted, along with crimes of which his FBI predecessor, Paul Rico, has been accused, have devastatingly tainted the Boston FBI. Of the many crimes, allegations and anecdotes associated with these stories, I am only positive of one thing: **Joseph Salvati** and three other men, convicted of the 1967 murder of hoodlum Teddy Deegan on the testimony of hitman-turned-informant Joseph Barboza Baron, were innocent. Lately released FBI documents show it, the underworld always knew it, and Baron himself admitted it within earshot of Walpole prison guards.

As to John Connolly, a jury has convicted him of betraying an oath of 20 years' standing and going over to the enemies of the one to whom he had sworn the oath. But to what degree? To the degree of accepting gratuities from the criminal informants he was assigned to control? Yes. Were these gratuities intended as bribes? Unquestionably. Should they have been understood as bribes and reported to the chain of command? Absolutely. Were they? Apparently not.

Should Connolly have refused the bribes ? Without the explicit approval of the chain of command, certainly. But were they accepted with full knowledge as bribes? One must accept the fact that a jury had no reasonable doubt they were. But I believe some doubt exists.

Informants and sources are a sort of prey, and investigators and reporters are a sort of predator; and like true predators, we feed off our prey, but must not do so to the extent that we cause it to disappear. In the business I know best, all journalists have relationships with the people they cover. If we didn't, we wouldn't have any sources and wouldn't be able to get nearer to stories than the fine dust of public officials' spin.

Maintaining honor, independence and credibility in using sources is an art, not a science, and it requires frequent ethical choices. It is best accomplished by keeping one's word, being willing to print criticism of a good source, and being aware that the source you use is also using you.

COMMENTARY ; Connolly case may only be beginning

Even John Connolly would probably agree that he failed to keep his criminal sources from using him. I also think that he enjoyed the power and freedom of his life among the desperadoes too much. This had a fatal effect if he betrayed the betrayers of the betrayers to the betrayers. In other words, if Connolly snitched on those who snitched on the Bulger gang's government-sanctioned snitchers, he had blood on his hands, because they were killed.

But did Connolly completely betray his oath of 20 years? Was the South Boston Bulger connection his downfall, the only thing to which he was ever loyal? Prosecutors said he did, though I don't think the jury quite did. At this point I am not sure.

What I would say is that I believe much of the scandal of law enforcement compromised may not have come out. We forget that the Bulger gang was recruited to inform on a much larger gang, the Providence-Boston Patriarca-Angiullo organized crime family. We were told that the Bulger gang may have had 100 Boston police on its payroll. How many, then, would the Angiullos have had?

During the 1980s, the Boston FBI and the Massachusetts State Police didn't speak to each other. The FBI suspected elements of the State Police were protecting the mob, and the State Police suspected the FBI was protecting the Bulger gang. We now know the State Police were right, but we don't yet know that the FBI was wrong that the mob had high law enforcement friends - if not at the State Police, then somewhere else.

I don't have a definitive answer about that, but in the future I will try to show why I believe the John Connolly story may only be the end of the beginning of the story of law enforcement compromised.

David A. Mittell Jr.'s column appears regularly in

Weekend editions of The Patriot Ledger.

Load-Date: June 27, 2002



Commutation plea carries a political risk for Patrick Killer's request OK'd by Parole Board

The Boston Globe

February 27, 2008 Wednesday

THIRD EDITION

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Section: METRO; Pg. A1

Length: 1420 words

Byline: Shelley Murphy Globe Staff

Body

NORFOLK - Arnold King's supporters say he is the model prisoner.

In 36 years behind bars, he has earned undergraduate and master's degrees, published articles, mentored fellow inmates, and counseled high school students about the pitfalls of drugs and violence.

But it was the reason he ended up in prison that will forever define his life. On Oct. 20, 1971, King, then 18 years old and high on marijuana and alcohol, stuck a gun in a car window on Newbury Street and fired a shot into the head of John Labanara, a 26-year-old campaign aide to Mayor Kevin H. White of Boston. King was convicted of first-degree murder eight months later and sentenced to life in prison without parole.

Now, after two-thirds of his life behind bars, King is asking for a second chance. He is the first inmate whose plea to be set free has made it to the desk of Governor Deval Patrick, and his attempt has met with the unanimous approval of the state Parole Board.

His request for a commutation - a reduction in sentence - along with the Parole Board's support, marks the first test of whether Patrick's attitude toward prisoners will be different from that of his Republican predecessors, who last commuted a sentence 11 years ago. It also forces the governor to wade into what has been a political minefield.

"In this society, everybody gets a second chance," said King, 55, in a recent interview in a bare conference room at the Bay State Correctional Center, a medium security prison.

"I think what I want people to understand is there is a possibility for change," King said. "I want to portray myself not as a teenage killer, but as a person who has done a lot of work and tried to make myself a better person. I think I have done that, and other people think I've done that."

King's supporters include the Massachusetts Black Legislative Caucus, academics, ministers, and community leaders, among them Harvard Law School professor Charles J. Ogletree Jr., Boston City Councilor Chuck Turner,

Commutation plea carries a political risk for Patrick Killer's request OK'd by Parole Board

and former Boston mayoral candidate Mel King. But Labanara's family, Police Commissioner Edward F. Davis, and Suffolk District Attorney Daniel F. Conley oppose King's release.

Labanara, a graduate of Boston University and Suffolk Law School, had just passed the Massachusetts bar exam and was coming from a celebration with friends when King shot and killed him during an attempted robbery.

"He snuffed out a life that was full of promise and hope for no reason whatsoever," said Stephen Bowen III, a close friend of Labanara's who worked with him on political campaigns. "For all those people who have sympathetic ears to Arnold King, let them have one of their children killed on the happiest day of their life and call me and tell me they forgive."

The state's six-member Advisory Board of Pardons, which is also the Parole Board, cited King's "exceptional strides" and sent his commutation petition to Patrick's desk Dec. 18 with a unanimous recommendation that he accept it. The governor's approval would move it to the Governor's Council for a final decision.

As the governor addresses the issue, the specter of Benjamin LaGuer looms large. LaGuer is a convicted rapist whom Patrick and many other community leaders rallied behind until DNA tests linked him to the crime. Patrick's actions - he donated money to LaGuer's defense - proved a controversial issue during the 2006 gubernatorial campaign.

Since then, Patrick has cautiously approached criminal justice issues, emphasizing his belief in rehabilitation, while not wanting to appear soft on crime. He declined through a spokesman to talk about his views on commutations and pardons. A statement released by his press secretary said: "The Governor is inclined to believe that offenders should serve their sentences in full. There is, however, a process in place where it is the responsibility of the Board of Pardons to review individual cases and make recommendations. The Governor will take advice from the Board under advisement and will make his own decision on a case by case basis."

Commutations and pardons are politically risky, and politicians over the last 20 years have been generally unwilling to grant any leniency for inmates, according to Mary Anne Marsh, a Democratic strategist.

"It seems that in politics today it's not a risk worth taking because of the potential backlash that can happen," said Marsh, citing the oft-referenced 1988 presidential campaign of former governor Michael S. Dukakis. "Whether you stay in office or run for higher office, it certainly will come up again."

Dukakis was lambasted for granting 48 commutations during his first term as governor, including 45 for first- and second-degree murderers. He was also criticized for a state furlough program that allowed inmates to go home for weekends. One inmate, Willie Horton, raped a Maryland woman and stabbed her husband during a 1986 furlough.

During his presidential bid, Mitt Romney, Patrick's Republican predecessor as governor, touted the fact that he had granted no commutations or pardons. Political rivals accused Romney of being inflexible for refusing to pardon a decorated Iraqi war veteran who could not become a police officer because he grazed a classmate with a BB gun when he was 13 years old.

The last commutation in Massachusetts was granted to Joseph Salvati in 1997, amid evidence he had been wrongly convicted of a 1965 murder. His conviction was later overturned.

Since Patrick took office last year, the number of commutation and pardon petitions has spiked, with 131 filed in 2007, compared with 49 during Romney's last year in office. King's commutation request and two pardon petitions were the only ones approved by the advisory board and forwarded to Patrick.

King, whose five prior commutation requests were denied, said he is sorry for killing Labanara.

Three days after he had been paroled from a New Hampshire prison after serving seven months for robbery, King and a friend were planning to rob a drug dealer when they came upon Labanara at 1:30 a.m., King said.

Commutation plea carries a political risk for Patrick Killer's request OK'd by Parole Board

"I was young, on drugs and alcohol, it was more that I was out of control," said King, a high school dropout who was raised in Portsmouth, N.H., and started drinking and doing drugs by the time he was 13.

John Labanara grew up in Belmont, and played hockey at Belmont High and at Boston University. He served in the National Guard.

His mother, Margaret, who was widowed when Labanara was 2 and worked full time as a telephone company supervisor to raise her two sons, was devastated when her son died on what had been one of the happiest days of his life, said Lynne Labanara, widow of Labanara's brother, Frederick, who died in 2006.

"How lucky he is to have the opportunity to do all the things he is doing - and I strongly feel that he should continue to do that in prison," she said.

Labanara's family and friends also voiced concern about the more than 50 disciplinary reports King has received in prison.

"I don't believe he's been rehabilitated one bit," said Bowen, Labanara's friend. "He's just a conman who is ... trying to get out on the street."

The advisory board denied King's first three petitions, citing his disciplinary record, the nature of the crime, and his failure to accept responsibility for the murder. But, the board voted 3-3 on his fourth petition, and 4-3 in favor of his fifth bid, which was then rejected by Romney.

King said he had difficulty adjusting to prison initially, but changed after getting educated, joining self-help groups, and founding programs that involve counseling high school students and other inmates. It is that kind of counseling work that supporters say is not only proof of his reform, but would make him a valuable resource in the community.

Sam Williams, chief operating officer of the Unitarian Universalist Urban Ministry in Roxbury, says he owes much of his success to King. "There are a lot of men in the community who are doing as well as I am who got taught and were mentored by Arnie," said Williams, who was released from prison in 1996 after serving 11 years for killing a man during a drug deal.

Ogletree, among King's most prominent supporters, said he understands the pain of being a victim because his sister, a police officer, was murdered 25 years ago.

"The fact that he could fall and go all the way to the lowest possible place and have the fortitude to rise above his misconduct and bad judgment to be someone that others look to for advice, for direction, that's why I think he has earned what I hope the governor will grant," Ogletree said.

Graphic

Arnold King has spent 36 years in prison.

Load-Date: February 27, 2008



Compensation for men FBI let be framed

The Guardian - Final Edition

July 27, 2007 Friday

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Section: GUARDIAN INTERNATIONAL PAGES; Pg. 27

Length: 272 words

Byline: Ewen MacAskill, Washington

Body

A federal judge yesterday ordered the US government to pay more than \$100m (£50m) in compensation to men jailed for decades after being framed by a Mafia hitman with the complicity of the FBI. The FBI knew the men were innocent but did not inform state prosecutors at the time.

The men, two of whom died in prison, were set up by a Mob hitman, Joseph "The Animal" Barboza. A former boxer from East Boston, Barboza worked for the Patriarcas, a New England Mafia family. He turned FBI informant while in jail for murder and was shot dead by the Mafia in San Francisco in 1976.

The government argued that the FBI, which knew the wrong men were being accused, had no obligation to share its information.

The district judge, Nancy Gertner, said: "It took 30 years to uncover this injustice, and the government's position is, in a word, absurd. No lost liberty is dispensable. We have fought wars over this principle. We are still fighting these wars."

Peter Limone, ***Joseph Salvati*** and the families of the two who died in prison, Henry Tameleo and Louis Greco, had sued the federal government for malicious prosecution. Mr Salvati and Mr Limone were exonerated in 2001 after FBI memos surfaced showing the men had been framed. The lawyers for the men said Boston FBI agents knew Barboza lied when he named them as the killer of Edward Deegan in 1965. They said the FBI was protecting one of its informants.

The lawyers said the FBI treated the four as "acceptable collateral damage".

Victor Garo, one of the lawyers for the men, said: "It was more important for the FBI to protect their informants than to protect innocent people who had families."

Load-Date: July 27, 2007



Condon defends handling of FBI mob informant

The Associated Press State & Local Wire

December 3, 2002, Tuesday, BC cycle

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Section: State and Regional

Length: 709 words

Byline: By MELISSA B. ROBINSON, Associated Press Writer

Dateline: WASHINGTON

Body

A former Boston FBI agent, testifying to a congressional committee, defended his handling of a notorious mobster who lied to a jury in a 1960s gangland murder for which four innocent men went to prison, according to a transcript released Tuesday.

Dennis Condon, in testimony before members of the House Government Reform Committee in an ongoing probe of the Justice Department's handling of mob informants, said he didn't realize that testimony of Joseph "The Animal" Barboza was false.

Condon claimed he never saw older memoranda implicating the real killers of Edward "Teddy" Deegan.

At least four FBI field memos informed headquarters that Vincent J. "The Bear" Flemmi, the younger brother of gangster and FBI informant Stephen "The Rifleman" Flemmi, planned to kill Deegan, a small-time hoodlum, in a dispute over money.

For example, a March 10, 1965, memo said Vincent Flemmi asked Mafia bosses for permission to kill Deegan.

Deegan's body turned up in a Chelsea, Mass., alley on March 12, 1965. A week later, a memo to headquarters named six men, including Vincent Flemmi and Barboza, as the killers, describing the murder in detail, right down to who fired the first shot.

But Condon, in his sworn deposition before the committee in February, said that he was unaware of that information when he and another special agent, Paul Rico, visited Barboza in Walpole State Prison in Massachusetts in 1967 to cultivate him as a potential witness in organized crime cases.

At the Deegan trial, Barboza testified that he did not shoot Deegan, nor did he see anybody shoot him. Six men were convicted by a Massachusetts jury, four of whom had no connection to the crime. Two died in prison, and two others were released in recent years and exonerated.

Vincent Flemmi and two others identified as the killers in the earlier memos were never charged.

Condon defends handling of FBI mob informant

"Were you aware ... that there was a conflict between the information obtained in 1965 and what Barboza ultimately testified to in 1968?" James Wilson, the committee's chief counsel, asked Condon.

"No, I was not; and I was not present when he testified," Condon responded.

Confronted with the earlier memos, Condon repeatedly said he had no recollections of them, nor of discussing them with Rico, who wrote them. Rico invoked the Fifth Amendment and refused to testify before the committee earlier this year.

Condon also said that Barboza, during his interviews as a potential witness, never told him that Vincent Flemmi killed Deegan. Condon said he didn't prepare Barboza for trial, a task that was handled by the local district attorney's office.

At one point, Rep. Steven LaTourette, R-Ohio, asked Condon how he and Rico, given the existence of the earlier memos and Barboza's stated unwillingness to implicate Flemmi in murder, couldn't have realized that Barboza planned to lie during the Deegan trial.

"Did you and Mr. Rico ever sit down and have a conversation where he did one of those, you know, 'I should have had a V-8,' or a light bulb goes off?" LaTourette asked.

Condon said they did not, and that Rico did not tell him that Barboza's testimony didn't square with information that he had received over the previous two years. Condon said he remained unaware of some information until the committee's investigation.

Both Condon and Rico were recommended for raises by the head of the Boston field office to J. Edgar Hoover, then-FBI director, for their work in cultivating an intermediary who helped convince Barboza to cooperate with federal authorities.

Condon was also pressed as to why he didn't find elements of Barboza's actual testimony incredible, particularly his statement that one of the men found to be innocent in the Deegan murder, **Joseph Salvati**, was wearing a bald wig at the scene that made him look like Vincent Flemmi?

Condon replied that he considered sworn trial testimony to be more reliable than an older informant's report.

The same House committee will hold hearings on Thursday and Friday in Boston on the relationship between informants and mobsters. University of Massachusetts President William Bulger, the brother of fugitive mobster James "Whitey" Bulger, has been subpoenaed to answer questions about his sibling.

Load-Date: December 4, 2002



[Congress calls ex-agents in FBI crime probe](#)

United Press International

April 30, 2001, Monday

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Section: GENERAL NEWS

Length: 1072 words

Byline: By P. MITCHELL PROTHERO

Dateline: WASHINGTON, April 30

Body

A congressional committee investigating whether the FBI and then-director J. Edgar Hoover allowed innocent men to be sentenced to death -- and ultimately imprisoned for decades -- has subpoenaed two former agents to testify, a committee source said Monday.

The House Government Reform Committee subpoenaed FBI special agents H. Paul Rico and Dennis Condon to testify at a hearing Thursday on whether the FBI concealed the role of an informer in the 1965 murder of Edward "Teddy" Deegan, a Boston gangster, and instead allowed innocent men to be wrongly convicted.

The case has potentially far-reaching consequences and at its heart raises a disturbing question: In an overzealous effort to defeat the mob, did the FBI in effect become a partner in crime with mobsters in Boston and possibly elsewhere?

Because FBI memos at the time of the murder indicate that the agency knew that the Boston murder was about to be committed, knew who did it -- and still let innocent men be prosecuted -- investigators want additional information about whether irregularities in the use of informants were widespread.

One document that has riveted investigators' attention is a memo to J. Edgar Hoover about the Deegan killing. Dated March 19, 1965, the memo, a copy of which was obtained by United Press International, shows that field agents named different suspects than those ultimately charged and gave vivid details about how the murder was carried out. It said Deegan was lured to an alleyway in Chelsea, Mass., on the pretext of helping commit a burglary, then was shot in the back of the head by one man and immediately thereafter shot from the front by another, "in gangland fashion."

Another key issue is whether the FBI's reliance on -- and protection of -- confidential informants in Boston effectively allowed the informants to seize control and run Boston's organized crime operations for decades under the protection of law enforcement.

The hearing Thursday will examine the 1967 convictions of Peter Limone and [Joseph Salvati](#) for the Deegan murder. The men were convicted after evidence that they might be innocent -- which was in the possession of the

Congress calls ex-agents in FBI crime probe

FBI -- was kept from defense attorneys. FBI documents also indicated that the accusations against them made by the primary witness in the case were fabricated to protect the identity of the real killers.

Four men, including Salvati and Limone, were convicted on the testimony of Joe "The Animal" Barboza, an FBI witness who admitted participating in the killing, and who was granted immunity for testifying. Later exonerated completely for the crime, Salvati and Limone were fingered for the murder by Barboza, allegedly to protect the identity of one of the real killers, Vincent James Flemmi, whose brother Steven was working for the FBI as an informant.

Vincent Flemmi and Barboza were named in the memo to Hoover a week after the murder as among the four "responsible for the killing."

But Limone and Salvati -- who were not among those mentioned in the FBI memo as having been involved -- were convicted and sentenced to death. Their sentences were commuted to life in prison when the U.S. Supreme Court overturned the death penalty in 1972.

After a Justice Department investigation into the Boston FBI office unearthed exculpatory documents kept by the FBI for over 30 years, a motion for a new trial was granted and the district attorney declined in January to pursue the charges. Salvati was released. Limone had been paroled in the mid-1990s.

F. Lee Bailey, the famed criminal defense attorney, represented Barboza, who became the first witness against organized crime to enter the witness protection program, and has also been asked to testify before the committee. Bailey told committee sources that in the 1970s he became aware that Barboza had committed perjury in the Deegan trial; Bailey said he had contacted federal investigators and prosecutors in an effort to get Limone and Salvati released.

In an affidavit dated Oct. 16, 1978, and obtained by UPI, Bailey testified that in 1970 Barboza admitted to fabricating the involvement of Limone and Henry Tameleo in the murder. The affidavit makes no mention of Salvati's involvement or innocence, but Bailey testifies that Barboza told him of pressure from prosecutors to tie the murders to high-profile members of organized crime.

"He told me that Henry Tameleo and Peter Limone were not involved, but 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,'" Bailey's affidavit says. Tameleo and Limone were affiliated with the Boston and New England organized crime families and were able to link higher-level gangsters, including Raymond Patriarca, who the FBI considered a top official of La Cosa Nostra, or Mafia, to Deegan's murder.

The congressional investigation will examine whether agents actually encouraged perjury on the part of Barboza or simply ignored indications that he was lying about the murder to protect his credibility. There are also outstanding questions about whether FBI agents broke laws or agency policy in an effort to protect the identity of Steven Flemmi, who was working as an FBI informant, or his brother Vincent Flemmi, who might have been doing the same.

Salvati, his wife and his attorney are also expected to testify at the hearing, which is the first in a series that will examine the use of informants in organized crime investigations by the Boston field office over the last thirty years. One FBI informant from 1975 to 1995, James "Whitey" Bulger is accused of parlaying his FBI relationship into control of the Boston underworld. He remains at large.

Steven "The Rifleman" Flemmi -- who became Bulger's partner and continued to work with the FBI throughout the 1980s and 1990s -- goes on trial for a range of charges on May 21. The FBI agent responsible for managing Flemmi and Bulger, John Connolly, is currently in jail awaiting trial on charges stemming from his relationship with Flemmi and Bulger.

Lawmakers also plan to investigate whether it was the actions of a few rogue agents that allowed Bulger and Flemmi to conduct their criminal enterprise -- including at least 20 murders -- with impunity, or whether the agency

Congress calls ex-agents in FBI crime probe

turned a blind eye to the actions of their informants because of the quality of information on other criminals they supplied.

Load-Date: May 1, 2001

End of Document



[Congress demands records on Mob probes](#)

The Boston Herald

June 6, 2001 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 528 words

Byline: By J.M. Lawrence

Body

A Congressional panel yesterday issued a sweeping request for Justice Department documents related to Mob investigations in Boston and vowed to uncover how Massachusetts officials left two innocent men in prison for more than 30 years.

"Their silence contributed to the coverup," said U.S. Rep. Christopher Shays (R-Conn.), a member of the House Committee on Government Reform.

Committee members have pledged to dissect the 1965 Edward "Teddy" Deegan murder case that brought death sentences against **Joseph Salvati** and Peter J. Limone.

The two men were exonerated earlier this year after a investigation uncovered hidden FBI documents that would have aided their defense.

"I think the Boston FBI was corrupt and we need to understand how this could happen," Shays said.

FBI Director Louis Freeh apologized to Congress last month for the bureau's handling of the Deegan case.

The House Reform committee demanded Department of Justice records dating back to 1962, including wiretaps of then New England Mob boss Raymond L.S. Patriarca and Boston underboss Gennaro "Jerry" Angiulo. The committee asked Attorney General John Ashcroft to comply with the request by June 19.

Members also want government records related to the FBI's star Mob turncoat Joseph "The Animal" Barboza and his talks with a raft of Boston players in the fight against organized crime in the 1960s.

Those officials include:

- Edward F. Harrington, who was head of the U.S. Attorney's Office Organized Crime Strike Force in the late 1960s and is now a federal judge.

Congress demands records on Mob probes

- Jack I. Zalkind, former assistant Suffolk County District Attorney who won verdicts against Salvati, Limone and four others in the Deegan case.

- Former Boston police officers John Doyle and Frank L. Walsh. Walsh arrested Salvati and later lobbied for commutation of his sentence.

"The wording of the request shows that this committee understands the total ramifications of the evidence they're seeking," said Victor J. Garo, attorney for Salvati.

Committee members also want FBI records on commendations and post-retirement communications with indicted G-man John J. Connolly Jr., who left in 1990, and the FBI duo of H. Paul Rico and Dennis Condon.

Rico and Condon allegedly kept silent as Barboza wrongly accused Salvati and Limone of the Deegan killing during the 1968 trial.

Last month, Rico, now 77, appeared before the House committee and admitted that Salvati was wrongly imprisoned but expressed no regrets over his work on the case.

Other documents sought by the committee headed by Indiana Republican Dan Burton are:

- All records on a Nov. 3, 1982, meeting in Tulsa, Okla., on an investigation into the sports betting organization World Jai Alai. The company's owner was allegedly murdered by the Bulger gang in 1981 while former agent Rico served as head of Jai Alai security.

- All records related to the government's decision to recall Rico from retirement to assist in the investigation of former U.S. District Court Judge Alcee Hastings in the 1970s.

- All records related to FBI Mob informants Vincent "The Bear" Flemmi and his brother Stephen "The Rifleman" Flemmi from 1960 to 1971.

Load-Date: June 6, 2001



[Congress digs deeper in feds' ties to Barboza](#)

The Boston Herald

January 8, 2002 Tuesday

ALL EDITIONS

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Section: NEWS;

Length: 408 words

Byline: By J.M. LAWRENCE

Body

A senior Boston federal judge and two retired FBI agents must tell Congress in February why they helped mob hitman Joseph "The Animal" Barboza avoid the death penalty in 1971, a House committee said yesterday.

"We are looking at what seems to be a broad and systemic pattern of abuse that goes back decades and this is a significant chapter," said Mark Corallo, spokesman for the House Government Reform Committee.

For the past year, the committee headed by Rep. Dan Burton (R-Ind.) has investigated the FBI's handling of secret informants in Boston, including the government's notorious alliance with fugitive James "Whitey" Bulger. "The committee has uncovered a wealth of evidence that the Barboza case was just the tip of the iceberg in a 30-year period that may be the darkest chapter in federal law enforcement history," the House panel announced.

Blunting the investigation and drawing loud protests from Burton, President Bush invoked executive privilege last month for the first time in his administration to block the committee's access to sensitive documents related to Barboza and Bulger.

U.S. District Court Judge Edward F. Harrington, who was a federal prosecutor, and retired FBI agents Dennis Condon and H. Paul Rico have been subpoenaed to testify Feb. 7 about Barboza.

Rico's attorney, William Cagney, said yesterday, "He's already told them everything he knows."

Last May, Rico shocked congressmen who viewed him as "callous" toward [Joseph Salvati](#), the Boston man who served 30 years in prison after Barboza lied to a Suffolk jury and implicated him in a 1965 mob murder.

In 1971, Harrington, Rico and Condon went to Santa Rosa, Calif., and helped Barboza avoid the death penalty for the murder of a low-level thief. While in the Witness Protection Program, Barboza killed the man and later won a plea bargain.

Yesterday, Rico's attorney said the Boston G-man helped Barboza on the orders of then-U.S. Attorney General John Mitchell. "He went out there on a direct letter," Cagney said.

Congress digs deeper in feds' ties to Barboza

Harrington and Condon could not be reached for comment.

The House also subpoenaed Barboza's Sonoma County defense attorney Marteen Miller and local investigators who worked on the California case to testify Feb. 6.

On Feb. 13, the committee plans a hearing titled "Justice Department Misconduct in Boston: Are Legislative Solutions Required?"

Salvati attorney Victor J. Garo has been called to testify as well as others.

Load-Date: January 8, 2002

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[Congress Grills Freeh Over McVeigh Documents.](#)

The Bulletin's Frontrunner

May 17, 2001

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Length: 1480 words

Body

The Los Angeles Times (5/17, Lichtblau, Serrano) reports, "The FBI has unearthed still more documents in the Oklahoma City bombing investigation, despite ordering its agents 16 times in recent years to turn over 'everything and anything' connected to the case, Director Louis J. Freeh disclosed Wednesday." The Times adds, "An embarrassed Freeh, in his first public comments on a controversy that has forced the postponement of Timothy J. McVeigh's execution, told members of Congress that the 'serious error' reflected a management problem for which he bears ultimate responsibility." ABC News (5/16, lead story, Jennings) reported last night, "This is the day that Timothy McVeigh was supposed to be executed. We begin, tonight, with an embarrassed director of the FBI. Louis Freeh got a going-over in the Congress today because his bureau failed to turn over so many documents to McVeigh's lawyers. And with other accusations about FBI behavior, he was probably not surprised to hear his agency referred to as 'a failed one.' This was his first public appearance since the McVeigh execution was delayed." CBS (5/16, story 2, Rather) reported last night, "This was the first day of the rest of Tim McVeigh's life; the day he was scheduled to die for the bombing mass murders in Oklahoma City. The execution is off till at least June 11. And his lawyers said today McVeigh is considering all his legal options in light of the FBI's stunning failure to turn over thousands of pages of potential evidence.

How did the FBI bungle the biggest murder case in US history? That's what Congress wants to know." CBS (Attkisson) added, "For FBI Director Louis Freeh, the embarrassment just keeps on growing. A week after the FBI turned over thousands of pages of documents in the Oklahoma City investigation six years late, Freeh admitted today there may be still more." NBC (5/16, story 4, Williams) reported, "Freeh say even though FBI headquarters pressed all field offices 12 separate times before McVeigh's trial, most failed to turn everything in. How could it happen? Partly, the staggering amount of evidence to keep track of. Freeh revealed today 28,000 interviews, 43,000 leads, over 13 million motel registration records, 3 million Ryder truck rental records and 600,000 airline reservations. And Freeh says McVeigh's lawyers may have already seen some of what's in the newly discovered documents from investigative summaries turned over much earlier. Federal prosecutors insist they were never under any legal obligation to turn over any of the newly discovered FBI material, just an informal understanding with defense lawyers. And court documents reveal that McVeigh's own lead trial lawyer, Stephen Jones, once even suggested that it didn't really count because it wasn't a written agreement. Nonetheless, the FBI's document foul-up has shaken public confidence in the agency." The New York Times (5/17, A1, Johnston) reports, "Freeh said at the House hearing that he had ordered immediate corrective steps, among them a one-day agencywide suspension of all routine FBI functions in order to retrain employees in records management. In addition, he said he had begun a search to hire a 'world-class records expert.'" USA Today (5/17, Johnson) reports, " The FBI director's appearance on Capitol Hill, one of the last before his scheduled retirement next month, was met with much of the political support he has enjoyed during the past eight years, despite his agency's record of stumbling in major cases.

Congress Grills Freeh Over McVeigh Documents.

Among the few exceptions was Rep. David Obey, D-Wis. , who called the documents snafu 'a pitiful performance.'" Said Obey, "It's a lousy way for you to go out," adding, "You have been failed by the people around you." The Washington Post (5/17, A15, Thompson) reports that Obey " offered yesterday's strongest criticism of Freeh, for mistakes in the McVeigh case and other cases. 'I think we have...something close to a failed agency,' Obey said." The FBI "has acknowledged mistakes in handling the 1992 government siege at Ruby Ridge, Idaho, where federal agents killed the wife and child of separatist Randy Weaver; the 1993 federal raid on the Branch Davidian compound near Waco, Tex., that killed 75 people; the discovery of an FBI wiretap tape decades after the 1963 Birmingham church bombing that killed four girls; missteps in the investigation of Richard Jewell for the 1996 Olympics bombing in Atlanta; and the 'gross mishandling' of the investigation of Los Alamos Nuclear Laboratory scientist Wen Ho Lee." Obey "said the bureau has suffered 'chronic, consistent failures' and is 'desperately in need of reform.'" Freeh "defended his agency and said many of the cases were investigations conducted under an 'old FBI.' It was the FBI of 'modern times' that righted the wrongs, he said." The Washington Times (5/17, Seper) reports, "Freeh yesterday assumed responsibility for 'a serious error' in failing to turn over thousands of documents to Timothy McVeigh's attorneys," but he also "told the House Appropriations subcommittee that none of the records had any bearing on McVeigh's guilt or innocence."

Freeh Also Admits FBI Blunder In Salvati Case. The Boston Herald (5/17, Lawrence) reports, "Freeh yesterday acknowledged that the bureau helped send an innocent Boston man to prison for 30 years, but maintained that 'the FBI of modern times' helped free Joseph Salvati. 'That is a very sad chapter in the history of this agency,' Freeh told the House Appropriations Committee yesterday in Washington, DC. Freeh's remarks came under intense questioning from congressmen about recent FBI blunders." Obey "brought up the Salvati case in connection with the bureau's withholding evidence in" McVeigh's case. Salvati's attorney, Victor J. Garo, "called Freeh's statement 'a good first step in total closure of this matter.'" The Herald adds, "In January, a Middlesex Superior Court judge ruled that Boston FBI agents H. Paul Rico and Dennis Condon withheld informant reports that would have aided the defense of Salvati and three other men accused of the 1965 murder of Edward 'Teddy' Deegan in Chelsea."

OK State Agencies Receiving Threatening Calls As Execution Day Nears. The Tulsa World (5/17, Hoberock) reports, "The pending execution of Oklahoma City bomber Timothy McVeigh spawned a series of threats to various state agencies Monday, the Department of Public Safety has confirmed. 'We have received complaints from several agencies alleging threatening phone calls relating to the Timothy McVeigh execution,' said Christ West, DPS public information officer." The World adds, "The level of anxiety surrounding the original date was illustrated Wednesday when a Texas woman was detained for two hours following a report of a suspicious vehicle near the Oklahoma City National Memorial, which is on the site of the Murrah Building. The woman was later released, but not before police had blocked off some streets leading to a parking lot near the memorial while her truck was searched." Agencies that received 'the threatening calls Monday include the Oklahoma Supreme Court, Oklahoma Military Department, Board of Veterinary Medical Examiners, Department of Wildlife Conservation, Oklahoma Transportation Authority, Department of Transportation and state Fire Marshal's Office."

Kennedy Attacks Freeh Over Death Penalty. The Providence Journal (5/17, Mulligan) reports, "U.S. Rep. Patrick J. Kennedy, who ran for Congress on a pro-death penalty platform, angrily attacked FBI Director Louis Freeh's support for executions yesterday, citing the Timothy McVeigh case as evidence that they should be abolished. Kennedy, who quietly switched last year to what he called a more mature position against the death penalty, urged 'moral outrage' at the punishment. He argued that it is disproportionately applied to black people and that innocent people have been wrongly sentenced to death. . 'There has got to be a moral outrage. I can't for the life of me understand why people can sit idly by and see these statistics and not say this is bunk,' Kennedy said. Of McVeigh, Freeh told Kennedy: 'Let me just say this -- there is no danger that an innocent Timothy McVeigh is going to be punished.'"

More Commentary. The New York Times (5/17) editorializes, "We continue to believe that the director of the FBI should be someone familiar with the business of law enforcement and sensitive to the constitutional safeguards that protect the civil liberties of Americans. Mr. Freeh, like several of his predecessors, served as a federal judge before moving to the bureau. But above all, the FBI requires strong, disciplined leadership from someone who knows how to run and reform a large organization." President Bush "has every incentive to find such a person, for the errors of the FBI have a way of haunting the White House and the nation."

Congress Grills Freeh Over McVeigh Documents.

Load-Date: May 17, 2001

End of Document



CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS

Federal Document Clearing House Congressional Testimony

February 6, 2002 Wednesday

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Section: CAPITOL HILL HEARING TESTIMONY

Length: 1360 words

Byline: HOUSE GOVERNMENT REFORM

CHUCK GRASSLEY, SENATOR

Body

Statement of Sen. Chuck Grassley, of Iowa at the House Committee on Government Reform during a Hearing on Congressional Access to Justice Department Documents

Wednesday, February 6, 2002

Mr. Chairman, members of the Committee, thank you for the opportunity to testify on an issue that I believe is at the core of the viability of our democracy. The issue is sunshine in government. I firmly believe that openness of government has kept our country as strong as it is today. If we can see clearly what our public servants do, we in Congress can correct deficiencies and make government more effective and accountable. That is the essence of congressional oversight.

It has been my principle over 20-plus years of oversight and investigation to treat administrations the same regardless of whether a Republican or Democrat is in the White House. Oversight is and should be non-partisan. I think it is wise for all who do oversight to abide by this principle of impartiality.

As I said, my intimate involvement in oversight began only a year after I was elected to the United States Senate. Since that time, I have led crusades to reform Defense Department management and practices; to force the Justice Department to aggressively prosecute fraud against taxpayers; to force the Congressional Budget Office to produce honest and realistic budget numbers; to reform the FBI's culture of arrogance and its practice of putting image over product; and, to transform the IRS from a cabal of bureaucratic barons to a truly customer-friendly service.

Each of these endeavors required inside information. Each agency used vast energies to stonewall. At no time were they ultimately successful. Each time, I made the case for access to the public and to my colleagues. And each time, the public and Congress backed me up. Eventually, the information was provided. The result has been a litany of successful reforms throughout government. Without inside information, none of these corrections was possible.

CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS

Let me make clear that this stonewalling by the executive branch has happened under both Democrat and Republican administrations. So just as I've tried to treat each administration the same, unfortunately each administration has treated my oversight investigations the same as well - with deny, delay and stonewall.

That brings us to the issue before this Committee: the Joseph Salvati case. Certain key documents are being withheld from your Committee under executive privilege. The withholding of these documents is interfering with your ability to conduct oversight of a case that's over 30 years old, which involves an undeniably egregious miscarriage of justice, perpetuated by an agency - the FBI - that is undergoing major reforms designed to address the same cultural problems that led to the Salvati case. It may be a 30 year-old case, but it has present-day implications.

Nonetheless, the Justice Department says that its need to preserve the deliberative process supercedes the importance of the public's right to know why the FBI let four men be sentenced to death, and later life in prison, for a murder that the FBI knew they did not commit. The Justice Department has said it will deal with the requests for deliberative process documents on a case-by-case basis. If that is so, there is not a more compelling case than this.

In my view, Mr. Chairman, the deliberative process argument is just one arrow in the Justice Department and other agencies' quiver of excuses for blocking legitimate Congressional oversight. Over the past year, I have attempted to conduct numerous oversight investigations as a member of the Finance and Judiciary Committees. I have been blocked, to this point, not by executive privilege, but by Privacy Act restrictions; Rule 6E; and, the old on-going investigation excuse.

Let me make clear that on some occasions, these restrictions on Congressional access to information may be legitimate. I am not here arguing that the executive branch has no rights to prevent the release of certain information. All too often, we see agencies abusing the legitimate limitations on information to cover-up cover-up bureaucratic snafus, foul-ups, mistakes and in the case of Mr. Salvati - gross misconduct.

Let me highlight two cases from investigations I am currently conducting. First, the John Solomon case. He's the AP reporter who had his home phone records subpoenaed and searched without his knowledge. The Justice Department is required to follow certain procedures before issuing a subpoena for phone records without a reporter's knowledge. I have been trying for months to determine if these DOJ procedures were followed. The Department has responded with a shell-game for why they won't answer. At first, it was because the case was ongoing. Then, when it was closed, they invoked grand jury secrecy and the Privacy Act. It is inconceivable to me that the law is such that Congress cannot look at the record to determine whether the Justice Department did or did not follow its own guidelines regarding the subpoena of a reporter's phone records. While the Justice Department works with me on this matter, it has taken months to get even the most basic information.

In another example, I discovered that the IRS had placed on paid administrative leave at a salary of \$80,000 a year an employee was indicted, convicted and sentenced to home detention for a felony - and doing no work at the IRS. The IRS claims that because of the Privacy Act they cannot tell me, the ranking member of the Finance Committee, whether this IRS employee, Mr. Kenneth Dossey, has been fired. In addition, Treasury claims under the Privacy Act that they can't identify the IRS managers who decided to continue paying Mr. Dossey \$80,000 a year while he was on home detention and not working. Again, the Treasury Department is working with me, but it has taken months for them to provide the most simple answers.

Mr. Chairman, I fear there is a widespread deliberate policy by agencies to deny or delay giving information to Congress. I think this is a dangerous policy for two reasons. First, it interferes in our Constitutional duty to oversee the executive branch and assure the public that its servants here in Washington are acting properly and ethically.

And second, an agency that stonewalls such requests inevitably risks a credibility gap with the public. Also, I find, it often means the agency has something to hide.

A prime example is the Salvati case, which involves FBI corruption at the highest levels. The FBI stood by silently, knowing that four men took the rap for a murder they didn't commit. Two of these men died while in prison. The others have been let out only recently, after 30-plus years. The same FBI cultural arrogance that allowed this miscarriage of justice to occur may very well be prevalent in today's FBI. It is that culture that is the target of five on-

CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS

going investigations by the government, including a management reorganization by the Justice Department, plus soon-to-be introduced FBI reform legislation.

To prevent Congress from learning the lessons of the Salvati case and applying them to our on-going FBI oversight work would be a gross injustice to the public. There is no question, Mr. Chairman, that the details of the Salvati case are critical to fulfilling the responsibilities of this committee. And how the Justice Department cannot approve the release of these documents - on a case-by-case basis, as it says it wants to do - is beyond explanation. Getting to the bottom of the Salvati scandal and fixing the causes of this justice for outweighs any need to preserve the deliberative process.

Mr. Chairman, I conclude by urging you and the members of your committee to be firm and resolute on this issue. You must continue to make your case to the public, and in time you will be successful in the court of public opinion, which is the key to successful resolution of this impasse. I commend your fine oversight work on FBI corruption in the Boston field office, and once again thank you for the chance to share my views with the Committee.

Load-Date: February 8, 2002

End of Document



CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS

Federal Document Clearing House Congressional Testimony

February 6, 2002 Wednesday

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Section: CAPITOL HILL HEARING TESTIMONY

Length: 403 words

Byline: HOUSE GOVERNMENT REFORM

CHRISTOPHER S SHAYS, CHAIRMAN

Body

Statement of Rep. Christopher Shays February 6, 2002

While we are engaged in a very real war against terrorism, the administration has chosen to invoke the Constitution in defense of an abstraction: candor in secret executive decision-making.

Candidly, I believe invoking executive privilege to protect thirty year-old memos relevant to our investigation of Justice Department corruption was premature and heavy-handed, bordering on arrogance. When President and Attorney General have asked for, and received, extraordinary powers in the fight against terrorism - powers that risk infringement of our constitutional liberties - the Executive Branch should expect, if not demand, increased congressional scrutiny of their use of those powers, even if that oversight risks infringement of their constitutional prerogatives. It's a fair and necessary trade under these extraordinary circumstances. This is no time for some legalistic jihad to regain the halcyon, largely mythical, days of unfettered executive powers.

There can be no question there is an administration-wide effort to "push back" against what is seen as an erosion of executive prerogatives to conduct public business in secret. We are confronted with an inflexible policy barring congressional access to very broad, but still only vaguely defined, classes of executive branch documents often, if not routinely, made available by previous administrations.

The White House concedes that in "unusual circumstances like those present here, where the Executive Branch has filed criminal charges alleging corruption in the FBI investigative process, even the core principle of confidentiality applicable to prosecution and declination memoranda may appropriately give way, to the extent permitted by law, if Congress demonstrates a compelling a specific need for the memoranda."

What could be more compelling than the need to right the wrong done to Joseph Salvati, an innocent man imprisoned for thirty years based on the machinations of corrupt state and federal prosecutorial processes? With regard to the documents the Committee has subpoenaed, the Department of Justice should conclude our review of

CONGRESSIONAL ACCESS TO JUSTICE DEPT. DOCUMENTS

thirty year-old deliberative documents under these extraordinary circumstances threatens no one's candor, and that our reading of long-closed case files in this instance will bring needed light to a dark chapter in our legal history.

Load-Date: February 7, 2002

End of Document



[Congressional hearings on FBI in Boston](#)

Providence Journal-Bulletin (Rhode Island)

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Length: 662 words

Byline: ASSOCIATED PRESS

Highlight: * The hearing focused on the FBI's role in investigating and prosecuting the murder of Edward Deegan in the gang wars of the 1960s.

Body

BOSTON (AP) The Congressional inquiry into FBI misconduct yesterday came to the scene of one of the agency's most infamous missteps a decision to withhold information that could have freed at least two of the five men convicted of a 1965 gangland murder in suburban Boston.

The men, ***Joseph Salvati*** and Peter Limone, looked on yesterday as the House Committee on Government Reform held a hearing in a Suffolk County courtroom on the events that led to their imprisonment for the murder of Edward Deegan.

The men, who both spent more than 30 years behind bars, were in the gallery when members of the Congressional panel apologized for the years they spent in prison.

"I'm glad they're coming to the bottom of it and bringing all this stuff out," said Limone, who was accompanied by his wife, Olympia, and lawyer. "Maybe it will help other people."

The FBI "still won't admit they did anything wrong or apologize," Olympia Limone added.

Salvati's attorney, Victor Garo, said Salvati and his wife "are very grateful to the Congressional committee for the ongoing investigation they're doing to determine the truth in the Deegan murder case."

Testifying were Jack Zalkind, the former prosecutor who brought the case to trial in 1968; James McDonough, Zalkind's assistant; and Superior Court Judge Wendie Gershengorn, a former member of the state parole board.

The hearing focused on the FBI's role in investigating and prosecuting Deegan's murder. He was shot five times in the back of the head in Chelsea during the height of 1960s Boston area gang wars.

Salvati and Limone were freed last year after the Justice Department turned over documents showing the FBI had information that could have cleared the men.

A third man, Wilfred R. French, was released this year when prosecutors acknowledged he did not get a fair trial.

Congressional hearings on FBI in Boston

Two other defendants in Deegan's murder, Enrico Tameleo and Louis Greco, died in prison.

Zalkind said if he had seen a Chelsea police report implicating suspects other than the men he prosecuted, he would have pursued those leads.

He also said had he known what the FBI never told him about the case namely, that informant Joseph "The Animal" Barboza was lying and they knew Vincent Flemmi wanted Edward Deegan dead things would have been different.

"They had a witness who was lying to me and they never told me he was lying," Zalkind said.

Of the Chelsea police report, which pointed to Barboza and Flemmi as suspects, he said "this should have been in my hands. This is awful and I feel terrible."

McDonough, however, didn't budge from his previous sworn statements that prosecutors did have the Chelsea police report during the trial.

Zalkind said he neither liked nor trusted Barboza, the government's key witness, when he took the case.

Rep. William Delahunt, D.-Mass., asked Zalkind why he used Barboza as a witness if he didn't trust him, and Zalkind said much of Barboza's testimony was corroborated by other evidence.

John Cavicchi, who represented Limone and Greco, said Zalkind had access to information that showed Barboza was lying.

"There were some 13 statements of Barboza in his possession that showed Barboza virtually told a different story in every statement," Cavicchi said.

The hearing went into executive session for half an hour, at the request of the Justice Department, to discuss a recently released memo, sent by Boston FBI agents to their Washington bosses in 1967.

Congressmen on the panel, chaired by Rep. Steven LaTourette, R-Ohio, and including Delahunt and fellow Massachusetts Democrats John Tierney, Stephen Lynch and Barney Frank, were unhappy they could not discuss the memo in public.

In open testimony, Zalkind was not allowed to cite specifics from the memo. But characterizing it generally, he said "I suppose that maybe they had a guilty conscience and wanted to unload, or make sure there was a record about what they knew."

Load-Date: May 14, 2002



[Congressional hearings on FBI misconduct come to Boston](#)

The Associated Press State & Local Wire

May 11, 2002, Saturday, BC cycle

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Section: State and Regional

Length: 656 words

Byline: By GREG SUKIENNIK, Associated Press Writer

Dateline: BOSTON

Body

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Congressional hearings on FBI misconduct come to Boston

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Load-Date: May 12, 2002



Congressman Wants FBI Records

Associated Press Online

February 27, 2002 Wednesday

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Section: WASHINGTON DATELINE

Length: 307 words

Byline: MELISSA B. ROBINSON; Associated Press Writer

Dateline: WASHINGTON

Body

Faced with a contempt threat, the Justice Department agreed Wednesday to give a congressional committee records on the Boston FBI's handling of mob informants in the 1960s, the committee chairman said.

"My committee has been investigating this tragic case for over a year," said House Government Reform Chairman Dan Burton.

"We've finally reached an agreement with the Justice Department to see the documents we need to see to move forward with this investigation."

A department spokesman declined comment, saying he was reviewing the details.

For now, the agreement settles the showdown between Burton and the White House over its use of executive privilege to shield prosecutorial documents from congressional scrutiny. The dispute had led to charges by both Democrats and Republicans that Bush was trying to run an "imperial" presidency.

At a committee hearing Wednesday, Burton said he might try to hold President Bush in contempt because he and Attorney General John Ashcroft had yet to comply with a subpoena for the documents.

After department officials and committee aides met later, the department agreed to provide five documents in question, the aides said. The committee had sought 10 records, but four were found to be irrelevant to the case or not responsive to the subpoena. One was provided earlier.

Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear it will become public.

Bush invoked it in December when he ordered Ashcroft not to turn the Boston records over. He argued that releasing the records could have a chilling effect on prosecutors' willingness to discuss criminal matters.

Burton has focused on revelations that ***Joseph Salvati*** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence.

Congressman Wants FBI Records

Load-Date: February 27, 2002

End of Document



Congressmen say ex-agent cooperated in FBI probe

The Boston Herald

February 23, 2002 Saturday

ALL EDITIONS

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Section: NEWS;

Length: 436 words

Byline: By J.M. LAWRENCE

Body

A 79-year-old former FBI agent accused of framing four men in a 1968 mob murder was "fully cooperative" yesterday during a private Boston deposition before two Congressmen.

"The hard questions were asked and the answers were forthcoming," U.S. Rep. William Delahunt (D-Quincy) said after a second day of grilling ex-G-man Dennis Condon.

Emerging from the two-day deposition held at the Boston law offices of Meyer Connolly Sloman & MacDonald, Delahunt and U.S. Rep. Steven C. LaTourette (R-Ohio) declined to answer questions about Condon's statements.

"We'll let the record speak to that," Delahunt said referring to the House Government Reform Committee's upcoming report on the Boston FBI's ties to organized crime.

A Justice Department Task Force is still conducting a criminal investigation into the Boston FBI's mob ties and DOJ officials have repeatedly cautioned the committee not to interfere.

Both Delahunt and LaTourette yesterday described Condon as cooperative in searching his memory about the bureau's plunge into connections to criminal informants.

Delahunt said he did not believe Condon, who retired from the bureau in 1977 and was a state public safety official, would intentionally withhold exculpatory information.

Condon's Washington attorney has not responded to several requests for comment.

A 1965 FBI memo written by Condon's former partner H. Paul Rico was never handed over to defense attorneys for six men convicted of Deegan's murder, even though the secret informant report is said to list Deegan's true killers.

The document was uncovered last year and led state judges to overturn convictions against three men in the case.

Congressmen say ex-agent cooperated in FBI probe

"Rico and Condon know what the truth is. They know who they framed," said attorney John Cavicchi, who represented Louis Greco and Peter Limone, men who spent half of their lives battling convictions in the 1965 murder of Edward "Teddy" Deegan.

Joseph Salvati and Limone spent more than three decades behind bars before being released. The man convicted of shooting Deegan, Wilfred Roy French, was released in December after serving almost 35 years. Greco and Henry Tameleo also were apparently innocent and died in prison.

Subpoenaed for a second time by Congress on Feb. 14, a subdued Rico took the Fifth while LaTourette taunted him by questioning how he slept at night.

Delahunt yesterday said it is likely similar instances of corruption in the FBI have occurred in other cities.

"We're not just trying to reform the FBI. We're trying to save the FBI," he said, calling for an end to the "culture of concealment" cloaking the agency.

Load-Date: February 23, 2002



[Congress probes FBI's alleged threats to board](#)

The Boston Herald
June 17, 2001 Sunday
ALL EDITIONS

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Section: NEWS;

Length: 779 words

Byline: By J.M. Lawrence

Body

Congressmen probing whether the Boston FBI tried to quash commutations for two innocent men want former Massachusetts parole board members to testify about alleged intimidation they faced after backing Peter J. Limone's bid for freedom in 1983, committee sources said.

Almost 20 years after enduring a state police investigation and ethics probe when he backed Limone, former board member Michael Albano now feels some satisfaction from the House Government Reform Committee's phone calls.

"It's a good feeling," said Albano, who is now mayor of Springfield. "But during that investigation, it was not a good feeling."

Albano is prepared to tell the committee that he got a private visit from then-FBI agents John Connolly and John Morris who suggested he reconsider his vote for Limone.

Limone and five other men were found guilty of the 1965 gangland murder of Edward "Teddy" Deegan.

Faced with documents uncovered during a Department of Justice corruption probe, a Cambridge judge ruled earlier this year that the FBI hid evidence in the case that would have exonerated Limone.

He was released after 33 years in prison, including several years on death row before the state eliminated the death penalty.

The FBI's own confidential informant reports showed that Limone, **Joseph Salvati**, Louis Greco and Henry Tameleo were innocent in the Deegan murder. Greco and Tameleo died in prison.

Limone's case was the first to hit the parole board.

"I voted my conscience," board member Richard Luccio told WCVB-TV (Ch. 5.)

Albano also concluded the facts did not support Limone's conviction, he said.

Congress probes FBI's alleged threats to board

"There was no other case in my 12 years where there was that type of involvement by the federal bureau and the U.S. Attorney's Office," he said.

Luccio, Albano and the three other members of the board who backed Limone all became targets of a state police investigation into whether organized crime had influenced their votes, WCVB-TV first reported on May 30.

All five were eventually cleared.

"I got a letter from the governor saying I was cleared of any wrongdoing, however, we want to see if the Ethics Commission has any issues so there's a second investigation," recalled Albano, who was 32 then and had just become a father.

Although state police investigated the parole board members, a former FBI agent who played a key role in the Deegan case was in charge of the Department of Public Safety at the time, the Herald has learned.

Former FBI agent Dennis Condon, who testified during the Deegan murder trial and bolstered the false testimony of the government's star witness Joseph "The Animal" Barboza, was the No. 2 man at Public Safety when the State Police Office of Public Investigation conducted the parole board probe, sources said.

Condon's attorney, Henry Schuelke III, was not available for comment.

Barboza later recanted his testimony.

The House committee led by Indiana Republican Rep. Dan Burton plans to call on Condon to testify about the commutations, sources said.

The committee previously called Condon, 74, to testify at a May hearing on Salvati's case but Condon did not appear, citing a medical condition. Defense attorneys for the men who were convicted in the Deegan murder contend the FBI was intent on keeping the men in prison to cover their tracks in an unconstitutional war on organized crime.

"They were willing to trade lives for what they perceived to be the greater good," said Boston defense attorney Joseph Balliro, who represented Tameleo.

Salvati's attorney, Victor J. Garo, first asked the parole board for a commutation in 1985.

The board backed Salvati but delayed its vote after the Boston FBI told the chairman Salvati was facing a new indictment on loansharking activities while in prison, Garo has told Congress.

No indictment was ever issued against Salvati.

Salvati later received a unanimous vote for commutation in 1989 but then-Gov. Michael Dukakis did not act on the recommendation.

Gov. William Weld also turned down Salvati's commutation in 1993, saying Salvati had a long history of organized crime - a claim hotly disputed by his attorney and unsubstantiated by records.

Weld later reversed course and approved Salvati's release in 1997. Salvati spent 30 years in prison.

U.S. Rep. William Delahunt (D-Quincy), who is assisting the committee with the probe, said Congress needs to ask Dukakis and Weld about their decisions.

"We've got to find out from Governor Weld why he made that statement and where did he receive that information," Delahunt said.

The committee has subpoenaed records from acting Gov. Jane Swift relating to the prior administrations' handling of the cases.

Congress probes FBI's alleged threats to board

Load-Date: June 17, 2001

End of Document



Congress rejects immunity for FBI agent

United Press International

May 2, 2001, Wednesday

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Section: GENERAL NEWS

Length: 1320 words

Byline: By P. MITCHELL PROTHERO

Dateline: WASHINGTON, May 2

Body

A former FBI agent subpoenaed to appear before a congressional committee was denied immunity Wednesday for testifying on whether the agency knowingly allowed innocent men to be sentenced to death for a 1965 murder committed by a prominent federal witness, United Press International has learned.

The House Government Reform Committee has subpoenaed FBI special agents H. Paul Rico and Dennis Condon to testify at a hearing Thursday on whether the FBI concealed the role of an informer in the 1965 murder of Edward "Teddy" Deegan, a Boston gangster, and instead allowed four innocent men to be convicted.

The case has potentially far-reaching consequences, and at its heart raises a disturbing question: In an overzealous effort to defeat the mob, did the FBI, in effect, become a partner in crime with mobsters in Boston and possibly elsewhere?

Because FBI memos at the time of the murder indicate that the agency knew that the Boston murder was about to be committed, knew who did it, and still let innocent men be prosecuted, investigators want additional information about whether irregularities in the use of informants were widespread.

William Cagney, Rico's attorney, said that his client would cooperate with the committee as long as his testimony was protected by an immunity agreement. The lawyer wants immunity for Rico because a special investigator for the Justice Department has convened a grand jury outside Boston to investigate the prosecution of the Deegan murder and other FBI problems with informants and witnesses over the past three-and-a-half decades.

But a staffer for the committee said that Rico would not be granted immunity -- both out of respect to U.S. Attorney John Durham, who is running the probe in Boston, and because Rico's role in the alleged cover-up has not been determined. Without an agreement, most of those involved with the hearing expect the former agents will refuse to testify because they are targets of a criminal investigation.

One document that has riveted investigators' attention is a memo to J. Edgar Hoover about the Deegan killing. The memo, dated March 19, 1965, a copy of which was obtained by United Press International, shows that field agents named different suspects than those ultimately charged and gave vivid details about how the murder was carried

Congress rejects immunity for FBI agent

out. It said Deegan was lured to an alleyway in Chelsea, Mass., on the pretext of helping commit a burglary, then was shot in the back of the head by one man and immediately thereafter shot from the front by another, "in gangland fashion."

Another key issue is whether the FBI's reliance on -- and protection of -- confidential informants in Boston effectively allowed the informants to seize control and run Boston's organized crime operations for decades under the protection of law enforcement.

The hearing Thursday will examine the 1967 convictions of Peter Limone and Joseph Salvati for the Deegan murder. The men were convicted after evidence that they might be innocent -- which was in the possession of the FBI -- was kept from defense attorneys. FBI documents also indicate that the accusations against them made by the primary witness in the case were fabricated to protect the identity of the real killers.

Four men, including Salvati and Limone, were convicted on the testimony of Joe "The Animal" Barboza, an FBI witness that admitted participating in the killing, and who was granted immunity for testifying. Later exonerated completely for the crime, Salvati and Limone were fingered for the murder by Barboza, allegedly to protect the identity of one of the real killers, Vincent James Flemmi, whose brother Steven was working for the FBI as an informant.

Vincent Flemmi and Barboza were named in the memo to Hoover a week after the murder as among the four "responsible for the killing."

But Limone and Salvati -- who were not among those mentioned in the FBI memo as having been involved -- were convicted and sentenced to death. Their sentences were commuted to life in prison when the U.S. Supreme Court overturned the death penalty in 1972.

After a Justice Department investigation into the Boston FBI office unearthed exculpatory documents kept by the FBI for over 30 years, a motion for a new trial was granted and the district attorney declined in January to pursue the charges. Salvati had been released from prison on parole in 1997, but both men faced either the threat of further custodial action or even prison until the government completely dropped charges in January.

Samantha Martin, a spokesperson for the Boston U.S. Attorneys Office, said that Durham has brought several indictments to the grand jury and is expected to continue his investigation, but would not comment any further on the matter.

The FBI declined to answer questions, citing their long-standing policy of not commenting on ongoing investigations.

F. Lee Bailey, the famed criminal defense attorney, represented Barboza, who became the first witness against organized crime to enter the witness protection program, and has also been asked to testify before the committee. Bailey told committee sources that in the 1970s he became aware that Barboza had committed perjury in the Deegan trial; Bailey said he had contacted federal investigators and prosecutors in an effort to get Limone and Salvati released.

In an affidavit dated Oct. 16, 1978, and obtained by UPI, Bailey testified that in 1970 Barboza admitted to fabricating the involvement of Limone and Henry Tameleo in the murder. The affidavit makes no mention of Salvati's involvement or innocence, but Bailey testifies that Barboza told him of pressure from prosecutors to tie the murders to high-profile members of organized crime.

"He told me that Henry Tameleo and Peter Limone were not involved, but 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,'" Bailey's affidavit says.

Tameleo and Limone were affiliated with the Boston and New England organized crime families and were able to link higher-level gangsters, including Raymond Patriarca, who the FBI considered a top official of La Cosa Nostra, or Mafia, to Deegan's murder.

Congress rejects immunity for FBI agent

Bailey refused to comment, and through an assistant explained he did not want to make further public statements until after his testimony.

The congressional investigation will examine whether agents actually encouraged perjury on the part of Barboza or simply ignored indications that he was lying about the murder to protect his credibility. There are also outstanding questions about whether FBI agents broke laws or agency policy in an effort to protect the identity of Steven Flemmi, who was working as an FBI informant, or his brother Vincent Flemmi, who might have been doing the same.

Salvati, his wife and his attorney also are expected to testify at the hearing, which is the first in a series that will examine the use of informants in organized crime investigations by the Boston field office over the last 30 years. One FBI informant from 1975 to 1995, James "Whitey" Bulger, is accused of parlaying his FBI relationship into control of the Boston underworld. He remains at large.

Steven "The Rifleman" Flemmi -- who became Bulger's partner and continued to work with the FBI throughout the 1980s and 1990s -- goes on trial for a range of charges on May 21. The FBI agent responsible for managing Flemmi and Bulger, John Connolly, is currently in jail awaiting trial on charges stemming from his relationship with Flemmi and Bulger.

Lawmakers also plan to investigate whether it was the actions of a few rogue agents that allowed Bulger and Flemmi to conduct their criminal enterprise -- including at least 20 murders -- with impunity, or whether the agency turned a blind eye to the actions of their informants because of the quality of information on other criminals they supplied.

Load-Date: May 3, 2001



Congress to launch new FBI probe

The Boston Herald

October 23, 2003 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 515 words

Byline: By Maggie Mulvihill and J.M. Lawrence

Body

Congress is intensifying its probe into FBI misconduct, with the powerful House Judiciary Committee now planning its own national examination of the way FBI agents handle criminal informants.

The decision follows intense lobbying by U.S. Reps. William Delahunt and Martin T. Meehan, (D-Mass.), who have pushed for a deeper congressional probe into corrupt relationships FBI agents in Boston developed with informants such as fugitive Winter Hill Gang boss James J. "Whitey" Bulger.

"Any reasonable person would say that with the agent-informant relationship, corrections need to be made and I think the Judiciary Committee is the best committee to try to force changes," said Meehan.

Bulger's handler, FBI agent John J. Connolly Jr. is serving a 10-year prison sentence for aiding Bulger and his organized crime pals. Bulger disappeared in 1995 after being indicted for racketeering. He is now charged with murdering 19 people.

Connolly has also been implicated in murders by Bulger cohort Stephen J. "The Rifleman" Flemmi, who pleaded guilty last week to 10 slayings.

"I think it's not a secret that there have been problems raised with the Boston case. The chairman and the committee's interest is what policies are in place for the way the FBI handles informants and how they are being followed across the country," said Jeff Lungren, a spokesman for U.S. Rep. F. James Sensenbrenner Jr. (R-Wis.) - the committee chairman.

A retired San Francisco agent faces criminal charges for his dealings with an FBI informant and alleged Chinese double agent, while a former Kentucky agent served 13 years in prison for strangling a pregnant informant who was his lover.

The committee will "build on" information already developed by the House Government Reform Committee, whose televised grilling of Bulger's brother, William M. Bulger, in June added to the public pressure forcing his resignation as University of Massachusetts president in August.

Congress to launch new FBI probe

"It will be a much broader look. It won't be a couple of months. I wouldn't be surprised if we are talking about this issue a year from now," Lungren said of the new probe.

Delahunt expressed particular concern about the way the Department of Justice has reacted to lawsuits against the FBI filed by four Bay State men wrongly convicted of the 1965 mob execution of Edward "Teddy" Deegan after FBI agents withheld exculpatory information they got from their confidential informants.

The department's latest defense to the suits is that because Congress did not pass a law allowing such lawsuits until 1974, well after the FBI agents' alleged misconduct, the suits should be dismissed.

"I think the average person just finds this so offensive," Delahunt said of the department's tactics.

Victor Garo, who represents **Joseph Salvati**, freed after 30 years in prison, said the department is misrepresenting what Congress meant when it enacted the 1974 law.

Caption: DELAHUNT: Scorns Justice Department's tactics.

Caption: MEEHAN: Supports stronger congressional probe.

Caption: BULGER: Gangster-on-lam corrupted his FBI handlers.

Load-Date: October 23, 2003



Connolly lawyers to say statie tipped Mob

The Boston Herald

June 5, 2001 Tuesday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 468 words

Byline: By J. M. LAWRENCE

Body

Lawyers for former FBI agent John J. Connolly Jr. plan to argue that a former state trooper might be the source of the infamous 1995 tip to James "Whitey" Bulger and Stephen "The Rifleman" Flemmi about a pending indictment.

Federal prosecutors "have someone who was in the same position, if not a better position, to tip Mr. Flemmi," said attorney Tracey A. Miner yesterday in federal court, referring to retired state police Lt. Richard J. Schneiderhan, who was a close friend of Flemmi's.

The relationship was revealed in letters the ex-trooper wrote to his son during an investigation that resulted in an obstruction-of-justice indictment against Schneiderhan last year.

Schneiderhan stands accused of tipping Bulger associates about FBI "pen registers" on the telephones of Bulger's brothers, William, president of the University of Massachusetts and Jackie, a retired Suffolk Court magistrate.

Connolly's defense team yesterday unsuccessfully argued for sanctions against federal prosecutors on the grounds they had not revealed the Schneiderhan letters earlier in pretrial proceedings.

The relationship between Flemmi and Schneiderhan "does tend to negate Mr. Connolly's guilt on the obstruction of justice charge," Miner told the court.

Connolly pleaded innocent to charges he warned Flemmi and Bulger about the indictment.

Assistant U.S. Attorney Leonard Boyle said federal rules require him to turn over only materials that would "directly negate" Connolly's guilt.

In a plea agreement Flemmi accepted last month, the government revealed that Bulger associate Kevin Weeks and jailed Mob boss Francis P. "Cadillac Frank" Salemme would have testified that Connolly told them about the pending racketeering indictments in December 1994, a month before they came down. "Connolly instructed Weeks to provide the information to Bulger and Flemmi," according to the plea agreement.

Connolly lawyers to say statie tipped Mob

Meanwhile, the FBI's notorious history handling organized crime in Boston has spurred the House Government Reform Committee to issue "the mother of all document requests" today to the Department of Justice, a committee source said.

The committee has stepped up its probe, launching an investigation into whether agents attempted to intimidate the Massachusetts Parole Board in the 1980s to keep two wrongly convicted men, **Joseph Salvati** and Peter Limone, in prison for the 1965 Mob murder of Edward "Teddy" Deegan.

Committee chairman Rep. Dan Burton (R-Indiana) told reporter Dan Rea on WBZ-TV yesterday that revelations about the bureau's role in the Deegan case could tarnish FBI director J. Edgar Hoover's legacy. "If we find out that J. Edgar Hoover knowingly put innocent people in jail for life, or worse, then I think that his name should be taken off the FBI headquarters downtown," Burton said.

Load-Date: June 5, 2001

End of Document



Connolly letter may be ethics violation

The Boston Herald

August 3, 2002 Saturday

ALL EDITIONS

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Section: NEWS;

Length: 740 words

Byline: By JONATHAN WELLS

Body

A U.S. District Court judge may have violated ethical rules for federal judges this week by writing a letter to another federal judge urging leniency in the sentencing of former FBI agent John J. Connolly Jr.

In the July 31 letter, Judge Edward F. Harrington urged his colleague, U.S. District Judge Joseph L. Tauro, to "consider the contribution (Connolly) made to the government's campaign against organized crime" before deciding the ex-agent's fate.

In May, Connolly was convicted of racketeering, obstruction of justice and making a false statement in connection with his dealings with crime bosses James J. "Whitey" Bulger and Stephen "The Rifleman" Flemmi, who were both longtime FBI informants handled by Connolly. Tauro is scheduled to sentence Connolly on Sept. 12. Under federal guidelines, Connolly faces between eight and 20 years in prison.

According to the Code of Conduct for federal judges, written by the Judicial Conference of the United States in Washington, D.C., judges must be careful not to exploit the power of their position and, as such, should not volunteer information to sentencing judges unless they are formally requested to do so.

Several legal sources said such a formal request would have to come from the court, not from the defense or prosecution. It was unclear yesterday whether a formal request was made of Harrington by the court.

According to his clerk, Harrington is on vacation until after Labor Day and Connolly's lawyer, Tracy Miner, did not return a Herald telephone call.

Enforcement of the code of conduct for federal judges is carried out by individual Judicial Councils in each district of the federal court system. If a complaint were to be filed against a Massachusetts judge, it would be referred to the Judicial Council chaired by Chief Judge Michael Boudin of the Court of Appeals for the First Circuit.

Harrington's letter, written on U.S. District Court letterhead, is the second time the judge has gone to bat for Connolly. At trial, Harrington took the stand as a witness for the defense and vouched for Connolly's overall good character and his effectiveness as a handler of criminal informants.

Connolly letter may be ethics violation

The judge's letter to Tauro echoed his trial testimony. Harrington wrote that Connolly "made a very significant contribution to the United States government's virtual elimination of the mafia from this region of the country by the effective utilization of criminal intelligence derived from top echelon informants."

Harrington added that he "always held Mr. Connolly in the highest regard and considered him to be a man of the highest character and ability."

Harrington, meanwhile, has himself taken heat from a congressional committee for his role in the handling of the late mob hitman Joseph "The Animal" Barboza, who was both an FBI informant and a star government witness in the 1960s and 1970s.

Long-hidden FBI documents which surfaced in December 2000 made it clear the FBI in Boston and Washington knew Barboza falsely accused four men of the 1965 gangland slaying of Edward "Teddy" Deegan, but the bureau remained silent as the men were convicted of murder in what was then a death penalty case.

Harrington and other federal officials went to great lengths to protect Barboza. They created the federal witness protection program for him and later, Harrington traveled to California to testify on behalf of Barboza after he was charged with murder.

Victor Garo, the lawyer for Joseph Salvati, who was exonerated in the Deegan murder only last year after serving 30 years in prison, was surprised Harrington would try to influence Connolly's sentencing.

"It's a very unusual situation when a sitting judge writes on his own stationery to recommend leniency," Garo said.

Connolly, who retired in 1990, was found guilty of alerting his informants, Bulger and Flemmi, to their impending indictment in 1995, which allowed Bulger to flee and remain a fugitive.

The veteran agent was also convicted of obstructing the government's subsequent prosecution of Flemmi and lying to an FBI agent about his numerous contacts with the Flemmi defense team.

Harrington has said he bases his glowing evaluation of Connolly on what he saw while serving as U.S. Attorney in Boston from 1977 to 1981 - a time when Connolly was on the FBI's organized crime squad, assigned to the New England Organized Crime Strike Force, and meeting regularly with Bulger and Flemmi.

Load-Date: August 3, 2002



CONNOLLY ON TRIAL; Congressional probe comes to Boston; Reps eye federal misconduct

The Boston Herald

May 8, 2002 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 792 words

Byline: By J.M. LAWRENCE

Body

Congressional investigators probing the FBI's handling of criminal informants now have evidence revealing a pattern of federal misconduct in mob-related cases stretching beyond former agent John J. Connolly Jr., sources said yesterday.

"Instead of a big thread through these cases, you've got a rope," one committee source said.

The source was pointing to similarities in FBI cases beginning in the late 1960s and continuing as recently as last year with a long-time informant who has since been fired.

With Connolly's trial on racketeering charges beginning today, the Justice Department is complaining the House Government Reform Committee's probe steps on the toes of prosecutors, sources said.

But committee members vowed to press forward with what they called a crucial process to restore public confidence in federal law enforcement.

"It's not just about an individual defendant. It's about a culture. We've used this term over and over again. It's a culture of concealment," said U.S. Rep. William Delahunt (D-Quincy).

The House committee has called a special hearing for Saturday at the McCormack Building in downtown Boston to question more witnesses about law enforcement's handling of the mob.

Though chairman U.S. Rep. Dan Burton (R-Indiana) will not attend, other committee members plan to grill four witnesses, including Jeremiah O'Sullivan, former head of the Organized Crime Strike Force.

But Connolly's defense also has subpoenaed O'Sullivan, whose prosecutions - with help from Connolly - decimated the New England Mob in the 1980s.

Delahunt yesterday said he will recommend the committee question O'Sullivan after the Connolly trial, but must have the chance to question him.

CONNOLLY ON TRIAL; Congressional probe comes to Boston; Reps eye federal misconduct

The three other witnesses called by the House committee are:

** Jack Zalkind, a Suffolk County prosecutor in 1968 who won convictions against six men in the 1965 murder of Edward "Teddy" Deegan based on testimony from turncoat hitman Joseph "The Animal" Barboza.

A state judge last year found FBI agents covering for their criminal informant Joseph Vincent "The Bear" Flemmi withheld exculpatory evidence that would have helped four men prove their innocence.

Charges against Joseph Salvati were dropped last year after he spent 30 years in prison.

The other Deegan defendants were Peter J. Limone, who was released last year after 33 years in prison; Louis Greco and Henry Tameleo, who both died in prison.

** James McDonough, a legal assistant for the Suffolk County DA during the Deegan murder trial.

** Wendy Gershengorn, a former member of the Massachusetts Parole Board, who allegedly received evidence in 1976 that Salvati had been wrongly implicated in the Deegan murder.

Zalkind yesterday said he wants the chance to explain what happened in the Deegan case.

"This is a nice opportunity to set the record straight so people will absolutely know I was used in this case," said Zalkind, who was in his early 30s when he prosecuted the men.

"This is a very level playing field and the record is finally going to be cleared," said Zalkind, who was a prosecutor for eight years before going into private practice.

House committee member Steven C. LaTourette (R-Ohio) and Delahunt will question the witnesses during the hearing set to begin at 10 a.m. in Courtroom 6.

Both men recently questioned former FBI agent Dennis Condon, who testified during the Deegan trial, at a private deposition.

A confidential Nov. 29, 1976, Massachusetts parole board memo obtained yesterday by the Herald shows members did not act on their own investigator's report suggesting Salvati was not involved in the Deegan killing.

The memo prepared by investigator Joseph M. Williams Jr. for Gershengorn portrays Salvati as "a runner, hanger around, coffee man" for organized crime.

But it ends with the statement: "The 'word' from reputable law enforcement officers was that subject was thrown in by Barboza on the murder because he hated subject."

Congressional investigators also have delved into the 40-year informant history of Richard "The Fat Man" Chicofsky. U.S. Attorney Michael J. Sullivan's office dropped him in January after finding him no longer credible.

Attorneys for Nuno Barboza, a former Fall River police dispatcher, contend Chicofsky hooked Barboza in an investment scheme and set him up on weapons charges to silence his complaints over his lost life savings.

Nuno Barboza's wife also was prosecuted for witness intimidation when she left an angry phone message for Chicofsky.

Records show Chicofsky, who was on the government's payroll, spun a fake story to a grand jury claiming Nuno Barboza inherited a drug-dealing fiefdom in southeastern Massachusetts from Joseph "The Animal" Barboza. The two men are not related.

Load-Date: May 8, 2002

CONNOLLY ON TRIAL; Congressional probe comes to Boston; Reps eye federal misconduct

End of Document

Connolly says he never intended to commit any crime



Connolly says he never intended to commit any crime

The Associated Press State & Local Wire

May 30, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 841 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

Former FBI Agent John J. Connolly Jr., convicted on racketeering charges, said that witnesses for the government lied against him at his trial, but he will go to prison with his head held high.

"I'm guilty of bad judgment, maybe, but I never intended to commit a crime, he told The Boston Globe in an interview Wednesday. He said he would not try to cut a deal for a lesser prison term, because he said he would not lie.

For 15 years, Connolly, 61, was considered a star in the FBI's successful efforts to dismantle the New England Mafia. But prosecutors said he got too close to his mob informants and ignored serious crimes they committed.

Tuesday, a federal jury in Boston found Connolly guilty of tipping off James "Whitey" Bulger, Stephen "The Rifleman" Flemmi and former New England mob boss Francis "Cadillac Frank" Salemme in late 1994 that they were about to be indicted.

However the jury found him innocent of what prosecutors had called the "most distressing" acts listed in the racketeering charge against him: leaking the identities of three men who were talking to authorities about the gang's crimes. All three men were later killed in retaliation by Bulger's gang, prosecutors told the jury.

"I'm pleased that the jury found that the more onerous crimes I was not guilty of," Connolly told the Globe. "And it's clear that I was never guilty of any personal gain from any of this, or involved in any extortion of any kind, or of any crimes that led to any violence."

The government's key witnesses at Connolly's two-week trial were: Salemme, convicted of racketeering in 1999; hit man John Martorano, who confessed to killing 20 people; former Bulger enforcer Kevin J. Weeks, who pleaded guilty to participating in five murders, and disgraced former FBI supervisor John Morris, who admitted pocketing \$7,000 in bribes from Bulger and Flemmi.

"I think it's fool's gold when people make up lies to save their own sorry behinds," said Connolly, who is free on bail until his sentencing Aug. 7. "At least when I get out some day, I'll have my principle, my manhood, my self-respect."

Connolly says he never intended to commit any crime

Connolly, who retired from the FBI in 1990 after 22 years as an agent, was found guilty of delivering a case of wine, with \$1,000 cash tucked inside, to Morris from Bulger and Flemmi in 1981 or 1982. But the jurors rejected additional bribery allegations against Connolly, including a charge that he accepted a two-carat diamond ring from Bulger and Flemmi and served as middleman in other bribes.

At least one of the jurors expressed frustration that Morris was granted immunity. A juror who asked not to be identified told the Boston Herald he thought Morris was a "weakling."

Fellow juror Joseph McNulty, 38, of East Bridgewater, said he believes Connolly became the FBI's fall guy to some extent.

"There were more people involved," McNulty said.

Connolly's trial exposed embarrassing conduct by other agents, and caused distress for FBI office that has been beset by scandal since 1995, when Bulger went on the run. Bulger remains a fugitive on the FBI's "Most Wanted" list.

The Boston FBI office or its agents are named in at least a half dozen lawsuits filed by the families of people killed or victimized by Bulger and his gang. A congressional committee also has been investigating the Boston FBI's handling of mob informants in the 1960s.

The congressional committee is investigating the FBI's decision to withhold information that could have freed at least two of the five men who spent more than 30 years in prison for a 1965 gangland murder in suburban Boston.

Joseph Salvati and Peter Limone were freed last year after the Justice Department turned over documents showing the FBI had information that could have cleared the men. A third man was released this year. Two other defendants died in prison.

During the trial, the FBI suspended veteran Agent John Newton after Kevin Weeks, a top aide to Bulger, said Newton had accepted a \$1,000 bribe from Bulger. Weeks also testified that Bulger bragged he had corrupted six Boston FBI agents.

Charles Prouty, special agent in charge of the Boston office, said the Connolly case has caused "great damage" to the FBI's reputation and has prompted changes aimed at regaining the public's trust and confidence.

New FBI agents are now required to take polygraph tests. The FBI has also increased monitoring of agents by their supervisors, Prouty said.

The changes in Boston come as U.S. Attorney General John Ashcroft and FBI Director Robert Mueller on Wednesday announced a national reorganization of the FBI to better cope with terrorism threats against the United States.

Last year, spurred by the Connolly case, the U.S. Justice Department issued stricter guidelines for handling criminal informants.

The new guidelines require the FBI and other Justice agencies to tell prosecutors when informants are suspected of committing serious crimes. FBI agents are also prohibited from socializing or exchanging gifts with informants.

Graphic

With AP Photos

Connolly says he never intended to commit any crime

Load-Date: May 31, 2002

End of Document



Conservatives and liberals agree.; Effort to rename FBI building grows

The Philadelphia Inquirer

January 15, 2006 Sunday

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Section: NATIONAL; Pg. A24

Length: 632 words

Byline: Johanna Neuman, Los Angeles Times

Body

Every year for the last three years, Rep. Dan Burton (R., Ind.) has introduced a bill to strip J. Edgar Hoover's name from the FBI's huge headquarters building - an initiative that has been largely ignored.

Now, however, amid headlines about possibly illegal government surveillance of Americans inside the United States, the effort to rename the Hoover building is starting to attract more supporters. Laurence H. Silberman, a senior U.S. appeals judge who was a leader of the presidentially appointed commission on pre-Iraq war intelligence, has joined the initiative.

"This country - and the bureau - would be well served if his name were removed from the bureau's building," Silberman, a Ronald Reagan appointee, told the First Circuit Judicial Conference in June. "It is as if the Defense Department were named for Aaron Burr."

Across Washington, the names of major figures adorn scores of government buildings and federal headquarters, but few have experienced the reputation erosion that has befallen Hoover since he left the national stage.

Once widely admired for founding the modern-day FBI on principles of strict probity, Hoover later became identified with invasive eavesdropping and bureau efforts to discredit people such as the Rev. Martin Luther King Jr. at the height of the civil rights movement in the 1960s and 1970s. Hoover also has been accused of using explosive gossip collected by his agents to intimidate powerful political leaders, including presidents.

So as the names of Ronald Reagan and George H.W. Bush join others on federal buildings, some are wondering why Hoover's is still there.

"Symbolism matters in the United States, and it is wrong to honor a man who frequently manipulated the law to achieve his personal goals," Burton said after his Government Reform Committee held hearings in 2002 on FBI abuses.

Conservatives and liberals agree.; Effort to rename FBI building grows

A veteran Republican, Burton was outraged by the case of Joseph Salvati, who served 30 years in prison for a 1968 contract murder in Boston that later evidence suggested was committed by an FBI informant.

"There is no reason we should honor a man who threw everything out the window, including the lives of innocent men, in order to get what he wanted," Burton said.

The renewal of conservative outrage about Hoover - columnist Robert Novak recently urged that his name be dropped, calling the FBI's first director "a rogue and a lawbreaker" - is finding unusual partnership with liberals who blame Hoover for wiretapping King and quashing the FBI investigation of the 1963 Birmingham church bombing that killed four young black girls.

Rep. Cynthia McKinney (D., Ga.), who is working for release of King's intelligence files, has introduced legislation to rename the FBI building for Frank Church, the late Idaho senator whose Senate Select Committee on Intelligence held scorching hearings on U.S. intelligence-gathering and FBI abuses under Hoover.

"It's a reflection of her concern that the building should not be named after the person who was responsible for the excesses," McKinney aide John Judge said. "It should be for the person who stood up to them."

The last time the issue went to Congress was in 1998, when senators were debating a bill to name Washington National Airport for Reagan. Sen. Harry Reid (D., Nev.) - now minority leader - offered an amendment to strip Hoover's name from the FBI Building.

"J. Edgar Hoover stands for what is bad about this country," Reid said. "This small man violated the rights of hundreds, if not thousands, of people, famous and not so famous."

The Senate voted 62-36 against removing Hoover's name.

Silberman said recently that two senators were considering offering the proposal again.

"People are shocked that the FBI was so heavily engaged in espionage," he said. "Liberals and conservatives should unite on this."

Load-Date: January 15, 2006



Constitutional Chaos; Book review

Journal of American Physicians and Surgeons

December 22, 2011

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ASAP

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Section: Pg. 127(1); Vol. 16; No. 4; ISSN: 1543-4826

Length: 996 words

Byline: Christman, Kenneth D.

Body

Constitutional Chaos, by Andrew P. Napolitano, softcover, 234 pp, \$14.99, ISBN 978-0-7852-6083-7, Nashville, Tenn., Thomas Nelson, 2006.

This book details many examples of constitutional infringement by the judiciary, and this brief book review can glance at only a few.

The Founding Fathers certainly foresaw the escalation of the legislative and executive branches, with attendant curtailing of basic individual and states' rights. So, it designed a braking system, the judicial branch, which would protect those basic rights. When judges, who are duly sworn to uphold the U.S. Constitution, fail to maintain that oath, chaos ensues.

This book is aptly subtitled "What Happens When the Government Breaks Its Own Laws." The author, Andrew P. Napolitano, is a former federal judge and currently Fox News Channel's senior judicial analyst. Read the entire book, but not at bedtime, lest you invite nightmares.

Napolitano begins by discussing Natural Law, which holds that certain basic rights cannot be legislated (taken away) by the majority, since "Thomas Jefferson argues that our rights to life, liberty, and the pursuit of happiness come not from government, but from our Creator."

According to federal criminal code, the U.S. government claims it is a crime to lie to federal agents. Napolitano wonders why it is a crime for private citizens to lie to FBI agents and police, when we are continually lied to by government agents? Furthermore, he asks, does the Constitution "give the federal government this kind of power?" The judge is sharply critical of Martha Stewart's conviction of "lying to investigators," "obstruction of justice," and "conspiracy."

As a judge, Napolitano always upheld the Constitution rather than yielding to lying, over-reaching officers. He recounts an incident in which police claimed to have stopped a vehicle with a "broken tail light," and that such was noted from three-tenths of a mile away! Furthermore, the police claimed that when frisking the subject without a warrant, the officer just happened to feel a "brick" in the man's pocket. Judge Napolitano, incredulous that a bag of cocaine could feel like a brick that the officer feared could be "used as a weapon," asked to see the brick. When he squeezed this "brick" in open court, it broke, spewing cocaine powder everywhere! The officer had obviously lied, and the case was dismissed.

If it is despicable for the police and FBI agents to lie, how does one explain moral turpitude traced all the way up to Boston prosecutors, the Massachusetts governor, and J. Edgar Hoover? In 1965, the FBI knew that "Jimmy the Bear" Flemmi had been ordered to hit Edward "Teddy" Deegan two days before the

Constitutional Chaos; Book review

actual murder. However, because of Flemmi's value as an informant, he was not prosecuted, in spite of the fact that the FBI knew he was the murderer and that he was likely to commit more murders! Years later, Joseph Salvati was framed by the FBI agents and successfully prosecuted for Deegan's murder. Even J. Edgar Hoover knew Salvati was not guilty of this murder. Salvati spent 30 years in jail owing to fabricated testimony that government agents all the way up to J. Edgar Hoover knew was false.

What about government agents who literally steal from the public? Napolitano describes a young man's arrest for transporting women across New York's George Washington Bridge for illicit purposes. The police used this as an excuse for confiscating his car, which was then given to the chief county prosecutor for his personal use! Judge Napolitano ordered the car returned to its owner. A decade later, this prosecutor introduced Napolitano to his wife, who blurted out, "Is this the judge who took your car away?"

Napolitano describes the all-too-common government buying of testimony, noting that the federal statute provides that "whoever ... gives, offers, or promises anything of value to any person, for ... testimony under oath ... shall be fined ... imprisoned for (up to) two years, or both." Since the practice of offering leniency to criminals in exchange for their testimony constitutes bribery, and creates the probability of perjured testimony, there are countless county, state, and federal prosecutors who should be incarcerated and fined for violation of the federal statute.

Napolitano is particularly distressed over the assault on constitutional freedoms following the attacks of September 2001. He wryly notes:

If the government can get
documents about you and evidence
against you from your
financial institution under the guise
of national security, i.e., without a
showing of probable cause, but use
it in a criminal case against you,
then the Constitution's protections--its
guarantees--have been
eviscerated. Without fidelity to the
Constitution, there is no privacy,
and without privacy there is
nothing to prevent the government
from breaking down doors in the
night--under the guise of national
security--and taking whatever or
whomever it wants.

Several habeas corpus violations are detailed in this book, some of which, fortunately, the Supreme Court reversed.

Napolitano notes that when a citizen commits a crime, retribution is exacted. "But when government commits a crime, and the offending government actors are not prosecuted, it becomes a precedent; no slate is wiped clean.... The precedent is contagious because unpunished crime is contagious; it breeds contempt for law and invites some to become a law unto themselves."

"What Can We Do?" is the title of Chapter 13. Napolitano offers three suggestions: 1) Legislatures should enact legislation requiring every government employee to "comply with all the laws." 2) Sue the bastards (Napolitano's terminology). 3) Defend the Constitution.

This book should be required reading for each U.S. citizen as well as for each foreigner entertaining a visit to the U.S.

Kenneth D. Christman, M.D.
Dayton, Ohio

Load-Date: December 14, 2011

Convicted rapist LaGuer seeks clemency; Before he was gov, Patrick donated \$5G to his defense fund



[Convicted rapist LaGuer seeks clemency; Before he was gov, Patrick donated \\$5G to his defense fund](#)

The Boston Herald

November 11, 2014 Tuesday

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Section: NEWS; Local; Pg. 6; Vol. 32; No. 315

Length: 444 words

Byline: Matt Stout and Jack Encarnacao

Body

A commutation request from Benjamin LaGuer - a convicted rapist Gov. Deval Patrick once donated \$5,000 to in the years before he was governor - is among some 100 clemency petitions the state Parole Board could send to the lame-duck governor during his final days in office.

LaGuer, who is serving a second-degree life sentence for the 1984 rape and beating of his 59-year-old Leominster neighbor, has unsuccessfully sought a new trial numerous times over the past three decades and continues to maintain his innocence despite a positive DNA test in 2002. A commutation would grant him early release.

In a first for the two-term governor, Patrick yesterday commuted the sentence of Deanne Hamilton, who is serving a 7 1/2-year sentence on drug charges, according to his office. The governor also granted outright pardons - which wipe convictions from a person's record - to four people, identified as Jeffrey Snyder, True See Allah, Thomas Schoolcraft and Guy James Coraccio.

Heather Nichols, the governor's spokeswoman, declined to comment on LaGuer or any other pending petitions before the Parole Board.

Patrick donated \$5,000 to LaGuer's defense fund in 2001 to pay for the DNA test, and he wrote letters to the state Parole Board on LaGuer's behalf before he was governor. After the donation and letters became a campaign issue in the 2006 election, Patrick pledged to recuse himself from matters involving LaGuer.

The governor's pardon and commutation approvals come after he eased state guidelines allowing inmates to apply for commutation this year. All five pardon requests need the Governor's Council's OK, and if cleared would be the first since 2002, when acting Gov. Jane Swift granted seven.

Patrick's office said in October that three recommendations for pardons had hit his desk, including ones for:

- Allah, who was convicted of armed assault with attempt to murder in connection with a 1989 shooting that left a man paralyzed;

Convicted rapist LaGuer seeks clemency; Before he was gov, Patrick donated \$5G to his defense fund

- Snyder, who was convicted in 1995 of trying to sell marijuana at his high school; and
- Edem Amet, 42, a Liberian native with drug convictions from the mid-1990s who is hoping to clear his record to earn U.S. citizenship. His pardon petition is still under consideration.

The last time a governor granted a commutation was in 1997, when then-Gov. William F. Weld backed the early release of **Joseph Salvati**, who was wrongly convicted for murder.

Patrick said he's confident in the Parole Board's review process, adding, 'You want to do something that's wise, you want to be thoughtful about public safety, and that's one of the reasons for having the Parole Board serve a screening role, and I think they've done that quite well.'

Graphic

PERSONAL STAKE: Gov. Deval Patrick, seen above, had donated \$5,000 to and written letters on behalf of convicted rapist Benjamin LaGuer. His could be one of 100 potential clemency petitions Patrick may receive.

staff photo, ABOVE, by angela rowlings; staff file photo, RIGHT, by nancy lane

Load-Date: November 13, 2014



CONVICT IN '65 SLAYING MAY GAIN FREEDOM

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The Boston Globe

January 5, 2001, Friday

,THIRD EDITION

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Section: METRO/REGION;

Length: 888 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

After 32 years in prison for a murder he says he did not commit, reputed Mafia associate Peter Limone faces the real possibility of freedom today after the Suffolk County prosecutors filed motions to grant him a new trial and release him on bail.

Suffolk District Attorney Ralph C. Martin II's office also filed a motion yesterday in Middlesex Superior Court to grant a new trial to **Joseph Salvati**, Limone's co-defendant in the 1968 trial for the murder of small-time crook Edward "Teddy" Deegan three years earlier. Salvati's life sentence was commuted in 1997 by Governor William F. Weld.

The motions were filed late yesterday afternoon on the eve of a crucial hearing on Limone's motion for a new trial, and just a month after the discovery of secret documents at FBI headquarters that strongly supported the claims of innocence by Limone, Salvati, and two co-defendants who died while in prison.

The documents - which appeared to suggest that FBI agents not only knew that the four men were innocent, but also knew about the Deegan murder plot before it happened and did nothing to stop it - were uncovered by a Justice Department task force investigating corruption in the FBI's use of informants.

Prosecutors from Martin's office met with task force officials Wednesday, but it was unclear whether the meeting had anything to do with Martin's abrupt about-face in the case. Martin's spokesman James Borghesani, declined to comment on the motions except to confirm that they had been filed.

Limone's attorney, John Cavicchi of East Boston, praised the work of the task force chief, Special US Attorney John Durham.

"This is great. If it weren't for John Durham and the Justice task force we would still be getting nowhere."

"At the least, I expect Mr. Limone to be released," Cavicchi said. "I can't see the judge sending him back to prison tomorrow."

CONVICT IN '65 SLAYING MAY GAIN FREEDOM

Meanwhile, a key witness from the 1968 murder case now says he was coached by Boston Police and the Suffolk district attorney's office on whom to identify as one of the shooters.

Anthony Stathopoulos' account of what he saw in a dark Chelsea alleyway on March 12, 1965 provided crucial corroboration for the main witness in the Deegan murder case: legendary Boston hitman Joseph "The Animal" Barboza.

However, a growing pile of evidence suggests that Barboza was almost certainly a perjurer who nearly sent four innocent men to the electric chair.

Yesterday, Stathopoulos, also known as "Tony Stats," added his voice to the rising chorus of witnesses who say the fix was in during the prosecution of Limone, Salvati, Louis Greco, and Henry Tameleo for Deegan's murder.

During the 1968 trial, Stathopoulos pointed to Louis Greco in court and said the Mafia-connected bookmaker from Revere looked like the man he saw leave the alley carrying a gun shortly after Deegan was shot in the head.

Yesterday, however, Stathopoulos said that it was a former Boston Police homicide detective, John Doyle, who identified Greco as the shooter for him. A member of then-Suffolk district attorney Garrett Byrne's staff, whose name Stathopoulos cannot remember, then told him where Greco would be sitting at the defense table, he said.

"They told me the seating arrangement in advance," Stathopoulos said.

Both Byrne and Doyle are dead. The prosecutor of the case, however, Boston lawyer Jack Zalkind, denied ever coaching any witnesses.

"I treated this case as professionally as any prosecutor could," Zalkind said.

Stathopoulos, who said he moved to Hollywood after several attempts on his life, said he knew Barboza was lying to protect his best friend Vincent J. "Jimmy the Bear" Flemmi, brother of Winter Hill gangster and controversial FBI informant Stephen Flemmi.

"Jimmy Flemmi was involved. I had conversations with Barboza about it before (the case) went to trial," Stathopoulos said. "He said

(Jimmy Flemmi) was the only one who had treated him decently throughout his life."

Cavicchi said he now wants to know not only who coached Stathopoulos to implicate Greco, but why prosecutors apparently kept it a secret for 29 years.

Cavicchi said a 1971 affidavit signed by Stathopoulos was kept in the Suffolk County district attorney's files and only recently turned over to him as court-ordered discovery in Limone's bid for a new trial. It should have been available much earlier, he said, to him and to other lawyers who have been trying for years to overturn the verdicts.

"If I did something like that, I would be disbarred and put in prison," he said.

Greco and Tameleo, he said, died in prison while fighting in vain to prove their innocence in the Deegan case.

Borghesani said yesterday that he was unaware of the affidavit and could not comment on it.

State prosecutors, though, are now apparently facing the same evidence-withholding allegations that have been leveled at the FBI.

The documents found at FBI headquarters, coupled with recent statements by former Barboza associates that he admitted framing the four, have led to increasing pressure for Limone's release and exoneration.

Within the last several months, two criminals-turned-government witness, hitman John Martorano and admitted horse-race fixer Anthony Ciulla, have said Barboza told them who really committed the Deegan murder.

CONVICT IN '65 SLAYING MAY GAIN FREEDOM

"I know for a fact that (Limone) wasn't there, I got it from Barboza's mouth," Ciulla said yesterday.

Graphic

PHOTO, Peter Limone was convicted in Edward Deegan's murder. / 1967 FILE PHOTO

Load-Date: January 6, 2001

End of Document



[Convict in Mob hit may go free today](#)

The Boston Herald
January 5, 2001 Friday
ALL EDITIONS

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Section: NEWS;

Length: 460 words

Byline: By J.M. LAWRENCE

Body

A man who spent the last three decades in prison for a murder he apparently did not commit could walk out of Middlesex Court today a free man.

Faced with mounting evidence that the government helped frame Peter J. Limone and three other men for a Mob murder in 1965, prosecutors are expected to support a motion to stay Limone's life sentence, sources tell the Herald. "I hope they let him out. The evidence is insurmountable. I don't know how much more they need," Limone's son, Peter, said yesterday while working at his Cambridge restaurant.

Suffolk County District Attorney Ralph C. Martin II will support motions calling for a new trial based on stunning new evidence that the government suppressed important information in the case, sources said.

Limone attorney John Cavicchi, who has spent two decades on the murder case, plans to argue for a new trial before Judge Margaret R. Hinkle today at 10 a.m. "I can't see the judge sending him back to prison," Cavicchi said. "I'm bringing in all my ammunition."

If Hinkle grants the motion for a new trial, the DA's office is expected to decline to prosecute and drop the charges, the Herald reported yesterday. James Borghesani, spokesman for the DA's office, declined comment on what actions prosecutors plan to take.

Limone family members have spent agonizing weeks hoping for their father's release. The reputed organized crime member was apparently caught up in a treacherous revenge scheme concocted by turncoat Mob hitman Joseph "The Animal" Barboza.

Barboza, an FBI informant, testified that Limone, ***Joseph Salvati***, Louis Greco and Henry Tameleo killed Edward "Teddy" Deegan. Newly discovered FBI records, however, contain evidence the men were innocent. Greco and Tameleo died in prison.

Barboza fingered the men because they had "disrespected him" in some way, according to veteran defense attorney Joseph J. Balliro Sr.

Convict in Mob hit may go free today

Balliro has filed affidavits supporting Limone's release that contain confessions from Balliro's client Vincent "Jimmy the Bear" Flemmi saying Flemmi and Barboza actually killed Deegan. Another longtime defense attorney, Ronald J. Chisolm, told the Herald this week that his client, Ronald Cassesso, admitted his role in killing Deegan in 1967 and said the other men were innocent.

Limone, a grandfather of eight previously convicted of running a dice game, has kept close ties to his wife, Olympia, and children while serving his time.

His family said the wait to learn his fate has been agonizing ever since the U.S. Department of Justice Task Force released long-hidden documents on Dec. 19 showing agents suppressed evidence of his innocence.

"We're hoping to take him home tomorrow," his son said. "But we're not making no plans until it happens."

Load-Date: January 5, 2001

End of Document

CONVICTION THROWN OUT IN MOB MURDER CASE



CONVICTION THROWN OUT IN MOB MURDER CASE

NEW YORK TIMES

January 19, 2001, Friday

Information Bank Abstracts

Copyright 2001 The New York Times Company: Abstracts

Section: Section A; Page 21, Column 5

Length: 26 words

Body

Judge throws out conviction of ***Joseph Salvati***, 68, man who served 30 years in prison in 1965 underworld murder he says he did not commit, Cambridge, Mass (S)

Load-Date: January 19, 2001

End of Document



CONVICT MAY BE FREED IN 1965 SLAYING

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The Boston Globe

January 5, 2001, Friday

,FIRST EDITION

Copyright 2001 Globe Newspaper Company

Section: METRO/REGION;

Length: 833 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

After 32 years in prison for a murder he says he did not commit, reputed Mafia associate Peter Limone faces the real possibility of freedom today after the Suffolk County prosecutors filed motions to grant him a new trial and release him on bail.

Suffolk District Attorney Ralph C. Martin II's office also filed a motion yesterday in Middlesex Superior Court to grant a new trial to **Joseph Salvati**, Limone's co-defendant in the 1968 trial for the murder of small-time crook Edward "Teddy" Deegan three years earlier. Salvati's life sentence was commuted in 1997 by Governor William F. Weld.

The motions were filed late yesterday afternoon on the eve of a crucial hearing for Limone's motion for a new trial, and just a month after the discovery of secret documents at FBI headquarters that strongly supported the claims of innocence by Limone, Salvati, and two co-defendants who died while in prison.

The documents - which appeared to suggest that FBI agents not only covered up the truth in the case, but also knew about the Deegan murder plot before it happened and failed to stop it - were uncovered by a Justice Department task force investigating corruption in the FBI's use of informants.

Prosecutors from Martin's office met with task force officials Wednesday.

Limone's attorney, John Cavicchi of East Boston, praised the work of the task force chief, Special US Attorney John Durham.

"This is great. If it weren't for John Durham and the Justice task force we would still be getting nowhere."

James Borghesani, spokesman for Martin, declined to comment on the matter.

Meanwhile, a key witness to the 1968 murder case now says he was coached by Boston police and the Suffolk district attorney's office on who to identify as one of the shooters.

CONVICT MAY BE FREED IN 1965 SLAYING

Anthony Stathopoulos' story about what he saw in a dark Chelsea alleyway on March 12, 1965 provided crucial corroboration for the testimony of the main witness in the Deegan murder case, Boston hitman Joseph "The Animal" Barboza.

However, a growing pile of evidence has in recent months suggested that Barboza nearly sent four innocent men to the electric chair while keeping his best friend from being implicated in the crime.

Yesterday, Stathopoulos, also known as "Tony Stats," added his voice to the rising chorus of witnesses who say the fix was in during the prosecution of Limone, Salvati, Louis Greco, and Henry Tameleo for Deegan's murder.

During the 1968 trial, Stathopoulos pointed to Louis Greco in court and said the Mafia-connected bookmaker from Revere looked like the man he saw leave the alley carrying a gun shortly after Deegan was shot several times in the torso and head.

Yesterday, however, Stathopoulos said that it was a former Boston police homicide detective, John Doyle, who identified Greco as the shooter for him. A member of then-Suffolk district attorney Garrett Byrne's staff, whose name Stathopoulos cannot remember, then told him where Greco would be sitting at the defense table, he said.

"They told me the seating arrangement in advance," Stathopoulos said.

Both Byrne and Doyle are dead. The prosecutor of the case, however, Boston lawyer Jack Zalkind, denied ever coaching any witnesses in the case.

"I treated this case as professionally as any prosecutor could," Zalkind said.

Stathopoulos, who said he moved to Hollywood after several attempts on his life, said he knew Barboza was lying to protect his best friend Vincent J. "Jimmy the Bear" Flemmi, brother of Winter Hill gangster Stephen Flemmi.

"Jimmy Flemmi was involved. I had conversations with Barboza about it before [the case] went to trial," Stathopoulos said. "He said [Flemmi] was the only one who had treated him decently throughout his life."

Cavicchi said he now wants to know not only who coached Stathopoulos to implicate Greco, but why prosecutors apparently kept it a secret for 29 years.

Cavicchi said a 1971 affidavit signed by Stathopoulos was kept in the Suffolk County DA's files and only recently turned over to him as court-ordered discovery in Limone's bid for a new trial. It should have been available much earlier, he said, to him and to other lawyers who have been trying for years to overturn the verdicts.

"If I did something like that I would be disbarred and put in prison," he said.

Greco and Tameleo, he said, died in prison while fighting in vain to prove their innocence in the Deegan case.

State prosecutors, though, are now apparently facing the same evidence-withholding allegations that have been leveled at the FBI.

That documents found at FBI headquarters, coupled with recent statements by former Barboza associates that he admitted framing the four, have led to increasing pressure for Limone's release and exoneration.

Within the last several months, two criminals-turned-government witnesses, hitman John Martorano and admitted horse-race fixer Anthony Ciulla, have said Barboza told them who really committed the Deegan murder.

"I know for a fact that [Limone] wasn't there, I got it from Barboza's mouth," Ciulla said yesterday.

Load-Date: January 9, 2001

CONVICT MAY BE FREED IN 1965 SLAYING

End of Document



CONVICT MAY GET MURDER HEARING JUDGE MULLS FACTS IN MAFIA SLAYING

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The Boston Globe

October 27, 2000, Friday

,THIRD EDITION

Copyright 2000 Globe Newspaper Company

Section: METRO/REGION;

Length: 730 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

CAMBRIDGE - A Middlesex Superior Court judge said yesterday that she will probably order a hearing on new evidence supporting the claim that reputed Mafia associate Peter J. Limone Sr. has been making for 32 years: that he was framed for murder by the FBI, state prosecutors, and one of Boston's most notorious gangland killers.

Limone, 66, is asking the court to overturn his 1968 conviction for the murder three years earlier of fringe underworld figure Edward "Teddy" Deegan in Chelsea. He was originally sentenced to die in the electric chair, but it was later changed to life in prison.

The chief witness against Limone and five other men was Joseph "The Animal" Barboza, a prolific contract killer for the Mafia and a shooter during the infamous McLean-McLaughlin gang war in the 1960s that claimed some 60 lives.

Judge Margaret Hinkle said she favors holding a hearing to assess new evidence that Barboza lied about who the killers were and that both the FBI and Suffolk County prosecutors were aware well before the trial that he and other witnesses were giving false testimony.

Barboza was gunned down in San Francisco in 1976 by members of the Boston Mafia.

Some of the three dozen relatives who attended a status conference in the case yesterday called the news encouraging.

"We feel we're a lot closer now than we've ever been," said Limone's son, Peter Jr., a 41-year-old chef. "Of course, we're not going to be confident until it really happens, until he actually walks."

Limone's attorney, John Cavicchi of East Boston, had asked Hinkle for the hearing two weeks ago. Cavicchi had a statement from another hit man who had become a government witness, John Martorano, who said Barboza told

CONVICT MAY GET MURDER HEARING JUDGE MULLS FACTS IN MAFIA SLAYING

him that he had killed Deegan and was framing Limone and others because the Mafia "screwed me, and now I'm going to screw as many of them as possible."

Hinkle then asked Suffolk Assistant District Attorney Mark Lee to give Cavicchi access to sealed documents from the Deegan case.

That document review, conducted last week, led to even more revelations about the case, including an indication that another witness, Tony Stathopolous, changed his testimony during the trial.

During the trial, Barboza testified that he was paid \$7,500 by the Mafia to plan and carry out the murder of Deegan. He testified that Limone, reputed Mafia member Henry Tameleo, Louis Grieco, Joseph Salvati, Wilfred Roy French, and Ronald Cassesso had taken part in the scheme.

Salvati's life sentence was commuted by Governor William F. Weld in 1997 and he was released.

Cavicchi and other attorneys have asserted that Barboza carried out the hit himself aided by friends Jimmy "The Bear" Flemmi, brother of gangster Stephen Flemmi, and Romeo Martin and framed Tameleo and Limone to curry favor with the FBI.

Barboza's chief contacts in the FBI were Special Agents H. Paul Rico and Dennis Condon, who have both been investigated in an ongoing Justice Department probe of corruption in the Boston FBI office.

According to trial transcripts, Stathopolous identified Louis Grieco as the armed man he saw the night Deegan was killed.

One of the two new documents, however, indicates that Stathopolous met with a Boston police officer in 1967 and said it was Martin and another man he had seen with guns that night.

Cavicchi also unearthed another Boston police report that appeared to contradict what Barboza described as the motive for the Deegan murder. According to the two-page report, the unnamed informant said Barboza told him that Deegan was killed not on a contract from the Mafia, but because Barboza believed he was on the McLaughlin side in the gang war.

None of the documents had ever been turned over to Limone's defense, a fact which appeared to surprise the judge.

"Why is there such a volume of things that were not turned over to Mr. Limone?" Hinkle asked Lee.

"I honestly can't answer that right now," the prosecutor said.

Hinkle gave Cavicchi another week to review documents and file a motion outlining the possible scope of the evidentiary hearing.

Yesterday, Lee insisted that his office is moving as fast as it "responsibly can" to review Limone's case, but that it may never be fast enough for Cavicchi, whose previous client in the case, Grieco, died in prison.

"I am impatient," Cavicchi said. "But I watched an innocent man die. It's time for someone in the DA's office to stand up and be counted."

Load-Date: October 27, 2000



[Convicto inocente pide compensacion de 300 millones de dolares al Gobierno](#)

Agence France Presse -- Spanish

August 14, 2002 Wednesday

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Section: INTERNACIONAL

Length: 196 words

Dateline: NUEVA YORK, Ago 14

Body

Un residente de la ciudad estadounidense de Boston (este) condenado por error en 1968 a 30 años de prisión por manipulaciones de informantes del FBI demandó el miércoles al gobierno federal por 300 millones de dólares, dijo su abogado.

El demandante, **Joseph Salvati** (69), liberado en 1997, fue implicado erróneamente en el asesinato de un líder local de la mafia, Edward "Teddy" Deegan.

Siempre sostuvo su inocencia y una pesquisa del Departamento de Justicia halló en diciembre de 2000 que los verdaderos culpables eran unos informantes del FBI que testificaron contra Salvati y contra otros tres inocentes.

Salvati expresó que el FBI siempre supo que los informantes eran los culpables del asesinato, pero que el departamento prefirió taparlos.

El abogado, Victor Garo, explicó que la demanda siguió a negociaciones fracasadas mediante las cuales se intentó alcanzar un acuerdo con el Departamento de Justicia para obtener compensaciones.

La inocencia de Salvati fue oficialmente reconocida en 2001, tras salir de prisión en libertad condicional en 1997. Los otros tres acusados fueron declarados inocentes también, pero dos de ellos murieron en prisión.

Load-Date: August 15, 2002



[Convict seeks new trial for 1965 murder](#)

The Boston Herald

August 24, 1993 Tuesday

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Section: NEWS; Pg. 17

Length: 398 words

Byline: DAVID WEBER

Body

A man convicted 25 years ago of taking part in a gangland murder filed a motion for a new trial yesterday on the grounds a Chelsea Police report suggesting his innocence was never turned over to his defense attorney.

The motion also suggests defendant **Joseph Salvati** may have been framed by slain Mafia hit man and loanshark Joseph Baron Barboza.

Salvati's current lawyers, Victor Garo and Anthony Pelusi, said in their motion that Barboza, who testified as a prosecution witness, could have been trying to protect his longtime friend, Vincent Flemmi, when Barboza identified Salvati as the man who drove a getaway car involved in the March 12, 1965, slaying of Edward "Teddy" Deegan in Chelsea.

Salvati has been imprisoned since his July 31, 1968, conviction on two counts of conspiracy to murder and accessory before the fact of murder.

In the motion, Salvati's lawyers said the Chelsea Police report contained statements from a confidential informant who claimed he saw Flemmi, instead of Salvati, with Barboza at the Ebb Tide restaurant in Revere minutes before Deegan was gunned down in a Chelsea alley.

Garo informed Suffolk District Attorney Ralph C. Martin II in May that the Chelsea Police report had come to his attention and he intended to move for a new trial. Martin's office began reviewing the case and considered supporting Garo's motion.

On Aug. 2, Martin's office asked Garo to delay filing his motion for two weeks while prosecutors continued their review, with the understanding full disclosure would be made to Salvati regardless of whether it helps or hurts his effort to gain a new trial.

"Based on what we have determined to date," Martin said yesterday, "we are unable to join in (Salvati's) motion.

"We have not been able to complete our investigation without the power to compel witnesses, and that power will not be available to either side until the motion is filed and pending before the Suffolk Superior Court."

Convict seeks new trial for 1965 murder

Attorney Jack Zalkind, now in private practice, was the Suffolk County prosecutor at Salvati's trial. Zalkind signed an affidavit, included in Garo's motion, saying he never saw the report suggesting Salvati's innocence.

Garo's motion said Salvati had borrowed \$400 from Barboza two years before the trial. The motion claims Salvati still owed Barboza the \$400 plus interest at the time of the trial. Barboza's testimony was the only evidence against Salvati.

Load-Date: March 16, 2007

End of Document



Cops were suspicious of Deegan charges

The Boston Herald

December 22, 2000 Friday

ALL EDITIONS

Copyright 2000 Boston Herald Inc.

Section: NEWS;

Length: 501 words

Byline: By TOM FARMER

Body

When Suffolk County prosecutors announced murder indictments against six men for a 1965 Mob hit in Chelsea, some North Shore cops believed four of the defendants had nothing to do with the killing.

Upon hearing yesterday that the FBI may have suppressed information about the murder of Edward "Teddy" Deegan, one North Shore investigator said it confirmed his suspicion that four innocent men were sent prison.

"It's a sad thing when you have to frame people, to set them up," said the investigator, who did not want to be identified. "I'm not saying these people didn't do anything in their past, but they were not involved in Deegan's murder."

In the hours after Deegan's bullet-ridden body was discovered in a Chelsea alley March 12, 1965, North Shore cops began receiving tips from informants about who committed the killing.

When the district attorney's office announced indictments against six men two years later, the local cops believed four of them - **Joseph Salvati**, Peter Limone, Louis Greco and Henry Tameleo - were not involved.

Deegan was a 35-year-old longshoreman and ex-con who had 25 arrests dating back to age 11 on his record when he was shot six times near a rear door of the Lincoln National Bank.

Word had been out for weeks before the killing that former New England Mob boss Raymond L.S. Patriarca wanted Deegan dead because he had threatened a Patriarca associate in a Revere Beach restaurant and was suspected of robbing a Mob-connected bookie in Everett.

But when Salvati, Limone, Greco and Tameleo were convicted for the murder, the North Shore investigator said he was skeptical. He and other North Shore cops had received information that Wilfred Roy French, Ronald Cassesso and Joseph "The Animal" Barboza were involved in the murder, along with several other men.

French later admitted his role in the murder and Cassesso, who died in prison, is also believed to have been involved. But based largely on the testimony of Barboza, who also participated in the killing and had turned FBI informant, the other four were convicted and sent to jail.

Cops were suspicious of Deegan charges

"I got a tip the night of the murder that the guys who did it were driving a red Cadillac with a black roof and that they had gone to the Ebb Tide (restaurant) on the (Revere Beach) Boulevard," the North Shore investigator said.

"I took a look in the parking lot and sure enough, there's the Caddy. We went in (the restaurant), identified a few guys and they were taken to Chelsea P.D. to be interrogated. I remember it as clear as day and I know I didn't see Joe Salvati, Henry Tameleo, Limone or Greco there that night."

The source said he has no doubt Barboza lied for the FBI to take down Tameleo, who was the number-two Mob boss in New England, and Limone and Greco, other reputed Patriarca associates.

"When you get 'em, you got to get 'em right," said the source. "I used to tell those (wiseguys), 'If I get you, I'm going to get you right and when I do, I don't want to hear no crying about it.' "

Load-Date: December 22, 2000

End of Document



Corporate Report

Business Observer (Sarasota, Florida)

October 18, 2013

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Section: NEWS; Pg. 18

Length: 669 words

Byline: Sean Roth; Research Editor

Body

Cale America providing meters to Nashua, N.H., for downtown parking

The city of Nashua, N.H., selected Tampa's Cale America Inc., to improve its downtown parking program. Nashua has installed new pay stations that accept debit and credit cards along Main Street and new pay by space stations in a downtown garage.

"Cale America scored very high in all parts of our evaluation process," Mark Sousa, manager of transportation and parking for the city of Nashua, says in a press release. "Our objective was to find the best technology partner for the city that offered the most reliable and durable parking solution."

The 15 new terminals have already accepted more than 15,000 payments since installations began in mid-August.

In addition to the Main Street units, the city has plans to purchase 16 more parking terminals from Cale America by the end of 2013.

The Colony Group hires two Naples executives

As part of its planned further expansion into Florida, Boston-based The Colony Group has promoted **Joseph Salvati** of Naples to senior vice president in charge of its Florida offices. The company also hired Jack Clark, a lifelong Florida resident, to work with Salvati in its Naples office.

Salvati, a graduate of Brandeis University has provided comprehensive wealth management services to high-net-worth clients for more than 10 years. He will oversee The Colony Group's growing business in Florida primarily out of its offices in Naples and West Palm Beach.

Clark, a graduate of the University of Florida, also earned an M.B.A. from the University of South Florida.

The company reports that of the nearly \$3 billion it manages for clients, roughly \$300 million is managed for clients who reside in Florida.

Corporate Report

Founded in 1986, The Colony Group is a fee-only, wealth management company with offices in Massachusetts and Florida.

USAmeri Bancorp's Steans named to top 25 list

Jennifer Steans, chairwoman and a founding director of Clearwater-based USAmeri Bancorp Inc., has been named one of "The 25 Most Powerful Women in Finance" by American Banker magazine.

Steans is CEO of Financial Investments Corp., a company with significant ownership stakes in USAmeri Bancorp and Cole Taylor Bank, a Chicago-based institution with \$5.9 billion in assets.

Tampa's Oragenics, Intrexon form partnership

Tampa-based Oragenics Inc. and Intrexon Corp. of Germantown, Md., have reached an agreement to collaborate on the development and commercialization of genetically modified probiotics (live bacteria) to treat diseases of the oral cavity, throat, sinus and esophagus.

The companies expect to initially focus on therapies for canker sores and the autoimmune disorder Behcet's disease, which causes inflammation in blood vessels and sores.

As part of the agreement, Oragenics paid Intrexon a technology access fee of 1.35 million shares of Oragenics' common stock (valued at \$6 million) and a promissory note for another \$1.96 million.

Oragenics will also pay Intrexon for program costs, developmental milestone fees and commercial royalties.

In June 2012, Oragenics and Intrexon entered into a similar collaboration to develop and commercialize lantibiotics, a unique class of broad-spectrum antibiotics, for the treatment of infectious diseases.

Beer distributor building natural gas station

Jupiter-based beer distributor J.J.

Taylor Cos. Inc. is developing a compressed natural gas station in Fort Myers. The new natural gas station, scheduled to open in February, will be open to the public and other fleets.

Tru Star Energy is constructing the station, which will help transition J.J.

Taylor's fleet to natural gas. It expects to have a total of 80 natural gas powered transportation vehicles, equal to 48% of its Florida transportation fleet, by January 2015. The company plans to have converted its entire Florida fleet by 2017.

Earlier this year, the company opened a natural gas station in Tampa.

J.J. Taylor Distributing Florida Inc. currently distributes beer brands in 17 Florida counties covering 13,575 square miles.

Graphic

STEANS

Load-Date: October 26, 2013

End of Document

Council expected to free Salvati



Council expected to free Salvati

The Patriot Ledger (Quincy, MA)

February 5, 1997 Wednesday

South Star Edition

Copyright 1997 The Patriot Ledger

Section: NEWS;

Length: 360 words

Body

BOSTON (AP) -- **Joseph Salvati** has spent the past 30 years behind bars, but he should begin walking the road to freedom today when the Governor's Council votes on his request for commutation.

Half of the eight-member council said last week they planned to vote for commutation, and Lt. Gov. Paul Cellucci, who votes in the case of a tie, has said he will support the commutation request.

Other councilors were expected to fall in line, possibly making the vote unanimous during the board's noon meeting.

Salvati, 64, a former North End resident, was convicted of two counts of conspiracy to commit murder and one count of being an accessory before the fact of murder in Edward "Teddy" Deegan's slaying on March 12, 1965. He was sentenced to life in prison.

Salvati was convicted of plotting along with four other men to kill Deegan and Anthony Stathopolous for crimes committed against the Boston underworld.

Court documents said Salvati distributed guns and silk gloves to wear during the hits, and then was to serve as a getaway driver. However, Salvati and two other men did not carry out their roles in the ambush because a police officer became suspicious when he encountered the group sitting together in a car, the court found.

In an appeal of his conviction which he lost, Salvati said he had no involvement in plotting or attempting to carry out the hits. He said he knew most of the men only casually and that the one who later fingered him, Joseph (Barboza) Baron, had done so because Salvati still owed him money from a \$ 400 loan.

Baron was shot to death in San Francisco in 1976.

But in May 1993, WBZ-TV reporter Dan Rea began a campaign on Salvati's behalf. A lawyer, Rea had been told by the dean of the Boston University Law School that Salvati was wrongly imprisoned. He has since aired more than 30 stories on the case, and in October, he found three witnesses who attested to Salvati's innocence.

Commutations allow the governor to release a prisoner from jail by converting his sentence to time served.

Council expected to free Salvati

The Governor's Council, which approves judicial appointments and gives the final go-ahead for state spending, must approve the governor's requests.

Load-Date: February 7, 1997

End of Document



Council to OK commutation for inmate

The Patriot Ledger (Quincy, MA)

January 30, 1997 Thursday

ROP Edition

Copyright 1997 The Patriot Ledger

Section: NEWS;

Length: 252 words

Body

BOSTON (AP) -- ***Joseph Salvati*** should know for certain next week whether his life sentence for participating in a 1965 murder will be commuted; a majority of the Governor's Council has indicated it plans to free him.

The councilors made their pronouncements during or after a daylong hearing yesterday, when Gov. William Weld, prison officials and even members of the law enforcement community asked the eight-member council to grant the commutation.

All those testifying agreed Salvati should be freed from jail either because he was wrongly imprisoned or had done his time. No one challenged the commutation.

"It would be an injustice to the commonwealth of Massachusetts, Joe Salvati, his family and his friends if he didn't receive a full commutation," said Joseph Guarino, former deputy superintendent of the Northeast Correctional Center, where Salvati served part of his sentence. "I can honestly say that Joe Salvati did not commit that crime."

Councilors David Constantine of New Bedford, Christopher Iannello of Boston, Dorothy Kelly Gay of Somerville and Edward O'Brien of Easthampton said they planned to vote for commutation. Even if the rest of the panel voted against Salvati, Lt. Gov. Paul Cellucci, who presides over the council and joined Weld in making the commutation request, would break the tie.

Salvati, 64, a former North End resident, was convicted of two counts of conspiracy to commit murder and one count of being an accessory before the fact of murder in Deegan's slaying on March 12, 1965.

Load-Date: February 5, 1997

COUNTY'S AD AND PR COMPANIES STRUT THEIR STUFF AT AWARDS SHOW; ADVERTISING:
COMPETITION GIVES 102 AGENCIES A CHANCE TO DISPLAY THEIR WARES TO EACH OTHER AND
POTE....



**COUNTY'S AD AND PR COMPANIES STRUT THEIR STUFF AT AWARDS
SHOW;
ADVERTISING: COMPETITION GIVES 102 AGENCIES A CHANCE TO
DISPLAY THEIR WARES TO EACH OTHER AND POTENTIAL CLIENTS.**

Los Angeles Times

March 11, 1990, Sunday, Orange County Edition

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Section: Business; Part D; Page 8; Column 1; Financial Desk

Length: 571 words

Byline: MG

By THUAN LE, TIMES STAFF WRITER

Dateline: IRVINE

Body

<EC ORA <DE FI <PC FI

For the advertising firms of deYoung Ginsberg Weisman Bailey of Irvine and Salvati Montgomery Sakoda Inc. of Costa Mesa, Orange County's 32nd annual AdClub AdAwards on Saturday night was a repeat performance with a slight twist.

Last year, not only did the two agencies take home the most honors, but dGWB also received almost twice as many awards as Salvati Montgomery. This year, dGWB was again the biggest winner with 65 honors, but Salvati Montgomery gained ground with 46 awards.

In fact, AdAwards Chairman Michael Maxsenti said it is debatable whether there was a clear-cut winner between the two agencies as dGWB took 13 gold, 13 silver and 35 merit awards, while Salvati Montgomery carted off a Best of Show award, 12 gold, 22 silver and 11 merit awards.

Roberts/Mealer/Cunningham Inc. of Costa Mesa was the third biggest winner with a Best of Show, six gold, four silver and eight merit honors.

There was a tie in the Best of Show for a broadcast ad. Salvati Montgomery's was given the award for its television spot for Scripto, and Hill Holliday Wakeman DeForrest received one for its audio spots for PacTel Cellular.

COUNTY'S AD AND PR COMPANIES STRUT THEIR STUFF AT AWARDS SHOW; ADVERTISING:
COMPETITION GIVES 102 AGENCIES A CHANCE TO DISPLAY THEIR WARES TO EACH OTHER AND
POTE....

In the print-media category, Roberts/Mealer took the Best of Show for its Teen Pregnancy Campaign for the Orange County Center for Health.

The Best of Show honor for collateral design -- a category that includes annual reports, letterheads and other non-advertising projects -- went to Irvine-based The Dot Printer, of which Maxsenti is vice president of sales. The award was for the Bank of San Pedro 1988 annual report and the client was the O'Mara Design Group.

Maxsenti said this year marked the first time that not all AdAwards judges were from California. Four of the eight ad executives were from the East Coast and the Midwest.

"We wanted balanced perspectives from outside the region," he explained.

Maxsenti also said that a record-breaking 102 ad agencies entered this year's competition to vie for the 226 awards in 107 categories.

Phil **Joseph Salvati**, president of Salvati Montgomery, said in a phone interview that it's nice for people with creative talents to be recognized by their peers, and the AdAwards allow an agency to be recognized by potential business.

Dan Ginsberg, president of the 3-year-old dGWB, agreed.

"It's nice to sit back with your clients one night and see your work measured by your own peers and let perspective clients see you're doing good work," he observed.

Ginsberg said dGWB has grown from a 13-person staff to 30 employees as it has branched out from doing high-technology work. The agency now has an annual billing of about \$20 million.

One of dGWB's non-high technology works was with the ROAR Foundation and its campaign to save the elephants from poachers seeking their ivory tusks. The campaign received four gold, two silver and four merit awards. One of them pictured an elephant with its trunk cut off and the words: "If you buy ivory, make sure they get all the blood off it first."

Maxsenti said advertising is a vital link to the success of the local economy because Orange County businesses now also have to compete on an international level as TV shrinks the world into a global village. The AdAwards, he said, inform the community of what kind of advertising talent exists in the county.

"The AdAwards will let people see that there is creative work being done here," Maxsenti said. "Hopefully, that will also attract more creative ad people into the area."

Graphic

Photo, An illustration for the ROAR Foundation's Save the Elephants Campaign, showing an elephant with its trunk cut off, won several honors for the advertising firm of deYoung Ginsberg Weisman Bailey of Irvine.

COURT ALLOWS SUIT AGAINST TWO LAW OFFICERS

**COURT ALLOWS SUIT AGAINST TWO LAW OFFICERS**

The Boston Globe
June 11, 2004, Friday
THIRD EDITION

Copyright 2004 Globe Newspaper Company

Section: METRO/REGION;

Length: 132 words

Body

A federal appeals court yesterday upheld a ruling by a judge that allows a lawsuit filed on behalf of two men who were wrongly convicted of a 1965 gangland murder to go forward against retired FBI agent Dennis Condon and former Boston police detective Frank Walsh. The US Court of Appeals for the First Circuit rejected arguments that Condon and Walsh were entitled to immunity because they were doing their jobs when they helped convict Peter J. Limone and Henry Tameleo of murdering Edward "Teddy" Deegan in Chelsea.

Limone was freed after 33 years in prison after discovery of secret FBI documents that suggested he had been framed, but Tameleo died in prison. Lawsuits have also been filed on behalf of two other men wrongly convicted in the case, ***Joseph Salvati*** and the late Louis Greco.

Notes

NEW ENGLAND IN BRIEF / BOSTON

Load-Date: June 11, 2004



[Court drama going high tech](#)

The Republican (Springfield, Massachusetts)

March 17, 2009 Tuesday

ALL EDITION

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Section: NEWS; Pg. A01

Length: 718 words

Byline: FRED CONTRADA, STAFF

Body

fcontrada@repub.com

NORTHAMPTON - Things might already have been looking bad for Nathan J. Ruell, but there came a moment in his murder trial when he saw his fate flash across a 52-inch screen.

A prosecutor was eliciting testimony about DNA evidence that she said tied Ruell to the murder of 83-year-old Rose A. Martowski.

Highly complex, DNA science is normally difficult to explain to jurors. Forensic experts sometimes cite matches found in the defendant's DNA and compare that to how the evidence matches random samples from other sources. The terminology can also be hard to understand.

When it came time to compare Ruell's DNA with that found on a cigarette from the crime scene, however, the prosecution merely clicked a computer mouse and the screen in the courtroom lit up like the sun.

Yellow all the way across. Match. Match. Match. Match. Ruell was sunk.

If those old black-and-white Perry Mason shows seem outdated, it's because the real-life world of courtroom drama is now in brilliant color, and WIN Interactive is lighting the way. The Quincy-based company provided both the software and hardware for the Ruell trial, including a new program written especially for DNA evidence.

Northwestern First Assistant District Attorney Renee L. Steese first got a look at WIN's high-tech wares in 2003, when company founder Brian J. Carney made a presentation at a state attorneys general meeting. When she was developing the Ruell case, Steese remembered WIN.

"If there was one thing that caused me to call Brian Carney, it was the DNA," Steese said. "I wanted to be able to present that evidence in an effective way to the jury."

The color-coded DNA chart displayed on the screen near the jury easily separated Ruell from about a hundred other people sampled.

Court drama going high tech

WIN also helped Steese and Assistant District Attorney Michael A. Cahillane illustrate the evidence in other ways. Using a laptop computer, prosecutors were able to zoom in and out of an aerial map of the Ware neighborhood where the crime occurred. The street grid projected on the courtroom screen showed how close Ruell lived to Rose Martowski and other homes he was accused of breaking into.

When it came time to show the jury the crime scene, the prosecutors could switch back and forth from photographs of the outside of Martowski's house to a diagram of its layout to individual rooms.

"It was a more effective and less cumbersome way of providing information to the jury," Steese said.

With WIN's help, Steese was also able to synchronize a tape recording of Ruell's police interview with a transcript projected on the screen. In addition to the 52-inch color monitor at the jury box, the judge had his own 20-inch monitor at the bench.

A former Suffolk County prosecutor, Carney began using multimedia presentations in his own cases in 1998. He started WIN in 2001. Carney had owned a video business on the side and saw potential for that technology in court.

"I realized I was not personally communicating as effectively as I could," he said.

Technology provided by WIN Interactive has played a role in some high-profile cases. In 2002, prosecutors in Connecticut used it to help convict Michael Skakel of the murder of 15-year-old Martha Moxley, a crime that dated back to 1975. Lawyers for **Joseph Salvati** and Peter Limone also used WIN's multimedia services to win a record \$101.75 million in damages from the federal government. Salvati, Limone, Henry Tameleo and Louis Greco had been wrongfully convicted of the gangland slaying of Edward "Teddy" Deegan. Tameleo and Greco died in prison.

Carney has since sold WIN's services to lawyers and law firms across the country. The company specializes in civil cases, but criminal lawyers are increasingly attracted to the technology.

"We provide a competitive advantage," Carney said. "The other side almost never has a visual presentation to oppose what we're doing."

The Northwestern District Attorney's office paid \$30,000 for WIN's services in the Ruell case. Carney said his fee sometimes exceeds \$100,000.

Alan Rubin, regional supervisor of the Superior Court office of the Committee for Public Counsel Services, is not a fan of high technology, but feels it is fair for one side to use it as long as the other has equal access. Defense lawyers submit their trial budgets to the court for approval.

Graphic

A courtroom is seen set up with multi-media equipment used to present evidence to a judge and jury.

Load-Date: March 18, 2009



COURT FREES LIMONE AFTER 33 YEARS IN PRISON

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The Boston Globe

January 6, 2001, Saturday

,THIRD EDITION

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Section: METRO/REGION;

Length: 756 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

CAMBRIDGE - One arm cradling a bouquet of yellow roses, the other wrapped tightly around his tearful wife, Peter Limone walked out of Middlesex Superior Courthouse yesterday a free man after allegedly being framed for murder by the FBI and spending 33 years in prison, four of them on death row.

"Mr. Limone's long wait is over," said Middlesex Superior Court Judge Margaret Hinkle, prompting applause and tears from a large group of relatives and supporters of Limone in the East Cambridge courtroom.

Hinkle, who said it was "now time to move on," granted a joint motion by defense lawyers and Suffolk District Attorney Ralph C. Martin II's office to give Limone, 66, a new trial and vacate his life sentence.

After spending half his life behind bars for the murder of Edward "Teddy" Deegan in 1965, Limone was freed largely on the basis of secret FBI documents uncovered by a Justice Department task force investigating corruption in the bureau's use of organized crime informants.

The documents, which were never turned over to defense lawyers in the Deegan case, suggest that a onetime FBI informant, Vincent J. "Jimmy the Bear" Flemmi, planned Deegan's murder, not Limone.

The key witness against Limone - hit man-turned-FBI-witness Joseph "The Animal" Barboza - was Flemmi's best friend.

The documents say that an informant told the FBI who the participants in the murder were, and Limone and the three men convicted along with him weren't among them.

The documents also suggest that FBI agents not only covered up evidence that Limone and three other men were wrongly convicted in order to protect Flemmi and his gangster brother, Stephen - an FBI informant for nearly 30 years - but also knew about the Deegan murder plot in advance and did nothing to stop it.

COURT FREES LIMONE AFTER 33 YEARS IN PRISON

"The conduct of the bureau at the time of the murder of Mr. Deegan and the trial of Mr. Limone tarnishes that agency," said Hinkle, a former assistant US attorney.

Limone had harsh words yesterday for the bureau, particularly former Special Agent H. Paul Rico, who was Barboza's FBI handler and is reportedly a target of the Justice Department corruption task force.

"He framed me. He knew what he was doing," the silver-haired Limone said of the agent, who is retired and living in Florida. "He's scum. He set it all up."

Overall, however, the mood of the Limone family was joyful and free of bitterness and rancor.

Flanked by his wife, Olympia, his four children, and six of his eight grandchildren, Limone spoke mostly of his gratitude for the people who stood by him and helped him over the years, particularly his relatives and his attorney, John Cavicchi.

"I just give thanks to the good people I have been involved with," he said. "I am very happy."

Prison, he said, was "very hard, every day in there, knowing I was innocent." His time was made even harder by watching two codefendants, Henry Tameleo and Louis Greco, die in prison while their appeals were rejected by court after court.

Defense lawyers allege that Barboza and the FBI framed Limone, Tameleo, Greco, and a fourth codefendant, **Joseph Salvati**, in order to settle personal scores and to satisfy a mandate from FBI headquarters to make cases against the underworld.

Tameleo was believed to be a top figure in the Patriarca New England crime family and Limone and Greco were reputed associates.

Salvati, who owed Barboza money, had his life sentence commuted by Governor William F. Weld in 1997. Martin's office also filed motions with Hinkle Thursday to vacate Salvati's sentence and grant him a new trial.

Assistant District Attorney Mark Lee said the newly discovered FBI documents were a key factor - along with other recently uncovered witness statements and evidence indicating Limone and Salvati's innocence - in their decision to drop their opposition to a new trial.

"The documents painted a very compelling picture," Lee said. "What happened here was wrong enough for us to come into court and say that this mandates a new trial."

Publicly, Martin's office had no comment on whether they would pursue a new trial or drop the case, but privately, sources close to the office called it a practical impossibility because of the age of the case, the doubts cast on it by the FBI documents, and the fact that Barboza was murdered in 1976.

Limone and his lawyer said they would wait before considering whether to file a civil lawsuit against the FBI or state prosecutors.

Cavicchi, however, said that based on what has been paid to other wrongfully imprisoned defendants, "\$5 million might be a good starting point."

Graphic

PHOTO, 1. Peter Limone was freed yesterday after spending 33 years in prison for a 1965 slaying. FBI documents suggest he may have been framed. / GLOBE STAFF PHOTO/JANET KNOTT 2. FREEDOM - Olympia and Peter Limone leaving Middlesex Superior Court as he was released after 33 years in prison for the murder of Teddy

COURT FREES LIMONE AFTER 33 YEARS IN PRISON

Deegan. Documents suggest he was framed by the FBI. / GLOBE STAFF PHOTO/JANET KNOTT (Photo, Page A1.)

Load-Date: January 7, 2001

End of Document



[Crime; FBI Liable for \\$101.8 Million in Framing](#)

Facts on File World News Digest

September 6, 2007

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Section: Pg. 576G2

Length: 211 words

Body

Judge Nancy Gertner of U.S. District Court in Boston, Massachusetts, July 26 ordered the federal government to pay \$101.8 million to four men who had been framed by the Federal Bureau of Investigation (FBI) for a 1965 murder. The judgment was said to be the largest in U.S. history for a false conviction, eclipsing a \$36 million settlement paid to three men by Clark County, Illinois, in 1999. [See 2001 Crime: Real Estate Heir Charged With Murder; Other Developments; 2001 Bush Administration: Bush Withholds Records From Congress; Other Developments]

In a 223-page opinion, Gertner found that the FBI had encouraged Joseph Barboza, a mob informant and the main witness in the murder trial, to commit perjury to protect the real killer, FBI informant Vincent Flemmi. He did so by fingering the four men--Peter Limone, [Joseph Salvati](#), Louis Greco and Henry Tameleo--for the killing of small-time gangster Edward Deegan. Both Tameleo and Greco died in prison, while Limone was paroled in 1997 and Salvati was released in 2001 after a newly disclosed FBI memorandum exonerated all four men. "The FBI's conduct was intentional, it was outrageous, it caused plaintiffs immeasurable and unbearable pain and the FBI must be held accountable," Gertner wrote in her decision.

Load-Date: September 14, 2007



Crime:Real Estate Heir Charged With Murder; Other Developments

Facts on File World News Digest

November 30, 2001

Copyright 2001 Facts on File, Inc.

Section: Pg. 1040E3

Length: 567 words

Body

Robert Durst, 58, an estranged member of a prominent New York City real estate family, November 30 was arrested in Bethlehem, Pennsylvania after a 45-day manhunt. Durst was charged with killing and dismembering his neighbor, 71-year-old Morris Black, in Galveston, Texas. Black's body had been discovered September 30. Durst had originally been arrested October 9 in Texas but had fled while out on bail. After he failed to appear at a hearing October 16, he was declared a fugitive. The Bethlehem police arrested him for shoplifting at a supermarket, then realized that he was the fugitive murder suspect.

Moreover, a weapon found in a trash bin behind the murdered man's house was reportedly the same caliber as that used to kill Susan Berman, a longtime friend of Durst's, in her Los Angeles home on December 24, 2000. Berman had been on the verge of talking to Westchester County, New York prosecutors about the unsolved disappearance of Durst's wife, Kathleen, in 1982.

Other News

In other crime news:

The Michigan Court of Appeals had upheld the murder conviction of assisted-suicide advocate Jack Kevorkian for euthanizing Thomas Youk, a terminally ill man, in 1998, it was reported November 22. Kevorkian's videotape of the procedure had been broadcast on the CBS television program "60 Minutes," fueling public outrage.

Former South Carolina prison guard Alfred Rowe Jr. had been sentenced to five years' probation after pleading guilty to having had sex with prison inmate Susan Smith, who was serving a life sentence for drowning her children in 1994, it was reported September 7. Another guard, Houston Cagle, in August had also pleaded guilty to having sex with Smith.

Wilfred French, 72, who had served 33 years in prison for his alleged role in a 1965 organized crime killing in Boston, Massachusetts, December 19 was freed after prosecutors admitted that he had not received a fair trial because the Federal Bureau of Investigation (FBI) withheld evidence that a Mafia witness had testified falsely. Two other defendants convicted in the slaying, **Joseph Salvati**, 68, and Peter Limone, 66, had been freed earlier in the year after serving 30 and 33 years, respectively. A judge threw out Salvati's conviction January 18, two weeks after

Crime:Real Estate Heir Charged With Murder; Other Developments

vacating Limone's conviction. The Justice Department was currently investigating several cases where the FBI's protection of Mafia informants in Boston had caused innocent people to be convicted.

A Birmingham, Alabama judge July 16 ruled that former Ku Klux Klansman Bobby Frank Cherry, the sole remaining defendant in the case of a 1963 church bombing that killed four black girls, was mentally incompetent to stand trial. Judge James Garrett of Jefferson County Circuit Court ordered another round of psychological tests for Cherry, 72, but lawyers for both sides said a trial was unlikely. His codefendant, former Klansman Thomas Blanton, had been convicted in May.

New Orleans, Louisiana prosecutors had begun proceedings to retry Wilbert Rideau, whose conviction for the 1961 killing of a bank teller during a robbery had been overturned by a federal appeals court in December 2000 on the grounds that the grand jury was racially biased, it was reported July 20. It would be his fourth trial for the crime. Rideau, who had been incarcerated for almost 40 years, had gained nationwide fame as the editor of the Angolite, a prize-winning prison newspaper.

Load-Date: January 18, 2002

End of Document



Criminally Unjust

The American Prospect

August 27, 2001

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Section: ON THE CONTRARY; Pg. 32

Length: 1217 words

Byline: WENDY KAMINER

Body

IT'S NO COINCIDENCE THAT DEclining support for capital punishment has been accompanied by increased mistrust of law enforcement and discomfort with the war on drugs. A relative lull in violent crime during the 1990s contributed to a reconsideration of harsh police practices and prosecutorial tactics. But many people are willing to tolerate bad policing so long as it's directed at bad guys. Few complain when guilty suspects are deprived of their rights and coerced confessions prove true. It's the abuse of innocent people or those guilty only of minor, nonviolent offenses that has prompted some tentative public review of the current regime.

It's not just the use of DNA evidence to exonerate the wrongly convicted that has aroused concern about criminal justice. The bias and bloodthirst in law enforcement have simply become unseemly. During the past several years, racial profiling became impossible to ignore; even conservatives like Vice President Dick Cheney and Senator Joseph Lieberman belatedly condemned it. The awful misdeeds and mistakes of FBI agents -- from the attacks at Ruby Ridge, Idaho, and Waco, Texas, to the framing of Bostonian Joseph Salvati, who spent 30 years in prison for someone else's crime -- made the nation's premier law enforcement agency look like public enemy number one. Confronted with the sheer meanness of their government -- its continued imprisonment of nonviolent drug offenders, a gratuitously cruel campaign against the medical use of marijuana, and the expansion of the drug war to public schools, where students are treated like suspects and randomly tested for drugs -- people are apt to rediscover traditional American values, like fairness and respect for individuals.

On occasion, the press has collaborated with the law enforcement system in trampling people's rights: Irresponsible reporting by *The New York Times* was partly to blame for the federal government's wrongful prosecution of Wen Ho Lee, the scientist at the nuclear lab in Los Alamos, New Mexico, who was charged with espionage. Similarly, right-wing media partnered with Kenneth Starr in his fanatical pursuit of Bill Clinton. But the press has also helped expose law enforcement's crimes, which have been supported or ignored by politicians of both major parties. Stories about thuggish cops and prosecutors and about ordinary citizens spending years in prison for minor drug offenses are hard to resist. These days, the press seems to be paying particular attention to the trashing of defendants' rights by officials who are paid to protect them.

"Suspects' False Confessions Ignite Interrogation Debate," a recent *Miami Herald* headline proclaimed in a story about a mentally retarded man wrongfully imprisoned for 22 years thanks to a false, coerced confession. According to a recent series in *The Washington Post*, police in Prince George's County, Maryland, routinely coerce

Criminally Unjust

confessions -- interrogating suspects for days at a time in isolation, terrorizing them, and illegally depriving them of counsel and sleep. Honest, skeptical prosecutors or DNA evidence can free some people who are wrongly imprisoned by cops who don't distinguish between innocence and guilt in their zeal to clear cases. (The *Post* examined four instances in which people forced to confess were exonerated.)

But prosecutors are not always honest or alert, and DNA evidence is not always available. Defendants are sometimes convicted on the basis of highly questionable confessions. And often, in the absence of videotaping, challenges to the legality of an interrogation and the truth of a confession involve the conflicting testimony of defendants and police. Guess who judges generally believe.

Die-hard defenders of the bureaucracy assert that a few bad cops don't indict an entire system. As defense attorneys will attest, however, the abusive tactics used in Prince George's County and the targeting of people whose guilt is not supported by evidence are not anomalous. Of course, many law enforcement officials are competent, energetic, and honorable; but some are not. After all, virtually no one in the system is surprised when police officers perjure themselves on the witness stand. (There's even a name for police perjury: "testilying.")

These injustices are compounded by the inadequate representation of poor people who are prosecuted for serious crimes. This past April, a *New York Times* series chronicled the failings of the indigent-defense system in New York City. The Legal Aid Society (my former employer), which describes itself as "the nation's oldest and largest provider of legal services to the indigent," has been crippled by Mayor Rudolph Giuliani's budget cuts. According to the *Times*, Legal Aid's caseloads and resources have been drastically reduced: Its lawyers now handle only 50 percent of all felony and misdemeanor cases each year. A few small defense organizations take on an additional 18 percent. The rest of the cases are turned over to private attorneys, who are often inexperienced, underpaid, and unsupervised. (When I worked for Legal Aid, the court-appointed lawyers were guys in shiny suits.) According to the *Times*, many of these appointed attorneys don't investigate the crimes with which their clients are charged, don't visit the scenes, and don't hire expert witnesses, psychiatrists, or pathologists. Many don't visit their clients in prison or interview them in private. Some don't know the rules of evidence.

The *Times* interviewed several important players in New York's justice system -- including its chief judge and the state's director of criminal justice -- who confirmed the awful failings of indigent defense. Readers were presented with stories about people wrongfully imprisoned thanks partly to bad lawyering. Still, some observers were unimpressed. In *Slate*, Mickey Kaus expressed skepticism about the harms caused by bad lawyers -- as if he'd ever agree to be represented by one. I doubt that many pundits would question the dangers posed by untrained physicians who treat gravely ill patients without actually examining them; but the average pundit is more likely to identify with a sick person than with a suspect in a homicide.

WHEN PEOPLE START IDENTIFYING with the victims of law enforcement, they stop accepting its systematic abuses. Laws against medicinal marijuana are vulnerable because their targets include respectable citizens. So if we want to rein in bad cops and bad laws, we might first unleash them on the white middle class. Imagine the political consequences of subjecting affluent whites to the same degree of police surveillance and abuse that poor blacks and Latinos endure. The war on drugs is a war on minorities, partly because police pay relatively little attention to drug-law violations by whites. Nearly 70 percent of people in prison are blacks and Latinos, who together constitute about 25 percent of the nation's population. Prison conditions would improve dramatically if statistics like these were reversed.

We would also witness huge improvements in crime control if police and prosecutors were held accountable for misconduct. Criminal justice abuses are threats to the public safety as well as to individual rights. When the innocent are persecuted, the guilty roam free.

Load-Date: August 20, 2001

DANIEL SALVATI Jr.



DANIEL SALVATI Jr.

The Journal News (Westchester County, New York)

December 13, 2001 Thursday

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Section: OBITUARIES

Length: 151 words

Body

on December 10, 2001. Daniel Salvati was born on January 25, 1924 to Daniel & Antoinette Salvati in the Bronx, NY. Mr. Salvati attended Public School 3 in the Bronx before entering a trade school. From 1943 to 1946 he served in the US Army during WWII. On Sept 21, 1947, Mr. Salvati married Helen Alex in NY City. Daniel Salvati was the co-owner of his family owned business, Salvati Foods Inc., which started in 1919 in the Bronx, NY. Mr. Salvati worked for the business until his retirement in 1988. Mr. Salvati is survived by his wife Helen of 54 years and his brother **Joseph Salvati**. He was predeceased by his brother Carmen who died in the Army during WWII and his sister Philomena Axiotos. Visiting was held on Wednesday. Funeral mass at Our Lady of Fatima Church on Thursday at 10 AM. Entombment at Woodlawn Cemetery Bronx, NY. BENNETT FUNERAL HOME 824 Scarsdale Avenue Scarsdale, NY 10583 914-725-1137

Load-Date: July 28, 2015

End of Document



DA: NO NEW TRIALS AGAINST 2 IN '65 CASE

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The Boston Globe

January 31, 2001, Wednesday

,THIRD EDITION

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Section: METRO/REGION;

Length: 284 words

Byline: By Ralph Ranalli, Globe Staff

Body

Suffolk District Attorney Ralph C. Martin II agreed yesterday not to seek new trials against two men who both spent half their lives in prison for a 1965 gangland murder they insist they did not commit.

The filing of nolle prosequi (non-prosecution) motions by Martin's office effectively brings to a close the 33-year effort by North End resident **Joseph Salvati** and Peter Limone of Malden to prove their innocence.

"It's finally over," Salvati, 68, said yesterday in the lobby of Middlesex Superior Court, where the motions were filed. "It's a great day. A long time coming, but it's finally here."

The documents filed by Martin's office are, in essence, a pledge by his office not to seek a new trial against the two men in the murder of small-time hoodlum Edward "Teddy" Deegan in a Chelsea alleyway.

"After a careful and thorough review of the evidence, the Commonwealth has concluded that there are not reasonable grounds, legally, ethically or morally, to proceed any further with this prosecution," Assistant District Attorney David Meier, chief of Martin's Homicide Unit, said yesterday.

Yet one of Limone's attorneys, William Koski, said he was disappointed that Martin's office had not taken the further step of asking that the indictments against his client and Salvati be dismissed.

Lawyers for both men say that recently uncovered FBI documents strongly suggest that not only were the two men innocent, but they were framed by the bureau and its key witness in the case, underworld assassin Joseph "The Animal" Barboza.

While the case may be over in criminal court, lawyers for the two men have suggested that they will file a civil suit seeking to compensate them for the decades they spent in prison.

Load-Date: January 31, 2001

DA: NO NEW TRIALS AGAINST 2 IN '65 CASE

End of Document

Dan Rea's mission impossible;The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession



***Dan Rea's mission impossible;
The WBZ reporter insists convicted murderer Joe Salvati is innocent, but
some call his crusade a blind obsession***

The Boston Globe

February 17, 1994, Thursday, City Edition

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Section: LIVING; Pg. 69

Length: 3355 words

Byline: By Charles Kenney, Globe Staff

Body

One night in November 1991, after finishing a story live on the 11 o'clock news, WBZ-TV reporter Dan Rea returned to his newsroom cubicle and typed up a list of story ideas.

The fourth item on the list read: "Is anyone innocent? Let's find someone wrongly convicted somewhere in prison system - there must be someone wrongly convicted. Let's find them and spring them!"

Now, more than two years after he wrote that memo to himself, Rea is fighting a journalistic crusade to win freedom for a man Rea is convinced has spent 26 years in prison for a crime he did not commit. During the past eight months, Rea has been a passionate advocate for Joe Salvati of the North End, who was convicted in 1967 of being an accessory to the gangland murder of hoodlum Teddy Deegan.

Since May, Rea has broadcast 18 stories on the case, helped trigger a renewed investigation by the Suffolk County District Attorney's office, successfully urged station management to editorialize in support of Salvati (and went so far as to write the editorial himself), repeatedly encouraged numerous other reporters in town to get on the story. And in an unusual move for a news reporter, Rea even pressed officials in the administration of Gov. Weld and in the DA's office to help Salvati.

Out of this crusade - this obsession, as it is viewed by some - have emerged two sharply conflicting views of Rea and his work.

Salvati partisans hail him as a hero doggedly pursuing justice, "the public conscience on this case," according to Salvati's lawyer, Victor Garo, who says that without Rea's willingness to "stand up to the injustice and put his reputation on the line we'd be nowhere."

But officials in the office of Suffolk DA Ralph C. Martin bitterly denounce Rea's crusade as egregiously one-sided reporting and a thinly veiled effort to pressure Martin into supporting Salvati's quest for freedom.

Dan Rea's mission impossible;The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

"He was an advocate for Salvati even while he was supposed to report the story," says Martin. "And even after the Salvati argument lost on all objective grounds Rea still wouldn't let go."

Dan Rea is the last reporter in Boston anyone would ever predict would crusade on behalf of a convicted murderer. The 45-year-old native of Hyde Park says he is anything but a "bleeding-heart journalist." He has a long history as an ardent conservative: He was national vice chairman of the right-wing Young Americans for Freedom, opposed Nixon at one point because he was too liberal and protested against George McGovern.

But Rea contends that the Salvati case goes to the heart of his ideology. "I think conservatives have a healthy suspicion of government," says Rea, who characterizes himself as a libertarian. "We have a wonderful system of justice, but there are mistakes, there are bad decisions."

Rea was introduced to the Salvati case by Ronald A. Cass, dean of the Boston University Law School. Garo, a BU Law graduate, had gone to Cass for advice on the case after Salvati had been denied a commutation, and Cass in turn had called Rea, another BU Law alum. Rea and Garo met in Cass' office in March of last year, and Garo began the session by saying, "I am going to tell you the story of the greatest miscarriage of justice in the history of jurisprudence in the Commonwealth of Massachusetts."

Rea's immediate reaction was that Garo was nuts. But an hour or so later, when Garo completed his presentation, Rea was intrigued. Soon after that meeting, Rea was spending hours with Garo over lunch and dinner and on the telephone. Rea was so taken with the matter that when he went to Florida with his family on vacation last winter he took a stack of Salvati legal documents along to read.

To understand the case fully, Rea dove into the unsavory details of the brutal murder of Teddy Deegan, a small-time hood who had crossed Mob bosses and was slaughtered in a scene reminiscent of a Martin Scorsese picture. The task of killing Deegan went to a man accomplished in such matters, Joseph (the Animal) Barboza, who recruited five others to join the killing in a Chelsea alley on the night of March 12, 1965.

No one was charged in the crime, however, until more than two years later when Barboza entered the federal witness protection program. He told authorities that five men besides himself participated in the murder, including Salvati, who Barboza said had driven one of the getaway cars.

On the strength of Barboza's testimony Salvati and the others were convicted and sent away for life.

Rea's first story on Salvati, which aired in May, was exceptionally long for a package on the 11 o'clock news - seven minutes - and made a strong case for Salvati's innocence.

The story advanced Garo's theory that Salvati had been framed by Barboza to protect his good friend and fellow-mobster Vincent Flemmi, and to get back at Salvati, who still owed \$ 400 he had borrowed from Barboza's loan-sharking operation.

This theory is based on a document Rea considers the smoking gun in the case: A police report written in the days following the Deegan murder, but that Rea says was not available to the defense at trial.

The police report, which Garo received in 1989, includes a reference to an informant who phoned the police the night of the murder and said he had seen Barboza leave the Ebb Tide, a now defunct restaurant that was a mob hangout in Revere, and return to the club with a group of men including Flemmi. A number of the other men named by the informant were convicted in the murder. Nowhere in the report is Salvati's name mentioned.

The existence of an informant, says Rea, is crucial because the law requires that when there is an informant in a case his or her existence must be revealed to the defense. The prosecution made no mention of an informant during the trial.

In another story, Rea interviewed two detectives who had been at the Ebb Tide the night of the killing and who said they had not seen Salvati with Barboza.

Dan Rea's mission impossible; The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

But there was one Rea story that stood out above all others, for it brought to the fore what has the potential to be truly explosive new evidence on Salvati's behalf. The story was an interview with Joseph Balliro, a prominent Boston attorney who has represented numerous organized crime figures through the years and who defended one of Salvati's codefendants at the original trial. During his interview with Rea, Balliro stated flatly on camera that he was "100 percent convinced that Joseph Salvati was innocent."

Since he had at one time represented both Barboza and Flemmi, Balliro said that he could not violate lawyer-client privilege. But in professing Salvati's innocence, Balliro gave the impression that this belief had come from one of his past clients, perhaps Barboza or Flemmi.

For Balliro's claim to be admissible testimony in court, he would first have to be released from the lawyer-client privilege. If his client is dead, as is the case with Barboza and Flemmi, their families could free Balliro from attorney-client bonds.

Throughout last summer and into the fall there was an air of urgent expectation about Rea's stories. Salvati filed a motion for a new trial which, if granted, would have meant his freedom. Rea's stories conveyed a notion that Salvati's release was imminent.

Prosecutors oppose the vast majority of motions for new trials, but in this case, Martin wanted to probe deeply into the case before deciding what to do. Rea's reporting had had a clear impact on the DA.

"My sense was that if Dan Rea seems to be locked in, there really could be something here, because I hadn't seen him out on a limb like that before," says Martin.

Three officials in Martin's office - assistant DA Robert McKenna and two police investigators - immersed themselves in the case for four months.

While the investigation proceeded, Rea pressed his case. Rea hoped - and, for a time, expected - that Martin would wind up supporting Salvati's motion for a new trial. But those hopes were dashed last fall when Martin, McKenna and other officials reviewed the evidence and decided to vigorously oppose Salvati's motion.

The DA concluded that Salvati had received a fair trial initially, that the information contained in the supposedly long-lost police report had been available to defense lawyers at trial and that the significance of the informant was vastly overblown by the defense.

"It was not a close call," Martin says of his decision.

But Martin's word on the matter was far from final. The issue would be decided by Superior Court Judge Robert Banks, who would listen to the arguments from both sides, take time to consider the matter and then issue his judgment. There would be no middle ground: Banks would vindicate Rea's representation of the case, or he would reject it.

Both sides waited anxiously for the judge's ruling.

Rea is different from the standard-issue blow-dried characters who populate local television stations, for whom stops in Jacksonville, Toledo and LA are interchangeable. "I'm a Boston guy," he says, with a certain knowing pride. He is a product of St. Anne's in Readville, Boston Latin School, Boston State College and BU Law. He has lived and worked here all his life.

For a time, before he became a reporter, it appeared Rea was on a political track. For a number of years, in fact, he was one of the most outspoken young conservatives in Boston. As an undergraduate at Boston State, Rea worked for the Nixon-Agnew ticket in 1968, and while a law student at BU, Rea hosted a weekly talk program on WBUR radio. Later he did a weekend program on WBZ radio.

From 1971 into 1975, Rea contributed a regular column to the Globe staking out conservative positions on a wide variety of social, political and economic topics. In his writings, Rea criticized Richard Nixon as insufficiently

Dan Rea's mission impossible; The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

committed to conservatism; supported conservative Rep. John Ashbrook of Ohio against Nixon in the New Hampshire primary in 1972; demonstrated against George McGovern; organized a rally to support American POWs; and opposed amnesty, affirmative action and gun control.

Rea wrote in his column that in the United States "the lower class has the plushest welfare structure in the history of the world"; that "the only political prisoners in the United States today are the Watergate 7"; and he proposed shifting UN headquarters to China and turning the UN complex in New York into a "condominium for desolate Appalachian and ghetto families."

Rea's trademark - a stubborn determination, a refusal to back down when he believes he is right - was never more evident before the Salvati case than when Rea, at the age of 22, took on the venerable Cardinal Richard Cushing, then archbishop of Boston and one of the most beloved figures in the city's history. For an Irish Catholic boy from a Boston neighborhood this bordered on sacrilege.

A news story in April 1970 quoted Rea as attacking Cushing for an Easter message that called for amnesty for jailed war protesters and draft evaders. At the time, Cushing was ill in the hospital, and Rea was quoted as saying: "If he did in truth make these statements, then the cardinal is a lot sicker than he realizes."

The years 1971 through 1975, when he served on the national board of directors of Young Americans for Freedom, were a heady time for Rea. But he was not unhappy to set aside that work for journalism. "Those were very confrontational times," he recalls. "People tended not to reason intellectually. There was a lot of physical confrontation, taking over deans' offices, shutting down campsports anchor. "I went to the station and talked to him about being a sportscaster, and his advice to me was to get rid of my New England accent and to go to journalism school in the middle of the country," says Rea. On Starr's recommendation, Rea applied to the journalism program at the University of Tulsa. "I put my money down to go to the University of Tulsa, and at the last minute, I chickened out."

Why? "I guess I was intimidated by the thought of being halfway across the country," he says.

He is not known as a man who chickens out of anything. He does not back down from conflict, even when it is in his own work place. Currently, there is a dispute within the Channel 4 newsroom in which some members of AFTRA (the American Federation of Television and Radio Artists) want to break with the union and establish their own in-house union. Rea led the dissidents, who are angry about steep dues increases and other issues. Of the 70 AFTRA members, 44 now side with him.

Rea also got into a beef with news anchor Liz Walker last August. Rea had done a story on panhandlers that showed two examples of people panhandling, both black. Part of the point of the story was to air the view of a social activist who advised people not to give to panhandlers, because, he said, too many of them turned around and used the money for drugs. Walker was furious, saying that the story perpetuated stereotypes, and she confronted Rea in the newsroom.

In an angry exchange, Walker told Rea that he was "either naive or a racist," Rea recalls.

Rea replied that he'd grown up in an environment where he'd seen racism firsthand and that he was no racist. He also said that he and the photographer had found only two panhandlers the night they shot the story and both happened to be black.

Within days of the incident, both Walker and Rea say, they had patched over their differences.

During an interview, Rea does not mention his past acts on the issue of race, but old newspaper clippings reveal that when he was a young conservative activist, he disassociated himself from a rally at which, without his knowledge, former Georgia Gov. Lester Maddox was invited to speak. Rea said at the time - this was 1970 - that Maddox was a racist and he wanted nothing to do with him. Rea went so far as to challenge Maddox to a debate on racial issues, which took place in the studios of WBZ radio.

Dan Rea's mission impossible;The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

On the air, Rea has a credible record. He broke the story of how the Lyndon LaRouche forces used a credit card scam in which unsuspecting people were bilked of thousands of dollars.

After 17 years in the news business in Boston, Rea has pleased his share of people and stepped on his share of toes. He is known for being aggressive, sometimes abrasive. He is described by those who know him and his work as dogged, stubborn, persistent.

"If I were in jail I'd want Dan to be my lawyer because he doesn't give up," says Walker. "I admire him for that, quite frankly. He just doesn't give up. He's like a pit bull."

There is an in-your-face quality about Rea, an edge to him that puts some people off. But that intensity, is also what sets him apart.

A rival reporter at another station who finds Rea personally abrasive says he is nonetheless professional and competent. Says the rival: "If I were making a list of the problems at 'BZ, Dan's name would not be on that list."

Before Salvati, Rea had never been involved in a story where he staked out such a strong point of view. With the Salvati case, Rea is engaged in a classic form of advocacy journalism: He has found what he believes to be an egregious wrong and he is fighting mightily to right it.

Rea concedes some of his stories about Salvati have been fillers, soft features intended "to keep the story alive."

Among those stories have been coverage of a North End rally for Salvati and a live, in-studio interview with his wife while the screen displayed a photo of the four Salvati children when their father was jailed. That same studio session included a phone interview with Salvati and tearful declarations of love by the Salvatis.

Rea says he doesn't want to jeopardize his objectivity and will let the stories speak for themselves.

"As a reporter I'm open," he says. "I'm open if someone wants to give me . . ." Then he pauses and, referring to the prosecution's brief opposing a new trial for Salvati, he says, "Did you read that horseshit?"

During a subsequent conversation, Rea says: "I know - I know - this guy is innocent."

Rea's stories have noted that Salvati completed more than 200 furloughs successfully and that his request for a commutation was unanimously approved by the state board of pardons. That recommendation sat on the desk of two governors, first Dukakis and then Weld, for 3 1/2 years before Weld denied it.

Overall, Rea has presented Salvati as a good family man, an innocent victim of a horrendous injustice.

Before presenting this portrait to viewers, Rea obtained a copy of Salvati's police record. It includes a conviction for breaking and entering in 1955, a charge of receiving stolen goods that had been dismissed, the murder conviction, of course, and an accusation, which was dropped in the early 1980s, that he had run a gambling operation at Framingham prison.

"I made a judgment early on that everything I knew and had learned about Salvati was that his brushes with the law were minor," says Rea.

In the course of his reporting, Rea learned some things about Salvati that he chose not to share with his audience. Rea discovered that Salvati had been known to police who specialized in organized crime, that he worked as a doorman or bouncer at a now defunct restaurant called the Coliseum, a mob hangout. Rea also found out that Salvati had been known as Joe "the Horse." At the time he was charged with the murder, newspaper accounts described Salvati as an underworld figure. Rea reported none of this on the air.

Rea says that with the Salvati case "my credibility is on the line."

Carmen Fields, spokeswoman for the DA's office, says Rea has not been fair. "Without question," says Fields, Rea was pushing his stories at a fever pitch as a way to pressure Martin into supporting Salvati's motion for a new trial.

Dan Rea's mission impossible;The WBZ reporter insists convicted murderer Joe Salvati is innocent, but some call his crusade a blind obsession

Fields complains that Rea made it clear from the start thae believed Salvati was innocent and left no room for a contrary viewpoint.

Fields also says that it was "way out of line" for Rea to go on the David Brudnoy radio program with attorney Garo and make the case that Salvati was innocent and then to turn around and do a news story on Garo's appearance on the program for WBZ-TV.

And recently, Martin went so far as to write a letter to Channel 4 news director Peter Brown complaining that at a press conference Rea had been confrontational and combative "and intent on furthering his own personal opinion," says Fields. Brown won't discuss the letter.

Some of Rea's peers think Fields has a point. Journalists are loath to criticize one another publicly, but some say privately that they believe Rea has gotten carried away with the Salvati story. They believe he went too far in pressing Martin's office on the Salvati motion for a new trial; that he should have revealed details unflattering to Salvati in his stories, such as his nickname and his job at the Coliseum; and that he should have stuck to reporting the story and not written the station's editorial on the subject.

For his part, Rea says he has "bent over backwards" to be fair.

Judge Banks' ruling came last month, and it was a painful blow to Rea and the Salvati forces. Not only did Banks not grant Salvati a new trial, but on virtually every issue under debate Banks ruled for the prosecution.

When Rea did his first Salvati story last May, he was convinced that Salvati would be free by now, and he is discouraged that Banks slapped the appeal aside so firmly. The reporter has high hopes that the state Supreme Judicial Court will overturn Banks.

Rea's faith in Salvati remains unshaken. In spite of the prosecution's case, in spite of Banks' ruling, Rea presses on.

It has become personal for him now. He talks about the case incessantly with those involved, with other reporters. People on the street ask him about it. He even talks about the case with his 6-year-old son, Daniel. Daniel, in fact, sent a card to Salvati around Thanksgiving and Salvati sent Daniel a Christmas card.

"My son gets it," says Rea. "My son knows Joe Barboza framed Joe Salvati. Daniel keeps saying to me, 'When's Joe Salvati going to get out of jail?' "

Graphic

PHOTO, 1. Globe staff photo/Joanne Rathe / Joe Salvati, left, has convinced reporter Dan Rea, right, of his innocence in a 1965 gangland murder. "We have a wonderful system of justice," says Rea, "but there are mistakes." 2. Globe staff photo/Joanne Rathe / Dan Rea, right, and Joe Salvati confer in the visitors' room at Bay State Correctional Institution. 3. Globe staff photo/Joanne Rathe / Joe Salvati, right, with lawyer Victor Garo, who says his client was framed to protect another man. 4. After Edward Deegan, above, was murdered in Chelsea in 1965, Joe Salvati was named as a getaway driver.

Load-Date: February 19, 1994



Dead Inmate Exonerated In a Murder

The New York Times

November 5, 2004 Friday

Late Edition - Final

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Section: Section A; Column 3; National Desk; Pg. 24

Length: 415 words

Byline: AP

Dateline: BOSTON, Nov. 4

Body

A man who died in prison after serving 30 years for a mob-related murder that the authorities now acknowledge he did not commit has been posthumously exonerated by prosecutors who say he was framed.

The man, Louis Greco, who died in prison in 1995, was set up by Joseph Barboza, a hit man who became a government witness, the Suffolk County district attorney's office said in a motion filed quietly in Suffolk Superior Court in September. Also in September, a judge ruled that a civil suit in the case could go forward. The dropping of charges was reported on Thursday by The Boston Herald.

The case was part of a series of embarrassing episodes involving the Boston office of the Federal Bureau of Investigation, whose relationship with mob informers has been the subject of a Congressional inquiry.

"It appears that justice may not have been done," Mark Lee, an assistant district attorney, said in the motion exonerating Mr. Greco. The motion also cites "legal and ethical considerations."

Mr. Greco always maintained he was in Florida on March 12, 1965, when Edward Deegan was gunned down in an alley. Mr. Greco was 78 when he died in a prison hospital of colon cancer and heart disease.

In 2000, a Justice Department task force uncovered secret F.B.I. memorandums showing that Mr. Greco and three co-defendants, Peter J. Limone, *Joseph Salvati* and Edward Tameleo, had been wrongly convicted based on perjured testimony.

The next year, a judge exonerated the surviving co-defendants, Mr. Limone, who spent 33 years in prison, and Mr. Salvati, behind bars for 30 years. Mr. Tameleo died in prison in 1985. The judge found that F.B.I. agents hid testimony that would have cleared the men because they wanted to protect Mr. Barboza, who became a witness in three mob trials.

Mr. Limone, Mr. Salvati and Mr. Greco's family sued the government for malicious prosecution, wrongful imprisonment and other claims.

Dead Inmate Exonerated In a Murder

In her Sept. 17 ruling allowing the suits to go forward, Judge Nancy Gertner of Federal District Court, rejected the government's argument that no laws allowed the men to sue at the time they went to prison. Congress did not vote to waive immunity to such claims until 1974.

Howard Friedman, a lawyer who represents Mr. Greco's son, Edward, told The Herald that the district attorney's decision to drop the charges would aid his lawsuit. "This was an innocent man who was framed," Mr. Friedman said, "and the most amazing part is the government knew it."

<http://www.nytimes.com>

Load-Date: November 5, 2004

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[Death And All His Friends](#)

The Hotline

October 6, 2009

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Length: 790 words

Body

AG Martha Coakley (D) "defended herself" 10/5 "from suggestions she is a flip-flopper after acknowledging she had changed her position on the death penalty." Coakley "said she no longer supports the death penalty for any reason, a change from her first race" for Middlesex DA.

What's The Score? Introducing the Dashboard: The Hotline's newest tool to help keep you on top of this cycle's hottest races for Senate, House and Governor. Want to get a quick snapshot of the race? The top of the page Dashboard keeps you up to date on the latest polls, Hotline rankings, ads and FEC data. Need more? Each page also contains every story, poll, and ad, in one convenient, and easy to navigate, place.

In '98, Coakley said she was "primarily anti-death penalty" but "favored it for the first-degree murder of a police officer, as well for a repeat murder in prison by a convicted first-degree murderer." Coakley: "I believe I was mistaken."

She said the case of [Joseph Salvati](#), "who spent nearly 40 years on death row for a murder he was found" in '01 to "not have committed, convinced her someone could be wrongly charged or prosecutors could commit misconduct denying them a fair trial" (Johnson, AP, 10/6).

Rep. Michael Capuano (D-08) "appears to be calculating that" Coakley's "shift on the issue could draw voters his way." Capuano: "This is one of the few issues she has a record on and I have a record on, and there are differences. I have opposed the death penalty my whole life." Capuano "drew the distinction in campaign literature sent to supporters" 9/18, in which he "touted himself" as "the only candidate who is against the death penalty."

But "that assertion is both misleading and outdated." Boston Celtics co-owner Stephen Pagliuca (D) and City Year co-founder Alan Khazei (D) "both say they oppose the death penalty," and in Coakley's case, Capuano's "literature does not reflect her current position" (Viser, Boston Globe, 10/6).

Coakley "brushed off" Capuano's suggestion. Coakley: "It doesn't aggravate me; it just shows that he's wrong, and so the record will correct itself." Capuano "himself was among an overwhelming majority" of reps. who voted in favor of an '01 bill authorizing the U.S. gov't "to execute terrorists who bomb public areas" or gov't buildings.

Coakley "said the death penalty is not a deterrent to murder and can be misapplied when emotions run high, positions she says she has held since at least" '02. She "noted she had received an award from an anti-death penalty group" in '08, "suggesting her change was no election-year conversion." Coakley: "I think that, for many reasons, the death penalty is a mistake, I do not believe in it and I do not have any exceptions to it" (AP, 10/6).

Death And All His Friends

Coakley's "stance on the death penalty" was an "issue" in '98, when NOW did not endorse her for D.A. "because of her death penalty stance at the time" (Boston Globe, 10/6).

I Guess You Could Call Her An Early Riser

On 10/15, Coakley "stood silently and smiled as workers" in the sec/state's office "tabbed through some of the" 17K "signatures she had submitted to become the first qualified candidate" for the Dem ballot.

Candidates "must collect at least" 10K "signatures from registered voters. Those names have to be submitted to local city and town clerks" by 10/20 for their certification, and then to the sec/state's office by 11/3. Coakley "has not only met the first deadline, but the second -- almost a month early. It was the latest sign of her political strength."

Coakley said she would not start TV ads this week, despite having raised over \$2M "during the first month of her campaign. Yet she didn't shy from poking at Capuano and Pagliuca, both of whom "have been bombarding the airwaves." Coakley: "I think people who are up on TV are doing that because they have to. I don't think we have to do that right now."

On the topic of Afghanistan, Coakley "said she is waiting" for Pres. Obama "to make a decision about committing more U.S. troops" to the country "before she declares her position on the war's future. So far she has supported the war, but she also has warned against another Vietnam-style quagmire."

Coakley: "Before we send women and men back to Afghanistan on a second, third, fourth, fifth tour of duty, then we better make sure we know what the mission is and that they're necessary. That is what the president will decide" (AP, 10/6).

When You Wish Upon A Czar

State Sen. Scott Brown (R) says Gov. Deval Patrick (D) "should fire his so-called 'stimulus czar' after" Rep. Jim Oberstar (D-MN) "complained" that MA "wasn't spending its federal funds quickly enough." Brown said in a statement that the czar, Jeffrey Simon, has "let down workers in a state with near-doble digit unemployment" (AP, 10/5).

Load-Date: October 6, 2009



[Death penalty debated in Statehouse, but passage is unlikely](#)

The Associated Press State & Local Wire

February 20, 2001, Tuesday, BC cycle

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Section: State and Regional

Length: 588 words

Byline: By JOHN McELHENNY, Associated Press Writer

Dateline: BOSTON

Body

Paris Carriger calls it simply "The Row," that line of 5-by-7-foot cells where he spent 20 years and 300 days waiting to die for a jewelry store murder he said he didn't commit.

At one point, he was within days of being executed. He was freed in 1999, only after a former friend, who was guilt-ridden, eventually admitted framing Carriger, he said.

On Tuesday, Carriger, 55, stood before a group of lawmakers in a "Death Penalty Survivor" sweat shirt and told them Massachusetts does not need the death penalty.

"None of the plans for capital punishment takes into account that people who show up for court lie," Carriger said. "You don't have a chance to correct those mistakes."

Massachusetts is one of only 12 states that does not allow the death penalty. In 1982, 54 percent of Massachusetts voters approved a death penalty ballot question, but the Supreme Judicial Court eventually overturned the law.

Proposals to reinstate it are traditionally among the most hotly debated of the Legislature's two-year session.

"I think it will deter a significant amount of heinous violent crimes," said Gov. Paul Cellucci, a death penalty supporter.

Cellucci's secretary of public safety, Jane Perlov, a New York City police officer for 18 years, said the murder rate fell when New York reintroduced the death penalty.

The shooting deaths of seven Edgewater Technology employees in Wakefield in December, and other violent incidents like it, highlighted the need for capital punishment, Perlov said.

But opponents say the death penalty does little to deter violent crime, unfairly targets poor and minority suspects, and relies on an imperfect judicial system to levy the absolute penalty: death.

Death penalty debated in Statehouse, but passage is unlikely

On Tuesday, several people mentioned the capital punishment experience in Illinois, where the death sentences of 13 inmates have been overturned since the state reinstated capital punishment in 1977.

In Massachusetts just last month, authorities dropped charges against two men convicted of an underworld murder in 1965. **Joseph Salvati**, 68, and Peter Limone, 66, both served more than 30 years before being cleared.

"When people inject doubt about whether innocent people can be convicted, I assure you they can," said Edward Hennessey, chief justice of the state's Supreme Judicial Court from 1977 and 1990.

Carriger, who was freed from prison in Arizona in 1999, now lives in Oklahoma, but he has also traveled to New Hampshire to tell his story and voice his opposition to the death penalty.

Perlov said advances in DNA testing have made wrongful convictions less likely than they used to be.

Death penalty supporters have repeatedly attempted to revive capital punishment in Massachusetts since the U.S. Supreme Court allowed its reinstatement in 1976.

In the 1990s, then-Gov. William Weld made the death penalty a priority, but failed to overcome opposition in the House.

In 1997, the gruesome kidnapping and slaying of 10-year-old Jeffrey Curley nearly created enough support for the death penalty, but it failed by a single vote in the House.

The death penalty is unlikely to pass in Massachusetts during the current two-year legislative session. At least 85 of the current 160 House members oppose the death penalty, according to a review of members by The Associated Press.

Asked on Tuesday if his death penalty bill was "dead on arrival," Cellucci said, "I think we've figured that out."

The other states without a death penalty are Alaska, Hawaii, Iowa, Maine, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia and Wisconsin.

Graphic

AP Photo

Load-Date: February 21, 2001



Death penalty used as wedge issue; Capuano hopes to lure voters from Coakley in Senate primary

The Boston Globe

October 6, 2009 Tuesday

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Section: NEWS; Metro; Pg. 1

Length: 1001 words

Byline: By Matt Viser, Globe Staff

Body

US Representative Michael E. Capuano, trying to differentiate himself from Attorney General Martha Coakley in the Senate race, is seizing on her past support of the death penalty in limited circumstances.

Until seven or eight years ago, Coakley supported capital punishment in two instances, including for those convicted of killing police officers. She said she shifted her position after becoming concerned about wrongful convictions and now opposes it in all cases.

But in a Democratic primary contest in which liberal voters could make a difference, Capuano appears to be calculating that her shift on the issue could draw voters his way.

"This is one of the few issues she has a record on and I have a record on, and there are differences," Capuano said in an interview yesterday. "I have opposed the death penalty my whole life."

The Somerville lawmaker drew the distinction in campaign literature sent to supporters Sept. 18. In the two-page letter, Capuano touted himself as "the only candidate who is against the death penalty."

That assertion is both misleading and outdated. Two other major Democratic candidates have since entered the race, Celtics co-owner Stephen Pagliuca and City Year cofounder Alan Khazei, and both say they oppose the death penalty.

In Coakley's case, Capuano's literature does not reflect her current position.

"For many reasons, the death penalty is a mistake," Coakley said yesterday, after turning in 17,000 certified signatures to the secretary of state, nearly twice the number needed to qualify for the ballot. "I do not believe in it, and I do not have any exceptions to it."

When asked about how his campaign could have asserted that he was the only candidate to oppose the death penalty, Capuano said, "I didn't know she was against it. I knew she was for it before she was against it."

Death penalty used as wedge issue; Capuano hopes to lure voters from Coakley in Senate primary

“Politically it's easier to be on both sides of the issue - tell the conservative people that you're for it and tell the more liberal people that you're against it,” Capuano added. “I tell everybody I'm against it. . . . Maybe she's been enlightened, and that's a good thing. I welcome her to the right side of the issue.”

Capuano's assertion has irritated some Coakley supporters.

“We want to work off the facts,” said state Representative Jennifer Benson, a Lunenburg Democrat who has endorsed Coakley. “She doesn't need to use political tactics. She can run on her record.”

Coakley said yesterday that Capuano's statement “doesn't aggravate me; it just shows that he's wrong.”

“And the record will correct itself,” she said, “but that's an issue that I've been clear on for a long time.”

Coakley's campaign pointed out that Capuano, despite his stated opposition to the death penalty, was among those US representatives in December 2001 who voted to authorize the United States to execute terrorists who bomb public areas or government buildings.

“I'm against the death penalty, but if we're going to have one, then there are few people more deserving of it than those who committed those particularly heinous crimes,” he told the Boston Herald at the time.

Capuano said yesterday that the legislation was much broader than just the death penalty issue and included stronger laws in terrorism cases. And while he opposed the death penalty provision, he said, he had to vote for the legislation as a whole, which he considered “95 percent good.”

The four Democratic candidates in the primary differ widely in style and background, but the field, with some distinctions, appears to be in agreement on many of the issues that could decide an election.

They all support same-sex marriage, abortion rights, and expanded health care coverage. Capuano insists that a public option be included. Pagliuca says he prefers it, but would support a proposal that does not include it.

When asked about Capuano's charge that she is not a liberal, Coakley said: “I don't know what he means when he says that; he certainly hasn't said why. I've been with him before where he's said we all pretty much believe the same thing and have the same philosophy. I think that's true. I think I'm a progressive candidate.”

Coakley has front-runner status in the race, with public polling showing her with a comfortable lead. Last week, she reported raising \$2.1 million in one month.

Still, she said yesterday that she was not going to start buying television ads, as Capuano and Pagliuca have, until later in the race.

“I think people who are up on TV are doing that because they have to,” Coakley said. “I don't think we need to do that right now.”

Coakley's stance on the death penalty has been a campaign issue in the past.

In 1998, the National Organization for Women did not endorse Coakley in her race for Middlesex County district attorney because of her death penalty stance at the time. She supported the death penalty in cases in which a police officer was killed or when murder was committed by someone already serving a life sentence.

“I have since changed my mind on that,” Coakley said yesterday, adding, “I believe I was mistaken.”

She said she changed her mind sometime in 2001 or 2002, in large part because of the case of ***Joseph Salvati***, in which he and three others were wrongly convicted of murder in a 1965 homicide. In July 2007, US District Court Judge Nancy Gertner ruled that the FBI deliberately withheld evidence that could have exonerated them and ordered the government to pay the men or their estates \$101.7 million collectively.

Death penalty used as wedge issue; Capuano hopes to lure voters from Coakley in Senate primary

"I have been convinced that the issue of a mistake or prosecutorial misconduct, even though it may be small, is enough of a factor that there are no circumstances under which we should permit a death penalty," Coakley said yesterday.

In October 2008, she was honored by the Massachusetts Citizens Against the Death Penalty, which was founded in 1928 after the executions of Nicola Sacco and Bartolomeo Vanzetti and is the oldest death penalty abolition organization in the country.

Matt Viser can be reached at mviser@globe.com

Load-Date: October 6, 2009

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DEEGAN DEFENDANT FREED AFTER 34 YEARS

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The Boston Globe

December 20, 2001, Thursday

,THIRD EDITION

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Section: METRO/REGION;

Length: 595 words

Byline: By John Ellement, and Kathleen Burge, Globe Staff

Body

The only man to admit he helped murder Edward "Teddy" Deegan in a Chelsea alley 36 years ago saw his convictions wiped out yesterday by Suffolk prosecutors, who decided recently discovered evidence of FBI misconduct denied Wilfred Roy French a fair trial.

French, who has spent 34 years in prison, was one of six men convicted in the 1960s of killing Deegan in a gangland execution. Yesterday, he was the last to be freed when he walked out of the Suffolk Superior Courthouse into the embrace of his two daughters.

Flanked by his attorneys, Philip A. Tracy and Paul Prew, French declined to talk about the dramatic change in his life, which likely would have ended behind bars if Suffolk District Attorney Ralph C. Martin II's office had not decided to cancel a retrial of French for his role in Deegan's death.

"Merry Christmas," is all French would say to reporters.

Two of his codefendants, Peter J. Limone and ***Joseph Salvati***, who long insisted on their innocence, had their convictions wiped off the books earlier this year after a judge found that FBI agents did not hand over exculpatory evidence to their lawyers. The three other defendants are dead.

The FBI documents were found by a special Justice Department task force assigned to investigate the relationship of FBI agents in the Boston office with South Boston gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. Federal authorities have admitted the two were longtime FBI informants, and they are under indictment for at least a dozen murders and other crimes during the same period.

The reports suggest the FBI knew in advance that Deegan had been targeted for murder by organized crime figures, but that agents did not stop it. They also indicate that agents withheld information that would have undermined the credibility of the star prosecution witness, Joseph Barboza, a hit man and loan shark who implicated all six men.

DEEGAN DEFENDANT FREED AFTER 34 YEARS

Assistant District Attorney Mark T. Lee said that while the FBI reports strongly indicated Limone and Salvati were not involved in Deegan's murder, they did not absolve French.

"It has always been our view that he was one of the shooters," Lee said of French. Deegan was shot by three different weapons. "And that hasn't changed," he said.

In a 1983 affidavit, French said that the five other men were not "involved with me directly or indirectly in the shooting death of Teddy Deegan."

Lee said Martin's office decided to effectively wipe off French's accessory-to-murder convictions from his criminal record because the revelations in the FBI reports seriously undermine their ability to retry French, especially since Barboza is dead. French's attorneys were seeking a new trial based on the FBI reports.

Lee also said prosecutors had an ethical obligation to consider whether the original jury would have acquitted French if they had heard the FBI information that undercut Barboza's credibility on the witness stand. "It's quite possible they would have returned a different verdict if that information was available," Lee said.

Finally, Lee noted that French's 34 years in prison have been a longer term than some people convicted of second-degree murder have been incarcerated. "He has served a significant amount of time . . . and, arguably, he had paid his debt to society," Lee said.

Suffolk Superior Court Judge Margaret Hinkle, who also presided over the release of Limone, applauded Martin's office for concluding the Deegan murder case, now tainted by allegations of FBI misconduct.

"This is a courageous step for the office to take," Hinkle said from the bench.

Load-Date: December 20, 2001



DELAHUNT CRITICIZES MOVE TO HALT LAWSUITS FEB. RULING EXPECTED IN CASES AGAINST FBI

The Boston Globe

January 24, 2004, Saturday

THIRD EDITION

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Section: METRO/REGION;

Length: 412 words

Byline: By Shelley Murphy, Globe Staff

Body

Representative William D. Delahunt, Democrat of Quincy, chastised Justice Department lawyers yesterday for urging a judge to dismiss lawsuits against the government filed by four men who were wrongly convicted of murder in 1968 and allege the FBI withheld evidence that may have helped them prove their innocence.

"These are arcane legal arguments," said Delahunt, after listening to government lawyers argue that the Federal Tort Claims Act prevents the government from being sued for malicious prosecutions that happened prior to March 1974, when the federal law was revised.

"I think common sense dictates that there has been a grave injustice done," said Delahunt, adding that if the government isn't held accountable for abuse of power, then it will leave the impression that corrupt agents have "nothing to lose" by their actions.

US District Judge Nancy Gertner said yesterday that she'll rule by the end of February on the government's motion to dismiss the lawsuits filed against the US government by **Joseph Salvati**, Peter Limone, and the families of Henry Tameleo and Louis Greco, who both died in prison.

The suits allege that the men were framed for the 1965 murder of small-time hoodlum Edward "Teddy" Deegan by mob hitman Joseph "Baron" Barboza, who was recruited by the FBI as a witness against local Mafia leaders.

The convictions against Salvati and Limone were overturned in 2001 after long-secret FBI documents were made public, indicating that Barboza framed the men and protected the identity of one of the real killers, Vincent "James" Flemmi, who was an FBI informant. By then, Limone had served 33 years in prison, and Salvati, whose sentence had been commuted in 1997, had served 30 years in prison.

Delahunt listened to Salvati testify about his ordeal during hearings held by the House Committee on Government Reform, which launched an investigation more than two years ago into the FBI's handling of informants, particularly in Boston.

DELAHUNT CRITICIZES MOVE TO HALT LAWSUITS FEB. RULING EXPECTED IN CASES AGAINST FBI

Recently the House Judiciary Committee, of which Delahunt is a member, started a similar investigation. Delahunt said yesterday that he'll ask the committee to review the Federal Tort Claims Act to determine whether it should be amended to make sure that all victims of alleged government misconduct can sue for damages in federal court.

"The act should serve as a deterrent to misconduct and to redress grievances and provide justice to those who have been abused by the misuse of power by the government," he said.

Load-Date: January 26, 2004

End of Document



[Delahunt sits in on hearings](#)

The Patriot Ledger (Quincy, MA)

May 4, 2001 Friday

ROP Edition

Copyright 2001 The Patriot Ledger

Section: NEWS,

Length: 425 words

Byline: Douglas Kiker

Body

Ex-Norfolk prosecutor

dismayed by testimony

Douglas Kiker

For The Patriot Ledger

WASHINGTON - U.S. Rep. Bill Delahunt, D-Quincy, said yesterday that the wrongful 1968 murder conviction of **Joseph Salvati** has "opened many, many eyes" to possible criminal misconduct by federal agents in New England in the 1960s.

Delahunt and other members of Congress heard testimony from Salvati, who spent more than 30 years in prison for the 1965 murder of Teddy Deegan, an alleged victim of organized crime.

Salvati and his attorney say misconduct by the FBI, including Boston-based agents H. Paul Rico and Dennis Condon, led to his conviction.

In 1997, Salvati was released on parole by Massachusetts authorities, and he fought for almost four years to clear his record.

In January, Middlesex Superior Court Judge Margaret Hinkle dropped all charges against Salvati after ruling that Rico and Condon withheld crucial evidence in the case that would have helped his defense.

The House Government Reform Committee, chaired by Rep. Dan Burton of Indiana, is investigating whether the FBI conspired to keep Salvati in prison to protect the identity of some confidential informants, including the man whose testimony led to Salvati's conviction.

Documents released by the FBI last year suggested that the FBI's chief witness at Salvati's 1968 trial, Joseph Barboza, framed Salvati and others.

Delahunt sits in on hearings

The same documents also indicate that agents were told about the plot to murder Deegan days before it happened and apparently did nothing to stop it.

Although not members of the investigating committee, Delahunt and fellow Massachusetts lawmakers Marty Meehan and Barney Frank were invited to participate by Burton.

Yesterday's hearing included emotional testimony by Salvati and his wife recalling the 30 years he spent in prison, which Delahunt said highlighted the allegations against the FBI.

"One could only begin to feel the pain, the tears, the anguish, that family suffered," Delahunt said. "It was a poignant recitation of a life they did not deserve."

As a Norfolk County prosecutor for 21 years, Delahunt said he was especially disappointed in the allegations made against federal law enforcement officials.

"Is this what justice is about in America? No," he said. Delahunt, a member of the House Judiciary Committee, said yesterday's hearing would not be the end of congressional inquiries in the case.

"This is the first phase of what could be a lengthy investigation, not just by one congressional committee, but by several," Delahunt said.

Load-Date: May 13, 2002



DELAYED JUSTICE

Saint Paul Pioneer Press (Minnesota)
January 22, 2001 Monday CITY EDITION

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Section: EXPRESS; Pg. 1D

Length: 349 words

Byline: Compiled from wire reports by Matt Peiken, staff writer

Body

Time doesn't heal all wounds, but it can clear a name.

A youth suspected of killing two women before committing suicide has been cleared of the crime - more than 60 years later. In 1940, Leonard "Powder" Brown was found dead along with two middle-aged sisters in a sprawling mansion in Oliver Springs, Tenn. Now police say the black youth, who was 16 at the time, was framed and that the case was really a triple homicide.

"I am 100 percent sure that Powder Brown was a victim and did not commit suicide," Police Chief Paul Ray Massengill said.

The sheriff at the time had alleged Brown, who had done chores for Ann and Margaret Richards, stole an antique revolver from a neighbor's house and shot the sisters to death before turning the gun on himself. A coroner's jury later ruled the teen hadn't killed the women, but Smith stuck to his theory, and Brown remained the official culprit for more than six decades. The case was reopened this past November after an unidentified witness told a Knoxville radio station he had new information about the case.

Massengill doesn't believe the real culprit or culprits are still alive, but said solving the case will "bring closure" to Oliver Springs.

Last week in Cambridge, Mass., a judge threw out the conviction of a man who served 30 years in prison for a 1965 underworld murder he said he didn't commit. Superior Court Judge Margaret Hinkle said new evidence has raised doubts about the conduct of the FBI and fairness of the trial that convicted **Joseph Salvati**, now 68.

"The conduct of certain agents of the bureau stains the legacy of the FBI," Hinkle said.

It was the second time Hinkle has thrown out a conviction in the murder of Edward "Teddy" Deegan. Two weeks ago, Hinkle dismissed the conviction of 66-year-old Peter Limone. Salvati and Limone were among six men found guilty of Deegan's slaying.

DELAYED JUSTICE

The reports show that informants told FBI agents of plans for the slaying beforehand and gave the agents a list of those involved. Neither Limone nor Salvati was on the list - nor were two of the other four men convicted. The other two died in prison.

Load-Date: November 1, 2001

End of Document

Delay, not reprieve: FBI foul-up will delay McVeigh's execution -- experts



[Delay, not reprieve: FBI foul-up will delay McVeigh's execution -- experts](#)

The Halifax Daily News (Nova Scotia)

May 11, 2001 Friday DAILY Edition

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Section: News; Pg. 15

Length: 497 words

Dateline: WASHINGTON

Body

WASHINGTON (AP) -- The latest in a string of FBI miscues likely will force a judge to delay convicted Oklahoma City bomber Timothy McVeigh's execution, but there is little chance of reversing his conviction legal experts said yesterday.

"Any responsible judge in a case like this, the first instinct is really to put a stay on the execution," said Michael Gerhardt, a professor of law at the College of William and Mary.

Gerhardt said any delay in the first use of the U.S. federal death penalty since 1963 would be used to let the court "make sure that whatever's there isn't something that would have prejudiced his defence if he didn't have it. As they always say: 'Death is different.'"

AP

But because McVeigh has openly admitted his role in the 1995 bombing that killed 168 at the Alfred P. Murrah Federal Building, the likelihood of reversal of his conviction is low, the experts said.

"McVeigh has never contested that he did this," said Daniel Polsby, a George Mason University criminal law professor.

"This is just a matter of procedure and delay."

The FBI's belated discovery that boxes of evidence from the case were withheld from McVeigh's defence during the trial nonetheless represents another big setback for the premier U.S. law-enforcement agency, which last week lost its leader of the last eight years -- Louis Freeh.

The Justice Department inspector-general and an expert panel led by former FBI and CIA director William Webster are looking into FBI security procedures after revelations senior counter-intelligence agent Robert Hanssen may have spied for Moscow undetected for 15 years. Hanssen has pleaded not guilty.

Congress just finished hearings into another embarrassing case in which a Boston man, ***Joseph Salvati***, spent 30 years in prison for a murder he did not commit, even though the FBI had evidence all that time of his innocence.

Man freed

Delay, not reprieve: FBI foul-up will delay McVeigh's execution -- experts

A judge freed Salvati recently after concluding FBI agents hid testimony that would have proven Salvati and others innocent in order to protect an informant.

The bureau also faced sharp questioning after revelations it focused too narrowly on Los Alamos nuclear lab scientist Wen Ho Lee, suspecting he was a Chinese spy only to conclude he had not given nuclear secrets to China. Years of investigation had to be re-evaluated to identify new suspects and a judge admonished the government for keeping Lee in solitary confinement for nine months.

And Freeh endured very public differences with former U.S. attorney general Janet Reno over the government's investigation of the Democrats' fundraising during the 1996 presidential election. Freeh insisted Reno should have asked for an outside counsel to investigate the allegations but she declined to do so.

Freeh resigned last week but a law-enforcement official said the discovery of the documents came after his announcement.

"There's no connection between the two," said the official, speaking only on grounds of anonymity.

Graphic

The execution room at the U.S. Penitentiary in Terre Haute, Ind., where Timothy McVeigh is scheduled to die.

Load-Date: March 27, 2002



[Democrat Coakley concedes death penalty change](#)

The Associated Press State & Local Wire

October 5, 2009 Monday 10:05 PM GMT

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Section: STATE AND REGIONAL

Length: 644 words

Byline: By GLEN JOHNSON, AP Political Writer

Dateline: BOSTON

Body

Democrat Martha Coakley, vying to succeed famed liberal Edward M. Kennedy in the U.S. Senate, defended herself Monday from suggestions she is a flip-flopper after acknowledging she had changed her position on the death penalty.

Coakley, the state's attorney general, said she no longer supports the death penalty for any reason, a change from her first race for Middlesex district attorney.

In 1998, Coakley said she was "primarily anti-death penalty" but favored it for the first-degree murder of a police officer, as well for a repeat murder in prison by a convicted first-degree murderer.

"I believe I was mistaken," Coakley, now the state's chief law enforcement officer, told reporters.

She said the case of [Joseph Salvati](#), who spent nearly 40 years on death row for a murder he was found in 2001 to not have committed, convinced her someone could be wrongly charged or prosecutors could commit misconduct denying them a fair trial.

She brushed off the suggestion made by one of her opponents, U.S. Rep. Michael Capuano, who describes himself in television advertising as a Kennedy progressive and the only Democratic candidate who opposes the death penalty.

"It doesn't aggravate me; it just shows that he's wrong, and so the record will correct itself," Coakley said.

Capuano himself was among an overwhelming majority of congressmen who voted in favor of a 2001 bill authorizing the U.S. government to execute terrorists who bomb public areas or government buildings.

Coakley said the death penalty is not a deterrent to murder and can be misapplied when emotions run high, positions she says she has held since at least 2002. She noted she had received an award from an anti-death penalty group in 2008, suggesting her change was no election-year conversion.

Democrat Coakley concedes death penalty change

"I think that, for many reasons, the death penalty is a mistake, I do not believe in it and I do not have any exceptions to it," she said.

On another topic, Coakley said she is waiting for President Barack Obama to make a decision about committing more U.S. troops to Afghanistan, and either expanding or narrowing their mission, before she declares her position on the war's future.

So far she has supported the war, but she also has warned against another Vietnam-style quagmire.

"Before we send women and men back to Afghanistan on a second, third, fourth, fifth tour of duty, then we better make sure we know what the mission is and that they're necessary," she said. "That is what the president will decide."

Both Coakley and Capuano are vying to succeed Kennedy, who died Aug. 25 of brain cancer. The Democratic and Republican primaries are Dec. 8, and the special election is Jan. 19.

Besides Coakley and Capuano, other Democrats running for the seat include City Year founder Alan Khazei and Boston Celtics co-owner Stephen Pagliuca.

Republican candidates include Sen. Scott Brown of Wrentham and Canton Selectman Bob Burr.

On Monday, Coakley stood silently and smiled as workers in the secretary of state's office tabbed through some of the 17,000 signatures she had submitted to become the first qualified candidate for the Democratic ballot.

Candidates must collect at least 10,000 signatures from registered voters. Those names have to be submitted to local city and town clerks by Oct. 20 for their certification, and then to the office of Secretary of State William F. Galvin by Nov. 3.

Coakley has not only met the first deadline, but the second almost a month early. It was the latest sign of her political strength.

The attorney general said she would not start television advertising this week, despite having raised over \$2 million during the first month of her campaign. Yet she didn't shy from poking at both Pagliuca and Capuano, who have been bombarding the airwaves.

"I think people who are up on TV are doing that because they have to. I don't think we have to do that right now," Coakley said.

Load-Date: October 6, 2009

Did FBI get help 'flipping' Mob killer Barboza?



[Did FBI get help 'flipping' Mob killer Barboza?](#)

The Boston Herald

August 5, 1997 Tuesday

ALL EDITIONS

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Section: NEWS;**Length:** 1010 words**Byline:** By RALPH RANALLI

Body

Part two of a two-part series

Former FBI Agent H. Paul Rico flipped Mob "rat" Joseph "The Animal" Barboza, one of Massachusetts' most prolific killers and most legendary Mafia turncoats, in 1967, but did he rely on more than just his legendary charm?

Intriguing questions have been raised by recent revelations at hearings and in court papers in the swirling controversy about the FBI's decades-long relationship with wiseguys Stephen "The Rifleman" Flemmi and James "Whitey" Bulger.

One of the most burning questions - suggested by the FBI's acknowledgement its recruitment of Flemmi predates its relationship with Barboza - is this: Did Flemmi aid Rico in wooing the Bay State's most prolific killer as a snitch?

That question may be answered at pre-trial hearings scheduled later this month when Rico and other FBI agents and former federal prosecutors will be called as witnesses. U.S. District Court Judge Mark L. Wolf ordered the hearings, as part of the racketeering case against New England Mob boss Francis P. "Cadillac Frank" Salemme, to find whether any laws or policies were violated in the FBI's use of informants and wiretaps.

The Herald reported yesterday that Rico and partner Dennis Condon were the architects of the FBI's controversial relationships with Flemmi, 63, and Bulger, 67. The question of whether Flemmi recruited Bulger has actually been prompted by the confluence of several facts.

First came the revelation that Flemmi began providing information to Rico and Condon as early as 1964 - three years before Barboza flipped. Second, it was revealed in open court this summer that Bulger and Flemmi helped the FBI recruit a "made" Mob soldier, Angelo "Sonny" Mercurio, as an informant. Mercurio helped the FBI accomplish its landmark bugging of a 1989 Mafia induction ceremony in Medford.

Interested observers have put those revelations together with the fact that Flemmi's older brother, Vincent J. "Jimmy the Bear" Flemmi was Barboza's closest friend, to raise the question.

"It's definitely something we'd like to find out," one longtime courthouse observer said.

Did FBI get help 'flipping' Mob killer Barboza?

Before Bulger and Flemmi were unmasked, Barboza - who admitted killing at least 26 people - was the FBI's most controversial and celebrated underworld turncoat.

Though Barboza was murdered in 1976, the FBI is still facing questions about its relationship with "The Animal." For example, North End native Joseph Salvati - who for 30 years claimed that he was convicted on false testimony from the New Bedford hit man-turned-FBI informant - had his life sentence commuted in February by former Gov. William F. Weld.

Flemmi and Barboza had two important men in common: FBI Special Agent Rico and Flemmi's older brother. Barboza, in his self-titled autobiography, called "Jimmy the Bear" Flemmi his closest friend. Law enforcement and underworld sources also list the elder Flemmi as a driver and gunman for the notorious killer from New Bedford.

Court documents also suggest that Barboza's testimony in the Salvati case may have benefited the Flemmi brothers, and that when he later tried to recant, he was "coerced" into sticking to the story by his federal handlers.

The story of Barboza's alleged attempt to recant is contained in a sworn affidavit filed by prominent attorney F. Lee Bailey of Boston. The affidavit, sworn out four years after Barboza's death in 1976, states that Bailey was contacted in July 1970 and told that Barboza wanted to "set the record straight as to certain perjured testimony he had given in State and Federal courts."

Barboza said it was actually himself and three associates - Roy French, Ronald Cassesso and another man (who was not identified by Bailey) - who killed Edward "Teddy" Deegan in 1965 during the Irish gang war. Sources familiar with the case believe the unidentified man was "Jimmy The Bear" Flemmi.

Barboza wanted to recant his testimony in the Deegan murder, in which he had implicated six men: Salvati, French, Cassesso, Henry Tameleo, Peter Limone and Louis Greco.

The affidavit states that Barboza admitted he falsely implicated Mobsters Tameleo and Limone because the federal authorities insisted he implicate "someone of importance."

Bailey also said Barboza was leery about the severe legal consequences of recanting and feared going back to prison.

"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 at Walpole, as he feared," Bailey wrote. Barboza's fear of being sent to Walpole was soon realized less than a month later, when his parole was revoked after a gun possession arrest in New Bedford.

"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 terminated his efforts to recant his testimony," Bailey wrote.

Bailey said yesterday that he still firmly believes that Barboza was telling the truth when he tried to recant - and that federal authorities "coerced" him into changing his mind. "I am satisfied of that beyond a doubt," Bailey said.

If federal authorities promised to stick by Barboza, Rico and Condon made good on it. They came to Barboza's rescue months later when he was charged with the first-degree murder of an associate in Santa Rosa, Calif.

Barboza claimed self-defense, even though the associate, Clayton Wilson, was shot twice in the head from behind.

Rico and Condon flew West to California to testify on Barboza's behalf. Barboza pleaded guilty to second-degree murder, but after Rico and Condon's intercession, received a sentence of 5 years to life. He served 4 years.

Photo Caption: AS THE MOB TURNS: Questions remain whether, in their efforts to recruit Mobster Joseph 'The Animal' Barboza, left, the FBI was helped by wiseguy Stephen 'The Rifleman' Flemmi, a prized informant. Flemmi may have used Barboza's friendship with Flemmi's older brother, Vincent J. 'Jimmy the Bear' Flemmi, right, to help 'flip' Barboza. Herald file photos

Did FBI get help 'flipping' Mob killer Barboza?

Load-Date: August 5, 1997

End of Document



Digging in; Committee subpoenas Hub FBI office memos

The Boston Herald
September 7, 2001 Friday
ALL EDITIONS

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Section: NEWS;

Length: 725 words

Byline: By J.M. LAWRENCE

Body

A House committee vowing to unravel "one of the greatest failures of federal law enforcement" in American history issued a sweeping subpoena yesterday for decades worth of FBI memos that might explain why the Bulger gang was not prosecuted until 1995.

"We need these documents to find out what happened in Boston," said James Wilson, chief legal counsel for the House Government Reform Committee.

But the Department of Justice has already refused to hand over the "deliberative documents" under a new blanket policy against sharing with Congress internal paperwork related to any criminal investigation.

Attorney General John Ashcroft is slated to go before the committee Thursday to defend the policy begun by the Bush administration.

Massachusetts Congressman William Delahunt (D-Quincy), who has been asked by reform committee Chairman Dan Burton (R-Indiana) to assist with the probe, said citizens deserve to know how federal agents decided to forge notorious alliances with hit men and gangsters.

"Now it can be told," Delahunt said yesterday. "We need to know why these decisions were made and how they were made."

Members plan to hold a round of hearings later this month on allegations that FBI agents and the Massachusetts U.S. Attorney's Office helped Boston hit man Joseph Barboza avoid the death penalty in California in 1971.

Yesterday, the committee disclosed that its sources say Theodore Sharliss, a Lynn ex-con and former pal of Barboza's who helped set up his assassination in San Francisco in 1976, was himself an FBI informant.

Sixteen years later, Sharliss implicated hit man J.R. Russo as the triggerman who shot Barboza, 43, who died in a hail of bullets after having lunch with Sharliss.

Digging in; Committee subpoenas Hub FBI office memos

Government deliberations about Sharliss, who entered the witness protection program, "may also shed light on whether the federal government was aware that Barboza was to be killed prior to the murder taking place, and whether they were aware that their own informant was plotting to set Barboza up," the committee said in a statement.

In a detailed list of reasons for hunting down documents related to federal informants and the New England Mafia, the committee raises a litany of questions covering four decades of Hub federal law enforcement.

** On James "Whitey" Bulger, who is under indictment for 19 murders, the committee asks, "Notwithstanding extensive evidence readily available to federal law enforcement authorities, why was Bulger not prosecuted for his many crimes prior to 1995?"

The committee asks the same question of Stephen "The Rifleman" Flemmi, who faces trial next year on 10 counts of murder, but the committee statement credits him with "perhaps well over 20" murders.

** On indicted ex-FBI agent and Bulger handler John Connolly, the committee wants to know if Justice Department officials considered indicting him before 1999.

** On former FBI supervisor John Morris who admitted taking money from the Bulger gang, "Did the Justice Department consider indicting him and, if so, why did it refrain from indicting him?"

** On Barboza, the committee wants to know why the government helped defend the hit man in Santa Rosa where he killed a man while in the witness protection program, and why the FBI supported his false testimony in Boston in the 1965 Edward "Teddy" Deegan murder case that sent four innocent men to prison.

** On hit man Jimmy "The Bear" Flemmi, the committee recounts previously released FBI memos showing the government knew he had killed several men, including Deegan, but did not prosecute him.

"Why was Flemmi not prosecuted, and why did the FBI allow Joseph Salvati to spend 30 years in prison for a crime that was committed by two - and possibly three - of their informants?" the committee asks.

** On former FBI agent H. Paul Rico, who handled Barboza, the committee wonders if DOJ ever considered action against Rico when a Rhode Island judge ruled he suborned perjury in another murder case.

** On former New England Godfather Raymond Patriarca, the committee questions whether officials in DOJ knew about an illegal bug placed in Mafia headquarters in the early 1960s.

** On Mob boss Frank Salemme, the committee wants to know why Salemme was prosecuted for the 1968 bombing of Hub attorney John Fitzgerald's car but his partner Stephen Flemmi was not.

Load-Date: September 7, 2001



District attorney's office drops charges against posthumously

The Associated Press State & Local Wire

November 4, 2004, Thursday, BC cycle

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Section: State and Regional

Length: 485 words

Dateline: BOSTON

Body

Louis Greco died in prison after serving 30 years for a murder he always said he didn't commit. Now, the Suffolk district attorney's office has posthumously dropped all the charges against him, finally acknowledging that Greco was framed.

In a motion quietly filed in Suffolk Superior Court in September, the district attorney's office cited recently uncovered secret FBI memos showing that Greco was set up by mob hitman-turned-government witness Joseph Barboza.

The case was part of a series of embarrassing episodes involving the Boston office of the FBI, which has been the subject of a congressional probe into the agency's corrupt relationship with its mob informants.

"It appears that justice may not have been done," Assistant District Attorney Mark Lee said in the motion exonerating Greco. The motion also cites "legal and ethical considerations raised by the newly discovered FBI documents, as well as principles of consistency and fundamental fairness."

Greco always maintained he was in Florida on March 12, 1965, when Edward "Teddy" Deegan was gunned down in a Chelsea alley. Greco passed three polygraphs and won two commutations that were never acted on by former governors.

Greco was 78 when he died in a prison hospital in 1995 from colon cancer and heart disease.

In 2001, a judge exonerated his co-defendants: Peter J. Limone, who spent 33 years in prison, and **Joseph Salvati**, behind bars for 30 years. Another, Edward Tameleo, died in prison in 1985. Limone and Tameleo were top lieutenants to New England godfather Raymond L.S. Patriarca.

The judge found that FBI agents hid testimony that would have cleared the men because they wanted to protect their informant, Barboza, who later became a star witness in three Mafia trials. FBI memos from the era show that agents knew Barboza and others were responsible for Deegan's murder. Barboza was later allowed to relocate and change his name.

Former Boston mobster "Cadillac" Frank Salemme told congressional investigators he met with former FBI Agent Dennis Condon after Greco's conviction, and the agent laughed about helping to frame Greco.

District attorney's office drops charges against posthumously

Limone, Salvati and Greco's family sued the federal government for malicious prosecution, wrongful imprisonment and other claims. In September, a federal judge ruled that the lawsuits can go forward.

In her ruling, U.S. District Judge Nancy Gertner rejected the government's argument that there were no laws allowing the men to sue at the time they went to prison for Deegan's murder. Congress didn't vote to waive immunity to such claims until 1974.

Attorney Howard Friedman, who represents Greco's son, Edward, told the Boston Herald that the district attorney's decision to drop the charges will aid his lawsuit.

"He knew his father didn't do it," Friedman said. "This was an innocent man who was framed, and the most amazing part is the government knew it."

Load-Date: November 5, 2004

End of Document



[District attorney's office drops charges posthumously in frame-up related to New England mob](#)

The Associated Press

November 4, 2004, Thursday, BC cycle

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Section: Domestic News

Length: 415 words

Dateline: BOSTON

Body

Charges were dropped posthumously against a man who died in prison after serving 30 years for a mob-related murder that authorities now acknowledge he didn't commit.

In a motion quietly filed in Suffolk Superior Court in September, the Suffolk County district attorney's office cited FBI memos showing that Louis Greco, who died in prison in 1995, was set up by mob hitman-turned-government witness Joseph Barboza. Also in September, a judge ruled that a civil suit in the case could go forward.

The case was part of a series of embarrassing episodes involving the Boston office of the FBI, which has been the subject of a congressional probe into the agency's corrupt relationship with its mob informants.

"It appears that justice may not have been done," Assistant District Attorney Mark Lee said in the motion exonerating Greco. The motion also cites "legal and ethical considerations raised by the newly discovered FBI documents, as well as principles of consistency and fundamental fairness."

Greco always maintained he was in Florida on March 12, 1965, when Edward Deegan was gunned down in an alley. He was 78 when he died in a prison hospital of colon cancer and heart disease.

In 2000, a Justice Department task force uncovered secret FBI memos showing Greco and three co-defendants, Peter J. Limone, **Joseph Salvati** and Edward Tameleo, had been wrongly convicted based on perjured testimony.

The following year, a judge exonerated the surviving co-defendants, Limone, who spent 33 years in prison, and Salvati, behind bars for 30 years. Tameleo had died in prison in 1985. The judge found that FBI agents hid testimony that would have cleared the men because they wanted to protect their informant, Barboza, who later became a star witness in three Mafia trials.

Limone, Salvati and Greco's family sued the federal government for malicious prosecution, wrongful imprisonment and other claims.

District attorney's office drops charges posthumously in frame-up related to New England mob

In her Sept. 17 ruling allowing the suits to go forward, U.S. District Judge Nancy Gertner rejected the government's argument that there were no laws allowing the men to sue at the time they went to prison in Deegan's murder. Congress didn't vote to waive immunity to such claims until 1974

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Load-Date: November 5, 2004

End of Document



[District attorney's office drops charges posthumously in frame-up related to New England mob](#)

Associated Press International

November 4, 2004 Thursday

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Section: INTERNATIONAL NEWS

Length: 408 words

Dateline: BOSTON

Body

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The case was part of a series of embarrassing episodes involving the Boston office of the FBI, which has been the subject of a congressional probe into the agency's corrupt relationship with its mob informants.

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Limone, Salvati and Greco's family sued the federal government for malicious prosecution, wrongful imprisonment and other claims.

District attorney's office drops charges posthumously in frame-up related to New England mob

In her Sept. 17 ruling allowing the suits to go forward, Judge Nancy Gertner rejected the government's argument that there were no laws allowing the men to sue at the time they went to prison in Deegan's murder. Congress didn't vote to waive immunity to such claims until 1974.

Attorney Howard Friedman, who represents Greco's son, Edward, told the Boston Herald that the district attorney's decision to drop the charges will aid his lawsuit.

"He knew his father didn't do it," Friedman said. "This was an innocent man who was framed, and the most amazing part is the government knew it."

Load-Date: November 5, 2004

End of Document



Divine right

Arizona Daily Star (Tucson)

January 29, 2002 Tuesday

Final Edition

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Section: EDITORIALS; Pg. B4

Length: 728 words

Byline: ARIZONA DAILY STAR

Body

In the mid-17th century Thomas Hobbes declared monarchy the most efficient method of governing a state. More than a century later, American colonists would reject this notion completely, dividing power three ways among the judicial, legislative and executive branches. While the executive, in theory, shares power with the other two, it has from time to time sought the rights of a monarch. This most notably has been manifest in the president's claim of executive privilege. Following in the dubious tradition of the administrations of Richard Nixon and Bill Clinton, President Bush has invoked executive privilege in refusing to divulge information concerning the FBI's anti-mob activities in New England and with whom Vice President Richard Cheney met in formulating the national energy policy.

Cheney emerged last weekend from his secret vice presidential bunker to make the rounds of political talk shows. "What I object to," he said on Fox News Sunday, "and what the president objected to, and what we have told the GAO (General Accounting Office) we won't do, is make it impossible for me or future vice presidents to ever have a conversation in confidence with anyone without having, ultimately, to tell a member of Congress what we talked about and what was said."

The issue is not, however, confidentiality. At issue is the Enron collapse and Enron's influence on formulating the national energy policy. It is one thing to assert privilege when there is no aura of wrongdoing. But to assert this alleged privilege in the Enron context is outrageous.

Even more outrageous is the administration's assertion of executive privilege in refusing to release documents to a congressional committee investigating heinous wrongs committed by FBI agents. The House Government Reform Committee, headed by Indiana Republican Dan Burton, subpoenaed documents relating to the FBI's use of informants in investigations into organized crime in New England. The committee is also investigating the role of long-time FBI Director J. Edgar Hoover in the wrongful imprisonment of **Joseph Salvati**. Burton said Sunday in a segment on "60 Minutes" that Hoover knew of Salvati's innocence, but kept quiet to protect a mobster source. Salvati spent 32 years in prison for a crime he did not commit.

Divine right

Last December, Burton was so enraged by the executive privilege order that he told Justice Department lawyers: "We've got a dictatorial president and a Justice Department that does not want Congress involved. Your guy's acting like he's king."

In 1974, Richard Nixon also invoked the kingly executive privilege that he did not have to release tapes of White House conversations. Those tapes would eventually show that would-be King Richard had indeed conspired to obstruct justice and conceal the White House's role in the burglary of Democratic National Headquarters at the Watergate. The Supreme Court decided unanimously that the tapes must be released.

During the oral argument on the White House tapes, Nixon's lawyer, James St. Clair, argued that the president's right to assert executive privilege was absolute. In making his argument, St. Clair said it was important for a president to receive advice freely, as in the case of selecting federal judges. Would it not be important if, asked a justice, the president and an adviser were discussing how they would make appointment in exchange for money?

Absolutely, it was important, St. Clair responded. When the justice pointed out that such a conversation could not be revealed, St. Clair argued that the remedy was to impeach the president. "How are you going to impeach him if you don't know about it?" asked a justice. "Well, if you know about it, then you can state the case. If you don't know about it, you don't have it."

At this point, St. Clair's circular argument had worn out its welcome. One justice summarized: "If you know the president is doing something wrong, you can impeach him; but the only way you can find out is this way; you can't impeach him, so you don't impeach him. You lose me some place along there."

Cheney and Bush seek to mislead when they say they are protecting future vice presidents and presidents in preserving the sanctity of confidential conversations between the monarch and his nobility. This country long ago did away with the divine right of kings. It should do the same for executive privilege.

Load-Date: June 6, 2007



Divine right

Arizona Daily Star (Tucson)

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Load-Date: June 8, 2007



Document fumble increases FBI embarrassment

Breaking News from globeandmail.com

May 13, 2001 8:14 AM EST

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Section: C; Front

Length: 858 words

Byline: PAUL KORING

From Saturday's Globe and Mail

Dateline: Washington

Highlight: Paul Koring reports on what the McVeigh delay may mean for the fabled and troubled institution

Body

The FBI's failure to divulge potential evidence in the Oklahoma City bombing — the highest-profile federal case in decades — is the second major blunder for the law-enforcement agency in less than two months.

There is no indication as yet that the withholding of boxes of documents led to a miscarriage of justice, or that it will mean anything more than a delay in the execution of Timothy McVeigh for the worst domestic terrorist attack in U.S. history.

But it certainly will rekindle arguments about the irreversibility of death sentences and the troubled performance of the Federal Bureau of Investigation.

"I know many Americans will question why the execution of someone who is clearly guilty of such a heinous crime should be delayed," Attorney-General John Ashcroft said Friday. "But if any questions or doubts remain about this case, it would cast a permanent cloud over justice."

The clouds were already hanging over the FBI. In February, a long-time FBI employee was charged with spying for Russia, a revelation that followed a long list of other embarrassments in recent years.

President George W. Bush and Mr. Ashcroft, both staunch supporters of the death penalty, made clear Friday their disquiet with the FBI's performance.

"I'm obviously concerned about an incident where documents have been misplaced, but I withhold judgment until I find out the full facts," Mr. Bush said.

He added that FBI director Louis Freeh made no mention of the documents when he tendered his resignation last week, two years before his 10-year term was to end.

Document fumble increases FBI embarrassment

It's still not clear when FBI officials unearthed the documents — more than 3,000 pages of notes and transcripts, along with audio and videotapes from 46 FBI offices. But they apparently turned up in response to a request last December from an FBI archivist for all field offices to forward their files on the 1995 bombing.

"It's a nightmare," one FBI agent said, adding that the only way it could have been worse is if the materials had been uncovered after the execution. The FBI, at least, had the integrity to come forward now, the agent said.

In a letter dated Friday, Danny Defenbaugh, the special agent in charge of the case, told Mr. McVeigh's lawyers that none of the documents had been used in Mr. McVeigh's 1997 trial. Mr. Defenbaugh also wrote that he first alerted FBI headquarters to the existence of the newly uncovered papers just days ago — last Tuesday.

Most of the documents apparently pertain to field interviews conducted by FBI agents in the months after the bombing, when investigators believed there was a "John Doe No. 2," an unidentified suspect who, it eventually became clear, didn't exist.

The documents, according to the FBI, were never even forwarded to the task force running the massive investigation into the Oklahoma City bombing. Thus, they also were never turned over to the prosecution.

Therefore, under normal legal requirements the documents would not have to be disclosed to the defence. But, in 1996, the U.S. Department of Justice made an agreement with Mr. McVeigh's lawyers to disclose all material uncovered during the investigation.

"In most criminal cases, these FBI documents would not be required to be given to defence counsel during the discovery process," Mr. Ashcroft said yesterday in announcing he was postponing the execution and ordering a full investigation into the FBI lapse.

The FBI was already reeling from the arrest of Robert Hanssen, one of its top counter-spies, who is alleged to have worked for Moscow for 15 years. The bureau has also faced a barrage of other criticism recently.

Last week, Alabama prosecutors said the FBI withheld secretly made tapes for nearly four decades, likely delaying the murder trial of Thomas Blanton for the 1963 bombing of a Birmingham, Ala., church in which four black children died. (Mr. Blanton was convicted last week.)

Congressional hearings have also recently been told that the FBI concealed evidence that would have exonerated **Joseph Salvati**, who spent 30 years in prison for murder before being freed.

Mr. McVeigh has admitted that the 1995 bombing of the federal government office building in Oklahoma City was motivated by anger over the FBI's mishandling of a shootout at Ruby Ridge, Idaho, in 1992, and the 1993 siege in Waco, Tex., which ended when fire consumed the Branch Davidian compound, killing 80 people, including children. Long after Mr. McVeigh left a truckload of explosives outside the Murrah Building, the FBI admitted it had concealed tape recordings it made of the cultists.

The FBI's crime lab has also been found wanting recently. A Justice Department investigation found that the lab's work was flawed, citing a myriad of cases including the Oklahoma City bombing.

This latest gaffe concerning the McVeigh case documents, according to unidentified officials quoted by U.S. news organizations, is being attributed largely to antiquated FBI computer systems.

Although 26 separate databases were supposed to track each of the hundreds of thousands of pieces of information connected with the bombing, some information was never entered and other documents weren't properly cross-referenced.

Load-Date: April 18, 2007

Document fumble increases FBI embarrassment

End of Document



[Document fumble increases FBI embarrassment](#)

Breaking News from globeandmail.com

May 11, 2001 9:07 PM EST

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Section: C; Front

Length: 858 words

Byline: PAUL KORING

From Saturday's Globe and Mail

Dateline: Washington

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Load-Date: April 18, 2007

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End of Document



[Documents on Boston FBI-mob ties reveal killers shielded; 4 wrongly convicted; men, families suing](#)

The San Diego Union-Tribune

August 25, 2002, Sunday

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Section: NEWS;Pg. A-14

Length: 466 words

Byline: Fox Butterfield; NEW YORK TIMES NEWS SERVICE

Body

BOSTON -- It was March 1965, in the early days of J. Edgar Hoover's war against the Mafia.

Congressional investigators say FBI agents eavesdropped on a conversation in the headquarters of New England's organized-crime boss, Raymond Patriarca.

Two gangsters, Joseph Barboza and Vincent Flemmi, wanted Patriarca's permission to kill a small-time hoodlum, Edward Deegan, according to an FBI log of the conversation.

"Patriarca ultimately furnished this OK," the FBI reported, and three days later Deegan turned up dead, shot six times.

It was extraordinary: The FBI 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.

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

One, ***Joseph Salvati***, who spent 30 years in prison, filed notice with the Justice Department recently that he planned to sue the FBI for \$300 million for false imprisonment.

Salvati's is the latest in a series of lawsuits against the FBI, the Justice Department and some FBI agents growing out of the tangled, corrupt collaboration between gangsters and the FBI's Boston office.

The lawsuits are based on evidence uncovered in the past five years. Some of the most explosive evidence has come to light only recently, including documents detailing conversation in which Patriarca approved the murder. They were released as part of an investigation by the House Committee on Government Reform.

The documents show that officials at FBI headquarters, apparently including Hoover, knew as long ago as 1965 that Boston agents were employing killers and gang leaders as informers and were protecting them from prosecution.

Documents on Boston FBI-mob ties reveal killers shielded; 4 wrongly convicted; men, families suing

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

Asked about the documents showing that Hoover knew of Salvati's innocence when he was put on trial, Gail Marcinkiewicz, a spokeswoman for the FBI in Boston, declined to comment.

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 some 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. Limone was sentenced to die in the electric chair. His life was spared when Massachusetts outlawed the death penalty in 1974.

Load-Date: August 27, 2002

End of Document



[DOJ Appeals \\$100M Wrong Conviction Order](#)

Associated Press Online

February 16, 2008 Saturday 2:52 AM GMT

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Section: DOMESTIC NEWS

Length: 290 words

Byline: By MATT PITTA, Associated Press Writer

Dateline: BOSTON

Body

The Justice Department appealed a \$101.7 million judgment Friday awarded last year to two men who spent decades in prison and the families of two others who died there for a murder they didn't commit.

A federal judge found the FBI responsible in July for framing the men for the slaying of Edward "Teddy" Deegan, a small-time thug who was shot in an alley in 1965.

Joseph Salvati, Peter Limone and the families of Henry Tameleo and Louis Greco sued the federal government for malicious prosecution, winning a nearly \$102 million combined in a ruling from U.S. District Judge Nancy Gertner last July.

In the notice filed four days ahead of the appeal deadline, the Justice Department did not spell out its reasons for challenging the ruling. Department spokesman Charles Miller declined to comment.

Greco and Tameleo died behind bars for the killing. Salvati and Limone were freed after three decades in prison in 2001, after FBI memos related to the Deegan case surfaced during probes of the Boston FBI's corrupt relationship with its gangster informants.

H. Paul Rico, one of the agents blamed in the case, denied during a congressional hearing that he and his partner helped frame an innocent man for Deegan's death, but he acknowledged that Salvati wrongly spent 30 years in prison.

Salvati's attorney, Vincent Garo, said Friday that the government still refuses to recognize any wrongdoing.

"It was more important for the FBI to protect their murderous informants than it was for them to protect innocent men who had young families," he said.

Salvati is now 75, and Limone is 73. Garo has estimated that an appeal would take more than a year and could cost the government as much as \$14 million in interest and legal fees if the judgment is upheld.

DOJ Appeals \$100M Wrong Conviction Order

Load-Date: February 16, 2008

End of Document



[DOJ Argues FBI Had No Duty to Disclose Evidence of Perjury](#)

TalkLeft the Politics of Crime

May 8, 2009 Friday 7:42 AM EST

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Newstex Web Blogs

Copyright 2009 TalkLeft: the Politics of Crime

Length: 673 words

Byline: TChris

Body

May 8, 2009 ([TalkLeft: the Politics of Crime](#) delivered by Newstex) --

As TalkLeft [noted in 2002](#), **Joseph Salvati** had good reason to sue the FBI. The nation's premier law enforcement agency encouraged false testimony against Salvati at his state court murder trial because it knew the murder had actually been committed by FBI informants. Protecting its informants became a higher FBI priority than protecting the liberty of innocent people.

In its defense of Salvati's lawsuit, the Justice Department attempted to convince District Court Judge Nancy Gertner that the FBI didn't know Salvati's accuser would commit perjury, and that even if it did it had no duty to disclose evidence of Salvati's innocence because Salvati was being prosecuted in a state court. As TalkLeft [noted in 2007](#), Judge Gertner rejected those arguments and awarded \$101.7 million to Salvati and three others who were wrongly convicted of the murder.

Salvati is still waiting to collect. He's 76 years old, living with his wife in a one bedroom apartment. They get by on Salvati's social security benefit and his wife's small pension. The FBI should have apologized and written a check years ago. Instead, the Justice Department [continues to insist](#) that the FBI did nothing wrong. [more ...]

The FBI appealed Judge Gertner's decision. This week a Justice Department lawyer told a panel of First Circuit judges that the evidence before Judge Gertner failed to support her findings. Given the deference that appellate courts give to a district judge when she decides what the evidence does or doesn't prove, that argument is usually a loser. It's an even tougher sell when the judge writes a [detailed decision](#) (pdf) pointing to the specific evidence she accepts as true.

Judge Gertner's summary of her findings tells a chilling story:

DOJ Argues FBI Had No Duty to Disclose Evidence of Perjury

The plaintiffs were convicted of Deegans murder based on the perjured testimony of Joseph "The Animal" Barboza ("Barboza"). The FBI agents "handling" Barboza, Dennis Condon ("Condon") and H. Paul Rico ("Rico"), and their superiors -- all the way up to the FBI Director -- knew that Barboza would perjure himself. They knew this because Barboza, a killer many times over, had told them so -- directly and indirectly. Barbozas testimony about the plaintiffs contradicted every shred of evidence in the FBI's possession at the time -- and the FBI had extraordinary information. Barboza's testimony contradicted evidence from an illegal wiretap that had intercepted stunning plans for the Deegan murder before it had taken place, plans that never included the plaintiffs. It contradicted multiple reports from informants, including the very killers who were the FBI's "Top Echelon" informants.

And even though the FBI knew Barbozas story was false, they encouraged him to testify in the Deegan murder trial. They never bothered to tell the truth to the Suffolk County District Attorneys Office. Worse yet, they assured the District Attorney that Barboza's story "checked out."

Nancy Gertner is an extraordinarily capable judge. Her carefully written, 224 page decision should easily withstand the Justice Department's assertion that she got the facts wrong.

Appellate challenges to a judge's legal reasoning are usually more productive than attacks on a judge's fact-finding, but the Justice Department isn't likely to persuade the court of appeals that Salvati's prosecution by state authorities for a state crime in a state court created no duty for the FBI to disclose evidence of his innocence.

Judge Juan R. Torruella, a member of the three-judge Appeals Court panel, noted that the FBI played a key role in the trial. "The state had no case until you provided Barboza," he said.

Salvati would like to see the FBI and the Justice Department get on the side of justice.

"They just don't care," he said. "That's the bottom line. They'll never say they're sorry."

Salvati should win the appeal. The only question is whether he'll live long enough to collect his share of the damages.

Newstex ID: 34766637

Notes

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Load-Date: May 8, 2009



[DreamWorks Buys Rights to Salvati Story](#)

Associated Press Online

September 17, 2003 Wednesday

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Section: ENTERTAINMENT, TELEVISION, AND CULTURE

Length: 206 words

Dateline: BOSTON

Body

Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying.

Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward "Teddy" Deegan in 1965, even though the FBI had evidence of Salvati's innocence. His sentence was commuted in 1997 and he was exonerated in 2001.

Walter Parkes, the DreamWorks producer who will lead the project, told WBZ-TV Tuesday he was struck by the relationship between Salvati and his lawyer, Victor Garo.

"What really got us was ... when we saw first of all the intensity of the friendship between the two men and the passion that Victor (Garo) had in terms of this case. And suddenly it wasn't just a court case, but it was really a story of extraordinary friendship," Parkes said.

Salvati filed a lawsuit in July seeking \$300 million in damages from the government, former FBI agents and a former Boston police officer.

The lawsuit cites recently discovered evidence that the FBI knew Deegan had been killed by the Winter Hill Gang, led by fugitive mobster James "Whitey" Bulger, but suppressed the evidence to protect the FBI's mob informants.

Load-Date: September 18, 2003

DreamWorks to make film about wrongly convicted man jailed for 30 years



[DreamWorks to make film about wrongly convicted man jailed for 30 years](#)

The Canadian Press (CP)

September 17, 2003 Wednesday

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Section: ENTERTAINMENT AND CULTURE

Length: 210 words

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Prince Rupert Daily News (British Columbia)

September 19, 2003 Friday

Final Edition

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Section: MOVIES; Pg. 19

Length: 210 words

Byline: Associated Press

Dateline: BOSTON

Body

BOSTON (AP) -- Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying.

Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward (Teddy) Deegan in 1965, even though the FBI had evidence of Salvati's innocence. His sentence was commuted in 1997 and he was exonerated in 2001.

Walter Parkes, the DreamWorks producer who will lead the project, told WBZ-TV Tuesday he was struck by the relationship between Salvati and his lawyer, Victor Garo.

"What really got us was . . . when we saw first of all the intensity of the friendship between the two men and the passion that Victor (Garo) had in terms of this case. And suddenly it wasn't just a court case, but it was really a story of extraordinary friendship," Parkes said.

Salvati filed a lawsuit in July seeking \$300 million in damages from the government, former FBI agents and a former Boston police officer.

The lawsuit cites recently discovered evidence that the FBI knew Deegan had been killed by the Winter Hill Gang, led by fugitive mobster James (Whitey) Bulger, but suppressed the evidence to protect the FBI's mob informants.

Load-Date: February 17, 2006

Drumgold says he has no anger against prosecutors for flawed murder case



[Drumgold says he has no anger against prosecutors for flawed murder case](#)

The Associated Press State & Local Wire

November 10, 2003, Monday, BC cycle

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Section: State and Regional

Length: 585 words

Byline: By THEO EMERY, Associated Press Writer

Dateline: BOSTON

Body

When Shawn Drumgold was released from prison last week, he found not only a city he barely recognized - but his own teenage daughter who has grown up in his absence.

"She says, 'Dad, I want to show you the world, I want you to see it through my eyes,' so I've just been following her," Drumgold said of his daughter Kiara, 14. "She's just beautiful."

Drumgold was sentenced to life in prison in 1989 for the murder of 12-year-old Darlene Tiffany Moore, who was killed in the city's Roxbury neighborhood. He has consistently denied any connection to her death, and was released last Thursday after prosecutors admitted to flaws in his trial.

Drumgold, now 36, said Monday that he bears no ill will toward the prosecutors who put him in prison, and said he now wants to concentrate on his family and future.

"I'm ready to start my life, because if I stay stuck in the past, then I won't ever be able to move on. So I'm ready to move on," he said at a news conference where he was flanked by his attorney, mother and supporters.

Prosecutors stopped short of saying that Drumgold is innocent, and have refused to apologize for his conviction.

His attorney, Rosemary Scapicchio, called the lack of an apology "insulting." On Monday, she joined other attorneys in calling for a commission to review Drumgold's case and others like it.

"Without finding out the why, and the how, we can't prevent it from happening again," she said.

A spokesman for Suffolk District Attorney Daniel Conley did not return calls seeking comment.

Moore had been sent to live with relatives in South Carolina by her mother, who worried about the violence in Boston. She was visiting her mother for a two-week summer vacation in 1988 when she was hit by bullets police said were meant for a gang member.

Drumgold says he has no anger against prosecutors for flawed murder case

Drumgold, a small-time drug dealer, was convicted the following year, largely based on witness statements. His release last week came about six months after a Boston Globe report prompted prosecutors to review the case.

A six-day hearing in July and August raised questions about Drumgold's trial, and Conley's office filed a motion last week asking that Drumgold's conviction be reversed, citing new evidence and flaws in the original case.

Conley acknowledged that prosecutors did not tell the defense during Drumgold's trial that they had given a witness free meals and housing before and during the trial, and that police had told the witness they would try to help him with pending criminal charges against him.

Several witnesses recanted their earlier testimony, including one who claimed she was coerced by authorities into testifying against Drumgold.

Another key prosecution witness, who said she saw Drumgold leaving the scene of the shooting, had a form of brain cancer that can affect perception and memory. The cancer was not revealed to the defense or the jury.

"I hope in some way or another that the wrong will be corrected, because there's a lot of other people that's incarcerated in my same position that don't have opportunity like I have," Drumgold said.

Drumgold said that while he was in prison, he talked with two other men whose convictions have been overturned: Peter Limone and ***Joseph Salvati***, who were both convicted for a 1965 gangland killing. They were exonerated after the Justice Department turned over documents showing the FBI had information that could have cleared them.

"We all as lifers, and as innocent men, we hung in there together," Drumgold said.

Graphic

AP Photo

Load-Date: November 11, 2003



[Dukakis testifies he was urged to reject clemency for Limone - Correction Appended](#)

The Boston Globe

December 14, 2006 Thursday

THIRD EDITION

Correction Appended

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Section: METRO; Pg. B5

Length: 661 words

Byline: Shelley Murphy Globe Staff

Body

Former governor Michael S. Dukakis testified yesterday that he carefully considered every inmate's request for clemency in the 1980s, even reviewing case files at home at night before deciding whether the inmates should be set free.

But Dukakis said he recalled only one instance when the state's top federal prosecutor weighed in on a clemency petition - in 1983, when then US Attorney William F. Weld urged him to reject Peter J. Limone's bid for freedom.

Considering how unusual it was to get such a letter, Dukakis said he gave substantial weight to Weld's warning that Limone would "assume charge of the day-to-day operations of organized crime in this area" if released.

Dukakis said he urged the governor's council not to commute the life sentences of Limone and his codefendant, Louis Greco, in the 1980s, but would have felt differently if he knew the men had been wrongfully convicted of the 1965 gangland slaying of petty thief Edward "Teddy" Deegan in Chelsea.

Dukakis, who served two terms as governor, was called to the stand in a civil trial in which Limone, [Joseph Salvati](#), and the families of Greco and Henry Tameleo, who are both dead, are seeking more than \$100 million from the government for falsely imprisoning the men.

Later, on his way out of the courthouse, Dukakis said it was "disgraceful" that two Italian-American members of the Parole Board were investigated by the FBI for alleged ties to organized crime after they voted to commute Limone's sentence in 1983.

"Now that we know what was going on in the [FBI] office, we were all deceived," said Dukakis, referring to the racketeering conviction of former FBI agent John J. Connolly Jr. for his handling of longtime informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and to the murder indictment of former FBI agent H. Paul Rico, who died in jail while awaiting trial.

Dukakis testifies he was urged to reject clemency for Limone - Correction Appended

"In fact, the bureau itself was betrayed."

Limone and Salvati spent more than 30 years in prison before they were exonerated five years ago after the revelation that secret FBI reports, never turned over at their 1968 trial, indicated they had been framed by the government's key witness, Mafia hitman Joseph "The Animal" Barboza. Tameleo and Greco died in prison.

Dukakis acknowledged he knew nothing about allegations that then-FBI agent Dennis Condon was aware Barboza was lying and yet vouched for his credibility during the trial.

But on the stand, Dukakis defended the integrity of Condon, who served as public safety commissioner during his administration.

He later told reporters, "There really wasn't a better public servant walking the earth, in my opinion."

Barboza testified during the 1968 trial that Limone, who allegedly had ties to organized crime, paid him \$7,500 to kill Deegan and that Tameleo, the mob's reputed consigliere, sanctioned the hit. Barboza, who was given leniency for his cooperation, contended Salvati and Greco participated in the slaying.

In earlier testimony yesterday, former defense attorney F. Lee Bailey testified that Barboza told him two years after the convictions that he wanted to recant and confided that Rico was part of a plot to frame the four men.

Bailey said Barboza asserted that Rico told him the FBI wanted to prosecute high-profile organized crime figures and suggested he implicate Tameleo and Limone in Deegan's slaying.

"He said he was told [by Rico] to give us two and you can name two," said Bailey, adding that Barboza added Salvati and Greco because he disliked them.

Bailey said Barboza admitted that he protected one of the true killers, his close friend Vincent "Jimmy" Flemmi, who was also an FBI informant. Flemmi, who died in prison in 1979, was the brother of Stephen Flemmi.

Barboza changed his mind about recanting and was gunned down by another mobster in 1976 in San Francisco.

Rico died in January 2004, in jail, awaiting trial on charges that he helped Bulger and Stephen Flemmi orchestrate the 1981 slaying of Tulsa businessman Roger Wheeler.

Correction

Because of an editing error, a story in yesterday's City & Region section about former governor Michael S. Dukakis testifying in a civil trial in federal court incorrectly said Dukakis served two terms. He served three terms.

Correction-Date: December 15, 2006

Graphic

Former governor Michael S. Dukakis (right), with CBS4 News reporter Dan Rea, entered the federal courthouse yesterday to testify in a civil trial. Dukakis said he recalled only one time when the state's top federal prosecutor weighed in on a clemency petition - in 1983, when William F. Weld, then US attorney, urged him to reject Peter J. Limone's bid for freedom. B5 (PHOTO RAN ON PAGE B1.) Peter J. Limone, leaving court Nov. 16, is among the plaintiffs seeking some \$100 million from the government for false imprisonment.

Dukakis testifies he was urged to reject clemency for Limone - Correction Appended

Load-Date: December 15, 2006

End of Document



Editorial; Setting right the wrongs

The Boston Herald

July 27, 2007 Friday

ALL EDITIONS

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Section: EDITORIAL; Pg. 020

Length: 328 words

Body

When the ``good guys" turn out to be not so good and the ``bad guys" turn out to be not so bad, then justice is turned on its head. And someone should be held accountable. Someone should pay.

Yesterday in a federal courtroom, Judge Nancy Gertner made that abundantly clear. The federal government will have to pay some \$101 million to Peter Limone, Joseph Salvati and the families of two former co-defendants who died in prison in connection with their wrongful conviction for the 1965 killing of Teddy Deegan.

``No lost liberty is dispensible," Gertner said yesterday. ``We have fought wars over these principles."

Salvati and Limone were exonerated in 2001 after FBI memos came to light showing they were framed for the crime by hitman Joseph ``The Animal" Barboza with the full knowledge of FBI agents who encouraged the perjury and withheld that evidence for more than three decades.

``The FBI's misconduct was clearly the sole cause of this conviction," Gertner said.

Astonishingly a Justice Department lawyer had argued that federal authorities should not be held accountable for the outcome of state prosecutions and that the FBI had no duty to share their information with state officials.

``The government's position is, in a word, absurd," Gertner said.

Just how absurd is abundantly clear from the FBI documents forwarded to Washington back in 1968 crowing about the work of agents H. Paul Rico (who died in custody while awaiting trial for other offenses) and Dennis Condon (best remembered for recruiting ``Whitey" Bulger as an informant).

``Both agents testified reflecting great credit on FBI," the memo to the director said.

Well, that was then.

The local office of the FBI has spent years trying to live down the infamy of those days. The Justice Department's efforts in federal court to deny the significance of that wrongdoing simply managed to magnify the disgrace.

Yesterday Judge Gertner attempted to set things right - and \$101 million is a good start.

Load-Date: July 27, 2007

End of Document



Editorial; Airing FBI's dirty laundry

The Boston Herald

May 3, 2001 Thursday

ALL EDITIONS

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Section: EDITORIAL;

Length: 376 words

Body

Today on Capitol Hill some of the FBI's very old and very dirty linen will be aired before a congressional committee.

One of its victims, **Joseph Salvati**, who spent 30 years in prison for a murder he did not commit in large part because of FBI misconduct, will get to tell his story. So too could former FBI agents H. Paul Rico and Dennis Condon - that is, if they decide to do so, rather than invoke their Fifth Amendment rights.

All of this may seem like ancient history, but it's a history that the bureau must not be allowed to repeat. And the time could not be better for Congress to shed light on what happens when the FBI is allowed to run amok, to make its own rules, to shield its informants even if that means piling lie upon lie and damaging the very criminal justice system they are supposed to be a part of.

Current FBI Director Louis Freeh, who announced Monday he was leaving before the expiration of his term in 2003, was not in charge during the time when these hideous miscarriages of justice in Boston took place. In fact, Freeh seems to have done a decent job of attempting to restore a measure of credibility to the agency. But his departure should allow Congress to question at length and in some detail whoever Freeh's successor will be about just how the FBI intends to deal with confidential informants.

Before she left, Attorney General Janet Reno finally issued new guidelines on the handling of confidential informants by the FBI, guidelines designed to prevent the abuses that became so obvious in Boston. But in a recent meeting with Herald editors and reporters, Boston's outgoing U.S. attorney, Donald Stern, conceded that those guidelines were only as good as the intentions of those in Washington to enforce them and those in Boston to abide by them.

FBI agents such as the now-indicted John Connolly laughed at similar guidelines issued back in 1976 by then-Attorney General Edward Levi just before he left office. Those guidelines too prohibited FBI agents from concealing crimes by their informants. Seemed like a good idea at the time.

And it still is.

Today's hearing by the House Committee on Government Reform ought to be merely a prelude to making sure this sorry bit of FBI history isn't repeated.

Load-Date: May 3, 2001

End of Document



Editorial; Letters to the Editor

The Boston Herald

January 15, 2001 Monday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: EDITORIAL;

Length: 720 words

Body

A trust betrayed

Kudos to Pete Gelzinis ("Federal agent's acts of treachery go way back," Jan. 9). Justice will only be served if retired agent H. Paul Rico is stripped of his pension and spends the rest of his life in jail. Ruining four men to protect other criminals is abominable. Who knows how many others were incarcerated due to withheld or perjured testimony from this agent. After this incident, the Bulger-Connolly debacle, Ruby Ridge and Waco, it is hard to discern who the real bad guys are. - Joe Genevich, Dorchester

Bring G-men to justice

Can someone explain why citizens are not screaming for the collective heads of the law enforcement officials who let four innocent men languish in prison for 30-plus years, including several years on death row? Why isn't retired FBI agent H. Paul Rico charged with obstruction of justice and perjury, for starters? Although these men cannot be given their lives back (indeed two died in prison) hopefully they and their families will at least be compensated. I hear often that we the people have lost respect for law enforcement. Is it any wonder?

To Louis Greco and Henry Tameleo, may you rest in peace. To **Joseph Salvati** and Peter Limone, may you enjoy the rest of your days with your families in peace. - David Varno, Townsend

Union leader responds

Contrary to the Herald's characterization of the massive demonstration ("Firestorm," Jan. 10), the working families of the Massachusetts AFL-CIO turned out at Tuesday night's demonstration to do much more than confront Mayor Thomas M. Menino before his "State of the City" address.

The firefighters and the labor community at large are deeply committed to the future of this city. Many donate their time and skills to the city on a regular basis in a variety of ways - as school volunteers, construction workers on community projects, United Way donors, etc.

Editorial; Letters to the Editor

We feel our volunteer contributions speak for themselves and clearly illustrate the respect and high regard we have for this city and its leaders. In return, we expect the same respect be afforded to the firefighters who put their health in jeopardy every day.

In that vein, we ask Mayor Menino to sit down in good faith and fairly negotiate a contract. - Robert J. Haynes, President

Mass AFL-CIO, Boston

He feels Menino's pain

So now Tom Menino knows what it's like to be accosted by union thugs - the same people he and the Democrats call their "key constituents." He should have called Sen. Ted Kennedy as these are the same people who harass and heckle anyone who opposes him. I know, I was one of those people holding a sign for Mitt Romney a few years ago. So how does it feel, Mr. Mayor? - Bob Connolly, Tewksbury

Let's lighten up, all

Regarding your feature story on Irish stereotyping, why didn't you get an Irishman to write it ("Blarney-free zone," Jan. 8)? We Irish don't mind being the brunt of stories about us. We love to laugh at ourselves and are not offended as much as other races seem to be. We even make fun and joke about ourselves; remember the old Pat and Mike jokes?

Everyone should lighten up and get a life for themselves and leave other ethnic groups alone. - Lila Langis, Barrington, N.H.

Divided we fall

Sen. John Kerry is quoted as concerned about this "divided nation" based on the presidential election ("Congress opens amid bipartisan sentiment," Jan. 4). He isn't the only politician making this error in addition.

About 50 percent of the eligible voters cast votes. Half voted for Gore and half voted for Bush.

When will the other 50 percent be considered? Why didn't they bother to vote? Is it because they feel left out of the system? Have they lost confidence in government to represent their interests? Do they perceive various special interest groups in business, industry and labor unions calling the shots in their relations with the Democrats and Republicans?

A night in the Lincoln Bedroom could be bought by those with money and influence. Are members of Congress up for sale to the highest bidder?

Yes, Sen. Kerry may be right that the nation is divided, but not for the reasons he articulates. Fifty percent of the people didn't bother to vote for any candidate and that should worry those who cherish our system of government. - James P. Kelley, Royalston

Load-Date: January 15, 2001



[Editorial Roundup](#)

Associated Press Online

September 5, 2002 Thursday

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Section: DOMESTIC NEWS

Length: 3093 words

Byline: The Associated Press

Body

Excerpts from recent editorials in newspapers in the United States and abroad:

Aug. 30

Milwaukee Journal Sentinel, on baseball's labor agreement:

Baseball owners and players are no doubt relieved that they were able to work out a settlement to avert a strike. But they shouldn't expect the rest of us to cheer their bottom-of-the-ninth return to reason.

While it's certainly good that baseball belatedly came to its senses, the fact that the sport took its fans to the brink underscores the problems inherent in this game.

The owners and the players union must have realized that a work stoppage now, with attendance down, steroid use reportedly up and this year's All-Star Game several frames short of a Kodak moment, would have been disastrous.

...

Owners, and, we should add, the sport, gained significant concessions from the union, which is saying something considering this is one of the most powerful in America. Major League Baseball, in turn, had to give up something, and it did: It agreed that no teams would be eliminated through the 2006 season. ...

Players, meanwhile, agreed to mandatory testing for steroids, which will start next year, another smart move that will benefit the game and the long-term health prospects of those players who are now taking these substances.

These are all good steps that should help to restore some competitive balance to baseball, which ought to put more fans in the seats. But both sides also need to use this deal as a starting point for better relations and proof that sometimes a tie really is the best outcome.

Sept. 2

Tri-City Herald, Kennewick, Wash., on war with Iraq:

War is too important to become the political guessing game it has become under the current administration.

Editorial Roundup

Playing coy with the media about some things may be all right, but it is never OK to take lightly the subject of war.

It would help all American citizens, and the world, if President Bush would set his vice president straight, or the vice president would set the president straight, about how far down the track is the decision to attack Iraq. ...

Inconvenient and anti-intuitive as some in the administration may think it is, Bush needs not just an international coalition to go against Iraq, he needs the agreement of the American people, too.

At the moment he does not seem to have the first. With it or without it, he better get busy working on the second if he truly intends to take us to war.

If that is not his intention, then he should send Cheney back to his bunker.

Aug. 29

Newsday, Melville, N.Y., on the 2012 Summer Olympics:

So much for rumors that New York City's 2012 Olympics bid would come crashing down under the projected cost of hosting the summer games. The U.S. Olympic Committee appropriately reached a different conclusion this week, when it named New York and San Francisco as U.S. finalists to stage the event. ...

Local organizers know better than to take San Francisco's bid so lightly. The city is nearly as alluring as New York, although in different ways. Both can boast of international flavors that compare favorably to competing Olympic hosts such as Rome and Paris. ...

It's a heavy lift right now with so many resources directed at lower Manhattan. Planned properly, though, New York has the gumption to do both. The investments would help restore the region's economic vitality and attract private funding for infrastructure improvements that might otherwise take decades to achieve. Having the Olympics here would be as good for New York as New York would be for the Olympics.

Sept. 1

The Sacramento (Calif.) Bee, on saving Afghanistan:

To rebuild Afghanistan after 23 years of war and oppression, wealthy countries and international lending agencies pledged last January to provide \$4.5 billion in reconstruction funds over five years, with \$1.8 billion of that to be delivered this year. Yet barely a third of the first-year pledge has been met, raising the risk that the country could fall back into chaos, internal warfare and, conceivably, renewed terrorist activity.

To its credit, the Bush administration has kept its part of the bargain, delivering \$300 million in nonmilitary aid. ...

Until now most outside money has been spent on emergency relief, including food and medicine for a population of returning refugees that has proved to be larger than anyone expected. There also is a serious security problem outside Kabul, the capital, in part because foreign governments, including Washington, have balked at expanding protection beyond Kabul. ...

Moreover, the money for road-building still must be delivered, along with funds to pay salaries for an Afghan bureaucracy, 80 percent of whose budget is financed by outside aid. First and foremost, governments that pledged billions to rebuild Afghanistan but that now hesitate out of fear that the money will be misused ought to reflect on the self-fulfilling prophecy that suggests. The alternative to strong, early action to make Afghanistan a viable state could be far worse and would undermine the reasons America and others fought a war to rid Afghanistan of the oppressive Taliban regime.

Sept. 2

The Dallas Morning News, on reality TV:

Editorial Roundup

Forty years ago, *The Beverly Hillbillies*, a fish-out-of-water comedy about a newly rich backwoods family coping with Beverly Hills' haute lifestyle, pulled down big ratings.

Now CBS wants to reprise the 1960s television series as reality television, or more appropriately, voyeur television. The network is scouring the hills of Arkansas, West Virginia, North Carolina, Tennessee and Kentucky for an extended family to relocate to a Beverly Hills mansion for at least a year. The network will give them money to buy baubles in exchange for filming the family's adjustment to life in the land of the rich and vacuous.

Excuse us if we anticipate the worst. It's one thing to laugh at the plight of a fictional family. It's quite another to stage a public embarrassment with a real one.

CBS officials say they want a family whose members love one another and that they will treat the family with respect. Since the series concept reeks of disrespect, one suspects that promise is being made with a wink, a nudge and crossed fingers. The concept is elitist, perpetuates regional stereotypes and, worse still, publicly exploits a real family for ratings.

Shows such as MTV's series about rocker Ozzy Osbourne and his family and E!'s series about Anna Nicole Smith and who knows what have egged on a Hollywood community that clearly lacks restraint. The difference between those shows and the new *Beverly Hillbillies* is that Ozzy Osbourne and Anna Nicole Smith aren't unsuspecting neophytes to the spotlight and its power to create and destroy.

Gawking at a traffic accident is human. Planning one takes a mean streak.

Aug. 29

The Day, New London, Conn., on former FBI Agent John J. Connolly:

The trial and conviction of former Boston FBI agent John J. Connolly for racketeering and obstructing justice are just the tip of the iceberg in revealing FBI criminal activities that protected some of the worst organized-crime figures in that city.

How can it be that FBI Director J. Edgar Hoover knew of his agency's participation in crimes and the cover-up of a murder, yet did not reverse the wrongdoing? ...

The answer may be that Director Hoover was under intense pressure to deal with the Mob after ignoring its pervasive crimes for years. In that situation, the director's goal of breaking up the Patriarca and Angiulo crime families in New England took precedence over the niceties of preventing FBI agents from committing crimes or arresting the right people for the right crimes. ...

Though the FBI and Director Hoover knew that other people killed a hoodlum named Edward Deegan, they allowed the arrest and conviction of four innocent people. Meantime, the FBI associated with killers and organized crime leaders and permitted them to continue their criminal activities in Boston because they were informers.

A result of all this chicanery is a \$300 million lawsuit filed recently against the federal government by **Joseph Salvati**, one of the four convicted in the murder. Though innocent, he spent 30 years in prison while the FBI allowed such infamous criminals as Stephen Flemmi and Whitey Bulger to remain free to commit crimes. ...

The case is a vivid example of the evil events that can happen when people get too much power. J. Edgar Hoover's administration of the FBI in the later years demonstrated such an abuse of power.

Sept. 2

The Columbus (Ohio) Dispatch, on President Bush:

Editorial Roundup

It's certainly no secret that George W. Bush has some problems with open government. The president and his top people seem to have an instinctual urge to conceal the workings of the executive branch from the public and the news media.

The penchant for keeping things under wraps goes well beyond matters of national security, where secrecy is appropriate.

Now the Bush administration wants to throw a blanket of secrecy over anything having to do with the exercise of presidential pardon power. This blanket would be huge. It would cover not just pardon requests made to Bush but pardon deliberations of previous presidents stretching back for decades.

This latest secrecy grab would be almost laughable if it were not part of a larger effort to pull the shades down on the workings of the federal government.

The "presidential communications privilege" that Bush seeks to invent goes far beyond the traditional bounds of executive privilege.

Aug. 27

Press-Journal, Vero Beach, Fla., on a Nigerian woman's death sentence:

Nigeria should intervene, by force if necessary, to stop an "Islamic court" from proceeding with a travesty of a trial that could result in stoning a woman to death.

An Islamic court in the town of Fantua found Amina Lawal, 30, guilty of having sex out of wedlock.

The penalty for that offense is to be half-buried in the ground, then stoned to death.

All the proof the court needed was that Lawal had a child more than nine months after her divorce. In what the court deemed an act of generosity and mercy, it has delayed the execution until Lawal's baby is weaned.

Lawal is the second Nigerian woman condemned by a religious court to death by stoning. The first won her appeal. But Shariah courts - Islamic religious courts that hand down verdicts in Nigeria and other Muslim-dominated countries - seem likely to see how far they can go with their medieval sentences: stonings, beheadings and amputations.

Islam has no central religious authority to rule on matters of doctrine. But it would help if the more enlightened Islamic clerics spoke out more forcefully and vigorously to coax their more primitive brethren into the 21st century. What their courts practice is neither religion nor law. It is barbarism.

Sept. 2

Daily Telegraph, London, on Blair supporting the U.S.:

To many Labor supporters, by no means only those on the far Left, Mr. Blair's willingness to support a Right-wing American regime in what they see as an aggressive war is almost unforgivable. Labor's opposition to another Iraqi campaign is rooted in some of the most basic instincts that actuate that party's followers: suspicion of the United States in general and of Republicans in particular; support for the underdog; anti-colonialism; concern for Third World civilians; and, not least, a basic dislike of all wars.

It is hard to think of a more provocative issue on which Mr. Blair could challenge his own party. That is why, even now, it is quite possible that the Prime Minister will tiptoe away from his American allies. Yet if Mr. Blair really does follow through, it will silence many of those critics who have accused him of lacking principles. Mr. Blair's support for America appears to stem from genuine conviction.

Editorial Roundup

He seems to be sincere in his belief that influence in Washington makes Britain stronger in Europe, and vice versa. In backing a renewal of the conflict, Mr. Blair would be putting his principles above his party, perhaps the greatest test of statesmanship. Rarely has Mr. Blair been suspected of excessive integrity. Perhaps he will surprise us all.

Sept. 3

Tribune de Geneve, Geneva, on the Mideast:

One of the fundamentals of media coverage is that enduring crises are boring crises. Unlike the floods which hit Europe and Asia, with their perfect timetable of devastation followed by the programmed return of the burst rivers to their beds, the Mideast tragedy has finally driven summertime readers to boredom.

This lack of interest is no accident, because the conflict looks stuck solid due a lack of political will to find a solution. And the loss of visibility suits Israeli authorities fine. They have managed to trivialize the systematic repression meted out daily in the occupied Palestinian territories by the Israeli army.

Several "errors" - like the fact that 30 of the 49 people killed by the army in August were civilians, according to human rights groups - have caused little more than frowns in the outside world. But they make it all the more clear that Israel's Rambos now have carte blanche from the international community.

Ariel Sharon, his government and his generals needed little more to justify a shift from an anti-terrorist operation to a "decisive" battle against the Palestinians. All Palestinians.

This radicalization of Israeli policy has failed to provoke comment from the United States, the European Union, Russia and the United Nations, all of whom are meant to be guiding Palestinian reforms. They have done little more than express concern over the "deterioration of the humanitarian situation facing Palestinians."

The term "disaster" would be better. The occupation, the curfew and the multiple restrictions placed on Palestinians are having devastating effect. Sixty-three percent of the population of Gaza is unemployed, and half live on less than two dollars a day. Even starker is the fact that 22 percent of children aged under five suffer from malnutrition.

An alarming situation, not only because Israel is inflicting collective punishment in contempt of international law, but also because it is creating the conditions for the kind of Palestinian extremism Sharon's government claims it is fighting to destroy.

But of course the permanent climate of insecurity in which Palestinians live, and which ricochets back into Israel, may serve the interests of an increasingly strong-arm elite in which the generals are omnipresent.

Sept. 3

Egyptian Gazette, Cairo, on U.S.-Palestinians:

The world's failure to treat the Palestinians and Israelis on an equal footing underlines the long-running conflict, which is threatening a big explosion and uncontrollable chaos in the region. The latest shocking proof was how the world, primarily the U.S., reacted to a series of cold-blooded killings perpetrated by Israel against Palestinian civilians at the weekend.

Not a single voice was raised in the U.S., which has been unsparing about heaping the blame on Palestinians, to censure the Israeli perpetrators, let alone demand they be brought to justice.

This questionable and unethical silence starkly contradicts the typical American response every time Palestinians mount retaliatory bombings against their oppressors. More than once, President George W. Bush came out to condemn the Palestinians, branding them as "killers" and "terrorists." He has eventually bought Israeli Prime Minister Ariel Sharon's allegation that what he is doing to the Palestinians is a regional war on terrorism.

Editorial Roundup

If the Israelis are to feel secure, the Palestinians too must feel that their lives are no less valuable. If not, then expect the worst.

Sept. 4

Corriere della Sera, Milan, Italy, on the Johannesburg summit:

Although last year's terrorist attacks in New York and Washington and recent environmental disasters have slowed down economic growth, modern consumption habits continue to endanger the survival of the earth's different ecosystems and to pollute the atmosphere.

Unfortunately, it appears very difficult to change these habits and to reduce the consumption of electricity and fuel.

Will it be possible in the future to develop a technology which is more compatible with the ecology? How long will it still be possible to produce goods and services at the frenzied rhythm of the last decades?

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Dagens Nyheter, Stockholm, Sweden, on Zimbabwe:

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Load-Date: September 6, 2002

End of Document



[Editorial Roundup](#)

Associated Press Online

September 4, 2002 Wednesday

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Section: DOMESTIC NEWS

Length: 3093 words

Byline: The Associated Press

Body

Excerpts from recent editorials in newspapers in the United States and abroad:

Aug. 30

Milwaukee Journal Sentinel, on baseball's labor agreement:

Baseball owners and players are no doubt relieved that they were able to work out a settlement to avert a strike. But they shouldn't expect the rest of us to cheer their bottom-of-the-ninth return to reason.

While it's certainly good that baseball belatedly came to its senses, the fact that the sport took its fans to the brink underscores the problems inherent in this game.

The owners and the players union must have realized that a work stoppage now, with attendance down, steroid use reportedly up and this year's All-Star Game several frames short of a Kodak moment, would have been disastrous.

...

Owners, and, we should add, the sport, gained significant concessions from the union, which is saying something considering this is one of the most powerful in America. Major League Baseball, in turn, had to give up something, and it did: It agreed that no teams would be eliminated through the 2006 season. ...

Players, meanwhile, agreed to mandatory testing for steroids, which will start next year, another smart move that will benefit the game and the long-term health prospects of those players who are now taking these substances.

These are all good steps that should help to restore some competitive balance to baseball, which ought to put more fans in the seats. But both sides also need to use this deal as a starting point for better relations and proof that sometimes a tie really is the best outcome.

Sept. 2

Tri-City Herald, Kennewick, Wash., on war with Iraq:

War is too important to become the political guessing game it has become under the current administration.

Editorial Roundup

Playing coy with the media about some things may be all right, but it is never OK to take lightly the subject of war.

It would help all American citizens, and the world, if President Bush would set his vice president straight, or the vice president would set the president straight, about how far down the track is the decision to attack Iraq. ...

Inconvenient and anti-intuitive as some in the administration may think it is, Bush needs not just an international coalition to go against Iraq, he needs the agreement of the American people, too.

At the moment he does not seem to have the first. With it or without it, he better get busy working on the second if he truly intends to take us to war.

If that is not his intention, then he should send Cheney back to his bunker.

Aug. 29

Newsday, Melville, N.Y., on the 2012 Summer Olympics:

So much for rumors that New York City's 2012 Olympics bid would come crashing down under the projected cost of hosting the summer games. The U.S. Olympic Committee appropriately reached a different conclusion this week, when it named New York and San Francisco as U.S. finalists to stage the event. ...

Local organizers know better than to take San Francisco's bid so lightly. The city is nearly as alluring as New York, although in different ways. Both can boast of international flavors that compare favorably to competing Olympic hosts such as Rome and Paris. ...

It's a heavy lift right now with so many resources directed at lower Manhattan. Planned properly, though, New York has the gumption to do both. The investments would help restore the region's economic vitality and attract private funding for infrastructure improvements that might otherwise take decades to achieve. Having the Olympics here would be as good for New York as New York would be for the Olympics.

Sept. 1

The Sacramento (Calif.) Bee, on saving Afghanistan:

To rebuild Afghanistan after 23 years of war and oppression, wealthy countries and international lending agencies pledged last January to provide \$4.5 billion in reconstruction funds over five years, with \$1.8 billion of that to be delivered this year. Yet barely a third of the first-year pledge has been met, raising the risk that the country could fall back into chaos, internal warfare and, conceivably, renewed terrorist activity.

To its credit, the Bush administration has kept its part of the bargain, delivering \$300 million in nonmilitary aid. ...

Until now most outside money has been spent on emergency relief, including food and medicine for a population of returning refugees that has proved to be larger than anyone expected. There also is a serious security problem outside Kabul, the capital, in part because foreign governments, including Washington, have balked at expanding protection beyond Kabul. ...

Moreover, the money for road-building still must be delivered, along with funds to pay salaries for an Afghan bureaucracy, 80 percent of whose budget is financed by outside aid. First and foremost, governments that pledged billions to rebuild Afghanistan but that now hesitate out of fear that the money will be misused ought to reflect on the self-fulfilling prophecy that suggests. The alternative to strong, early action to make Afghanistan a viable state could be far worse and would undermine the reasons America and others fought a war to rid Afghanistan of the oppressive Taliban regime.

Sept. 2

The Dallas Morning News, on reality TV:

Editorial Roundup

Forty years ago, *The Beverly Hillbillies*, a fish-out-of-water comedy about a newly rich backwoods family coping with Beverly Hills' haute lifestyle, pulled down big ratings.

Now CBS wants to reprise the 1960s television series as reality television, or more appropriately, voyeur television. The network is scouring the hills of Arkansas, West Virginia, North Carolina, Tennessee and Kentucky for an extended family to relocate to a Beverly Hills mansion for at least a year. The network will give them money to buy baubles in exchange for filming the family's adjustment to life in the land of the rich and vacuous.

Excuse us if we anticipate the worst. It's one thing to laugh at the plight of a fictional family. It's quite another to stage a public embarrassment with a real one.

CBS officials say they want a family whose members love one another and that they will treat the family with respect. Since the series concept reeks of disrespect, one suspects that promise is being made with a wink, a nudge and crossed fingers. The concept is elitist, perpetuates regional stereotypes and, worse still, publicly exploits a real family for ratings.

Shows such as MTV's series about rocker Ozzy Osbourne and his family and E!'s series about Anna Nicole Smith and who knows what have egged on a Hollywood community that clearly lacks restraint. The difference between those shows and the new *Beverly Hillbillies* is that Ozzy Osbourne and Anna Nicole Smith aren't unsuspecting neophytes to the spotlight and its power to create and destroy.

Gawking at a traffic accident is human. Planning one takes a mean streak.

Aug. 29

The Day, New London, Conn., on former FBI Agent John J. Connolly:

The trial and conviction of former Boston FBI agent John J. Connolly for racketeering and obstructing justice are just the tip of the iceberg in revealing FBI criminal activities that protected some of the worst organized-crime figures in that city.

How can it be that FBI Director J. Edgar Hoover knew of his agency's participation in crimes and the cover-up of a murder, yet did not reverse the wrongdoing? ...

The answer may be that Director Hoover was under intense pressure to deal with the Mob after ignoring its pervasive crimes for years. In that situation, the director's goal of breaking up the Patriarca and Angiulo crime families in New England took precedence over the niceties of preventing FBI agents from committing crimes or arresting the right people for the right crimes. ...

Though the FBI and Director Hoover knew that other people killed a hoodlum named Edward Deegan, they allowed the arrest and conviction of four innocent people. Meantime, the FBI associated with killers and organized crime leaders and permitted them to continue their criminal activities in Boston because they were informers.

A result of all this chicanery is a \$300 million lawsuit filed recently against the federal government by **Joseph Salvati**, one of the four convicted in the murder. Though innocent, he spent 30 years in prison while the FBI allowed such infamous criminals as Stephen Flemmi and Whitey Bulger to remain free to commit crimes. ...

The case is a vivid example of the evil events that can happen when people get too much power. J. Edgar Hoover's administration of the FBI in the later years demonstrated such an abuse of power.

Sept. 2

The Columbus (Ohio) Dispatch, on President Bush:

Editorial Roundup

It's certainly no secret that George W. Bush has some problems with open government. The president and his top people seem to have an instinctual urge to conceal the workings of the executive branch from the public and the news media.

The penchant for keeping things under wraps goes well beyond matters of national security, where secrecy is appropriate.

Now the Bush administration wants to throw a blanket of secrecy over anything having to do with the exercise of presidential pardon power. This blanket would be huge. It would cover not just pardon requests made to Bush but pardon deliberations of previous presidents stretching back for decades.

This latest secrecy grab would be almost laughable if it were not part of a larger effort to pull the shades down on the workings of the federal government.

The "presidential communications privilege" that Bush seeks to invent goes far beyond the traditional bounds of executive privilege.

Aug. 27

Press-Journal, Vero Beach, Fla., on a Nigerian woman's death sentence:

Nigeria should intervene, by force if necessary, to stop an "Islamic court" from proceeding with a travesty of a trial that could result in stoning a woman to death.

An Islamic court in the town of Fantua found Amina Lawal, 30, guilty of having sex out of wedlock.

The penalty for that offense is to be half-buried in the ground, then stoned to death.

All the proof the court needed was that Lawal had a child more than nine months after her divorce. In what the court deemed an act of generosity and mercy, it has delayed the execution until Lawal's baby is weaned.

Lawal is the second Nigerian woman condemned by a religious court to death by stoning. The first won her appeal. But Shariah courts - Islamic religious courts that hand down verdicts in Nigeria and other Muslim-dominated countries - seem likely to see how far they can go with their medieval sentences: stonings, beheadings and amputations.

Islam has no central religious authority to rule on matters of doctrine. But it would help if the more enlightened Islamic clerics spoke out more forcefully and vigorously to coax their more primitive brethren into the 21st century. What their courts practice is neither religion nor law. It is barbarism.

Sept. 2

Daily Telegraph, London, on Blair supporting the U.S.:

To many Labor supporters, by no means only those on the far Left, Mr. Blair's willingness to support a Right-wing American regime in what they see as an aggressive war is almost unforgivable. Labor's opposition to another Iraqi campaign is rooted in some of the most basic instincts that actuate that party's followers: suspicion of the United States in general and of Republicans in particular; support for the underdog; anti-colonialism; concern for Third World civilians; and, not least, a basic dislike of all wars.

It is hard to think of a more provocative issue on which Mr. Blair could challenge his own party. That is why, even now, it is quite possible that the Prime Minister will tiptoe away from his American allies. Yet if Mr. Blair really does follow through, it will silence many of those critics who have accused him of lacking principles. Mr. Blair's support for America appears to stem from genuine conviction.

Editorial Roundup

He seems to be sincere in his belief that influence in Washington makes Britain stronger in Europe, and vice versa. In backing a renewal of the conflict, Mr. Blair would be putting his principles above his party, perhaps the greatest test of statesmanship. Rarely has Mr. Blair been suspected of excessive integrity. Perhaps he will surprise us all.

Sept. 3

Tribune de Geneve, Geneva, on the Mideast:

One of the fundamentals of media coverage is that enduring crises are boring crises. Unlike the floods which hit Europe and Asia, with their perfect timetable of devastation followed by the programmed return of the burst rivers to their beds, the Mideast tragedy has finally driven summertime readers to boredom.

This lack of interest is no accident, because the conflict looks stuck solid due a lack of political will to find a solution. And the loss of visibility suits Israeli authorities fine. They have managed to trivialize the systematic repression meted out daily in the occupied Palestinian territories by the Israeli army.

Several "errors" - like the fact that 30 of the 49 people killed by the army in August were civilians, according to human rights groups - have caused little more than frowns in the outside world. But they make it all the more clear that Israel's Rambos now have carte blanche from the international community.

Ariel Sharon, his government and his generals needed little more to justify a shift from an anti-terrorist operation to a "decisive" battle against the Palestinians. All Palestinians.

This radicalization of Israeli policy has failed to provoke comment from the United States, the European Union, Russia and the United Nations, all of whom are meant to be guiding Palestinian reforms. They have done little more than express concern over the "deterioration of the humanitarian situation facing Palestinians."

The term "disaster" would be better. The occupation, the curfew and the multiple restrictions placed on Palestinians are having devastating effect. Sixty-three percent of the population of Gaza is unemployed, and half live on less than two dollars a day. Even starker is the fact that 22 percent of children aged under five suffer from malnutrition.

An alarming situation, not only because Israel is inflicting collective punishment in contempt of international law, but also because it is creating the conditions for the kind of Palestinian extremism Sharon's government claims it is fighting to destroy.

But of course the permanent climate of insecurity in which Palestinians live, and which ricochets back into Israel, may serve the interests of an increasingly strong-arm elite in which the generals are omnipresent.

Sept. 3

Egyptian Gazette, Cairo, on U.S.-Palestinians:

The world's failure to treat the Palestinians and Israelis on an equal footing underlines the long-running conflict, which is threatening a big explosion and uncontrollable chaos in the region. The latest shocking proof was how the world, primarily the U.S., reacted to a series of cold-blooded killings perpetrated by Israel against Palestinian civilians at the weekend.

Not a single voice was raised in the U.S., which has been unsparing about heaping the blame on Palestinians, to censure the Israeli perpetrators, let alone demand they be brought to justice.

This questionable and unethical silence starkly contradicts the typical American response every time Palestinians mount retaliatory bombings against their oppressors. More than once, President George W. Bush came out to condemn the Palestinians, branding them as "killers" and "terrorists." He has eventually bought Israeli Prime Minister Ariel Sharon's allegation that what he is doing to the Palestinians is a regional war on terrorism.

Editorial Roundup

If the Israelis are to feel secure, the Palestinians too must feel that their lives are no less valuable. If not, then expect the worst.

Sept. 4

Corriere della Sera, Milan, Italy, on the Johannesburg summit:

Although last year's terrorist attacks in New York and Washington and recent environmental disasters have slowed down economic growth, modern consumption habits continue to endanger the survival of the earth's different ecosystems and to pollute the atmosphere.

Unfortunately, it appears very difficult to change these habits and to reduce the consumption of electricity and fuel.

Will it be possible in the future to develop a technology which is more compatible with the ecology? How long will it still be possible to produce goods and services at the frenzied rhythm of the last decades?

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Load-Date: September 5, 2002

End of Document



Editorial; True justice still denied

The Boston Herald

September 20, 2003 Saturday

ALL EDITIONS

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Section: EDITORIAL;

Length: 209 words

Body

The Justice Department ought to be ashamed of itself for dragging victims of FBI corruption through a long legal battle by employing questionable tactics just to avoid paying a financial price for their actions.

No amount of money is enough to give 30 years of life back to **Joseph Salvati**.

Nor will a movie made about Salvati's experience salve the deepest wounds of being wrongfully imprisoned for murder, no matter how remunerative or exculpatory that drama turns out to be.

Hollywood can shine an important spotlight, illuminating the depths of wrongdoing by the government in the case against Salvati and three other men.

But it appears a happy ending which includes the government showing deep remorse for its actions and doing all it can to make things right by its victims will remain the province of Hollywood script writers.

The Justice Department is still fighting tooth and nail to stop lawsuits filed by Salvati and other victims from going forward.

One defense strategy, arguing that they are protected from civil litigation for all "discretionary" decisions made by the government is especially shameful. Moreover, it shows that little has been learned from this case in the halls of justice about the true meaning of the word.

Load-Date: September 20, 2003



EEUU-INOCENTE (cronica) LIBERADO DESPUES DE 33 ANOS EN PRISION POR CRIMEN QUE NO COMETIO

Spanish Newswire Services

February 2, 2001

Copyright 2001 Efe News Services (U.S.) Inc.

Length: 649 words

Body

Boston (EEUU), 2 feb (EFE).- Peter Limone, que ahora tiene 66 años, ha vivido realmente una vida de pesadilla ya que, acusado de un asesinato que no cometió, ha pasado 33 años de su vida en la cárcel, apelando y viendo, de lejos, crecer a sus hijos.

La lealtad de su esposa Olympia, que lo visitó puntualmente dos veces por semana, y la insistencia de abogados como John Cavicchi, que tomó su caso en 1977, demostraron que Limone fue víctima, junto con otros, de las maquinaciones de mafiosos con alias como "el Hombre del Rifle", "el Animal" y "el Oso".

Limone era gerente de un bar y corredor de apuestas cuando fue detenido y acusado por el asesinato, en 1965, de Edward "Teddy" Deegan, en Massachusetts, en un crimen vinculado a disputas entre mafiosos.

La Oficina Federal de Investigaciones (FBI), que intervino en el caso porque se trataba de actividades de la mafia, acusó a Limone y otros cinco individuos sobre la base del testimonio de informantes, entre ellos Joseph "El Animal" Barboza, un asesino a sueldo de la mafia.

Olympia Limone y otros los otros miembros de la familia mantuvieron su lealtad al hombre acusado, juzgado y condenado, y durante tres décadas llevaron adelante los recursos legales que incluyeron apelaciones y reclamos de un nuevo juicio.

Las averiguaciones en torno a este caso revelaron las irregularidades y la corrupción en las actividades del FBI en sus tratos con informantes para causar y castigar a dos jefes mafiosos en Boston, James "el Blanquito" Bulger, y Stephen "el Hombre del Rifle" Flemmi.

En 1977, el abogado John Cavicchi inició sus gestiones para demostrar la inocencia de Louis Greco, uno de los condenados con Limone por el asesinato de Deegan. Greco murió en prisión en 1995, pero Cavicchi siguió adelante apoyándose en los documentos policiales y judiciales que había obtenido hasta entonces.

En diciembre pasado un equipo investigador del Departamento de Justicia divulgó documentos que muestran que los informantes habían advertido al FBI de que Deegan sería asesinado y le habían dado una lista de los individuos encargados de hacerlo. Ninguno de ellos era Limone o Greco.

EEUU-INOCENTE (cronica) LIBERADO DESPUES DE 33 ANOS EN PRISION POR CRIMEN QUE NO
COMETIO

Ello mostro, segun Cavicchi, no solo que el FBI siempre supo que los acusados y condenados no habian cometido el asesinato, sino que tampoco hizo algo para evitar el crimen.

Los documentos revelaron, asimismo, que el hermano del mafioso "el Rifle" Flemmi, Vincent "el Oso", se habia convertido en informante del FBI poco despues de la muerte de Deegan.

Esto a pesar de que otros informantes del FBI habian dado cuenta de que "Rifle" Flemmi era responsable de numerosos asesinatos y que su hermano el "Oso" aspiraba a convertirse en el "verdugo numero uno" de la mafia en Boston.

El caso mostro hasta que extremos estaba dispuesto a llegar el FBI para plantar un informante entre los mafiosos. Por ejemplo en 1964 el agente especial del FBI Dennis Condon dio cuenta a sus superiores de que un informante habia dicho que el "Oso" Flemmi se habia jactado de ser el asesino mas activo de Boston.

"Flemmi le dijo (al informante) que todo lo que quiere hacer es matar gente y que eso es mucho mejor que los asaltos a bancos", indica el memorando. "El informante dijo que Flemmi cree que ahora puede ser el ejecutor principal en esta area y tiene todas las intenciones de serlo".

"Este caso es una desgracia", dijo Cavicchi. "Si no fuera algo tan tragico seria para reirse".

En 1997, el entonces gobernador de Massachusetts, William Weld, conmutó la sentencia de otro de los condenados en este caso, Joseph Salvati, mientras que Henry Tameleo, otro involucrado en el juicio y condena, murio en prision.

Durante los años que Limone paso en la carcel su esposa mantuvo a la familia como costurera. Limone sufrio un ataque cardiaco, y a su salida se encontro con nietos y un hermano de 82 años que se reunieron con el en el tribunal donde el juez federal Mark Wolf lo declaro inocente. EFE

Load-Date: February 19, 2001



[EEUU: jueza ordena indemnización de 100 millones USD por condena equivocada](#)

Agence France Presse -- Spanish

July 26, 2007 Thursday 7:17 PM GMT

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Length: 279 words

Dateline: WASHINGTON 26 Jul 2007

Body

Una jueza federal estadounidense ordenó este jueves al gobierno pagar más de 100 millones de dólares por el encarcelamiento injustificado de cuatro hombres acusados de un asesinato en 1965, relacionado a la lucha pandillera, anunciaron autoridades judiciales.

La jueza Nancy Gertner, del tribunal federal de Boston, estimó que el FBI (policía federal) ocultó pruebas de que los acusados eran víctimas de un complot. Dos de ellos murieron en prisión, y los otros pasaron cerca de treinta años encarcelados antes de ser liberados.

"Nos llevó 30 años arreglar esta injusticia", dijo Gertner en su sentencia, según el diario Boston Globe. "Este asunto es el de una conducta deliberada (...) la organización de un golpe contra inocentes".

La jueza condenó al gobierno al pago de un total de 101,7 millones de dólares, pero no dio detalles del modo en que el monto debería repartirse.

Joseph Salvati tenía 34 años cuando fue arrestado por homicidio. Pasó 29 años preso antes de ser liberado bajo juramento en 1997, y hoy tiene 74 años.

Peter Limone, de 73 años, pasó 33 años encarcelado antes que un juez anulara la sentencia pronunciada en su contra, hace 6 años, luego de descubrirse los documentos del FBI.

Los otros dos acusados, Henry Tameleo y Louis Greco, fallecieron durante su detención, con respectivamente 78 y 84 años.

Según el Boston Globe, los documentos del FBI revelan que los agentes federales estaban al tanto de que el principal testigo del caso, Joseph Barboz, apodado "The Animal", podría haber implicado a los cuatro hombres sin razón.

Lo habría hecho para proteger a uno de los verdaderos asesinos, Vincent "Jimmy" Flemmi, un informante del FBI que murió preso en 1979.

EEUU: jueza ordena indemnización de 100 millones USD por condena equivocada

Load-Date: July 26, 2007

End of Document



'END OF END' AS FEDS DROP APPEAL; Lets four framed by FBI get \$1M to cover attorney fees

The Boston Herald
July 31, 2012 Tuesday
All Editions

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Section: NEWS; Local; Pg. 11; Vol. 30; No. 213

Length: 336 words

Byline: LAUREL J. SWEET

Body

The final chapter has been written in the nearly half-century old travesty of four men framed by the FBI for the 1965 gangland execution of Edward 'Teddy' Deegan and thrown behind bars to die.

'This really is the end of the end,' attorney Juliane Balliro said yesterday of the Department of Justice's decision to drop its appeal of nearly \$1 million in costs and fees awarded her and six other lawyers on the wrongful-conviction case of Peter J. Limone, Joseph Salvati and the estates of Enrico 'Henry' Tameleo and Louis Greco.

Balliro said the dispute was 'resolved,' but declined to give specifics. As first reported yesterday by bostonherald.com, the federal appeals court entered a one-sentence judgment late last week acknowledging the feds had thrown in the towel. The Department of Justice did not provide an explanation.

'It feels good, because I feel like finally our clients can move on with their lives,' Balliro said. 'You can't make up for lost time, but you can make the best of what time you have.'

As punishment for their lack of cooperation with the team working the wrongful-conviction cases, retired U.S. District Court Judge Nancy Gertner last August ordered the feds to reimburse Balliro, Victor Garo, Michael Avery, William Koski, Joseph Burns, Richard Bickleman and Daniel Deutsch \$716,747 for their time.

In 2007, Gertner awarded \$101,750,000 to Limone, Salvati and their families, and the estates of Tameleo and Greco, who died in prison waiting for justice to save them.

The four were framed as part of an FBI plan to protect Deegan's real executioners, the late Joseph 'The Animal' Barboza and Vincent 'Jimmy the Bear' Flemmi, who they wanted on the streets as mob informants.

Limone, 78, of Medford languished in prison 33 years until his release in 2001. He is currently two years into a five-year probation sentence for pleading no contest to running a cash-cow gambling syndicate that demanded up to 300 percent interest on loans. He is also barred from associating with 50 reputed mobsters.

'END OF END' AS FEDS DROP APPEAL; Lets four framed by FBI get \$1M to cover attorney fees

Graphic

ON WITH HIS LIFE: Peter J. Limone, left, with attorney Juliane Balliro, was one of four who were framed by the FBI in 1965 for murder.

Staff FILE photo by Ted Fitzgerald

Load-Date: July 31, 2012

End of Document

ENGAGEMENTS

**ENGAGEMENTS**

Providence Journal
May 19, 1996, Sunday,
ALL EDITIONS

Copyright 1996 The Providence Journal Company

Section: SOCIETY/WEDDINGS,

Length: 1456 words

Body

JODI A. ARRUDA, daughter of Ronald and Dianne Arruda of Seekonk, Mass., to TODD M. HARRISON, son of Raymond and Helen Harrison of Attleboro, Mass. She graduated from Rhode Island College. He graduated from Attleboro High School. They will marry May 17, 1997.

SUZANNE MARIE BURDICK, daughter of Wilfred K. Burdick of Coventry and the late Doris Y. Burdick, to DAVID ALLEN WELSH of North Providence, son of Gerald and Marie Welsh of Merrimack, N.H. She graduated from Coventry High School and Community College of Rhode Island. He graduated from Classical High School. They will marry May 17, 1997.

PEGGY ANN BURKE, daughter of Ronald and Louise Burke of Westport, Mass., to DANIEL SCOTT MALTAIS of Westport, son of Jacqueline Saviano of Warren and the late Andrea Maltais. She graduated from Westport High School. He graduated from Narragansett High School. They will marry Oct. 10, 1997.

LEIGH DINUCCI of New Jersey, daughter of Lynn and Edward Dinucci of Cranston, to PAUL CAMPO of Manhattan, N.Y., son of Maria Campo of North Providence. She received a master's degree from the University of Rhode Island. He received a J.D. degree from Syracuse University School of Law. They will marry Sept. 15.

SIMONE ANDREA FEASTER of Providence, daughter of Dr. Scott V. Feaster of Pembroke Pines, Fla. and Brigitte Feaster of North Providence, to ERIC MICHAEL ARMOUR of Providence, son of Everett M. and Judith A. Armour of Pawtucket. She graduated from Classical High School. He graduated from Rhode Island College, where she is a student. They will marry Oct. 13.

CHRISTINE GAMELIN, daughter of Mr. and Mrs. Richard Gamelin of Warwick, to DAVID JENCKS JR., son of Mr. and Mrs. David Jencks of Warwick. Both graduated from Toll Gate High School. She also graduated from Community College of Rhode Island and Rhode Island College. They will marry in June 1998.

CHERYL RACHAEL GRENON, daughter of Sheila Grenon of Hope Valley and the late Richard Grenon, to ROGER ARMAND CHATELL, son of Phyllis Chatell of West Warwick. She graduated from West Warwick High School. He graduated from Community College of Rhode Island and attends Rhode Island College School of Social Work. They will marry June 27, 1998.

ENGAGEMENTS

JENNIFER L. HAMMOND, daughter of Mr. and Mrs. Robert A. Hammond of Warwick, to STEVEN DeALMO, son of Germaine M. DeAlmo of Warwick and Robert J. DeAlmo of Cranston. She graduated from Warwick Veterans Memorial High School and Community College of Rhode Island. He graduated from Bishop Hendricken High School and Bryant College. They will marry in November.

ROSEANN IADEVAIA of Boston, daughter of Mr. and Mrs. Robert Iadevaia of North Providence, to WAYNE CAMPBELL, son of Mr. and Mrs. George Campbell of Boston. They will marry in April 1997.

RENEE JOUBERT, daughter of Raymond and Rosemarie Joubert of Johnston, to GREGG GEORGANTIS of Greenville, son of Marilyn Georgantis of North Providence and Peter Georgantis of Renov, Nev. She graduated from Johnston High School and Rhode Island College. He graduated from La Salle Academy and attends Roger Williams University. They will marry Oct. 26.

DIANE ANAHID KILLERJIAN, daughter of Anahid S. Killerjian of Cranston and the late John H. Killerjian, to ALAN DOUGLAS CHOPY, son of Mr. and Mrs. Norman Chopy of Cumberland. She graduated from Cranston High School East and Community College of Rhode Island. He graduated from Cumberland High School and the University of Rhode Island. They will marry in May 1997.

TRACY ROBIN LAROSEE of South Attleboro, Mass., daughter of Robin Larosee of Florida and Alan Larosee of New Jersey, to ROBERT **JOSEPH SALVATI**, son of Ruth Salvati of North Providence and the late George Salvati. She attended Cumberland High School and he attended North Providence High School. They will marry June 28, 1997.

SHANNA L. LAYTON, daughter of Robert Layton of New York and Lee Ann Deak of Saugerties, N.Y., to BRIAN W. TVENSTRUP of New York, son of William and Patricia Tvenstrup of North Kingstown. She is a senior at Fordham University. He graduated from Princeton University and the Woodrow Wilson School of International Relations. They will marry in November.

MARY JANE LOPES, daughter of Joseph C. and Lillian C. Lopes of Portsmouth, to DEAN HLADICK, son of Jane Hladick of Natick, Mass. and the late Joseph Hladick Sr. She graduated from Portsmouth High School and Roger Williams University. He graduated from Natick High School. Both also graduated from Springfield College. They will marry June 22.

KRISTEN L. LOZY, daughter of Camilla Ferreira of Foster and Louis H. Lozy of Lincoln, to WILLIAM J. FREE III of Lincoln, son of Karen Free of Cumberland and the late William J. Free Jr. She graduated from Scituate High School. He graduated from Cumberland High School. They will marry April 26, 1997.

JODI ANN McNULTY, daughter of Mr. and Mrs. Eugene McNulty of Providence, to MICHAEL DAVID ANDREOZZI, son of Mr. and Mrs. Fausto Andreozzi of North Providence. She graduated from Bishop Keough Regional High School. He graduated from La Salle Academy. They will marry May 4, 1997.

JULIE ELAINE MEDEIROS of West Warwick, daughter of Elaine Medeiros of Coventry, to JULIAN DALE MONIZ of West Warwick, son of Deborah Martin of East Providence. She graduated from Cranston High School East. He graduated from Central High School. They will marry Sept. 14.

EILEEN MARY MURPHY of Austin, Texas, daughter of James E. and Corinne Murphy of Warren, to SEAN C. COMPTON of Austin, son of Thomas and JoAnne Compton of San Antonio, Texas. She graduated from Bishop Connolly High School and Wheelock College. He graduated from Texas A&M University. They will marry Sept. 14.

LISA ANN PAWLITSCHKEK, daughter of Mr. and Mrs. Robert Pawlitschek of Pawtucket and the late Lillian Pawlitschek, to STEVEN JOSEPH SILVEIRA, son of Mr. and Mrs. Jose F. Silveira of East Providence. She graduated from Tolman High School and Rhode Island College. He graduated from East Providence High School and New England Tech. They will marry July 5, 1997.

ENGAGEMENTS

BONNIE LYNN PRIOR of West Warwick, daughter of Patricia and Douglas McClintic of Coventry, to MARK EDWARD KUSIAK of West Warwick, son of Edward Kusiak of Coventry. Both graduated from Coventry High School. She attended Emerson College and will attend Rhode Island College in the fall. they will marry Aug. 24.

ANNA R. RAMPONE, daughter of Eugenia and Pasquale Rampone of Johnston, to ANTHONY J. FERRUCCI, son of Diana and Armand Ferrucci of Cranston. She graduated from Central High School and Katharine Gibbs School. He graduated from Our Lady of Providence High School. They will marry May 17, 1997.

KATHLEEN MARY ROZPAD, R.N., of Providence, daughter of Mr. and Mrs. Joseph S. Rozpad of Riverside, to LOUIS J. WOJCIK, M.D. of Providence, son of Dr. and Mrs. Joseph S. Wojcik of Bronxville, N.Y. She graduated from St. Mary Academy-Bay View, Providence College and the University of Rhode Island. He graduated from Bronxville (N.Y.) High School, Fordham University and received an M.D. from Vanderbilt University. He is completing a residency in Urology in Rhode Island and will start a fellowship in pediatric urology at San Diego Children's Hospital in July 1997. They will marry in the spring 1997.

SANDRA SCHMUKI of Fairfield, Conn., daughter of Otto and Frieda Schmucki of Navarre, Ohio, to J. TROY PAPPAS of North Kingstown, son of James and Doris Pappas of East Greenwich. She graduated from Ohio Northern University. He graduated from Bucknell University and received a master's degree from Yale University. They will marry July 13.

CINDY KNOTT SULLIVAN, daughter of Giny Knott of Warwick and the late Frank Knott, to JACK TIBERT of Warwick, son of the late Loretta Tibert and the late Ernest Tibert. She graduated from Toll Gate High School. He graduated from Norwood (Mass.) High School. They will marry Aug. 17.

SUSIE TEVES, daughter of Anibal and Catarina Teves of East Providence, to DONALD IZZO of Providence, son of Raymond and Brenda Zolli of Cranston. She graduated from East Providence High School and attends Community College of Rhode Island. He graduated from Bishop Hendricken High School and the University of Rhode Island. They will marry July 25, 1998.

KRISTEN L. VITO, daughter of Mr. and Mrs. Anthony Vito of West Warwick, to TODD D. SPARDELLO, son of Mr. and Mrs. Robert Spardello of Johnston. She graduated from Rhode Island College and is a graduate student at Assumption College. He graduated from Cranston High School West. They will marry Oct. 6.

JULIE A. YOUNG, daughter of Stephen and Maryanne Young of Seekonk, Mass., to FREDERICK G. SPECHT, son of Frederick Specht and Jeanette Specht, both of Pawtucket. She graduated from Community College of Rhode Island. He graduated from Roger Williams University. They will marry May 31, 1997.

Load-Date: May 21, 1996

Er saß 30 Jahre unschuldig im Knast ... und lacht jetzt über 101 Millionen Dollar Entschädigung



[Er saß 30 Jahre unschuldig im Knast ... und lacht jetzt über 101 Millionen Dollar Entschädigung](#)

Berliner Kurier

28. Juli 2007

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Section: Panorama; S. 47; ; Ausgabe: 203

Length: 163 words

Body

Boston - Vier Amerikaner

saßen wegen eines 1965 verübten Mordes jahrzehntelang unschuldig im Knast - und das FBI wusste, dass die Verurteilung ein Justiz-Irrtum war. Jetzt erhielten zwei noch lebende Verurteilte und die Familien ihrer zwei verstorbenen Schicksalsgenossen 101 Millionen Dollar.

Es ging um einen Mord in der Unterwelt. Ausgerechnet Mafia-Killer Joseph "Das Tier" Barboza brachte vier Unschuldige für rund 30 Jahre hinter Gitter. Als Hauptzeuge schwor er, sie bei der Tat gesehen zu haben. Doch er log, um einen kriminellen FBI-Informanten zu schützen. Das kam 2001 ans Licht, als FBI-Unterlagen öffentlich gemacht wurden. Im Entschädigungsprozess vor dem Bundesgericht Boston argumentierte das FBI, es sei nicht verpflichtet gewesen, den Sachverhalt aufzuklären. Es sei ein "akzeptabler Kollateralschaden". Die Richterin fand das absurd, sprach den Opfern, darunter **Joseph Salvati** (Foto), insgesamt 101 Millionen Dollar (74 Mio. Euro) Entschädigung zu.

BU: Foto: AP

Load-Date: July 28, 2007

Estate of wrongfully convicted man gets \$500K



Estate of wrongfully convicted man gets \$500K

The Associated Press State & Local Wire

July 17, 2008 Thursday 1:37 PM GMT

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Section: STATE AND REGIONAL**Length:** 122 words**Dateline:** BOSTON

Body

The family of one of four men framed for a 1965 gangland murder has received \$500,000 from the state for the wrongful conviction.

Louis Greco died in prison in 1995 at age 78 after serving 28 years.

The lawyer for Greco's estate said the money will be returned if it wins an appeal by the federal government challenging a U.S. district court judge's award of \$101.7 million to the four men or their survivors.

John Cavicchi, who represents Greco's former wife, Roberta Werner of Boynton Beach, Fla., says she received the payment late last month.

Federal Judge Nancy Gertner said the FBI deliberately withheld evidence that Greco, Peter Limone, **Joseph Salvati**, and Henry Tameleo were innocent of the Chelsea killing of Edward "Teddy" Deegan.

Load-Date: July 18, 2008



[EUR 100m for men framed by Mafia](#)

The Irish Times

July 27, 2007 Friday

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Section: WORLD; Other World Stories; Pg. 11

Length: 283 words

Byline: Ewen MacAskill in Washington

Body

US: A federal judge yesterday ordered the US government to pay more than \$100 million (EUR 73 million) in compensation to men jailed for decades after being framed by a Mafia hitman with the complicity of the Federal Bureau of Investigation (FBI).

The FBI knew the men were innocent, but did not inform state prosecutors at the time. The men, two of whom died in prison, were set up by Mob hitman Joseph "The Animal" Barboza. A former boxer from east Boston, Barboza worked for the Patriarcas, a New England Mafia family. He turned FBI informant while in jail for murder and was shot dead by the Mafia in San Francisco in 1976.

The government argued the FBI, which knew the wrong men were being accused, had no obligation to share its information.

The district judge, Nancy Gertner, said: "It took 30 years to uncover this injustice, and the government's position is, in a word, absurd. No lost liberty is dispensable. We have fought wars over this principle. We are still fighting these wars."

Peter Limone, [Joseph Salvati](#) and the families of the two who died in prison, Henry Tameleo and Louis Greco, had sued the federal government for malicious prosecution.

Mr Salvati and Mr Limone were exonerated in 2001 after FBI memos surfaced showing the men had been framed.

The lawyers for the men said Boston FBI agents knew Barboza lied when he named them as the killers of Edward Deegan in 1965.

They said the FBI was protecting one of its informants.

The lawyers said the FBI treated the four as "acceptable collateral damage".

Victor Garo, one of the lawyers for the men, said: "It was more important for the FBI to protect their informants than to protect innocent people who had families."

EUR 100m for men framed by Mafia

Load-Date: July 27, 2007

End of Document

Evelyn M. (Salvati) Liantonio



Evelyn M. (Salvati) Liantonio

Daily Record (Morristown, New Jersey)

October 17, 2006 Tuesday

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Section: Pg. ANNOUNCE05**Length:** 260 words**Dateline:** BOONTON

Body

Evelyn M. (Salvati) Liantonio died peacefully at her home on Sunday afternoon, Oct. 15, 2006. She was 81.

Born in Barren Island, Brooklyn, she was a resident of Boonton for the past three years, having previously lived in Belle Harbor, Queens for 34 years.

She attended the Brooklyn Leading Designing Academy in New York, specializing in ladies costume and fashion illustration.

A devoted mother and homemaker, she also served for a time as a secretary at St. Joachim's School, Woodmere, N.Y. She also was a member of the Ladies Auxiliary of the La Salle Military Academy in Oakdale, N.Y.

Her siblings, Alfred and Elizabeth Salvati, and Vera Helfer, all died previously.

Survivors include her beloved husband of 59 years, John J. Liantonio; her sons, Dominic and his wife, Lorraine, and John J. Jr. and his wife, Grace; her daughters, Collette Liantonio and her husband, Jan De Benedetto, and Christine and her husband, Maj. Samuel Middleton, USMC; her brother, **Joseph Salvati**; 10 grandchildren, Jon Calderaro, Eve and her husband, Darrell Fusco, Collette De Benedetto, Danielle Liantonio, Timothy and Brian Kellen, Stephanie, John J. III, and Joseph Liantonio, and Christopher Middleton; and her great-grandson, Cosmo Fusco.

Relatives and friends are invited to call at Lewis and Carey, Directors of Funerals, 312 W. Main St., Boonton on Wednesday, Oct. 18 from 2-4 and 7-9 p.m. Her Liturgy of Christian Burial will be celebrated at St. Margaret's Church and interment will follow at St. John's Cemetery, both in Middle Village, Queens, N.Y. on Friday morning, Oct. 20.

Load-Date: October 19, 2006

EVENT: HOUSE GOVERNMENT REFORM COMMITTEE TIME: 10:00 am



EVENT: HOUSE GOVERNMENT REFORM COMMITTEE
TIME: 10:00 am

FNS DAYBOOK

May 3, 2001

FINAL

Copyright 2001 Federal News Service, Inc.

Section: U.S. HOUSE OF REPRESENTATIVES

Length: 74 words

Body

SUBJECT: Full committee hearing on "The FBI's Controversial Handling of Organized Crime Investigations in Boston," focusing on the case of **Joseph Salvati**, involving a man who spent 30 years in prison for a murder he apparently did not commit.

202-225-5074 <http://www.house.gov/reform>

Load-Date: May 2, 2001

End of Document

EVENT: HOUSE GOVERNMENT REFORM COMMITTEE TIME: 10:am am



EVENT: HOUSE GOVERNMENT REFORM COMMITTEE
TIME: 10:am am

FNS DAYBOOK

May 03, 2001

FUTURE EVENTS

Copyright 2001 Federal News Service, Inc.

Section: U.S. HOUSE OF REPRESENTATIVES

Length: 74 words

Body

SUBJECT: Full committee hearing on "The FBI's Controversial Handling of Organized Crime Investigations in Boston," focusing on the case of **Joseph Salvati**, involving a man who spent 30 years in prison for a murder he apparently did not commit.

202-225-5074 <http://www.house.gov/reform>

Load-Date: April 12, 2001

End of Document

EVENT: HOUSE GOVERNMENT REFORM COMMITTEE TIME: 10:am am



EVENT: HOUSE GOVERNMENT REFORM COMMITTEE
TIME: 10:am am

FNS DAYBOOK

May 03, 2001

FUTURE EVENTS

Copyright 2001 Federal News Service, Inc.

Section: U.S. HOUSE OF REPRESENTATIVES

Length: 74 words

Body

SUBJECT: Full committee hearing on "The FBI's Controversial Handling of Organized Crime Investigations in Boston," focusing on the case of **Joseph Salvati**, involving a man who spent 30 years in prison for a murder he apparently did not commit.

202-225-5074 <http://www.house.gov/reform>

Load-Date: April 19, 2001

End of Document

EVENT: HOUSE GOVERNMENT REFORM COMMITTEE TIME: 10:am am



EVENT: HOUSE GOVERNMENT REFORM COMMITTEE
TIME: 10:am am

FNS DAYBOOK

May 03, 2001

FUTURE EVENTS

Copyright 2001 Federal News Service, Inc.

Section: U.S. HOUSE OF REPRESENTATIVES

Length: 74 words

Body

SUBJECT: Full committee hearing on "The FBI's Controversial Handling of Organized Crime Investigations in Boston," focusing on the case of **Joseph Salvati**, involving a man who spent 30 years in prison for a murder he apparently did not commit.

202-225-5074 <http://www.house.gov/reform>

Load-Date: April 26, 2001

End of Document



**EVENT: NEWS BRIEFING - EDUCATION AND LIBRARY NETWORKS
COALITION (EDLINC)**
TIME: 10:30 am

FNS DAYBOOK

May 5, 1999

EDITION: FINAL

Copyright 1999 Federal News Service, Inc.

Section: GENERAL NEWS EVENTS

Length: 12 words

Body

SUBJECT: Education and Library Networks Coalition (EdLiNC) holds a news conference to release its report, "E-rate: Connecting Kids and Communities to the Future."

William Kennard, Federal Communications Commission (FCC) chairman; Robert Chase, National Education Association (NEA); Lynne Bradley, American Library Association; Rev. William S. Davis, U.S. Catholic Conference; **Joseph Salvati**, New York Public Schools; William Taylor and Felix Nunez, Martin Luther King High School, New York City; and Trudy Jaques, East Baton Rouge, LA, Parish Library

CONTACT: Elizabeth Rose, 202-478-6119, Jennifer Seeger, 202-478-6129

Load-Date: May 4, 1999

End of Document

EX-AGENT CHARGED IN 1981 MOB HIT;SOME EXPECT ARREST TO UNRAVEL TIES BETWEEN FBI AND UNDERWORLD



**EX-AGENT CHARGED IN 1981 MOB HIT;
SOME EXPECT ARREST TO UNRAVEL TIES BETWEEN FBI AND
UNDERWORLD**

Charlotte Observer (North Carolina)

October 10, 2003 Friday ONE-THREE EDITION

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Section: MAIN; Pg. 9A

Length: 601 words

Byline: DENISE LAVOIE, ASSOCIATED PRESS

Dateline: BOSTON

Body

A former FBI agent who handled high-ranking mob informants was arrested Thursday and charged with murder in a 1981 mob hit on an Oklahoma businessman, his lawyer said.

Paul Rico, 78, was arrested at his home near Miami in the slaying of 55-year-old Roger Wheeler, who was shot in the head at a country club in Tulsa, Okla., after a round of golf.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted Fugitives list.

Investigators said Wheeler's slaying was linked to his purchase of World Jai Alai and his suspicion that money was being skimmed from the Florida company.

At the time, Rico was retired from the FBI and was the head of security for World Jai Alai.

Investigators said Rico provided John Martorano, a hit man for Boston's Winter Hill Gang, with information on Wheeler's schedule. Martorano admitted pulling the trigger and is awaiting sentencing.

Rico "flat-out, categorically denies this," said his attorney, William Cagney III. "He never assisted the Winter Hill Gang in trying to get inside information so they could do away with people."

Rico was jailed in Florida. District Attorney Tim Harris of Tulsa did not return repeated calls. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston in the 1960s and '70s. He cultivated mobster Stephen "The Rifleman" Flemmi and others as informants.

EX-AGENT CHARGED IN 1981 MOB HIT;SOME EXPECT ARREST TO UNRAVEL TIES BETWEEN FBI AND UNDERWORLD

Bulger, who is said to lead the Winter Hill Gang; Flemmi; and Martorano were charged in Wheeler's murder in 2001 by Oklahoma prosecutors.

Prosecutors in Florida followed with an indictment charging all three in the 1982 slaying of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

A congressional panel is investigating the Boston FBI office's ties to its mob informants, including Bulger. He fled in 1995 after being tipped off by then-agent John Connolly Jr. that he was going to be indicted on federal racketeering charges.

During Connolly's trial, prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were informing for the FBI on the New England Mafia, which is separate from the Winter Hill Gang. Connolly is serving a 10-year prison sentence.

In 2001, Rico testified about another case before a congressional committee. He denied he and his partner helped framed an innocent man for a 1965 gangland slaying, but he acknowledged that Joseph Salvati wrongly spent 30 years in prison for the crime.

U.S. Rep. Christopher Shays, R-Conn., accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case.

Rico replied, "What do you want, tears?"

Salvati's lawyer, Victor Garo, predicted that Rico's arrest will split the Boston FBI scandal wide open, exposing more government wrongdoing in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that, right now, many people are concerned about what he knows and what he will say. He knows about all the skeletons in the closet."

Wheeler's son said he was pleased with Rico's arrest.

"It's something I've wanted for years," said Larry Wheeler, who said he believes Rico played a role in his father's murder.

Graphic

Photo;

JOHN TLUMACKI - THE BOSTON GLOBE. Ex-FBI agent Paul Rico was charged Thursday in a 1981 mob-related slaying.

Load-Date: October 11, 2003



EX-AGENT OF FBI ARRESTED IN MOB HIT

The Miami Herald

October 10, 2003 Friday STATE EDITION

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Section: METRO & STATE; Pg. 3B

Length: 612 words

Byline: DENISE LAVOIE, Associated Press

Body

A former FBI agent who handled high-ranking mob informants was arrested Thursday at his home near Miami and charged with murder for allegedly helping to set up a 1981 mob hit on an Oklahoma businessman.

H. Paul Rico, 78, was charged in the slaying of Roger Wheeler, 55, who was shot in the head at a Tulsa, Okla., country club after a round of golf.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted list.

Investigators said Wheeler's slaying was linked to his purchase of World Jai Alai and his suspicion that money was being skimmed from the Florida company. At the time, Rico was retired from the FBI and was the head of security for World Jai Alai.

Investigators said Rico provided John Martorano, a hit man for Boston's Winter Hill Gang, with information on Wheeler's schedule so he could be killed. Martorano admitted pulling the trigger and is awaiting sentencing.

DENIES ALLEGATION

Rico "flat-out categorically denies this," his attorney, William Cagney III told The Associated Press. "He never assisted the Winter Hill Gang in trying to get inside information so they could . . . do away with people."

Rico was jailed in Florida. District Attorney Tim Harris of Tulsa could not be reached. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment.

Rico spent 24 years with the FBI, specializing in organized-crime cases in Boston in the 1960s and '70s. He cultivated mobster Stephen "The Rifleman" Flemmi and others as informants.

EX-AGENT OF FBI ARRESTED IN MOB HIT

Bulger, boss of the Winter Hill Gang, Flemmi and Martorano were all charged in Wheeler's murder in 2001 by Oklahoma prosecutors.

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Republican Rep. Christopher Shays accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case. Rico replied, "What do you want, tears?"

EXPECTING A BONANZA

Salvati's lawyer, Victor Garo, predicted that Rico's arrest will split the Boston FBI scandal wide open, exposing more government wrongdoing in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that right now many people are concerned about what he knows and what he will say. . . He knows about all the skeletons in the closet."

Wheeler's son said he was pleased with Rico's arrest.

"It's something I've wanted for years," said Larry Wheeler, who said he believes Rico played a role in his father's murder.

Load-Date: August 17, 2005

Ex-Boston FBI agent charged in 1981 killing;H. Paul Rico's arrest may widen a scandal overthe local agency's ties to its informants in the mob.



***Ex-Boston FBI agent charged in 1981 killing;
H. Paul Rico's arrest may widen a scandal over
the local agency's ties to its informants in the mob.***

The Philadelphia Inquirer

OCTOBER 10, 2003 Friday CITY-D EDITION

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Section: NATIONAL; Pg. A10

Length: 621 words

Byline: Denise Lavoie ASSOCIATED PRESS

Dateline: BOSTON

Body

A former FBI agent who handled high-ranking mob informants was arrested yesterday and charged with murder for allegedly helping set up a 1981 mob hit on an Oklahoma businessman.

H. Paul Rico, 78, was arrested at his home near Miami in the slaying of Roger Wheeler, 55, who was shot in the head at a Tulsa, Okla., country club after a round of golf. Rico denies wrongdoing in the case, his lawyer said.

His arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted list.

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Rico "flat-out categorically denies this," his attorney, William Cagney III, said. "He never assisted the Winter Hill Gang in trying to get inside information so they could . . . do away with people."

Rico was jailed in Florida. The office of District Attorney Tim Harris of Tulsa declined to comment. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, also declined to comment.

Ex-Boston FBI agent charged in 1981 killing;H. Paul Rico's arrest may widen a scandal overthe local agency's ties to its informants in the mob.

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"It's something I've wanted for years," Larry Wheeler said, adding that he believed Rico played a role in his father's killing.

Graphic

PHOTO;

H. Paul Rico denies any role in the Okla. man's death.

Load-Date: August 17, 2005



Executive error

Lowell Sun (Lowell, MA)

December 14, 2001 Friday

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Section: EDITORIAL

Length: 534 words

Body

It's deplorable that President Bush has chosen to shield the FBI's inglorious and illegal past by in one of the most glaring miscarriages of justice in Massachusetts history -- the agency's long-arm protection of criminal James 'Whitey' Bulger which led to the conviction of four innocent men for murder.

We urge President Bush to reconsider his use of executive privilege to block Congress from obtaining U.S. Justice Department documents on the FBI's misguided affairs. Bush is wrong to believe release of the files "would be contrary to the national interest." A full public disclosure, in fact, will end the mistrust now dogging new FBI Director Robert Mueller and devoted agents who are trying to rehabilitate the agency's tarnished image.

More important, the FBI must be held accountable for its action. It is not above the law.

The American people deserve to know the unvarnished truth about the FBI's Boston bureau and how it gave Bulger and his accomplice, Stephen "Rifleman" Flemmi, a virtual license to commit extortion and murder while they served as informants on the Mafia. President Bush can't condone the actions that led to 20 known murders and quite possibly more.

The national interest can best be served by bringing to light the despicable errors in judgment committed by FBI handlers who condoned Bulger's criminal life and were complicit in his escape from prosecution.

In 1965, **Joseph Salvati**, Peter J. Limone, Louis Greco and Henry Tameleo recived life sentences for a murder they didn't commit based on a confession FBI agents knew to be a lie. Greco and Tameleo died in prison. Salvati and Limone were released last year when a Justice Department task force uncovered the tainted FBI documents and memos.

Such an abuse of power, by any state or federal agency, can not be tolerated in America.

A president's right to executive privilege should be an honorable exercise to safeguard information vital to our national interests. It shouldn't be used to denigate the law or weaken democracy by hiding embarrassing FBI secrets about Whitey Bulger.

El Tiante's return

Looie, Looie, Looie!

Executive error

We can't wait for the thunderous cheers to begin at LeLacheur Park, when one of the most beloved and respected players in Boston Red Sox history, Luis Tiant, steps on the field as one of our own Lowell Spinners.

El Tiante was a pitching whirlwind with the personality to match for the Red Sox teams of the 1970s. And now he's coming back as a member of the Red Sox family, as a pitching coach for the Sox Single A baseball affiliate in Lowell. If Red Sox General Manager Dan Duquette never makes another deal [of course he will] he's got to be commended for enticing Tiant to help out the young Sox. Maybe, just maybe, El Tiante can develop the pitching arms Boston's been unable to produce in its farm system. We believe he can.

The former master moundsman also will be working in the Red Sox publicity department and quite likely making the rounds of local businesses and events. For fans young and old, Tiant's presence will be a welcome delight.

The only problem now is getting Looie to give up those fine Cuban cigars he's so fond of lighting up. Smoking's banned at LeLacheur Park.

Looie, Looie, Looie!

Load-Date: October 13, 2003

End of Document



EXECUTIVE PRIVILEGE; WHY IS BUSH BLOCKING CONGRESSIONAL PROBES?

The Record (Bergen County, NJ)

December 27, 2001 Thursday All Editions

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Section: OPINION; Pg. I10; EDITORIAL

Length: 443 words

Body

RECENTLY, President Bush has been hit with the harshest criticism he has received since the September terrorist attacks.

Mr. Bush was accused of being a "dictatorial president" and "acting like a king," trying to crush the power of the people's elected representatives. He also received this stark warning: After the Persian Gulf war 11 years ago, his dad was at a 90 percent approval rating, and he lost -- and the same thing can happen to this president.

The Record

The criticism came not from a Gore diehard but from Republican Rep.

Dan Burton of Indiana, the arch-conservative chairman of the House Government Reform Committee.

Mr. Burton was reacting to Mr. Bush's decision to invoke executive privilege to block congressional probes into alleged FBI misconduct and Justice Department inaction on allegations of campaign finance abuses.

Mr. Burton is best known for his relentless investigations of the Clinton administration -- which many thought were evidence of the chairman's political bias. But Mr. Burton's reaction to Mr. Bush's sweeping privilege claims shows that he is bipartisan in his zeal to protect the right of Congress to oversee the workings of the executive branch.

The president says that providing documents about prosecutorial decisions would have a "chilling effect" on criminal investigations. But he has chosen very poor ground on which to make his stand. In neither case is Mr. Burton's committee dealing with active investigations, where the sudden spotlight of congressional scrutiny might indeed interfere with legitimate law enforcement activities. Instead, the committee is performing the useful service of seeking the truth about past abuses -- in order to prevent them from happening again.

The FBI case is particularly galling. ***Joseph Salvati*** spent 30 years in prison for a mob-related killing; this year, his sentence was overturned when a judge found that the FBI had known of his innocence all along and had even concealed exonerating evidence during his trial -- all to protect one of its mob informants.

The Burton committee is trying to find out how this happened and how high the cover-up went. It is also seeking details about other dubious deals the FBI cut with favored gangsters during that period.

EXECUTIVE PRIVILEGE;WHY IS BUSH BLOCKING CONGRESSIONAL PROBES?

Mr. Burton's language may be strident, but his stance is correct: The people's representatives must be allowed to oversee the workings of federal law enforcement agencies -- especially now that those agencies have been granted unprecedented powers in the wake of the terrorist attacks.

Whatever its intentions, the president's edict sows suspicion and mistrust where unity and cooperation are needed more than ever.

Load-Date: December 27, 2001

End of Document



[Ex-FBI Agent Faces Charges in Mob Hit](#)

Associated Press Online

October 9, 2003 Thursday

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Section: DOMESTIC NEWS

Length: 681 words

Byline: DENISE LAVOIE; Associated Press Writer

Dateline: BOSTON

Body

A former FBI agent who handled high-ranking mob informants was arrested Thursday and charged with murder for allegedly helping to set up a 1981 mob hit on an Oklahoma businessman.

H. Paul Rico, 78, was arrested at his home near Miami in the slaying of 55-year-old Roger Wheeler, who was shot in the head at a Tulsa, Okla., country club after a round of golf.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted list.

Investigators said Wheeler's slaying was linked to his purchase of World Jai Alai and his suspicion that money was being skimmed from the Florida company. At the time, Rico was retired from the FBI and was the head of security for World Jai Alai.

Investigators said Rico provided John Martorano, a hit man for Boston's Winter Hill Gang, with information on Wheeler's schedule so he could be killed. Martorano admitted pulling the trigger and is awaiting sentencing.

Rico "flat-out categorically denies this," his attorney, William Cagney III told The Associated Press. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Rico was jailed in Florida. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston in the 1960s and '70s. He cultivated mobster Stephen "The Rifleman" Flemmi and others as informants.

Bulger, the boss of the Winter Hill Gang, Flemmi and Martorano were all charged in Wheeler's murder in 2001 by Oklahoma prosecutors.

District Attorney Tim Harris of Tulsa has said he planned to seek the death penalty against Bulger and Flemmi. Harris' office issued a statement Thursday saying it would have no immediate comment.

Ex-FBI Agent Faces Charges in Mob Hit

Prosecutors in Florida followed with an indictment charging all three in the 1982 slaying of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

A congressional panel is investigating the Boston FBI office's ties to its mob informants, including Bulger, who fled in 1995 after being tipped off by then-agent John J. Connolly Jr. that he was about to be indicted on federal racketeering charges.

During Connolly's trial, prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were informing for the FBI on the New England Mafia, which is separate from the Winter Hill Gang. Connolly is serving a 10-year prison sentence.

In 2001, Rico testified about another case before a congressional committee. He denied that he and his partner helped frame an innocent man for a 1965 gangland slaying, but acknowledged that Joseph Salvati wrongly spent 30 years in prison for the crime.

Republican Rep. Christopher Shays accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case. Rico replied, "What do you want, tears?"

Salvati's lawyer, Victor Garo, predicted that Rico's arrest will split the Boston FBI scandal wide open, exposing more government wrongdoing in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that right now many people are concerned about what he knows and what he will say. ... He knows about all the skeletons in the closet."

Wheeler's son said he was pleased with Rico's arrest.

"It's something I've wanted for years," said Larry Wheeler, who said he believes Rico played a role in his father's murder.

Rico is not the first FBI agent to be charged with murder. In 1990, Kentucky-based agent Mark S. Putnam pleaded guilty to strangling an informant - a woman with whom he'd had an affair. At the time, an FBI spokesman in Washington said he believed Putnam was the first FBI agent ever to be charged with murder.

Load-Date: October 10, 2003



Ex-FBI agents, attorney Bailey to testify

The Associated Press State & Local Wire

April 26, 2001, Thursday, BC cycle

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Section: State and Regional

Length: 517 words

Byline: By KEN MAGUIRE, Associated Press Writer

Dateline: WASHINGTON

Body

Joseph Salvati will face two former FBI agents who helped convict him of a murder he didn't commit when they all testify next week before a congressional panel probing alleged illicit ties between the Mob and the Boston FBI office.

Subpoenas are to be issued Friday to ex-agents H. Paul Rico and Dennis Condon, a House Government Reform Committee spokesman said.

Both men, however, are expected to invoke their Fifth Amendment rights against self-incrimination because a Justice Department task force is probing whether some agents got too cozy with their Mob informants and became corrupt themselves.

"We hope they'll talk. They certainly owe the Salvatis and this country an explanation," committee spokesman Mark Corallo said.

Salvati served 30 years in prison, wrongly convicted in the 1965 murder of Edward "Teddy" Deegan. He was released in 1997.

The committee's first hearing is focused on the Salvati case and is scheduled for next Thursday. It is investigating the FBI's use of confidential informants. Salvati, his wife and attorney are all scheduled to testify.

"It's important for all the citizens of the United States and the Congress of the United States to understand what has gone on here in Massachusetts, especially concerning the Salvati case," Salvati lawyer Victor J. Garo said.

Also on the list is lawyer F. Lee Bailey, who plans to tell the committee that he told top Massachusetts prosecutors in 1970 that a client helped frame Salvati, but they allegedly never responded.

Bailey in 1970 represented Boston mobster Joseph "The Animal" Barboza, an FBI informant who falsely implicated Salvati in Deegan's murder.

Ex-FBI agents, attorney Bailey to testify

"I think a lot of people are going to be shocked about what F. Lee Bailey has to say, about how he tried to right an injustice, but no one would listen to him either," Garo said.

Salvati, 68, and co-defendant Peter J. Limone, 66, were exonerated this year after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who were helping them bring down New England mobsters and manipulated testimony in their 1968 murder trial, the judge said.

Barboza was placed in the witness protection program, but was charged with a 1971 murder in California. Rico and Condon testified in support of him during the trial, Garo said. Barboza was shot and killed five years later in California.

Committee Chairman Rep. Dan Burton, R-Ind., called for hearings after learning of Salvati's case and of federal indictments charging former Boston FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi with about 20 murders and allegations that FBI agents covered up their crimes.

Bulger, 71, and Flemmi, 63, allegedly were allowed to conduct criminal activity, including murders, while informing FBI agents about rival mobsters over several decades. Flemmi is awaiting trial while Bulger remains at large and on the FBI's Ten Most Wanted list.

Ex-FBI agent John J. Connolly has been charged with racketeering and obstruction of justice for his handling of Bulger and Flemmi.

Load-Date: April 27, 2001



Ex-hitman looks to lead quiet life John Martorano to return to Hub after prison term

The Boston Globe

March 20, 2007 Tuesday

THIRD EDITION

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Section: METRO; Pg. B1

Length: 1100 words

Byline: Shelley Murphy Globe Staff

Body

He was one of the most notorious hitmen in Boston mob history. He became the first in a rogues gallery of underworld figures to turn government witness against gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and their corrupt FBI handlers.

On Thursday, 66-year-old John Martorano is to become a free man after killing 20 people and serving 12 years and two months in an undisclosed federal prison out of state.

He rejected an offer to join the federal witness protection program and has no qualms about returning to the Boston area, according to his brother, James.

"He just wants to keep his head down and be quiet and just get on with his life," James Martorano said in a telephone interview yesterday. His brother's plans are "just to mind his own business," James said.

Martorano's freedom and return to Boston, however, are a bitter pill for the families of his victims, who were gunned down in the 1960s, 1970s, and 1980s.

"I think it is a sad state of affairs where we have to turn to mob hitmen to find the truth about our FBI," said David Wheeler, pointing out that the 1981 slaying of his father, Tulsa businessman Roger Wheeler, remained unsolved until Martorano confessed that he was the triggerman, acting on orders from Bulger and Flemmi.

Attorney James P. Duggan - who represented the family of Boston financier John Callahan, another of Martorano's victims - said, "How do any of us have any guarantees that he's not going to murder again? You know he's a serial murderer. You know he still has scores to settle. It's unconscionable, really, that he should be released."

John Martorano will remain under court supervision for five years. As part of his agreement with the government, Martorano will testify later this year at the Florida murder trial of former FBI agent John J. Connolly Jr., who is accused of plotting with Bulger and Flemmi in the 1982 gangland slaying of Callahan.

Ex-hitman looks to lead quiet life John Martorano to return to Hub after prison term

Under a plea agreement with state and federal prosecutors, Martorano was sentenced to 14 years in prison in June 2004 for killing 10 people in the Boston area in the 1970s on behalf of Bulger's gang, as well as racketeering, extortion, and money laundering. He also admitted killing eight people in the 1960s, but was never charged with those slayings. He pleaded guilty to Wheeler's killing in Oklahoma in 1981 and the related slaying of Callahan in Florida.

After getting credit for the time he spent in prison while awaiting trial since his January 1995 arrest on the federal racketeering charges, Martorano will finish his sentence this week.

Retired State Police Colonel Thomas Foley, who spearheaded the Bulger investigation, said that investigators and prosecutors wrestled over whether to cut a deal with Martorano, but agreed it should be done because he helped expose Bulger and Flemmi's murderous exploits and their corrupt relationship with FBI agents and a high-ranking retired State Police lieutenant.

"No one knows what the future holds, but if we felt he was going to be a danger and continue to go out and do what he was doing, we wouldn't have gone along with" the deal, Foley said.

He also said that Martorano was not charged with any murders when he was arrested on federal racketeering charges in 1995 and that the 20 slayings had been unsolved until he came forward.

After Martorano and Flemmi were arrested in the 1995 racketeering case, the hitman learned during pretrial hearings that his longtime partners in crime, Bulger and Flemmi, were also longtime FBI informants who fed agents information on rivals in the Mafia and on his own friends, including Martorano. The betrayal prompted Martorano to become a powerful government witness.

His testimony helped lead to the 2002 racketeering conviction of Connolly, who was sentenced to 10 years in prison for leaking information to Bulger and Flemmi and warning Bulger to flee just before Bulger's 1995 racketeering indictment.

Bulger remains one of the FBI's 10 Most Wanted.

Martorano's cooperation also helped prosecutors build a sweeping indictment charging Bulger and Flemmi with 19 slayings. Flemmi pleaded guilty to 10 murders, was sentenced to life in prison, and is now cooperating with the government.

Foley also credited Martorano's decision to cooperate with prompting other gangsters, including longtime Bulger deputy Kevin J. Weeks, to follow in his path and lead investigators to the secret graves of some of Bulger and Flemmi's victims.

Martorano, Flemmi, and Weeks are expected to testify when Connolly goes on trial Sept. 17 in Miami in the Callahan slaying. Martorano says Bulger and Flemmi enlisted him to kill Callahan after Connolly warned them that Callahan might implicate them in the Wheeler slaying.

Martorano was also credited with leading investigators to new evidence that helped Peter J. Limone and **Joseph Salvati**, who served more than 30 years in prison, prove that they had been wrongly convicted of a 1965 gangland murder. A ruling is due soon in a civil suit against the federal government filed on behalf of the two men and two others who died in prison, seeking more than \$100 million in damages.

Weeks, who also rejected an offer to join the witness protection program, said Martorano never betrayed his friends. "The world is a different place today and with everything that has been exposed in this case people realize the complexity of the case and the choices that were made based on Bulger and Flemmi's betrayal," Weeks said yesterday.

SIDEBAR:

MOB KILLER'S VICTIMS

Ex-hitman looks to lead quiet life John Martorano to return to Hub after prison term

Hitman-turned-government witness John Martorano pleaded guilty in federal court in Boston in 1999 to 10 murders in the 1970s:

1973

Michael Milano, 30, of Allston.

Albert Plummer, 49, of Andover.

William O'Brien, 32, of South Boston.

Joseph J. "Indian Joe" Notarangeli, 35, of Medford.

James S. "Spike" O'Toole, 43, of Dorchester.

1974

Alfred Angeli, 37, of Winchester (Notarangeli's brother).

James Sousa, 36, of Waltham.

1975

Tommy King of South Boston.

Edward Connors, 42, of Dorchester.

1976

Richard J. Castucci, 47, of Revere.

Martorano confessed to, but wasn't charged with the 1960s murders of:

Robert Palladino, 32, of Winchester.

Tony Veranis, 28, of Dorchester.

John Jackson, 47, of Back Bay.

Elizabeth Dickson, 19, of Roxbury.

Douglas Barrett, 17, of Roxbury.

Herbert Sith, 47, of Roxbury.

Ronald Hicks, 31, of the Fenway.

John Banno, 30, of Allston.

Martorano also pleaded guilty in Oklahoma to the 1981 slaying of Tulsa businessman Roger Wheeler, 55, and in Florida to the 1982 slaying of John Callahan, 45, of Winchester, a Boston financier with ties to Somerville's Winter Hill Gang.

Shelley Murphy can be reached at shmurphy@globe.com.

Graphic

Ex-hitman looks to lead quiet life John Martorano to return to Hub after prison term

John Martorano's plans are "just to mind his own business," said his brother, James.

Load-Date: March 20, 2007

End of Document



[Ex-Hub FBI agent seeking immunity - Reps want Rico's testimony](#)

The Boston Herald
May 3, 2001 Thursday
ALL EDITIONS

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Section: NEWS;

Length: 650 words

Byline: By J.M. Lawrence

Body

WASHINGTON, D.C. - A retired Boston FBI agent wants immunity from prosecution or he will not answer questions today from members of Congress probing the bureau's handling of organized crime and an innocent man's 30-year prison term, the Herald has learned.

"An immunity grant will be necessary in order for Mr. Rico to testify before your committee," former special agent H. Paul Rico's attorney, William Cagney, said in a letter faxed to the Committee on Government Reform.

Committee sources said last night that no deal had been made with Rico, setting the stage for the agent to exercise his Fifth Amendment rights against self-incrimination this afternoon.

Rico, 73, faces Congress just as Mob hit man Johnny Martorano is slated to plead guilty today in a Tulsa, Okla., federal courtroom to the 1981 execution of World Jai Alai executive Roger Wheeler.

Martorano claimed Rico ordered that murder from his post at the lucrative sports betting organization, a firm he joined upon retiring from the FBI.

Martorano's plea is part of a federal deal orchestrated in 1999 that will bring him 15 years in prison. He has confessed to as many as 20 Mob murders and claimed Rico supplied key information about Wheeler's habits that led the hit man and his partner to find him at a Tulsa country club.

Rico has not been charged in connection with the death of Wheeler, a self-made millionaire and Reading, Mass., native. But the former agent is under investigation by a federal grand jury probing corruption in the Boston FBI.

That investigation requires Rico to ask the House for immunity to talk, Cagney said in his letter.

In earlier interviews, the Florida attorney has said that Rico and his partner Dennis Condon did their work with the approval of their FBI superiors.

"They were not two vigilantes going around the city," Cagney said.

Ex-Hub FBI agent seeking immunity - Reps want Rico's testimony

Rico forged the Boston FBI's first informant links with Mob figures during the 1960s when 65 men were murdered during a deadly gang war between Italian and Irish mobsters.

It was Rico and Condon who cultivated hit man Vincent "Jimmy the Bear" Flemmi as their source and allegedly let **Joseph Salvati** go to prison for 30 years to protect Flemmi and keep good relations with his brother, Stephen "The Rifleman" Flemmi.

Stephen Flemmi also has been charged with conspiring to murder Wheeler in Tulsa along with fugitive crime boss James "Whitey" Bulger.

Condon, who is in his 70s, is in poor health and may ask the House committee to waive his appearance today, sources said.

Rico and Condon withheld evidence that might have exonerated Salvati, a Middlesex Superior Court judge has ruled. And the pair allegedly bolstered the false testimony given by Mob turncoat Joseph "The Animal" Barbosa that Salvati and three other men killed Edward "Teddy" Deegan in a Chelsea alley in March 1965.

Federal investigators probing Rico's tenure with the FBI have noted that the statute of limitations on obstructing justice and racketeering have long run out on crimes during the 1960s. But suborning perjury in a capital murder case is a criminal offense that has no time limit.

Chaired by Indiana Republican Rep. Dan Burton, the Committee on Government Reform is known on Capitol Hill for stoking the fires of controversy.

Burton's decision to take up the Boston saga of G-men who cozied up to the Mob was spurred by members' outrage over the three decades Salvati spent in prison.

"The committee members are more than disgusted with the conduct of the federal agents in this case," committee spokesman Mark Corallo said yesterday.

The committee may hold additional hearings to delve into the later years of the Boston FBI - years in which Rico's successor former agent John J. Connolly Jr. cultivated Bulger as his informant. Connolly is under federal indictment for obstructing justice and racketeering in connection with the Bulger gang.

Load-Date: May 3, 2001



Ex-inmate hits U.S. with suit

Deseret News (Salt Lake City)

August 14, 2002, Wednesday

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Section: WIRE;

Length: 261 words

Byline: Associated Press

Body

BOSTON -- A man who spent 30 years in prison for a murder he did not commit -- even though the FBI had evidence to clear him -- will sue the government for a reported \$300 million.

Calling 69-year-old **Joseph Salvati** "a casualty" of the FBI's war on organized crime, attorney Victor J. Garo said he planned to notify the FBI he's filing a lawsuit after discussions with the Department of Justice failed to produce a "fair and reasonable compensation package."

Salvati, whose sentence was commuted in 1997, was exonerated last year in the 1965 murder of Edward "Teddy" Deegan.

A judge ruled FBI agents, to protect an informant, withheld evidence that would have proved Salvati's innocence.

Garo told the Boston Herald he drew the \$300 million figure from the amount in punitive damages the Iranian government was ordered to pay journalist Terry Anderson, a former Associated Press correspondent held hostage for more than six years.

A federal judge ordered the Islamic Republic of Iran to pay Anderson a total of \$341.7 million.

"The Salvati case is worse than the Anderson case because this was done by our own government to our own citizen," Garo said.

Garo claims the FBI in 1968 helped mob hit man Joseph "The Animal" Barboza frame Salvati and three others. The FBI then hid memos showing other men, including an informant it wanted to protect, were the real killers.

The FBI in Boston declined to comment on Salvati's claim.

The Deegan murder has already spurred \$375 million in lawsuits filed on behalf of the other men, two of whom died in prison, who were wrongly convicted.

Load-Date: August 14, 2002

Ex-inmate hits U.S. with suit

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[Exonerated in mob killing, men seek restitution from government](#)

Associated Press International

November 16, 2006 Thursday 9:28 PM GMT

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Section: INTERNATIONAL NEWS

Length: 833 words

Byline: By JAY LINDSAY, Associated Press Writer

Dateline: BOSTON

Body

Joseph "The Animal" Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to the FBI's push to crack the mob that the agency allowed him to frame four men for murder, attorneys for the men said Thursday.

Joseph Salvati and Peter Limone, who spent more than 30 years in prison, and the families of two other men who died while behind bars, accuse the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship in civil trial that began Thursday.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld from state prosecutors evidence that could have cleared the men so the agency could protect an informant who actually committed the crime.

The lawsuit accuses the FBI of withholding from state prosecutors evidence that could have cleared the men so the agency could protect an informant who actually committed the crime and an illegal bugging operation of a Rhode Island mob boss that could have been exposed.

Their lawsuit does not ask for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million (euro780,000) for each year wrongly imprisoned, which would total more than \$100 million (euro78 million) in this case.

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to the crucial FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial at the time.

Exonerated in mob killing, men seek restitution from government

Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before the death penalty was banned in 1975. Salvati was sentenced to life in prison.

Salvati, 72, and Limone, 74, were exonerated in 2001 after the Justice Department turned over documents showing the FBI had information that could have cleared them. Greco and Tameleo died behind bars before being exonerated.

The case is being tried without a jury before U.S. District Judge Nancy Gertner.

On Thursday, attorneys for the men and their families, said the problems were rooted in a 1960s FBI policy of protecting informants identities at all costs. Once local FBI agents targeted Vincent "Jimmy" Flemmi as a possible informant, shielding him became a priority, despite evidence he helped kill Deegan.

The FBI learned during an illegal FBI eavesdropping operation of Providence crime boss Raymond Patriarca that in the days before the murder, Flemmi and Barboza visited Patriarca to ask permission to kill Deegan as part of a mob feud.

After Deegan was shot in the head multiple time in an alley, informants told FBI agents that Barboza, Flemmi and three other men were responsible. FBI agent Paul Rico, who handled top echelon informants, later listed Deegan as among seven people killed by Flemmi.

"The Deegan murder was literally surrounded by information that Jimmy Flemmi was one of the killers," said Michael Avery, who represents Limone and Tameleo.

But the FBI had recently recruited Flemmi as an informant and believed he would provide valuable information for years, McGuigan said. If the FBI turned over wiretap evidence of Flemmi's visit to Patriarca, that could expose the FBI bugs. And when Barboza agreed to testify, he told the FBI he would never say anything to implicate his friend Flemmi, McGuigan said.

The FBI didn't share any of this evidence with the state, giving them control over the star witness in the state's case. "The FBI were the masters of this prosecution," Avery said.

In his testimony in the Deegan case, Barboza implicated Limone, Salvati and Greco because of personal grudges, and Tameleo because an FBI agent wanted to get him, according to attorney Juliane Balirro, who represents Limone.

The FBI had at least 20 descriptions of the Deegan murder that conflicted with Barboza's testimony, but didn't share them with prosecutors, she said.

Barboza was sentenced to a year and a day in prison after the Deegan trial, and later moved to California as the first participant of the federal witness protection program. He was shot to death in San Francisco in 1976.

Lipscomb, the Justice Department attorney, said Barboza was subjected to more than six days of intense cross examination during the trial, which included questions about Flemmi's possible involvement and accusations that he switched who was involved.

The federal government cannot be accused of malicious prosecution in a case it did not try, she said.

"If you find for the United States on the malicious prosecution claim, the remaining claims go away," she said.

Load-Date: November 17, 2006



[Exonerated in mob killing, men seek retribution from government](#)

Associated Press International

November 16, 2006 Thursday 9:13 PM GMT

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Section: INTERNATIONAL NEWS

Length: 832 words

Byline: By JAY LINDSAY, Associated Press Writer

Dateline: BOSTON

Body

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The lawsuit accuses the FBI of withholding from state prosecutors evidence that could have cleared the men so the agency could protect an informant who actually committed the crime and an illegal bugging operation of a Rhode Island mob boss that could have been exposed.

Their lawsuit does not ask for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million (euro780,000) for each year wrongly imprisoned, which would total more than \$100 million (euro78 million) in this case.

Justice Department attorney Bridget Lipscomb said federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation. She also noted the four men had access to the crucial FBI information, as well as top-notch attorneys who raised doubts about Barboza's testimony at their trial at the time.

Exonerated in mob killing, men seek retribution from government

Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before the death penalty was banned in 1975. Salvati was sentenced to life in prison.

Salvati, 72, and Limone, 74, were exonerated in 2001 after the Justice Department turned over documents showing the FBI had information that could have cleared them. Greco and Tameleo died behind bars before being exonerated.

The case is being tried without a jury before U.S. District Judge Nancy Gertner.

On Thursday, attorneys for the men and their families, said the problems were rooted in a 1960s FBI policy of protecting informants identities at all costs. Once local FBI agents targeted Vincent "Jimmy" Flemmi as a possible informant, shielding him became a priority, despite evidence he helped kill Deegan.

The FBI learned during an illegal FBI eavesdropping operation of Providence crime boss Raymond Patriarca that in the days before the murder, Flemmi and Barboza visited Patriarca to ask permission to kill Deegan as part of a mob feud.

After Deegan was shot in the head multiple time in an alley, informants told FBI agents that Barboza, Flemmi and three other men were responsible. FBI agent Paul Rico, who handled top echelon informants, later listed Deegan as among seven people killed by Flemmi.

"The Deegan murder was literally surrounded by information that Jimmy Flemmi was one of the killers," said Michael Avery, who represents Limone and Tameleo.

But the FBI had recently recruited Flemmi as an informant and believed he would provide valuable information for years, McGuigan said. If the FBI turned over wiretap evidence of Flemmi's visit to Patriarca, that could expose the FBI bugs. And when Barboza agreed to testify, he told the FBI he would never say anything to implicate his friend Flemmi, McGuigan said.

The FBI didn't share any of this evidence with the state, giving them control over the star witness in the state's case. "The FBI were the masters of this prosecution," Avery said.

In his testimony in the Deegan case, Barboza implicated Limone, Salvati and Greco because of personal grudges, and Tameleo because an FBI agent wanted to get him, according to attorney Juliane Balirro, who represents Limone.

The FBI had at least 20 descriptions of the Deegan murder that conflicted with Barboza's testimony, but didn't share them with prosecutors, she said.

Barboza was sentenced to a year and a day in prison after the Deegan trial, and later moved to California as the first participant of the federal witness protection program. He was shot to death in San Francisco in 1976.

Lipscomb, the Justice Department attorney, said Barboza was subjected to more than six days of intense cross examination during the trial, which included questions about Flemmi's possible involvement and accusations that he switched who was involved.

The federal government can't be accused of malicious prosecution in a case it didn't try, she said.

"If you find for the United States on the malicious prosecution claim, the remaining claims go away," she said.

Load-Date: November 17, 2006



[Exonerated in mob killing, men seek retribution from government](#)

The Associated Press State & Local Wire

November 16, 2006 Thursday 9:31 PM GMT

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Section: STATE AND REGIONAL

Length: 773 words

Byline: By JAY LINDSAY, Associated Press Writer

Dateline: BOSTON

Body

Joseph "The Animal" Barboza was a known mob assassin responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to the FBI's push to crack the mob that the agency allowed him to frame four men for murder, attorneys for the men said Thursday.

Joseph Salvati and Peter Limone, who spent more than 30 years in prison, and the families of two other men who died while behind bars, accuse the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship in a civil trial that began Thursday.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said Austin McGuigan, who represents Salvati. "There was no hope the real story in this case would be uncovered."

The lawsuit was filed after the Justice Department released documents in 2001 that showed the FBI withheld evidence from state prosecutors that could have cleared the men so the agency could protect an informant who actually committed the crime.

Their lawsuit does not ask for a specific dollar award, but briefs filed in the case point to past decisions that have awarded \$1 million for each year wrongly imprisoned, which would total more than \$100 million in this case.

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Load-Date: November 17, 2006



EXPERTS SAY FBI'S ERROR IS LIKELY TO DELAY EXECUTION

The Record (Bergen County, NJ)

May 11, 2001, FRIDAY; ALL EDITIONS

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Section: NEWS; Pg. A4

Length: 546 words

Byline: JONATHAN D. SALANT, The Associated Press

Dateline: WASHINGTON

Body

The latest in a string of FBI miscues likely will force a judge to delay Timothy McVeigh's execution, but there is little chance of reversing his conviction for the Oklahoma City bombing, legal experts said Thursday.

The FBI's belated discovery that boxes of evidence from the case were withheld from McVeigh's defense during the trial nonetheless represents another big setback for America's premier law enforcement agency, which last week lost its leader of the last eight years, Louis Freeh.

"Any responsible judge in a case like this, the first instinct is really to put a stay on the execution," said Michael Gerhardt, a professor of law at the College of William and Mary.

Wire services

Gerhardt said any delay in the first use of the federal death penalty since 1963 would be used to let the court "make sure that whatever's there isn't something that would have prejudiced his defense if he didn't have it. As they always say, death is different."

But because McVeigh has openly admitted his role in the 1995 bombing that killed 168 at the Alfred P. Murrah Federal Building, the likelihood of reversal of his conviction is low, the experts cautioned.

"McVeigh has never contested that he did this," said Daniel Polsby,

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a George Mason University criminal law professor. "If there were a guilt or innocence question, then there might be some serious reexamination, but McVeigh has admitted to doing this crime.

"This is just a matter of procedure and delay."

Pepperdine University law Professor Douglas Kmiec agreed. "Even with an assumption that the documents are somehow central to the case, it is difficult to anticipate any type of reversal," he said.

The Justice Department inspector general and an expert panel led by former FBI and CIA Director William Webster are looking into FBI security procedures after revelations that senior counterintelligence agent Robert Hanssen may have spied for Moscow undetected for 15 years.

Hanssen has pleaded not guilty.

Congress just finished hearings into another embarrassing case in which a Boston man, **Joseph Salvati**, spent 30 years in prison for a murder he did not commit even though the FBI had evidence all that time of his innocence.

A judge freed Salvati recently after concluding FBI agents, to protect an informant, hid testimony that would have proved Salvati and others innocent.

The bureau also faced sharp questioning after revelations it focused too narrowly on Los Alamos nuclear lab scientist Wen Ho Lee, suspecting he was a Chinese spy only to conclude he had not given America's prized nuclear secrets to Beijing. Years of investigation had to be reevaluated to identify new suspects, and a judge admonished the government for keeping Lee in solitary confinement for nine months.

And Freeh endured very public differences with Janet Reno, attorney general at the time, over the government's investigation of the Democrats fundraising during the 1996 presidential election. Freeh insisted that Reno should have asked for an outside counsel to investigate the 1 allegations, but she declined to do so.

Freeh resigned last week, but a law enforcement official said the discovery of the documents came after his announcement. "There's no connection between the two," said the official, speaking only on condition of anonymity.

Load-Date: May 11, 2001



Experts: Stay likely for bomber

Telegraph Herald

May 11, 2001 Friday

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Section: Pg. a2

Length: 570 words

Byline: ASSOCIATED PRESS

Dateline: WASHINGTON

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"It obviously does not make the FBI look good," Gerhardt said. "It's another black eye."

Experts: Stay likely for bomber

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Load-Date: May 11, 2001



[Ex-prosecutor apologizes to Salvati, Limone](#)

The Boston Herald

May 12, 2002 Sunday

ALL EDITIONS

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Section: NEWS;

Length: 432 words

Byline: By J.M. Lawrence

Body

A former Suffolk County prosecutor apologized to the men he convicted in his first murder case 34 years ago and blamed the FBI for hiding the truth about a 1965 murder in a Chelsea alley.

"I realize now there was a terrible injustice here," Jack Zalkind told a congressional committee yesterday. "I can't apologize for the FBI but I can certainly apologize for myself."

Two of the men Zalkind sent to prison, **Joseph Salvati** and Peter J. Limone, sat in the audience as Zalkind wondered aloud what he could have done differently in the Edward "Teddy" Deegan case.

The long-awaited apology came in a courtroom at the McCormack Building where the congressmen set up shop for a day to hear testimony.

Zalkind, who spent eight years as a prosecutor and became a noted defense attorney, expressed regret that he didn't ask enough questions to expose mob turncoat Joseph "The Animal" Barboza's lies on the witness stand.

In his closing argument in the case, Zalkind himself told jurors that for Barboza to be lying, he would have had to have the cooperation of the entire state and federal system.

But Barboza came to Zalkind with the backing of two FBI agents, H. Paul Rico and Dennis Condon, who kept to themselves information showing Barboza vowed to protect his buddy Vincent "Jimmy The Bear" Flemmi in the Deegan killing, according to Zalkind.

"I'm a pretty tough guy, been through a war, but I'm a victim in this case," Zalkind said. "They had a witness they knew was lying to me and they never told me he was lying."

Zalkind's contrition drew a some mockery from U.S. Rep. Barney Frank (D-Newton) yesterday.

"I'm just thinking about who should play what part in the mini-series," Frank chided Zalkind.

Ex-prosecutor apologizes to Salvati, Limone

Limone's attorney John Cavicchi said he drew no comfort from Zalkind's remarks. Cavicchi spent 20 years fighting to release another defendant in the case, Louis Greco, a decorated World War II veteran. Greco died in prison and so did a fourth defendant, Henry Tameleo, another man Barboza apparently threw in as a Deegan killer.

"It would have been nice if someone said they were wrong when Greco and Tameleo were alive," Cavicchi said yesterday.

Cavicchi contends the Suffolk County District Attorney's Office and the Massachusetts courts should have known the convictions were unjust long before newly released FBI documents cast doubt.

"They had enough in their files that they ought to have known Barboza was lying," Cavicchi said.

Caption: SORRY: Jack Zalkind offers his apology yesterday to two men he wrongly convicted of murder. Staff photo by Mark Garfinkel

Load-Date: May 12, 2002

End of Document



Ex-wife recounts plight of wrongfully imprisoned man

The Boston Herald
January 9, 2001 Tuesday
ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 472 words

Byline: By J. M. LAWRENCE

Body

The truth, locked away in FBI files since the 1960s, came too late for Louis Greco.

While Peter Limone left prison last week after serving 33 years for a murder he didn't commit, his fellow defendant died behind bars five years ago.

Greco was another victim of a dark chapter in the Boston FBI's history, according to attorney John Cavicchi, who represented both men.

"I got to blame the system now," Greco's former wife, Roberta Werner, said yesterday. "I'm very thrilled for Peter's family, but I wish it was Louis, too."

Attorneys are now preparing civil suits alleging wrongful imprisonment of Limone, Greco, Joseph Salvati and Henry Tameleo.

FBI agents withheld information that might have exonerated all four men who were serving life sentences in the 1965 murder of low-level Mob hoodlum Edward Deegan.

"We have to sue," Cavicchi said. "How could this have happened?"

Greco, a decorated World War II veteran, was passed over by former governors Michael S. Dukakis and William F. Weld for commutations.

Two weeks before Greco's death, Cavicchi made a last-ditch effort to win a commutation and got Greco's signature on an emergency petition. "It was just a scrawl and Weld still wouldn't let him out," Cavicchi said.

Greco passed three polygraphs, including one administered on a national television show in 1983.

Agents were intent on framing Greco, his former wife claims.

Ex-wife recounts plight of wrongfully imprisoned man

A threat that government agents allegedly lobbed at her husband in the early 1960s still rings in her ears. Agents came to the couple's Florida home to question Greco about the robbery of a mail truck in Plymouth. The heist netted \$ 1.5 million but Greco maintained he knew nothing about it.

"We're gonna get you, Greco, and when we get you, you're never going to get out," Werner recalled the agents saying. "Those were the last words they said when they left my house."

When her husband went to prison, she had to take a job as a Hilltop Steak House waitress to support their two boys, Werner said.

Her husband eventually told her to divorce him and get on with her life, she recalled. She later remarried and she and her new husband sponsored Greco's first furlough.

They stayed in touch and Greco spoke of joining them in Florida one day.

"That was his only wish," Werner said. "He didn't want to die in prison. He wanted to go to Florida for the warm weather."

H. Paul Rico, the FBI agent whose reports on the Deegan murder were uncovered last month during a Justice Department corruption probe, is now retired and living in Florida.

"I wonder how he sleeps at night," Werner said. "How can you even look at yourself when you do something like that? They knew those guys were innocent."

Rico's attorney did not return a phone call seeking comment.

Photo Caption: GRECO: Innocent man died in prison four years ago.

Load-Date: January 9, 2001



FACES IN THE NEWS

The Herald-Sun (Durham, NC)

September 18, 2003 Thursday

Final Edition

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Section: INSIDE FRONT; Pg. A2

Length: 505 words

Body

'Cut,' 'Sylvia' set for U.S. release

LONDON -- "In the Cut," a thriller about a serial killer in Manhattan starring Meg Ryan and directed by Oscar-winner Jane Campion, will open the London Film Festival on Oct. 22.

Organizers said Wednesday that another film by a female director from New Zealand -- "Sylvia," starring Gwyneth Paltrow as doomed poet Sylvia Plath and directed by Christine Jeffs -- will be the closing night film on Nov. 6.

Both films are due for a commercial release in the United States next month.

"In the Cut" already generated attention, and some controversy, at the recent Toronto Film Festival, both for its subject matter and Ryan's daring performance.

On the Net:

British Film Institute: <http://www.bfi.org.uk/>

Spielberg buys Salvati film rights

BOSTON -- Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying.

Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward "Teddy" Deegan in 1965, even though the FBI had evidence of Salvati's innocence. His sentence was commuted in 1997 and he was exonerated in 2001.

Walter Parkes, the DreamWorks producer who will lead the project, told WBZ-TV Tuesday he was struck by the relationship between Salvati and his lawyer, Victor Garo.

TV melody writer cuts first CD at 81

FACES IN THE NEWS

LOS ANGELES -- Vic Mizzy, best known for writing the melodies for television shows including "The Addams Family" and "Mister Ed" and hits for Dean Martin, Doris Day and Perry Como, has recorded his first solo CD, at 81.

Mizzy's "Songs for the Jogging Crowd" is set for release next month.

Mizzy, vice president of The Songwriters Guild of America, said 10 songs on the CD are new, along with "The Addams Family" and "Green Acres" themes.

"My songs are different," Mizzy added. "One, the words rhyme. Two, I use more than three chords for my melodies, and three, the ideas are all great."

On the Net: <http://www.vicmizzy.com>

Fund may boost N.J., film industry

HADDONFIELD, N.J. -- The movie industry and New Jersey's economy could get a boost from a fund to lend state-backed money to filmmakers, Gov. James E. McGreevey said as he signed the program into law before an audience of politicians and actors.

McGreevey estimated that New Jersey businesses get \$2 of benefit for every \$1 spent on movie production in the state.

Among the films shot in New Jersey in recent years: Ron Howard's Oscar-winning "A Beautiful Mind" and the upcoming "Jersey Girl," starring Jennifer Lopez and Ben Affleck and directed by Kevin Smith.

William Baldwin, one of several actors who appeared alongside McGreevey at the bill-signing ceremony Monday, said a sluggish economy means fewer people have the money or desire to invest in independent movies.

However, the fund "puts the state of New Jersey and the taxpayers at little or no risk," said Baldwin, adding that production should create more work for actors and those who work behind the scenes.

Graphic

Mug: SPIELBERG

Load-Date: August 17, 2004



Failure stalks the halls in L.A.; Nearly four in 10 abandon education

The San Diego Union-Tribune

December 12, 1993 Sunday

Copyright 1993 The San Diego Union-Tribune

Section: NEWS; Pg. A-33

Length: 999 words

Byline: LYNN FRANEY, Copley News Service

Dateline: LOS ANGELES

Body

LOS ANGELES -- Cleo Almendarez is the exception at her South Central Los Angeles high school. The 18-year-old Salvadoran immigrant dropped out for a life of daytime parties, television soaps and hanging out.

But then Almendarez returned to school and is on track to receive her diploma in the spring. If all goes well, she will be among the 27 percent of Manual Arts High School students who graduate. "I have a whole mess of homeboys and homegirls who dropped out at 13," said Almendarez, who credited the school counseling program with luring her back to class.

"They just don't go to school at all." Manual Arts' 73 percent drop-out rate is the highest in the sprawling Los Angeles Unified School District, which has more trouble getting students to graduate than does any other large school agency in the West. Nearly four in 10 Los Angeles students abandon their education -- double the statewide figure and triple that of the United States.

And while Los Angeles' overall drop-out rate has declined slightly over the years, some experts warn that it soon may escalate among Latinos, the district's predominant and still-growing student group. "This is inevitable," said Alfred Lightfoot, a professor at Loyola Marymount University who researches inner-city education.

"You're beginning to see Hispanic drop-out rates rising much higher." Latino students drop out here at a rate of 40 percent.

In Latino enclaves like South Central and East Los Angeles, drop-out rates routinely exceed 60 percent.

Latinos account for about two-thirds of the district's 630,000 students. African-Americans quit school in a higher proportion than do Latinos -- 44 percent -- but blacks make up just 15 percent of the district enrollment. The drop-out rate for white students, who are 13 percent of the student population, is 26 percent.

Of students belonging to other ethnic groups, about two in 10 leave school early. The 11,000 Latinos who end their schooling each year without diplomas represent the toughest challenge to district administrators, teachers and counselors, education-watchers say.

Failure stalks the halls in L.A.; Nearly four in 10 abandon education

They also pose the greatest threat to a regional economy mired in recession and more dependent than ever on a highly skilled work force. "A whole negative chain reaction follows," said Linda Winfield, a visiting education professor at UCLA.

"Dropouts are forgoing a lot of opportunities. They're unable to go into training or post-secondary education programs, and so are turning to criminal activity or joining the long lines of the unemployed." "If we don't do something soon, we may lose another generation of kids," said Michael Godfrey, the head of the district's drop-out prevention program.

"You wind up having an unskilled labor force.

That forces businesses to leave L.A." The district has struggled to stem the dropout tide with more counselors and continuation schools.

It also has tried to whittle away at its average class size of 40 students, the highest among the nation's five largest school districts. But L.A. Unified has no major initiative in the works to brighten the picture.

Advocates of an on-again, off-again campaign to break up or reorganize the district say their course is the only one left. "Top-down just doesn't work," said Mary Chambers, a vice president for Los Angeles Educational Alliance for Restructuring Now, which wants to shift decision-making from the district office to individual schools. "The L.A. Unified School District is just too big," said Lightfoot.

"It simply cannot meet the needs of local groups." Godfrey said a new worry are recent immigrants from Central America, many of whom come from families with little education and have found it hard to adjust to Los Angeles linguistically, economically and socially. Almendarez was among this group.

Her mother never made it past the first grade in her native El Salvador and does not speak English.

She is rearing her two daughters on her own, is disabled and does not work. Some say the district is avoiding responsibility for its failures by assigning its drop-out rate to poor, immigrant and troubled students. "In some ways it's a cop-out," said Winfield, who studies urban education. "Society has changed in the last 20 years and the schools need to adjust with it." New York's school district, the only one in the country larger than Los Angeles', also has huge numbers of immigrant children from impoverished families.

But its drop-out rate -- 17 percent, about the same as San Diego's -- is significantly lower. Of the top five districts, only Chicago's posts a higher figure than the one here.

Chicago, whose drop-out rate is 46 percent, also has the poorest district.

About 80 percent of Chicago's students come from low-income families, compared to 70 percent for Los Angeles and 62 percent for New York. **Joseph Salvati**, the director of the New York district's dropout prevention office, said it has been successful in dividing the 32 high schools with the highest rates into smaller learning centers.

Students receive more one-on-one contact with counselors, he said. In Los Angeles, Lightfoot said some teachers aren't yet comfortable with the new ethnic makeup of their classrooms. "Older teachers are the ones who are unable to make the adjustments to the new demographics," he said.

"They say, 'I remember this school in the 1950s and it should still be that way.'" But Sheila Simon, the dropout counselor at Manual Arts, said the teachers have too many students to be successful. "It's difficult for teachers to connect with each kid when there are 40 kids in each class," Simon said. Students themselves said many dropouts leave simply because school isn't interesting and seems irrelevant to their cultural background. "Classes are so boring," said Connie Contreras, a 17-year-old senior at Manual Arts High School in South Central. The students in the inner city also point out that their schools are falling apart; the campuses are dirty, smeared with graffiti, and ringed by high fences topped with barbed wire.

Failure stalks the halls in L.A.; Nearly four in 10 abandon education

Load-Date: August 1, 2007

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[Family applauds \\$101.7m award - Voices frustration that suit vs. FBI never went to trial](#)

The Boston Globe

September 5, 2007 Wednesday

THIRD EDITION

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Section: METRO; Pg. B3

Length: 495 words

Byline: Shelley Murphy Globe Staff

Body

The daughters of Edward "Teddy" Deegan didn't get a trial on their contention that the FBI was to blame for his 1965 slaying in a Chelsea alley. A judge dismissed their suit, ruling they waited too long to file it.

But, nearly two years later, they received some satisfaction. In July, another federal judge awarded \$101.7 million to four men who were wrongly convicted in Deegan's slaying, ruling that the FBI deliberately withheld evidence of their innocence while protecting one of the true killers, an informant.

In an emotional letter sent to US District Judge Nancy Gertner and made public last week, Catherine Deegan Patterson, said she was relieved by the judge's findings and frustrated that her wrongful death suit against the FBI never went to trial.

"My reason for writing is to state that not only did these men and their families suffer the years in prison, but Teddy also left behind two daughters and a family who loved him," wrote Patterson, who was 10 when her father was shot to death. "Back in 1965 nobody protected Teddy Deegan, but they have, over the years, protected men who have done horrific things to people."

Gertner found that the FBI was responsible for framing ***Joseph Salvati*** and Peter J. Limone, who grew old during three decades in prison, and Henry Tameleo and Louis Greco, who both died behind bars before they were exonerated.

Gertner also cited evidence that the FBI knew of the plot to kill Deegan two days before he was gunned down on March 12, 1965, but did nothing to stop it. She found the FBI withheld evidence to protect one of the killers, Vincent "Jimmy the Bear" Flemmi, an FBI informant who was never charged with Deegan's slaying and died in 1979. His brother, Stephen "The Rifleman" Flemmi, now serving a life sentence for 10 murders, was also an FBI informant.

Patterson, who could not be reached for comment, wrote, "I truly hope that your ruling prevents anything like this from happening again, as it did all those years ago."

Family applauds \$101.7m award - Voices frustration that suit vs. FBI never went to trial

Gail Marcinkiewicz, a spokeswoman for the FBI's Boston office, declined to comment on the Deegan case. But she said it's FBI policy to warn a person as quickly as possible if it has information about a threat to life or serious bodily injury.

Boston lawyer Paul Denver, who represented Patterson and her sister in the civil suit they filed in 2004, said it was an injustice that the case was dismissed on the grounds that the women didn't file their claim within two years of learning that FBI negligence played a role in their father's slaying.

In 2001, a state judge overturned the convictions of Limone, who was immediately freed from prison, and Salvati, who was paroled in 1997, after newly discovered FBI documents were disclosed.

Medford lawyer Victor J. Garo, who represents Salvati, said the Salvatis were very appreciative of the Deegan family's support over the years, adding that Deegan's niece testified at Salvati's commutation hearing a decade ago that she was convinced he was not guilty.

Load-Date: September 5, 2007

End of Document



[Family ups ante in lawsuit for botched mob murder case](#)

The Boston Herald

October 8, 2002 Tuesday

ALL EDITIONS

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Section: NEWS;

Length: 485 words

Byline: By J.M. Lawrence

Body

The government let a World War II hero suffer on death row, lose his family and die in prison to cover up wrongful convictions in a 1965 mob murder case, attorneys told a federal judge yesterday.

The family of Louis Greco, who was convicted in the murder of Edward "Teddy" Deegan and died proclaiming his innocence in 1995, added claims for emotional distress in a suit against the FBI yesterday.

Louis Greco Jr., who was 13 when his father went to prison, was "mentally devastated" and endured the agony of watching his father deteriorate from untreated diabetes.

"After Greco's death, Louis (Jr.) took his own life by drinking a bottle of Drano. His mother was made aware that in taking his own life, her son bled from every orifice in his body, and that there were no organs to donate," attorneys stated in court papers.

They argue Greco's murder conviction was reversed "by proxy" in 2001 when Suffolk County prosecutors dropped the murder case against two of his co-defendants, Peter Limone and **Joseph Salvati**, based on newly uncovered FBI reports.

The documents are "even more exculpatory of Greco than they are of Limone," according to attorneys for Greco's widow, Roberta Werner.

Werner had been married to Greco for 10 years when he went to prison and was allowed only an hour visit weekly. Greco eventually ordered her to file for divorce and get on with her life, her attorneys said.

In filings before U.S. District Court Judge Nancy Gertner, attorneys argue FBI memos show two agents secretly manipulated hitman Joseph "The Animal" Barboza to lie in the Deegan murder.

Barboza wrongly accused mob associates Limone and Henry Tameleo in exchange for the chance to settle his own grudges by also falsely accusing Greco and Salvati, according to the suit.

Family ups ante in lawsuit for botched mob murder case

Barboza hated Greco because the ex-prizefighter, who won the Purple Heart, two bronze stars and a host of other medals, once ordered him out of Revere, according to attorney John Cavicchi, who battled 20 years in vain for his client's release.

Justice Department attorneys yesterday asked the judge for more time to prepare motions to dismiss the \$ 375 million suits filed by Greco's family, Limone and Tameleo.

"The government has done everything it could to postpone resolution as long as possible," Limone attorney Michael Avery told the court.

Attorneys told Gertner yesterday that they are dropping former federal prosecutor Edward F. Harrington, who is now a senior federal judge, from the lawsuits after he called for Gertner, a civil rights expert, to recuse herself.

Harrington, who is likely to be called as a witness in the case, helped convince Barboza to testify in Boston and later helped the hitman beat the death penalty in Santa Rosa, Calif., while in the Witness Protection Program.

Caption: BARBOZA: False testimony led to wrongful convictions.

Caption: LIMONE: Suing feds over bogus murder conviction.

Load-Date: October 8, 2002



***FBI admits McVeigh records bungled;
Director reports discovery of another set of documents***

The Dallas Morning News

May 17, 2001, Thursday

THIRD EDITION

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Byline: Michelle Mittelstadt

Dateline: WASHINGTON

Body

WASHINGTON - FBI Director Louis Freeh shouldered responsibility Wednesday for his agency's failure to turn over Oklahoma City bombing investigation evidence to Timothy McVeigh's defense team, even as the FBI revealed that it has discovered yet another batch of documents.

Appearing before congressional overseers on the day that Mr. McVeigh was originally scheduled to be executed for the 1995 bombing that claimed 168 lives, Mr. Freeh reiterated his view that the documents belatedly disclosed last week have no bearing on Mr. McVeigh's guilt and conviction.

Nevertheless, he acknowledged a "serious error" in failing to hand over more than 3,100 pages of witness interviews and other documents under an unusually broad evidence-sharing agreement struck by prosecutors and defense lawyers before Mr. McVeigh's 1997 trial.

"As director, I'm accountable and responsible for that failure, and I accept that responsibility," Mr. Freeh said in his first public comments on a document debacle that prompted Attorney General John Ashcroft to delay Mr. McVeigh's execution until June 11.

Washington Bureau

Mr. Freeh, who is leaving the bureau next month, encountered little criticism from the lawmakers, save for one senior Democrat who said the document blunder and other recent problems made the FBI "something close to a failed agency."

The FBI - which turned over 3,135 pages to Mr. McVeigh's lawyers last week and another seven this week - has found "a number of additional documents," Mr. Freeh said. Bureau officials, who are analyzing the records to determine whether they already had been turned over, refused to discuss the size or scope of the latest find.

Mistakes by field offices

FBI admits McVeigh records bungled; Director reports discovery of another set of documents

Forty-six of the FBI's 56 field offices belatedly turned up Oklahoma City records in their files - despite 16 previous directives dating to 1995 to produce every document, Mr. Freeh told the House appropriations subcommittee that funds the bureau.

The head of the Dallas FBI office, who led the Oklahoma City investigation, was first notified of the problem in March by an FBI archivist charged with collecting the millions of investigation documents in a central location, Mr. Freeh said.

Special Agent Danny Defenbaugh received the materials May 7 and sent them the next day to the prosecutor, who notified Mr. McVeigh's lawyers. Agent Defenbaugh has been in Washington this week, briefing Mr. Freeh and others about the discovery.

"While the timing can be rightfully criticized, our employees did exactly what they should have done in these circumstances," Mr. Freeh said. "Regardless of the embarrassment, they have brought this to light - not the easiest thing to do, but clearly the right thing."

Fixes ordered

Mr. Freeh said he has ordered a series of corrections, including hiring a "world-class" records expert, creating an office of records management and placing new emphasis on records training for agents.

Mr. McVeigh's lawyers, who were at federal death row in Terre Haute, Ind., Wednesday to meet with their client, offered no comment about the latest find.

Going beyond the document foul-up, Mr. Freeh acknowledged that the FBI made serious mistakes during the Ruby Ridge and Waco sieges and that the bureau has had difficulties computerizing its files. But he brushed off a recommendation that the FBI hire an inspector general and a suggestion that congressional oversight is lacking.

"I am very proud of the FBI," he said in his final appearance before the House subcommittee, where members warmly lauded him for his eight years at the bureau's helm. Mr. Freeh announced this month that he will step down with two years left in his 10-year term.

"We have had troubles in this agency. We've had failures," he said. "We've also had great triumphs."

Sens. Richard Durbin, D-Ill., and Arlen Specter, R-Pa., said Wednesday that they are introducing legislation to establish an FBI inspector general.

"Historically the Federal Bureau of Investigation has really sought its independence," Mr. Durbin said. "But I'm afraid that independence has come at the expense of accountability."

Mr. Freeh, who enjoys broad support on Capitol Hill, came in for scant criticism Wednesday despite a string of FBI embarrassments.

The FBI was rocked in February by the arrest of a senior counterintelligence agent accused of spying for Moscow for 15 years. Robert Hanssen was indicted Wednesday on 21 counts of espionage.

The bureau has also been accused of bungling a Chinese espionage investigation, had its investigative tactics in the 1996 Olympic bombing questioned, and has faced questions of a cover-up over the FBI's conduct during the 1993 Branch Davidian siege near Waco.

'Out of control'

While most on the committee were complimentary of the bureau under Mr. Freeh, the Appropriations Committee's top Democrat described the FBI as an agency that occasionally appears "to be out of control and lacking in discipline."

FBI admits McVeigh records bungled; Director reports discovery of another set of documents

"The power that your agency has, even in the most competent of hands, is dangerous in a democracy," said Rep. David Obey, D-Wis. "And in the hands of incompetent or careless individuals within the agency, it can be catastrophic. And I think that the litany of troubles with the agency are truly astounding and regrettable."

Mr. Obey cited the recent revelation that the FBI knowingly withheld evidence that kept an innocent Massachusetts man in prison for 30 years to protect mob informants. He also noted that the bureau failed for decades to share with Alabama prosecutors surveillance tapes made after the 1963 Birmingham church bombing. A former Ku Klux Klan member was convicted last month of murder in the church bombing, largely on the basis of the tapes.

Haunting errors

The 30-year incarceration of **Joseph Salvati** for a murder he did not commit was "a very sad chapter in the history of this agency," Mr. Freeh acknowledged. And he described the withholding of evidence in the church bombing, in which four black girls died, as "a disgrace to the FBI."

But he noted that it was under his tenure that the agency reopened its files in both cases, forwarding evidence that ultimately freed Mr. Salvati and led to the conviction of Thomas Blanton Jr. in the church bombing.

Mr. Freeh called the Ruby Ridge standoff - during which the wife and son of white separatist Randy Weaver were killed by federal agents - a "great tragedy," but said the bureau has changed.

"In the wake of Ruby Ridge and Waco, we reformed totally our crisis management response," he said.

Mr. Obey said the largest share of blame for the FBI's missteps rests with a Congress reluctant to assert vigorous oversight of the FBI. Mr. Freeh rejected that assessment. "I believe we are the most scrutinized agency in the federal government," he said.

Mr. Obey's criticism, offered in measured tones, stood at odds with much of the gentle questioning during the three-hour hearing, where members repeatedly praised Mr. Freeh. "I, for one, would like to get your autograph," said Rep. Tom Latham, R-Iowa.

Staff writers Arnold Hamilton in Oklahoma City and Russell Rizzo contributed to this report.

Graphic

PHOTO(S): (RICK BOWMER/Associated Press) Appearing before congressional overseers, FBI Director Louis Freeh took the blame for his agency's failure to turn over bombing investigation evidence to Timothy McVeigh's defense team. He encountered little criticism from lawmakers.

Load-Date: May 18, 2001



FBI agent denies framing innocent man

United Press International

May 4, 2001, Friday

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Section: GENERAL NEWS

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Byline: By P. MITCHELL PROTHERO

Dateline: WASHINGTON, May 3

Body

A former FBI agent told a congressional committee Thursday that he did not hide evidence that would have exonerated an innocent man for the 1965 murder he spent 30 years in jail for-despite having written numerous memos that named other men as suspects.

Former Special Agent H. Paul Rico told the House Government Reform Committee that despite providing a witness-Joseph "The Animal" Barboza-whose testimony convicted **Joseph Salvati** and several others for the murder of Edward "Teddy" Deegan in 1968, he did not tell defense lawyers about informant reports that named several other men as the culprits.

But Rico insisted that he only supplied Barboza to the prosecutors and did not knowingly allow him to commit perjury, adding that he assumed that a plethora of information pointing the finger at others had been supplied to the defense by someone else.

The testimony came as a shock, because Rico had previously said-through his attorney William Cagney-that he would refuse to testify unless granted immunity from a federal taskforce currently investigating the FBI use of informants in organized crime investigations over the last three decades.

Salvati, Peter Limone, Henry Tameleo and Louis Greco were all convicted for the Deegan murder-along with one of the real killers Roy French-and all except Salvati were sentenced to death. Salvati received life without the possibility of parole and the other death sentences were commuted to life after the Supreme Court outlawed the death penalty in 1972. The men were convicted-without any corroborative evidence-on the testimony of Barboza, who admitted to participating in the crime.

Evidence unearthed by a Justice Department task force investigating the use of informants by the FBI exonerated Salvati and Limone in January this year. Tameleo and Greco both died in prison.

The House Government Reform Committee subpoenaed Rico and his colleague Dennis Condon to testify as part of an investigation into the FBI's use of informants.

FBI agent denies framing innocent man

The inquiry has potentially far-reaching consequences, and at its heart raises a disturbing question: In an overzealous effort to defeat the mob, did the FBI, in effect, become a partner in crime with mobsters in Boston and possibly elsewhere?

Led by Chairman Dan Burton, R-In., the committee pressed Rico for details of the Deegan investigation after a slew of internal FBI memos, local police reports and the testimony of two lawyers raised questions about the FBI's role.

F. Lee Bailey, who represented Barboza in later proceedings, and Joseph Balliro, who represented Tameleo in the Deegan trial, testified Thursday that Barboza later tried to recant his testimony and was discouraged and threatened by the FBI from doing so in 1970.

In response to the questions about why Salvati and the other men were convicted despite repeated statements from informants that named other suspects, Rico said that informant testimony was difficult to handle, compared to eyewitness testimony supplied by Barboza.

Rico said he had sent memos to FBI officials that detailed informant reports that Vincent James Flemmi had threatened to kill Deegan, including a report that Deegan's murder had been approved by reputed New England Mafia boss Raymond Patriarca and a dry run of the killing had been performed two days prior to the March 12, 1965 murder.

He also said he delivered an informant report that was sent to then-FBI Director J. Edgar Hoover a week after the murder which reported it had been committed by Vincent Flemmi, Romeo Martin, Ronald Casessa and Roy French. Only French was convicted of the crime with the others who were later exonerated.

Under questioning from Burton, Rico denied that Steven "The Rifleman" Flemmi, Vincent's brother, was the informant who named the alleged killers.

When Burton asked him who the informant had been, Rico replied, "I don't know."

When Burton followed up by asking whether Steven Flemmi was the source, Rico tentatively denied it.

"I don't think that Stevie Flemmi would have given me his brother," he said. "I'm under oath and pretty confident that it wasn't him."

Investigators and the committee suspect that Barboza added Salvati to his murder testimony to obscure the role of Vincent Flemmi in the killing and that the FBI either encouraged or turned a blind eye to the perjury because they wanted to protect Barboza's credibility in other mob trials. They also suspect that steps were taken to protect Steven Flemmi's role as an informant for the FBI.

When Rico denied that Steven Flemmi was the informant, Burton hastily called a recess, concerned-according to committee sources-that Rico might have committed perjury because of previous statements he had made that Flemmi was a top FBI informant. The legal counsel for the committee was concerned that if Rico did not understand the grave nature of the proceeding, his statement might have implications for the justice department task force investigating the case.

Burton reconvened the committee and read a stern warning to Rico that he was under oath, had the right to a lawyer and could be prosecuted under federal law for making false statements.

But Rico remained defiant.

"I am not taking my counsel's advice," he said to the committee. "My counsel advises me to take the Fifth Amendment until you people offer me immunity."

According to committee sources, Chief Counsel Jim Wilson had already approached Rico during the recess to warn about the consequences of lying under oath to the committee.

FBI agent denies framing innocent man

"I'm 76 years old," the former FBI agent said, according to a witness. "What the f-k do you think you can do to me?"

Committee members-joined by Judiciary Committee member Rep. William Delahunt, D-Mass.-pushed him on why he allowed Barboza to testify against Salvati and the others when they had information that Flemmi wanted to kill Deegan. They also had evidence that Flemmi had taken part in the killing, and that a heavysset, bald man fitting his description was seen leaving the crime.

Rico was also asked about a statement that Barboza made to him and his partner, Dennis Condon, that Barboza would testify to several murders but would "never provide information that would allow James Vincent Flemmi to 'fry' but that he will consider furnishing information."

Rico said he did not remember such a statement-found in an FBI memo-and could not recall if it had been supplied to investigators on the Deegan killing.

Rep. Chris Shays, R-Ct., expressed disgust at Rico's inability to explain how so much crucial evidence was kept from the defense during the trial in 1967 to 1968, and surprise that he had chosen to testify. He also assailed the witness for his lack of remorse over having contributed to sending innocent me to prison for decades.

"My view is that you sent innocent men to jail and knew it, that you worked for organized crime and I never thought that you would come before this committee and testify," Shays said.

"We supplied the information we had available to local law enforcement," Rico replied. "I have faith in the jury system and the decisions that juries make."

"This is fascinating," Shays retorted. "How can you not get on bended knee and ask[Salvati]for an eternal pardon, even if you didn't know he was innocent. You don't seem to give a s-t."

When Shays asked Rico if he had any remorse at all for the situation, Rico responded belligerently.

"I feel we have a judicial system that has to eventually play itself out," he said. "It would be a nice movie, but no[remorse.]"

In his first public statement on the Salvati matter, current FBI Director Louis Freeh released a statement that said the allegations that the FBI ignored evidence were 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," he said. "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."

Load-Date: May 5, 2001



FBI agents aided mob informants, Mafia boss says

The Providence Journal (Rhode Island)

February 13, 2004 Friday

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Section: NEWS; Pg. A-08

Length: 519 words

Body

In testimony to lawmakers, Francis "Cadillac Frank" Salemme paints a picture of FBI agents protecting their mob informants, warning them of indictments and even helping them murder enemies.

WASHINGTON (AP) - New England-based FBI agents gloated about framing six men for a 1965 gangland murder in Boston, according to a congressional transcript released yesterday that highlights the pervasive and deadly relationships law enforcement officers had with their mob informants.

In gritty and blunt details, New England Mafia boss Francis "Cadillac Frank" Salemme painted an unsettling picture of FBI agents protecting their mob informants, warning them of indictments and, at times, helping them murder troublesome enemies.

The wide-ranging interview done last summer reveals that deceased FBI agent H. Paul Rico helped Salemme set up a murder, and later warned him to leave town to avoid an impending indictment.

Salemme also gave lawmakers firsthand testimony that Rico and another agent, Dennis Condon, were "ecstatic" that six men, including Louie Greco and **Joseph Salvati**, were wrongly convicted for gunning down small-time hoodlum Edward "Teddy" Deegan.

"[Condon] made the statement, 'I wonder how Louie Greco likes it on death row, and he wasn't even there,'" said Salemme.

Rico had denied he helped frame innocent men for the murder.

Salvati served 30 years in prison, but was cleared in 2001 after the Justice Department released documents showing that FBI agents protecting their informants suppressed evidence that the murder was committed by members of the Winter Hill Gang, led by James "Whitey" Bulger.

Salemme also said Rico slipped him an address for a rival gang member, Edward "Punchy" McLaughlin, allowing Salemme and Stephen "The Rifleman" Flemmi to find him and kill him.

FBI agents aided mob informants, Mafia boss says

"We killed him at eight o'clock in the morning at a bus stop there, but that was a very, very important piece of information," said Salemme.

Salemme said mobsters such as Flemmi became informants because it allowed them to keep up their life of crime and be shielded from prosecution.

"It gave [Flemmi] that sense of security that he could continue his criminal activity and all he had to do was give up on jerks like me and he'd be all set," Salemme said.

The interview, conducted in secret as part of Congress' investigation into the FBI's use of mob informants, was sealed until now because Rico was facing a murder trial in Oklahoma. But Rico died last month before the trial began, enabling Congress to release the transcript.

The 154-page transcript, said House Government Reform Committee Chairman Tom Davis, will give the public "further insight into the improper, indeed, criminal relationship between Boston FBI agents and their murderous informants."

Salemme, who is in the federal witness-protection program, was granted immunity to testify before the committee. Also granted immunity was former University of Massachusetts president William Bulger, whose brother, Whitey, is on the FBI's Top Ten Most Wanted List and has been a fugitive since 1995.

Flemmi recently pleaded guilty to racketeering charges involving 10 murders.

Load-Date: February 24, 2004



[FBI Agent's Cozy Relationship With Informant Leads to Murder Conviction](#)

TalkLeft the Politics of Crime

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Copyright 2008 TalkLeft: the Politics of Crime

Length: 466 words

Byline: TChris

Body

Nov. 8, 2008 ([TalkLeft: the Politics of Crime](#) delivered by Newstex) -- The jury in John Connolly's latest trial [heard](#) a "sordid story about how people looking to give information to the FBI in Boston had this funny habit of turning up dead. As early as 1965, FBI agents in Boston were protecting serious criminals from prosecution -- effectively enabling them to continue victimizing the innocent -- in exchange for the information they provided about other criminals. FBI Agent John Connolly was at the heart of the corrupt alliance between Boston's FBI office and criminal informants who were given a virtual license to conduct crimes of their own. In 1982, Connolly tipped off his informant, gun and drug runner James Bulger, that gambling executive John Callahan might implicate him in a killing. Callahan was soon shot to death. On Thursday, Connolly was [convicted of second degree murder](#) for the role he played in Callahan's death. Long-time TalkLeft readers might remember Connolly's name and the scandal in which he was involved. [more ...]

[This 2002 post](#) discusses [Joseph Salvati](#), who spent 30 years in prison for a crime he didn't commit. Agents in the FBI's Boston office knew he was innocent but wanted to protect the informants who actually committed the crime.

[This 2004 post](#) reported the details of a lawsuit accusing Connolly of telling Bulger that John McIntyre was ratting him out to federal authorities. McIntyre disappeared in 1984, soon after Bulger obtained that information. His body wasn't found until 2000. Connolly was convicted in 2002 of racketeering, a conviction based in part on a tip he gave to Bulger that enabled him to avoid a 1995 arrest. Bulger remains a fugitive to this day. Connolly was sentenced to ten years. The Hartford Courrant [has this to say](#) about the lessons we must learn from Connolly's actions: It is deeply unsettling to think that a major office of the nation's most important law enforcement agency had been pervasively compromised and corrupted. That it could happen should give serious pause. It is a particular challenge of criminal investigation to lie with dogs and not get fleas, to run informants and pursue wrongdoers without succumbing to their lures. The FBI has revised its informant guidelines in light of the Boston cases but must still push for checks that will dissuade the next John Connolly from crossing the street. Informants should never be given a pass to commit crimes. Apart from the slippery slope (how many smaller crimes should the FBI overlook in its effort to capture a bigger criminal?), the FBI is in the business of law enforcement, not crime assistance. It really isn't possible to lie down with dogs and not share their fleas. Newstex ID: TALK-0001-29369131

Notes

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FBI agents helped Mob hit man avoid death penalty

The Associated Press State & Local Wire

August 29, 2001, Wednesday, BC cycle

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Section: State and Regional

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Dateline: BOSTON

Body

Boston FBI agents helped Mafia hit man Joseph Barboza avoid the death penalty in 1971 to keep him from recanting his testimony in a case that sent four innocent men to prison, according to former California officials.

Barboza's defense attorney, Marteen Miller, told The Boston Herald that he believed Barboza had no hope of avoiding the death penalty until FBI agents H. Paul Rico and Dennis Condon testified on his client's behalf.

"The oddsmakers or Lloyd's of London would have given a thousand to one that Barboza was going to go to the gas chamber with all the evidence against him," Miller said.

Miller, a retired Sonoma County, Calif., public defender, told the House Committee on Government Reform that he will testify at hearings, scheduled for September, that will address the FBI's involvement with organized crime figures who also served as police informants.

Barboza had claimed that he shot Santa Rosa thief Clayton Wilson, 26, in self-defense. Deegan's body was found in the Redwoods with a bullet in the back of his head.

His case was in trouble, players from both sides said, until the FBI agents got on the stand.

"When we got these guys up there raising their right hand before the jury and saying what a sweet guy he was, that was the death knell for any capital murder case because back then, you couldn't attack the FBI," said Edwin Cameron, Sonoma County prosecutors' chief investigator. "We knew we were screwed."

Barboza's trial was stopped, and prosecutors accepted Barboza's plea to second-degree murder with a five-year sentence.

At a May hearing in front of the Committee, Rico, now 78, expressed no remorse over the innocent men who spent decades in prison for the Chelsea murder of Edward Deegan, 35.

Two of the falsely convicted men, Louis Greco and Henry Tameleo, died in jail. ***Joseph Salvati***, 68, and Peter Limone, 66, were recently released after serving more than 30 years.

Limone, Tameleo and Greco had ties to organized crime. Salvati owed Barboza some money.

FBI agents helped Mob hit man avoid death penalty

Rico and Condon's own reports that revealed Barboza lied were uncovered last December during a Justice Department probe.

Barboza testified in the Deegan case in 1968, and in two other trials against organized crime figures. He then entered the Witness Protection Program and took up residence in Santa Rosa.

The Boston FBI declined comment, citing an ongoing Justice Department investigation.

Salvati's attorney, Victor J. Garo, said Barboza was a very good manipulator.

"The federal government made a deal with the devil and to keep that deal, they had to placate him and keep innocent people in jail," Garo said.

Barboza was killed Feb. 11, 1976, in San Francisco, reportedly by a Mob hit man.

Load-Date: August 30, 2001

End of Document



FBI aided killer - Hub FBI men helped Mob hit man escape death row

The Boston Herald

August 29, 2001 Wednesday

ALL EDITIONS

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Section: NEWS;

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Byline: By J.M. Lawrence

Body

Federal authorities from Boston helped Mob hit man Joseph Barboza avoid California's death row in 1971 to keep "The Animal" from recanting in a 1965 Massachusetts case that sent four innocent men to prison, former Santa Rosa officials have told Congressional investigators.

Barboza's defense attorney thought the New Bedford-born killer, who was in the Witness Protection Program and faced first-degree murder charges, had no hope until FBI agents H. Paul Rico and Dennis Condon testified on his behalf.

"The oddsmakers or Lloyd's of London would have given a thousand to one that Barboza was going to go to the gas chamber with all the evidence against him," Marteen Miller, retired Sonoma County public defender, told the Herald.

Miller has told the House Committee on Government Reform that he is willing to testify at hearings scheduled for late September about the cocky hit man who seemed to know the government would rescue him.

"He handled that case like it was a drunk-driving case, didn't bat an eye," Miller said.

Barboza's argument that he shot Santa Rosa thief Clayton Wilson, 26, in self defense was faltering until Rico and Condon took the stand, players on both sides of the case have told investigators.

"When we got these guys up there raising their right hand before the jury and saying what a sweet guy he was, that was the death knell for any capital murder case because back then you couldn't attack the FBI. We knew we were screwed," said Edwin Cameron, Sonoma County prosecutors' chief investigator.

Prosecutors stopped the trial and accepted Barboza's plea to second-degree murder with a five-year sentence.

"We were on one side and the FBI was on Joe Barboza's side," Cameron said. "I couldn't understand it, but I certainly do now."

FBI aided killer - Hub FBI men helped Mob hit man escape death row

Unraveling what could be a 30-year cover-up, House investigators probing FBI corruption contend the Barboza trial must now be seen in a new light, sources said.

At a May hearing run by committee Chairman U.S. Rep. Dan Burton (R-Indiana), a defiant Rico, now 78, expressed no remorse over the wrongly accused men who spent decades in prison for the Chelsea murder of ex-con Edward "Teddy" Deegan, 35.

Louis Greco and Henry Tameleo died as old, sick men in jail while Joseph Salvati, 68, and Peter Limone, 66, were recently released after serving more than 30 years. Limone is suing the FBI and the Justice Department for \$ 375 million.

It was Rico and Condon's own FBI reports uncovered in yellowing FBI files last December during a Justice Department probe that revealed Barboza lied to the jury when he accused the four men of playing roles in the murder of the amateur boxer who offended Mob bosses.

Limone, Tameleo and Greco had ties to organized crime, while Salvati owed Barboza money.

After giving his turncoat testimony in the Deegan case in 1968 and during two other trials against the Mob, Barboza went into the newly created Witness Protection Program.

The FBI placed him in Santa Rosa, then population 50,000, under a new identity and enrolled him in cooking school without telling local officials. He worked in a ship's kitchen until he claimed a back injury and quit.

By 1971, Barboza faced first-degree murder charges in the death of Wilson, whose body was uncovered amid the Redwoods with a bullet to the back of the head. Evidence later showed Wilson had told his new buddy Barboza about a pile of stolen bearer bonds netted in a burglary.

Cameron recalled the Somoma County District Attorney's office was outraged when former Massachusetts U.S. Attorney Edward F. Harrington suddenly arrived to talk to Barboza in his cell.

"Out of the blue, Harrington showed up at the jail visiting Barboza without contacting us or anybody," Cameron said.

At the time, Barboza had already told his Boston attorney F. Lee Bailey and others that he wanted to recant his testimony in the Deegan case, Bailey told Congress in May.

Harrington, now a federal judge in Boston for 13 years, has not responded to Herald requests for an interview.

The Boston FBI declined comment, citing an ongoing Justice Department investigation.

Calls from the House Committee this summer sent Miller digging up old trial records stored in boxes in his garage.

He found the 42-pound transcript of Barboza's trial but discovered something odd. The pages containing Rico and Condon's testimony are gone.

"This is the strangest thing," Miller said. "I have the only copy and those two FBI men's testimony were missing. Obviously they disappeared before I got them, unless someone came through my house."

Congressional investigators have interviewed news reporters who covered the trial to attempt to reconstruct the agents' testimony.

Salvati's attorney, Victor J. Garo, said Barboza manipulated his manipulators.

"The federal government made a deal with the devil and to keep that deal, they had to placate him and keep innocent people in jail," Garo said.

The Medford attorney, who fought for Salvati's innocence for more than 25 years, claims Barboza committed other murders after testifying for the government.

FBI aided killer - Hub FBI men helped Mob hit man escape death row

"I have evidence that shows Barboza killed other people while in the Federal Witness Protection Program," Garo said.

He would not elaborate but said the murders will be discussed during the reform committee hearing.

A Mob hitman executed Barboza on Feb. 11, 1976, in San Francisco.

Load-Date: August 29, 2001

End of Document



FBI 'ALLOWED MAFIA TO CONTINUE WITH PLOT TO KILL GANGSTER'

The Independent (London)

August 11, 2001, Sunday

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Section: FOREIGN NEWS; Pg. 13

Length: 481 words

Byline: Andrew Gumbel In Los Angeles

Body

ALREADY STRUGGLING to mend its tattered reputation in the wake of a major spy scandal and a catalogue of high-profile botched cases, the FBI is facing fresh embarrassment. Evidence emerged yesterday it had knowingly allowed paid informants inside the Mexican Mafia in Los Angeles to plot and commit a series of major crimes, including murder.

According to internal FBI reports and transcripts of wiretapped conversations obtained by the LA magazine New Times, the federal authorities followed a plot to murder Chuey Martinez, a Latino gangster, for seven months in 1997-1998 without arresting the conspirators or issuing any warnings.

In that time, Martinez was shot at and almost killed, another gangster who had been repeatedly threatened was murdered and associates of Martinez were assaulted in prison. All this was monitored and followed by five FBI agents, their supervisor and two federal prosecutors without any intervention.

"This shouldn't have happened," a former deputy assistant director of the FBI, Danny Coulson, told the magazine. "I don't know how they couldn't have acted on this information. I cannot believe a supervisor wouldn't have recognised this as a conspiracy to commit murder."

The case echoes a long-running scandal in Boston, in which the Feds gave a mafia chieftain called Whitey Bulger a license to commit crimes, including murder, over several decades. Two men, ***Joseph Salvati*** and Peter Limone, spent more than 30 years in prison for crimes they did not commit because the FBI chose to protect its informants rather than release exculpatory evidence.

The bureau's chief informant in the LA case was a 26-year-old gangster called John Terscak, who received \$ 40,000 (pounds 28,000) for his services. His contract explicitly forbade him to initiate crimes or participate in acts of violence.

From October 1997, however, clear evidence emerged of a plot against Martinez involving Terscak and a second FBI informant called Ben Montoya.

By mid-December, a plan was openly discussed to open fire on Martinez in his car, and three days later it went ahead. Martinez was hit in the hand, arm and head but escaped.

FBI 'ALLOWED MAFIA TO CONTINUE WITH PLOT TO KILL GANGSTER'

Fresh evidence continued to surface. In April 1998, a Central Valley drug dealer called Victor Murillo was shot dead; explicit threats against him had been heard by the FBI five months earlier. Around the same time, two associates of Martinez were attacked in the LA County jail on direct orders from Terscak.

It was only after Terscak ordered Martinez's murder in late April that the FBI finally warned Martinez he was in danger. In the end, everyone was arrested and convicted of multiple violent offences, including Terscak who was cut no slack despite months of indulgence from his handlers.

Mr Coulson said it was highly illegal for the FBI to allow crimes to be committed in this way. He said: "You can't sacrifice human life to make cases."

Load-Date: August 13, 2001

End of Document



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Load-Date: August 11, 2001

End of Document



FBI blunders are nothing new; Agency suspected of withholding info to protect image

San Antonio Express-News (Texas)

May 13, 2001, Sunday

, METRO Correction Appended

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Section: A SECTION;; NEWS - NATIONAL

Length: 605 words

Byline: Deb Reichmann; Associated Press

Body

WASHINGTON - It's happened before, the FBI fumbling high-profile cases. Now, it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's attorneys. That disclosure prompted Attorney General John Ashcroft on Friday to delay the convicted bomber's execution, scheduled for Wednesday, until June 11. In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear weapons secrets. With word of the new misstep, President Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced," Bush said Friday. "But I withhold judgment until I find out the full facts." Less circumspect was Sen. Chuck Grassley, R-Iowa, a senior member of the Judiciary Committee: "We must change the FBI culture that has caused these colossal mistakes." The committee will review nominees to replace FBI Director Louis Freeh, who retires in June. Danny Coulson, a lead investigator with the FBI's hostage rescue team who took McVeigh into custody, said the incident creates a perception problem for the FBI. But, he said, "I'm sure there's nothing (in the documents) that changes the outcome of the case." The FBI blames the problem on a computer glitch.

#fbi_fumbles#Grassley is not so sure. "We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case." Kris Kolesnik, director of the National Whistleblower Center, a Washington-based nonprofit public interest organization, said the recent blunders reflect what he contended was the FBI's tendency to emphasize public relations over pure science or good investigative technique. "The culture is driven by image - don't embarrass the bureau, make the bureau look good," he said. On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba. Four Cuban-Americans were killed in the incident. But success stories have been overshadowed by missteps: **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati was freed in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant. Last year, the

FBI blunders are nothing new; Agency suspected of withholding info to protect image

FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. In 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms, which pointed early on to the explosion of a center fuel tank as the cause of the 1996 crash of TWA Flight 800, was never forwarded to the National Transportation Safety Board.

In July, former Missouri Sen. John Danforth said an FBI lawyer "goofed" in not telling superiors in 1996 that federal agents fired pyrotechnic tear gas canisters into David Koresh's Branch Davidian compound in Waco.

Correction

Today's Insight story on Oklahoma City bomber Timothy McVeigh and changing attitudes toward capital punishment was printed before Attorney General John Ashcroft ordered McVeigh's execution to be delayed until June 11.

Correction-Date: May 13, 2001

Load-Date: May 13, 2001

End of Document



FBI BLUNDERS BEDEVIL BUREAU IN BIG CASES

The Augusta Chronicle (Georgia)

May 13, 2001 Sunday,

ALL EDITIONS

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Section: NEWS,

Length: 475 words

Byline: Associated Press

Dateline: WASHINGTON

Body

It's happened before, the FBI fumbling high-profile cases.

Now it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's attorneys.

That disclosure prompted Attorney General John Ashcroft on Friday to delay the convicted bomber's execution, scheduled for Wednesday, until June 11.

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear weapons secrets.

With word of the new misstep, President Bush and Mr. Ashcroft were evasive when asked whether they still had confidence in the FBI.

"I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Mr. Bush said at a news conference Friday.

Less circumspect was Sen. Chuck Grassley, R-Iowa. "We must change the FBI culture that has caused these colossal mistakes," Mr. Grassley, a senior member of the Judiciary Committee, said in a statement.

The committee will review nominees to replace FBI Director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Mr. Grassley said.

Danny Coulson, a lead investigator with the FBI's hostage rescue team who took Mr. McVeigh into federal custody, said the incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing (in the documents) that changes the outcome of the case."

The FBI blames the problem on a computer glitch. Mr. Grassley is not so sure.

FBI BLUNDERS BEDEVIL BUREAU IN BIG CASES

"We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Mr. Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

Among the FBI's missteps:

* In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Mr. Hanssen carried on his alleged spying activities for 15 years without being detected by his bosses.

* **Joseph Salvati** of Boston spent 30 years in prison for a slaying he did not commit even though the FBI had evidence of his innocence. Mr. Salvati was freed in January after a judge concluded that FBI agents hid testimony that would have cleared him because they wanted to protect an informant.

* Last year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. Mr. Lee spent nine months in solitary confinement. All but one count was eventually dropped.

Load-Date: June 19, 2001

End of Document



FBI claims police got evidence in '65 Mob hit

The Boston Herald

February 15, 2001 Thursday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 617 words

Byline: By J.M. Lawrence

Body

Faced with mounting criticism over its handling of a 1965 murder case, the Boston FBI yesterday declared that a review of agency records shows the bureau did not hide evidence that might have exonerated two men.

"We did not attempt to frame anybody," Special Agent in Charge Charles S. Prouty said.

The FBI's review of its files shows agents shared with local police information that pointed to other killers of hoodlum Edward "Teddy" Deegan in a Chelsea alley other than **Joseph Salvati** and Peter Limone, Prouty said.

"It appears we did live up to our responsibilities to provide the information we had," said Prouty.

Attorneys for Salvati and Limone - whose convictions were vacated last month after the men spent half of their lives in prison - accused the bureau of refusing to accept blame in a case in which the FBI played a major role.

"They still to this day cannot bring themselves to the fact they did anything wrong," said Victor Garo, who has fought for Salvati's innocence for 26 years. "They are the FBI. They don't do things wrong no matter what version anybody says."

The 1968 prosecution's key witness was the FBI's prized Mob turncoat, hitman Joseph "The Animal" Barboza. FBI agent Dennis Condon also testified during the trial.

In January, Middlesex Superior Court Judge Margaret Hinkle ruled that a newly released FBI report from 1965 was exculpatory evidence that should have been shared with defense attorneys for Salvati, 63, and Limone, 66.

Hinkle said the case "tarnishes" the FBI.

Suffolk County District Attorney Ralph C. Martin II's office found the new evidence was never provided to the DA in 1968.

The office admitted the old FBI reports impeached Barboza's credibility as the key witness and the office chose not to retry the case.

FBI claims police got evidence in '65 Mob hit

Prouty said it is unclear from FBI case files - many of which have been routinely destroyed - whether the FBI ever shared the secret informant's report with the Suffolk DA.

But he and Assistant Special Agent in Charge William Chase maintained the bureau fulfilled its obligations by sharing the information with Chelsea police who led the investigation.

Yesterday, the bureau released a 1965 memo from FBI headquarters in Washington instructing Boston agents to "advise appropriate authorities of the identities of the possible perpetrators of the murders of (Anthony) Sacrimone and Deegan."

A handwritten notation on the memo says information in the Deegan killing was "already disseminated" to Chelsea Capt. Robert Renfrew on March 15, 1965.

Current Chelsea officials are reviewing their police departments role in the case, they said.

The bureau, however, never shared with defense attorneys that Barboza's partner, Vincent "The Bear" Flemmi, was an FBI informant at the time of the Deegan murder.

According to the newly released informant's report, Flemmi was the main instigator behind killing Deegan, a street hoodlum whom the hit man disliked.

But Flemmi's name was never mentioned at Salvati and Limone's trial.

Limone and Salvati were sentenced to die in the electric chair but avoided execution when the state's high court struck down the death penalty.

Lawyers for Salvati, Limone and two other men who were convicted in the Deegan murder are preparing multimillion dollar civil rights suits.

"One thing we want to do in the civil action is find out who knew what when, and whether there was any steering of Barboza's testimony," said William Koski, attorney for Limone. He also represents the families of Louis Greco and Henry Tameleo, who were convicted in the murder and died in prison.

Barboza later attempted to recant his testimony in the case, but the courts turned down numerous appeals.

Load-Date: February 15, 2001



FBI CORRUPTION COSTS MORE THAN CREDIBILITY

Palm Beach Post (Florida)

August 24, 2002 Saturday

FINAL EDITION

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Section: OPINION,; COLUMN

Length: 707 words

Byline: George McEvoy

Body

How do you compensate a man who spent 30 years in a federal prison for something he did not do? Especially when a judge has determined that the FBI knew all along that the man was innocent.

Joseph Salvati, 69, has set the price at \$300 million and is suing the U.S. government for that amount.

His attorney, Victor Garo of Boston, said that discussions with the U.S. Department of Justice this week failed to produce what he called "a fair and reasonable compensation package," so he's going ahead with the lawsuit.

Why \$300 million? Mr. Garo told the Boston Herald that he arrived at that figure after learning that the Iranian government had been ordered by a federal judge to pay journalist Terry Anderson a total of \$341.7 million. Mr. Anderson, a former Associated Press correspondent, was held hostage by the Iranians for more than six years.

"The Salvati case is worse than the Anderson case," Mr. Garo said, "because this was done by our own government to our own citizen." He might have pointed out also that Mr. Salvati was held five times as long as Mr. Anderson.

In a way, Mr. Salvati was a victim of war, the FBI's war on organized crime.

In 1965, a small-time Boston hoodlum named Edward "Teddy" Deegan ran afoul of the late Raymond Patriarca, then the all-powerful boss of organized crime throughout New England, and Patriarca ordered that Deegan be "hit." Deegan later was found shot to death in an alley.

Mr. Salvati and three other men all were convicted of the murder and ended up with life sentences. Their conviction was based largely on the testimony of Joseph "The Animal" Barboza, a mob hit man turned federal informant. In fact, Barboza became the first person to enter the federal Witness Protection Program.

Two years ago, however, a U.S. Justice Department investigation of corruption within the FBI turned up documents that appeared to show that the bureau knew all along that the wrong men had been charged with the murder. Information also has come out that Barboza, the star federal witness, himself may have been one of the Deegan killers.

FBI CORRUPTION COSTS MORE THAN CREDIBILITY

The documents also indicated that certain FBI agents were told about the plan to murder Deegan two days before the killing took place and did nothing about it.

Mr. Salvati was exonerated and freed last year. One of the men convicted with him, Peter Limone, also has been exonerated, but the other two died in prison. Lawsuits totaling \$375 million have been filed on behalf of those three.

The Deegan case is only one segment of a judicial nightmare under way in the Boston area.

After Patriarca's death, a battle began between an Irish mob - the Winter Hill Gang - and the Mafia for control of the rackets in New England. Allegedly, some FBI agents chose sides, aligning themselves with the Irish gangsters in order to get information that would convict the Italian mobsters.

Special Agent John Connolly was hailed as an FBI hero for just about busting up the Mafia in Boston, mainly by turning some of the Irish gangsters into federal informers.

But in May, Connolly, 61, was convicted of racketeering, obstruction of justice and lying to an FBI agent. Specifically, he was found guilty of tipping off James "Whitey" Bulger and Stephen "The Rifleman" Flemmi in 1995 that they were about to be indicted on federal racketeering and extortion charges. Bulger, boss of the Irish mob, immediately fled and remains a fugitive, high on the FBI's 10 Most Wanted list.

The jurors also found that Connolly delivered a case of wine with \$1,000 tucked inside to FBI supervisor John Morris, a gift from Bulger and Flemmi.

Prosecution investigators said they found evidence that the FBI allowed its gangland informants to get away with just about anything, as long as they provided lots of information.

One 1964 report by Special Agent Dennis Condon, for example, said that Flemmi had been boasting about becoming Boston's most prolific full-time assassin, while under the protection of the FBI.

Whitey Bulger, who is believed to have killed dozens of people, is the brother of William Bulger, former president of the Massachusetts State Senate and now president of the University of Massachusetts.

George McEvoy is a columnist for The Palm Beach Post. His e-mail address is george_mcevoy@pbpost.com

Load-Date: September 7, 2002

FBI CORRUPTION EXPOSED

**FBI CORRUPTION EXPOSED**

Hartford Courant (Connecticut)

February 27, 2001 Tuesday, STATEWIDE

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Section: EDITORIAL; Pg. A8; EDITORIAL**Length:** 318 words**Body**

A shocking case of FBI abuse of power came to light recently when a Boston judge released Peter Limone, 66, who had served 33 years in prison for a murder he did not commit.

Mr. Limone, a small-time numbers runner, was convicted in 1968 of killing Edward Deegan on the basis of testimony from well-known Boston hit man Joseph "The Animal" Barboza, who later admitted he had fabricated much of it.

The full extent of the miscarriage of justice became evident only recently, however, when a U.S. Justice Department task force investigating corruption in the FBI's use of informants found documents showing that informants had told the FBI in advance that someone -- not Mr. Limone -- planned to kill Mr. Deegan.

FBI agents not only did nothing to try to prevent the murder, but also kept quiet when Mr. Limone and three co-defendants were wrongfully convicted of the murder. Mr. Limone was sentenced to die in the electric chair, a fate he escaped when the U.S. Supreme Court suspended the death penalty in 1972.

A second defendant, ***Joseph Salvati***, received a commutation in 1997. However, the other two, Louis Greco and Henry Tameleo, died in prison. They were innocent men who were framed by a government informant and, as a result, lost their freedom for life.

According to testimony, some FBI agents were so intent on breaking up the mob in New England that they entered into relationships with informants, then literally let them get away with murder.

As a result, the Justice Department now requires FBI agents to share with prosecutors details about their secret pacts with informants. That sounds like an obvious step that should have been in place long ago. Attorney General John Ashcroft must ensure that the guidelines are followed.

Meanwhile, the government still needs to get to the bottom of the outrageous acts of official corruption involving FBI agents 33 years ago in Boston.

Load-Date: February 27, 2001

FBI CORRUPTION EXPOSED

End of Document



F.B.I. Covered Up for Boston Mobsters, Lawsuits Assert

The New York Times

May 31, 2002 Friday

Late Edition - Final

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Section: Section A; Column 1; National Desk; Pg. 17

Length: 1132 words

Byline: By FOX BUTTERFIELD

Dateline: BOSTON, May 30

Body

There is the family of a Tulsa high-tech multimillionaire who was executed gangland-style as he left his country club after a round of golf. Also the mothers of two young women whose bodies were found in shallow sandy graves along the outer reaches of Boston harbor. Not to mention the widow of a small-time mobster missing for many years.

All of them say the Boston office of the Federal Bureau of Investigation was complicit in the killings of their relatives or helped cover them up, and all of them are suing the F.B.I. and the Department of Justice.

The lawsuits are only one sign that the conviction on Tuesday of a retired F.B.I. agent, John J. Connolly Jr., on charges that he collaborated with Boston's leading gangsters will not end the scrutiny of how the Boston office and the bureau itself dealt with lawbreakers and broke the law themselves.

The House Government Reform Committee has been investigating accusations that for decades Boston F.B.I. agents provided tips to organized crime leaders to help them eliminate witnesses against them, sent innocent men to prison for life, lied to other law enforcement agencies and covered up crimes committed by their informers.

A major goal of the investigation is to find out how much F.B.I. headquarters in Washington knew about the misconduct in its Boston field office. Investigators this month released what they called a "smoking gun" memo from 1965 that showed that J. Edgar Hoover was informed that four innocent men had been sent to prison for life for a murder the F.B.I. knew was committed by one of its Boston informers.

In addition, there was testimony at the trial that other agents besides Mr. Connolly took bribes and helped a powerful organized crime group in Boston headed by James Bulger, who was known as Whitey and was supposedly an F.B.I. informer. Michael Sullivan, the United States attorney here, said his office was investigating those accusations. Some officials now say they also believe that several heads of the Boston F.B.I. office covered up for agents' misconduct.

F.B.I. Covered Up for Boston Mobsters, Lawsuits Assert

"What happened in Boston is not just a John Connolly, rogue street agent problem," said Representative Bill Delahunt, Democrat of Massachusetts, who has been participating in the investigation by the Government Reform Committee.

"What we have revealed here is an institution in dire need of reform, with no accountability, no transparency and a total lack of controls," said Mr. Delahunt, a local district attorney for more than 20 years.

A Congressional investigator, speaking on condition his name not be used, said the Boston case, like the disclosures about the bureau's failure to investigate terrorist activities before Sept. 11, revealed "a culture of concealment, where the F.B.I. got itself into a protective mentality and cared less about justice being done than about protecting itself when agents made mistakes."

The lawsuits have put the Justice Department in a peculiar situation, said Albert Cullen Jr., a lawyer representing the widow of Brian Halloran, a small-time drug dealer. Mr. Halloran was killed by Mr. Bulger in 1982 after Mr. Connolly tipped him off that Mr. Halloran was providing the F.B.I. with information about a killing Mr. Bulger had arranged, according to testimony at Mr. Connolly's trial.

While Justice Department's criminal division prosecuted Mr. Connolly, its civil division, which handles lawsuits against the department, has had to defend his actions.

One danger for the F.B.I. in these lawsuits, with 6 filed so far and perhaps 10 more to come soon, is that the standard of proof is lower than in the criminal trial in which Mr. Connolly was acquitted of the most serious charges against him, including complicity in murder. Also, there could be further damaging revelations as the lawsuits move into the discovery phase.

One lawyer, Frank Libby, has found the government's response to his lawsuit paradoxical. Mr. Libby represents the estate of Roger Wheeler, the chairman of the Telex Corporation who was killed in 1981 on orders from Mr. Bulger after he learned the gang was skimming money from one of his businesses, according to testimony at Mr. Connolly's trial.

The Boston F.B.I. office did not act on its knowledge of Mr. Bulger's role in the killing, or tell the Tulsa police. Instead, Mr. Connolly tipped off the organized crime boss that Mr. Halloran had informed on him, according to testimony at the trial. Mr. Bulger shot him, one former Bulger associate testified.

Mr. Libby said the Justice Department notified him on Tuesday -- the same day Mr. Connolly was convicted -- that it was moving to dismiss the Wheeler family's lawsuit because the statute of limitations had expired. "There is some irony in the government saying the Wheeler family should have known, from half a continent away, 20 years ago, that government agents were committing murder," said Mr. Libby.

The two women whose bodies were found were girlfriends of Stephen Flemmi, Mr. Bulger's deputy. Their bodies were found after another Bulger associate told the authorities that Mr. Flemmi had killed them.

Charles Miller, a spokesman for the Justice Department, said it would not comment on continuing litigation.

Some officials have also been critical of Charles Prouty, the special agent in charge of the Boston bureau, who in 1997 was sent to Boston as part of a team of F.B.I. and Justice Department investigators when evidence about the troubles came out in a hearing by United States District Judge Mark L. Wolf.

Mr. Prouty and the team quickly produced a report that found no wrongdoing within the five-year statute of limitations. But a hearing by Judge Wolf the next year uncovered much of the misconduct that was cited in Mr. Connolly's trial.

Among the acts Mr. Prouty's team missed was one that occurred in December 1994, when Mr. Connolly tipped off Mr. Bulger about a secret federal indictment that enabled him to flee. He remains a fugitive.

F.B.I. Covered Up for Boston Mobsters, Lawsuits Assert

Also hidden in F.B.I. files was information that Vincent Flemmi, an informer, murdered Edward Deegan in 1965. Despite knowing this, the F.B.I. allowed another of its informants to testify that four innocent men, including **Joseph Salvati**, had committed the killing. They were sentenced to life in prison.

Two of the men died in prison. Mr. Salvati's sentence was commuted in 1997, after he served 30 years. He is now preparing to sue the F.B.I. The fourth man was released from prison in recent months.

This month Congressional investigators found the 1965 memo to Mr. Hoover saying that Mr. Flemmi had committed the killing and would kill again but that "the informant's potential outweighs the risks."

A spokeswoman for the Boston F.B.I. office, Gail Mercinkicwicz, said that Mr. Prouty and the rest of the team had only five weeks to examine 25 years worth of activity.

<http://www.nytimes.com>

Graphic

Photos: In 2001, the police searched for the bodies of two men believed to have been victims of James Bulger, right, and an associate. The relationship between the F.B.I. and Boston mob is under scrutiny. (Associated Press); (The Boston Globe)

Load-Date: May 31, 2002



FBI director calls Salvati case a 'sad chapter' in FBI history

The Associated Press State & Local Wire

May 16, 2001, Wednesday, BC cycle

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Section: State and Regional

Length: 762 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

FBI Director Louis Freeh on Wednesday called the FBI's role in the wrongful conviction of Joseph Salvati a "very sad chapter in the history" of the agency.

Salvati, 68, spent 30 years in prison for the murder of Edward "Teddy" Deegan before being exonerated earlier this year.

A judge concluded that FBI agents hid evidence that would have cleared Salvati because they wanted to protect informants who helped them crush the New England Mafia.

Earlier this year, prosecutors dropped the charges against Salvati and Peter Limone, 66, in the 1965 gangland slaying of Deegan, a small-time hoodlum who was gunned down in an alley in Chelsea.

Salvati's sentence was commuted in 1997 and he was released on parole. Limone was freed in January after spending 32 years behind bars.

Earlier this month, a House panel investigating the improper relationship between the Boston FBI office and its mob informants held a hearing on the Salvati case. Members of the House Government Reform Committee apologized to Salvati.

Freeh, testifying before a House Appropriations subcommittee Wednesday on the FBI's actions in the Timothy McVeigh case, acknowledged that FBI agents had evidence that could have cleared Salvati.

"That is a very sad chapter in the history of this agency," Freeh said.

The Boston office of the FBI agreed.

"(Freeh) stated that there is no greater travesty in our justice system than sending an innocent man to prison. The director speaks for the Boston FBI," special agent Charles Prouty said in a prepared statement

FBI director calls Salvati case a 'sad chapter' in FBI history

"The Boston FBI has provided Mr. Salvati's attorney and the Justice Department Task Force with documents that could help reconstruct the events surrounding the murder of Edward Deegan," Prouty said. "We will continue to cooperate in any way possible. The Boston FBI is committed to ensuring that justice is served."

But Freeh was careful to note that the prosecution in the Deegan case happened more than 30 years ago, and the FBI has since changed.

"It was the FBI of modern times - the FBI of 1998, 1999 - that not only uncovered that evidence, but has brought to bear the facts and circumstances which will allow the just prosecution of people, including former people associated with our agency, who broke the law," he said.

Freeh made the statement before the subcommittee six days after the revelation that the FBI had withheld more than 3,000 documents from McVeigh's lawyers in the Oklahoma City bombing case.

Salvati's lawyer, Victor Garo, called Freeh's statement "the first step" toward the FBI accepting responsibility in the case.

"Even though the director of the FBI has acknowledged wrongdoing by the FBI ... how can you give back to Mr. Salvati, his wife and four children the over 30 years that they lost together as a family?" Garo said.

During the hearing earlier this month before the House Government Reform Committee, former FBI Agent H. Paul Rico expressed no remorse about what happened to Salvati.

Secret reports written by Rico showed that informants told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved. Salvati and Limone's names were not included and the reports were not made known to defense lawyers.

Rico told the committee that he thought the FBI handled the case properly at the time. He said he had not been convinced of Salvati's innocence until hearing him testify before the committee.

In February, the Boston office said the agency did pass along the documents to local authorities. The FBI did not specify who the "local authorities" were, and would not comment further.

The Suffolk County District Attorney's Office, which prosecuted the case, denied receiving FBI confidential informant memos.

The documents showed FBI agents knew about the hit on Deegan ahead of time, and had a list of six men who did it.

FBI informant Vincent "Jimmy the Bear" Flemmi was on the list, but was never charged. Salvati, Limone and two others convicted for the crime were not on the list.

U.S. Rep. Dan Burton, R-Ind., called for the Congressional hearings after learning of the Salvati case and of separate allegations that Boston FBI agents covered up the crimes of alleged mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi to protect the two men, both prized informants in Boston.

Ex-FBI agent John J. Connolly has been charged with racketeering and obstruction of justice for his handling of Bulger and Flemmi.

A Justice Department task force is currently investigating the Boston FBI office.

Graphic

FBI director calls Salvati case a 'sad chapter' in FBI history

With AP Photo

Load-Date: May 17, 2001

End of Document



FBI DIRECTOR PLEDGES HELP Focus on gang violence

The Boston Globe
April 28, 2007 Saturday
THIRD EDITION

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Section: METRO; Pg. B1

Length: 757 words

Byline: Shelley Murphy Globe Staff

Body

FBI Director Robert S. Mueller III said he pledged the bureau's help in cracking down on gang violence throughout the state during a meeting yesterday with Massachusetts State Police Colonel Mark F. Delaney.

"What is clear is that we have to work together to address the problem," Mueller told the Globe yesterday. Mueller said FBI officials in Boston have been meeting regularly with Boston Police Commissioner Edward F. Davis and other law enforcement officials about tapping more federal resources to target gangs and deal with an increase in homicides.

"My own view is we ought to do whatever we can" to help law enforcement lower the homicide rate "because of the dramatic impact on a community from violent crime," Mueller said.

The FBI could assist with intelligence gathering on gangs that cross state and national boundaries, track weapons, crunch data, and work to bring more gang-related cases into federal court, Mueller said.

During an interview with the Globe yesterday after privately addressing a class at Harvard Business School, Mueller talked about gang violence; balancing civil liberties and counter-terrorism efforts; and fugitive gangster James "Whitey" Bulger.

"We'll take whatever time and resources are needed to locate him," said Mueller when asked whether catching Bulger, a longtime FBI informant who fled just before his 1995 federal racketeering indictment, would remain a top priority. The former South Boston crime boss, one of the FBI's 10 Most Wanted, is charged with killing 19 people

Noting that lawsuits are still pending against the government, Mueller declined to comment on demands for an official FBI apology from relatives of Bulger's victims; a recent court judgment condemning the bureau; or on a host of lawsuits spawned by the FBI's handling of informants from the 1960s to the 1990s.

In September, a federal judge found that the FBI's mishandling of Bulger and Stephen "The Rifleman" Flemmi caused the 1984 murder of Quincy fisherman John McIntyre, and ordered the government to pay \$3.2 million to his family.

FBI DIRECTOR PLEDGES HELP Focus on gang violence

The judge found that the FBI failed to properly supervise the gangsters' handler, retired FBI agent John J. Connolly Jr., who was sentenced to 10 years in prison after his 2002 federal racketeering conviction for protecting Bulger and Flemmi. Connolly is also slated to stand trial on state murder charges in Florida in September.

Six similar civil lawsuits brought against the government by victims of Bulger and Flemmi, who is serving a life sentence for killing 10 people, have yet to go to trial.

And in another case, a federal judge in Boston is expected to issue a decision soon on a civil suit brought against the government by four men who were wrongly convicted of a 1965 gangland murder and say the FBI is to blame. **Joseph Salvati** and Peter J. Limone both spent more than 30 years in prison before their convictions were overturned by a state judge in 2001 after secret FBI documents that may have helped them prove their innocence were discovered. The two others, Henry Tameleo and Louis Greco, died in prison.

Yesterday, Mueller, who served as a federal prosecutor in Boston in the 1980s, said he couldn't discuss any of the civil or criminal cases. He said, however, that the FBI has revised its informant guidelines and added more oversight as a result of the Bulger scandal.

"I think the public should recognize that what happened, happened years ago," said Mueller, adding that the FBI "put into place mechanisms to prevent this from happening in the future."

"Most importantly," Mueller said, "look at the FBI today."

He said the bureau is working with local law enforcement to target violent crime, cybercrime, and terrorism.

Mueller also talked about the FBI's need to use national security letters to obtain information critical to terrorism investigations while balancing privacy rights. Under the Patriot Act, the letters allow the FBI to get records from Internet service providers, telephone companies, banks, credit bureaus, and other businesses without a subpoena or judicial oversight.

The agency has come under fire for its use of the letters and put a compliance program in place. Last week the bureau's legal counsel met with privacy advocates to consider their suggestions on the guidelines for using them.

Mueller said yesterday that he plans to sit down with privacy advocates to hear their concerns. The letters are an essential tool for the FBI, said Mueller. "One of the things we are careful to do is use the least intrusive means possible" in using them, he added.

Graphic

'What is clear is that we have to work together to address the problem.' Robert S. Mueller III

Load-Date: April 30, 2007



FBI documents suggest wrong men convicted of murder

Providence Journal-Bulletin (Rhode Island)

December 22, 2000, Friday,

All EDITIONS

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Section: NEWS,

Length: 421 words

Body

An attorney claims his clients were sacrificed by the agency to protect a top informant.

**

BOSTON (AP) - His clients were gamblers, running books in the Boston area. But attorney John Cavicchi didn't believe they were murderers, least of all on the word of a hit man who'd cut a deal with the government.

Still, his every attempt to get the murder convictions against Louis Greco and Peter Limone revisited was frustrated by the courts.

Four decades later, Greco is dead and Limone is still fighting for a new trial. And old FBI documents unearthed by a Justice Department task force indicate that Cavicchi's clients, and two other men, may be innocent of murder and that FBI knew it when they were convicted.

The documents also indicate that the FBI was warned of the hit on Edward "Teddy" Deegan two days before it happened.

"I was outraged," Cavicchi said after receiving the reports Tuesday.

After the March 12, 1965, gangland-style hit, an informant gave the FBI a list of suspects, including Vincent "Jimmy" Flemmi, then an FBI informant, as well as notorious mob hit man Joseph "The Animal" Barboza, the documents show. Barboza became the first participant in the federal Witness Protection Program.

But a different list of suspects was indicted, and eventually convicted, partly on Barboza's testimony. To Cavicchi, it shows how far the FBI went to protect informants.

"This is just totally diabolical and fiendish," he said. "It's beyond comprehension."

Boston FBI spokeswoman Gail Marcinkiewicz declined to comment.

FBI documents suggest wrong men convicted of murder

The documents were released as federal authorities investigate FBI ties to Winter Hill gang leader James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, who is Vincent Flemmi's brother.

Prosecutors say Bulger and Stephen Flemmi's FBI handlers protected them, and one FBI agent is facing racketeering charges.

In one of the reports, dated March 10, 1965, FBI agent Paul Rico writes that an informant told him about a coming "hit" on Deegan. Another report, dated nine days later, has an informant pinning the murder on "Jimmy" Flemmi, Barboza, Ronald Cassesso, Wilfred Roy French and Romeo Martin. An earlier report said the men committed the crime to impress crime boss Raymond Patriarca.

But of the men on the list, only Cassesso and French were indicted for the killing. Greco and Limone also were indicted, along with **Joseph Salvati** and mafia boss Henry Tamelo.

Greco and Tamelo died in jail. Salvati was released in 1997 when his sentence was commuted by the Governor's Council, which believed him innocent.

Load-Date: December 23, 2000

End of Document

FBI DROPS MOB KILLING CASE

**FBI DROPS MOB KILLING CASE**

Saint Paul Pioneer Press (Minnesota)

January 31, 2001 Wednesday CITY EDITION

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Section: MAIN; Pg. 3A**Length:** 95 words**Dateline:** CAMBRIDGE, MASS.**Body**

Prosecutors dropped charges Tuesday against two men who claimed they spent decades in prison because the FBI - trying to protect an informant - allowed them to be framed for a 1965 underworld murder.

"Freedom is a beautiful thing," said **Joseph Salvati**, 68, who was joined by friends and family at the courthouse. "It took us awhile getting here, but we made it." The district attorney's office also dropped charges against Peter Limone, 66, another man convicted in the 1965 gangland slaying of Edward "Teddy" Deegan, a small-time hoodlum who was gunned down in an alley.

Load-Date: November 1, 2001

End of Document



FBI DUTY IN SLAYING TRIAL OF 4 DISPUTED; US SEEKS DISMISSAL OF NEGLIGENCE SUIT

The Boston Globe

August 17, 2006 Thursday

THIRD EDITION

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Section: METRO/REGION; Pg. B1

Length: 729 words

Byline: BY SHELLEY MURPHY, GLOBE STAFF

Body

A Justice Department lawyer argued yesterday that the FBI had no duty to share evidence with state prosecutors that might have prevented the wrongful conviction of four men for a 1965 gangland murder in Chelsea.

"We would submit there is no obligation on the part of the FBI to transmit its internal memos to local authorities," said the lawyer, Mary M. Leach, insisting that state authorities and not the FBI were responsible for the prosecution.

The government urged a US judge to dismiss a negligence suit filed against the federal government by ***Joseph Salvati*** and Peter Limone, who both spent more than 30 years in prison before they were exonerated in 2000 of killing Edward "Teddy" Deegan.

The families of Henry Tameleo and Louis Greco, who both died in prison before being vindicated, shouldn't be allowed to sue at all, the government argued.

"I think it's wrong," said Limone, 72, who attended yesterday's hearing with his wife and other family members. He said the FBI should have turned over all of its evidence. Salvati, who attended the hearing with his wife, Marie, let his lawyers speak for him.

"If you have information that people are innocent, you come forward with it," said Salvati's lawyer, Victor Garo, calling the federal government's conduct in the case "outrageous."

US District Judge Nancy Gertner took the government's request under advisement, but questioned how the FBI could claim no liability when its agents failed to tell state prosecutors about wiretaps and informant information that suggested the four men were being framed for the slaying by Joseph "The Animal" Barboza, a Mafia hitman who had turned government witness.

After recruiting Barboza as a witness and using him in other trials against local Mafia leaders, FBI agents failed to tell state prosecutors during the 1968 trial of Salvati, Limone, and the others that they had evidence that Barboza was lying to protect Vincent "Jimmy" Flemmi, who was alleged to be one of Deegan's killers.

FBI DUTY IN SLAYING TRIAL OF 4 DISPUTED; US SEEKS DISMISSAL OF NEGLIGENCE SUIT

Flemmi, who died in 1979 of a drug overdose in prison, was the brother of longtime FBI informant Stephen "The Rifleman" Flemmi, who is now serving a life sentence for 10 murders.

It was revealed in court yesterday that Vincent Flemmi became an FBI informant on March 12, 1965 the same day that Deegan, a petty thief suspected of stealing from local mobsters, was gunned down in a Chelsea alley.

A state judge overturned the convictions of Salvati and Limone after a Justice Department Task Force investigating the FBI's handling of informants discovered long-secret FBI files that indicated Barboza may have framed the pair, along with the deceased Tameleo and Greco.

The documents were not turned over to defense lawyers at the time of the trial.

Boston lawyer Michael Avery, who represents the plaintiffs, argued yesterday that the FBI deliberately withheld information from state prosecutors so the government could continue using Barboza as a witness, and to protect both Flemmi brothers, who were FBI informants.

Avery accused the FBI of forming an alliance with Barboza, the Flemmis, and other informants to infiltrate the Mafia that was "improper, illegal, and immoral," and that state authorities were unaware of.

Avery disputed the Justice Department assertion that FBI agents shared some information about Vincent Flemmi's possible involvement in Deegan's slaying with Chelsea police.

While bugging the Providence office of the New England Mafia boss, Raymond L.S. Patriarca, in 1965, the FBI overheard Patriarca giving Barboza and Vincent Flemmi permission to kill Deegan, according to documents filed in court.

The FBI had also received information from informants implicating Barboza and other men not Salvati, Limone, Greco, or Tameleo in the slaying.

And when Barboza agreed to become a witness for the FBI, he told agents that he wouldn't say anything to hurt his best friend, Vincent Flemmi.

Yet, according to court records, none of that information was turned over to state prosecutors.

Leach argued that Jack Zalkind, the Suffolk prosecutor who handled the Deegan case, conducted an independent investigation and made his own decision to prosecute Salvati and the others. She said the FBI agents did not know Barboza lied.

But Gertner said that Zalkind made his decision based on a "tainted record," without the benefit of information buried in the FBI files that suggested the men were innocent.

Load-Date: August 17, 2006



FBI evidence gaffe another 'black eye': MCVEIGH EXECUTION DELAY

Edmonton Journal (Alberta)

May 12, 2001 Saturday Final Edition

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Section: World; Pg. A4; Crime

Length: 922 words

Byline: Michelle Mittelstadt

Dateline: Washington

Body

It's been a terrible spring for the FBI, which treasures its image as the nation's premier law-enforcement agency. Already hurting from the discovery that a spy apparently toiled in its midst undetected for 15 years, the last thing the bureau needed was another embarrassment.

But with the revelation that the FBI withheld evidence from Timothy McVeigh's defence team, the bureau was plunged into the eye of another storm, just six days before the Oklahoma City bomber's scheduled execution.

Attorney General John Ashcroft described the missing evidence as immaterial to the trial's outcome, but nonetheless postponed the execution for 30 days.

Dallas Morning News

"I regret that these steps which I have taken were necessary, but I take them in the interest of the confidence the American people ought to have in their judicial system.

Ashcroft also initiated an inquiry into the belated discovery of the 3,135 documents -- the second investigation of the FBI he has ordered in three months on the job.

Spy Scandal

The first came in February, after the bureau was rocked by the arrest of agent Robert Philip Hanssen, a 25-year counterintelligence expert accused of selling secrets to Moscow.

The spy scandal was merely the latest in a series of controversies that have dogged the bureau in recent years, including a botched Chinese espionage investigation, persistent problems in the FBI crime lab and revived questions over the FBI's conduct during the 1993 Waco siege.

FBI agents say the string of embarrassments is taking a toll.

"If you're asking me what the discomfort level is among the agent population over two or three or four disturbing circumstances happening seemingly simultaneously, there is a high discomfort level," said FBI special agent John

FBI evidence gaffe another 'black eye': MCVEIGH EXECUTION DELAY

Sennett, president of the FBI Agents' Association. "We are a proud organization, and we don't like to be embarrassed."

He added, "They are completely disconnected events, but since all are in the news right now, they have a cumulative effect from a PR standpoint -- and there's no denying that they do. And that's regrettable. But for those looking for a pattern of mismanagement, it's not there."

While FBI officials say their failure to turn over the documents to lawyers for McVeigh and accomplice Terry Nichols before their 1997 trials was inadvertent, it's not the first time the bureau has belatedly come across information in a high-profile case.

"This episode is not the FBI's first black eye," said McVeigh lawyer Nathan Chambers. "Now we see yet again that the agency that holds itself out as the premier law-enforcement agency in the world is incapable of conducting an investigation in a manner that instills trust and confidence."

In 1999, Attorney General Janet Reno dispatched U.S. marshals to FBI headquarters to seize previously undisclosed recordings that showed federal agents using pyrotechnic tear gas in the final hours of the Branch Davidian siege. Bureau officials had insisted in sworn affidavits that they had no footage showing such usage.

Mob Informants

Last week, the FBI came in for serious criticism from a House committee investigating the Boston FBI office's cozy ties with mob informants. A Massachusetts man, **Joseph Salvati**, spent 30 years behind bars for a murder the FBI knew he did not commit. Salvati and a co-defendant were exonerated this year after a judge concluded that the FBI hid evidence that would have proven their innocence in order to protect bureau informants.

"This whole episode is disgraceful," House Government Reform Committee chair Dan Burton said during the hearing.

And the bureau has come under attack in recent weeks for withholding crucial evidence from its investigation of a notorious civil-rights era crime: the 1963 Birmingham church bombing that killed four black girls.

Evidence Withheld

Former Ku Klux Klansman Thomas Blanton Jr. was convicted last month of murder in the church bombing, largely on the basis of an FBI surveillance tape that the bureau kept from Alabama prosecutors who investigated the bombing in the 1970s. Bureau officials say they weren't trying to hinder prosecutions in the case.

The newly found Oklahoma City documents fuelled the ire of criminal-defence lawyers who have gone up against the bureau in court.

"Well, I am angry because this is what the FBI does: They lie to the prosecutors. We've caught them doing it again and again and again," lawyer Michael Tigar, who represents Nichols, said on CNN.

Gerry Spence, who represented white separatist Randy Weaver after a government raid on his Ruby Ridge, Idaho, home in which his wife and son were killed, said this merely is the latest in a long string of cases where the FBI has withheld information.

"I attribute it to the fact this institution called the FBI is not our guardian, it's our prosecutor," Spence said. "If they can do this to McVeigh, in the most heinous crime of the century, then they can do it to the most innocent of us."

There was no intent to hide the Oklahoma City documents -- which also weren't shared with government attorneys - several prosecutors in the case said.

"It's an inexcusable error, but I'm convinced it's human error and nothing intentional," said former federal prosecutor Scott Mendeloff, now in private practice in Chicago.

FBI evidence gaffe another 'black eye': MCVEIGH EXECUTION DELAY

The head of the Oklahoma City investigation, Dallas FBI special agent Danny Defenbaugh, denied any deliberate intent to conceal information.

"We're not hiding anything," Agent Defenbaugh said. "This storm will pass."

Graphic

Photo: File Photo; Timothy McVeigh

Load-Date: March 27, 2002

End of Document



FBI faces suits for 'framing' 4 in killing

United Press International

February 8, 2001, Thursday

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Section: GENERAL NEWS

Length: 491 words

Dateline: BOSTON, Feb. 8

Body

Attorneys for four men convicted more than three decades ago for a gangland slaying they didn't commit said Thursday civil suits were being prepared against the FBI and others for covering up evidence that would have cleared the men.

The FBI "knew" the men were being framed, but did nothing about it as they were convicted and sentenced to life in prison, attorney Victor Garo charged.

Then FBI Director J. Edgar Hoover and others "crossed over the line and became criminals themselves" when they remained silent because they knew that **Joseph Salvati**, Peter Limone, Louis Greco and Henry Tameleo were innocent of the 1965 killing of small-time hood Edward "Teddy" Deegan in Chelsea, Mass.

It was the FBI's "Day of Infamy," Garo said.

Salvati and Limone were freed recently and had their convictions vacated after FBI documents were uncovered supporting their claims they had been wrongly convicted. Greco and Tameleo died in prison.

Garo, who is representing Salvati, accused the FBI, Chelsea Police and the Suffolk County District Attorney's Office of covering up evidence proving the four had nothing to do with the slaying.

"There was one thing that has stayed true throughout the trial and the appellate review of this case, and that is the truth be damned," Garo said. He said authorities didn't want to know the truth and wanted only to "sustain the convictions."

Garo said the FBI and the Chelsea police "conspired to murder Joe Salvati," and "knew and had evidence" that Salvati "was innocent, but never let that evidence surface."

Attorney William Koski is preparing similar civil suits on behalf of Limone and the families of Tameleo and Greco.

Garo, indicating he'd prefer an out-of-court settlement, did not say when he would actually file Salvati's civil suit or how much compensation he would seek. He also said if ever there was a case of alleged FBI misconduct that should be investigated by Congress, "this is the case."

FBI faces suits for 'framing' 4 in killing

"They have to be punished, no doubt about it," Salvati said at Thursday's news conference in Boston. "They have to pay."

A task force investigating corruption in the FBI's Boston office and agents' inappropriate relationship with underworld informants uncovered FBI reports from the mid-1960s that appear to show agents H. Paul Rico and Dennis Condon allowed the four to be framed to protect informant Vincent "The Bear" Flemmi, a reputed organized crime hit man.

The Boston Herald said it had obtained a 1965 Chelsea police report corroborating the FBI reports.

Rico was prevented from speaking out because of orders from his FBI bosses, his attorney has said.

The FBI allegedly knew the killing was committed by Mob hit man Joseph "The Animal" Barboza, the government's only witness in the case. Despite that knowledge, the FBI allowed Barboza to lie on the stand and implicate four innocent men in the slaying.

Barboza, later also killed, reportedly falsely accused Salvati because of a grudge over an old gambling debt.

Load-Date: February 9, 2001



(FBI) Federal Bureau of Incompetent's latest

News From Indian Country

May 31, 2001

Copyright 2001 SOFTLINE INFORMATION, INC. Ethnic NewsWatch

Section: Vol. XV; No. 10; Pg. 17A; Newspaper; Editorial

Length: 571 words

Byline: DeMain, Paul

Body

(FBI) Federal Bureau of Incompetent's latest

Major newspapers throughout the country have called it an accident, a blunder, the latest FBI botching, a fiasco and on and on. For Indian Country, and for those who followed Leonard Peltier's case over the years, there was nothing new to the news.

Over 3,135 pages of documents were withheld from defense lawyers for Timothy McVeigh, the Oklahoma City federal building bomber.

For years the FBI withheld thousands of documents from the Peltier defense team, including key documents regarding the government's allegations about a key shell casing that their own ballistics experts said in several documents "did not match the firing pin" of the weapon they claimed killed their agents.

The withholding of the documents was not considered a big enough error on the side of the government for judges to order a new trial for Peltier, saying it might be possible, rather than probable, that the jury would have decided the case differently.

Even after the the release of several thousand documents to the Peltier defense team, the government withheld over 6,000 additional pages of documents. In letters from the FBI Chief of Records Management Division, Emil P. Moschella sent to various politicians and journalists, the FBI claimed that the documents needed to remain secret based on alleged national security issues and the probability of future further prosecutions.

(FBI) Federal Bureau of Incompetent's latest

In a June 24, 1988 letter to then Senator Robert Dole, the letter states that even after the Peltier defense team initiated litigation and appealed the FBI's original decision not to release any of their secret documents, "Pursuant to court order, 20,388 pages of documents... were reviewed ... A total of 13,799 pages were released ... The FBI withheld 6,589 pages including information about the shoot-out...

Then during last year's FBI barrage against clemency for Peltier, FBI agent Chip Burrus states that the only reason Peltier has never received the additional documents was because the defense team "stiffed" the FBI on paying for the original copies they provided. Was the original June 24, 1988 letter just an accident, or was the FBI once again lying as we have found out about again and again?

Accident, botched, fiasco, blunder?

No, the FBI has a history of distorting, concealing, enhancing and framing as it did in the Wen Ho Lee spying case, the Richard Jewel Atlanta City bombing case, or Geronimo Pratt's murder case, or letting **Joseph Salvati** spend 30 years in prison on a Boston murder charge the FBI knew he did not commit, or withholding incriminating secretly taped evidence in the 1963 Birmingham, Alabama Klan bombing that killed three black girls for over 30 years, etc., etc., etc.

They also have an ego that prevents them from seeing their own errors and incriminating conduct back at South Dakota's Pine Ridge Oglala reservation in 1975 and a lack of humility that prevents them from doing the right thing to this day.

That would be to not only release all the documents that should have been given to Timothy McVeigh, but should have been given to Leonard Peltier over 25 years ago as well.

Anyone who wants to help Peltier, or does not believe the FBI should hide behind their shield of secret documents, should write to their Congressman and Senators and demand the declassification and release of all documents in Peltier's case.

Article copyright News From Indian Country.

Graphic

Cartoons, As Ringmaster, I take full responsibility for the recurring blunders of the FBI...

(FBI) Federal Bureau of Incompetent's latest

Load-Date: August 24, 2001

End of Document



FBI floundering: McVeigh case latest in series of blunders

The Gazette (Montreal, Quebec)

May 13, 2001 Sunday

FINAL EDITION

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Section: NEWS,; Crime

Length: 829 words

Byline: DEB RIECHMANN

Dateline: WASHINGTON

Body

It's happened before, the FBI fumbling high-profile cases.

Now, it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's lawyers.

That disclosure prompted Attorney- General John Ashcroft to delay the convicted bomber's execution, scheduled for Wednesday, until June 11.

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear- weapons secrets.

AP

With word of the new misstep, President George W. Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Bush said.

Less circumspect was Senator Chuck Grassley (R-Iowa): "We must change the FBI culture that has caused these colossal mistakes," Grassley, a senior member of the judiciary committee, said in a statement.

The committee will review nominees to replace FBI Director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Grassley said.

Danny Coulson, a lead investigator with the FBI's hostage-rescue team who took McVeigh into federal custody, said the incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing (in the documents) that changes the outcome of the case."

FBI floundering: McVeigh case latest in series of blunders

The FBI blames the problem on a computer glitch. Grassley is not so sure.

"We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

Kris Kolesnik, director of the National Whistleblower Centre, a Washington-based non-profit public-interest organization, said the recent blunders reflect what he contended was the FBI's tendency to emphasize public relations over pure science or good investigative technique.

"The culture is driven by image - don't embarrass the bureau, make the bureau look good," he said.

On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba. Four Cuban-Americans were killed in the incident.

But success stories like this have been overshadowed by a series of missteps:

- In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Hanssen carried on his alleged spying activities for 15 years without being detected by his bosses.
- **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence. Salvati was freed in January after a judge concluded FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.
- Last year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear-weapons secrets. Lee spent nine months in solitary confinement. All but one count were eventually dropped.
- In 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms, which pointed early on to the explosion of a centre fuel tank as the cause of the 1996 crash of TWA Flight 800, was never forwarded to the National Transportation Safety Board. The ATF provided the report to the FBI, but the FBI never sent it to the safety board, the GAO said.
- The FBI targeted Richard Jewell in the bombing at the 1996 summer Olympic Games that killed one person and injured more than 100 others. Jewell was cleared three months later.
- In the mid-1990s, the FBI suffered an embarrassing investigation of its world-renowned crime lab. Justice Inspector-General Michael Bromwich criticized the lab for flawed scientific work and inaccurate, pro-prosecution testimony in major cases, including the Oklahoma City bombing.
- In July, former Missouri senator John Danforth said an FBI lawyer "goofed" in not telling superiors in 1996 that federal agents fired pyrotechnic tear-gas canisters into David Koresh's Branch Davidian compound in Waco, Tex. Four agents and more than 80 Davidians died during a 51-day standoff with federal officials.
- During a 1992 standoff in Ruby Ridge, Idaho, an FBI agent fatally shot white separatist Randy Weaver's wife, Vicki, while she held her 10-month-old baby.

Graphic

FBI floundering: McVeigh case latest in series of blunders

Photo: J.PAT CARTER, AP ; Night visitors to the Oklahoma, City National Memorial read the names of 168 victims killed in the, bombing of the Alfred P. Murrah Federal Building on April 19, 1995.

Load-Date: May 13, 2001

End of Document



FBI frame-up; A cautionary tale about lawless law enforcers

TELEGRAM & GAZETTE (Massachusetts)

July 28, 2007 Saturday

ALL EDITIONS

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Section: EDITORIAL; Pg. A12; In our opinion

Length: 309 words

Body

That the FBI Boston office in the 1960s went badly astray in the agency's single-minded pursuit of organized crime in New England and nationwide is by no means news. However, the \$101.7 million in compensation for the men falsely imprisoned for three decades and their families certainly put an exclamation point on it.

The judgment handed down by U.S. District Judge Nancy Gertner came in a lawsuit charging that the government has maliciously prosecuted Peter Limone and **Joseph Salvati** - as well as Louis Greco and Henry Tameolo, who died in prison - in the murder of a low-level Boston underworld figure named Edward "Teddy" Deegan 39 years ago.

Judge Gertner was unflinching in her criticism of the rogue FBI officers who framed the men. "I have concluded that the plaintiffs' accusation that the United States government violated the law are proved," she said. Alluding to a culture of disregard for legal process within the law enforcement agency, she concluded that former FBI officers - to the accolades of higher-ups - pursued prosecution of the four men they knew were not guilty of the crime and for years worked to thwart efforts to bring the truth to light.

The FBI portrays the case as an anomaly, but the pressure to score convictions against organized crime at any cost started at the top, with Director J. Edgar Hoover himself assigning top priority to smashing the Mafia.

The result?

"FBI officials up the line," said Judge Gertner, "allowed their employees to break laws, violate rules, and ruin lives, interrupted only with occasional burst of applause."

The frame-up happened long ago, and the lawless Boston FBI agents are long gone. Yet, with the threat of international terrorism prompting some federal officials to advocate exceptions to habeas corpus and other constitutional due process guarantees, the case has chilling resonance today.

Load-Date: July 29, 2007



**FBI frame-up; A cautionary tale about lawless law enforcers; EDITORIAL;
Editorial**

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COLUMN: In our opinion

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FBI frame-up; A cautionary tale about lawless law enforcers; EDITORIAL; Editorial

Load-Date: December 1, 2007

End of Document

FBI frame-up costs government \$101.8M; Judge grants huge award for false convictions of four men in 1965 gangland killing case



[FBI frame-up costs government \\$101.8M; Judge grants huge award for false convictions of four men in 1965 gangland killing case](#)

The Times Union (Albany, New York)

July 27, 2007 Friday

1 EDITION

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Section: MAIN; Pg. A9

Length: 296 words

Byline: By PAM BELLUCK New York Times

Body

BOSTON - In what appears to be the largest sum of money ever awarded to people who were wrongfully convicted, a judge on Thursday ordered the federal government to pay \$101.8 million to make amends for framing four men for a murder they did not commit.

Two of the men died in prison after being falsely convicted in the 1965 gangland murder. Another, Peter Limone, spent 33 years in jail before he was exonerated in 2001. The fourth, ***Joseph Salvati***, spent 29 years in prison.

"It took 30 years to uncover this injustice," Federal District Judge Nancy Gertner said in announcing her decision. She said the case was about "the framing of innocent men," adding that "FBI officials allowed their employees up the line to ruin lives."

The men were exonerated after the discovery of secret FBI memos that were never turned over to state prosecutors or defense lawyers during the trial in 1968. The memos indicated that the government's key witness, a hit man for the mob named Joseph "The Animal" Barboza, had lied when he said the four men had killed the victim, a low-level mobster, Edward Deegan, known as Teddy.

Barboza's motivation was to protect the real killer, and FBI officials went along, the memos suggested, because Barboza had been helping them solve cases and because the killer, Vincent Flemmi, was an FBI informant.

In her decision Thursday, Gertner forcefully criticized the FBI and the argument made by Justice Department lawyers that federal authorities were not required to share information with state prosecutors, and were not responsible for the results of a state prosecution.

"The government's position is, in a word, absurd," Gertner said.

A spokesman for the Justice Department said the government would review the judge's decision before deciding whether to appeal.

FBI frame-up costs government \$101.8M; Judge grants huge award for false convictions of four men in 1965
gangland killing case

Load-Date: July 27, 2007

End of Document



FBI FRAME-UP SUIT TO PROCEED

The Boston Globe
July 18, 2003, Friday
THIRD EDITION

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Section: METRO/REGION;

Length: 508 words

Byline: By Andrea Estes, Globe Staff

Body

Calling the charges "shocking" and "outrageous," a federal judge yesterday refused to throw out a civil lawsuit brought by a man who alleges that the government framed him for a murder he didn't commit.

Peter J. Limone, 69, who spent 33 years in prison for the murder of Edward Deegan, has accused the FBI of helping implicate him and two other men despite knowing they were innocent.

"It is hard to conceive of accusations that shake the legal system closer to its foundation, that would do more to challenge this nation's most basic assumptions of honesty, fairness, and trust in the administration of justice," wrote US District Court Judge Nancy Gertner.

"If they prove true . . . they offer a cautionary tale at a time when courts and legislatures seem more and more prone to arrogate unchecked authority to law enforcement officers and prosecutors - all in the name of "national security."

Gertner rejected motions to dismiss the case filed by the US government, former FBI agents H. Paul Rico and Dennis Condon, and former Boston police officer Frank Walsh.

Other defendants include former FBI agents John Connolly, John Morris, and James Handley, and former Chelsea police officer Robert Renfrew.

Limone, who is seeking damages for wrongful imprisonment, was convicted in 1968 of Deegan's murder along with **Joseph Salvati**, Louis Greco, and Henry Tameleo.

In the suit, Limone's lawyer argued that the FBI let the men take the rap for the actual killers because they were trying to cultivate one of the murderers, Vincent "Jimmy" Flemmi, as an informant.

Agents expressed no remorse, the suit alleged, because they assumed that since Limone, Greco, and Tameleo were Italians, they were involved in organized crime and had committed other crimes. Salvati is not a party to the suit.

FBI FRAME-UP SUIT TO PROCEED

Gertner rejected the government's argument that the FBI agents' decisions were "discretionary functions," or judgment calls, that are immuned from lawsuits.

"Obviously conduct cannot be 'discretionary' if it violates the constitution, federal laws, or established agency policies and regulations," she wrote. "There can be no doubt that suborning perjury and fabricating evidence violate the constitution."

Peter Parker, who represents Rico, said he was "disappointed" by Gertner's ruling. "We're confident we're going to prevail once the facts are tested."

Limone was released in January 2001 and Salvati in 1997. The lawsuit seeks damages on behalf of the families of Greco and Tameleo, who died in prison.

Gertner's ruling comes four months after another federal judge dismissed similar lawsuits brought by families of men allegedly murdered by longtime FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and their associates.

US District Judge Reginald Lindsay threw out the cases brought by the families of John McIntyre of Quincy and Roger Wheeler of Oklahoma, who argued that the government should have protected the men from Bulger and Flemmi.

Lindsay ruled that the lawsuits were barred by the statute of limitations. The families have appealed.

Load-Date: July 19, 2003



FBI has built solid case for... its own reform

The Asheville Citizen-Times

May 16, 2001 Wednesday Final Edition

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Section: EDITORIAL; Pg. 8A

Length: 623 words

Body

FBI has built solid case for... its own reform

The irony of Timothy McVeigh's current circumstances folds over itself in layers. The man who claims to have bombed the Federal building in Oklahoma City to protest the FBI sieges of the Branch Davidian compound in Waco, Texas, and Randy Weaver's cabin at Ruby Ridge, Idaho, now finds himself with a reprieve from his scheduled May 16 execution - thanks to the FBI's bungling of the investigation of his crime.

In yet another irony, given the FBI's failure to turn over thousands of pages of documents to his defense attorneys, had McVeigh never acknowledged his guilt, he might get a new trial and maybe even an acquittal. There's no knowing yet how McVeigh will choose to use this new information, if at all. But it's hard to imagine how he could have been handed a more effective tool for accomplishing his objective, if that objective was to embarrass and damage the FBI.

For the rest of us, this disturbing irony comes as a stark wake-up call. It's well past time to take a hard look at the mission, culture and professionalism of those who are responsible for federal law enforcement. The agency suffers from a legacy of arrogance, of secrecy, of abuse of power and of a serious failure of accountability. The ghost of J. Edgar Hoover, who directed the agency for 48 years, from 1924 to 1972, still haunts the halls of federal buildings everywhere. To his credit, when he became director, Hoover professionalized the agency, abolishing the seniority rule of promotions and establishing a uniform performance appraisal system. He established formal training for new agents and hired agents with accounting or law experience. But somehow the agency's culture went awry and an elitist attitude emerged that still seems to influence behavior today.

The FBI's history of invading the privacy of American citizens and keeping extensive files on people Hoover suspected of being communists or didn't like for some reason is well known. He was famous for using the FBI to wiretap political enemies illegally, including Martin Luther King Jr. The agency's new Internet snoop software, called Carnivore, demonstrates that the legacy of surveillance at all costs is still alive and well. The software is designed to give the FBI the equivalent of a wiretap, but for e-mail, and gives it the capability of snooping through electronic messages.

Recent problems within the agency include the arrest in February of Robert Phillip Hanssen, a 20-year agent accused of selling national secrets to Moscow. In another instance, a judge recently released **Joseph Salvati** of Boston, who spent 30 years in prison for a murder he didn't commit, even though the FBI had evidence of his

FBI has built solid case for... its own reform

innocence. Agents apparently hid testimony that would have cleared him because they wanted to protect an informant. Then, last year the agency botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. All but one count were eventually dropped.

All of this, combined with fiascos like Ruby Ridge and Waco, indicate a serious need for a major, top-down clarification of mission and change of culture at the FBI. Conveniently, FBI Director Lewis Freeh is about to retire. In replacing him, it will be critical to find someone who can change the agency's attitude from one of arrogance to one of service.

In addition, Congressional leaders should, as they have said they would, hold hearings on the FBI's failure to turn over the thousands of pages of documents to McVeigh's lawyers. Sen. Arlen Specter, R-Pa., was right when he said, "If we find deliberate concealment, that's obstruction of justice, and people ought to go to jail."

Load-Date: October 1, 2002

End of Document

FBI hit with \$375m suit



FBI hit with \$375m suit

United Press International

July 25, 2001, Wednesday

Copyright 2001 U.P.I.

Section: GENERAL NEWS**Length:** 391 words**Dateline:** BOSTON, July 25

Body

An attorney has filed a \$375 million lawsuit against the federal government on behalf of three men sentenced to life in prison for a 1965 Boston gangland murder they didn't commit because FBI agents apparently concealed evidence showing they were innocent, reports said Wednesday.

Two of the men died in prison, while the other served 33 years before being freed earlier this year.

Peter J. Limone, 66, was released from prison in January after it was disclosed FBI agents H. Paul Rico and Dennis Condon allegedly hid evidence in the case to protect an underworld informant, Vincent "Jimmy the Bear" Flemmi, who actually was involved in the slaying of Edward "Teddy" Deegan.

"I hope it (the suit) can help make up for my family, for my children, my grandchildren, to make it a little easier for them," Limone said in Wednesday's Boston Globe.

The suit was filed Tuesday by attorney William T. Koski, who represents Limone and the estates of two others convicted in the case, Henry Tameleo and Louis Greco. Tameleo died in 1985 and Greco in 1995.

A fourth man convicted in the Deegan slaying, **Joseph Salvati**, had his life sentence commuted by Gov. William F. Weld in 1997. Salvati, who had served 30 years, also reportedly plans to sue the FBI and the U.S. Justice Department for framing him for murder.

"They made my family suffer," Limone said in Wednesday's Boston Herald. He wondered how his life and that of his four children and eight grandchildren might have been different if he'd been able to provide for them over the 33 years he spent in prison.

His wife, Olympic, said there is still bitterness over the forced separation. "That won't go away. There's no figure that they can put on 33 years."

Koski said he hoped the government would settle before the case goes to trial.

"We'd like to see something positive from the government on this," Koski said.

FBI hit with \$375m suit

Koski said the FBI knew in advance that Deegan was to be killed and that Flemmi and his best friend, Joseph "The Animal" Barboza, planned and carried out the gangland hit. Barboza was the government's key witness against Limone and the others, but later recanted his trial testimony. The suit alleges federal agents conspired to convince Barboza to withdraw his recantation.

Secret FBI documents disclosing the exculpatory information were uncovered by a Justice Department task force in December.

Load-Date: July 26, 2001

End of Document



FBI INFORMANT SYSTEM CALLED A FAILURE HOUSE REPORT FINDS NO PROOF AGAINST BULGER

The Boston Globe

November 21, 2003, Friday

THIRD EDITION

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Section: METRO/REGION;

Length: 1097 words

Byline: By Ralph Ranalli, Globe Staff

Body

Ending a two-year investigation into the 40-year history of the FBI's organized-crime informant program in New England, a congressional committee has branded the program as "one of the greatest failures in the history of federal law enforcement" and has vowed to turn its attention to nationwide FBI management practices.

The report by the House Committee on Government Reform charges that, as a result of the ultrasecret informant program, FBI agents became corrupt, encouraged perjury in death penalty cases, let innocent men languish and die in prison, and allowed people to be murdered, all in the name of protecting informants.

The report states that continued vigilance over the FBI's use of informants is essential in an era "when the United States is faced by threats from international terrorism, and a number of law enforcement tools are being justifiably strengthened."

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

The report also states that the committee failed to substantiate allegations that one of the probe's key witnesses, former Senate president William M. Bulger, received any favors from the FBI or used his power to punish those who investigated his informant brother, South Boston underworld boss James "Whitey" Bulger.

It does, however, allege that some of William Bulger's testimony before the committee was inconsistent with the testimony of other witnesses.

Titled "Everything Secret Degenerates: The FBI's Use of Murderers as Informants," the report also faulted the US Department of Justice for not doing more to aid the congressional probe and obstructing its work.

FBI INFORMANT SYSTEM CALLED A FAILURE HOUSE REPORT FINDS NO PROOF AGAINST BULGER

"Throughout the Committee's investigation, it encountered an institutional reluctance to accept oversight," the report states. "The Committee has concluded that the Justice Department failed to take responsibilities to assist Congress as seriously as it should have."

The critical report is the latest fallout from the Boston FBI informant scandal, which has been unfolding for more than five years. Related events have included the imprisonment of a decorated former FBI agent for racketeering, the release of innocent men who were wrongly imprisoned for more than 30 years, and protected FBI informants and witnesses being exposed as serial murderers.

The scandal prompted Janet Reno, in one of her last acts as US attorney general, to adopt tough new informant guidelines in January 2001. Among other changes, the new rules gave Justice Department lawyers a role in monitoring the FBI's use of informants.

In response to the report, an FBI spokesman in Washington said yesterday that, under Director Robert Mueller, the agency has not only embraced the Reno reforms, but has gone beyond them to completely "reengineer" the agency's informant programs with improved training, record-keeping, and accountability.

"When Director Mueller was brought on board, his intent was to change the direction of the FBI and move it into the 21st century," spokesman Edwin Cogswell said. "While the FBI recognizes that there have been instances of misconduct by a few FBI employees, it also recognizes the importance of human-source information in terrorism, criminal, and counterintelligence investigations."

In making its case against the FBI's past practices with informants, the 141-page report went back more than 40 years, focusing on the efforts of agents to recruit and protect informants and witnesses with violent and murderous pasts, such as underworld hit man Joseph "The Animal" Barboza.

To illustrate, the report recounted a tape-recorded conversation between Barboza and New England mob boss Raymond L. S. Patriarca in which Barboza said he planned to kill a rival by burning down his apartment building, even though the man's mother was likely to be inside.

The FBI later used Barboza as a witness to frame four men for the 1965 murder of small-time criminal Edward "Teddy" Deegan. Two of those men died in prison, while the other two, **Joseph Salvati** and Peter Limone, have been released in recent years after spending more than 30 years in prison. Part of the reason they were framed, the report concluded, was to protect other FBI informants.

"The use of murderers as government informants created problems that were, and continue to be, extremely harmful to the administration of justice," the report states.

While also extremely critical of the Boston FBI's use of two other informants who have been charged with numerous murders, Stephen Flemmi and James "Whitey" Bulger, the committee was less harsh with Bulger's brother William, who has long been rumored to have had a closer relationship with his criminal sibling.

The committee appeared to take at face value William Bulger's representations under oath that he did not use his power to punish law enforcement authorities who pursued his brother, or to aid FBI agent John Connolly, his brother's chief handler with the bureau.

"This is an exoneration," William Bulger's attorney, Thomas Kiley, said yesterday. "This report gives the lie to all of the street legends that people have passed along forever."

Kiley called it unfortunate that the committee spent so much time pursuing his client that it may have distracted them from their legitimate inquiry into FBI wrongdoing.

"All we are is a sideshow to a very critical report on the way that the FBI conducted its business over the years," Kiley said.

FBI INFORMANT SYSTEM CALLED A FAILURE HOUSE REPORT FINDS NO PROOF AGAINST BULGER

The committee report does say that it was "concerned about the factual accuracy" in two areas of William Bulger's testimony, including his assertion that he was not contacted by the FBI about his fugitive brother's whereabouts until years after he disappeared in 1995. That testimony was contradicted by the statements of retired FBI agent John Gamel, who told the Globe that he had spoken with William Bulger shortly after Whitey Bulger's indictment in January 1995 on racketeering charges.

Overall, the report called the informant scandal the inevitable result of the government's use of an "ends justifies the means" approach to law enforcement.

"No one disputes the proposition that destroying organized crime in the United States was an important law enforcement objective," the report states, referring to the use of Irish gangsters to inform on their rivals in the Italian Mafia. "However, the steps that were taken may have been more injurious than the results obtained."

Load-Date: November 21, 2003

End of Document

FBI 'knew innocent men were jailed'



FBI 'knew innocent men were jailed'

United Press International

April 25, 2001, Wednesday

Copyright 2001 U.P.I.

Section: GENERAL NEWS**Length:** 751 words**Byline:** By P. MITCHELL PROTHERO**Dateline:** WASHINGTON, April 25

Body

A congressional investigation into abuses and illegal conduct by the Federal Bureau of Investigation in its handling of organized crime investigations over the last 30 years has found evidence that then-FBI Director J. Edgar Hoover knowingly allowed innocent men to be convicted -- and spend decades in prison -- for a murder allegedly committed by an FBI witness, documents examined by United Press International indicate.

The House Government Reform Committee plans a series of hearings to investigate the use of confidential informants by the Boston field office of the FBI and the policies that allowed several informants to seize control of Boston's organized crime operations and manage them for decades under the protection of federal law enforcement, committee sources said.

The first hearing -- scheduled for May 3 -- will examine the 1967 convictions of Peter Limone and Joseph Salvati for the 1965 gangland slaying of Edward "Teddy" Deegan. The men were convicted after evidence that they might be innocent -- which was in the possession of the FBI -- was kept from defense attorneys. FBI documents also indicate that the accusations against them made by the primary witness in the case were fabricated to protect the identity of the real killers.

The March 12, 1965, murder remained unsolved until October 1967, when based on the testimony of the first major mobster to cooperate with an investigation -- Joseph "The Animal" Barboza -- Limone and Salvati were convicted and sentenced to death. Their sentences were commuted to life in prison when the U.S. Supreme Court overturned the death penalty in 1972.

A memorandum to Director Hoover from the Boston field office dated a week after the murder states, "Informants report that Vincent James Flemmi and Joseph Barboza, prominent local hoodlums, were responsible for the killing (of Deegan) "The memo goes on to describe in detail how the murder was carried out.

"J. Edgar Hoover and senior members of the FBI conspired to murder my client," Salvati attorney Victor Garo said. "This was not the work of rogue agents."

FBI 'knew innocent men were jailed'

Committee investigators, defense attorneys, current federal prosecutors and others familiar with the case now say that both Salvati and Limone were completely innocent of the murder.

After a Justice Department investigation into the Boston FBI office unearthed exculpatory documents kept by the FBI for over 30-years, a motion for a new trial for the men was granted and Boston Assistant District Attorney Mark Lee declined to pursue charges on Jan. 30, 2001.

Salvati was released as a result of the investigation. Limone had been paroled in the mid-1990s.

The committee plans to use the May 3 hearing to examine the decision to keep informant statements that implicated others in the crime from defense attorneys. They also plan to explore whether the FBI merely allowed suspicious and contradictory prosecution testimony from Barboza -- the first ever entrant into the FBI's Witness Protection Program -- or whether agents actually participated in perjury to protect his credibility in other cases and to protect the identity of another informer, Steven "The Rifleman" Flemmi, whose brother Vincent James Flemmi they believed participated in the crime.

The Salvati family and attorneys will testify at the hearing. FBI officials might also be called, according to committee sources.

Committee sources said that further hearings are expected into the behavior of the FBI in dealing with Steven Flemmi and James "Whitey" Bulger, who parlayed their relationships with the FBI -- Bulger became an informant for the agency in 1975 -- into control of the Boston underworld. Currently, former FBI Special Agent John Connolly -- the agent in-charge of the informants from 1975 to the early 1990s -- is in prison awaiting trial on charges that range from bribery to the possibility that information he supplied to Bulger led to the deaths of other FBI informants. He has also admitted warning Bulger that a warrant was issued for his arrest, allowing Bulger to escape arrest and flee in 1995. Bulger remains on the FBI's Ten Most Wanted List.

Lawmakers plan to investigate whether it was the actions of a few rogue agents that allowed Bulger and Flemmi to conduct their criminal enterprise -- including at least 20 murders -- with total impunity from law enforcement, or whether the agency knowingly turned a blind eye to the actions of their informants because of the quality of information on other criminals they supplied over the 20-year period.

Load-Date: April 26, 2001

FBI KNEW WRONG MAN WAS CONVICTED OF MURDER; DOCUMENTS SHOW REPUTED MAFIA ASSOCIATE MAY HAVE BEEN FRAMED IN GANGLAND INCIDENT



**FBI KNEW WRONG MAN WAS CONVICTED OF MURDER;
DOCUMENTS SHOW REPUTED MAFIA ASSOCIATE MAY HAVE BEEN
FRAMED IN GANGLAND INCIDENT**

SEATTLE POST-INTELLIGENCER

December 22, 2000, Friday

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Section: NEWS,

Length: 780 words

Byline: RALPH RANALLI The Boston Globe

Dateline: BOSTON

Body

Secret documents recently discovered in a Justice Department investigation of FBI corruption appear to show that the bureau knew that the wrong men were convicted of a 1965 gangland murder.

They also indicate that agents were told about the plot two days before it happened and apparently did nothing to stop it.

The reports, found at FBI headquarters in Washington, were turned over this week to lawyers for reputed Mafia associate Peter Limone, who has served 32 years in prison for the slaying of small-time hoodlum Edward "Teddy" Deegan.

They strongly suggest that the FBI's chief witness at the 1968 trial, legendary Boston hit man Joseph "The Animal" Barboza, framed Limone and several other men.

As Limone languished in prison for three decades, documents that might have proved his innocence sat in secret FBI informant files in Washington and were never turned over to the defense, attorney John Cavicchi said.

"This is a disgrace. If it weren't so tragic it would be laughable," said Cavicchi, who is handling Limone's bid to have his conviction overturned in Middlesex Superior Court.

Boston FBI spokeswoman Gail Marcinkiewicz declined comment.

The new documents also reveal for the first time that the brother of infamous gangster and FBI informant Stephen Flemmi was also successfully recruited as an FBI informant for five months in 1965 - even though other informants

FBI KNEW WRONG MAN WAS CONVICTED OF MURDER; DOCUMENTS SHOW REPUTED MAFIA ASSOCIATE MAY HAVE BEEN FRAMED IN GANGLAND INCIDENT

were telling the bureau that he was responsible for numerous killings and that he had vowed to become Boston's "No. 1 hit man."

FBI evaluation reports of Vincent "Jimmy the Bear" Flemmi's potential usefulness as an FBI mole show the chilling lengths the FBI was willing to go to in its clandestine organized crime informant program.

Special Agent Dennis Condon, for example, wrote one 1964 report that an unnamed informant said Jimmy Flemmi had boasted about becoming Boston's most prolific full-time assassin.

"Flemmi told him (the informant) that all he wants to do now is kill people, and that it is better than hitting banks," the report states. "Informant said Flemmi said that he feels he can now be the top hit man in this area and intends to be."

Another report said Flemmi was a suspect in the Deegan murder and several other killings, but that recruiting him as an informant was "worth the risk."

Even supporters of Limone and the other defendants, who claimed for years that they were the victims of an FBI frame-up, called the contents of the documents shocking.

Boston attorney Victor Garo, who represents Limone's co-defendant, ***Joseph Salvati***, went as far as telling WBZ-TV, Channel 4, that the prosecution was an FBI "murder conspiracy" because the punishment for murder at the time was death in the electric chair.

Four of the defendants, including Limone and Salvati, actually received death sentences that were later changed to life.

The reports were turned over to Cavicchi, Garo and Suffolk County District Attorney Ralph Martin's office by Special U.S. Attorney John Durham, who for the last several years has been investigating corruption in the FBI's informant relationships with gangsters Stephen Flemmi and Whitey Bulger.

Durham could not be reached for comment.

One key report states that on March 10, 1965 - two days before the murder - an unidentified FBI informant told Special Agent H. Paul Rico that Jimmy Flemmi was planning to kill Deegan and that the murder had the blessing of then-New England Mafia boss Raymond Patriarca.

"Informant advised that he had just heard from Jimmy Flemmi, and 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," Rico's report states.

One day after the murder, another informant told Rico that Flemmi, Barboza and three other men had committed the crime.

Neither Limone, Salvati nor two other co-defendants, top New England Mafia adviser Henry Tameleo and underworld figure Louis Greco, were mentioned.

The information was forwarded to FBI headquarters in Director J. Edgar Hoover's name, although there is no indication whether Hoover himself actually saw it.

All four men were convicted. Tameleo and Greco died in prison, while Salvati's sentence was later commuted.

None of the information, Cavicchi said, was turned over to the defense in the case. Barboza, who was recruited as an FBI witness by Rico and Condon, was the key witness in the case and the only witness against Limone.

Privately, even law enforcement officials involved in the case were calling the new documents significant.

FBI KNEW WRONG MAN WAS CONVICTED OF MURDER;DOCUMENTS SHOW REPUTED MAFIA
ASSOCIATE MAY HAVE BEEN FRAMED IN GANGLAND INCIDENT

"You don't have to be a rocket scientist to know that it's not trivial stuff," one official said.

Load-Date: December 23, 2000

End of Document

FBI lapse likely to delay execution;But conviction secure due to admission: Legal expert



***FBI lapse likely to delay execution;
But conviction secure due to admission: Legal expert***

South Bend Tribune (Indiana)

May 11, 2001 Friday

Marshall Edition

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Section: NATION;; The McVeigh Execution

Length: 515 words

Byline: By JONATHAN D. SALANT; Associated Press Writer

Body

WASHINGTON -- The latest in a string of FBI miscues likely will force a judge to delay Timothy McVeigh's execution, but there is little chance of reversing his conviction for the Oklahoma City bombing, legal experts said Thursday.

"Any responsible judge in a case like this, the first instinct is really to put a stay on the execution," said Michael Gerhardt, a professor of law at the College of William and Mary.

Gerhardt said any delay in the first use of the federal death penalty since 1963 would be used to let the court "make sure that whatever's there isn't something that would have prejudiced his defense if he didn't have it. As they always say, death is different."

But because McVeigh has openly admitted his role in the 1995 bombing that killed 168 at the Alfred P. Murrah Federal Building, the likelihood of reversal of his conviction is low, the experts cautioned. He is scheduled to be die by lethal injection Wednesday.

"McVeigh has never contested that he did this," said Daniel Polsby, a George Mason University criminal law professor. "If there were a guilt or innocence question, then there might be some serious re-examination, but McVeigh has admitted to doing this crime."

"This is just a matter of procedure and delay," Polsby added.

Pepperdine University law professor Douglas Kmiec agreed. "Even with an assumption that the documents are somehow central to the case, it is difficult to anticipate any type of reversal," he said.

The FBI's belated discovery that boxes of evidence from the case were withheld from McVeigh's defense during the trial nonetheless represents another big setback for America's premier law enforcement agency, which last week lost its leader of the last eight years -- Louis Freeh.

FBI lapse likely to delay execution;But conviction secure due to admission: Legal expert

"It obviously does not make the FBI look good," Gerhardt said. "It's another black eye."

The Justice Department inspector general and an expert panel led by former FBI and CIA Director William Webster are looking into FBI security procedures after revelations that senior counterintelligence agent Robert Hanssen may have spied for Moscow undetected for 15 years. Hanssen has pleaded innocent.

Congress just finished hearings into another embarrassing case in which a Boston man, **Joseph Salvati**, spent 30 years in prison for a murder he did not commit even though the FBI had evidence all that time of his innocence.

A judge freed Salvati recently after concluding FBI agents hid testimony that would have proven Salvati and others innocent in order to protect an informant.

The bureau also faced sharp questioning after revelations it focused too narrowly on Los Alamos nuclear lab scientist Wen Ho Lee, suspecting he was a Chinese spy only to conclude he had not given America's prized nuclear secrets to Beijing. Years of investigation had to be re-evaluated to identify new suspects, and a judge admonished the government for keeping Lee in solitary confinement for nine months.

And Freeh endured very public differences with then-Attorney General Janet Reno over the government's investigation of the Democrats' fund raising during the 1996 presidential election.

Load-Date: May 15, 2001

End of Document



FBI let 'fall guy' serve 33-year term

The Seattle Times

January 30, 2001, Tuesday

Fourth Edition

Copyright 2001 The Seattle Times Company

Section: ROP ZONE; News;

Length: 489 words

Byline: Elizabeth Mehren; Los Angeles Times

Dateline: Medford, Mass.

Body

MEDFORD, Mass.--For 33 years in prison, Peter Limone knew he'd been set up. He knew the FBI had used him, a low-level mobster, as a handy fall guy in the murder of a small-time thug.

Now, it turns out, the government knew, too.

Documents that surfaced just weeks ago from FBI files disclose that in the heat of a crackdown on organized crime, an FBI snitch framed Limone, **Joseph Salvati** and two others for the murder of Edward "Teddy" Deegan. The evidence that exonerates the men languished for decades, only to be uncovered by a task force probing FBI corruption.

"They knew these people were innocent," said Limone's attorney, John Cavicchi. "They knew from Day 1."

Limone was sentenced to die in the electric chair. His life was spared when Massachusetts outlawed the death penalty in 1974.

When his sentence was vacated Jan. 5, , Limone looked so shocked that his wife thought he was having a stroke.

Limone's freedom is expected to be made official today, when prosecutors likely will decline retrying the 66-year-old former Boston lounge owner and bookie. Salvati, 68, also is expected to earn a pass from further prosecution.

Not good enough, said Salvati's lawyer, Victor Garo: "The government stole my client's life."

Representatives for both the U.S. attorney and the district attorney here declined to discuss the case before today's hearing.

The story begins with Deegan's murder on March 12, 1965.

An informant gave the Boston FBI office the names of those responsible. However, a memo written at the time never mentioned Salvati, Limone or co-defendants Henry Tameleo and Louis Greco.

FBI let 'fall guy' serve 33-year term

Yet two years later, all four were indicted and convicted--along with Ronald Cassesso and Wilfred Roy French, who apparently did take part in the killing.

Cassesso, Tameleo and Greco died in prison; only French remains incarcerated.

The FBI report suggests that informant Vincent "The Bear" Flemmi planned the Deegan slaying, then, along with another informant, Joseph "The Animal" Barboza, fingered Limone. The report says Limone owed Barboza \$500 and once threw Flemmi out of his West End Veterans Club.

At the time of the murder, Salvati was working odd jobs in Boston's heavily Italian North End. His police record began and ended with a breaking-and-entering charge in 1954.

Cavicchi characterized Limone as "a low-level Mafioso" who owned a card parlor and ran the numbers racket. "I'm not going to glorify (Limone and Salvati)," Cavicchi said. "But they weren't killers."

Flemmi died of a drug overdose in prison in 1979. Barboza was killed in a mob hit in '76.

At home in this working-class city north of Boston, Limone and his wife, Olympia, talked about their ordeal.

"You know what the saddest moments are?" Limone asked. "My kids' birthdays. My kids' hockey games. My kids are making their First Holy Communions, and I'm not there. Three weddings, eight grandchildren."

Olympia Limone shook her head, calling the whole experience "a nightmare."

Load-Date: July 17, 2003



[FBI lies in mob murder case bring \\$100-million penalty](#)

The Providence Journal (Rhode Island)

July 27, 2007 Friday

All Editions

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Section: NEWS; Pg. A-01

Length: 745 words

Byline: DENISE LAVOIE, Associated Press

Body

Four men spent years in prison for a crime they did not commit after being framed with the help of two FBI agents in Boston.

BOSTON - In a stinging rebuke of the FBI, a federal judge yesterday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

FBI lies in mob murder case bring \$100-million penalty

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, cofounder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

Load-Date: July 31, 2007

FBI loses appeal of \$101.7m verdict; Circuit court cites `trauma' to 4 sent to prison



[FBI loses appeal of \\$101.7m verdict; Circuit court cites `trauma' to 4 sent to prison](#)

The Boston Globe

August 28, 2009 Friday

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Section: NEWS; Metro; Pg. 1

Length: 639 words

Byline: By Jonathan Saltzman, Globe Staff

Body

A federal appeals court upheld yesterday a landmark verdict for four men framed by the FBI in a gangland slaying, although the appellate judges said the \$101.7 million damage judgment awarded by a lower court was ``at the outer edge of the universe of permissible awards."

The US Court of Appeals for the First Circuit said the 2007 damage judgment to the families of Peter J. Limone, **Joseph Salvati**, Louis Greco, and Henry Tameleo, believed to be the largest of its kind nationally, was considerably higher than any of the three appellate judges would have ordered.

``But when we take into account the severe emotional trauma inflicted upon the scapegoats," the appeals court wrote of the wrongly imprisoned men, ``we cannot say with any firm conviction that those awards are grossly disproportionate to the injuries sustained."

Limone, now 75, of Medford, spent more than 33 years in prison as a result of his wrongful conviction in the 1965 murder. Salvati, now 76, of the North End, was in prison for more than 29 years. The other two men, Greco and Tameleo, died in prison after decades of imprisonment.

Juliane Balliro, a Boston lawyer for the Limones and Tameleos, said she had expected the appeals court to uphold the ruling by US District Court Judge Nancy Gertner.

``We hope the government will pay this award and allow these folks to move on with their lives and enjoy what little time they have left with their families," she said.

She said the Justice Department can seek to appeal to the full Court of Appeals for the First Circuit or to the Supreme Court, but predicted those challenges would fail. ``It really is time for the government to put the sordid past of the FBI behind them and just move on," she said.

Beverley Lumpkin, a Justice Department spokeswoman in Washington, said the government is reviewing the ruling, but she declined to comment further.

FBI loses appeal of \$101.7m verdict; Circuit court cites `trauma' to 4 sent to prison

In a dramatic ruling on July 26, 2007, Gertner found the FBI ``responsible for the framing of four innocent men" in the murder of a small-time criminal, Edward ``Teddy" Deegan, in a Chelsea alley.

She concluded after a 22-day bench trial that the FBI deliberately withheld evidence of the four men's innocence and helped hide the injustice for decades.

The discovery of secret FBI files that were not handed over during the men's 1968 state murder trial prompted a state judge in 2001 to overturn the murder convictions of Limone and Salvati. Limone was immediately freed from prison. Salvati had been paroled in 1997. The convictions of Tameleo and Greco were later set aside posthumously.

Documents in the Deegan slaying showed that the FBI knew that the key witness in the case, notorious hitman-turned-government witness Joseph ``The Animal" Barboza, may have falsely implicated the four men while protecting one of Deegan's real killers, Vincent ``Jimmy" Flemmi, an FBI informant.

Gertner found that the FBI protected Barboza and Flemmi because both provided valuable information against the Mafia, which was the bureau's top priority at the time.

During oral arguments before the appeals judges in May, lawyers for the Justice Department contended the FBI could not be held liable for malicious prosecution because the four men were prosecuted in state court by state authorities. The appellate court agreed yesterday, saying FBI agents helped the state make its case but did not initiate it.

Nevertheless, the appeals court said Gertner was right to hold the government liable for intentional infliction of emotional distress by covering up evidence that the four men were innocent.

Writing for the court, Judge Bruce M. Selya wrote that the FBI ``stooped too low" to try to stamp out organized crime and that ``the large damage awards mark the last word of a sad chapter in the annals of federal law enforcement."

Saltzman can be reached at jsaltzman@globe.com

Load-Date: August 28, 2009



FBI memos: Hoover knew Salvati innocent

The Boston Herald
June 30, 2002 Sunday
ALL EDITIONS

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Section: NEWS;

Length: 356 words

Byline: By J.M. Lawrence

Body

CBS' "60 Minutes" probes the wrongful conviction of Boston man **Joseph Salvati** again tonight with additional 1965 memos showing FBI Director J. Edgar Hoover knew the wrong men went to prison for the Edward "Teddy" Deegan murder.

Uncovered by congressional investigators, the June 9, 1965, memo from the Boston FBI acknowledges its own informant Vincent "Jimmy The Bear" Flemmi actually killed Deegan in Chelsea.

But the FBI allowed Flemmi's fellow hitman, Joseph "The Animal" Barboza, to testify in 1968 and substitute Salvati for Flemmi. He also accused three other men who narrowly escaped the death penalty and are now believed innocent.

Salvati spent 30 years in prison for the crime until his sentence was commuted in 1997, and the charges were officially dropped last year.

House Government Reform Committee Chairman Rep. Dan Burton (R-Ind.) will file legislation in July to remove Hoover's name from FBI headquarters, committee sources said.

Reported by the Herald in May, the '65 memo to Hoover says Flemmi is a psychopath who will kill again but concludes, "the informant's potential outweighs the risk involved."

Congressional investigators said Department of Justice files show tacit approval from Hoover for Flemmi's continued use.

The legendary director offered no response to rein in the Boston informant program that later spawned James "Whitey" Bulger, who is charged with killing 19 people.

"That's the document the absence of which speaks volumes," said one investigator for the committee.

Flemmi, the younger brother of Stephen "The Rifleman" Flemmi, died of a drug overdose in the 1970s.

FBI memos: Hoover knew Salvati innocent

House committee leaders have called for the government to compensate Salvati, but a committee source said last week the North End man must file suit through the Federal Tort Claims Act.

His fellow defendants, Peter J. Limone, who was released last year after 33 years, and the estates of Louis Greco and Henry Tameleo filed suit in May.

Attorneys for Greco, a decorated World War II vet who died in prison, asked the Massachusetts Parole Board last year for a posthumous pardon. No action has been taken.

Load-Date: June 30, 2002

End of Document



FBI memos show Hoover knew Salvati was innocent

The Associated Press State & Local Wire

June 30, 2002, Sunday, BC cycle

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Section: State and Regional

Length: 239 words

Dateline: BOSTON

Body

Former FBI Director J. Edgar Hoover knew the wrong men went to prison for the 1965 murder of Edward Deegan, according to internal memos scheduled to be featured on CBS' "60 Minutes."

A June 9, 1965, memo from the Boston FBI office to Hoover was uncovered by a congressional committee that has been probing the wrongful conviction of *Joseph Salvati*.

The memo indicates that FBI informant Vincent "Jimmy the Bear" Flemmi killed Deegan, according to the Boston Herald.

But the FBI put fellow hitman Joseph "The Animal" Barboza on the witness stand in 1968 to implicate Salvati and four other men.

Salvati served nearly 30 years in jail until 1997, when his sentence was commuted and charges dropped.

The U.S. House Government Reform Committee has been investigating the Boston FBI office's handling of informants for over a year.

The 1965 memo warned that Flemmi is dangerous, but that "the informant's potential outweighs the risk involved," the Herald reported.

Salvati's case was scheduled to be the focus of a "60 Minutes" story on Sunday night.

Salvati and Peter Limone were freed after the Justice Department turned over documents showing the FBI had information that could have cleared the men.

A third man, Wilfred R. French, was released this year when prosecutors acknowledged he did not get a fair trial.

Two other defendants in Deegan's murder, Enrico Tameleo and Louis Greco, died in prison.

Load-Date: July 1, 2002

FBI memos show Hoover knew Salvati was innocent

End of Document



FBI misconduct in Peltier's case must be remembered in the interest of justice

Indian Country Today (Lakota Times)

May 23, 2001

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Section: Vol. 20; No. 49; Pg. 4; Newspaper; Editorial

Length: 1074 words

Body

FBI misconduct in Peltier's case must be remembered in the interest of justice

The recent FBI boondoggle in Oklahoma City bomber Timothy McVeigh's case is indicative of a pattern of prosecutorial abuse going back decades.

In case after case, withholding of evidence, intimidation of people under investigation and other questionable practices have made national commentators as well as Washington politicians call for a thorough review of the agency founded, and highly politicized, by J. Edgar Hoover.

New York Democrat Sen. Charles Schumer, citing numerous other cases where FBI misconduct has become obvious, requested that President Bush appoint a special commission to examine the nation's primary federal law enforcement agency. Attorney General John Ashcroft already is investigating.

Critics have recalled the case of **Joseph Salvati** of Boston, freed in January after serving 30 years for murder. A judge concluded in that case that the FBI, to protect an informant, hid testimony that would have cleared Salvati.

Then there was the botched investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist accused of 59 criminal counts and held for nine months in solitary confinement. After a horrific public disclosure campaign against him, Lee was cleared of all but a minor charge and released.

So have critics recalled the case of Richard Jewell, targeted in the

FBI misconduct in Peltier's case must be remembered in the interest of justice

bombing at the Atlanta 1996 Summer Olympics. The intense, no-holds-barred investigation and, again, devastating public disclosures, nearly destroyed a man who had rushed to help the victims and was the actual hero of the day. Jewell was lucky; he was exonerated after only three months.

Others have pointed to cases of apparent excessive deadly force (Ruby Ridge, Waco), botched evidentiary science, and even simple incompetence, as in the case of TWA Flight 800, where the FBI never passed on to the National Transportation Safety Board crucial evidence that the Bureau of Alcohol, Tobacco and Firearms uncovered early on.

But no one in the national media seems to have remembered Leonard Peltier. So we again wonder, what about the case of Leonard Peltier? In McVeigh's case, the most horrific of terrorists gets a reprieve of 30 days while more than 3,000 pages of evidentiary information are belatedly handed over to his defense team to study.

But consider Peltier, who has served 25 years for the 1975 killing of two FBI agents. In his highly controversial case, the FBI continues to hold secret more than 6,000 pages of information, claiming national security reasons. This despite clear indications of misconduct, including falsification of evidence and intimidation of witnesses by various FBI officials, which forced the American Indian Movement activist's conviction.

This much is known. In the climate of violence against traditional American Indians that characterized Indian country in the 1970s, FBI agents were all over the place, en masse, often in combat gear, constantly raiding the remote home compounds of traditional people who sympathized with the issues raised by AIM.

The FBI's closest collaborators, the so-called Guardians of the Oglala Nation (GOONS), known for their night raids and drive-by shootings that left many wounded and some dead, were actually given arms by the federal agents. It was in that context that a young Leonard Peltier signed on to help defend elders at the Jumping Bull compound in Oglala district, where the FBI raid took place that would result in the deaths of one American Indian man and two federal agents.

Judge Heaney of the Eighth Circuit Court of Appeals, who heard an appeal in Peltier's case (denied on a technicality) wrote in a 1991 letter to Sen. Daniel Inouye, D-Hawaii: "The United States government overreacted at Wounded Knee. Instead of carefully considering the legitimate grievances of the Native Americans, the response was essentially a military one which culminated in the deadly firefight on June 26, 1975 ... The United States government must share responsibility with the Native Americans for the ... firefight ... the government's role can properly be considered a mitigating circumstance." Judge

FBI misconduct in Peltier's case must be remembered in the interest of justice

Heaney, in this letter, recommended clemency/commutation of sentence for Mr. Peltier as part of the healing process.

We know that Peltier was extradited from Canada, where he had fled, on the basis of an affidavit signed by Myrtle Poor Bear, who claimed to have witnessed Peltier shooting the agents. Poor Bear later recanted and testified to being intimidated by FBI agents, who confronted her with photographs of the murdered body of Anna Mae Aquash.

At Peltier's trial, FBI ballistic expert Evan Hodge testified he was unable to perform the best test, a firing-pin test, on certain casings found near the agents' car, because the rifle in question had been damaged in a fire. Instead, he stated that he conducted an extractor-mark test and found the casing and weapon to match. But years later, an FBI teletype obtained through the Freedom of Information Act showed that in October 1975, a firing-pin ballistic test had indeed been performed on the rifle said to have belonged to Peltier and that the results were clearly negative. The jury never heard this crucial information.

Considering the critical nature of the materials later disclosed, such as the ballistic tests, the approximately 6,000 FBI documents still being withheld in their entirety as well as 5,000 partial documents could very well contain evidence that would establish Peltier's position. A government attorney actually conceded in one appellate hearing that, "We had a murder, we had numerous shooters, we do not know who specifically fired what killing shots" But Peltier, the government insisted, could still be guilty for aiding and abetting, a complete change of theory from that mounted at his trial.

It is a crucial moment to remember Peltier. The national media must be made to remember his case among the numerous other cases of FBI misconduct resulting in the incarceration of innocent people. Clearly, the FBI's culture of concealment and sense superior purpose, which have led the agency into such transgression, must be challenged.

Peltier's trial and subsequent intense campaigns by the FBI to deny him any relief must be reconsidered in light of the emerging pattern of abuse now revealed. Tell all the media; tell the U.S. Congress; Indian country demands justice for Leonard Peltier.

Article copyright Indian Country Today.

Load-Date: August 24, 2001



FBI MISTAKE ANOTHER TEAR IN AGENCY FABRIC

South Florida Sun-Sentinel

May 11, 2001, Friday,

Broward Metro EDITION

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Section: NATIONAL,

Length: 505 words

Byline: Jonathan D. Salant The Associated Press

Dateline: WASHINGTON

Body

The latest in a string of FBI miscues likely will force a judge to delay Timothy McVeigh's execution, but there is little chance of reversing his conviction for the Oklahoma City bombing, legal experts said Thursday.

"Any responsible judge in a case like this, the first instinct is really to put a stay on the execution," said Michael Gerhardt, a professor of law at the College of William and Mary.

Gerhardt said any delay in the first use of the federal death penalty since 1963 would be used to let the court "make sure that whatever's there isn't something that would have prejudiced his defense if he didn't have it. As they always say, death is different."

But because McVeigh has admitted his role in the 1995 bombing that killed 168 at the Alfred P. Murrah Federal Building, the likelihood of reversal of his conviction is low, experts cautioned. He is scheduled to die by lethal injection on Wednesday.

"McVeigh has never contested that he did this," said Daniel Polsby, a George Mason University criminal law professor. "If there were a guilt or innocence question, then there might be some serious re-examination, but McVeigh has admitted to doing this crime."

Pepperdine University law professor Douglas Kmiec agreed. "Even with an assumption that the documents are somehow central to the case, it is difficult to anticipate any type of reversal," he said.

The FBI's belated discovery that boxes of evidence from the case were withheld from McVeigh's defense during the trial nonetheless represents another big setback for America's premier law enforcement agency, which last week lost its leader of the past eight years -- Louis Freeh.

The Justice Department inspector general and an expert panel led by former FBI and CIA director William Webster are looking into FBI security procedures after revelations that senior counterintelligence agent Robert Hanssen may have spied for Moscow undetected for 15 years. Hanssen has pleaded innocent.

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Recently, a judge freed Salvati after concluding FBI agents hid testimony that would have proved Salvati and others innocent in order to protect an informant.

The bureau also faced sharp questioning after revelations it focused too narrowly on Los Alamos nuclear lab scientist Wen Ho Lee, suspecting he was a Chinese spy only to conclude he had not given America's prized nuclear secrets to Beijing. Years of investigation had to be re-evaluated to identify new suspects, and a judge admonished the government for keeping Lee in solitary confinement for nine months.

And Freeh endured very public differences with then-Attorney General Janet Reno over the government's investigation of the Democrats' fund raising during the 1996 presidential election. Freeh insisted that Reno should have asked for an outside counsel to investigate the allegations, but she declined to do so.

Load-Date: May 11, 2001

End of Document



FBI mistake frees French despite lawyers' misgivings

The Boston Herald

December 20, 2001 Thursday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 604 words

Byline: By J.M. LAWRENCE

Body

After 34 years in prison for murder, Wilfred Roy French limped from Suffolk Superior Court with tears in his eyes yesterday after prosecutors declared the FBI's withholding of documents cost him a fair trial in 1968.

The former Revere bouncer, who prosecutors still believe shot his one-time pal, Edward "Teddy" Deegan, as part of a mob plot, took his first steps of freedom with a bad hip.

"Merry Christmas," French, 72, said softly, locked arm and arm with his daughters, and had no further comment.

Suffolk County District Attorney Ralph C. Martin II, who leaves office this year, asked a judge to vacate French's conviction based on the Justice Department's discovery of FBI reports showing chief witness Joseph "The Animal" Barboza, lied under oath.

The internal FBI memos, which never were shared with defense attorneys for the six men charged in the March 12, 1965, Deegan murder, actually strengthen the state's case against French.

But Assistant District Attorney Mark Lee said yesterday Barboza's perjury concerning two other men convicted in the case could have influenced the jury.

You have to do what's right," Lee said, "and had this information been transferred over, there's no telling what effect it would have had on the jury."

Middlesex Superior Court Judge Margaret Hinkle allowed French's release.

Hinkle praised prosecutors and defense attorneys yesterday.

"I also want to compliment District Attorney Ralph Martin. This is a courageous step for his office to take," she said.

In January, Hinkle also approved the state's motion to drop charges against French's co-defendants Peter J. Limone and **Joseph Salvati**.

FBI mistake frees French despite lawyers' misgivings

Limone and Salvati spent half of their lives in prison, but were not involved in the murder, according to the newly found FBI documents.

Richard Deegan, Deegan's only surviving brother from a family of nine, did not oppose French's release.

He is mounting a lawsuit against the FBI contending the government failed to notify his brother that informants told the government about the murder plot.

The state will not retry French even though prosecutors believe he was one of the shooters who fired into the back of Deegan's head in a Chelsea alley.

Retrying the case is impossible since Barboza cannot be cross-examined based on the newly found documents. The notorious hit man was murdered by the mob in 1976 in San Francisco while in the witness protection program.

French's attorney, Philip A. Tracy, said French could have received a plea bargain and served only 15 years if he had agreed to lie and support Barboza's version of the crime.

"He turned that down," Tracy said.

Tracy said he is not convinced the FBI intentionally framed the other defendants in the case.

He called Barboza "a master criminal mind" who may have manipulated the government for his own revenge scheme.

"It's been assumed the authorities framed these guys. I'm not so sure of that. Barboza may have framed them and the authorities as well," Tracy said.

A congressional committee is investigating the government's handling of the Deegan case but was blocked last week from reviewing sensitive DOJ documents about Barboza. President Bush invoked executive privilege for the first time in his administration to withhold the information subpoenaed by the House Government Reform Committee.

Dave Weber contributed to this report.

Caption: HOME FOR CHRISTMAS: Wilfred Roy French, jailed for 34 years for his conviction in the murder of Edward 'Teddy' Deegan, was freed on a technicality yesterday. His lawyer, Philip A. Tracy, right, congratulates him. STAFF PHOTO BY MIKE ADASKAVEG

Load-Date: December 20, 2001

FBI: ON THE ROPES McVeigh foul-up is latest in a string of embarrassments for the bureau



FBI: ON THE ROPES

McVeigh foul-up is latest in a string of embarrassments for the bureau

The Seattle Times

May 12, 2001, Saturday

Fourth Edition

Copyright 2001 The Seattle Times Company

Section: ROP ZONE; News;; Close-Up; Analysis

Length: 1003 words

Byline: Michelle Mittelstadt; Dallas Morning News

Dateline: Washington, DC

Body

THE HANSSEN SPY SCANDAL in February followed a series of controversies in recent years, including a botched Chinese espionage investigation, persistent problems in the FBI crime lab, revived questions over agents' conduct during the 1993 Waco siege and withholding of critical evidence in several key criminal cases.

WASHINGTON--It's been a terrible spring for the FBI, which treasures its image as the nation's premier law-enforcement agency. Already hurting from the discovery that a spy apparently toiled in its midst undetected for 15 years, the last thing the bureau needed was another embarrassment.

But with the revelation that the FBI withheld evidence from Timothy McVeigh's defense team, the bureau was plunged into the eye of another storm.

Attorney General John Ashcroft initiated an inquiry into the belated discovery of the 3,135 documents--the second investigation of the FBI he has ordered in three months on the job.

The first came in February, after the bureau was rocked by the arrest of agent Robert Philip Hanssen, a 25-year counterintelligence expert accused of selling secrets to Moscow.

The spy scandal was merely the latest in a series of controversies that have dogged the bureau in recent years, including a botched Chinese espionage investigation, persistent problems in the FBI crime lab and revived questions over the FBI's conduct during the 1993 Waco siege.

At FBI headquarters, officials didn't return calls yesterday when asked

about the latest blemish to the agency's reputation. However, FBI agents say the string of embarrassments is taking a toll.

FBI: ON THE ROPES McVeigh foul-up is latest in a string of embarrassments for the bureau

"There is a high discomfort level," said FBI Special Agent John Sennett, president of the FBI Agents' Association. "We are a proud organization, and we don't like to be embarrassed."

He added, "They are completely disconnected events, but since all are in the news right now, they have a cumulative effect from a P.R. standpoint... But for those looking for a pattern of mismanagement, it's not there."

While FBI officials say their failure to turn over the documents to lawyers for McVeigh and accomplice Terry Nichols before their 1997 trials was inadvertent, it's not the first time the bureau has belatedly come across information in a high-profile case.

"This episode is not the FBI's first black eye," said McVeigh lawyer Nathan Chambers. "Now we see yet again that the agency that holds itself out as the premier law-enforcement agency in the world is incapable of conducting an investigation in a manner that instills trust and confidence."

In 1999, Attorney General Janet Reno dispatched U.S. marshals to FBI headquarters to seize previously undisclosed recordings that showed federal agents using pyrotechnic tear gas in the final hours of the Branch Davidian siege. Bureau officials had insisted in sworn affidavits that they had no footage showing such usage.

Last week, the FBI came in for serious criticism from a House committee investigating the Boston FBI office's cozy ties with mob informants. A Massachusetts man, Joseph Salvati, spent 30 years behind bars for a murder the FBI knew he did not commit. Salvati and a co-defendant were exonerated this year after a judge concluded that the FBI hid evidence that would have proven their innocence in order to protect bureau informants.

And the bureau has come under attack in recent weeks for withholding crucial evidence from its investigation of a notorious civil-rights era crime: the 1963 Birmingham church bombing that killed four black girls.

Former Ku Klux Klansman Thomas Blanton Jr. was convicted last month of murder in the church bombing, largely on the basis of an FBI surveillance tape that the bureau kept from Alabama prosecutors who investigated the bombing in the 1970s. Bureau officials say they weren't trying to hinder prosecutions in the case.

The newly found Oklahoma City documents fueled the ire of criminal-defense lawyers who have faced off with the bureau in court.

"Well, I am angry because this is what the FBI does: They lie to the prosecutors. We've caught them doing it again and again and again," lawyer Michael Tigar, who represents Nichols, said on CNN.

Gerry Spence, who represented white separatist Randy Weaver after a government raid on his Ruby Ridge, Idaho, home in which his wife and son were killed, said this merely is the latest in a long string of cases where the FBI has withheld information.

"If they can do this to McVeigh, in the most heinous crime of the century, then they can do it to the most innocent of us," he warned.

There was no intent to hide the Oklahoma City documents--which also weren't shared with government attorneys--several prosecutors in the case said.

"It's an inexcusable error, but I'm convinced it's human error and nothing intentional," said former federal Prosecutor Scott Mendeloff, now in private practice in Chicago.

While FBI leaders work hard to maintain excellent relations on Capitol Hill, it may be some time before the current controversy wanes. The bureau's congressional overseers immediately vowed to investigate the matter, which FBI officials ascribed to problems with the bureau's computer systems.

A frequent FBI critic, Sen. Charles Grassley, described the bureau's lapse as "unconscionable."

FBI: ON THE ROPES McVeigh foul-up is latest in a string of embarrassments for the bureau

"If this were the first time that documents suddenly appeared, I might be persuaded by the FBI's computer theory. But I've seen too much to not have a very high level of skepticism," the Iowa Republican said. "We saw documents suddenly appear in the Waco, TWA Flight 800 and Wen Ho Lee cases."

Grassley long has faulted a "cowboy culture" at the FBI, which he views as more interested in public-relations victories than substance. "We see too often the withholding of evidence, the doctoring of evidence to bring about certain results. That hurts the FBI," he said.

The document debacle comes just a week after FBI Director Louis Freeh announced he would step down next month, with two years remaining on his 10-year term. The Bush administration has given no indication when his replacement might be named.

Graphic

photo; Susan Weems / The Associated Press : Flames engulf the Branch Davidian compound April 20, 1993, in Waco, Texas. In 1999, U.S. marshals seized previously undisclosed recordings of questionable FBI tactics in the siege.

Load-Date: July 18, 2003

End of Document



FBI PROBLEMS

The Dallas Morning News

May 12, 2001, Saturday

THIRD EDITION

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Section: NEWS;

Length: 380 words

Body

Some recent cases and incidents in which the FBI's work has been criticized:

May: The House Government Reform Committee holds a hearing to examine the bureau's role in withholding evidence that kept a Boston man in prison for 30 years for a murder he did not commit. The FBI is accused of covering up the evidence that would have exculpated Joseph Salvati to protect two mob informants.

Former Ku Klux Klansman Thomas Blanton Jr. is convicted of murder in a 1963 Birmingham, Ala., church bombing that killed four black girls. The conviction is won largely on the basis of audiotapes that the FBI had refused to share with prosecutors in the 1970s.

SOURCE: Dallas Morning News research

February: Robert Philip Hanssen, a veteran FBI counterintelligence expert, is arrested on charges of spying for Moscow for 15 years. Attorney General John Ashcroft appoints an independent commission to investigate how a spy could have operated undetected for so long.

September 2000: The FBI comes under fire for its investigation of nuclear scientist Wen Ho Lee, who spent nine months in solitary confinement after being indicted on 59 criminal counts of mishandling nuclear secrets. All but one count is dropped, and the FBI and Justice Department are roundly criticized by President Bill Clinton and the federal judge handling the case.

September 1999: Attorney General Janet Reno dispatches U.S. marshals to FBI headquarters to seize previously undisclosed videotapes with images of pyrotechnic tear gas rounds being fired on the final morning of the 1993 Branch Davidian siege - a use federal agents had long denied. FBI officials had insisted that they had no infrared videotape for the period in question.

July 1997: The Justice Department's Office of Professional Responsibility criticizes the FBI for tricking Atlanta security guard Richard Jewell into waiving his rights to a lawyer to answer questions about the 1996 Olympic bombing. Law-enforcement officials wrongly leaked that Mr. Jewell was a suspect.

FBI PROBLEMS

April 1997: The Justice Department's inspector general issues a report blasting the FBI's world-renowned crime lab for flawed scientific work and inaccurate, pro-prosecution testimony in major cases, including the Oklahoma City and World Trade Center bombings.

Dallas Morning News research

Graphic

PHOTO(S): 1. Thomas Blanton Jr. 2. Robert Hanssen 3. Wen Ho Lee 4. Richard Jewell

Load-Date: May 23, 2001

End of Document



FBI PROTECTED HITMAN-INFORMANT; HID EVIDENCE CLEARING MEN HELD 30 YEARS

Pittsburgh Post-Gazette (Pennsylvania)

November 17, 2006 Friday

SOONER EDITION

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Section: NATIONAL; Pg. A-10

Length: 616 words

Byline: Jay Lindsay, The Associated Press

Body

Two Boston men spent 30 years in prison for an underworld slaying they did not commit, and a judge later ruled that the FBI had withheld evidence that would have cleared the pair to protect a mob hitman who was serving as an informant.

Now, in a trial that opened yesterday, those men and the families of two others who were wrongfully convicted are seeking damages from the government that could total more than \$100 million.

Joseph "The Animal" Barboza was a known mob assassin, responsible for numerous hits during Boston's gangland wars of the 1960s. He was also so vital to FBI efforts to crack the mob that the agency allowed him to wrongly implicate four men for murder, attorneys for the plaintiffs said in opening statements.

Joseph Salvati and Peter Limone and the families of two other men who died while behind bars accuse the federal government of malicious prosecution, conspiracy and depriving the men's family of companionship.

"It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI," said attorney Austin McGuigan, who represents Mr. Salvati. "There was no hope the real story in this case would be uncovered."

The case is the latest development in a scandal that unfolded in Boston about a decade ago, when it was learned that the FBI had a corrupt relationship with the mob, protecting killers who were informants and even tipping them off to pending indictments.

The lawsuit was filed after the Justice Department released documents in 2001 which showed that the FBI had withheld evidence from state prosecutors that could have cleared the men so that the agency could protect an informant who actually committed the crime.

Mr. Limone, Louis Greco and Henry Tameleo were sentenced to death in 1968 for the murder of Edward "Teddy" Deegan, but were not executed before Massachusetts banned the death penalty in 1975. Mr. Salvati was sentenced to life in prison.

FBI PROTECTED HITMAN-INFORMANT; HID EVIDENCE CLEARING MEN HELD 30 YEARS

Mr. Salvati, 72, and Mr. Limone, 74, were exonerated in 2001 after the Justice Department documents were released. Mr. Greco and Mr. Tameleo died behind bars before being exonerated.

Yesterday, attorneys for the men and their families, said the problems were rooted in a 1960s FBI policy of protecting informants identities at all costs.

Days before Mr. Deegan was shot in the head in a Chelsea alley, FBI wiretaps caught Mr. Barboza and Vincent "Jimmy" Flemmi asking a Rhode Island mob boss for permission for the hit. Informants later told FBI agents that Mr. Barboza, Mr. Flemmi and three other men were responsible. FBI agent Paul Rico, who handled top-echelon informants, listed Mr. Deegan as among seven people killed by Mr. Flemmi.

"The Deegan murder was literally surrounded by information that Jimmy Flemmi was one of the killers," said Michael Avery, who represents Mr. Limone and Mr. Tameleo.

But the FBI had recruited Mr. Flemmi as an informant and believed that he would provide valuable information for years, Mr. McGuigan said.

The FBI did not share any of this evidence with the state, Mr. Avery said, making the FBI "masters of this prosecution."

In his testimony in the Deegan case, Mr. Barboza implicated Mr. Limone, Mr. Salvati and Mr. Greco because of personal grudges, and Mr. Tameleo because an FBI agent wanted to arrest him, according to attorney Juliane Balirro, who represents Mr. Limone.

The FBI had at least 20 descriptions of the Deegan murder that conflicted with Mr. Barboza's testimony, but did not share them with prosecutors, she said.

Mr. Barboza was sentenced to a year and a day in prison after the Deegan trial, and later moved to California as the first participant in the federal witness-protection program. He was shot to death in San Francisco in 1976.

Load-Date: November 18, 2006



FBI racking up long list of colossal errors

South Bend Tribune (Indiana)

May 13, 2001 Sunday

Metro Edition

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Section: NATION;

Length: 631 words

Byline: By DEB RIECHMANN; Associated Press Writer

Body

WASHINGTON -- It's happened before, the FBI fumbling high-profile cases.

Now, it turns out that the FBI also dropped the ball on the Oklahoma City bombing, the largest terrorist attack in U.S. history, by failing to turn over files and physical evidence to Timothy McVeigh's attorneys.

That disclosure prompted Attorney General John Ashcroft on Friday to delay the convicted bomber's execution, scheduled for Wednesday, until June 11.

In recent years, the bureau failed to notice a Russian spy within its ranks, accused the wrong man in the bombing at the Atlanta Olympics and botched its investigation of a government scientist who handled nuclear weapons secrets.

With word of the new misstep, President Bush and Ashcroft were evasive when asked whether they still had confidence in the FBI. "I'm obviously concerned about an incident where documents have been misplaced. But I withhold judgment until I find out the full facts," Bush said at a news conference Friday.

Less circumspect was Sen. Chuck Grassley, R-Iowa: "We must change the FBI culture that has caused these colossal mistakes," Grassley, a senior member of the Judiciary Committee, said in a statement.

The committee will review nominees to replace FBI Director Louis Freeh, who is retiring in June.

"I want to know that the next FBI director is committed to sweeping changes," Grassley said.

Danny Coulson, a lead investigator with the FBI's hostage rescue team who took McVeigh into federal custody, said the incident creates a perception problem for the bureau. But, he added, "I'm sure there's nothing (in the documents) that changes the outcome of the case."

The FBI blames the problem on a computer glitch. Grassley is not so sure. "We saw documents suddenly disappear in the Waco, TWA Flight 800 and Wen Ho Lee cases," Grassley said. "FBI careers are made in high-profile cases, and this is the fourth time in recent years where evidence has belatedly appeared. We have to be careful that withholding evidence is not done simply to win a case."

FBI racking up long list of colossal errors

Kris Kolesnik, director of the National Whistleblower Center, a Washington-based nonprofit public interest organization, said the recent blunders reflect what he contended was the FBI's tendency to emphasize public relations over pure science or good investigative technique.

On the positive side, State Department officials are praising the way the FBI was able to penetrate a spy ring that Cuba had operated in Florida. Five alleged spies are on trial in Miami on charges of espionage and of involvement in the 1996 MiG attack on a Miami-based unarmed plane north of Cuba.

But success stories like this have been overshadowed by a series of missteps including:

* In February, Robert Philip Hanssen, a 20-year agent at the FBI, was accused of selling national secrets to Moscow. Hanssen carried on his alleged spying activities for 15 years.

* **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence. Salvati was freed in January after a judge concluded that FBI agents hid testimony that would have cleared Salvati because they wanted to protect an informant.

* Last year, the FBI botched an investigation of Wen Ho Lee, the Los Alamos National Laboratory scientist who was indicted on 59 criminal counts of mishandling nuclear weapons secrets. Lee spent nine months in solitary confinement. All but one count was eventually dropped.

* In 1999, the General Accounting Office said a report by the Bureau of Alcohol Tobacco and Firearms, which pointed early on to the explosion of a center fuel tank as the cause of the 1996 crash of TWA Flight 800, was never forwarded to the National Transportation Safety Board. The ATF provided the report to the FBI, but the FBI never sent it the safety board, the GAO said.

Graphic

Freeh

Load-Date: May 17, 2001



FBI rebuked for wrongful convictions in mob case

Deseret Morning News (Salt Lake City)

July 27, 2007 Friday

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Length: 889 words

Byline: Denise Lavoie Associated Press

Body

BOSTON -- In a stinging rebuke of the FBI, a federal judge on Thursday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hit man Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through -- I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

FBI rebuked for wrongful convictions in mob case

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

Republican Rep. Dan Burton of Indiana, who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informants, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

One of the agents blamed in the case, Rico, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Okla., businessman. Rico died in state custody in 2004 while awaiting trial.

Attorneys for Condon did not immediately return phone messages seeking comment Thursday.

During testimony before Burton's committee in 2001, Rico denied he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Rico was unrepentant when asked how he felt about Salvati's wrongful imprisonment.

"What do you want, tears?" he said. Associated Press writer Nancy Rabinowitz contributed to this report.

Load-Date: July 27, 2007

FBI rebuked for wrongful convictions in mob case

End of Document



FBI releases documents to bolster its claims

The Associated Press State & Local Wire

February 14, 2001, Wednesday, BC cycle

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Section: State and Regional

Length: 341 words

Dateline: BOSTON

Body

The FBI released documents Wednesday to bolster its claim that it long ago gave local police information that could have exonerated four men who were eventually convicted of a 1965 murder.

The agency has been accused of covering up the crime to protect an FBI informant who took part in the murder.

"If there was a cover-up, why did we provide this information?" said FBI spokeswoman Gail Marcinkiewicz.

The FBI's statements come as two men wrongly convicted of the murder of Edward Deegan consider filing civil suits. The charges against Joseph Salvati, 68, and Peter Limone, 66, were dropped last month.

In December, the Justice Department released confidential informant memos about Deegan's murder, which showed FBI agents knew about the hit on Deegan ahead of time, and had a list of six men who did it.

FBI informant Vincent "Jimmy the Bear" Flemmi was on the list, but was never charged. Salvati and Limone were not on the list.

Attorneys for Salvati and Limone said the FBI hid the information. But last week the FBI said it shared it with local authorities.

A report released Wednesday by the FBI included the names of six men an informant said committed the murder.

"It should be noted that this information was furnished to the Chelsea PD," the document read, adding police established the men were together at a local cafe before and after the killing.

The report was never presented at trial, where an FBI agent testified for the prosecution.

Marcinkiewicz said the FBI wasn't in control of how the information was used.

"There's some responsibility on the part of the prosecutor," she said.

She added she didn't know if police passed on the information to the Suffolk County District Attorney's Office.

FBI releases documents to bolster its claims

Last week, Salvati attorney Vincent Garo presented an affidavit from a Suffolk County prosecutor confirming the office had the Chelsea police report during the trial.

But Suffolk County District Attorney spokesman Jim Borghesani said the office never got any exculpatory information in the case.

Chelsea police said no one was available to comment.

Load-Date: February 15, 2001

End of Document



FBI REPORTEDLY HID KEY EVIDENCE DOCUMENTS SHOW IT KNEW OF DEEGAN SLAYING PLOT IN '65

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The Boston Globe

December 21, 2000, Thursday

,THIRD EDITION

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Section: METRO/REGION;

Length: 843 words

Byline: By Ralph Ranalli, Globe Correspondent

Body

Secret documents recently discovered in a Justice Department probe of FBI corruption appear to show that the bureau knew not only that the wrong men were convicted of a 1965 gangland murder, but also that agents were told about the plot two days before it happened and apparently did nothing to stop it.

The reports, found at FBI headquarters in Washington, were turned over yesterday to lawyers for reputed Mafia associate Peter J. Limone, who has served 32 years in prison for the slaying of small-time hoodlum Edward "Teddy" Deegan in Chelsea. They strongly suggest that the FBI's chief witness at the 1968 trial, legendary Boston hit man Joseph "The Animal" Barboza, framed Limone and several other men.

As Limone languished in prison for three decades, documents that might have proved his innocence sat in secret FBI informant files in Washington and were never turned over to the defense, attorney John Cavicchi of East Boston said yesterday.

"This is a disgrace. If it weren't so tragic it would be laughable," said Cavicchi, who is handling Limone's bid to have his conviction overturned in Middlesex Superior Court.

Boston FBI spokeswoman Gail Marcinkiewicz declined comment.

The new documents also reveal for the first time that the brother of infamous gangster and FBI informant Stephen Flemmi was also successfully recruited as an FBI informant for five months in 1965 - even though other informants were telling the bureau that he was responsible for numerous killings and that he had vowed to become Boston's "No. 1 hit man."

FBI evaluation reports of Vincent J. "Jimmy the Bear" Flemmi's potential usefulness as an FBI mole show the chilling lengths the FBI was willing to go to in its clandestine organized crime informant program.

FBI REPORTEDLY HID KEY EVIDENCE DOCUMENTS SHOW IT KNEW OF DEEGAN SLAYING PLOT IN
'65

Special Agent Dennis Condon, for example, wrote one 1964 report that an unnamed informant said Jimmy Flemmi had boasted about becoming Boston's most prolific full-time assassin.

"Flemmi told him [the informant] that all he wants to do now is kill people, and that it is better than hitting banks," the report states. "Informant said Flemmi said that he feels he can now be the top hit man in this area and intends to be."

Another report said Flemmi was a suspect in the Deegan murder and several other killings, but that recruiting him as an informant was "worth the risk."

Even supporters of Limone and the other defendants, who contended for years that they were the victims of an FBI frame-up, called the contents of the documents shocking.

Boston lawyer Victor Garo, who represents Limone's co-defendant, ***Joseph Salvati***, went as far as telling WBZ-TV (Channel 4) that the prosecution was an FBI "murder conspiracy" because the punishment for murder at the time was death in the electric chair. Four of the defendants, including Limone and Salvati, received death sentences that were later changed to life.

The reports were turned over to Cavicchi, Garo, and Suffolk District Attorney Ralph Martin II's office yesterday by Special US Attorney John Durham, who for the last several years has been investigating corruption in the FBI's informant relationships with gangsters Stephen Flemmi and Whitey Bulger.

Durham could not be reached for comment yesterday.

One key report states that on March 10, 1965 - two days before the murder - an unidentified FBI informant told Special Agent H. Paul Rico that Jimmy Flemmi was planning to kill Deegan and that the murder had the blessing of then-New England Mafia boss Raymond L.S. Patriarca.

"Informant advised that he had just heard from Jimmy Flemmi, and 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," Rico's report states.

One day after the murder, another informant told Rico that Flemmi, Barboza, and three other men had committed the crime.

Neither Limone, Salvati, nor two other co-defendants, top New England Mafia advisor Henry Tameleo and underworld figure Louis Greco, were mentioned. The information was forwarded to FBI headquarters in director J. Edgar Hoover's name, although there is no indication whether Hoover himself actually saw it.

All four men were convicted. Tameleo and Greco died in prison, while Salvati's sentence was later commuted.

None of the information, Cavicchi said, was turned over to the defense in the case. Barboza, who was recruited as an FBI witness by Rico and Condon, was the key witness and the only witness against Limone. Privately, even law enforcement officials involved in the case were calling the new documents significant.

"You don't have to be a rocket scientist to know that it's not trivial stuff," one official said.

In a statement released by a spokesman yesterday, however, Martin said only that his office "is intent on pursuing the truth about the Deegan murder, wherever it leads us."

Limone's family expressed new optimism yesterday.

"Obviously we're very excited. It has just been a terrible tragedy what was done to this man," said nephew Frank Limone.

FBI REPORTEDLY HID KEY EVIDENCE DOCUMENTS SHOW IT KNEW OF DEEGAN SLAYING PLOT IN
'65

Graphic

PHOTO, 1. EDWARD DEEGAN 2. PETER J. LIMONE 3. JIMMY FLEMMI

Load-Date: December 21, 2000

End of Document



FBI SAYS DOCUMENTS CLEAR IT OF WRONGDOING IN '65 CASE

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The Boston Globe

February 15, 2001, Thursday

,THIRD EDITION

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Section: METRO/REGION;

Length: 420 words

Byline: By Shelley Murphy, Globe Staff

Body

Facing the threat of a lawsuit from two men who say the FBI sat on information while they were framed for a 1965 gangland murder, the bureau insisted yesterday that documents clear it of any wrongdoing.

Last month, a judge tossed out the murder convictions of Peter Limone and **Joseph Salvati** after reviewing newly discovered FBI reports that had never been turned over to defense lawyers. The reports revealed that informants implicated other men - including an FBI informant - in the slaying of Edward "Teddy" Deegan.

But Charles Prouty, the special agent-in-charge of the FBI's Boston office, pointed to a section of the FBI reports that show that the information was "disseminated" to Chelsea police within days of the murder.

The FBI could not say, however, if the information was also given to the Suffolk district attorney's office, which prosecuted the case, because FBI files on the murder no longer exist. The information was never presented at trial.

"The FBI was forthcoming. We didn't conceal the information. We didn't attempt to frame anyone," Prouty said.

But lawyers who are poised to sue the FBI on behalf of Salvati and Limone said the FBI played a pivotal role in the case and had a moral and legal obligation to alert the defendants that they had information that might help prove their innocence.

Attorney Victor Garo, who represents Salvati, said, "The FBI still is in complete denial. The FBI did not want the jurors to know the truth. The truth be damned. Convictions were more important."

Attorney William Koski, who plans to file a suit on Limone's behalf within a month, said, "I think it's fairly lame to say that they're off the hook just because of some memo that suggests the FBI may have passed information to the Chelsea police."

Koski said the Chelsea police and the Suffolk district attorney's office may also have been at fault in failing to turn over information.

FBI SAYS DOCUMENTS CLEAR IT OF WRONGDOING IN '65 CASE

Limone spent 33 years in prison before his release last month. Salvati spent 30 years in prison before Governor William Weld commuted his sentence in 1997.

Two other defendants, Louis Greco of Revere and high-ranking Mafioso Henry Tameleo, died in prison.

The documents show that informants told the FBI that notorious hit man turned government witness Joseph "The Animal" Barboza framed Salvati, Limone, Greco, and Tameleo for the murder, while protecting the real killers who were his friends.

Vincent "Jimmy the Bear" Flemmi, an FBI informant and brother of longtime FBI informant Stephen Flemmi, was allegedly one of the killers.

Load-Date: February 15, 2001

End of Document



FBI'S BLUNDER CULTURE

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The Boston Globe

May 12, 2001, Saturday

,THIRD EDITION

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Section: EDITORIAL;

Length: 438 words

Body

NONFEASANCE now joins misfeasance and malfeasance as the recent legacy of the once-proud Federal Bureau of Investigation.

Yesterday's extraordinary disclosure that the bureau had withheld, even inadvertently, thousands of documents that should have been given to Timothy McVeigh's lawyers long ago adds another blemish to the agency's bruised reputation.

This time, the blunder has a Keystone Kops aspect - the FBI looks like The Gang that Couldn't File Straight.

But the result is far from comic. Even if the new documents add nothing of substance to the case, their mishandling has its own significance. President Bush said yesterday that McVeigh is lucky to be an American, adding, "Today is an example of the system being fair." But others will ask, if the nation's premier law enforcement organization can bungle something so simple in such a high-profile case, how it can be trusted in other matters?

And troubling matters have been piling up recently.

The failure to disclose all relevant information in the 1963 Birmingham church bombing case, the falsely strong-armed investigation of nuclear scientist Wen Ho Lee, and the conclusion that the FBI lab had been turning out badly flawed and inaccurate work all qualify as misfeasance, at a minimum.

Malfeasance is barely a strong enough word for the FBI's role in the protection of mobsters James Bulger and Stephen Flemmi, in the wrongful 30-year incarceration of Joseph Salvati, and in the enormously damaging counterspy work allegedly conducted by bureau agent Robert Philip Hanssen.

When the Hanssen charges were made this February, FBI Director Louis Freeh asked retired Judge William Webster, a former head of the FBI and the CIA, to study counterintelligence operations and recommend improvements.

But it is far past time when the FBI's failings should be examined singly, in isolation. There is obviously a culture problem in the agency - a culture of incompetence too often fed by a culture of arrogance.

FBI'S BLUNDER CULTURE

Attorney General John Ashcroft pointedly declined to rally behind the bureau yesterday, and Bush was even more candid, saying, "I will withhold judgment" on whether he still has confidence in its work.

With Freeh having announced his retirement next month, it is imperative that Ashcroft and Bush first examine what needs to be done at the FBI before finding the very strongest possible candidate to head it.

As an internal investigator, Webster is probably better positioned than anyone else to take on an expanded mandate and recommend the top-to-bottom shakeup that the FBI clearly needs.

A nation of laws cannot have its top law enforcers doing their job so badly.

Load-Date: May 14, 2001

End of Document

FBI shocker; Testimony from agent has chilling effect



FBI shocker;
Testimony from agent has chilling effect

Sunday Telegram (Massachusetts)

May 06, 2001 Sunday,

ALL EDITIONS

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Section: INSIGHT;; IN OUR OPINION;**Length:** 169 words**Body**

The chilling testimony of former FBI agent H. Paul Rico before the Government Reform Committee of the U.S. House of Representatives last week spoke volumes about how badly out of hand things were in the bureau's Boston office in the last few decades.

Although the ex-agent had prior knowledge of a 1968 mob murder that indicated **Joseph Salvati** was wrongly convicted, he expressed absolutely no remorse for the travesty of justice that put an innocent man behind bars for nearly 30 years.

Questioned about his callous attitude, he shot back, "What do you want, tears?"

Such defiant indifference to justice and fair play seems to have been widespread in the Boston FBI office of that era. Recent revelations have seriously undermined the credibility of the whole agency.

Nothing can restore the 30 years that Mr. Salvati and his family lost. We can only hope that a much-needed overhaul of FBI procedures on use of criminal informants will prevent future injustices and fade the dark stain the flawed policies have wrought.

Load-Date: May 8, 2001

End of Document

FBI's past bites back in \$300 million suit; Ex-convict alleges he served 30 years for crime even though bureau knew true culprits



**FBI's past bites back in \$300 million suit;
Ex-convict alleges he served 30 years for crime even though bureau knew
true culprits**

Alameda Times-Star (Alameda, CA)

August 25, 2002 Sunday

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Section: HEADLINE NEWS

Length: 780 words

Byline: By Fox Butterfield , New York Times

Dateline: BOSTON

Body

It was March 1965, in the midst of J. Edgar Hoover's war against the Mafia. FBI 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 Patriarca's permission to kill a small-time hoodlum, Edward Deegan, "as they were having a problem with him," according to an FBI log of the conversation. "Patriarca ultimately furnished this OK," the FBI reported, and three days later Deegan turned up dead in an alley, shot six times.

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But when indictments in the case were handed down in 1967, the real killers -- who also happened to be informers for the FBI -- 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 recently that he planned to sue the FBI for \$300 million for false imprisonment.

His is the latest in a series of lawsuits against the FBI, the Justice Department and some FBI agents growing out of the tangled, corrupt collaboration between gangsters and the FBI'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.

FBI's past bites back in \$300 million suit; Ex-convict alleges he served 30 years for crime even though bureau knew true culprits

But some of the most explosive evidence has only recently come to light, including documents detailing conversations in which 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 FBI in Boston.

The documents show that officials at FBI headquarters, apparently including Hoover, knew as long ago as 1965 that Boston agents were employing killers and gang leaders as informers and were protecting them from prosecution.

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

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

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

The Government Reform Committee, led by Rep. Dan Burton, R-Ind., has uncovered memorandums from the Boston office to headquarters in Washington revealing the bureau's knowledge that Vincent Flemmi and Barboza were involved in killing Deegan. A memorandum a week after the killing described the crime and mentioned who had fired the first shot.

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

The agent also informed Hoover that 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.>

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

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 some 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.

Limone was sentenced to die in the electric chair. His life was spared only when Massachusetts outlawed the death penalty in 1974.

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 Salvati sent her a romantic card, which she put on the television set. It was, Garo said, all they had of each other.

Load-Date: June 24, 2003

FBI's past bites back in \$300 million suit; Ex-convict alleges he served 30 years for crime even though bureau knew true culprits



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Tri-Valley Herald (Pleasanton, CA)

August 25, 2002 Sunday

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Section: HEADLINE NEWS

Length: 831 words

Byline: By Fox Butterfield , New York Times

Dateline: BOSTON

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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 FBI informers, James Bulger and Stephen Flemmi. Vincent and Stephen Flemmi are brothers.

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Load-Date: June 18, 2003

End of Document

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The Oakland Tribune (Oakland, CA)

August 25, 2002 Sunday

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Section: HEADLINE NEWS

Length: 780 words

Byline: By Fox Butterfield , New York Times

Dateline: BOSTON

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Load-Date: June 18, 2003



FBI'S ROLE AT ISSUE IN VAIN SEARCH FOR FREEDOM

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The Boston Globe
July 16, 2001, Monday
,THIRD EDITION

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Section: METRO/REGION;

Length: 849 words

Byline: By Shelley Murphy, Globe Staff

Body

All Louis Greco wanted before he died was one day of freedom, one day in the Florida sunshine, away from the noisy and stifling prison that had been his home for 28 years after his conviction for a gangland murder.

But that day never came. The World War II hero died at age 78 in a Jamaica Plain hospital ward reserved for prisoners on Dec. 30, 1995 - six years before his case captured the attention of Congress in a growing scandal involving the FBI's hand ling of informants.

Now, as former state parole board member Michael Albano prepares to testify before a congressional committee investigating the FBI's role in sending Greco and three other men to prison for a murder they didn't commit, Albano can't shake the memory of Greco begging for someone to listen to him.

"I have a picture of him in my mind, sweating profusely on hot days, yet working diligently," Albano said of Greco, who worked as a gardener on the prison grounds.

Greco often greeted Albano in the 1980s when he arrived at the minimum-security prison in Shirley for monthly parole board hearings on inmate petitions.

The inmate, who walked with a limp from a gunshot wound he suffered while serving in the Army in the South Pacific, always ended their casual conversations with the same plea, according to Albano: "I just want to tell you that I'm not guilty, and I just want to live one day as a free man. I just want to go home for one day."

While Greco's dying wish went unfulfilled, he was exonerated posthumously. In December, a Justice Department task force investigating FBI corruption uncovered secret FBI reports that indicated that hit man-turned-FBI witness Joseph "The Animal" Barboza had framed Greco and three codefendants in the 1965 murder of Edward "Teddy" Deegan in Chelsea.

FBI'S ROLE AT ISSUE IN VAIN SEARCH FOR FREEDOM

Barboza, who had killed 26 people and was in the Witness Protection Program in exchange for cooperation against members of the New England Mafia, had implicated six men in Deegan's slaying, and four of them were innocent, FBI informants said.

Informants identified one of the killers as Vincent Flemmi, a close friend of Barboza's and the brother of FBI informant Stephen Flemmi, FBI documents said.

In January, a judge tossed out the murder convictions of the only two survivors believed to be innocent, Joseph Salvati and Peter Limone. A fourth codefendant in the Deegan slaying, Henry Tameleo, died in prison in 1985.

"Greco is the most tragic figure of all of them," said attorney John Cavicchi, who represented Greco and now represents Limone. Cavicchi is ready to file lawsuits against the FBI on behalf of Limone and on behalf of Greco's former wife, Roberta Werner. "It was a continuing conspiracy to obstruct justice," he said.

Greco, one of eight children, grew up in Revere and made it as far as seventh grade. His father died when he was 8, and he was sent to a facility for juvenile delinquents on a larceny charge at 13.

At 20, Greco was sentenced to prison for armed robbery. He did his time and then went off to war.

When petitioning the parole board for a commutation in 1984, Greco wrote, "I have never broken any laws outside of gambling after I reached the age of 20; and have never killed anybody, unless it was in the US Army."

In the service, he was shot in the ankle and awarded the Purple Heart and two Bronze Stars.

Married and the father of two sons, he ran a bar and worked as a car reposessor and landscaper before he was arrested in Florida for the Deegan murder.

He insisted that he was in Florida when Deegan was killed, but said that police had harassed witnesses who could confirm his whereabouts.

Greco passed three lie detector tests, including one that was broadcast nationally in 1993 on famed criminal defense attorney F. Lee Bailey's television show "Lie Detector."

Greco's parole board records were subpoenaed by the House Committee on Government Reform, which is investigating the FBI's handling of informants, including Stephen Flemmi and James "Whitey" Bulger.

Congressional investigators are focusing on allegations that the FBI pressured parole board members to keep Greco and the others behind bars and was involved in a retaliatory investigation of five parole board members, including Albano, who recommended a commutation of Limone's sentence in 1983.

While testifying before the parole board during a 1984 commutation hearing, Greco said Barboza falsely implicated him because he had assaulted a friend of Barboza's in the 1960s when he threatened young men in Greco's neighborhood over a loanshark debt.

The board voted twice to recommend commutation for Greco, once in 1985 and again in 1987, when his health was deteriorating. Greco underwent treatment for colon cancer, diabetes, and a heart condition.

But Governors Michael Dukakis and William F. Weld refused to commute Greco's sentence, citing the seriousness of the crime.

Three days shy of the second anniversary of Greco's death, his 40-year-old son, Louis Jr., killed himself by ingesting poison.

"It's a terrible tragedy," Cavicchi said. "It's another family that was destroyed by this FBI complicity with Flemmi, and ultimately Bulger."

Graphic

PHOTO, LOUIS GRECO Died in prison

Load-Date: July 16, 2001

End of Document



**FBI's tarnished image is taking another hit;
Document debacle follows spy scandal**

The Dallas Morning News

May 12, 2001, Saturday

THIRD EDITION

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Section: NEWS;

Length: 1167 words

Byline: Michelle Mittelstadt

Body

FBI mistake fuels suspicions among some WASHINGTON - It's been a terrible spring for the FBI, which treasures its image as the nation's premier law enforcement agency. Already hurting from the discovery that a spy apparently toiled in its midst undetected for 15 years, the last thing the bureau needed was another embarrassment.

But with the revelation that the FBI withheld evidence from Timothy McVeigh's defense team, the bureau was plunged into the eye of another storm, just six days before the Oklahoma City bomber's scheduled execution.

Attorney General John Ashcroft described the missing evidence as immaterial to the trial's outcome but nonetheless postponed the execution for 30 days.

Washington Bureau

"I regret that these steps which I have taken were necessary, but I take them in the interest of the confidence the American people ought to have in their judicial system."

Mr. Ashcroft also initiated an inquiry into the belated discovery of the 3,135 documents - the second investigation of the FBI he has ordered in three months on the job.

The first came in February, after the bureau was rocked by the arrest of Agent Robert Philip Hanssen, a 25-year counterintelligence expert accused of selling secrets to Moscow.

The spy scandal was merely the latest in a series of controversies that have dogged the bureau in recent years, including a botched Chinese espionage investigation, persistent problems in the FBI crime lab and revived questions over the FBI's conduct during the 1993 Waco siege.

At FBI headquarters, officials didn't return calls Friday when asked about the latest blemish to the agency's reputation. However, FBI agents say the string of embarrassments is taking a toll.

FBI's tarnished image is taking another hit; Document debacle follows spy scandal

"If you're asking me what the discomfort level is among the agent population over two or three or four disturbing circumstances happening seemingly simultaneously, there is a high discomfort level," said FBI Special Agent John Sennett, president of the FBI Agents' Association. "We are a proud organization, and we don't like to be embarrassed."

He added, "They are completely disconnected events, but since all are in the news right now, they have a cumulative effect from a PR standpoint - and there's no denying that they do. And that's regrettable. ... But for those looking for a pattern of mismanagement, it's not there."

FBI officials say their failure to turn over the documents to lawyers for Mr. McVeigh and accomplice Terry Nichols before their 1997 trials was inadvertent. But it's not the first time the bureau has belatedly come across information in a high-profile case.

"This episode is not the FBI's first black eye," said McVeigh lawyer Nathan Chambers. "Now we see yet again that the agency that holds itself out as the premier law enforcement agency in the world is incapable of conducting an investigation in a manner that instills trust and confidence."

In 1999, Attorney General Janet Reno dispatched U.S. marshals to FBI headquarters to seize previously undisclosed recordings that showed federal agents using pyrotechnic tear gas in the final hours of the Branch Davidian siege. Bureau officials had insisted in sworn affidavits that they had no footage showing such use.

Last week, the FBI came in for serious criticism from a House committee investigating the Boston FBI office's cozy ties with mob informants. A Massachusetts man, ***Joseph Salvati***, spent 30 years behind bars for a murder the FBI knew he did not commit. Mr. Salvati and a co-defendant were exonerated this year after a judge concluded that the FBI hid evidence that would have proved their innocence in order to protect bureau informants.

"This whole episode is disgraceful," House Government Reform Committee Chairman Dan Burton, R-Ind., said during the hearing.

And the bureau has come under attack in recent weeks for withholding crucial evidence from its investigation of a notorious civil-rights era crime: the 1963 Birmingham church bombing that killed four black girls.

Former Ku Klux Klansman Thomas Blanton Jr. was convicted last month of murder in the church bombing, largely on the basis of an FBI surveillance tape that the bureau kept from Alabama prosecutors who investigated the bombing in the 1970s. Bureau officials say they weren't trying to hinder prosecutions in the case.

The newly found Oklahoma City documents fueled the ire of criminal defense lawyers who have gone up against the bureau in court.

"Well, I am angry because this is what the FBI does: They lie to the prosecutors. We've caught them doing it again and again and again," lawyer Michael Tigar, who represents Mr. Nichols, said on CNN.

Gerry Spence, who represented white separatist Randy Weaver after a government raid on his Ruby Ridge, Idaho, home in which his wife and son were killed, said this merely is the latest in a long string of cases where the FBI has withheld information.

"I attribute it to the fact this institution called the FBI is not our guardian, it's our prosecutor," Mr. Spence said. "If they can do this to McVeigh, in the most heinous crime of the century, then they can do it to the most innocent of us."

There was no intent to hide the Oklahoma City documents - which also weren't shared with government attorneys - several prosecutors in the case said.

"It's an inexcusable error, but I'm convinced it's human error and nothing intentional," said former federal prosecutor Scott Mendeloff, now in private practice in Chicago.

FBI's tarnished image is taking another hit; Document debacle follows spy scandal

The head of the Oklahoma City investigation, Dallas FBI Special Agent Danny Defenbaugh, denied any deliberate intent to conceal information.

"We're not hiding anything," Agent Defenbaugh said. "This storm will pass."

While FBI leaders work hard to maintain excellent relations on Capitol Hill, it may be some time before the current controversy wanes. The bureau's congressional overseers immediately vowed to investigate the matter, which FBI officials ascribed to problems with the bureau's computer systems.

A frequent FBI critic, Sen. Charles Grassley, described the bureau's lapse as "unconscionable."

"If this were the first time that documents suddenly appeared, I might be persuaded by the FBI's computer theory. But I've seen too much to not have a very high level of skepticism," the Iowa Republican said. "We saw documents suddenly appear in the Waco, TWA Flight 800 and Wen Ho Lee cases."

Mr. Grassley long has faulted a "cowboy culture" at the FBI, which he views as more interested in public relations victories than substance. "We see too often the withholding of evidence the doctoring of evidence to bring about certain results. That hurts the FBI," he said.

The document debacle comes just a week after FBI Director Louis Freeh announced he would step down in June, with two years remaining on his 10-year term. The Bush administration has given no indication when his replacement might be named.

Staff writers David Jackson, Todd Bensman and Robert Dodge contributed to this report.

Graphic

PHOTO(S): 1. Thomas Blanton Jr. 2. Robert Haasen 3. Wen Ho Lee 4. Robert Jewell CHART(S): 1. HOW THE EVIDENCE WAS OVERLOOKED 2. FBI PROBLEMS

Load-Date: May 23, 2001



FBI: We turned over confidential informant documents to locals

The Associated Press State & Local Wire

February 8, 2001, Thursday, BC cycle

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Section: State and Regional

Length: 630 words

Byline: By JAY LINDSAY, Associated Press

Dateline: BOSTON

Body

The FBI broke its silence Thursday on charges that it allowed innocent men to go to prison to protect mob informants, saying local authorities had FBI documents that could have exonerated the men.

The statement came the day **Joseph Salvati** - who spent 30 years in prison - outlined plans to sue various government agencies he said framed him for a murder he didn't commit.

The FBI has been taken a public relations beating since December, when the Justice Department released confidential informant memos from March 1965, when Chelsea thug Edward Deegan was murdered.

The documents showed FBI agents knew about the hit on Deegan ahead of time, and had a list of six men who did it.

FBI informant Vincent "Jimmy the Bear" Flemmi was on the list, but was never charged. Salvati, 68, Peter Limone, 66, and two others convicted for the crime were not on the list.

Salvati and Limone were cleared early this month, and Superior Court Judge Margaret Hinkle said there was a "stain" of the FBI's legacy because it hadn't given the documents to prosecutors.

But the FBI statement Thursday said the agency did pass along the documents.

The statement said the FBI was conducting a review to find documents relevant to the Deegan murder.

"To date, our review has disclosed documents indicating that the confidential source information recently released, which directly relates to the Deegan homicide, was disseminated to local authorities in 1965," the statement read.

The FBI did not specify who the "local authorities" were, and would not comment further. The Suffolk County District Attorney's Office prosecuted the case, and the Chelsea police were involved in the investigation.

In a statement, the Suffolk County District Attorney's Office denied receiving informants' memos.

FBI: We turned over confidential informant documents to locals

"As we stated in court during the Salvati and Limone hearings, this office first became aware of the FBI confidential informant memos when they were provided to us by the Department of Justice Task Force on Dec. 19, 2000. We have discovered no evidence indicating that these memos were provided to this office at any prior time."

Chelsea police said no one was available for comment.

John Cavicchi, an attorney for Limone, said the police, the district attorney and FBI are all to blame.

"Everybody's starting to point fingers at each other," he said. "They all lied and covered up the case."

He added that the FBI allowed an agent to testify for the prosecution in the Deegan case, even though they had the memos.

At Salvati's news conference Thursday, attorney Vincent Garo charged that Chelsea police and the Suffolk County District Attorney's office were also part of the cover-up.

He released a Chelsea police report in which an informant reported that hitman Joseph Barboza and Flemmi left the Ebb Tide cafe in Chelsea with four men - none of whom were Salvati or Limone - the night of Deegan's murder, then returned later, and one man said, "We nailed him." Barboza later became the prosecution's star witness.

Garo presented an affidavit from a prosecutor confirming the office had the Chelsea police report during the trial.

Suffolk County District Attorney spokesman Jim Borghesani declined to comment.

Members of Salvati's family watched the hourlong news conference at the Park Plaza Hotel, at times holding hands and weeping.

Garo said he would seek a congressional investigation, and criticized the government for not already settling with Salvati.

"They want us to spend years in litigation," he said. "Damn them. If that's what I have to do, we're going to do it."

The Justice Department is investigating allegations that some Boston FBI agents grew too friendly with mobsters who were their informants - and were corrupted by the mobsters.

Former agent John Connolly is already under indictment on racketeering charges.

Graphic

AP Photos

Load-Date: February 9, 2001



Federal E-rate limps to the finish line

Network World

March 29, 1999

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Section: CARRIERS & ISPS; Pg. 23

Length: 433 words

Byline: DAVID ROHDE

Body

WASHINGTON, D.C. - Schoolchildren and their parents may be planning their summer vacations, but network professionals at many school districts are just starting to implement their technology plans for the current academic year.

Reason: The administrator of the government's new subsidy program for school network expenditures has only now finished deciding school funding amounts for the 1998-99 school year.

Months behind schedule, the Universal Service Administrative Co. (USAC) has completed its review of 32,000 applications under E-rate, the federal program designed to provide Internet access to all of America's schools by paying 20% to 90% of each school's related costs.

The E-rate program subsidizes telecommunications services and "internal connections" according to each school's socioeconomic standing. In the program, internal connections represent routers, switches, hubs and PBXs, as well as wiring and interface cards.

Hot on the heels of USAC's review of applications, the General Accounting Office (GAO) released a report earlier this month indicating that the E-rate program still has a lot of growing up to do.

The GAO admitted that it was one of the main reasons the USAC fell behind its disbursement schedule. The GAO last year said E-rate desperately needed better auditing to prevent the program from granting subsidies for ineligible purposes. That decision forced USAC officials to re-review all the applications.

Now the GAO says E-rate still needs more strategic direction from the Federal Communications Commission.

Another finding: Only a fraction of the money disbursed by E-rate - which is supported by surcharges on all users' telecom bills - went directly to fund Internet access services (see graphic).

Network professionals at school districts agree the E-rate program still needs some shaking out.

Federal E-rate limps to the finish line

For example, the USAC made some "processing errors" in evaluating New York City's application, according to **Joseph Salvati**, the city's E-rate coordinator. The city school district is replacing random dial-up or dedicated Internet access at some schools with a frame relay network running to all schools. The project involves 13 vendors.

The school district is also concentrating all Internet access at a single point. "[In the application] we had to detail each vendor at each school and how much money [that accounted for]. But it's not practical for us to pinpoint that far in advance," Salvati says.

He is recommending that for the next funding period, E-rate allow large school districts to submit network plans for groups of schools rather than each school separately.

Load-Date: May 10, 1999

End of Document



FEDERAL JUDGE DEFENDS FBI DEAL WITH HIT MAN

Hartford Courant (Connecticut)

February 15, 2002 Friday, 7 SPORTS FINAL

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Section: MAIN; Pg. A23

Length: 911 words

Byline: By EDMUND H. MAHONY; Courant Staff Writer

Dateline: WASHINGTON --

Body

A federal judge gamely defended a 30-year-old government deal with a mob hit man Thursday, but faltered when pressed with the question that has consumed a congressional committee: How was the hit man allowed to send innocent men to prison?

U.S. District Judge Edward F. Harrington, accustomed to the lofty insulation of the federal bench in Boston, suffered three and a half hours of hostile questions as a witness before Congress. He was interrogated about his role in developing one of the most notorious cooperating federal witnesses ever, Joseph "The Animal" Barboza.

In the course of its investigation of abuses in the FBI informant program, the House Committee on Government Reform has accumulated evidence suggesting that Barboza, the government's first-ever protected witness, helped convict innocent men by giving false testimony. What the committee was trying to learn through its pointed questioning of Harrington -- a former federal organized crime prosecutor -- is whether FBI agents and prosecutors allowed Barboza to lie and, if so, why.

Harrington, who worked closely with Barboza in the 1960s and '70s, was just as pointed in denying that lies were told and in defending the informant program run in Boston by the FBI and Department of Justice. But committee members, inquiring about obscure events that took place three decades ago, clearly weren't accepting his explanations.

"It stretches credulity, Judge," Committee Chairman Dan Burton, an Indiana Republican, complained after one hot exchange about Barboza.

Harrington wasn't supposed to absorb so much of the committee's attention Thursday. Another scheduled witness, H. Paul Rico -- a former Harrington colleague and decorated FBI mob investigator -- unexpectedly and uncharacteristically avoided taking any questions by invoking his Fifth Amendment privilege against self-incrimination.

"I am accompanied by counsel today," a frail-looking Rico mumbled. "On advice of counsel it is my intent to invoke my Fifth Amendment right to remain silent in response to every question asked by the committee today."

FEDERAL JUDGE DEFENDS FBI DEAL WITH HIT MAN

Rico, who with his FBI partner Dennis Condon recruited Barboza as a cooperating witness in 1967, was remarkably subdued compared to his appearance before the committee in May. He then testified against the advice of his lawyer and without heed to warnings from committee Counsel James Wilson that his answers could get him into legal difficulty.

"What are you going to do to me, Mr. Wilson?" Rico asked during a recess in May, poking Wilson in the chest with an index finger. "I'm 79 years old. What the ... are you going to do to me?"

During that testimony in May, Rico snapped, "What do you want, tears?" when informed that Barboza's testimony had sent an innocent Boston man named Joseph Salvati to prison for 30 years for the murder of a hoodlum named Edward "Teddy" Deegan.

It was the committee's turn to prod Rico on Thursday.

"Don't you think it looks like you're hiding something?" Rep. Robert Barr, R-Ga., asked. Rico simply invoked the Fifth Amendment again. Barr replied: "I hope you sleep well at night."

The committee's thick sheaf of briefing papers suggested that Rico would have been sharply questioned had he testified Thursday. Instead, Harrington, who worked closely with Rico and Condon, was asked about the same subjects: the recruitment of Barboza, Barboza's role in convicting Salvati and the lengths to which the Justice Department went to defend Barboza after he killed a California man while in the witness protection program. The man was one of Barboza's 27 known victims.

Some law enforcement experts in New England believe that rogue FBI agents used Barboza as part of a cynical plan to imprison suspected gangsters the government could not convict legitimately.

Harrington acknowledged that in April and May of 1967, he studied secret FBI evidence that showed Barboza and a partner were behind the Deegan murder and actually obtained permission to kill Deegan from New England mob boss Raymond L.S. Patriarca. That evidence came from a secret, illegal microphone the FBI planted in Patriarca's office.

The information from the microphone could have been used by Salvati to refute the murder charge later lodged against him for Deegan's murder. What's more, it could have been used to charge Patriarca, who was being prosecuted by Harrington in an unrelated case, with Deegan's murder.

However, Harrington said Thursday he never disclosed the microphone evidence to Salvati's defense lawyer. By the time Salvati was indicted for the Deegan murder five months later, Harrington said, he had forgotten about the evidence in the press of other matters. Salvati was convicted.

Burton said he found Harrington's claim of memory lapse incredible because in 1967, the prosecution of mob boss Patriarca was of national importance. Burton said a prosecutor like Harrington would have jumped at a chance to charge Patriarca with an additional murder. Burton implied that the government hid the microphone evidence as a favor to Barboza.

"For you to say you didn't remember it just stretches my imagination," Burton said. "That would have stuck in your memory like a hot iron because you were after Patriarca."

Harrington repeatedly denied Burton's version of events. He also said federal efforts to defend Barboza from the murder charge in California were necessary to recruit other criminals to the fledgling witness protection program.

Graphic

FEDERAL JUDGE DEFENDS FBI DEAL WITH HIT MAN

PHOTO: (B&W), ASSOCIATED PRESS; PHOTO: FEDERAL JUDGE Edward J. Harrington, a former prosecutor, testified Thursday before the House Government Reform Committee.

Load-Date: February 15, 2002

End of Document



[Federal judge defends support for hitman in '70s California murder case](#)

The Associated Press State & Local Wire

February 14, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 676 words

Byline: By MELISSA B. ROBINSON, Associated Press Writer

Dateline: WASHINGTON

Body

A federal judge defended his support for notorious mob hitman Joe "The Animal" Barboza Thursday during heated exchanges with members of a congressional committee investigating ties between the Boston FBI and organized crime during the 1960s.

Meanwhile, former FBI special agent Paul Rico, invoking his Fifth Amendment right against self-incrimination, refused to answer the Government Reform Committee's questions about his ties to Barboza, an informant he cultivated.

Former FBI Special Agent Dennis Condon is scheduled to give the committee a sworn deposition next week.

U.S. District Judge Edward Harrington, Rico and Condon are under the committee's scrutiny for testifying on Barboza's behalf at his 1971 trial for the murder of Clay Wilson in Santa Rosa, Calif., where Barboza was relocated as the first participant in the federal witness protection program.

Committee Chairman Dan Burton, R-Ind., is using the Boston FBI's conduct as an example of the need for strict congressional oversight of the FBI and for access to documents being withheld by the U.S. Justice Department. Burton has argued that federal officials went too far in their support of Barboza.

Barboza has been linked to more than two dozen murders and his testimony in the 1968 murder trial of Edward Deegan in Chelsea, Mass., sent four innocent men to prison.

"How many times do you defend these crudballs?" Burton asked.

But Harrington, a former federal prosecutor, said he's still not convinced that Barboza lied, and didn't waiver even when **Joseph Salvati**, who was exonerated after serving 30 years in prison for the Deegan murder, stood in the hearing room at the committee's request.

"If he's innocent, I sympathize with him and if (I did) anything inadvertant ... to cause problems with him, his wife or his family, I'm immensely sorry," Harrington said. "But at that time I thought I conducted myself with integrity, I thought I was making a great contribution to the government's fight against organized crime."

Federal judge defends support for hitman in '70s California murder case

Former California law enforcement officials testified Wednesday that they were never told a hitman was moving to their community, and that federal support for Barboza irreparably harmed their murder case against him. Barboza ultimately pleaded guilty to second-degree murder and was paroled after less than five years. He was gunned down in 1976.

Harrington said supporting Barboza was essential to demonstrate that the federal government would stand by its informants. That encouraged others, ultimately helping the Justice Department break the back of organized crime in New England, he said.

"We sent a signal for the first time to the underworld that we would abide by our commitments," Harrington said. Orders to support Barboza came directly from Attorney General John Mitchell, he said.

Harrington also visited Barboza in California before the trial, something he said was necessary to ensure that Barboza wasn't being framed in retaliation for testimony he'd provided against New England mob figures.

Harrington later testified at Barboza's parole hearing. According to a letter introduced by Rep. William Delahunt, D-Mass., Barboza was so grateful that he gushed to Gregory Evans, an investigator for his lawyer Marteen Miller, that the parole hearing was one of the fastest on record and " ... I didn't even say one word! Except thank you and I floated out in a dream that I never thought would come, truthfully!"

Burton repeatedly asked Harrington, who prosecuted New England mob boss Raymond Patriarca, why he didn't turn over to the state evidence found in an illegal bugging of Patriarca that could have cleared Salvati of Deegan's murder.

Harrington said scant references to the Deegan case were buried in three years worth of bugging logs, and that he forgot about them by the time the Deegan indictments were handed up, five months after he'd reviewed the logs.

"It stretches credulity, Judge," Burton shot back. "You're telling us you just forgot it?"

The hearings are scheduled to resume Feb. 27.

Load-Date: February 15, 2002



[Federal judge orders government to pay \\$102M for wrongful convictions in Boston mob murder](#)

The Newton Kansan (Kansas)

July 27, 2007 Friday

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Section: TOPSTORIES

Length: 861 words

Body

BOSTON (AP) - In a stinging rebuke of the FBI, a federal judge on Thursday ordered the government to pay a record judgment of nearly \$102 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation they had checked out Barboza's story, and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

Federal judge orders government to pay \$102M for wrongful convictions in Boston mob murder

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

Republican Rep. Dan Burton of Indiana, who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informants, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

One of the agents blamed in the case, Rico, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Okla., businessman. Rico died in state custody in 2004 while awaiting trial.

During testimony before Burton's committee in 2001, Rico denied he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Rico was unrepentant when asked how he felt about Salvati's wrongful imprisonment.

"What do you want, tears?" he said.

Load-Date: August 7, 2014

Federal judge orders government to pay \$102M for wrongful convictions in Boston mob murder

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[Federal judge orders government to pay \\$102M for wrongful convictions in Boston mob murder](#)

The Associated Press

July 26, 2007 Thursday 10:27 PM GMT

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Section: DOMESTIC NEWS

Length: 886 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

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Attorneys for Condon did not immediately return phone messages seeking comment Thursday.

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"What do you want, tears?" he said.

Federal judge orders government to pay \$102M for wrongful convictions in Boston mob murder

Associated Press writer Nancy Rabinowitz contributed to this report.

Load-Date: July 27, 2007

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[Federal judge orders U.S. government to pay \\$102 million for wrongful convictions in Boston mob murder](#)

Associated Press International

July 27, 2007 Friday 12:04 AM GMT

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Section: INTERNATIONAL NEWS

Length: 910 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

In a stinging rebuke of the FBI, a federal judge ordered the government to pay a record judgment of nearly \$102 million (euro74.33 million) because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

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Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million (euro74.15 million) award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million (euro18.95 million) to Limone, \$29 million (euro21.13 million) to Salvati, \$13 million (euro9.47 million) to Tameleo's estate and \$28 million (euro20.41 million) to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million (euro730,000). The men's 10 children were each awarded \$250,000 (euro182,190).

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Associated Press writer Nancy Rabinowitz contributed to this report.

Load-Date: July 27, 2007

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FEDERAL LAW ENFORCEMENT

Federal Document Clearing House Congressional Testimony

February 14, 2002 Thursday

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Section: CAPITOL HILL HEARING TESTIMONY

Length: 1851 words

Byline: HOUSE GOVERNMENT REFORM

EDWARD F. HARRINGTON, SENIOR DISTRICT JUDGE

Body

STATEMENT OF

UNITED STATES SENIOR DISTRICT JUDGE EDWARD F. HARRINGTON

BEFORE THE GOVERNMENT REFORM COMMITTEE OF THE UNITED STATES HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2002

In November 1961, I joined the Criminal Division of the U. S. Department of Justice in Washington, D.C., as a Trial Attorney. In January 1963, I first became involved in the investigation and prosecution of organized crime under the leadership of Attorney General Robert Kennedy. In 1961 Attorney General Kennedy had commenced the first concerted governmental effort against organized crime in the history of American law enforcement. I was assigned to the unit involved in the investigation of labor racketeering throughout the United States. With this unit, I was later dispatched by Kennedy to Mississippi during the "long hot summer of 1964" to protect the civil rights workers who were conducting "freedom schools" there. In 1965, I came to Boston and continued to be involved in the government's campaign against organized crime in the following various capacities:

As an Assistant United States Attorney from March 29, 1965 to January 30, 1969; as Deputy Chief of the United States Department of Justice's Strike Force Against Organized Crime for New England from May 5, 1969 to October 16, 1970; as Chief Attorney of this unit from October 16, 1970 to March 31, 1973; and as United States Attorney for the District of Massachusetts from August 1, 1977 to October 31, 1981.

During these years I was involved in the successful prosecution of Raymond L. S. Patriarca, the longtime "boss" of the New England Mafia, and other major underworld figures; the establishment of the Witness Protection Program; the installation of the first court-authorized wiretap in the District of Massachusetts; and the planting of the court authorized "bug" in the Angiulo faction's headquarters in Boston in 1981, which resulted in the decimation of the Boston faction of the organization.

FEDERAL LAW ENFORCEMENT

During these years it was the Department of Justice's policy, under administrations of both parties, to direct its investigative and prosecutive resources towards the elimination of the Mafia, the national crime syndicate. To that end it was the policy of the F.B.I. to establish and maintain a program of top echelon underworld confidential informants in order to develop the criminal intelligence necessary for the successful prosecution of the leaders of the organized crime syndicate. The years 1961 through 1966 were devoted to the development of this intelligence bedrock.

It was also the policy of the F.B.I. to protect the confidentiality of the identity of informants to ensure their safety and, thereby, maintain the F.B.I.'s continued access to criminal intelligence. Throughout my tenure as a federal prosecutor, I never knew the identity of any F.B.I. informant. As a result of the Department of Justice's policy and program, the New England family of the Mafia has been virtually eradicated.

From 1961 to 1966 over 60 gangland figures were murdered in the Boston Gang Wars. Prior to 1968, none of these murders was prosecuted. Law enforcement was unable to prosecute organized crime because of the essential characteristics of organized crime, namely, the insulation of the "boss" from the overt criminal act, the underworld's code of silence, and the threat of reprisal should anyone testify against its members. Because of these realities, in order to prosecute a major racketeer, accomplice witness testimony was a necessity. This was especially so before the legalization of court authorized electronic surveillance in 1970.

In 1967 Joseph Baron was the first of the organized crime accomplice witnesses to be developed in New England and one of the first such witnesses in the entire nation. Baron was the original witness in the Witness Protection Program and the government's experience gained in protecting him provided the basis for the congressional establishment of the formal Witness Protection Program in October 1970.

In the Spring of 1967 Baron expressed to the F.B.I. a willingness to testify in three prosecutions, namely, the Patriarca case involving the charge of conspiracy to travel interstate to murder Willie Marfeo, which was tried in federal court in March 1968; and the DeSeglio and Deegan murder cases which were both tried in state court, by District Attorney Garrett Byrne's office.

I was an Assistant U. S. Attorney assigned to the federal Patriarca case and was not involved in the prosecution of the two state murder cases. I never knew the details of Barons testimony concerning the conspiracy to murder Deegan. I never discussed the case with him. According to the Massachusetts Supreme Judicial Court, Barons testimony in the Deegan case was developed by the District Attorney's office "in pieces" from July through October of 1967.

I was not cognizant of any information provided by confidential informants concerning the Deegan murder. I never had any knowledge of the confidential informant reports that have recently come to light.

In the Spring of 1967, Strike Force Attorney Walter T. Barnes and I prepared a prosecution memorandum for submission to the Justice Department for the federal Patriarca case. In conjunction therewith, we reviewed the logs of the illegal Patriarca "bug" which had been installed in Patriarca's office for over a three- year period during the years 1962 to 1965. One purpose of the review was to determine whether the information derived from the "bug" would taint the Patriarca case. Another purpose was to assess Barons credibility as a witness in the Patriarca case. At least two references to the Deegan murder gleaned from the logs were cited in the prosecution memorandum to manifest Baron's veracity as a witness, namely, that he had personal access to Patriarca and would receive authorizations from him, as Baron was asserting. These references in the logs strengthened federal prosecutors' confidence in Barons credibility as a witness in the Patriarca case.

Our review of the logs was undertaken at least five months before the state court indictments in the Deegan case. The references in the logs to the Deegan murder were consistent with my limited understanding of it, namely, that it was a "sanctioned hit," that is, one approved by Patriarca in Providence and concurred in by the leaders of the Boston faction. The defendants in the Patriarca case were granted access to the Patriarca logs under court order. Two of the attorneys in the Patriarca case were also the attorneys for the same individual defendants in the Deegan case, including the lead trial counsel.

FEDERAL LAW ENFORCEMENT

Barnes and I interviewed Baron at Walpole Prison on August 28, 1970 after he had been arrested on a gun carrying charge in the Commonwealth of Massachusetts.

At this time Baron was a member of the Witness Protection Program under the supervision of the Organized Crime Section of the Justice Department. He had been relocated to California and had been provided with a new identity in 1968 after concluding his testimony in the three prosecutions. He requested to see Barnes and me after his arrest because, as Strike Force Attorneys, we represented the Organized Crime Section in Massachusetts and had become acquainted with him during the preparation and trial of the Patriarca case.

The information contained in our Memorandum to James Featherstone of that same date fully sets forth what Baron told us during that interview. Baron told us that his recantation was false, that it had been induced by the payment of money funded by the organization, and that his trial testimony in the Deegan murder case was truthful. A copy of our Memorandum is attached hereto. At the time of this interview, Barnes and I were unaware of Barons alleged involvement in the killing of Clay Wilson in California.

Although Barnes and I were told by Baron in the August 28, 1970 interview that the reason for his false recantation was the payments that he was receiving from the organization, it was and is my personal belief that, in addition to money, the reason why Baron indicated to the organization that he would be willing to recant his testimony was because he was unable to make a legitimate living and was desirous of ingratiating himself with the organization so that he could return to organized criminal activities in order to make money and because he believed that the hope of the organization that he would fully recant his testimony might forestall his being assassinated. Baron was ultimately assassinated by the organization in 1976.

The organizations attempt to bribe Baron was consistent with its past efforts at countering Baron's testimony: on the eve of the Patriarca trial, the organization carbombed Barons attorney, John Fitzgerald, and, as discussed in the opinion of the Supreme Judicial Court, before the Deegan trial, the organization attempted to bribe Baron to recant his grand jury testimony and sought to coerce another person to falsely admit to the Deegan murder.

I was authorized by the Attorney General of the United States, after being subpoenaed by defense counsel, to testify on Baron's behalf in the Wilson murder case in California in 1971 to bring to the attention of the court the extent of Baron's cooperation with prosecuting authorities in their fight against organized crime. The reason for this testimony was threefold: (1) the government had promised him to bring the extent of his cooperation to sentencing authorities at the time he was developed as an accomplice witness; (2) in that Baron was the original witness for the Witness Protection Program and as the government's experience gained in protecting him served as the basis for the congressional establishment of that program in 1970, the government supported Baron to provide needed support to the fledgling Witness Protection Program; and (3) it provided the government an opportunity to send a signal to potential informants and accomplice witnesses that the government would honor its commitments in return for their cooperation with the government in its fight against organized crime. The Justice Department's strategy was very successful. In the next several years the government was able to develop many significant accomplice witnesses.

Today, many believe that **Joseph Salvati** was falsely implicated by Baron. I do not know whether this allegation is true or not, but I wish to make clear that the government's campaign against organized crime could never justify the false conviction of any man and that I would never knowingly participate in any scheme to elicit false testimony or to cover up a false conviction. In summary, I did not try the Deegan murder case and was not cognizant of the details of its evidence; did not believe that any information of which I was aware was exculpatory; believed that any recantation by Baron would have been perjurious; and testified at the Wilson murder trial under the explicit instructions of the Attorney General of the United States, after having been subpoenaed by Barons defense counsel.

Load-Date: February 19, 2002

FEDERAL LAW ENFORCEMENT

End of Document



Fed panel demands records in FBI probe

The Boston Herald

May 11, 2001 Friday

ALL EDITIONS

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Section: NEWS;

Length: 366 words

Byline: By J.M. LAWRENCE

Body

Congressmen probing how Massachusetts sent an innocent man to prison for 30 years demanded documents yesterday from the state parole board and 10 other agencies involved in Joseph Salvati's long delayed commutation.

"We are concerned the FBI may have played an active role in trying to block the commutation of Joe Salvati," U.S. Rep. William Delahunt (D-Quincy) said yesterday.

Delahunt is not a member of the House Committee on Government Reform but has been asked by committee Chairman Dan Burton (R-Ind.) to assist in an investigation of the Boston FBI's relationship to organized crime.

"We are making these requests in order to determine whether the campaign to keep Mr. Salvati in prison continued for decades after his trial," Burton said in a statement.

The state parole board voted unanimously as of 1989 for the release of Salvati, who was convicted of the 1965 murder of Edward "Teddy" Deegan and sentenced to life.

But Salvati, now 68, did not receive a commutation until 1997. He was exonerated of the crime earlier this year.

During a hearing last week on Capitol Hill, Salvati's attorney Victor J. Garo charged that the FBI tried to derail Salvati's quest for release by telling the parole board in 1986 that Salvati was about to face indictment. No indictment was ever issued.

"They did not want him to get out because dead men tell no tales," Garo said.

A Department of Justice task force discovered old documents last year showing the FBI withheld evidence that would have helped Salvati's defense.

The House committee issued requests yesterday for documents related to Salvati's commutation from 11 government sources, including the governor, the attorney general, state police, the state secretary of public safety, the Boston FBI, the Suffolk County District Attorney and Boston police.

Fed panel demands records in FBI probe

Former Gov. Michael Dukakis took no action on Salvati's commutation while former Gov. William Weld denied it in 1993, claiming Salvati had a lengthy criminal record and ties to organized crime.

Salvati's record includes one offense - a breaking and entering charge at a North End store in 1957 when he was in his early 20s. Weld later approved his commutation in 1997.

Load-Date: May 11, 2001

End of Document



Feds allegedly helped hit man beat slay rap

The Boston Herald

July 28, 2001 Saturday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 581 words

Byline: By J. M. LAWRENCE

Body

Congressional investigators believe federal authorities in Boston helped Mob turncoat Joseph "The Animal" Barboza fight a 1970 murder rap to buy his silence and keep four men in prison for a murder they didn't commit, sources said.

"It's a sad story because the simple truth is bad things happened and nobody stepped up to the plate to fix the bad thing," said a House Government Reform Committee source.

Now digging up records in San Francisco, where Barboza killed a man while in the Witness Protection Program, the committee is moving ahead with its probe into federal corruption in Boston law enforcement in years past.

After Barboza killed a San Francisco thug over stolen bonds, former Boston FBI agents H. Paul Rico and Dennis Condon, as well as the federal head of the Organized Crime Strike Force, Edward F. Harrington, interceded on the hit man's behalf with California authorities, the committee found. Harrington, now a federal judge, may be called to testify before Congress this fall.

Condon, who missed a May date with Congress, citing illness, will be called again, sources said.

In May, Rico gave stunning testimony to the committee defending himself and offering no sympathy for the four innocent men who languished in prison for decades.

According to committee staff, Congress wants to hear why the government continued to protect Barboza. He remained in the Witness Protection Program even after shooting Ricky Clay Wilson and was suspected of killing at least three more people.

Lawyers for Peter J. Limone, who spent 33 years in prison for the murder of low-level hoodlum Teddy Deegan before a judge vacated his conviction in February, say they know why.

"They knowingly conspired with Barboza in his use of perjured testimony to secure the guilty convictions of Peter Limone, Henry Tameleo and Louis Greco, which resulted in these men receiving the death penalty for something

Feds allegedly helped hit man beat slay rap

they had nothing to do with," said attorney William T. Koski, who last week filed a \$ 325 million civil claim against the FBI.

Barboza was the government's sole witness to Deegan's murder.

FBI reports from the 1960s uncovered by a Justice Department Task Force last fall show Barboza perjured himself to protect his best friend and fellow hit man Vincent J. "The Bear" Flemmi, who also was an FBI informant.

But Vincent Flemmi later confessed his role in the Deegan crime to his attorney, Joseph J. Balliro Sr., and said Limone, Tameleo, Greco and another wrongly convicted man, **Joseph Salvati**, were not involved.

Committee investigators theorize that the government wanted the men's convictions in an all-out war on the mafia ordered by then-FBI Director J. Edgar Hoover.

Salvati, who drew Barboza's ire over an unpaid gambling debt and spent 30 years in prison, was merely seen as "collateral damage," according to one committee source.

Barboza recanted in July 1970 to his attorney F. Lee Bailey, the lawyer said in a sworn affidavit many years after Barboza died.

The DA in California charged Barboza with first-degree murder but Barboza was later allowed to plead to second-degree murder and spent four years in prison.

"Behind the scenes, Teddy Harrington was going out there talking to Barboza," another source familiar with the case said. "Why did the FBI and the U.S. Attorney's Office and the Justice Department go out there?"

Harrington, 67, could not be reached for comment.

Photo Caption: BARBOZA: Killed man while in Witness Protection Program.

Load-Date: July 28, 2001



Feds argue framed men can't sue

The Boston Herald

January 24, 2004 Saturday

ALL EDITIONS

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Section: NEWS;

Length: 191 words

Byline: By J.M. LAWRENCE

Body

Justice Department lawyers argued yesterday that four Boston men who were allegedly framed by FBI agents for a 1965 mob murder and sentenced to death have no right to sue the government.

They told U.S. District Court Judge Nancy Gertner that *Joseph Salvati*, Peter Limone, Louis Greco and Henry Tameleo are out of luck because Congress didn't vote to allow "malicious prosecution" claims until 1974 - six years after the men were wrongly convicted.

U.S. Rep. William Delahunt (D-Quincy), who attended the hearing, dubbed the arguments "arcane" and called for Congress to review the Federal Tort Claims Act or risk a climate that fosters unaccountable law enforcement. "Am I simply too naive to think the government should accept responsibility?" said Delahunt, who worked on a House committee's investigation into Boston FBI agents who withheld evidence to protect informants.

Attorneys for the four men argued their lawsuits are valid because they did not have proof of malicious prosecution until state prosecutors dropped the charges in January 2001.

"The fundamental question here is: Is justice going to be done?" Delahunt said.

Load-Date: January 24, 2004



[Feds ask judge to toss out \\$ 375M Deegan case suit](#)

The Boston Herald

August 22, 2002 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 455 words

Byline: By J.M. Lawrence

Body

The Department of Justice wants a federal judge to toss out a \$ 375 million suit filed by three men wrongly convicted in a 1965 mob murder, arguing the conviction "was obtained by valid legal process."

The government defends the convictions of Peter J. Limone, Louis Greco and Henry Tameleo in the Edward "Teddy" Deegan case as the outcome of a 1968 Suffolk Superior trial over which the Justice Department had no authority.

The case against Limone, Greco, Tameleo and **Joseph Salvati** was built on the testimony of Joseph "The Animal" Barboza. The hit man's turn against the Mob was brokered by the FBI and the U.S. Attorney's Office.

In a motion filed in federal court, DOJ attorneys cite complex legal grounds in asking U.S. District Court Judge Nancy Gertner to dismiss the lawsuit.

The government claims federal torts laws bar the men's claims because then-Assistant U.S. Attorney Edward Harrington's actions were covered under immunity laws.

Attorneys for the three men accuse Harrington and FBI agents of withholding exculpatory information from the defense.

Appearing before a congressional panel earlier this year, Harrington, now a federal judge, denied withholding evidence. He said he furnished FBI informant reports to defense attorney Joseph Balliro, who represented some of the men at trial.

Balliro told the Herald he does not recall the specific informant reports uncovered last year by a Justice Department Task Force.

The reports appear to exonerate the three plaintiffs and Salvati, who spent 30 years in prison and plans to file a \$ 300 million claim.

Feds ask judge to toss out \$ 375M Deegan case suit

The reports convinced a state judge to release Limone last year after 33 years in prison. Tameleo and Greco died in prison. Attorneys Michael Avery and John Cavicchi, who are representing the plaintiffs, declined comment yesterday.

Avery, a Suffolk University law professor and expert in wrongful convictions, is scheduled to file a response to the government next month.

In its motion, the government argues FBI agents did not have to disclose the informant reports at trial, even though agent Dennis Condon took the stand and bolstered Barboza's testimony.

"The FBI has discretion to decide whether and to what extent to disclose information from its investigative files to third parties, individual or local authorities - and its decision is grounded in law enforcement policy," attorneys wrote.

The FBI contends the information in the informant reports was quietly given to Chelsea police at the time of the murder. However, the state prosecutor in the case, Jack Zalkind, has said he never saw the reports and earlier this year apologized to the men he convicted.

Caption: LIMONE: Suing for wrongful conviction in '65 mob murder.

Load-Date: August 22, 2002



Feds close in on ex-agent

The Boston Herald

February 22, 2001 Thursday

ALL EDITIONS

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Section: NEWS;

Length: 461 words

Byline: By J.M. LAWRENCE

Body

Tulsa and Miami prosecutors met with federal prosecutors in Boston yesterday on a case that threatens the teetering legacy of a retired Boston FBI agent.

Armed with the controversial testimony of a Winter Hill hit man turned government witness, the prosecutors are unraveling the notorious World Jai Alai murders of Tulsa businessman Roger Wheeler and Bulger gang crony John Callahan of Miami in the 1980s, sources said.

The hit man, John Martorano, has told authorities he took orders to kill Wheeler in 1981 from a World Jai Alai cabal that included gangsters Stephen Flemmi, James "Whitey" Bulger and former Boston FBI man H. Paul Rico.

Rico, now 73, who headed security for World Jai Alai, denies involvement in the murder of his boss, Wheeler, who owned the facility featuring the sport where spectators bet on competitors.

Wheeler's family believes Martorano and hopes prosecutors move soon to charge the ex-agent as well as Flemmi and the fugitive Bulger. "They've had 20 years of enjoying the crimes they've committed," David Wheeler said. "I'd like to see all of them enjoy the rest of their lives behind bars."

The U.S. Attorney's Office declined to discuss the meetings.

The Wheeler family has watched with intense interest as Rico's name has been recently resurrected in Boston with a judge's decision to vacate Mob murder convictions against two men.

Middlesex Superior Court Judge Margaret Hinkle released Peter Limone and **Joseph Salvati** after ruling Rico and his partner Dennis Condon withheld key evidence in the case that would have helped the men's defense.

Attorneys preparing civil suits for the men, who each spent three decades in prison, contend the former agents hid evidence to protect Stephen Flemmi's brother, who was an FBI informant along with Stephen.

The Boston FBI denies information was withheld from authorities.

Feds close in on ex-agent

"The stories about the release of FBI documents speak loads about Paul Rico and his history," Wheeler said yesterday. "I hope he has every opportunity to answer for every one of these instances in court."

Tulsa County District Attorney Timothy Harris has spent weeks reviewing thousands of pages of evidence submitted by Tulsa police supporting charges against Rico and the Bulger gang in the Wheeler case. Neither Harris nor Dade County Assistant State Attorney Mary Cagle could be reached for comment yesterday.

In a deal with federal authorities in which he confessed to 20 murders, Martorano also has admitted to the 1982 killing of Callahan, a former World Jai Alai president whom the organization fired for his ties to the Bulger gang.

Martorano potentially faces a long year of testimony beginning in May when Flemmi is scheduled to go on trial in federal court in Boston for racketeering.

Load-Date: February 22, 2001

End of Document



Feds closing in on former FBI agent Rico

The Boston Herald

January 10, 2001 Wednesday

ALL EDITIONS

Copyright 2001 Boston Herald Inc.

Section: NEWS;

Length: 705 words

Byline: By J.M. LAWRENCE

Body

Federal authorities are moving closer to bringing charges against a once-celebrated Boston FBI agent whose close connections with organized crime now implicate him in the 1981 murder of a Tulsa business executive, sources said.

H. Paul Rico, who cultivated gangsters as informants in the 1960s to bring down the Mob, later ran security for Roger Wheeler's World Jai Alai shortly before a hit man shot the executive in the face.

"Mr. Rico was definitely involved in my father's murder," said Wheeler's son David. "It's just taken the police 20 years to get through the obstacles raised by FBI corruption."

Wheeler was murdered after he discovered the Winter Hill gang was skimming profits from World Jai Alai, a court game and form of legalized gambling played in Florida, Rhode Island and Connecticut. Rico, 73, is now retired and living in Florida.

His attorney, William Cagney, declined comment yesterday on the allegations against his client in the Wheeler case.

John Durham, the head of a special Justice Department task force probing corruption in the Boston FBI, met earlier this week with Tulsa investigators, the Herald has learned.

"Rico is the top of the food chain in this," said a source familiar with the events at World Jai Alai.

When Rico left the FBI in 1975, he was hired to oversee security for the sport by reputed Winter Hill gang money man John B. Callahan.

"You gotta ask yourself what were his intentions. What was he doing at Jai Alai? What was his real role?" said David Wheeler, who has spent half of his life unraveling his father's murder.

Callahan then left the company and Roger Wheeler bought the operation in 1977. The exec then discovered his profits disappearing and died while sitting in his Cadillac after playing a round of golf at a Tulsa country club.

Feds closing in on former FBI agent Rico

No one from the Justice Department task force could be reached for comment yesterday.

Tulsa County District Attorney Timothy Harris said he could not discuss suspects in the Wheeler case.

Harris is now reviewing thousands of pages of reports and evidence filed last week by Tulsa police who spent 20 years investigating Wheeler's death.

For the Tulsa officers, the break in the Wheeler murder came from explosive revelations in Boston over the last several years that notorious Winter Hill gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were FBI informants for decades.

The revelations prompted longtime Winter Hill hit man John Martorano to cut a deal confessing to a string of Mob hits, including the murder of Roger Wheeler.

Martorano has told authorities that Rico was in on the plan to kill Wheeler, sources say.

The hit man's story corroborates the tale that another Winter Hill gangster told federal officials just before he was killed.

Brian Halloran tried to get into the Witness Protection Program by ratting out his gang's alleged plot to kill Wheeler. He also implicated Rico.

But Halloran was denied federal protection and was gunned down on the South Boston waterfront in 1982. He was unaware that the gang's leaders were working as FBI informants with Rico's successor, agent John Connolly, as their handler.

In the late 1960s, Rico withheld an informant's report that would have helped exonerate four men who were sentenced to life in prison for a gangland murder.

One of the men, Peter J. Limone, served 33 years and was released last Friday after a judge reviewed Rico's long hidden reports. Durham released 26 pages of old FBI reports from Rico's files on Dec. 19 that show Limone was innocent.

Now age 66, Limone, who had once been scheduled to die in the electric chair, called Rico "scum" as he left court.

Two other defendants in the case died in prison and a third, Joseph Salvati, had his sentence commuted three years ago but is still seeking exoneration.

Rico cannot be blamed for the men's imprisonment, 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 of that went to Rico's supervisors and he can't release that without permission of his supervisors."

Load-Date: January 10, 2001



Feds drop fees appeal in wrongful conviction case

The Associated Press State & Local Wire

July 30, 2012 Monday 8:22 PM GMT

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Section: STATE AND REGIONAL

Length: 130 words

Dateline: BOSTON

Body

Federal officials have dropped their appeal of a judge's order to pay more than \$700,000 in costs and legal fees to lawyers in the case of four men who were wrongly convicted and spent decades in prison for a gangland slaying they did not commit.

The Department of Justice filed a document in court last week withdrawing their appeal of former U.S. District Court Judge Nancy Gertner's order to pay seven lawyers \$716,747 for their work.

Gertner awarded nearly \$102 million to the men's families for their wrongful convictions in the 1965 gangland killing of Edward "Teddy" Deegan in Chelsea. Testimony showed the FBI withheld evidence it knew could prove Peter Limone, **Joseph Salvati** and two other men weren't involved in the killing because they were protecting two mob informants.

Load-Date: July 31, 2012

End of Document



Feds face false conviction claim

The Houston Chronicle

July 26, 2001, Thursday

3 STAR EDITION

Copyright 2001 The Houston Chronicle Publishing Company

Section: A;; -LINKS-

Length: 249 words

Body

BOSTON - A man freed earlier this year after spending 33 years in prison for a murder he didn't commit has joined in a \$ 375 million claim against federal officials.

Peter Limone's claim charges the Federal Bureau of Investigation and members of the Justice Department with negligence for sending three innocent men to prison.

Associated PressThe other plaintiffs are the estates of two men who died in prison.

"I hope it can help make up for my family, for my children, for my grandchildren, to make it a little easier for them," Limone said.

The claim letters are precursors to lawsuits. The parties have six months to reach an agreement. If they don't, Limone and the others will file suit, said Limone's attorney, William Koski.

Limone, Enrico Tameleo and Louis Greco were among six men found guilty in the March 12, 1965, gangland slaying of Edward "Teddy" Deegan.

In December, Justice Department investigators looking into corruption in the Boston FBI gave Limone's lawyer informant reports written around the time of Deegan's murder.

The reports showed that informants told FBI agents of plans for the Deegan slaying, and later gave the agents a list of those involved.

Limone, Tameleo and Greco weren't on the list. Neither was ***Joseph Salvati***, who had proclaimed his innocence for years and had his sentence commuted in 1997. Salvati has announced plans to sue.

Limone was released from prison in January after a judge ordered a new trial. Police later dropped the charges against him.

Graphic

Feds face false conviction claim

Mug: Peter Limone

Load-Date: July 27, 2001

End of Document



Feds fight suits by victims of Hub FBI corruption

The Boston Herald

September 17, 2003 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 476 words

Byline: By Jonathan Wells

Body

As Hollywood prepares to dramatize one of the worst scandals in the history of the FBI, the framing of ***Joseph Salvati***, Justice Department lawyers are trying hard to ensure Salvati and other victims of FBI corruption in Boston never receive a dime in damages.

Faced with more than \$ 2 billion in civil claims, the Justice Department is taking a hard line, employing legal technicalities and, according to some observers, questionable legal arguments in an attempt to prevent the lawsuits from going forward.

The government faces three civil suits involving the wrongful conviction of four men for the 1965 gangland murder of Edward "Teddy" Deegan. Salvati filed one of them in August seeking \$ 300 million in damages.

Of all the cases that have spawned civil suits, the Deegan case appears to be the most clear cut. In December 2000, a Justice Department prosecutor released internal FBI documents that revealed bureau officials knew from the start that four innocent men were being charged, convicted and sent to prison for life, but remained silent to protect and recruit criminal informants.

In one of the civil lawsuits, filed by Peter J. Limone and the family of the late Henry Tameleo, the government sought dismissal based on the "discretionary function exception."

The Justice Department claimed the Federal Tort Claims Act protects from civil litigation all "discretionary" decisions and acts by government investigators, even if, as in the Deegan case, they involved knowingly allowing perjured testimony by a government witness that resulted in the conviction of innocent men.

Government lawyers argued that, "even assuming that negligent or wrongful acts occurred during the course of the investigation, the discretionary function exception applies nonetheless."

That argument was rejected by U.S. District Court Judge Nancy Gertner, but the decision by the Justice Department to employ it has irked some of the lawyers knowledgeable about the case.

Feds fight suits by victims of Hub FBI corruption

"I think it's bizarre, outrageous and most unfortunate," said James Wilson, a former high-ranking Justice Department lawyer and until recently the chief counsel for the House Committee investigating FBI corruption in Boston.

"The Justice Department should be bending over backwards to increase people's respect for the law," Wilson said. "All this does is increase people's disrespect for the law."

Salvati's lawyer, Victor Garo, said the issue is accountability and preventing future government abuses.

"Essentially what they're saying is the federal government cannot be sued when they frame somebody for murder," Garo said. "Every single person who is a citizen of the United States should be offended by a statement that says a government can frame a person for murder and not be responsible for it."

Caption: DEEGAN: Four men wrongfully convicted for his murder in 1965.

Load-Date: September 17, 2003

Feds ordered to pay \$101M in wrongful imprisonment



[Feds ordered to pay \\$101M in wrongful imprisonment](#)

El Paso Times (Texas)

July 26, 2007 Thursday

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Section: NEWS**Length:** 545 words**Byline:** By Denise Lavoie / Associated Press Writer

Body

BOSTON - The FBI helped frame four men for a 1965 murder and withheld information for decades that could have cleared them, a federal judge ruled Thursday in ordering the government to pay \$101.7 million for the years they spent in prison.

"The FBI's misconduct was clearly the sole cause of this conviction," U.S. District Judge Nancy Gertner said in issuing her ruling in the civil lawsuit.

She called the government's argument that the FBI had no duty to get involved in the state case "absurd."

Peter Limone and [Joseph Salvati](#), who were exonerated in 2001, and the families of the two other men who died in prison had sued the federal government for malicious prosecution.

They argued that Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named the men as killers in the 1965 death of Edward Deegan. They said Barboza was protecting a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the hit.

The four wrongly convicted men were treated as "acceptable collateral damage" because the FBI's priority at the time was taking down the Mafia, their attorneys said.

A Justice Department lawyer had argued that federal authorities couldn't be held responsible for the results of a state prosecution and had no duty to share information with the officials who prosecuted Limone, Salvati, Henry Tameleo and Louis Greco.

"It took 30 years to uncover this injustice, and the government's position is, in a word, absurd," Gertner told the packed courtroom. "No lost liberty is dispensable. We have fought wars over this principle. We are still fighting these wars."

Salvati and Limone were exonerated after FBI memos dating back to the Deegan case surfaced, indicating that the four men had been framed by Barboza. The memos were made public during a Justice Department task force probe of the Boston FBI's relationship with gangsters and FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

Feds ordered to pay \$101M in wrongful imprisonment

Limone, now 73, and Salvati, 75, stared straight ahead as the judge announced her ruling. A gasp could be heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate.

The wives of Limone and Salvati and the estate of Tameleo's deceased wife each were awarded slightly more than \$1 million, and the men's 10 children were each awarded \$250,000.

The men's attorneys had not asked for a specific amount in damages, but in court documents they cited other wrongful conviction cases in which \$1 million was awarded for every year of imprisonment.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," Salvati said.

Salvati had been sentenced to life in prison as an accessory to murder and served more than 29 years before his sentence was commuted in 1997.

"It's been a long time coming," said Limone, who served 33 years in prison before he was freed in 2001. "What I've been through _ I hope it never happens to anyone else."

Justice Department lawyer Bridget Bailey Lipscomb declined immediate comment on the ruling.

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Load-Date: July 18, 2008



Feds: Salvati imprisonment predates law permitting suit

The Boston Herald

October 22, 2003 Wednesday

ALL EDITIONS

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Section: NEWS;

Length: 308 words

Byline: By J. M. LAWRENCE

Body

Justice Department lawyers claim ***Joseph Salvati*** can't sue over the 30 years he spent wrongly imprisoned for a 1965 mob murder because Congress didn't vote to allow such lawsuits against the FBI until 1974.

In a motion made public yesterday, the government asked U. S. District Court Judge Nancy Gertner to throw out Salvati's \$ 300 million lawsuit.

"Because the torts of malicious prosecution and false imprisonment were allegedly committed by FBI agents prior to the date of enactment of the measure, plaintiff's suit is barred," Assistant U.S. Attorney Mary McElroy Leach told the court.

The government's latest legal maneuvering outraged Salvati's lawyers and upped the ante in the Hollywood portrayal of the North End truck driver's lifelong struggle to prove his innocence. DreamWorks SKG bought the rights to the saga in July.

Salvati's lawyer Victor J. Garo said the Justice Department just won't admit it robbed Salvati, Peter Limone, Henry Tameleo and Louis Greco of their lives when Boston FBI agents H. Paul Rico and Dennis Condon let their prize witness, Joseph Barboza, falsely accuse the four men of killing Edward "Teddy" Deegan.

"They are now stating that the framing of innocent people through the criminal activities of those involved in the federal government are non-actionable," Garo said.

Rico, now 78, faces first-degree murder charges in connection with a 1981 mob murder in Tulsa. In 2001, a Justice Department Task Force uncovered evidence proving Rico and Condon withheld evidence pointing to Salvati's innocence.

Paul Martinek, editor in chief of Lawyers Weekly USA, said the government has a "strong argument," which three circuit courts have already upheld in other cases.

"Our goal is to get this case tried next year and their goal is to outlive all of us," said Limone's attorney, Julianne Balliro.

Feds: Salvati imprisonment predates law permitting suit

Load-Date: October 22, 2003

End of Document



FEDS SEIZE 3.25 MILLION STEROID PILLS

Contra Costa Times (California)

January 19, 2001 Friday FINAL EDITION

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Section: NEWS; Pg. B06

Length: 414 words

Body

WASHINGTON Federal law enforcement officials announced Thursday that they have seized more than 3.25 million anabolic steroid pills in what they are describing as the single-largest seizure of the drug in U.S. history. The seizure, which resulted in two arrests, stemmed from a joint investigation by the Justice Department's Drug Enforcement Administration and the Treasury Department's Customs Service.

The pills carried an estimated street value of \$4 million to \$5 million, according to a statement from DEA, Customs and the office of the U.S. Attorney for the eastern district of New York.

Texas

Parolee who robbed, killed man is executed

HUNTSVILLE, Texas A parolee who took a man from his home and fatally shot him during a robbery attempt was executed by injection Thursday. Alvin Goodwin, 37, said goodbye in Gaelic and closed by saying "All right, warden." He was pronounced dead seven minutes after the lethal drugs were injected.

About an hour before Goodwin's execution, the U.S. Supreme Court, in a 5-4 vote, denied a request for an emergency stay.

Pennsylvania

69 arrests dismantle two heroin operations

PHILADELPHIA Two drug rings that smuggled millions of dollars of heroin from South America to Philadelphia and New York were dismantled Thursday with the arrests of 69 people, U.S. and Colombian officials said.

The investigation, which lasted more than a year, marked the first time U.S. officials identified a drug organization working in Colombia that authorities there were not aware of, the U.S. Attorney's Office said.

"Our ability to do this to take out an entire drug organization from the Colombia source to the New York distributors to the streets of Philadelphia is an astounding achievement that will not be unnoticed by the drug cartels," U.S. Attorney Michael Stiles said.

FEDS SEIZE 3.25 MILLION STEROID PILLS

Massachusetts

Judge vacates man's murder conviction

CAMBRIDGE, Mass. A judge on Thursday threw out the conviction of a man who served 30 years in prison for a 1965 underworld murder he said he did not commit.

Superior Court Judge Margaret Hinkle vacated the conviction of **Joseph Salvati**, 68, saying newly discovered evidence raised doubts about the conduct of the FBI and fairness of his trial.

It was the second time Hinkle has thrown out convictions in the murder of Edward "Teddy" Deegan. Two weeks ago she vacated the conviction of Peter Limone, who also insisted he was innocent.

Wire reports

For the full stories, go to www.ContraCostaTimes.com/news/ and click on "Nation" in the left column.

Load-Date: November 15, 2001

End of Document



Feds to turn over Boston mob data

Tulsa World (Oklahoma)

March 3, 2002 Sunday

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Section: NEWS

Length: 801 words

Body

WASHINGTON -- Faced with the threat of being held in contempt of Congress, the Department of Justice has agreed to comply with a congressional committee's request for records on the Boston FBI's handling of mob informants in the 1960s, the committee's chairman said.

"My committee has been investigating this tragic case for over a year," said House Government Reform Committee Chairman Dan Burton, R-Ind. "We've finally reached an agreement with the Justice Department to see the documents we need to see to move forward with this investigation."

The committee is still seeking other documents, including records relating to a 1982 meeting between state and federal law officers in Tulsa, according to James Wilson, chief counsel for the committee. The meeting was held in connection with the Roger Wheeler homicide investigation.

FROM STAFF AND WIRE REPORTS

"That information was requested in a letter," Wilson said. "We have not received it, and we still want it."

Wheeler, 55, who was chairman of the Tulsa-based Telex Corp., was shot in the head after playing a round of golf at Southern Hills Country Club on May 27, 1981.

Investigators long theorized that the killing was ordered by Boston-area "Winter Hill" gangsters and that the slaying was linked to Wheeler's purchase of the Florida-based World Jai Alai -- a sport in which betting is involved -- and his suspicion that money was being skimmed from the company.

Last spring, the committee launched the inquiry into the FBI's handling of confidential informants and government witnesses. Authorities want to know if FBI agents were either accessories to -- or blocked efforts to investigate -- murders, including Wheeler's, committed by reputed mobsters.

Burton has focused on revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence.

The committee is now considering ways to tighten laws and rules that govern federal prosecutors' and agents' conduct.

Feds to turn over Boston mob data

In the records dispute, Burton had said he might try to hold President Bush in contempt -- his legal staff was in the process of drafting a contempt citation -- because he and Attorney General John Ashcroft still had not complied with a subpoena for the Boston documents.

After those remarks, Justice Department and committee officials reached an agreement through which the department will provide five documents, committee aides said. The committee had sought 10 records from Boston, but four of those were found to be irrelevant to the case or not responsive to the subpoena. One was provided earlier.

A spokesman for the Justice Department would not comment on the agreement, saying he was still reviewing the details.

The deal ends, for now, the showdown between Burton and the White House over its use of executive privilege to shield prosecutorial documents from congressional scrutiny. The issue had prompted accusations from Democrats and Republicans that Bush was trying to run an "imperial" presidency.

Executive privilege is a doctrine recognized by the courts that ensures that presidents can get candid advice in private without fear that it will become public.

Bush invoked it in December when he ordered Ashcroft not to turn over the Boston records. He argued that releasing the records could have a chilling effect on prosecutors' willingness to discuss criminal matters.

Other lawmakers have pointed to the withholding of documents in that case as an example of the administration's larger pattern of secrecy.

During the testimony related to the Boston FBI's conduct, legal experts said lawmakers should consider extending the statute of limitations so victims of misconduct can seek remedies; giving qualifying prosecutors' immunity against civil actions for any wrongful acts committed against criminal defendants; and forcing law enforcement agents to bring to their superiors or defense attorneys any evidence that could clear a defendant.

"We'll see major reform come from it," said Rep. Christopher Shays, R-Conn. "Legislation is necessary."

Former Connecticut Chief State's Attorney Austin J. McGuigan was one of several legal experts who testified before the House committee Wednesday on ways to prevent the events in Boston from happening again.

McGuigan, former chief prosecutor for Connecticut's organized crime task force, said the FBI was reluctant to help his task force investigate mob infiltration of jai alai in the 1970s and 1980s, including the Wheeler murder.

New England mobster Stephen "The Rifleman" Flemmi, who allegedly helped run the Winter Hill Gang and worked as an FBI informant for more than two decades, faces a murder charge in Wheeler's killing.

"The cozy arrangements between informants and agents must be subject to strict scrutiny and constant review," said McGuigan.

Load-Date: March 3, 2002



[Feds want Salvati hearing transcript](#)

The Associated Press State & Local Wire

May 4, 2001, Friday, BC cycle

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Section: State and Regional

Length: 580 words

Byline: By KEN MAGUIRE, Associated Press Writer

Dateline: WASHINGTON

Body

The Justice Department, probing the Boston FBI office's cozy relationship with mob informants, has requested transcripts of a hearing in which a former FBI agent who is under investigation testified.

Ex-Agent H. Paul Rico surprised the House Government Reform Committee Thursday by testifying at a hearing on the case of **Joseph Salvati**, who spent 30 years in prison for a murder he didn't commit. Rico and others are under investigation by a Justice Department task force.

Rico testified against the advice of his attorney, who told him to invoke his Fifth Amendment right against self-incrimination. The committee was contacted Friday.

"One of the guys at Justice called and said, 'Whatever you can get us, obviously it's very important to us,'" committee spokesman Mark Corallo said.

The hearing was videotaped and committee staffers made copies Friday for the Justice Department, Corallo said. A transcript of the seven-hour hearing will be available in two weeks, he added, and copies of it will be provided as well.

The other witnesses were Salvati, his wife, Marie, their lawyer, Victor J. Garo, and defense attorneys F. Lee Bailey and Joseph Balliro, Sr.

Neither the Justice Department nor the FBI would comment.

The Justice official did not mention Rico, Corallo said, adding, "But that's the only thing they'd be interested in."

Rico's attorney, William Cagney, did not immediately return a telephone call seeking comment. However, Rico told committee members Thursday: "I believe the FBI handled it properly."

Rico testified that he and partner Dennis Condon met with a key witness before the Salvati trial, but denied conspiring to lie and convict Salvati.

Feds want Salvati hearing transcript

Salvati, 68, was convicted of the 1965 murder of Edward Deegan and remained in prison until 1997. He was exonerated this year when a judge determined that FBI agents hid testimony that would have proven Salvati and others innocent.

An FBI memo written by Rico showed that an informant told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved. Salvati's name was not included.

Bailey, who briefly represented Joseph "The Animal" Barboza, testified that he believes FBI agents coached Barboza to concoct a story about Salvati's involvement in the Deegan murder.

The Boston FBI office had been accused of protecting informants, including James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, because they helped bring down top New England mobsters.

Those men and John Martorano are accused in the 1981 death of Tulsa executive Roger Wheeler.

Bulger, a fugitive since 1995 on racketeering-related charges, is on the FBI's "Most Wanted" list. Flemmi is in federal custody and faces multiple indictments in Boston.

The three also are charged in the 1982 Florida murder of Boston businessman John Callahan. Martorano pleaded guilty in March to killing Callahan to keep him from telling investigators about links between World Jai Alai and the Winter Hill gang.

Plea agreements in both cases were worked out 20 months ago among Oklahoma, Florida and federal prosecutors.

A federal racketeering indictment unsealed in Boston last fall implicated Bulger, Flemmi and their associates in 21 murders, including the Wheeler and Callahan killings.

Rico has not been charged and denies wrongdoing. Ex-FBI agent John J. Connolly has been charged with racketeering and obstruction of justice for his handling of Bulger and Flemmi.

Load-Date: May 5, 2001



Fed wiretaps detail vicious N.E. mob power feud

The Boston Herald
December 5, 2003 Friday
ALL EDITIONS

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Section: NEWS;

Length: 638 words

Byline: By J. M. LAWRENCE

Body

Rising Boston Mafia soldiers left dead fish for mob associates during an internal war in 2000 under New England godfather Luigi "Louie" Manocchio's watch, according to records unsealed yesterday revealing the entire mob hierarchy.

"They got him and me at the same time. Threw a (expletive) fish in his (expletive) hallway," longtime footsoldier Vincent "Dee Dee" Gioacchini complained, according to wiretaps.

Manocchio, the aged old-world godfather based in Providence, leads a noxious, unhappy Mafia family with Alexander "Sonny Boy" Rizzo, pushing 90 years old, as the Boston underboss, according to a state police 78-page affidavit. Rizzo is out of jail after serving five years for racketeering with a group of Patriarca crime family members nicknamed, "The Oldfellas."

At the underboss' right hand is Boston capo Carmen DiNunzio, Det. Lt. John Tutungian told a federal magistrate yesterday. DiNunzio runs a cheese shop in the North End.

Tutungian and federal prosecutors revealed portions of wiretaps in a bid to keep Gioacchini, convicted killer Frederick "The Neighbor" Simone and Francis White behind bars on a new racketeering indictment.

The wiretaps reveal Gioacchini, 51, and Simone, 53, ready to kill to protect their territory from a power grab by Anthony "Spucky" Spagnolo and his men, whom they feared included Hell's Angels. They blame Spagnolo for the dead fish and for threatening Gioacchini's wife.

Simone also laments that his old prison buddy Joseph Salvati, 71, who's been driving him around since Simone lost his license, could get hurt.

"Joe, here's poor Joe," Simone said on Oct. 28, 2000. "Did 30 (expletive) years. Said, 'I don't give a (expletive), Freddie.' He said, 'I'm right here and that's the way it is.' He comes and picks me up . . . every day."

Salvati was wrongly convicted of a 1965 mob murder and did 30 years in prison before his sentence was commuted in '97.

Fed wiretaps detail vicious N.E. mob power feud

Gioacchini and Simone banded together to fight Spagnolo and called on Mafia leadership to give them some respect. The men can be heard vowing to kill to save themselves.

"I don't give a (expletive). I ain't gonna get shot. I'd rather get judged by 12 (jurors) than carried by six (pallbearers)," Simone said on Oct. 21, 2000. Simone has been an LCN (La Cosa Nostra) member for 30 years, according to the affidavit.

Gioacchini, who was convicted of racketeering in 1991, said, "I'll annihilate everybody. Now, now, now, now you got my back up against the wall."

When Rhode Island capo Matthew L. Guglielmetti Jr. comes to meet with them to smooth out the rift, Simone and Gioacchini are ready to whack him if they don't like his answers, according to investigators.

"I'll (expletive) bang shoot him right here. That's on my dead father and mother. That's it. I don't give a (expletive). I did 15, 18 in my life I'll do another 15," Simone says, referring to his sentence for hogtying and killing a mob associate in 1981.

But Guglielmetti commiserates with them on the rise of some Mafia members promoted just for their long years of service. "So now, I mean it's like, ah, a whore in the neighborhood - you know you stand here long enough we'll use her," Guglielmetti said.

Simone allegedly eventually reached out to the Springfield mob for extra help. LCN Capo Adolfo Bruno of the New York-based Genovese crime family met with Simone, Gioacchini and White in the North End that fall to help broker some peace, according to the affidavit. Bruno was assassinated last month in Springfield.

Eventually Guglielmetti tells the men that Spagnolo would back off. "Gioacchini and Simone were able to arrange this resolution because the LCN leadership respected these two Soldiers who had done a lot of 'work' for the LCN," according to the affidavit.

Caption: MANOCCHIO: R.I.-based New England mob godfather

Load-Date: December 5, 2003

FEMALE DIRECTORS WILL OPEN, CLOSE FESTIVAL

**FEMALE DIRECTORS WILL OPEN, CLOSE FESTIVAL**

The Augusta Chronicle (Georgia)

September 18, 2003 Thursday,

ALL EDITIONS

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Section: NEWS,; PEOPLE**Length:** 250 words**Dateline:** LONDON -**Body**

In the Cut, a thriller about a serial killer in Manhattan starring Meg Ryan and directed by Oscar-winner Jane Campion, will open the London Film Festival on Oct. 22.

Organizers said Wednesday that another film by a female director from New Zealand - Sylvia, starring Gwyneth Paltrow as doomed poet Sylvia Plath and directed by Christine Jeffs - will be the closing night film Nov. 6.

Both films are set for a commercial release in the United States next month. In the Cut already generated attention, and some controversy, at the recent Toronto Film Festival, both for its subject matter and Ms. Ryan's daring performance.

Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about ***Joseph Salvati***, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying. Mr. Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward "Teddy" Deegan in 1965, even though the FBI had evidence of Mr. Salvati's innocence.

Sheb Wooley, a veteran actor in westerns such as High Noon who also recorded the No. 1 pop ditty Purple People Eater, has died, his wife said. He was 82. Mr. Wooley suffered from leukemia beginning in 1996 and was hospitalized Monday at Skyline Medical Center in Nashville, Tenn.

S.W.A.T. star Colin Farrell and model Kim Bordenave are the parents of a baby boy, his publicist said. The infant was born Friday at a Los Angeles hospital and weighed 7 pounds, 9 ounces, Susan Patricola said Tuesday.

Load-Date: September 19, 2003



Film in works on wrongly jailed man

The Seattle Times

September 22, 2003, Monday

Fourth Edition

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Section: ROP ZONE; Northwest Life;

Length: 198 words

Byline: The Associated Press

Dateline: Boston

Body

BOSTON Steven Spielberg's DreamWorks movie studio has bought the rights to produce a film about **Joseph Salvati**, who spent 30 years in prison after being wrongfully convicted in a 1965 gangland slaying.

Salvati was convicted after an FBI informant told authorities he was involved in the murder of Edward "Teddy" Deegan in 1965, even though the FBI had evidence of Salvati's innocence. His sentence was commuted in 1997, and he was exonerated in 2001.

DreamWorks producer Walter Parkes says he was struck by the relationship between Salvati and his lawyer, Victor Garo.

"What really got us was ... when we saw first of all the intensity of the friendship between the two men and the passion that Victor (Garo) had in terms of this case. And suddenly it wasn't just a court case, but it was really a story of extraordinary friendship," Parkes said.

Salvati has filed a lawsuit seeking \$300 million in damages from the government, former FBI agents and a former Boston police officer. The lawsuit cites recently discovered evidence that the FBI knew Deegan had been killed by the Winter Hill Gang, led by fugitive mobster James "Whitey" Bulger, but suppressed it to protect the FBI's mob informants.

Load-Date: September 23, 2003



Final convict in mob murder 'frame' may be freed

The Boston Herald

December 19, 2000 Tuesday

ALL EDITIONS

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Section: NEWS;

Length: 795 words

Byline: By J.M. Lawrence and Jonathan Wells

Body

The last man left in prison for a notorious 1965 murder in which FBI agents allegedly framed four co-defendants could become a free man today at age 72.

Suffolk County District Attorney Ralph Martin's office has agreed to drop the charges against Wilfred Roy French, a Revere bouncer who allegedly shot his friend Edward "Teddy" Deegan in a mob conspiracy 36 years ago, sources said.

Middlesex Superior Court Judge Margaret Hinkle has been asked to rule this morning on prosecutors' motion to vacate French's sentence based on documents uncovered last year in a Justice Department corruption probe.

"He's the luckiest guy in the world," said one attorney familiar with the case.

The documents showed FBI agents knew their star witness in the case, Joseph "The Animal" Barboza, lied to a jury about who killed Deegan and withheld key evidence from defense attorneys.

French has admitted to playing a role in the Deegan murder plot but claims he participated out of fear of Barboza and fellow hit man Vincent "Jimmy the Bear" Flemmi. Both Barboza and Flemmi are dead.

"I should go home because of the FBI crime," French wrote in a letter to Herald columnist Howie Carr in which he argued he should have been convicted only of manslaughter.

French, who is in poor health, has served 34 years in prison.

The family of Deegan, an amateur boxer who had angered the mob, does not oppose French's release, according to their attorney.

"Given everything that's happened and the incredible mess the Federal Bureau of Investigation made of the entire affair, their position is to simply take no role," said attorney Anthony M. Cardinale.

Final convict in mob murder 'frame' may be freed

But Deegan's siblings are preparing a lawsuit against the FBI for an unspecified amount, charging the bureau allowed its informants to murder Deegan and then protected them from prosecution, according to Cardinale.

"The FBI knew well in advance of Mr. Deegan's murder but they never said a thing to him, never warned him of anything," Cardinale said.

"And they knew after the fact who committed the crime but decided to suborn the perjury of Joseph Barboza to wrongly convict several individuals," he said.

In January, Hinkle released Peter J. Limone, who served 33 years in prison for the Deegan murder, and dropped charges against **Joseph Salvati**, who served 30 years.

When Hinkle dropped charges against Limone earlier this year, she said "the conduct of the bureau at the time of the murder of Mr. Deegan and the trial of Mr. Limone tarnishes that agency."

Two other men convicted in the case, Louis Greco and Henry Tameleo, died in prison before the FBI memos surfaced. Greco's attorney is now asking the Governor's Council for a posthumous pardon for the World War II veteran who received the Purple Heart.

Suffolk County spokesman David A. Procopio yesterday would not discuss the case but said the DA's motions today would have "a significant impact" on French if Hinkle adopts them.

The hearing is scheduled for 9 a.m. in Cambridge.

French's attorney could not be reached for comment.

The Deegan killing occurred during the height of 1960s gang wars in Boston in which more than 60 men were killed.

Deegan, a 35-year-old ex con who was first arrested at age 11, was shot five times in the back of the head with a .45 and died in an alley behind a Chelsea bank.

He had been lured into the alley by gangsters who asked him to join their bank burglary, according to news accounts.

After the hit, the killers allegedly celebrated at a Revere bar called the Ebb Tide where French worked as a bouncer.

The Deegan case has spurred an ongoing congressional investigation into the FBI's handling of its murderous confidential informants.

President Bush last week invoked executive privilege for the first time in his administration to block the House Government Reform Committee's subpoena for Justice Department internal memos related to Barboza.

Headed by U.S. Rep. Dan Burton (R-Ind.), the committee plans to continue its probe and has scheduled a January hearing where former FBI agents who worked on the case will be asked to testify, according to committee staff.

Congressional investigators contend actions of FBI agents in the case set the stage for the bureau's later handling of gangster James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. The pair were FBI informants against the Italian mob while allegedly committing murder and extortion.

Revelations surrounding Bulger and Flemmi prompted the attorney general to create the special task force whose members dug through old files and found the documents in the Deegan case.

Caption: FRENCH: Convicted in 1965 Mob slaying.

Caption: DEEGAN: Murder led to wrongful convictions.

Final convict in mob murder 'frame' may be freed

Caption: BARBOZA: Fed's star witness fingered wrong men.

Load-Date: December 19, 2001

End of Document



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The Boston Herald

December 19, 2001 Wednesday

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Caption: DEEGAN: Murder led to wrongful convictions.

Final convict in mob murder 'frame' may be freed

Caption: BARBOZA: Fed's star witness fingered wrong men.

Load-Date: January 11, 2002

End of Document

First of two-day series; Despite recommendations, some inmates wait in vain for pardons



First of two-day series; Despite recommendations, some inmates wait in vain for pardons

The Associated Press State & Local Wire

February 9, 2002, Saturday, BC cycle

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Section: State and Regional

Length: 1314 words

Byline: By STEVE LeBLANC, Associated Press Writer

Dateline: BOSTON

Body

At 2 a.m. on a wet day in July 1971, Reginald Lannon pressed the muzzle of a 12-gauge shotgun against the front door of his estranged wife's Dorchester apartment and pushed the door open.

"Nancy," he called to the mother of his seven children.

As she turned, Lannon leveled the gun inches from her chest and, fueled by a mix of alcohol, rage and resentment, pulled the trigger.

Three decades after his conviction for first-degree murder, Lannon, 73, sits in a prison cell waiting for a redemption that may never come.

"The hardest thing is being apart from your family and (wondering) if you're ever going to go home and if you're going to die in jail," the burly, gray-haired Lannon said. "I did my penance and I'm a good risk to stay off the street."

In 1990, the state Parole Board voted unanimously to recommend Lannon's commutation, citing his age and efforts at rehabilitation.

All that stands between Lannon and freedom is a governor's signature and the approval of the Governor's Council. Three successive governors - William Weld, Paul Cellucci and Jane Swift - have all refused.

Lannon isn't alone. An Associated Press review of Massachusetts Parole Board records found six inmates who have been recommended for commutation but are awaiting a gubernatorial decision.

The six include five men serving life sentences for murder and Gerald "Tooky" Amirault, sentenced to 30-40 years for abusing children at the Fells Acres Day School in Malden.

Quick action is unlikely, particularly in an election year.

First of two-day series; Despite recommendations, some inmates wait in vain for pardons

Since 1990, the Parole Board has recommended 13 inmates for commutation. Of those, seven were granted pardons.

The last commutation came in 1997 when Weld pardoned Joseph Salvati, who spent 30 years in prison for a gangland murder. Salvati has since been cleared after the Justice Department turned over documents showing the FBI withheld information that could have ruled him out as a suspect.

Cellucci granted no pardons, and Swift, facing a tough election, may also shy away from a politically dicey move.

The Parole Board handed Swift a difficult choice last year when it voted unanimously to recommend she commute Amirault, who has long maintained his innocence in the high-profile child abuse case in which his mother and sister were also convicted.

In August, Swift said she would make a decision "in the next few months," but has yet to act. Amirault, who remains in prison, has served about half of his sentence.

There is no requirement that a governor accept a commutation recommendation, and Swift spokesman James Borghesani said Swift would not comment on any pending case until she makes a decision.

"The governor can do three things. She can deny (commutation). She can approve or she can take no action," Borghesani said. "Until she takes action, she will have no comment."

If Swift wants a reminder of the potential pitfalls of granting pardon, she need look no further than Weld's 1995 commutation of Joseph Yandle, who spent 23 years in jail for murder.

Yandle told the Parole Board he became addicted to heroin while serving in the Vietnam War and his addiction contributed to his crimes. Two years after his release, Yandle was sent back to prison after it was revealed he lied about being in the war.

But the biggest deterrent may be the case of Willie Horton, a convicted killer who escaped while on furlough from a Massachusetts prison and held a couple hostage in Maryland.

The case was used against former Gov. Michael S. Dukakis during his 1988 campaign for president and has become political shorthand for penal leniency run amok.

Lannon blames the Willie Horton episode in part for his own extended prison stay.

"It's this Willie Horton thing," he said during a recent interview at Bay State Correctional Center in Norfolk. "They're overemphasizing it. Why let one inmate undermine the entire prison system?"

If Lannon's case fails to elicit sympathy, the four-decade incarceration of Springfield native Gary Guess may seem less fair.

Guess was just 18 in 1963 when he and three other men decided to rob two stores in the Boston's Roxbury neighborhood and split the profits.

Guess and an accomplice, armed with a .38-caliber handgun, targeted the Elmore Variety Store. The accomplice took \$100 from the cash register, then turned and shot store owner Saul Green in the head and stomach killing him, according to Parole Board records. Another store owner was shot and wounded in the second stickup.

All four men were convicted of first-degree murder, but only Guess has failed to win commutation.

Guess's accomplice, the triggerman, was released in 1981 after Dukakis commuted his sentence. The two other robbers were also awarded commutation.

First of two-day series; Despite recommendations, some inmates wait in vain for pardons

Guess's parole requests languished until 1996, when the Parole Board voted 3-2 in favor of commutation. The board noted that Guess had been diagnosed with manic depressive illness while in prison but had been taking medication to help ease the effects of the illness.

Despite the recommendation, Guess remains incarcerated.

One of Guess's brothers, Frederick Guess said he is hopeful Guess will one day be released, but he declined additional comment.

A governor's signature isn't always the only way out of prison for an inmate who has been recommended for pardon.

In 1969, George P. Magrath Jr. was found guilty of two counts of first-degree murder. Investigators said Magrath, then 22, sat in a getaway car while two accomplices burst into the Hughes Drug Store in the Roxbury neighborhood of Boston. During the robbery, one of the men shot and killed the store owner, Patrick Hughes and his nephew, a store clerk.

In 1992, the Parole Board voted 4-2 to recommend Magrath's commutation, noting he was not the gunman and took responsibility for his role in the crime.

Eight years later, still awaiting a governor's signature, Magrath tried a different tack, successfully convincing a Suffolk Superior Court judge to order a new trial and release him on \$20,000 bail.

Magrath argued that the judge in the original trial improperly instructed the jury by comparing the process of determining guilt beyond a reasonable doubt to making a difficult personal decision such as getting married.

"I could go along with other examples of important decisions, such as surgery either for yourself or your family," the judge told the jury.

Magrath was bailed out in August 2000 and is awaiting a new trial. He did not return a call for comment.

As Swift weighs the fate of those seeking commutation, critics say the Parole Board under the Republican administrations of Weld, Cellucci and Swift has been weighted too heavily against pardons or parole.

Last year, the Governor's Council, which routinely approves appointees to the Parole Board, voted not to reappoint one member, saying the panel was packed with law enforcement and victim advocates.

Critics say the Parole Board is retrying criminal cases instead of investigating to see if an inmate has changed and if they should be released.

"What you're supposed to be assessing is whether there's been a development of remorse," said state Rep. Ruth Balser, D-Newton.

The statute creating the board requires that members be drawn both from law enforcement and the behavioral sciences, such as psychiatrists or social workers.

Balser has sponsored a bill which would require at least two members of the board have a behavioral science background. The House recently opposed the bill on a 74-74 tie, but could reconsider it.

Opponents say the bill would weaken the Parole Board, which they say should defend the interests of crime victims.

"I don't think it's supposed to be a panel of experts who'll use some behavioral science mumbo jumbo to justify releasing someone who has been sentenced for incarceration," state Rep. Francis Marini, R-Hanson said.

Graphic

First of two-day series; Despite recommendations, some inmates wait in vain for pardons

AP Photos

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First of two-day series; Despite recommendations, some inmates wait in vain for pardons



First of two-day series; Despite recommendations, some inmates wait in vain for pardons

The Associated Press State & Local Wire

February 7, 2002, Thursday, BC cycle

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Section: State and Regional

Length: 1314 words

Byline: By STEVE LeBLANC, Associated Press Writer

Dateline: BOSTON

Body

At 2 a.m. on a wet day in July 1971, Reginald Lannon pressed the muzzle of a 12-gauge shotgun against the front door of his estranged wife's Dorchester apartment and pushed the door open.

"Nancy," he called to the mother of his seven children.

As she turned, Lannon leveled the gun inches from her chest and, fueled by a mix of alcohol, rage and resentment, pulled the trigger.

Three decades after his conviction for first-degree murder, Lannon, 73, sits in a prison cell waiting for a redemption that may never come.

"The hardest thing is being apart from your family and (wondering) if you're ever going to go home and if you're going to die in jail," the burly, gray-haired Lannon said. "I did my penance and I'm a good risk to stay off the street."

In 1990, the state Parole Board voted unanimously to recommend Lannon's commutation, citing his age and efforts at rehabilitation.

All that stands between Lannon and freedom is a governor's signature and the approval of the Governor's Council. Three successive governors - William Weld, Paul Cellucci and Jane Swift - have all refused.

Lannon isn't alone. An Associated Press review of Massachusetts Parole Board records found six inmates who have been recommended for commutation but are awaiting a gubernatorial decision.

The six include five men serving life sentences for murder and Gerald "Tooky" Amirault, sentenced to 30-40 years for abusing children at the Fells Acres Day School in Malden.

Quick action is unlikely, particularly in an election year.

First of two-day series; Despite recommendations, some inmates wait in vain for pardons

Since 1990, the Parole Board has recommended 13 inmates for commutation. Of those, seven were granted pardons.

The last commutation came in 1997 when Weld pardoned Joseph Salvati, who spent 30 years in prison for a gangland murder. Salvati has since been cleared after the Justice Department turned over documents showing the FBI withheld information that could have ruled him out as a suspect.

Cellucci granted no pardons, and Swift, facing a tough election, may also shy away from a politically dicey move.

The Parole Board handed Swift a difficult choice last year when it voted unanimously to recommend she commute Amirault, who has long maintained his innocence in the high-profile child abuse case in which his mother and sister were also convicted.

In August, Swift said she would make a decision "in the next few months," but has yet to act. Amirault, who remains in prison, has served about half of his sentence.

There is no requirement that a governor accept a commutation recommendation, and Swift spokesman James Borghesani said Swift would not comment on any pending case until she makes a decision.

"The governor can do three things. She can deny (commutation). She can approve or she can take no action," Borghesani said. "Until she takes action, she will have no comment."

If Swift wants a reminder of the potential pitfalls of granting pardon, she need look no further than Weld's 1995 commutation of Joseph Yandle, who spent 23 years in jail for murder.

Yandle told the Parole Board he became addicted to heroin while serving in the Vietnam War and his addiction contributed to his crimes. Two years after his release, Yandle was sent back to prison after it was revealed he lied about being in the war.

But the biggest deterrent may be the case of Willie Horton, a convicted killer who escaped while on furlough from a Massachusetts prison and held a couple hostage in Maryland.

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Graphic

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AP Photos

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**Flaherty seizes chance to make image-conscious Kerry squirm;
POLITICAL CAPITAL**

The Boston Globe

December 22, 1996, Sunday, City Edition

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Section: METRO/REGION; Pg. B6

Length: 984 words

Byline: Compiled by Geeta Anand, Don Aucoin, Brian C. Mooney, Thomas C. Palmer and Frank Phillips of the Globe staff.

Body

Last week, former House Speaker Charles Flaherty walked into the House chamber, surveyed the ceremony for the Electoral College, and immediately spotted his opportunity to pull off a good joke.

This time the foil was US Sen. John F. Kerry, the humor-impaired Democrat who just won a big reelection victory over Gov. William F. Weld.

Flaherty, once a hero of the Democrats until he was driven from office after pleading guilty to a federal tax-evasion charge, spotted Kerry sitting by himself - and at times gnawing on his fingernails - in a seat to the right of the rostrum. When there was a break in the proceedings, the former speaker, knowing the discomfort he would create the image-conscious senator, moved up to the rostrum and plopped himself down right next to Kerry - in full view of the flashing press cameras and the live Channel 44 television coverage of the event.

"It was like Luke Skywalker just came face to face with Darth Vader," said one observer, describing what appeared to be Kerry's uncomfortable reaction to Flaherty's idea of a good joke. "It was worth the price of admission."

The two sat there for several awkward minutes until Kerry left for his next event. Flaherty, obviously remembering Kerry's snubbing him at a fund-raiser last June to pay off his legal bills, then wandered out of the chamber, his trademark grin spread across his face.

All they want are calls returned

House Republicans are reportedly prepared to once again throw their support to House Speaker Thomas M. Finneran, a Mattapan Democrat who rose to leadership last spring on the strength of GOP support. In a telling indication of just how feeble the GOP position is in the Legislature these days, with only 29 Republicans in the 160-member House, GOP members are not planning to demand so much as a single committee chairmanship in return for supporting Finneran. Shrugged one House Republican: "All we're asking is that we get all the stuff we got last time: all our calls returned, an airing for some of our issues." Sources say Rep. David M. Peters (R-Charlton) is likely to be elected as minority leader, replacing outgoing Rep. Edward Teague. But there is little sentiment among

Flaherty seizes chance to make image-conscious Kerry squirm;POLITICAL CAPITAL

the 29 Republicans to cast a symbolic vote for Peters as speaker. They'd rather cut a deal with Finneran, however paltry.

Partners no more: Marttila, Kiley split up their consulting business

After 16 years in which their clients went undefeated in about a dozen big Massachusetts campaigns - including Kerry's three Senate races - the Boston political consulting team of John Marttila and Tom Kiley is splitting up. The two remain close friends and will collaborate in the future, but Marttila is phasing out his political campaign consulting and advertising in favor of strategic planning and ad campaigns for public policy issues. Kiley, the pollster, will retain their old address at 84 State St. with his new firm, Kiley & Co. Marttila gets their old phone number but is moving to a new office at One Beacon St. with the new Marttila Communications Group.

After School Committee campaign, Kineavy wants less stressful job

Mayor Menino's Southie political operative, Michael Kineavy, will step down soon as head of the Neighborhood Services Department, sources say. Kineavy, who put together Menino's winning field organization for the campaign to retain an appointed School Committee, is burned out and wants an easier job, sources say. He will take over management of employee counseling services. Drew O'Brien, the mayor's lead speech writer and a political operative from Brighton, is Kineavy's likely successor, sources say.

Some kind words from the bench

US District Court Judge William G. Young had some savage things to say about the greed and lack of ethics that permeate Wall Street's municipal bond industry before sentencing Mark S. Ferber, one of its fallen princes, to 33 months in prison on Thursday. However, Young did praise the work of several who helped uncover Ferber's kickback scheme with Merrill Lynch & Co. Singled out were the office of Massachusetts Inspector General Robert Cerasoli, who began asking questions about Ferber's lucrative contracts with state agencies; Stephen Kurkjian of the Globe, who revealed Ferber's secret ties to Merrill Lynch in a series of articles in 1993 and, Young said, "was not put off by the spin and the obfuscation that he initially received," and Assistant US Attorneys Brien T. O'Connor and David J. Apfel, for spearheading the case's investigation and prosecution.

Short Circuits

Weld's former campaign manager, Virginia Buckingham, one of Weld's closest political confidants, is reportedly headed back into the State House to shore up the lame-duck governor. Sources say Buckingham, who a year ago left her post as Weld's press secretary to manage his ill-fated Senate campaign, will be an \$ 86,000 a year special assistant to the governor. . . . As Richard Iannella prepares to leave the Boston City Council for his new post as Suffolk County register of probate, his sister, Suzanne Iannella, a Back Bay Republican, is considering a run for an at-large council seat next fall. . . . Is he running? Transportation Secretary James J. Kerassiotis hasn't said for sure whether he'll go for the state treasurer's spot in 1998. But he's sure in the Christmas spirit, having sent out about 1,500 yule cards, many to Republican activists. How many did he send out last year? "Oh, about 150," he said. . . . The governor's recommendation of commutation for convicted murderer **Joseph Salvati** overshadowed his pardons last week of 17 Bay Staters guilty of lesser crimes. That brought the total of Weld's pardons in six years to 41, a far cry from the 842 pardoned by ex-Gov. Michael S. Dukakis, the 211 pardoned by ex-Gov. Edward J. King, and the whopping 1,755 pardoned by ex-Gov. Francis Sargent.

Graphic

PHOTO, FLAHERTY

Flaherty seizes chance to make image-conscious Kerry squirm;POLITICAL CAPITAL

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Flemmi to plead guilty in racketeering case

The Associated Press State & Local Wire

May 15, 2001, Tuesday, BC cycle

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Section: State and Regional

Length: 869 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

Alleged mobster Stephen "The Rifleman" Flemmi will spend just 10 years behind bars on racketeering, extortion and money laundering charges under a plea agreement made public Tuesday.

The deal, struck with federal prosecutors, also includes the dismissal of four murder charges.

It does not, however, include the most serious charges against Flemmi. He still faces trial on charges that he killed 10 people, including former girlfriend Debra Davis and Deborah Hussey, Flemmi's 26-year-old stepdaughter. He is also charged in the murders of people in Oklahoma and Florida, where he could face the death penalty.

Flemmi, who allegedly helped run South Boston's Winter Hill Gang and also worked as an FBI informant, is scheduled to enter guilty pleas Wednesday in two separate hearings in U.S. District Court.

In the first case, Flemmi will plead guilty before U.S. District Judge Mark L. Wolf to charges contained in a 1995 racketeering case, including multiple counts of extortion and money laundering. Under the agreement, prosecutors have agreed to recommend a 10-year sentence.

In the second case, Flemmi will plead guilty before U.S. District Judge Joseph Tauro in an obstruction of justice case that also charges his FBI handler, John J. Connolly Jr., with warning him and James "Whitey" Bulger that they were about to be indicted in 1995.

The warning, according to the indictment, prompted Bulger to flee. Bulger, the reputed head of the Winter Hill gang, has been missing since January 1995 and is now on the FBI's Ten Most Wanted list with a \$1 million bounty on his head.

Flemmi's plea calls for prosecutors to recommend a 41-month prison sentence in that case, but it is to run concurrent with the 10-year sentence in the racketeering case.

Flemmi has been in prison awaiting trial since he was indicted in 1995, so the 10-year sentence would add about 3 1/2 years to his prison time.

Flemmi to plead guilty in racketeering case

Noticeably missing from the plea agreement are four murders that were added to Flemmi's original racketeering indictment in 1996. Under the deal, those charges will be dismissed.

Flemmi had been charged in the killings of Walter, Edward and William Bennett - three Dorchester brothers - in a mob turf war. He also was charged in the killing of associate Richard Grasso.

Prosecutors had to fight to add the murder charges. At one point, Judge Wolf ruled that prosecutors had abused the powers of a grand jury by adding the allegations to the original indictment. But prosecutors took the case to the 1st U.S. Circuit Court of Appeals and won the right to prosecute Flemmi for the murders as part of the racketeering case.

But attorneys who have watched the case say prosecutors agreed to drop the four murder charges so they could secure guilty pleas on most of the racketeering charges and concentrate on the case in which he is charged with 10 murders.

"I don't think Stevie Flemmi got away with anything here. For the government, they (now) don't have to go through a lengthy trial and they can get to the real task at hand, and that is prosecuting Bulger and Flemmi for the multiple murders they are charged in," said Victor Garo, a lawyer for Joseph Salvati, who spent 30 years in prison for the murder of Edward "Teddy" Deegan before being exonerated earlier this year.

A judge concluded that FBI agents hid evidence that would have cleared Salvati because they wanted to protect an informant.

William P. Cagney III, a lawyer for retired FBI agent H. Paul Rico, said he has heard speculation that Flemmi may offer incriminating testimony against Rico and Connolly.

"I expect him to provide any information that he thinks he can to get out of jail with, even if he has to make it up," Cagney said.

In court documents filed with the plea agreement for the obstruction of justice charge, prosecutors said Kevin Weeks, a lieutenant in Bulger's gang, would have testified that in December 1994, Connolly told him to warn Bulger and Flemmi that federal indictments against them would be handed up soon.

Bulger left Boston shortly after learning of the indictment, while Flemmi remained in the area.

Prosecutors also said that New England mob boss Francis "Cadillac Frank" Salemme would have testified, under a grant of immunity, that on Jan. 5, 1995, Flemmi urged Salemme to "leave the scene" since Connolly had told him that an indictment would be handed up by the grand jury on Jan. 10.

Salemme then fled to Florida, where he remained until his arrest in August 1995.

Connolly's attorney, Tracey Miner, dismissed the claims made by Weeks about Connolly as lies. She called Flemmi's plea agreement "an incredibly good deal" for him.

"Am I surprised that he's going to take this deal and say what he needs to say to get this deal? No, I'm not," Miner said.

Flemmi and Bulger also face murder charges in the 1981 slaying of millionaire and World Jai Alai owner Roger Wheeler in Tulsa, Okla., and the killing of financier John "Jack" Callahan in Miami, Fla., in 1982.

Attorneys Kenneth Fishman, who represents Flemmi in the 1995 racketeering case, and Michael Natola, who represents Flemmi in the Connolly case, did not return telephone calls seeking comment.

Load-Date: May 16, 2001

Flemmi to plead guilty in racketeering case

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Flemmi to plead guilty in racketeering case

The Associated Press State & Local Wire

May 16, 2001, Wednesday, BC cycle

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Section: State and Regional

Length: 813 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

Alleged gangster Stephen "The Rifleman" Flemmi pleaded guilty to obstruction of justice, extortion and money laundering charges Wednesday in a plea deal in which he will receive 10 years in prison.

Flemmi, who allegedly helped run South Boston's Winter Hill Gang and also worked as an FBI informant for more than two decades, still faces a separate trial in the murders of 10 people, plus capital murder charges for two killings in Florida and Oklahoma.

In a hearing before Judge Mark Wolf, Flemmi pleaded guilty to seven counts alleging that he extorted money from five bookmakers and one drug dealer from 1978-1992, and that he laundered hundreds of thousands of dollars through real estate deals from 1984-1997.

Flemmi was taken immediately to Judge Joseph Tauro's courtroom where he pleaded guilty to obstruction of justice charges in a second case that also charges his FBI handler, John J. Connolly Jr., with warning him and James "Whitey" Bulger that they were about to be indicted in 1995.

The warning, according to the indictment, prompted Bulger to flee. Bulger, the reputed head of the Winter Hill gang, has been missing since January 1995 and is now on the FBI's Ten Most Wanted list with a \$1 million bounty on his head.

As part of Flemmi's plea deal, the government seized approximately \$2 million in property and cash that he owned, but will not go after about \$1.5 million in property and cash claimed by three of his children.

Flemmi's lawyer, Kenneth Fishman, said the deal, which took more than three months of negotiations, was an "extraordinary" good one for his client. Fishman said he believes Flemmi would have to serve little extra time on the 10-year sentence because he already has served six-and-a-half years in pretrial detention.

The deal also dismisses four murder charges that were added to Flemmi's original racketeering indictment in 1996.

Flemmi had been charged in the killings of Walter, Edward and William Bennett - three Dorchester brothers - in a mob turf war. He also was charged in the killing of associate Richard Grasso.

Flemmi to plead guilty in racketeering case

Fishman said he believes prosecutors dropped those charges because they would have been difficult to prove, and would have brought more embarrassing revelations about the FBI's relationship with Bulger and Flemmi.

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Load-Date: May 17, 2001



FLORIDA: RENO GIVES CAMPAIGN STYLE SPEECH IN BROWARD

The Hotline

June 4, 2001

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Section: GOVERNOR REPORT '02

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Body

AP's Thomas reports, as "an overflowing crowd of" Broward County Dem activists on 6/2 urged ex-AG Janet Reno (D) to take on Gov. Jeb Bush (R), Reno said "she is still deciding" whether to run, and "has not put an immediate timetable on when she plans to make a decision." Reno: "I am in the process of trying to make the best judgment I can of what's in the best interest for you and all of the people of the state of Florida. I want to listen to people."

"Sounding like a candidate," Reno "rattled off a series of priorities" during a speech in the Dem "stronghold." Reno said FL "needs to invest in early childhood education, reduce crime, protect the environment and provide more money for health care": "We can do so much if we make an investment in people." One Dem Party activist asked Reno if "she would have the stamina to zigzag across Florida in a campaign expected to gain national attention." Reno said her Parkinson's disease "wouldn't prevent her from mounting a rigorous campaign": "I wouldn't do it -- wouldn't even consider it, if I didn't think I could do that" (Tallahassee Democrat, 6/3).

IS RENO A SHOOTING OR FALLING STAR?

Ft. Lauderdale Sun-Sentinel's Nevins reports, as Reno explores a FL GOV bid, "dozens line up to shake her hand or snap pictures with her. That's why Democrats are so intrigued by the idea of her candidacy." Broward Co. Dem Chair Mitch Ceasar: "She

FLORIDA: RENO GIVES CAMPAIGN STYLE SPEECH IN BROWARD

has real star quality that sets her off from the field." The other Dems who are considering running "are little known compared to Reno. But that also could be the problem: Reno is polarizing." "Key" FL Dem Party fundraiser Russ Klenet: "We Democrats need this election to be a referendum on the last four years of Jeb Bush's administration as governor, not the last eight years of Janet Reno's administration as attorney general. If the focus is Reno, we lose."

Reno's exploratory effort "has all the feel of a campaign that has already started -- except that she has no handlers and drives herself to events in her red Ford F-150 pickup." Reno: "I'd like to know what's on people's mind before I decide (whether to run). I'm talking to public officials, people I've known, people who want to talk to me." Meanwhile, "compared to Reno," the other Dems considering running "are making their decisions quietly." Rep. Jim Davis (D-11) and atty Bill McBride (D) toured South Florida this week "and received almost no media attention" (6/2). Other potential Dems: ex-Rep. Pete Peterson (D), House Min. Leader Lois Frankel, Broward County Sheriff Ken Jenne, state Sen. Daryl Jones, ex-Rep. Jim Bacchus, and Tallahassee Mayor Scott Maddox. AG Bob Butterworth (D) is also "keeping an eye on the field" (AP, 6/3).

SHE'S GIVING OUT HER HOME NUMBER!

Daytona Beach News-Journal reports, When appearing on NPR on 5/31, Reno "offered a simple answer" to "Calvin from Miami," who said he was interested in working for her campaign. Reno, "giving out her home phone number and repeating it": "Well, call me. Calvin, I haven't decided to run yet, but call me."

When a caller suggested she was "too nice" to run a tough statewide campaign, Reno "said she could maintain her civility": "I think you can be nice and still stand for what's right in the firmest way possible, get rid of the political invective and work to solve the problems of Florida" (6/2).

SHOULD SHE EXPECT A CALL FROM DAN BURTON?

Washington Post's Eilperin reports, House Gov't Reform Cmte Chair Dan Burton is "now delving into" the nine-year-old case of ex-County Commiss. Joseph Gersten, a "flamboyant" Miami Dem "who was accused of consorting with prostitutes and using crack cocaine, and claims he was unfairly targeted by" Reno when she was Dade County prosecutor. Dems "are already questioning the

FLORIDA: RENO GIVES CAMPAIGN STYLE SPEECH IN BROWARD

purpose of such a probe," and "even" the cmte staff report on the case acknowledges that "upon first consideration, Joseph Gersten's claims appear far-fetched." But Burton "is undaunted, arguing that the long-buried case speaks to a pattern of prosecutorial misconduct that threatens to undermine the integrity of the FBI." Burton: "People should have confidence in their law enforcement agencies, including the FBI. And if these atrocities or these mistakes are being made intentionally, that are taking people's liberty away, we need to clean it up" (6/2). The probe comes as "as one of the fugitive's oldest enemies," Reno, is considering a FL GOV bid. "In an unusual move," Burton says "he plans to bring his committee to Miami to investigate the conduct of prosecutors then working for" Reno. Burton "says he has unearthed evidence of unethical conduct, and that he needs to go to Miami for answers" (Filkins, New York Times, 6/3). House Gov't Reform Cmte Ranking Member Henry Waxman: "The hearing appears to be the latest chapter in the committee's witch hunt against Janet Reno. And its location and timing, which follows Ms. Reno's announcement that she is considering running for governor, seems questionable" (Washington Post, 6/2). Burton "dismissed accusations of partisanship," and his staff noted that Gersten was a "prominent" Dem "before fleeing the country for Australia" (New York Times, 6/3).

Burton went on to say his probe "has nothing to do with Reno and instead is focused on ferreting out rogue elements within the FBI." Burton compared the probe to the panel's recent hearing on Joseph Salvati, who served 30 years in jail for a crime he did not commit "because the FBI was protecting two organized crime informants." Burton: "This has absolutely nothing to do with Janet Reno. This could have happened in Houston, Texas" (Washington Post, 6/2).

NEW YORK CITY?!?!?!?

New York Post's Balfour reports, The FL Dem Party on 6/11 "is kicking off its first out-of-state fundraising campaign" against Bush with a gala in Manhattan. FL Dem Chair Bob Poe: "This is the first time we've asked Democrats in other states to do something like this, but Jeb Bush is going to be the poster child in the upcoming election. Our governor's race will be the top of the fight card nationally for 2002. It could be a preview of the 2004 presidential race." The Manhattan dinner will be hosted by Sen. Bob Graham (D-FL). Graham will also host a DC

FLORIDA: RENO GIVES CAMPAIGN STYLE SPEECH IN BROWARD

fundraiser on 6/20 for the program, called "Focus on Florida," which takes aim at Jeb.

FL GOPers "are ridiculing the move," saying Dems "can't even raise sufficient money in their own state." FL GOP Chair Al Cardenas called the project "a pitiful carpetbagging effort":

"It looks like they've made up their minds that they can't generate enough support in their own state. We'll be doing what we need to do right here in Florida" (6/2).

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End of Document

Focus on: 2/2-2/8;Serbian concession; Swiss compensation; Clinton states vision; sentence commuted; nanny charged;World;Losers become winners



Focus on: 2/2-2/8;
Serbian concession; Swiss compensation; Clinton states vision; sentence
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Body

Yielding to foreign pressure and unrelenting protests at home, Serbia's president acknowledged Tuesday in a dramatic about-face that his opponents had won several local elections. He directed Premier Mirko Marjanovic to present Parliament with a special law that will accept the opposition victories. Opposition leaders, who have led hundreds of thousands of people into the streets in 77 days of protests, had trouble believing Slobodan Milosevic truly was conceding the Nov. 17 elections. But by week's end they had turned to their next big goal: unseating him.

A mid-air tragedy

At least 73 Israeli soldiers were killed in a mid-air crash of two Army helicopters Tuesday night in the worst military air disaster in the Jewish state's history. The collision in northern Israel took place in stormy weather but an Army spokesman said weather was not the cause. And officials ruled out a guerrilla attack. An official investigation into the accident was expected to submit preliminary findings within days.

Paying up - finally

Switzerland's three biggest banks, galvanized by international pressure, said Wednesday that they had created a \$ 70 million Holocaust memorial fund as a gesture of good will toward their critics. Seizing the initiative after months of battering from Jewish groups, the three pillars of Swiss finance - Union Bank of Switzerland, Credit Suisse Group and Swiss Bank Corp. - invited the government and central bank to join the fund. Jewish groups, who hailed the move, have accused banks of hoarding the unclaimed wealth of Holocaust victims and of stonewalling family members seeking to get back money that Jews stashed in neutral Switzerland to hide it from Adolf Hitler and the Nazis.

Nation The president speaks, spends

Focus on: 2/2-2/8;Serbian concession; Swiss compensation; Clinton states vision; sentence commuted; nanny charged;World;Losers become winners

President Clinton used his 60-minute State of the Union speech Tuesday to urge Congress to complete work on three items of "unfinished business," including balancing the budget, reopening the new welfare law to restore benefits to legal immigrants and enacting campaign finance overhaul by July 4. He also outlined steps that would boost education spending by 20 percent, and add tax breaks for college. Americans, he said, must have "the best education in the world." He noted that there were just over 1,000 days remaining until 2000, and added, "Let us seize the days and the century." On Thursday, Clinton sent Congress a \$ 1.69 trillion spending plan that cuts taxes for the middle class, provides billions of dollars to upgrade education and still claims balance in 2002. The budget includes billions of dollars for projects important to Massachusetts' defense manufacturers.

Justice for O. J.?

A civil trial jury on Tuesday found that O. J. Simpson was responsible for the murders of his ex-wife Nicole Brown Simpson and her friend Ronald L. Goldman, and ordered him to pay \$ 8.5 million in compensatory damages. Sixteen months after a mostly black jury acquitted him of criminal charges in the killings, the mostly white panel was unanimous in its finding the former football star "liable" for both deaths. Once again, public reaction was split sharply along racial lines: Most whites said justice was served while most blacks called it unjust. Simpson, 49, will serve no jail time but could lose much of what is left of the fortune he earned in his days as a star running back, advertising pitchman and sportscaster. The jury at week's end was deliberating whether to demand that Simpson also pay punitive damages.

Metro Freed

The Governor's Council voted unanimously on Wednesday to commute the life sentence of Joseph Salvati, who has spent 30 years in prison for his role in a murder he swears he did not help commit. The council took the vote after several members expressed doubts about his guilt. The council's vote brought tears of happiness from Salvati's wife of 43 years, Marie, and his children. "I'm going to be 35 Saturday. It will be the best birthday," said an emotional Anthony Salvati, who was 5 years old when his father was jailed. Salvati, 64, a former North End resident, was convicted of two counts of conspiracy to commit murder and one count of being an accessory before the fact of murder in Edward "Teddy" Deegan's slaying on March 12, 1965.

Nanny charged

An 18-year-old British au pair entrusted with the care of 9-month-old Matthew Eappen was jailed Thursday after pleading innocent to charges of assault and battery on the child. Investigators said Louise Woodward told them she tried to help the boy after he suffered some type of seizure. She did acknowledge shaking the child, who had been fussy all day, but denied she caused the extensive damage that left him in critical condition. Doctors who examined the baby said his injuries told another story. They said he had been shaken violently enough to smash his brain repeatedly against the inside of his skull. Woodward, who came to the United States in June, had been living with the Eappen family since November at their small home in the upscale suburb of Newton. If convicted, she faces up to 15 years in jail.

MBTA gets new rules

The attorney general's office, the MBTA and 26 of its 27 unions agreed last week on ways to cut alleged racial discrimination and harassment at the agency. The agreement will apply to discrimination based on race, gender, sexual orientation, religion, age and disability - and although it will not be a formal consent decree, it will be enforceable in court. It requires the MBTA to make big changes in the way it investigates complaints of discrimination, but will not deal with past allegations of discrimination. The MBTA must begin a computerized system of handling employee complaints, adopt new disciplinary procedures and monitor employment practices and training.

Focus on: 2/2-2/8;Serbian concession; Swiss compensation; Clinton states vision; sentence commuted; nanny charged;World;Losers become winners

Consumers 1, Tobacco 0

The state's first-in-the nation law ordering tobacco companies to disclose ingredients in cigarettes, snuff and chewing tobacco withstood its first legal challenge Friday. US District Judge George O'Toole threw out claims by the tobacco industry that the new law was preempted by an existing federal law on cigarette labeling and advertising. O'Toole said the state's tobacco disclosure law, under which tobacco companies must disclose the ingredients to the state Department of Public Health, simply focused on a different area. The bill was enacted last year, and was scheduled to go into effect in July.

Graphic

PHOTO, 1. Most unhappy fella / AP PHOTO 2. His father's day / GLOBE STAFF / DAVID RYAN 3. Driving force / GLOBE PHOTO/M. QUAN

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Forecast

Boston Magazine

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Section: THE MONTH IN PREVIEW.

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Body

RENOVATIONS

7/13: EXTREMELY (UNLIKELY) MAKEOVER

The Christian Science Church's plans to spruce up its Back Bay plaza-more greenery, smaller reflecting pool-could hit a roadblock today, as the Boston Landmarks Commission holds a public forum on designating the 14.5-acre campus a historical site. The more preservationist voices make themselves heard, the more likely the indomitable spirit of Mary Baker Eddy will have to contend with the whims of city architects.

POLITICS

7/1: GREEN HOUSE EFFECT

The "stretch code" becomes mandatory today for Cambridge and Newton. The new building code, which other cities and towns can voluntarily adopt, requires all new construction to conform to stricter energy-efficiency standards, and promises up to a 20 percent increase in efficiency in new commercial buildings and up to a 35 percent increase in residential ones.

Of course, the task of making a structure energy efficient doesn't come cheap. The state estimates it will cost \$8,100 to bring a single-family home into compliance. Not surprisingly, sellers argue that they'll need to pass the extra expense on to buyers, which could make the region's already pricey real estate even more costly. The Home Builders Association of Massachusetts, which is taking a stand against the rules, went as far as publishing a list of talking points to help allies foment rebellion at various town hall meetings.

So why are places from Northampton to Worcester still signing on to follow the lead of Cambridge and Newton? Credit a different kind of green. Thanks to Governor Deval Patrick's "Green Communities" plan, towns are eligible for a chunk of \$10 million in state funds if they adopt a series of "green" zoning, permitting, and energy-usage policies, including implementing the stretch code.

EXPERT KNOWLEDGE

Forecast

7/1: AN ETHICAL QUANDARY

Nitin Nohria, who becomes the new Harvard Business School dean on 7/1, wrote in a 2008 article that business leaders have lost the trust of the public and need a code of ethics akin to the Hippocratic oath doctors must take. We asked a couple of prominent local businessmen whether Nohria should implement such a code at HBS.

Joseph O'Donnell, Boston Culinary Group founder and HBS graduate: "If it were my institution I would, without question, have a code of conduct. It might not make a big difference, but it certainly would define what the institution stands for, and it might even help some people. Is [Nohria's] article spot-on? I suppose that depends on who is reading it. You've got to go back to Locke, Rousseau, Machiavelli, Hobbes. You know...what is the nature of man?"

David D'Alessandro, former CEO of John Hancock Financial Services: "All business schools teach fundamental ethics, but unless you risk losing your M.B.A., what good is it? They need to stop producing people who are brilliant at math but don't understand the human condition. When you graduate from HBS, where are the jobs? Investment banks. Private equity. Hedge funds. They all end up in the same firms...where the CEOs have been sitting in front of Congress."

MONEY

7/2: WHAT CREDIT CRUNCH?

Applications are due today for tax incentives from the Massachusetts Life Sciences Center, the quasi-public agency that last year doled out \$24.5 million to local biotech companies. This year promises to be even more lucrative for the local healthcare/life sciences startups, which collected \$430 million worth of research funding (and that was just through April). Which raises the question: Why, exactly, do they still need tax incentives?

7/2 The National Organization for Women's conference kicks off at the Park Plaza, featuring speeches from Representative Niki Tsongas and Wellesley College prez Kim Bottomly. now.org.

7/3 Tonight's dress rehearsal for the Boston Pops' annual Fourth of July spectacular promises the same music, but a more laid-back atmosphere (and a little more breathing room!) than tomorrow's blowout. july4th.org.

FOOTBALL

7/3: LADY PATRIOT GAMES

The medal rounds of the women's full-tackle football league world championships kick off in Stockholm, Sweden, today. Three Bay Staters have earned their place on the first-ever U.S. national team's roster: running back Mia Brickhouse of Revere, linebacker Molly Goodwin of Brookline, and offensive tackle Kelly Barker of Dorchester. They're all teammates on the local pro squad, the Boston Militia.

CONTROVERSIES

7/4: SUNDAY BLOODY (MARY) SUNDAY

Anyone who's ever turned to the Phantom Gourmet while riding out a Sunday-morning hangover might today be able to thank show creator Dave Andelman for making more readily available the traditional cure: hair of the dog.

Andelman has been the force behind the Restaurant Rejuvenation Act, which would allow the state's bars and restaurants to start serving alcohol at 10 a.m. on Sundays (rather than at noon, the time dictated by current law). There would be no better testament to our freedom, Andelman has said, than the right to enjoy "mimosas with our omelets before noon."

For more than 15 years, legislators have been steadily chipping away at the state's puritanical Sunday-specific laws. In 1994 a regulation that kept businesses of any kind from opening until noon on Sundays was repealed, while the law banning alcohol sales on Sundays was relaxed in 2004. The odds that Andelman will be successful

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look good: The act already passed the House with unanimous support in May, after its bipartisan supporters argued it would help restaurants suffering through some dark financial times.

CELEBRATIONS

7/4: AFTER-GLOOM DELIGHT

During the Great Recession, Independence Day fireworks displays served as the ultimate economic barometer of Massachusetts cities and towns. Several communities canceled their shows, either because they couldn't afford the bill, or to avoid the appearance of throwing what little money they had left at a needless bit of luxury. So look skyward tonight to see whether the economy has truly recovered.

7/5: Chowderfest, the annual soup competition that's part of Boston Harbor-fest, crowns its 29th champion. bostonharborfest.com.

7/8: Harvard Stadium hosts the Major League Lacrosse All-Star Game. Look for Boston Cannons standout and reigning league MVP Paul Rabil to star on his home field. ticketmaster.com.

MUSIC

7/8: JAM SESSION

Steve Almond's new memoir, *Rock and Roll Will Save Your Life*, is both an ode to the power of music and an exploration of what it's like to be a "drooling fanatic." In advance of the Arlington resident's 7/8 show at Oberon-more rollicking musical than stuffy reading, as it will also feature singer-songwriter Dayna Kurtz-we asked him to come up with a list of the Boston musicians he's currently obsessing over. 866-811-4111, ovationtix.com.

Boris McCutcheon and the Salt Licks: "I loved their soulful country rock so much that I started stalking them (and wound up managing them). Imagine the Band as fronted by Sam Cooke."

Anita Suhanin: "The Berklee grad and former Groovasaurus lead singer has a voice that can induce whoops and shivers-sometimes both-in the space of three minutes."

Alastair Mook: "My wife and I have been fans of Mook's edgy folk for years. Now our kids are hooked on his new all-ages disc, *A Cow Says Mook*."

Dennis Brennan: "The godfather of local R&B, Brennan is an icon to the younger musicians who flock to his shows. 'It Ain't What You Think It Is' just happens to be among the greatest soul songs ever written."

EDUCATION

7/9: FAILING SCHOOLS GET SHOT AT \$1 MILLION MAKEOVER

State public schools that have consistently failed to show improvement-the so-called Level 4 schools- must submit a redesign plan by today for a chance to receive \$1 million in federal grant money. But this is no HGTV special, and these changes will need to go deeper than just cosmetic fixes. Under the plan, schools have limited options, including firing the principal and instituting teacher incentives, or firing the principal and half of the staff. Either way, it doesn't look good for the principal.

TENNIS

7/19: FROM RUSSIA WITH LOVE

In a match for the World Team Tennis league, racket legend Martina Hingis and her New York Buzz take on the Boston Lobsters at Ferncroft Country Club in Middleton on 7/11. If Hingis's dour mien isn't your thing, just wait eight days for Anna Kournikova: She's coming to town to play with the St. Louis Aces. bostonlobsters.net.

Forecast

CONFLICTS

7/21: THE TROUBLES WE'VE SEEN

Scottish soccer rivals the Rangers and the Celtic Football Club-and their respective Protestant and Catholic fans-were set to do battle at Fenway on 7/21, until the Rangers pulled out after a Globe column erroneously blamed the tension between the groups for a fatal 1971 stadium disaster. (Portugal's Sporting will take the pitch instead.) Perhaps it's for the best, considering some of Boston's worst public displays of destruction have come as a result of sectarian conflict. Here, a couple of early lowlights:

June 11, 1837: Broad Street RiotSeveral hundred members of an Irish funeral procession cross paths with a group of Yankee firefighters-the kind who refused to respond when Protestants torched a Catholic convent a few years prior-resulting in an all-out brawl among nearly 1,000 combatants. It takes the mayor and 800 soldiers to restore calm.

July 4, 1895: "Little Red schoolHouse" RiotIrish Protestants who are part of a nativist group opposed to the establishment of Catholic schools march through Catholic-heavy East Boston with a float featuring a little red schoolhouse, a symbol of their cause. It's pulled by four white horses and a man dressed as Uncle Sam. Eastie Catholics respond with their fists.

7/24: A reminder of the value of investigative journalism: Today's the 90th anniversary of the opening salvo in a Boston Post series that unraveled a fraudulent financial scheme run by a local businessman whose name might ring a bell-Charles Ponzi.

VERDICTS

7/26: FINAL VINDICATION, WITH INTEREST

Three years ago today, a U.S. District Court judge handed down \$101.7 million in damages to four men the FBI scapegoated for a 1965 murder in a Chelsea alley. It was the largest award ever granted in a wrongful-conviction case.

The murder of Edward "Teddy" Deegan, a small-time crook and ex-boxer, took place in the middle of Boston's Irish mob war, in which dozens of people were killed in the '60s. The four falsely accused men were fingered for Deegan's shooting by Joe "The Animal" Barboza, a ruthless mob hitman who was covering up for an associate. Barboza was a useful guy, so his FBI handlers knowingly-and cold-bloodedly-decided they would accept his lies. Two of the men died in prison, but [Joseph Salvati](#) and Peter Limone survived long enough to see their names cleared-and now their payback has come due.

This spring, in one of then-Solicitor General Elena Kagan's last moves before becoming a headline, she declined to appeal the Massachusetts verdict rather than pass the case to the Supreme Court. As a result, the feds are on the hook for the full \$101.7 million-plus several million more in interest that has accrued since the original decision.

As much as the government would like to close the book on the whole ordeal, its embarrassment isn't over yet. Steven Spielberg's DreamWorks studios bought the rights to film Salvati's life story seven years ago-"something as special as this, you don't rush it," a DreamWorks producer noted-which means the Boston FBI still has a fresh round of outrage to face in its future.

EVENTS

7/29: FROM PAPER TO SCREEN

For those who missed Globe writer Geoff Edgers's new film, Do It Again, at the Independent Film Festival Boston in April, here's your chance to finally see it. The movie, about Edgers's ill-fated attempt to reunite British rock band the Kinks, is part of the Roxbury International Film Festival, which opens today. roxburyfilmfestival.org.

Forecast

7/31: Today marks the end of this year's state legislative session. If all goes according to plan, our fine representatives will have approved casino gambling in the Bay State.

The Cultural To-Do List

Seven events worth your time this month

7/2: Local Band Showcase

The downstairs space at the Middle East hosts a prime trifecta of Hub-bred indie-pop bands: -Oranjuly celebrates the release of its jangly debut CD; the Everyday Visuals show off their soaring harmonies; and the Luxury slams out the sleek New Wave that earned the group an opening slot when Coldplay played the Garden in 2008. mideastclub.com.

7/3: Francesca DiMattio at the ICA

DiMattio's abstract style plays with dimension and perspective while blending pop art and architecture subjects. Her show, which opens tonight, uses the ICA's location as a muse, featuring five wall-size canvases that focus on imagery of ships and the sea. icaboston.org.

7/18: "The Dream Lives On"

This multi-media retelling of the Kennedy saga opened at Symphony Hall in May with bold names like Morgan Freeman, Robert De Niro, and Ed Harris narrating. But anyone who has seen Alec Baldwin in *The Departed* knows that his version (today at Tanglewood) will offer something the other narrators can't match: an interpretation with a pitch-perfect accent. tanglewood.org.

7/18: The American Idol Live Tour

The American Idol juggernaut stops at the Comcast Center in Mansfield as part of its concert series, giving Cape Cod native Siobhan Magnus a chance for redemption before a home crowd. Her best revenge could be a rendition of Sinatra's "My Way," which Magnus would have sung had she not been eliminated from the competition's final six. ticketmaster.com.

7/22: Cirque Du Soleil's "Ovo"

The international circus troupe brings its big top to Fan Pier with "Ovo" (Portuguese for egg), marking 17 years since the group's first production on the waterfront. Their acrobatic take on the lives of insects features "crickets" bouncing on trampolines and foot-juggling ants-prime targets for any wharf rat. cirquedusoleil.com.

7/23: Berkshire WordFest

The Mount, Edith Wharton's grand old estate in Lenox, does the legendary author proud when it launches its literary festival today. The three-day event is truly a lollapalooza for bibliophiles, featuring appearances by such varied scribes as Roy Blount Jr., Susan Orlean, Ruth Reichl, and Kurt Andersen. edithwharton.org.

7/28: Nicholas Nixon at the MFA

MassArt professor Nicholas Nixon's intimate black-and-white portraits trace his subjects' physical changes over time, and explore his own family dynamic. A collection of his work, which has claimed space in the National Gallery of Art, opens tonight at the MFA, perhaps serving as a thoughtful counterpoise to an age of online oversharing. mfa.org.

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Former assistant DA testifies in civil trial He was unaware of lie in slay case



[Former assistant DA testifies in civil trial He was unaware of lie in slay case](#)

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Byline: Shelley Murphy Globe Staff

Body

Jack I. Zalkind thought he did everything he could to make sure that Mafia hitman Joseph "The Animal" Barboza was telling the truth when he implicated six men in a 1965 gangland killing, the former assistant Suffolk district attorney testified yesterday.

But Zalkind said he prosecuted the case without knowing that the FBI had secret reports that indicated Barboza was lying and had falsely implicated four of the six.

"I have no memory of seeing any FBI reports prior to the trial," said Zalkind, who helped convict **Joseph Salvati**, Peter Limone, Louis Greco, and Henry Tameleo for the slaying of petty thief Edward "Teddy" Deegan in a Chelsea alley.

All four men were exonerated when the FBI reports surfaced five years ago.

Yesterday, Zalkind was the first live witness to testify in a federal civil trial that began last month, seeking more than \$100 million in damages from the federal government for Limone, 72, and Salvati, 74, who spent more than 30 years in prison each, and the families of Tameleo and Greco, who both died in prison.

Recounting Barboza's version of Deegan's slaying, Zalkind said the hitman-turned-government witness said that Limone offered him \$7,500 to kill Deegan. Tameleo, the alleged second in command of the New England Mafia, had sanctioned the slaying. Barboza said Salvati and Greco helped carry out the murder.

Zalkind said he had warned Barboza, "God forbid if you're putting someone there who wasn't there," but he said Barboza insisted, "I'm not lying."

Zalkind said he also confronted Barboza about whether his close friend, Vincent "Jimmy" Flemmi, was one of the killers. But, he said Barboza's statement that he did not involve Flemmi because he used drugs and was hot-tempered "seemed rational to me."

The civil suit alleges that the FBI knew that Barboza was lying to protect Flemmi, who was an FBI informant and the brother of another FBI informant, Stephen "The Rifleman" Flemmi.

Former assistant DA testifies in civil trial He was unaware of lie in slay case

The FBI recruited Barboza as a witness and used him in an earlier trial.

But Zalkind testified that he did his own work to corroborate Barboza's testimony before the Deegan murder trial and said the FBI "had nothing to do with the preparation of the case."

Barboza, who admitted to participating in Deegan's slaying and was given leniency for his cooperation, was shot to death in 1976 in San Francisco.

Two other men convicted in Deegan's slaying were not exonerated. Ronald Cassesso died in prison and Wilfred Roy French was later released.

Yesterday, Cassesso's lawyer, Ronald J. Chisholm, testified that FBI agent H. Paul Rico had promised Cassesso that he would not do prison time for Deegan's slaying if he agreed to testify against the others and back up Barboza's version of events.

But, Chisholm said, Cassesso told him he had rejected Rico's offer, telling the agent, "I'm not going to frame innocent men."

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Former Boston FBI agent arrested in connection with 1981 murder

The Associated Press State & Local Wire

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Body

As an FBI agent in the 1960s and '70s, H. Paul Rico recruited some of New England's most notorious underworld figures as informants.

Now, Rico's dealings with Stephen "The Rifleman" Flemmi, James "Whitey" Bulger and John Martorano could land him in prison.

Rico, 78, was arrested at his home near Miami on Thursday and charged with conspiring with his old informants in the 1981 murder of Oklahoma businessman Roger Wheeler, who was shot in the head at a Tulsa country club.

State prosecutors in Oklahoma issued an arrest warrant for Rico after receiving information from Flemmi, a top lieutenant of Bulger's who was scheduled to go on trial later this month in federal court in Boston in connection with 10 murders, a law enforcement source told The Associated Press Friday.

Flemmi, 69, cut a deal in which he agreed to plead guilty to the 10 killings and to provide information on Rico's alleged role in the Wheeler case. In exchange, prosecutors agreed to recommend a sentence of life in prison. Prosecutors in both Oklahoma and Florida also agreed not to pursue the death penalty against Rico in the Wheeler killing and another murder.

In an indictment unsealed Friday, prosecutors say Rico helped set up Wheeler's murder by providing the hit man who killed him with a description of Wheeler, details of his whereabouts, and the make, model and license plate number of his car.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including Bulger, who is on the FBI's "Ten Most Wanted" list and is sought in connection with 21 murders.

Investigators said Wheeler's slaying was linked to his purchase of Florida-based World Jai Alai and his suspicion that Bulger and Flemmi were skimming money from the company. At the time, Rico was retired from the FBI and the head of security for World Jai Alai.

Former Boston FBI agent arrested in connection with 1981 murder

Investigators said Rico provided Martorano, a hit man for Boston's Winter Hill Gang, with Wheeler's schedule so he could be killed. Martorano admitted pulling the trigger and is awaiting sentencing.

"He flat-out categorically denies this," his attorney, William Cagney III said. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Rico, who is charged with murder and conspiracy to commit murder, was jailed in Florida pending extradition to Oklahoma. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment on his arrest.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston and cultivating Flemmi and others as informants.

Bulger, the boss of the Winter Hill Gang, Flemmi and Martorano were all charged in Wheeler's murder in 2001 by Oklahoma prosecutors. Flemmi is serving a 10-year prison sentence on extortion and money laundering charges.

Prosecutors in Florida have issued an indictment charging all three in the 1982 slaying of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

The House Committee on Government Reform has been investigating the Boston FBI office's ties to its mob informants, including Bulger, who fled in 1995 after being tipped off by then-agent John J. Connolly Jr. that he was about to be indicted on federal racketeering charges.

During Connolly's trial last year, prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were informing for the FBI on the New England Mafia, which is separate from the Winter Hill Gang. Connolly is serving a 10-year prison sentence.

In 2001, Rico testified about another case before the congressional committee. He denied he and his partner helped frame an innocent man for a 1965 gangland slaying, but acknowledged that Joseph Salvati wrongly spent 30 years in prison for the crime.

Rep. Christopher Shays, R-Conn., accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case. Rico replied, "What do you want, tears?"

Salvati's lawyer, Victor Garo, predicted Rico's arrest will split the Boston FBI scandal wide open, exposing more government wrongdoing in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that right now many people are concerned about what he knows and what he will say. ... He knows about all the skeletons in the closet."

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Former Boston FBI agent arrested in connection with 1981 murder

The Associated Press

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Section: Domestic News

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Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

As an FBI agent in the 1960s and '70s, H. Paul Rico recruited some of New England's most notorious underworld figures as informants.

Now, Rico's dealings with Stephen "The Rifleman" Flemmi, James "Whitey" Bulger and John Martorano could land him in prison.

Rico, 78, was arrested Thursday at his home near Miami on Thursday and charged with conspiring with his old informants in the 1981 murder of Oklahoma businessman Roger Wheeler, who was shot in the head at a Tulsa country club.

The charge was based on information from Flemmi, a top lieutenant of Bulger's who cut a deal with prosecutors to avoid a trial next week on charges of killing 10 people, The Boston Globe and Boston Herald reported Friday, citing unnamed sources.

Flemmi, 69, agreed to cooperate with authorities and plead guilty to all charges in exchange for a recommended sentence of life in prison, the newspapers reported.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including Bulger, who is on the FBI's "Ten Most Wanted" list and is sought in connection with 21 murders.

Investigators said Wheeler's slaying was linked to his purchase of Florida-based World Jai Alai and his suspicion that Bulger and Flemmi were skimming money from the company. At the time, Rico was retired from the FBI and the head of security for World Jai Alai.

Investigators said Rico provided Martorano, a hit man for Boston's Winter Hill Gang, with Wheeler's schedule so he could be killed. Martorano admitted pulling the trigger and is awaiting sentencing.

"He flat-out categorically denies this," his attorney, William Cagney III said. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Former Boston FBI agent arrested in connection with 1981 murder

Rico, who is charged with murder and conspiracy to commit murder, was jailed in Florida pending extradition to Oklahoma. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment on his arrest.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston and cultivating Flemmi and others as informants.

Bulger, the boss of the Winter Hill Gang, Flemmi and Martorano were all charged in Wheeler's murder in 2001 by Oklahoma prosecutors. Flemmi is serving a 10-year prison sentence on extortion and money laundering charges.

Prosecutors in Florida have issued an indictment charging all three in the 1982 slaying of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

The House Committee on Government Reform has been investigating the Boston FBI office's ties to its mob informants, including Bulger, who fled in 1995 after being tipped off by then-agent John J. Connolly Jr. that he was about to be indicted on federal racketeering charges.

During Connolly's trial last year, prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were informing for the FBI on the New England Mafia, which is separate from the Winter Hill Gang. Connolly is serving a 10-year prison sentence.

In 2001, Rico testified about another case before the congressional committee. He denied he and his partner helped frame an innocent man for a 1965 gangland slaying, but acknowledged that Joseph Salvati wrongly spent 30 years in prison for the crime.

Rep. Christopher Shays, R-Conn., accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case. Rico replied, "What do you want, tears?"

Salvati's lawyer, Victor Garo, predicted Rico's arrest will split the Boston FBI scandal wide open, exposing more government wrongdoing in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that right now many people are concerned about what he knows and what he will say. ... He knows about all the skeletons in the closet."

Rico is not the first FBI agent to be charged with murder. In 1990, Kentucky-based agent Mark S. Putnam pleaded guilty to strangling an informant - a woman with whom he'd had an affair. At the time, an FBI spokesman in Washington said he believed Putnam was the first FBI agent ever to be charged with murder.

Load-Date: October 11, 2003



[Former Boston FBI agent arrested in connection with 1981 murder](#)

The Associated Press

October 9, 2003, Thursday, BC cycle

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Section: Domestic News

Length: 681 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

A former FBI agent who handled high-ranking mob informants was arrested Thursday and charged with murder for allegedly helping to set up a 1981 mob hit on an Oklahoma businessman.

H. Paul Rico, 78, was arrested at his home near Miami in the slaying of 55-year-old Roger Wheeler, who was shot in the head at a Tulsa, Okla., country club after a round of golf.

Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted list.

Investigators said Wheeler's slaying was linked to his purchase of World Jai Alai and his suspicion that money was being skimmed from the Florida company. At the time, Rico was retired from the FBI and was the head of security for World Jai Alai.

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Rico "flat-out categorically denies this," his attorney, William Cagney III told The Associated Press. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Rico was jailed in Florida. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston in the 1960s and '70s. He cultivated mobster Stephen "The Rifleman" Flemmi and others as informants.

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District Attorney Tim Harris of Tulsa has said he planned to seek the death penalty against Bulger and Flemmi. Harris' office issued a statement Thursday saying it would have no immediate comment.

Former Boston FBI agent arrested in connection with 1981 murder

Prosecutors in Florida followed with an indictment charging all three in the 1982 slaying of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

A congressional panel is investigating the Boston FBI office's ties to its mob informants, including Bulger, who fled in 1995 after being tipped off by then-agent John J. Connolly Jr. that he was about to be indicted on federal racketeering charges.

During Connolly's trial, prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were informing for the FBI on the New England Mafia, which is separate from the Winter Hill Gang. Connolly is serving a 10-year prison sentence.

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Republican Rep. Christopher Shays accused Rico of feeling no remorse for his role in the conviction of four innocent men in that case. Rico replied, "What do you want, tears?"

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Wheeler's son said he was pleased with Rico's arrest.

"It's something I've wanted for years," said Larry Wheeler, who said he believes Rico played a role in his father's murder.

Rico is not the first FBI agent to be charged with murder. In 1990, Kentucky-based agent Mark S. Putnam pleaded guilty to strangling an informant - a woman with whom he'd had an affair. At the time, an FBI spokesman in Washington said he believed Putnam was the first FBI agent ever to be charged with murder.

Load-Date: October 10, 2003



Former Boston FBI agent arrested in connection with 1981 murder

Associated Press International

October 9, 2003 Thursday

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Section: INTERNATIONAL NEWS

Length: 609 words

Byline: DENISE LAVOIE; Associated Press Writer

Dateline: BOSTON

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Rico's arrest was the latest turn in a long-running scandal over the cozy relationship between the Boston FBI and its underworld informants. Last year, a former FBI agent was convicted of protecting gangsters, including James "Whitey" Bulger, who is on the FBI's 10 Most Wanted list.

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Rico "flat-out categorically denies this," his attorney, William Cagney III told The Associated Press. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Rico was jailed in Florida. District Attorney Tim Harris of Tulsa did not return repeated calls. Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment.

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Load-Date: October 10, 2003



Former Boston FBI agent arrested in connection with 1981 murder

The Associated Press State & Local Wire

October 9, 2003, Thursday, BC cycle

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Section: State and Regional

Length: 693 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

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Load-Date: October 10, 2003



Former Boston FBI agent goes on trial; case focuses attention on questions of agency corruption

The Associated Press State & Local Wire

May 3, 2002, Friday, BC cycle

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Section: State and Regional

Length: 1156 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

They ate together, shared some wine, exchanged gifts and looked out for each other, just like brothers do.

But they weren't family and they weren't supposed to be friends. John J. Connolly Jr. was an FBI agent, and James "Whitey" Bulger and his pals were gangsters.

The cozy relationship between Connolly and Bulger and his gang went well beyond just a few improper gifts, authorities say. Prosecutors say the alliance even led to murder.

As Connolly goes on trial on racketeering charges this week, his lawyers plan to argue that everything he did was sanctioned by higher-ups in the bureau. Jury selection begins Monday.

"They did circle the wagons and they did protect (Connolly). ... They just looked the other way far too long," said Gerard O'Neill, co-author of "Black Mass," a book that chronicles the relationship between the FBI and the Bulger gang.

"I don't think their winking and blinking amounts to a defense of Connolly, but there's no question the bureau is going to take some licks on this," O'Neill said.

Connolly's relationship with Bulger and Stephen "The Rifleman" Flemmi started out as a valued tool in the FBI's war against the Italian mafia. The two men were leaders of the Winter Hill Gang, an Irish crime syndicate that ran gambling, loan-sharking and other rackets in the Boston area.

Connolly recruited Bulger as an FBI informant in 1975; he was also the FBI's handler for Flemmi, who had been a periodic informant since the 1960s. Over the next two decades, the two men provided Connolly and others at the FBI with information that helped dismantle the mafia in New England, according to court papers.

Former Boston FBI agent goes on trial; case focuses attention on questions of agency corruption

But along the way, Connolly's relationship with his top-echelon informants turned illicit, authorities say. Prosecutors say Connolly and his FBI supervisor, Jim Morris, essentially gave the two men a free pass to commit crimes, short of murder, as long as they continued to provide information on the mafia.

"You can do anything you want as long as you don't clip anyone," Morris allegedly told Flemmi and Bulger at a 1985 dinner with Connolly, according to court papers.

Testimony revealed that Flemmi and Bulger often dined and exchanged gifts with Connolly, Morris and other agents. Flemmi said Connolly once gave him a book: "What Cops Know and Don't Tell."

Connolly is charged with racketeering, obstruction of justice and conspiracy for allegedly protecting Bulger and Flemmi from prosecution and for providing the gangsters with confidential law enforcement information.

Prosecutors say Connolly tipped off the Bulger gang when three of its enemies became cooperating witnesses against them. The three men were later murdered.

The government won a major victory last month when U.S. District Judge Joseph L. Tauro ruled that jurors will be allowed to hear evidence about the killings.

Connolly is not charged in the killings, but with obstruction of justice for leaking confidential information.

The indictment also alleges that Connolly warned Bulger and Flemmi that they were about to be indicted in 1995, prompting Bulger to flee. He is now on the FBI's Most Wanted list of fugitives. Connolly had retired from the FBI by then, but learned of the impending indictments through his FBI contacts, prosecutors say.

Connolly, 61, insists that everything he did during his 22 years as an agent was backed by an FBI desperate to bring down the Italian Mafia. Connolly claims he is being made the fall guy.

"We knew what these guys were. They did not have a paper route when we first met them. All of them, top echelon informants, are murderers," Connolly said in 1998.

"The government put me in business with murderers," he said.

The trial, which could last up to three months, is expected to feature lurid testimony from mob hit men, as well as a parade of former FBI agents.

"I think it's going to be a black spot (on the FBI)," said Robert Fitzpatrick, who worked with Connolly for six years as second in command at the FBI's Boston office.

"His job was to get the information, not give the information," said Fitzpatrick, who is listed as a prosecution witness.

Both the FBI and Connolly's lawyer declined comment on the case before trial.

For more than a year, a Congressional committee has been investigating the Boston FBI's handling of mob informants in the 1960s, focusing on revelations that **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence.

O'Neill said although some of Connolly's supervisors may have looked the other way on certain activities, they did not approve of his leaking information about the three men who were later killed.

"No one can condone what he's charged with, which is compromising investigations by other agencies and alerting them to rivals in the underworld who ended up dead pretty quickly," O'Neill said.

In addition to the criminal case against Connolly, the FBI or its agents are named in at least a half dozen civil lawsuits filed by the families of people killed or victimized by Bulger and his gang.

Former Boston FBI agent goes on trial; case focuses attention on questions of agency corruption

Boston attorney Frank Libby represents the family of Roger Wheeler, the owner of World Jai Alai who was gunned down in the parking lot of a Tulsa, Okla., country club in 1981 after Bulger learned he suspected the Winter Hill Gang of skimming profits from his company.

Libby claims in a wrongful death lawsuit that the FBI allowed Bulger and Flemmi to murder with impunity. Connolly, Bulger, Flemmi, and six former FBI agents and supervisors are named as defendants.

"Clearly, the folks in the know when they signed on Flemmi and Bulger as informants understood they were up to serious no good, and nonetheless considered that this relationship was the price to be paid for getting the drop on La Cosa Nostra," Libby said.

"The agency had these mad dogs on a leash and they just let them run and hoped nobody got bit, but many people did," Libby said.

Bulger hitman John Martorano, who has confessed to killing Wheeler, has agreed to testify for prosecutors. In court papers, prosecutors indicated that reputed New England mob boss Francis P. "Cadillac Frank" Salemme has also agreed to testify against Connolly.

Some of the evidence expected to be presented during Connolly's trial has already become public.

In a 661-page ruling issued in September 1999, U.S. District Judge Mark Wolf said 18 FBI agents and supervisors - including Connolly and Morris - either broke the law or violated FBI regulations and Justice department guidelines.

Wolf's findings were a huge embarrassment to the FBI and eventually led to changes in the FBI's guidelines on handling confidential informants.

Connolly, who retired from the FBI in 1990, insisted after a pretrial hearing last month that he did nothing wrong.

"I'm looking forward to people seeing that I did my job, and nothing more than my job," he said.

Graphic

AP Photos

Load-Date: June 2, 2002



Former Boston FBI agent who used Bulger, Flemmi as informants goes on trial

The Associated Press State & Local Wire

May 6, 2002, Monday, BC cycle

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Section: State and Regional

Length: 534 words

Dateline: BOSTON

Body

Attorneys for an FBI agent accused of cultivating mobsters as informants and protecting them from criminal prosecution are expected to argue that everything he did was sanctioned by higher-ups in the bureau as his trial.

John J. Connolly Jr. is charged with racketeering, obstruction of justice and conspiracy for allegedly protecting James J. "Whitey" Bulger and Stephen "The Rifleman" Flemmi from prosecution, and for providing the gangsters with confidential law enforcement information.

Jury selection began Monday for the trial, in which opening statements are scheduled for May 13.

Connolly's relationship with Bulger and Flemmi started out as a valued tool in the FBI's war against the Italian mafia. The two men were leaders of the Winter Hill Gang, an Irish crime syndicate that ran gambling, loan-sharking and other rackets in the Boston area.

Connolly recruited Bulger as an FBI informant in 1975. He was also the FBI's handler for Flemmi, who had been a periodic informant since the 1960s. Over the next two decades, the two men provided Connolly and others at the FBI with information that helped dismantle the mafia in New England, according to court papers.

But along the way, prosecutors say, Connolly and his FBI supervisor, John Morris, essentially gave the two men a free pass to commit crimes, short of murder, as long as they continued to provide information on the mafia.

Morris received immunity in return for his cooperation with authorities.

Connolly, 61, insists that everything he did during his 22 years as an agent was backed by an FBI desperate to bring down the Italian Mafia. Connolly claims he is being made the fall guy.

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Former Boston FBI agent who used Bulger, Flemmi as informants goes on trial

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For more than a year, a Congressional committee has been investigating the Boston FBI's handling of mob informants in the 1960s, focusing on revelations that **Joseph Salvati** of Boston spent 30 years in prison for a murder he did not commit, even though the FBI had evidence of his innocence.

Load-Date: May 7, 2002



[Former FBI agent arrested in Miami for 1981 Tulsa murder](#)

The Associated Press State & Local Wire

October 9, 2003, Thursday, BC cycle

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Section: State and Regional

Length: 807 words

Byline: By DENISE LAVOIE, Associated Press Writer

Dateline: BOSTON

Body

A former FBI agent who handled high-profile mob informants in Boston was arrested Thursday and charged in the 1981 mob-related murder of a Tulsa, Okla., businessman, his lawyer said.

H. Paul Rico, 78, was arrested at his home near Miami and charged with murder and conspiracy to commit murder in the death of Roger Wheeler, the 55-year-old chairman of Tulsa-based Telex Corp., who was shot in the head after playing a round of golf at Southern Hills Country Club on May 27, 1981.

Investigators have said Rico provided John Martorano, a hit man for the Boston-based Winter Hill Gang, with information on Wheeler's schedule so he could be killed.

They said the slaying was linked to Wheeler's purchase of the Florida-based World Jai Alai - a sport in which betting is involved - and his suspicion that money was being skimmed from the company. At the time of Wheeler's killing, Rico had retired from the FBI and was working as the head of security for World Jai Alai.

"He flat out categorically denies this," his Florida attorney, William Cagney III told The Associated Press. "He never assisted the Winter Hill Gang in trying to get inside information so they could ... do away with people."

Wheeler's son said he was pleased with Rico's arrest.

"It's something I've wanted for years," said Larry Wheeler, who said he believes Rico played a role in his father's murder.

Rico spent 24 years with the FBI, specializing in organized crime cases in Boston in the 1960s and 1970s. He cultivated mob associate Stephen "The Rifleman" Flemmi and others as informants.

Fugitive mobster James "Whitey" Bulger, the leader of the Winter Hill Gang, Flemmi and Martorano were all charged in Wheeler's murder in 2001 by Oklahoma prosecutors.

Former FBI agent arrested in Miami for 1981 Tulsa murder

Prosecutors in Florida followed with an indictment charging all three in the 1982 murder of World Jai Alai executive John "Jack" Callahan in Miami. Investigators said they believe Callahan was killed to keep him from telling authorities about links between World Jai Alai and the mob.

Martorano, who admitted pulling the trigger in both killings, agreed to testify against Bulger and Flemmi to get his charge reduced to second-degree murder.

District Attorney Tim Harris of Tulsa has said he planned to seek the death penalty against Bulger and Flemmi.

Harris could not immediately be reached for comment Thursday on Rico's arrest. He did not return repeated phone messages left at his office by The Associated Press.

Gail Marcinkiewicz, a spokeswoman for the Boston FBI, declined to comment on the arrest of Rico.

Cagney said he expects Rico will appear before a Miami-Dade County judge within the next two days for an extradition hearing. He said he had not spoken with his client since his arrest and did not know if he planned to waive extradition to Tulsa.

Rico is being held at the Miami-Dade County jail, Cagney said.

During the trial last year of former FBI Agent John Connolly Jr., prosecutors said Bulger and Flemmi were left untouched by law enforcement for decades because they were acting as FBI informants, ratting on the separate New England Mafia.

Flemmi is scheduled to go to trial Oct. 20 in U.S. District Court in Boston on a federal racketeering indictment in which he is charged in 10 murders.

Bulger fled in 1995, just before he was indicted, after receiving a tip from Connolly, his former FBI handler. Now wanted in 21 murders, Bulger is on the FBI's "Ten Most Wanted" list. Connolly is serving a 10-year sentence in federal prison.

For more than two years, a Congressional panel has been investigating the Boston FBI office's ties to its mob informants. In 2001, Rico testified about another case before the House Committee on Government Reform.

He denied that he and his partner helped framed an innocent man for the 1965 gangland slaying of Edward "Teddy" Deegan, but acknowledged that **Joseph Salvati** wrongly spent 30 years in prison for the crime.

After U.S. Rep. Christopher Shays, R-Conn., accused Rico of feeling no remorse for his role in the conviction of four innocent men in the Deegan case, Rico replied, "What do you want, tears?"

Rico denied claims that he and other FBI agents hid evidence in the case to protect its informants.

Salvati and three other men were sent to prison based in part on the testimony of another top FBI informant, Joseph "The Animal" Barboza.

Salvati's lawyer, Victor Garo, predicted that Rico's arrest might split the Boston FBI scandal wide open, exposing more government wrongdoing both in Boston and Washington.

"He was the inside man of the Boston office of the FBI in dealing with informants like Steve Flemmi and others," Garo said. "I would imagine that right now many people are concerned about what he knows and what he will say ... He knows about all the skeletons in the closet."

Load-Date: October 10, 2003



Former FBI agent believes mobster innocent

Tulsa World (Oklahoma)

May 4, 2001

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Length: 614 words

Body

WASHINGTON -- (AP) A former FBI agent ignored his attorney's advice and testified Thursday that he now believes that a man who claims he spent 30 years in prison because he was framed by the FBI was innocent. "I was

not convinced he was innocent until today," former Agent H. Paul Rico told the House Government Reform Committee, which is investigating the case of Joseph Salvati and the relationship of the Boston FBI and its mob informants.

Salvati, 68, was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997.

He and a codefendant, Peter J. Limone, 66, were exonerated this year after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who were helping them bring down high ranking New England mobsters and manipulated testimony in their 1968 murder trial, the judge found.

AP

Secret reports written by Rico showed informants told FBI agents of plans for the slaying before Deegan was killed and provided names of those involved. Salvati and Limone's names were not included.

The FBI has maintained there was no effort to hide the information.

Rico said Thursday that he would answer committee members' questions against the advice of his attorney, who told him to plead the Fifth Amendment until he was given immunity.

Still, he showed no sympathy for Salvati.

"Would you like tears or something?" Rico said when asked if he felt any remorse about Salvati spending 30 years in prison. "I believe the FBI handled it properly."

The committee focused on the Salvati case in the first of several hearings it plans to hold as it investigates the FBI's use of informants.

Committee Chairman Rep. Dan Burton, R-Ind., called for hearings after learning of Salvati's case and of federal indictments charging alleged mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi with about 20 murders and allegations that FBI agents covered up their crimes to protect their prized informants.

Former FBI agent believes mobster innocent

One of those murders was of Tulsa executive Roger Wheeler, who was shot in the head at Southern Hills Country Club on May 27, 1981.

Bulger, 71, and Flemmi, 63, allegedly were allowed to conduct criminal activity, including murders, while informing FBI agents about rival mobsters over several decades. Flemmi is awaiting trial while Bulger remains at large and is on the FBI's Ten Most Wanted list.

Ex-FBI agent John J. Connolly has been charged with racketeering and obstruction of justice for his handling of Bulger and Flemmi.

Salvati's lawyer, Victor Garo, told the committee members that not only did the FBI help to wrongly convict Salvati, but federal agents also conspired to thwart his attempts to get his sentence commuted.

Garo said FBI agents from the Boston office gave harmful information to former Gov. William Weld and the state parole board when Salvati applied to have his sentence shortened.

Burton said the committee would contact Weld and ask about any FBI attempts to influence the decision on commuting his life sentence. It is common to seek law

enforcement opinion on commutation requests, but Garo said Weld cited Salvati's "long and involved criminal record" and alleged ties to organized crime as reasons for rejecting the request in January 1993.

Prior to his 1967 murder conviction, Salvati had been arrested just once, for breaking and entering more than a decade earlier, Garo said.

In addition, Garo said an FBI official contacted the former chairman of the state parole board, Jim Curran, in 1986 during another attempt by Salvati to commute his sentence, and told Curran Salvati remained under investigation for other crimes.

Load-Date: May 5, 2001



Former FBI agent says he believes Salvati innocent

The Associated Press State & Local Wire

May 3, 2001, Thursday, BC cycle

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Section: State and Regional

Length: 867 words

Byline: By KEN MAGUIRE, Associated Press Writer

Dateline: WASHINGTON

Body

A former FBI agent ignored his attorney's advice and testified Thursday that he now believes that a man he helped put behind bars for 30 years for a mob-related murder was innocent.

"I was not convinced that he was innocent until today," former Agent H. Paul Rico told the House Government Reform Committee, which is investigating the case of *Joseph Salvati* and the relationship of the Boston FBI and its mob informants.

Salvati, 68, was convicted of the 1965 murder of Edward "Teddy" Deegan in Chelsea, Mass., and remained in prison until his sentence was commuted in 1997.

He and a co-defendant, Peter J. Limone, 66, were exonerated this year after a judge concluded that FBI agents hid evidence that would have proven their innocence. The FBI protected informants who were helping them bring down high ranking New England mobsters and manipulated testimony in their 1968 murder trial, the judge found.

"This is a story that needs to be told," Salvati testified. "The government stole more than 30 years of my life."

Rico claimed he only came to believe in Salvati's innocence after hearing testimony Thursday.

Committee members issued an apology to Salvati, but Rico showed no such remorse.

"Remorse - for what? Would you like tears or something?" Rico told the committee. "I believe the FBI handled it properly."

Rico said Salvati's ordeal "would be a nice movie."

Rico said he did his job, which was handing over information to local police investigating the Deegan murder. The FBI has maintained there was no effort to hide the information.

"I think you should be prosecuted," Rep. Christopher Shays, R-Conn., told Rico. "I think you should be sent to jail."

Former FBI agent says he believes Salvati innocent

A Justice Department task force is currently investigating the Boston FBI office. In a letter dated May 3 to the committee, FBI Director Louis J. Freeh said allegations about the Salvati case are "alarming and warrant thorough investigation."

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In addition, Garo said an FBI official contacted the former chairman of the state parole board, Jim Curran, in 1986 during another attempt by Salvati to commute his sentence, and told Curran that Salvati remained under investigation for other crimes.

Rep. William Delahunt, D-Mass. said he has asked the Massachusetts Parole Board to safeguard any documents related to Salvati's requests.

Before hearing tearful testimony from Salvati and his wife, Marie, committee members harshly criticized the FBI for allegedly knowing of Salvati's innocence.

Burton said he was particularly disturbed by information in Freeh's letter to the committee.

Freeh said that Rico interviewed Joseph "The Animal" Barboza, who agreed to provide information on the Deegan murder, "however, Barboza advised that he would never provide information that would allow Vincent Flemmi to 'fry.'"

Former FBI agent says he believes Salvati innocent

Flemmi, the brother of Stephen Flemmi, was named in Rico's FBI reports as one of Deegan's killers but was never charged. The judge who cleared Limone and Salvati said reports appeared to show Vincent Flemmi was an FBI informant at the time.

Load-Date: May 4, 2001

End of Document



FORMER MOB BOSS TELLS OF ACCESS TO FBI

The Boston Globe

February 13, 2004, Friday

THIRD EDITION

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Section: METRO/REGION;

Length: 1103 words

Byline: By Shelley Murphy, Globe Staff

Body

They were the glory days for Francis "Cadillac Frank" Salemme and Stephen "The Rifleman" Flemmi, who once roamed the city dressed as rabbis while stalking a rival during Boston's bloody gang wars of the 1960s. They finally killed the man at a bus stop, Salemme said, with the help of an FBI agent.

They made sure, Salemme said, that Boston mob underboss Gennaro "Jerry" Angiulo was acquitted in 1968 of being an accessory to murder by slipping into the Suffolk County courthouse at night to meet with a juror. It was routine for them to use their contacts at the Registry of Motor Vehicles to run license plates so they could get people's addresses.

"We could go anywhere in the city and get identification, get plates, talk to jurors after hours at night in the court, anything," Salemme told a congressional committee investigating the FBI's handling of informants, particularly in Boston. "We had that kind of access in the city of Boston."

Salemme's account of underworld Boston and alleged FBI corruption was made public yesterday when the US House Committee on Government Reform released a 154-page transcript of the closed-door deposition that the former boss of the New England Mafia gave last April.

His most damning allegations were made against H. Paul Rico, a retired FBI agent who died last month while awaiting trial in Oklahoma on charges that he helped longtime FBI informants Flemmi and James "Whitey" Bulger kill a Tulsa businessman in 1981.

Salemme claimed that Rico leaked information to him and others who were aligned with Somerville's McLean gang during the 1960s that allowed them to ambush and kill two members of the rival McLaughlin gang from Charlestown.

Salemme claimed that Rico had "animosity" toward the McLaughlin gang because federal wiretaps had picked up conversations in which the gangsters cast "aspersions on Paul's manhood" and his relationship with former FBI director J. Edgar Hoover.

FORMER MOB BOSS TELLS OF ACCESS TO FBI

The McLaughlin gangsters were overheard saying that Rico had "a menage a trois" with Hoover and another high-ranking FBI official, Salemme said.

Boston lawyer E. Peter Parker, who represented Rico in a number of civil suits filed against him in federal court in Boston, called Salemme's claims ridiculous, arguing that it's in Salemme's interest to smear Rico, because Salemme has said that he plans to sue the FBI.

"Apparently, he is quite willing to plumb the depths of what evidently is a rich fantasy life," Parker said. "What's next, Rico killed JFK?"

Salemme, 69, was released into the federal witness protection program last year after serving eight years in prison for racketeering and extortion. He admitted to eight gangland murders in the 1960s, but was given a reduced sentence because his cooperation led to the May 2002 conviction of retired FBI agent John J. Connolly Jr. on federal racketeering charges.

US Representative Tom M. Davis III, a Virginia Republican who is chairman of the Committee on Government Reform, said the panel kept Salemme's transcript sealed for the past 10 months at the request of federal and state investigators who were targeting Rico.

But after Rico died Jan. 17, the committee decided to unseal Salemme's deposition to "allow the public further insight into the improper, indeed, criminal relationship between Boston FBI agents and their murderous informants," said a statement Davis issued yesterday.

During his deposition, given under a grant of immunity, Salemme said that he and Flemmi tried to kill Edward "Punchy" McLaughlin twice, once outside Beth Israel Hospital while disguised as rabbis. But they ended up wounding him instead, prompting Rico to say later, "Boy, that was a sloppy piece of work."

Salemme claimed that after McLaughlin went into hiding, Rico gave him a slip of paper with the address of the Canton house where McLaughlin was staying with a girlfriend, allowing Salemme and Flemmi to trail McLaughlin from Canton to a West Roxbury bus stop, where they killed him on Oct. 20, 1965.

Another McLaughlin gang member, Ronald Dermody, asked Rico to meet him at a prearranged spot. But, according to Salemme, Rico called gang leader Buddy McLean and told him where Dermody was, "and Buddy goes there and kills him."

Rico picked up McLean at the scene of the crime and let him stay at his Belmont home for a few days "until the heat rolled over," Salemme said.

Back then, Salemme said, he didn't know that Flemmi was an FBI informant, recruited by Rico in 1965. Flemmi was secretly providing Rico with information about the criminal exploits of his rivals and his friends, including Salemme.

Salemme said he wasn't suspicious when Rico and his partner, FBI agent Dennis Condon, frequently came by his Roxbury garage to hang out and have coffee. Salemme said it was a different era, when law enforcement officials had cozy relationships with gangsters.

Salemme said he repaired Rico's FBI car at no cost when it was rammed at the racetrack so Rico wouldn't have to explain the damage to his superiors. On another occasion, Salemme said, he gave Rico a car.

Salemme said he and Flemmi also gave Rico a "throwaway gun" to use for protection when the agent feared he might be targeted by "lamsters," fugitive members of the McLaughlin gang.

At the time, Salemme, who would become boss of the New England Mafia in 1991, was an up-and-coming member of the crime family. He described how in 1968 he met with a member of the jury that later acquitted Angiulo of being an accessory before the fact in the murder of Rocco DiSeglio, who was killed in 1966 because associates believed he helped rivals stick up card games on Mafia turf.

FORMER MOB BOSS TELLS OF ACCESS TO FBI

Salemme said he knew a custodian at the Suffolk County courthouse and was able to slip into the building one night.

The government's star witness in that case, Mafia hitman Joseph "Baron" Barboza, testified at another murder trial that year, leading to the wrongful conviction of four men for the 1965 gangland murder of Edward "Teddy" Deegan.

Two of those men, Louis Greco and Henry Tameleo, died in prison. The others, **Joseph Salvati** and Peter Limone, spent 30 years in prison. They were released after FBI documents indicating that Barboza had framed them were not turned over to defense lawyers during their trial. The documents suggested that one of the killers had been Flemmi's brother, Vincent "Jimmy" Flemmi, who was also an FBI informant.

Salemme told the committee that Rico and Condon knew that four men had been framed for Deegan's murder and that Condon even joked about Greco's being on death row for a murder in which he wasn't involved.

Salemme said Rico had tried to recruit him as an informant, but he refused.

Graphic

PHOTO, FRANCIS P. SALEMME Shown in 1995 mugshot

Load-Date: February 13, 2004

FOR THE RECORD



FOR THE RECORD

The Boston Globe
January 20, 2006 Friday
THIRD EDITION

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Section: METRO/REGION; Pg. A2

Length: 156 words

Body

Omission : Key comments from a Justice Department spokesman were omitted during the editing of a story in yesterday's City & Region section reporting on an IRS audit of the tax returns of attorney Victor Garo. Garo, the lawyer for **Joseph Salvati**, who spent 30 years in prison after he was framed in a gangland murder, was quoted as saying he believed that it is "highly unlikely" that the audit was random because it is being conducted at the same time that Justice Department lawyers are urging a judge to force Garo and Salvati to disclose details of a movie contract they signed. Charles Miller, a spokesman for the Justice Department, said attorneys from the department's civil division, who are defending the government in a civil case brought by Salvati on his wrongful imprisonment, "have had no communication or contact with the IRS concerning either Mr. Salvati or Mr. Garo, and we don't know anything about an audit of either one."

Notes

FOR THE RECORD

Load-Date: January 20, 2006

End of Document

FOUR CONVICTED IN MOB KILLING COULD BE CLEARED; PROSECUTOR EXAMINING FRESH EVIDENCE; MEN MAY HAVE BEEN FRAMED



**FOUR CONVICTED IN MOB KILLING COULD BE CLEARED;
PROSECUTOR EXAMINING FRESH EVIDENCE; MEN MAY HAVE BEEN
FRAMED**

Hartford Courant (Connecticut)

January 4, 2001 Thursday, 7 SPORTS FINAL

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Section: MAIN; Pg. A7**Length:** 865 words**Byline:** By EDMUND H. MAHONY; Courant Staff Writer**Dateline:** BOSTON --**Body**

The city's top prosecutor is expected to begin the legal process Friday that could clear four men convicted of a 1965 murder as his office continues to receive evidence suggesting that the four spent most of their lives in prison after being framed by a double-dealing FBI informant.

A veteran defense lawyer -- the second to do so this week -- said in a sworn affidavit Wednesday that in 1967 a client of his admitted participating in the notorious murder of Edward "Teddy" Deegan, but denied that four other men accused in the killing were involved. A day earlier, another city lawyer said his client told him the same thing in 1967.

Late last month, a special federal prosecutor investigating law enforcement corruption discovered a series of secret FBI memos showing that top bureau officers -- including former Director J. Edgar Hoover -- apparently suppressed credible evidence that could have prevented the four men from being convicted.

The FBI memorandums are the most convincing evidence to date. Citing information from a bureau source, they suggest that four of the six Boston-area men ultimately convicted for the murder -- **Joseph Salvati**, Peter Limone, Henry Tameleo and Louis Greco -- did not commit the crime.

The documents also show that the FBI knew that Deegan had been marked for death by men the bureau was cultivating as informants. Ultimately, the small-time hoodlum was gunned down in a Chelsea alley, and the two informants were allowed to escape prosecution.

The FBI memorandums and the information provided by the two lawyers suggest that Deegan's real killers were Joseph "The Animal" Barboza, Vincent "The Bear" Flemmi, Wilfred Roy French, Romeo Martin and Ronald Cassesso. Barboza and Flemmi were accomplished mob killers who became FBI informants during the investigation and prosecution of the Deegan case.

FOUR CONVICTED IN MOB KILLING COULD BE CLEARED; PROSECUTOR EXAMINING FRESH EVIDENCE; MEN MAY HAVE BEEN FRAMED

The four men believed by many to be innocent were convicted of murder on July 31, 1968. Tameleo and Greco died in prison. Salvati was released in 1997 when former Gov. William Weld commuted his sentence. Limone remains in prison and continues to fight for his release.

Sources familiar with the Deegan case said Wednesday that, confronted by the growing body of evidence, Suffolk County District Attorney Ralph Martin will agree to Limone's release from prison during a court hearing on the case Friday in Cambridge. In addition, the sources said Martin no longer will oppose requests by Salvati and Limone for new trials. Martin also could decline further prosecution of the two men, the sources said.

Victor Garo, the lawyer who has been working to clear Salvati for more than 20 years, said he and his client would have nothing to say at least until Friday. Spokesmen for Limone could not be reached.

If Martin initiates measures that lead to the dismissal of charges against Salvati and Limone, it will mark a sharp departure from his office's past practices. Over the decades, the office of Suffolk District Attorney has reviewed evidence suggesting the four were innocent, but invariably dismissed it as incredible.

But the material brought forward over the last month paints perhaps the most convincing portrait of innocence to date -- particularly the previously secret FBI memorandums unearthed by special prosecutor John Durham, an assistant U.S. attorney from New Haven, Conn., with a reputation for impartiality.

Taken collectively, the new evidence supports allegations at the core of what Durham's U.S. Department of Justice task force has been assigned to investigate: whether some FBI agents broke the law when dealing with informants, and whether informants were permitted to commit murder without punishment.

In the Deegan case, Barboza and Flemmi, both of whom are dead, are identified by a variety of sources as organizing the murder. What's more, the two admitted their involvement in conversations with lawyers that were once protected by the lawyer-client privilege. After becoming informants, the two were never prosecuted.

Joseph Balliro Sr., a lawyer who represented Flemmi in the 1960s, signed an affidavit Tuesday in which he said Flemmi admitted that he and Barboza were in on the Deegan murder and that four innocent men were wrongly convicted. Balliro said Flemmi told him that Barboza decided to implicate the innocent men because they "had disrespected him."

In a second document Balliro disclosed Wednesday, one of Barboza's former lawyers -- F. Lee Bailey -- wrote that Barboza admitted helping to convict innocent men of the crime.

The convictions of the men Barboza identified as Deegan's murderers helped the FBI satisfy enormous pressure in the 1960s to convict members of the New England Mafia. Tameleo and Limone were senior Mafia members. Greco was an associate, and Salvati did favors for mobsters from time to time.

Barboza and Flemmi were recruited as informants by now retired FBI Agent H. Paul Rico. Rico also was involved in recruiting gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi -- Vincent Flemmi's brother -- as informants. Durham recently indicted Bulger and Stephen Flemmi for 21 murders, several committed while they were working for the FBI.

Load-Date: January 4, 2001



FOUR WERE FRAMED WITH THE FBI'S HELP; \$100 MILLION IN DAMAGES SOUGHT

Hartford Courant (Connecticut)

November 19, 2006 Sunday

2 STARS/FINAL EDITION

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Section: MAIN; Pg. A1

Length: 1731 words

Byline: EDMUND H. MAHONY; Courant Staff Writer

Dateline: BOSTON --

Body

When a flurry of gunshots ended Edward ``Teddy" Deegan's misspent life more than 40 years ago, there should have been no mystery about who pulled the trigger.

FBI agents had been listening to the murder plot unfold for five months through a microphone hidden in a mob office and through reports from informants. They knew that Vincent ``Jimmy" Flemmi and Joseph ``The Animal" Barboza, two hoodlums the bureau was recruiting as informants, were behind the conspiracy.

But what should have been an open-and-shut case turned into a legal nightmare. Thousands of recently disclosed U.S. Justice Department records show that the FBI, in order to cultivate Flemmi and Barboza as informants, allowed them to frame four innocent men for the Deegan murder.

Armed with those newly obtained records, the framed men -- or their estates -- are now seeking more than \$100 million in damages from the federal government, arguing that they spent decades in prison because of a morally bankrupt conspiracy between FBI agents and gangsters.

Older, grayer, heavier and frailer, the two surviving defendants, **Joseph Salvati** and Peter Limone, were in U.S. District Court late last week to watch their battery of lawyers open the trial phase of the long-anticipated suit.

Salvati's wife, Marie, stung by bitter memories dredged up in the courtroom, wiped a tear from her eye during a recess. Said Limone: ``It's all rhetoric so far. We just have to wait for the end result. I hope it's good."

What makes the suit's contentions as convincing as they are sensational is that most of the thousands of FBI records on which it is based were uncovered during an investigation of law enforcement corruption in New England by a special task force of the U.S. Department of Justice. State prosecutors in Florida are using parts of the same trove of records to prosecute a corrupt FBI agent from Boston on a Miami murder charge.

FOUR WERE FRAMED WITH THE FBI'S HELP; \$100 MILLION IN DAMAGES SOUGHT

The suit claims that the harrowing legal odyssey of the four men -- Salvati, Limone, Henry Tameleo and Louis Greco -- began in the early 1960s when U.S. Attorney General Robert Kennedy and FBI Director J. Edgar Hoover decided to crack down on the Mafia. One of the government's principal weapons was to be the Top Echelon informant program, a program created to recruit informants from among gangsters who knew the mob's inner workings at first hand.

"This was supposedly the creme de la creme regarding organized crime informants," Michael Avery, one of Limone's Boston attorneys, argued in his opening statement. "Soon after the Top Echelon program began, the FBI and the Department of Justice launched programs that were illegal, unconstitutional and immoral. It became the philosophy of the FBI and the Department of Justice that the end justifies the means."

In his opening, Hartford attorney Austin J. McGuigan, representing Salvati, cited a score of FBI memos and reports showing that numerous FBI agents -- including Hoover -- not only knew the identities of Deegan's real killers, but had the information before he was killed.

"There was extensive advance warning to the FBI that this crime would occur," McGuigan, Connecticut's former top state organized-crime prosecutor, told U.S. District Judge Nancy Gertner.

Flemmi and Barboza even asked the late mob boss Raymond L.S. Patriarca to sanction the murder eight days before it took place. The FBI was aware of the meeting, McGuigan said, because an agent listened to the conversation through the microphone hidden in Patriarca's Providence office, took notes, reduced the notes to a memo and distributed it through the FBI chain of command to Hoover's desk in Washington.

Patriarca, a notoriously violent man, seemed to have doubts about the wisdom of the Flemmi-Barboza plan, at least initially. An FBI document in the case reflects that the mob boss told a trusted lieutenant that Flemmi, then boasting about becoming Boston's No. 1 hit man, "did not use sufficient common sense when it came to killing people."

But after a second Providence meeting a week later, McGuigan said, Patriarca's misgivings apparently evaporated. The records show that an informant told a slab-faced former FBI agent named H. Paul Rico that there had been "a dry run" and the Deegan hit was on. Flemmi was telling friends to find alibis for the next few evenings.

Deegan died, full of bullets, in a dark alley in Chelsea on March 12, 1965. Almost before the body had been removed, McGuigan said, FBI records show that yet another informant was describing Deegan's death to Rico in lurid detail. By this account, Flemmi, Barboza and three confederates lured Deegan into the alley on the pretext of burgling a finance company. One blasted Deegan in the back of the head and two more opened fire as his corpse crumpled. Flemmi, aspiring ace hit man, complained that the shooters made "an awful sloppy job" of it.

Still, police were having a hard time solving the case until Barboza wound up in jail facing trial on unrelated state charges -- charges that could have landed him an 84-year sentence as an habitual offender. Barboza cut an extraordinary deal with Rico, which the FBI then sold to state prosecutors: He would confess his role in the Deegan killing in exchange for a drastically reduced charge that resulted in his release from prison for time served.

But Barboza refused to implicate Flemmi. According to the lawsuit, in their zeal to recruit the two men as informants Rico and others in the FBI agreed to help Barboza rope the four innocent men in as his accomplices. The suit contends that the FBI essentially handed the Deegan case to Massachusetts state prosecutors after arranging with Barboza what his testimony would be.

When the trial ended, Limone, Tameleo and Greco were sentenced to death by electrocution. During her opening statement last week, Limone lawyer Juliane Balliro, of Boston, flashed a picture of the Massachusetts electric chair on an oversize courtroom television screen. The death sentences were later commuted to life in prison, the same punishment Salvati got.

Tameleo and Greco, a decorated World War II hero, died in prison in 1985 and 1995, respectively.

FOUR WERE FRAMED WITH THE FBI'S HELP; \$100 MILLION IN DAMAGES SOUGHT

The lawyers arguing the suit contended that Barboza framed four innocent men to obtain a measure of retribution in trivial personal disputes. But other sources familiar with the FBI documents say prosecutors got at least three mob convictions as a result of Barboza's testimony in the Deegan case.

The sources said Tameleo, Greco and Limone, although blameless in Deegan's murder, were Mafia members. The sources agree with Salvati's lawyers about why Barboza fingered him: Salvati owed Barboza \$400. When Barboza sent men to collect, Salvati gave them a beating.

What the FBI didn't get from its deal with Barboza was one of the biggest prosecutorial coups imaginable. Had Barboza testified truthfully, McGuigan and other lawyers believe, prosecutors could have made a murder conspiracy case against Patriarca, who was near the top of Kennedy's list of national Mafia targets. But had prosecutors targeted Patriarca, the lawyers say, it could have led to disclosure in court of the hidden -- and illegal -- FBI microphone.

The informers Barboza and Flemmi would not have been inconsiderable defendants themselves. Barboza was believed responsible for 21 murders before he was gunned down in the 1970s in San Francisco, where he had been relocated as the country's first beneficiary of the federal witness protection program.

McGuigan said in court that, when writing an FBI report in March 1965 on Flemmi's purported suitability for the Top Echelon program, Rico attributed four murders to him. About a month later, when revising the report after Deegan's murder, Rico reported that Flemmi's body count had jumped to seven.

The U.S. Justice Department's civil division has challenged the suit on technical legal grounds. During pretrial arguments, the Justice lawyers argued that the United States is immune from such suits. Judge Gernter disagreed and was upheld by the U.S. 1st Circuit Court of Appeals.

Last week, Justice Department lawyer Bridgette Bailey-Lipscomb, in an opening statement that lasted less than 10 minutes, disputed the lawsuit's contention that Rico and other FBI agents coached Barboza to perjure himself in the Deegan trial. She also argued that the federal government should not be responsible for convictions in state court.

Bailey-Lipscomb said that the FBI had no obligation to provide information about its relationship with Flemmi and Barboza to state authorities. Nonetheless, she said, the FBI did provide some information, but she did not say what it was.

Curiously, Bailey-Lipscomb is defending the government from a case that was essentially developed by her colleagues in the department's criminal division, in particular John H. Durham, the deputy U.S. attorney in New Haven. In the late 1990s, U.S. Attorney General Janet Reno appointed Durham to a special Justice Task Force assigned to investigate longstanding rumors of corrupt relationships between lawmen and gangsters in Boston.

In December 2000, Durham delivered to Salvati and Limone the previously secret FBI records that form the heart of the lawsuit. In his opening statement, McGuigan said the suit would not have been possible without Durham's work. The documents also resulted in Limone's release from prison in January 2001 and caused state prosecutors to dismiss the convictions of Limone and Salvati, whose sentence had been commuted in 1997 by former Gov. William Weld.

The documents also marked the beginning of the end for former agent Rico. In 2001, he was questioned by members of a congressional committee about FBI abuses. Pressed about the consequences of convicting an innocent man such as Salvati, Rico snapped: "What do you want? Tears?" Salvati and his wife sat just 20 feet away, listening with expressions of horror.

Two and a half years later Rico was under arrest for murder. He was accused of conspiring with another Top Echelon informant from Boston, Flemmi's brother Stephen "The Rifleman" Flemmi, in the murder of Roger Wheeler, president of the World Jai Alai corporation. Rico and Stephen Flemmi were part of an underworld attempt to take over a substantial portion of the East Coast parimutuel wagering on jai alai.

Rico died in January 2004 while awaiting trial in a Tulsa, Okla., jail.

FOUR WERE FRAMED WITH THE FBI'S HELP; \$100 MILLION IN DAMAGES SOUGHT

Contact Edmund H. Mahony at emahony@courant.com.

Graphic

PHOTO 1-4: (B&W) MUGS

PHOTO 1: SALVATI PHOTO 2: LIMONE PHOTO 3: GRECO PHOTO 4: TAMELEO

Load-Date: November 21, 2006

End of Document

Framed by feds, four awarded \$101.8M; Wrongful conviction and lengthy jail ruined lives of innocent men



[Framed by feds, four awarded \\$101.8M; Wrongful conviction and lengthy jail ruined lives of innocent men](#)

Edmonton Journal (Alberta)

July 28, 2007 Saturday

Final Edition

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Section: NEWS; Pg. E15

Length: 650 words

Byline: New York Times

Dateline: BOSTON

Body

BOSTON - In what appears to be the largest sum ever awarded in such a case, a judge on Thursday ordered the federal government to pay \$101.8 million for framing four men for a murder they did not commit.

Two of the men, Henry Tameleo and Louis Grec, died in prison after being wrongly convicted in a 1965 gangland murder. Two others, Peter Limone and ***Joseph Salvati***, were exonerated in 2001. Limone was released after 33 years in prison; Salvati had been paroled in 1997.

"It took 30 years to uncover this injustice," said Judge Nancy Gertner of U.S. District Court. Gertner said the case was about "the framing of innocent men," adding that "FBI officials allowed their employees up the line to ruin lives."

The men were exonerated after the discovery of FBI memorandums, which were not turned over during trial, that indicated the government's primary witness, a mob hit man named Joseph Barboza, who was known as "the Animal," had lied when he said the four men killed a low-level mobster, Edward Deegan.

Barboza had been protecting the real killer, and FBI officials went along, the memorandums suggested, because Barboza helped them solve other cases and because the killer, Vincent Flemmi, was an FBI informant. By the time the four men were exonerated, Flemmi had died while serving a sentence for an unrelated crime.

At the time of Deegan's murder, the FBI under J. Edgar Hoover was zealously committed to crippling the mafia, and, the judge said, the four men were treated as "acceptable collateral damage."

Gertner forcefully criticized the argument by Justice Department lawyers that federal authorities were not required to share information with state prosecutors and were not responsible for the results of a state prosecution.

GOVERNMENT POSITION 'ABSURD'

"The government's position is, in a word, absurd," she said.

Framed by feds, four awarded \$101.8M; Wrongful conviction and lengthy jail ruined lives of innocent men

A Justice Department spokesman, Charles Miller, said the government would review the decision before deciding whether to appeal.

Legal experts say the largest previous damage award in a wrongful conviction case was a \$36 million settlement in 1999, paid to four men by Cook County, Ill.

"It's very hard to win these cases," said Adele Bernhard, an associate professor at Pace University Law School. "A lot of times when people are wrongfully convicted, it looks like a series of mistakes."

Gertner awarded \$26 million to Limone and \$29 million to Salvati. The estate of Tameleo, who was 84 when he died in 1985, was awarded \$13 million. The estate of Greco, who died in 1995 at 78, was awarded \$28 million. The wives and other family members of the men were awarded money as well.

The men's lawyers had not sought a specific amount but had cited cases in which people were awarded \$1 million for each year in prison.

"They stole 33 years of my life," said Limone, 73, who was a 33-year-old restaurant manager with four young children when he was arrested. He was on death row for several years, along with Greco and Tameleo, until Massachusetts abolished the death penalty. Limone said his children would "come up and see me, and every time I would always smile and say everything's fine so they

wouldn't know." He added: "They would go to school and people would say, 'Your father's a murderer.' I always told them I was innocent and the proof of the pudding, they heard it for themselves."

Salvati, arrested when he was a 34-year-old truck driver with four children, sent a love note from prison to his wife, Marie, every week. She kept all 29 years' worth of notes in shoeboxes.

"It was a nightmare," said Salvati, 74. He said the damage award meant that "my children can have all the things that they didn't have when I was in prison."

Tameleo's wife died while he was in prison. Greco, a decorated and disabled Second World War veteran, left behind a wife who became so depressed that she left their teenage children for a time. One of Greco's sons committed suicide after his death.

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