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The Boston Globe

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No apology from agent in Salvati case

But he acknowledges a man's innocence

By Shelley Murphy

Globe Staff / May 4, 2001

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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.

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.

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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. ■

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