FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Boston, Mass.

Report of: DENNIS M. CONDON
Date: 6/24/68

Office: Boston, Massachusetts

Field Office File #: 92-1132

Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Results of contacts with JOSEPH BARON and Atty. JOHN FITZGERALD not related to case involving RAYMOND L. S. PATRIARCA, HENRY TAMELEO, and RONALD CASSESSO are set forth herein. BARON contacted by Atty. General for the State of Rhode Island to ascertain if he would testify against PATRIARCA in Rhode Island. BARON also contacted by representative of Suffolk County District Attorney's Office in preparation for trial involving gangland death of EDWARD DEEGAN. SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

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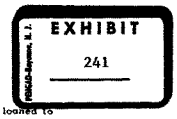
DETAILS:



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☆ U.S. GOVERNMENT PRINTING OFFICE: 1967—O—273-878

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 7/5/68

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JOSEPH BARON was contacted at the Suffolk County Superior Court, Boston, Massachusetts.

BARON was being held there prior to his appearance to furnish evidence in the EDWARD "TEDDY" DEEGAN murder trial.

No matters of any pertinence were discussed with him.

On 6/28/68 at Boston, Massachusetts File# Boston 92-1132

by SA DENNIS M. CONDON:po'b 4 Date dictated 6/28/68

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EXHIBIT

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Q All right. Now, was there any conversation at that time with regards to the weapon that Louis Grieco would have?

MR. O'DONNELL: Just a minute, Mr. Zalkind. I just didn't hear from have. Did the witness say "I swapped guns with Romeo"?

MR. ZALKIND: Excuse me, Your Honor. Does Mr. O'Donnell want the answer read from the record?

THE COURT: Yes, I think he does, and he is entitled to it.

MR. ZALKIND: Would you read it, please?

THE COURT: Would the stenographer read it out loud, please? The jurors have to hear.

[Answer read as follows:

"A Because I swapped guns with Romeo."]

Q Was there any conversation at this time with regard to what sort of a weapon Mr. Grieco would have?

A He would have a.45.

Q Now, was there any conversation as to what sort of a weapon Mr. Cassesso would have?

A He would have a 357.

Q Was there any conversation with regard to what kind of a weapon you would have?

A I would have a 357.

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Q Please tell us what happened -- strike that question. Will you pick up your narrative and tell us everything that was said at this meeting on Friday, and tell us everything that was done, everything that was said and everything that was done?

THE COURT: That has to do with this case.

MR. ZALKIND: Absolutely, your Honor.

MR. CHISHOLM: Objection.

THE COURT: Objection overruled.

MR. CHISHOLM: It's too broad. Couldn't we have it in question-and-answer form?

THE COURT: That's a good question. Wasn't everything done so that the witness can tell us in his own way? That is a proper question. Proceed.

Q Tell us everything that was said and done on that Friday.

THE COURT: Tell us everything that was said and everything that was done.

THE WITNESS: I said that Lewis would bring -- that Romeo would bring Lewis' gun down at the Ebb Tide, that Chico would be down at 8:30, down at the Ebb Tide. He wasn't to come in. Lewis didn't want to be seen --

THE COURT: Was that the conversation?

sort?

A At that time?

Q Yes.

THE COURT: Yes or no? Was there or wasn't there?

THE WITNESS: I'm thinking.

THE COURT: What?

THE WITNESS: I'm thinking, trying to think of it.

THE COURT: You think, but all you have to do is answer yes or no, because the question was - Was there any conversation.

THE WITNESS: I will have to say yes.

THE COURT: You take your time.

THE WITNESS: I will have to say yes.

Q Please relate what the conversation consisted of and who said what?

A I don't remember how the conversation went. All I know is that I had phony glasses and a moustache, Ronnie had phony glasses and a moustache, Romeo didn't have nothing, Joe the Horse had glasses and a moustache and wig that made him look bald, Chico had a moustache.

Q Now, after this meeting that you had Friday afternoon, did you have an occasion to leave the apartment?

A Yes.

Q And after you left the apartment did you have an occasion

meeting?

A Then he took out another -- a bag and -- out of a transparent little envelope, he gave us the mustaches. I already had a pair of glasses which I always kept on me, and he gave Romeo -- Ronnie glasses and Chico glasses, and I don't think Romeo even had glasses. I don't think he had glasses. Romeo didn't have anything.

Q Did you take anything?

A I took the mustache.

Q You took the mustache. Did you make any other observations with regard to what was taken out of that plastic bag that you described?

A Yes. He took out -- Joe The Horse took out for himself a mustache, a pair of glasses and the wig.

Q What did you do with this mustache that you got when it was given to you?

A I put it in my pocket.

Q Now, with regards to those items that were in that plastic bag, had you put anything into that bag or had you given any of the equipment in the bag to either Ronnie or Joe prior to this time?

A I had given him some mustaches. He had some theatrical equipment, and I had some stuff over in

with him by way of weapons?

A Weapons? When he came back?

Q Yes.

A No.

Q What did you do?

A I gave him my airway .38.

Q What did you say, if anything?

A I said, "I am going to give you my gun," I said. "You know, it's best you have a gun in case anything happens, but don't fire this gun unless you really have to," I says, "and if the law chases us and we have to get rid of this gun, try to remember the general area that you drop it so that we can find it later on."

So that I had the 357 Magnum and Joe had my .38, and I told him to take the M-1 out of my car and put it in Romeo Martin's car and put it -- it was under the back of the front seat.

Q What type of a weapon was the M-1?

A .30 caliber. It holds a .30 clip and a .15 clip.

Q Was it a hand gun or a rifle?

A A rifle.

Q All right.

A And then he took the bag that he had with a wig in it.

what went did you do?

A I told them to take my soft hat out from the back -- no. I didn't tell them. Not that time, no.

Q What did you do?

A I gave -- we got in the car. We got in the car.

Q Once you got in the car describe everything that was done and everything that was said?

A We left the parking lot.

Q Was there anyone else in the car other than the three people you just mentioned - you, Ronald Cassesso, and Joe?

A No.

Q What were the seating arrangements in the car?

A I was driving, Ronnie was sitting in the front, and Joe the Horse was in the back.

Q What was Ronnie wearing?

A A very light rain-and-shine coat, a white rain-and-shine coat.

Q Did you make any remarks about this light rain-and-shine coat to him at that time?

A No.

Q What was Joseph Salvati wearing at that time?

A He was wearing a dark rain-and-shine coat.

Q All right. After you got seated in the car, what did you

moustache to him and I said, "When we get to the place put some gum on and give it to me."

Q All right. Now, at this time were you wearing these glasses that you spoke about before?

A No.

Q Did you notice any make-up on Ronald Cassesso as you drove to Chelsea?

A He had already handed -- he handed the moustache to Joe the Horse and by the time we got to Chelsea, he had his moustache on.

Q Did you see him do this?

A Yes, and he passed the moustache to Joe and then by the time we got -- he was putting the moustache on when we were driving there, and when I looked at him good in Chelsea, he had on the glasses and moustache.

Q With regards to Joseph Salvati, did you see or hear him do anything with regards to make-up?

A Through the front mirror, in hearing the elastics snap.

Q Repeat that?

A Through the front mirror, where you can view the rear, I could see Joe putting on this wig and the snapping of the elastic.

Q And what kind of a wig was this? What did it look like?

A It had hair around this way and it had a few strands over here. It gave you a very high -- there's a few strands in

front that went back here, and you were bald.

Q What did it look like in the back? What did the crown of the skull look like, now? I'm pointing to it.

A You were bald.

Q You say you heard the snapping and you saw this?

A Yes.

Q Is that right?

A Yes.

Q Now, at some time did you get to Chelsea?

A Yes.

Q Where did you first stop when you got to Chelsea?

A I stopped on Pearl Street, which is -- when stopping by there at night --

Q Speak into the microphone.

A On stopping by there at night with Ronnie and Romeo, we had stopped on this street which is called Pearl Street.

Q Now, is there anything to -- any distinguishing landmarks about this street that you noticed?

A Well, it was -- maybe on the left-hand side about five car lengths, six car lengths there'd be a set of garages.

Q All right. Now, when you got to Chelsea -- first of all, before you got to Pearl Street did you make a pass past the alley, or did you not?

A Before I got -- yes. Well, we had to go by the alley.

Q The car that you came in -- what kind of a car was that?

A Romeo's car was a '64 maroon convertible with a black roof.

Q What kind of a car was it, do you know?

A '98.

Q A '98 Oldsmobile?

A Yes.

Q Now, after you saw these two men - Romeo and Lewis - what did you next do with regards to the five of you? What happened?

A Joe the Horse stayed in the car and Ronnie got out and I got out.

Q All right.

A Ronnie stayed there and I walked with Lewis and Romeo to the alley. We walked singly. I stayed behind them.

Q You walked to the alley?

A No. We walked to Fourth and Pearl Street.

Q You walked to Fourth and Pearl Street?

A Yes.

Q Was there any conversation as you walked with Lewis Grieco and Romeo Martin at this time?

A Yes.

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Q What was the conversation?

A He said he stopped in front of the alley.

Q Right.

A And that he thought the old lady had seen him also.

Q Any other conversation?

A But he said he thought it would be all right. So I said, "Well, be careful. Good luck."

Q And then what happened?

A And I was at the corner. I waited for them while they got in the alley.

Q And you saw the two of them go into the alley?

A Yes.

Q Now, sir, prior to them getting into the alley, was there any conversation as to where these two men were supposed to go once they got in the alley and what they were supposed to do?

A They were supposed to --

Q Talk into the microphone.

A The door was going to be open, left unlocked. One of them was going to stay outside in the alley, if there was room, if there was a spot they could hide in in the alley -- one was going to stay outside -- and one of them was going to stay inside, because the express purpose of being inside was to shoot him

inside with the door closed so that the shots would be somewhat muffled.

Q Was there any predestined plan as to who would be outside and who would be inside?

A No.

Q All right. Now, sir, when you saw them go into the alleway -- and you are sure you saw them walk into the alleyway?

A Yes.

Q -- were the lights on or off in the alleyway at that time?

A They were off.

Q What did you do after you saw them go into the alley?

A I headed back to Romeo's car.

Q When you got back to the car, what did you do?

A I said, "Let's bend the plates."

Q Who did you say that to?

A Ronnie.

Q And what did you do after you said, "Let's bend the plates"?

A Ronnie bent over and he curled the back plate. He curled it from the front on the bottom right, curled it this way.

Q Using this piece of paper, will you show the jury what

you saw him do with the plate?

THE COURT. You may stand, if you like.

A Like this.

Q So in other words, after he curled the plate, he left a certain portion of the plate exposed, is that correct?

A Yes.

MR. ZALKIND. And may the record indicate that the witness took the left portion of the paper that I gave him and turned it and folded it over that portion of the paper?

Q Now, after he folded this plate, could you observe any number still showing from the folded plate?

A Yes.

Q What numbers did you see showing?

A 410.

Q 410?

A I think it's 410.

Q You think?

A Yes.

Q All right.

A Because, actually -- well, all right. 410 or 420; I don't know what it was.

Q But you remember the first number was a 4? Is that what you are saying?

MR. CHISHOLM. Wait a minute. I object.

MR. BALLIRO. I object.

MR. ZALKIND. Withdraw the question.

Q Do you have any positive memory as to what the first number was?

MR. CHISHOLM. I object, Judge.

A A 4, yes; I know it's a 4. I know the 4.

Q Do you have any positive memory as to what the other numbers were?

A I did at one time but not now; it's so long.

Q Now, after you saw Ronnie do that, what did you do?

A I went around to the front because --

Q Not because. What did you do?

A I took and I just bent the plate completely, and no numbers were showing.

Q Show us what you did to your plate, or the front plate, if you will.

A I can't remember now if I just went like this or if I went like this.

Q But after you folded it, were there any numbers that could be seen?

A No.

Q Now, after this, what did you next do?

A We got in the car.

Q All right. And after you got in the car, what did you do?

A I drove to my first right.

Q And after you took your first right, what did you do?

A I took my first right again that I was able to take.

Q And then what did you do?

A I went up Chestnut Street, I think, up to Fourth Street.

Q And when you got to Fourth Street, what did you do?

A I took another right.

Q And after you took another right on Fourth Street, what did you next do?

A I parked on the left after the parking lot on the left-hand side. I parked on the side of a yellow building about three or four car lengths from the c ner. The bumper of the car was next to a meter and the back of the bumper of the car that was in front of me was almost opposite a pole. And I parked back far enough so that I could pull right out, with my wheels turned on the right so I could pull out.

Q What was the building immediately to your left as you parked there?

A It was like an orange-yellowish brick, if I remember right.

Q All right. Now, I ask you to look at this photograph and I ask you if this is a fair representation of the

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THE COURT: Cassesso wasn't present, was he?

MR. CHISHOLM: Yes.

THE COURT: Cassesso was present?

MR. ZALKIND: Cassesso was present.

THE COURT: All right. Your motion is overruled.

MR. CHISHOLM: Exception.

Exception No. 3

Q Go ahead.

A Everybody was talking at once.

Q All right. What did French say, if anything?

A He said --

MR. McLAUGHLIN: I pray your Honor's judgment. said that everyone was talking at once. How could he describe what --

THE COURT: All he can testify to is to what he heard.

MR. McLAUGHLIN: I move for a voir dire, your H

MR. ZALKIND: I pray your Honor's judgment.

THE COURT: Proceed.

MR. McLAUGHLIN: Exception.

THE COURT: Yes.

Exception No.

xxxxx

THE WITNESS: He said when he was going into th alley, as he was --

Q Speak into the microphone, please.

THE WITNESS: He said as he was going into the alley Deegan said to him about half way inside the alley, he said, "What are you hesitating for?" and it made him that much more nervous. He said that he thought Deegan now was starting to get suspicious of him. Then besides being afraid of the shots--he said he took his gun out and shot Deegan in the back of the head.

Q Did you have any other conversation -- specifically, with Roy French? Did you have any other conversation with Roy French?

A Yes.

Q What did you say and what did he say?

A He said that upon leaving the alley that he was shocked to see the Greek still out there. He bent over and went like this to get out of there.

Q Stand up and show us what you're doing:

A He went like this. (Witness demonstrating.)

Q All right.

A And that he went away from Stathopoulos, and he said that Stathopoulos, and he said that Stathopoulos -- he said they didn't have guns. I said "Did Stathopoulos have a gun in the car?" He said "No. They didn't have guns."

Q Now, when you saw him in the back room at that time did

you make any observations with regard to his clothing?

A Yes.

Q What observations did you make?

A He had blood on his sleeve and shoes.

MR. McLAUGHLIN: I pray your Honor's judgment How could he make that conclusion?

THE COURT: He may describe what he saw. That may go out.

Q What did you see?

A I saw stains on his suit coat and --

Q What color were the stains?

A They appeared to be blood.

MR. McLAUGHLIN: I pray your Honor's judgment

Q What color were they?

A It was a reddish color, and he had told me that --

Q Wait. Now, when you saw this item on his sleeve, did you notice anything else on his person at all?

A Yes.

Q What did you see?

A His shoes.

Q What did you see on his shoes? Would you describe what you saw? Don't characterize it.

A His red shoes -- I mean his right shoe had blood spots

on it.

Q Now, after you saw these -- well, again, he had spots on his shoes?

A Yes.

Q After you saw these spots what did you say, if anything?

A I said, "You've got stains --" I said, "Your clothes are stained." He said, "It went through my jacket." He said, "When I was up close --"

Q Went through his what?

A Topcoat. He had a topcoat on. He said, "When I shot Teddy," he said, "the blood went all over my arm."

Q Anything else?

A He said that he had broke up a fight earlier in the night. He broke up a fight earlier in the night, and he would say that the guy had a bloody nose and bled all over him, and he said he'd have witnesses to testify to that.

Q Did you have any conversation at that time -

MR. ZALKIND: Well, this may go on longer than I thought, your Honor. Perhaps this will be longer that I thought.

MR. CHISHOLM: I thought we were going until

4:30.

MR. ZALKIND: All right. I will go. I thought the jury might be getting a little tired. I will go until 4:30.

THE COURT: All right.

Q Did you have a conversation at this time with Romeo Martin in the presence of Roy French, Ronald Cassesso, and Joseph Salvati?

A Yes.

Q Tell us everything you said and everything Romeo Martin said.

MR. CHISHOLM: I object.

THE COURT: Overruled.

MR. CHISHOLM: Exception.

Exception No. 378

MR. CHISHOLM: I move for a voir dire.

THE COURT: Motion denied.

MR. CHISHOLM: Exception.

Exception No. 379

THE WITNESS: Romeo said that upon leaving he had put one into Deegan's head.

Q Now, was there any conversation by any of the people in the room at that time with regard to Lewis Grieco?

A Yes.

Q What was the conversation?

MR. CHISHOLM: I object.

MR. O'DONNELL: I object.

THE COURT: Objection overruled.

Q Who said anything?

A Romeo.

Q What did Romeo say?

MR. CHISHOLM: Object and except.

Exception No. 380

THE WITNESS: Romeo said, "I was in the doorway, inside the doorway." Romeo was in the alley

Q Romeo?

A I mean Lewis was in the alley. He said, "I was inside the doorway when I heard a shot. I opened the door, and Deegan was just going to his knees, and Lewis was already there."

MR. O'DONNELL: Your Honor, I --

MR. ZALKIND: I pray your Honor's judgment. Is there an objection?

THE COURT: Wait a minute, now. Be seated. I will hear your objection.

MR. O'DONNELL: Is this the man that's speaking? A dead man --

THE COURT: Will you be seated? Will you ask the question that you were asking? Now, get the answer and I will hear the objection.

MR. ZALKIND: The first question was - Was there any conversation by any of these men in the room with you at this time concerning Lewis Grieco? I believe the witness said yes, and I asked him for the conversation as it concerned Lewis Grieco, and he was answering me as to what Romeo Martin said, your Honor.

THE COURT: Now, Mr. O'Donnell?

MR. O'DONNELL: Was Mr. Grieco making the statement?

MR. ZALKIND: Of course not, your Honor. Mr. Grieco wasn't in the room.

MR. O'DONNELL: Romeo is dead, so anything comes in.

MR. ZALKIND: Now, your Honor --

THE COURT: Proceed. You may ask the question. The objection is overruled.

MR. CHISHOLM: I object and move for a voir dire.

THE COURT: Your rights are saved.

MR. CHISHOLM: Exception.

Exception No. 381

Q As you understand it, sir, the statement was made by Romeo Martin in the presence of you, Ronald Cassesso, Roy French and Joseph Amico? Is that correct?

A And Joe The Horse.

Q And Joe The Horse. In other words, there were three defendants there - Roy French, Ronald Cassesso and Joseph Salvati. Is that correct?

MR. CHISHOLM: I object to his summarizing the evidence again, Judge.

THE COURT: Proceed.

Q Now, what did Romeo Martin say?

A He said he was inside the doorway and that Lewis was outside in the alley. He had found a spot inside the alley to hide near the doorway, and he said that he heard a shot, and he opened the door fast, and Deegan was in front of the doorway -- almost in front of the doorway, and was just slumping to his knees. Lewis was already over him, and Lewis was firing into his chest, and that Romeo fired. He said -- and as they left, he said, "I put one into Deegan's head."

MR. ZALKIND: I would stop at this point,

your Honor.

THE COURT: All right. Tomorrow morning at 9:30.

[Adjournment.]

THIRTY-SECOND DAY

Tuesday,
July 9, 1968

[The Court came in, the jurors were polled and the defendants and counsel were present.]

MR. ZALKIND: Your Honor, may I approach the bench with Counsellor Stanziani at this time?

CONFERENCE AT THE BENCH:

MR. ZALKIND: Your Honor, I quote for the record on Page 4071:

"Before we have a recess, the Commonwealth calls for all the letters that Mr. Stanziani used to be marked for identification, your Honor.

"MR. STANZIANI: Your Honor, I will do that after the recess."

I asked for these letters after the recess. Mr. Stanziani did not give me the letters at that tim and I do not have these letters marked for identifica tion.

MR. STANZIANI: May I be heard when you are all through with your dramatics? Are you through?

First of all, your Honor, I questioned from these letters. It is my choice if I wish to

July 29, 1968

Cross-Examination

Q (By Mr. O'Donnell) Mr. Baron, did you ever see Lewis Grieco fire a bullet into the body of Edward Ted Deegan on March 12, 1965?

A No, sir.

Q Did you ever see any of the defendants fire a bulle into the body of Edward Ted Deegan on March 12, 1965?

A No, sir.

Q Now, how old are you, Mr. Witness?

A I will be 36 in September, sir.

Q And being 36 in September, is it fair to say that about half your adult life has been spent in prisor

A Yes, sir.

Q Now, insofar as that is concerned, -- you're famili with Chelsea, aren't you?

A Yes, sir.

Q As a matter of fact, you are familiar with Hawthorn Street, aren't you?

A Yes, sir.

Q And when you talked about your wife now, is the wife you are with now the one you are living with on Everett --

MR. ZALKIND: Pray your Honor's judgment.

Q So with a wig like this on somebody in a car near a bank, you feel that would completely deceive the police department and they would get fooled by it?

A I think the only thing that could do that you have there is taking a shower or something or going in a pool, with that wig you have there.

Q And the one you described, of course -- I haven't been able to find one -- had hair around it like a crown and some hair going over the top?

A You can find one.

Q Now, of course, Mr. Baron, you never saw a .45 in Lewis Grieco's hand, did you?

A No, I didn't, sir.

Q And insofar as a .45 is concerned, you heard about a .45, is that right?

A Yes, sir.

Q Now, I show you this toy. You said you couldn't see what was passed in the little kit, in some sort of a kit, that you couldn't see it was a .45. Would that be substantially a chalk of a .45?

MR. ZALKIND: I pray your Honor's judgment. The evidence -- may I be heard?

THE COURT: I will hear you.

MR. ZALKIND: The evidence, as the Commonwealth

maintained in its opening statement, was that it was not a .45 automatic but that it was a .45 revolver. That which Mr. O'Donnell has is a replica of an automatic, not a revolver.

Secondly, this witness has testified he has never seen the gun. This is just another display trick by Mr. O'Donnell.

I ask the testimony be stricken and this line of inquiry stopped.

MR. O'DONNELL: Cross-examination.

THE COURT: But you are showing something he said he never saw.

MR. O'DONNELL: I am asking about the .45 now and a .45 did come into the evidence.

THE COURT: That is an automatic.

MR. O'DONNELL: Yes.

MR. ZALKIND: Would your Honor rule on my motion?

THE COURT: Your objection is well taken.

MR. ZALKIND: But Mr. O'Donnell continues to ask the question.

MR. O'DONNELL: I am cross-examining.

THE COURT: He is cross-examining. And he said this kind of a gun had nothing to do with the killing.

Q Now, insofar as you are saying that this type of a gun never had anything to do with the murder -- is that your testimony?

MR. ZALKIND: I pray your Honor's judgment. That has not been the testimony, your Honor.

Q Well, I ask you this. Is that a toy chalk of a .45 Would you call that an automatic?

A An automatic?

Q Yes.

A Yes, it looks like an automatic, yes.

Q And having in mind a .45, you didn't know from your testimony whether it was an automatic or a revolver

A No, I didn't.

Q So when they said .45, sir, it could well have been an automatic or a revolver?

A You are definitely right, yes, sir.

Q Now, it is so, isn't it, as of March 12, 1965, you did have some of your personal possession with you, Mr. Baron, guns and rifles?

A Yes, sir.

Q And without stating the reason -- strike that.

MR. ZALKIND: Excuse me, your Honor. May all these little items be marked for identification

MR. O'DONNELL: Gladly.

THE COURT: They may be marked for identification.

I have a .38 and a .45 and an M-1 and a Character Mustache and another mustache.

MR. BALLIRO: May we take the afternoon recess?

THE COURT: Is this a good place for it?

MR. O'DONNELL: Yes, your Honor.

THE COURT: All right. Those may be marked for identification and then we will take a five-minute recess.

[Toy .38 pistol marked Exhibit D for Identification. Toy .45 automatic marked Exhibit E for Identification. Toy M-1 Grande rifle marked Exhibit F for Identification. Character mustache marked Exhibit G for Identification. Charlie Chaplin mustache marked Exhi H for Identification

[Recess taken.]

CONFERENCE AT THE BENCH:

THE COURT. I wish you wouldn't argue in your questions. And I am going to admonish the witness that he should merely answer questions. I am going to have what he said stricken from the record. Of course, the jury heard it and they will never forget it. But isn't that the best way to handle it?

MR. O'DONNELL. I don't want to be denied the opportunity to argue it to the jury.

THE COURT. Oh, you can argue it.

MR. O'DONNELL. At the end of the case, I mean, your Honor.

THE COURT. Yes.

MR. O'DONNELL. Thank you.

(End of conference at the bench.)

THE COURT. Now, Mr. Witness, will you please refrain from making any statements that are not in answer to a question. And I am ordering that what you said that was not responsive to a question and the colloquy that followed all be stricken from the record.

Now, we will proceed from there, Mr. O'Donnell.

Q (By Mr. O'Donnell) Now, Mr. Baron, having in mind the amount of time that passed since March 12, 1965,

up to the time that you testified in front of the grand jury, it is so, isn't it, that something occurred to make you testify?

A Something occurred? Partly.

Q And insofar as your testifying is concerned, it has absolutely nothing to do with your ever getting your freedom, does it?

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I don't understand the question. If the witness understands it, he may answer.

THE WITNESS. I can't answer yes or no, your Honor.

THE COURT. Do you understand the question?

THE WITNESS. Partly, yes.

THE COURT. He cannot answer yes or no, he says.

Q All right. It has nothing to do with your getting your freedom. You say you cannot answer it yes or no. Tell us what part of it you can answer yes.

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. What is the objection?

MR. ZALKIND. That's the same thing as the question, your Honor.

THE COURT. If he can answer partly yes, he can do that; if he can answer that yes or no, he may answer.

A I am hoping for a break.

Q When you say you are hoping for a break --

A Yes.

Q -- insofar as the hope for a break is concerned, are you providing some services to earn the break?

MR. ZALKIND. I pray your Honor's judgment.

Q Yes or no?

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I will have to exclude that.

THE WITNESS. I can answer --

THE COURT. No, no. I have excluded it.

MR. O'DONNELL. I will strike that.

Q When you say you are hoping for a break, it doesn't have anything to do with your testifying in court whether or not you are ever going to get a break?

A No, sir.

Q In fact, in testifying in court, this is something you decided to do without anybody's help whatsoever?

A I am going all the way.

Q That's right.

A Exhaust everything.

Q Yes. You, Joseph Barboza, entirely made up your mind and it's your judgment that controls your testifying in court?

A Controls my testifying?

Q It's solely your judgment that you are testifying here in court?

A Yes, sir; yes, sir.

Q And as a matter of fact, it has no relation whatsoeve as to whether or not you ever expect a break?

A I am hoping for a break.

Q It has nothing to do with your testimony, the hope for a break?

A Really, no.

Q And when you are in front of some judge some day on the misdemeanor charge of conspiracy for being in the red car, for two years, you are hoping to get a break on that misdemeanor, is that so, Mr. Barboza?

A I am hoping.

Q And with that in mind, sir, didanyone ever say to you that for arranging and managing and hiring and distributing the funds, according to your story, that you ought to be indicted for accessory before the fact, which carries death? Did anyone say that to you?

MR. ZALKIND: I pray your Honor's judgment.

THE COURT: He can ask that question if anyon said it to him.

Did anyone say it to you?

THE WITNESS: No, sir, and it makes no difference to me.

THE COURT: The answer is no.

Q Who did you thank, if anyone, after these indictments were returned on the Deegan murder when you read you were indicted for a misdemeanor for two years and you saw that the other people in the car, the red car according to your story, were indicted for a death sentence, accessory before the fact to murder?

A Thank?

Q Yes.

A Who am I going to thank?

THE COURT: Wait a minute. I exclude the question and I exclude the answer. That is argumenta tive. It is up to the grand jury whether to indict or not indict.

Q And isn't it so, Mr. Barboza, when you were in the grand jury, insofar as lawyers in there are concerned all you saw was district attorneys, assistant distric attorneys?

A There was other people in there, yes.

Q You never saw any defense lawyers in there?

THE COURT: I have already told the jury about that.

A Do they go in there?

THE COURT: You may argue that later. You heard it explained to the jury that those hearings are secret.

Q Now, this little phrase, "I'm hoping for a break," will you explain what your hope involves when you characterize and use the word "break"?

A Yes. I am hoping that in regards to a break that what I give before this Court would be taken into consideration, what I give to this Court. And the only promise that has been made in regards to that is that the FBI will bring it to the attention of the Judge and it shall rise and fall, in regards to the cooperation that I gave, to the Court.

Q Now, Mr. Baron --

A If he says I should get life or if he says I should get death, if he says I get 15 years, 20 years, it makes no difference. But that doesn't propel me.

Q That's a nice speech. But you can't get more than two years because you are only indicted for a misdemeanor.

THE COURT. Wait a minute. There are other indictments here.

MR. ZALKIND. He forgot about them.

Q On this Deegan matter --

MR. O'DONNELL. I am aware of it, your Honor.

Q You are indicted for a misdemeanor. You said you planned, arranged, paid, went to the scene, sent out the men. You are indicted for a misdemeanor for that conduct. Mr. Salvati is indicted for a death sentence for that conduct.

THE COURT. Now you are arguing.

MR. O'DONNELL. Fine, your Honor.

THE COURT. And you will have to refrain or I will have to interfere.

Q Mr. Barboza, it is so, isn't it, that way back in October of 1967, when the indictments were returned, you had received your gift, you had received your break?

A Are you making an accusation, sir?

Q You had received it?

A Are you making an accusation?

MR. ZALKIND. Your Honor, Mr. O'Donnell just continues.

THE COURT. Mr. O'Donnell, you are arguing. And I must tell you there is nothing to stop a grand jury from indicting this man on the testimony he has given in this court if the grand jury see fit.

MR. O'DONNELL. You don't really seriously expect that to happen.

MR. ZALKIND. If your Honor please --

MR. O'DONNELL. The argument has that weakness. It just isn't going to happen. That doesn't happen.

THE COURT. It's up to the grand jury.

MR. ZALKIND. If your Honor please --

THE COURT. It is up to the citizens of Suffolk County who are summoned to act as grand jurors.

Q As a matter of fact, Mr. Barboza, was Mr. Zalkind in the grand jury room at the time asking you questions?

A Yes, he was.

Q Sure. Do you expect him to indict you for murder for being his witness here in court?

MR. ZALKIND. I object, your Honor.

THE COURT. Wait a minute. If you are going to argue now, Mr. O'Donnell, I won't let you argue later.

MR. O'DONNELL. I am not arguing.

THE COURT. You have to argue at the proper time, Mr. O'Donnell.

Q Do you expect Jackie to indict you for the murder for getting on the stand for him?

MR. ZALKIND. If your Honor please --

Q Do you expect that?

MR. ZALKIND. Your Honor, is this a theater or a court room?

THE COURT. That may go out and I may have to call another recess if you don't calm down, Mr. O'Donnell.

MR. O'DONNELL. All right, your Honor.

Q Having in mind, Mr. Barboza, that comfortable little phrase that you used from the witness stand, that "I'm expecting a break," it is so, isn't it, sir, that you were given the gift of life when these indictments were returned in October, 1967?

THE COURT. And again, that may be excluded as argumentative.

MR. O'DONNELL. Exception, your Honor.

EXCEPTION NO. 474.

THE WITNESS. I said "hoping."

THE COURT. You need not answer the question. And he did not use the word expect; he said hope.

MR. O'DONNELL. All right, hoped for a break.

THE COURT. But I exclude the question, nevertheless.

Q Isn't it more appropriate, sir, to say, "I have been given a break. I got away with murder"? Isn't that what you should be saying here today, Mr. Barboza?

THE COURT. All right. Now, you need not answer the question.

Q Isn't that so?

THE COURT. That's enough. Any more and I think you had better stop cross-examining.

MR. O'DONNELL. I have other matters I am going to put in here. I have things that will assist this jury. And at this time, if your Honor please, I think it would be helpful to put up -- and I have the tacks here -- some large calendars.

MR. ZALKIND. Your Honor, is there going to be a question to this witness?

MR. O'DONNELL. Yes, there is, with these calendars for the months of January, February and March of 1965. And I have tried out some tacks, your Honor, and I have measured that they will fit up here on the wall.

THE COURT. Well, when your turn comes in your

defense, you may do so. Now is not the time.

Now, have you any further questions? I will let you ask a few more questions if you want to.

MR. O'DONNELL. If your Honor chooses at this time to --

THE COURT. Is Mr. Balliro ready?

MR. O'DONNELL. If your Honor please, there is another matter that I have.

Q Do you recall testifying on July 2, 1968, in this court room in regard to meeting Grieco in Florida?

A Yes, sir.

Q And what do you say now about that meeting? When did it take place?

A What do you want me to say?

Q When did it take place?

A About February 2 or 3, about the 3rd of February, in front of the Peppermint Lounge, sir.

Q And at that time, you set the date at what time?

A What date?

Q At the Peppermint Lounge.

A About February 3, sir.

Q And February 3 was a day that you were in Florida?

A Yes, sir.

Q Now, how much time did you spend with Lewis Grieco at that time?

A I don't know; a half hour.

Q And when you say a half hour, did you fix that time in a certain way?

A No, Mr. O'Donnell, I didn't, sir.

Q And that was a coincidental meeting, a meeting by accident?

A If I could avoid him, I would have then, yes.

Q As a matter of fact, it is so, isn't it, that you hate Lewis Grieco?

A Not in any way, sir, then.

Q And it is so, isn't it, Mr. Barboza -- and I want to close with this and I say this. I ask you if you will talk to me without guards being present after 4 p.m. today.

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I exclude that question.

MR. O'DONNELL. All right.

MR. ZALKIND. May I make an additional request, your Honor?

THE COURT. Yes.

MR. ZALKIND. May I make a request of the Court that there have been motions filed for such requests and that the motions were acted upon?

THE COURT. The motions were allowed by the Court.

Q And that is the thing that you want to change your testimony on?

A Yes, sir.

Q Now, you told us about some promises being made. Were promises made by Mr. Byrne of the District Attorney's Office of Suffolk County?

A Yes, sir.

Q And were those promises made in the office?

A Yes, sir.

Q On August 8, 1967?

A I don't remember the date but --

Q After you made an appearance before the grand jury?

A On this case?

Q No, no, no. You were in his office on only one occasion, weren't you?

A Yes, sir.

Q And that was the same day that you appeared before a grand jury in this building, isn't it?

A Yes, sir.

Q And the promise made was that your wife and child would be protected?

A Yes, sir.

Q And that your cooperation would be brought to the

attention of a judge disposing of anypending indictments against you?

A No, sir.

Q Mr. Byrne didn't tell you that?

A It was the FBI, yes, sir.

Q The FBI were present at that time when you were in Mr. Byrne's office?

A No, sir.

Q What?

A No, sir.

Q Well, the promise of the FBI was conveyed to you by a Mr. Fallon and a Detective Doyle, isn't that true?

A Detective Doyle? Detective Doyle never promised me anything.

Q But did they convey promises to you?

A Convey promises to me? In regards to protection to my wife? I don't recall that. I know I talked to Mr. Byrne and he told me that he would protect my wife and child, yes.

Q And would bring to the attention of the judge disposing of your case your testimony?

A No, no, sir.

Q He never said that?

A No, he never said that, not that I recall, sir, no, sir.

Q And the MBI made some promises to you?

A Promised me? Yes, sir.

Q And they made more promises than what you've told us about, didn't they?

A No, sir.

Q Well, didn't they promise you that your wife could visit you at the Barnstable County Jail as often as she wanted to?

A No. It's a normal procedure, sir.

Q Didn't they promise you that she'd be moved to a new home on the Cape where she'd have easy access to you at the jail?

A Did they promise her that?

Q Yes.

A No, sir, they didn't promise her anything, sir.

Q They promised --

MR. ZALKIND: I call your Honor's attention to this headline that Mr. Chisholm has in his hand that he's been showing to this jury, and I ask him to put down this paper where it belongs, Mr. Chisholm? That's not for the jury to see.

MR. CHISHOLM: I'm not showing anything to the jury.

MR. ZALKIND: Well, then, put down that headline

where it belongs.

Q I ask you whether or not, Mr. Barbosa, the FBI promised you that your wife would be given a new home on the Cape - on Cape Cod?

A Never in any way did they promise her anything like that

Q No. They promised you that?

A They never promised me anything, sir.

Q Can you tell us about how many times you conferred with law enforcement officers before you told the comple story of the Deegan matter that you told this jury?

A Complete story when? Before I went to the grand jury or afterwards?

Q You didn't tell the complete story at the time you went to the grand jury, did you?

A I only was given --

Q No, no, no. You didn't tell the complete story at that time, did you?

A I don't think so, no.

Q You told this jury the complete story?

A Yes, sir.

Q My question is how many times did you confer with law enforcement officers before you told the complete story to the law enforcement officers?

A I told the complete story -- I told about nine-tenths --

Q No, no.

A About 95 --

Q No, no.

A You want --

MR. CHISHOLM: My question is simple, your Honor.

THE COURT: He's saying nine, ten.

MR. CHISHOLM: He's not saying nine or ten. He's saying nine-tenths, judge.

THE WITNESS: Before I told this jury --

Q How many times did you discuss this Deegan matter with law enforcement officers until you told the law enforcement officers the entire story, or the approximate number, if it will help you?

A That includes the FBI?

Q Including law enforcement officers?

A Maybe about eight, nine times.

Q The first time you talked to them you told a little bit about this case?

A Yes.

Q And the next time you told a little more, and each time you told a little more for eight or nine times

A The FBI. The FBI I told a little bit to, in passin a general statement that I made in regards to givin

them some statements, yes.

Q That was about the trip to Florida you told them about?

A What?

Q That's about the trip to Florida, you told them?

A A trip to Florida?

Q Your trip to Florida in the Spring of '65? That's what you told to the FBI?

A Spring of '65?

Q Yes, Mr. Barboza. March or winter, if you want to call it winter?

A Winter of '65, yes, sir.

Q You told the FBI you went to Florida in March of '65?

A I probably did -- did I say that? Maybe I did. If you say I said that, maybe I did.

Q You don't deny saying it, do you?

MR. ZALKIND: I pray your Honor's judgment. This may I be heard, your Honor?

THE COURT: What is your objection?

MR. ZALKIND: My objection is that this line of questioning has nothing to do with the redirect examination of the Commonwealth.

MR. CHISHOLM: It has something to do with re-cross examination by other counsel, your Honor.

MR. ZALKIND: I never heard of that being a rule, your Honor.

MR. CHISHOLM: The judge made the rule before we started, Mr. Zalkind, if you remember.

THE COURT: Proceed.

Q Well, on May 10th, 1967 -- strike that. On May 1st, 1967, at Barnstable, you told Agents Rico and Condon tha you came back from Florida sometime around March of 1965

A Probably.

Q And that's what you referred to, that the first statement you made to the FBI about the Deegan matter?

A Yes, probably.

Q Then later on you told other law -- either the FBI or the District Attorney's Office - you told law enforcement officers more about the Deegan matter?

A Later on? Probably, yes. The FBI, rather.

Q And then the District Attorney's Office - you told Mr. Doyle part of the Deegan matter, didn't you?

A About 95 per cent of it.

Q Well, you told them some of it?

A About 95 per cent of it.

Q Well, how many times did you discuss the Deegan matter with Mr. Doyle?

A One time, really, at that time -- what are you talking about?

Q How many times did you discuss the Deegan matter with Mr. Doyle? You don't mean to say one time, do you?

A I'm talking about the first time I spoke to Mr. Doyle. He was presently on another case. That's why it didn't go any further.

Q You understand my question, don't you?

A Oh, yes, I do, in a sense.

Q My question was how many times did you discuss the Deegan matter with Mr. Doyle?

A About -- maybe about --

Q That's pretty simple, isn't it?

A The words are simple, sir. What you mean is another thing. I have to say he was present and in the area about ten times.

Q And that's when you were talking to other law enforcement officers about the Deegan matter?

A Yes, sir.

Q And as I understand your testimony, what you told other counsel here, when these law enforcement officers would go back, you'd tell them more - you'd fill in more details each time?

FORTIETH DAY
Volume 42
Pages: 5670 - 5942

Condon - nothing re testimony or reports

Commonwealth of Massachusetts

Suffolk, ss.

FITZ
5920
1st space to Condon

Superior Court
Criminal IX

Commonwealth v. Lewis Grieco, alias, and Wilfred Roy French, alias — No. 31601

Henry Tameleo, alias — 32365

Ronald Anthony Cassesso — 32366

Peter Limmo — 32367

Joseph L. Salvati — 32368

Lewis Grieco, alias, et als — 32369-70

Before: Forte, J., and Jury.
Begun: May 27, 1968, at Boston, Massachusetts.

Transcript of the Evidence

Proceedings of July 19, 1968

(Appearances as heretofore noted.)

Arthur E. Baker
and
Donald O. Anderson

Official Court Stenographers

my next witness to give counsel an opportunity to prepare whatever motions they want to prepare.

MR. BALLIRO. That's fine with us.

MR. CHISHOLM. You're doing it for the Commonwealth, not for us.

(End of conference at the bench.)

MR. ZALKIND. The Commonwealth calls Dennis Condon.

And would the Court inform the jury that the Commonwealth in no way is reneging on the call of its first witness but is calling another witness in the interest of saving time because the lunch hour approaches?

THE COURT. You are calling a short witness until 1 o'clock. All right.

MR. ZALKIND. I won't say he will be that short, your Honor.

DENNIS M. CONDON, Sworn

Direct Examination

Q (By Mr. Zalkind) What is your name, sir?

A Dennis M. Condon.

Q What is your occupation?

A Special agent, Federal Bureau of Investigation.

Q And how long have you been a special agent for the Federal Bureau of Investigation?

A Seventeen and one-half years.

Q And during these seventeen and one-half years, how much of this time have you spent in the Massachusetts or Greater Boston area?

A Approximately fifteen years.

Q Now, I direct your attention, if you will, to the years 1966 and 1967. As a special agent for the Federal Bureau of Investigation, did you have any particular assignment?

A Yes, I did.

Q And what were your assignments as a special agent during those years?

MR. O'DONNELL. I pray your Honor's judgment, if it bears on the guilt or innocence of the defendants. Assignment? What he did, your Honor.

THE COURT. It's a general question, of course.

MR. ZALKIND. If there is objection --

THE COURT. Not what instructions he received.

Q What were your duties as a special agent during those years?

A Investigating aspects of organized crime.

Q Now, sir, I ask you this. During those periods, did you have a partner or a co-worker that you worked with?

A Yes, sir.

Q And what was his name?

A Special Agent H. Paul Rico.

Q And is he still a member of the FBI?

A Yes, sir, he is.

Q And how long, if you know, has he been a member of the FBI?

A Seventeen and one-half years.

Q Do you know where he is right now?

A Yes, sir.

Q Where is he?

A He is off duty today.

Q Is he available to be called as a witness for either the Commonwealth or the defense?

MR. BALLIRO. I object.

MR. CHISHOLM. I object.

MR. McLAUGHLIN. I object.

Q Is he available as a witness?

MR. BALLIRO. I object.

A Yes, sir.

MR. McLAUGHLIN. We have objected.

THE COURT. The objection is overruled.

MR. BALLIRO. Exception.

MR. CHISHOLM. Exception.

MR. McLAUGHLIN. Exception.

MR. STANZIANI. Exception.

EXCEPTION NO. 671

Q Now, sir, I direct your attention to the year 1967. Did you have an occasion during that year to speak to one Joseph Barbosa, otherwise known as Joseph Baron?

A Yes, sir, I did.

Q And when and where did you first speak to him?

A I spoke to him on March 8, 1967, at the Massachusetts Correctional Institution at Walpole, Massachusetts.

Q All right. Did you have other occasions to speak to him at this institution?

A Yes, sir, I did.

Q And how many occasions did you have to speak to him at this institution?

A Two.

Q And were you with anyone when you spoke to him?

A Yes, sir.

Q Who was there?

A Special Agent H. Paul Rico.

Q Now, after this, did you have an occasion to speak to

Joseph Barboza or Joseph Baron at other institutions?

A Yes.

Q Where and when was the next institution that you spoke to Joseph Baron or Joseph Barboza?

A The Barnstable County House of Correction at Barnstable, Massachusetts.

Q And when was this, approximately?

A In May of 1967.

Q And did you speak to him more than once in the month of May?

A Yes, sir.

Q How many times did you speak to him during the month of May?

A I would say approximately five or six times.

Q And did you speak to him during the rest of that summer?

A Yes, sir, I did.

Q And when you spoke to him, did you speak to him on these occasions with other people present?

A Yes, sir.

Q And who were the other people that were present?

A On other occasions when I spoke with him?

Q Yes.

A Special Agent H. Paul Rico was present and Detective

John Doyle of the Suffolk County District Attorney's office and Sergeant-Detective Frank Walsh of the Suffolk County District Attorney's office.

Q And were you ever present when Joseph Baron had an occasion to speak to one Anthony Stathopoulos?

A Yes, sir, I was.

Q And who was present during this conversation and where did it take place?

A It took place at the Barnstable County House of Correction. Present were Special Agent Rico and myself, Sergeant-Detective Walsh and Detective John Doyle of the Suffolk County District Attorney's office.

Q During any of these conversations or during any of these meetings, if you recall them, did you ever have an opportunity to listen to Joseph Baron-Barboza tell you anything about the Deegan murder?

MR. BALLIRO: I object.

MR. O'DONNELL: I object.

THE COURT: Yes or no.

A Yes.

MR. CHISHOLM: Just a minute. I object to the question.

MR. BALLIRO: Exception.

EXCEPTION NO. 672

THE COURT: I will hear you at the bench.

CONFERENCE AT THE BENCH:

MR. CHISHOLM: It's hearsay, Judge.

THE COURT: Of course, it's hearsay.

MR. CHISHOLM: Then I object.

THE COURT: That's why I want to know what it is.

MR. ZALKIND: I am asking the witness if he ever spoke to him about the Deegan killing, not what was said but only if there was a conversation.

THE COURT: That is bringing in through the back door what you can't get in through the front door.

MR. ZALKIND: All right. I just felt I could get that. I can give you a perfectly good reason, your Honor. No. 1 --

MR. STANZIANI: This is a waste of time.

MR. ZALKIND: It isn't a waste of time. I know a little law.

MR. STANZIANI: A litte.

MR. ZALKIND: I can ask the question on the simple factor that there has been so much cross-

examination of Joseph Baron that your Honor can easily say that there has been a claim that there is a recent contrivance, and based on that doctrine --

THE COURT: There is an exception. After a charge of recent contrivance, if a person makes a statement consistent with his present testimony which was made prior to the claim of recent contrivance is admissible.

MR. ZALKIND: That is an exception, of course.

THE COURT: Of course.

MR. ZALKIND: Do they claim there wasn't any recent contrivance and that these --

MR. BALLIRO: What is recent? That is a relative thing. In relation to what?

MR. ZALKIND: I am claiming --

MR. BALLIRO: His Honor makes that distinction.

MR. ZALKIND: I claim under the doctrine of --

THE COURT: We all agree to the rules. And, of course, I heard the word perjury. That was made in an opening. It was stated that Barboza committed perjury. If you are going to prove Barboza committed perjury --

MR. STANZIANI: I didn't hear that.

MR. CHISHOLM: I heard forgery in Barboza's

Condon
By
Zalkind

testimony, too, Judge. It's a legal term.

THE COURT: Well, we have gone by the hour for recess.

MR. CHISHOLM: May we have a voir dire when we come back?

THE COURT: No, no; one was enough. We spent two days on that. That's enough.

MR. STANZIANI: Exception.

MR. CHISHOLM: I will take an exception to that, Judge.

THE COURT: Take an exception. You are not entitled to a voir dire just because you ask for it, you know that, don't you? All you are doing is asking for a voir dire. On what? For nothing?

EXCEPTION NO. 673

MR. CHISHOLM: I disagree with the statement of the Court and want to make an offer of proof.

THE COURT: No, no.

[End of conference at the bench.]

MR. ZALKIND: I have just one question, Judge.

Q Agent Condon, during any of these meetings that you had with Joseph Baron or Joseph Barboza, did you show him any reports or papers concerning the death of

Deegan?

A No, sir, I did not.

Q Did you ever tell him from your mouth any of the facts or circumstances surrounding the death of Deegan?

A No, sir, I did not.

Q In your presence, Special Agent Condon, did any other law-enforcement agents ever tell Joseph Baron about any facts or circumstances surrounding the death of Edward Ted Deegan?

A No, sir.

Q In your present, did any other law-enforcement officials ever show him any documents or police reports concerning the death of Edward Ted Deegan?

A No, sir.

MR. ZALKIND: I have no further questions of this witness.

THE COURT: All right. We will stop until 2:00 o'clock for cross-examination.

[Recess.]

AFTERNOON SESSION

[The Court came in and counsel and the defendants were present.]

THE COURT: Proceed.

THE CLERK: Wilfred Roy French, on this Indictment No. 31601, the Court orders you committed to the Common Jail on the mittimus without bail.

THE COURT: Mr. Balliro and Mr. Chisholm, I have in my possession the motions you have filed and I shall read them and act on them later.

MR. BALLIRO: Thank you.

[Jurors enter the jury box and are polled.]

DENNIS M. CONDON, Resumed

MR. ZALKIND: I am finished with this witness, your Honor.

THE COURT: Any cross-examination?

MR. CHISHOLM: Yes, your Honor.

Cross-Examination

Q (By Mr. Chisholm) Mr. Condon, you are not suggesting that you were the only law-enforcement officer to talk to Mr. Baron-Barboza since March of last year, are you?

A No, sir.

Q And you are not suggesting that no other law-enforcement officer talked to him during your absence, are you?

A No, sir.

Q In answer to some questions by Mr. Zalkind, you referred to times when you were present in the company of Mr. Baron-Barboza?

A Yes, sir.

Q And there were other law-enforcement officers that you saw him with on other occasions when you weren't there?

THE COURT: If he knows.

Q If you know.

A Yes, sir.

Q All right. Now, you had a talk with Mr. Glavin, did you not?

A Yes, sir.

Q And did Mr. Glavin tell you that he had some talk with a Mr. Cassesso?

A Yes, sir.

Q Did Mr. Glavin tell you that Cassesso told him it would be better to be transferred to Walpole rather than stay in Norfolk, transferred to Walpole where Glavin would be schooled in these details of the Deegan

matter?

A Yes, sir.

MR. CHISHOLM: That's all.

MR. STANZIANI: No questions.

MR. McLAUGHLIN: I have no questions.

MR. PARIS: I have no questions, your Honor.

Cross-Examination

Q (By Mr. Balliro) Mr. Condon, as I understand your testimony, you first saw Mr. Barboza on March 8, 1967?

A Yes, sir.

Q While he was at the Massachusetts Correctional Institution in Walpole?

A Yes, sir.

Q And when you first saw him, you were in the company of your brother agent, Mr. Rico?

A Yes, sir.

Q Do you know, Mr. Condon, whether or not Mr. Barboza had requested both of you to come and talk to him?

A No, sir, he had not.

Q Well, you knew he had not, isn't that correct?

A Yes, sir.

Q And is it fair for me to say that you were there to

speak to Mr. Barboza in connection with whatever information he might be willing to give you concerning his shylocking activities?

A No; I would say it is not fair to say that.

Q It is not fair to say that. Is it fair for me to say you had been instructed to talk to Mr. Barboza concerning his activities, his engagement in the shylocking business?

A That and other matters, yes.

Q Those were your instructions, that and other matters?

A Yes, sir.

Q Any other matters that he might be willing to discuss with you?

A Yes, sir.

Q And when had you been given those instructions?

A In late February of 1967.

Q Would it refresh your memory as to when it was if I suggest to you that it was in either late December of 1966or early January, 1967?

A That is incorrect.

Q That is not correct?

A No, sir.

Q I see. Do you now know the exact date you were given those instructions?

Condon of Baird

A I know it was after February 16, 1967.

Q At any rate, you didn't get to see him until March?

A March 8, yes, sir.

Q You didn't proceed directly to the Massachusetts Correctional Institution to see Mr. Barboza?

A No, sir.

Q You had other business in between?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q This was another assignment that had been given to you?

A Yes, sir.

Q All right. Now, you testified in response to a question that was asked of you by Mr. Zalkind that you never showed any statements or reports concerning the Deegan matter to Mr. Barboza-Baron?

A Yes, sir, I did.

Q You did show him?

A I did testify to that, yes, sir.

Q All right. And is it fair to say that your practice is not to show reports or statements to individuals under these types of circumstances?

A Yes, sir, it is fair to say.

Q And is it fair for me to say that that is to preserve the purity, so to speak, of the man's testimony?

A Yes, sir.

Q In other words, you would not want the impression created later on during the course of a trial, Mr. Condon, that you had anything to do or an agent of the FBI had anything to do with the story that the man was telling? That's part of it, isn't it?

A Yes, sir.

Q Now, that is a matter of concern then, is it not?

A Yes, sir.

Q Now, during the period of time that Mr. Barboza was transferred to Barnstable County, or from that period of time until the present day, to your knowledge, do you know that he has been in Federal custody, so to speak?

A Yes, sir, he has.

Q So that the Federal authorities have been responsible for his protection and his custody, his confinement?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And is it fair to say that you and Agent Rico have

been major figures, so to speak, with regard to the investigations surrounding the information furnished by Mr. Baron?

A No, sir.

Q It is not?

A No, sir.

Q Well, you have been participating in it, is that correct?

A As it pertains to Federal matters, yes.

Q But not as it pertains to State matters?

A We have not been the principal figures, no, sir.

Q I see. But you have been part of it, is that correct?

A Yes, sir.

Q And concerned with it, is that right, as an agent?

A Would you explain what you mean by concerned, please?

Q Well, interested in seeing, for example, that the purity of the story that Mr. Baron had to tell was preserved?

MR. ZALKIND: I must object to that, your Honor, because, frankly, I don't understand it.

MR. BALLIRO: Maybe he does.

THE COURT: If the witness does not understand it, he need not answer it.

Q Do you understand that or not?

A I would like you to go into that a little better, Mr. Balliro, please.

Q All right. Since Mr. Baron has been testifying on State matters rather than Federal matters, do you say that you have no longer been concerned about the purity of testimony that he might give in a State court, a Federal court or any kind of a court?

A I am always concerned about the purity of testimony on the part of any witness involving any matter that I am concerned with.

Q Naturally. And particularly with regard to a witness, may I say, Mr. Condon, who is within the custody and control of Federal authorities, isn't that right?

A Yes, sir.

Q You wouldn't want any inference to be drawn with regard to a prisoner that is under your control that his testimony became tainted by some outside influence even though that testimony was going to be concerned in a State prosecution, would you?

A I agree with you, yes, sir, Mr. Balliro.

Q Now, would you tell his Honor and the members of the jury what steps you took to preserve the purity of the testimony of Mr. Baron as it concerns the killing of Mr. Deegan?

MR. ZALKIND: I must object to that, your Honor.

THE COURT: I will allow the question.

MR. ZALKIND: May I be heard? I am afraid that, number one, we will be here for six weeks if this witness is allowed to answer --

MR. BALLIRO: I object to that.

THE COURT: You may have the question.

MR. BALLIRO: Thank you.

THE COURT: Do you understand it?

THE WITNESS: I believe I understand the question.

Q Will you answer it, please?

A In connection with the Deegan matter --

Q What steps -- excuse me. Go ahead.

A I was very careful not to impart any information that I might have concerning the circumstances surrounding the case to Mr. Barboza or anyone else that I had occasion to talk with. My job is to collect information, not to impart information.

Q And did you feel, sir, in the answer that you have given us now, that you took whatever steps you could to prevent his testimony from becoming tainted?

A Yes, sir.

Q Did you leave instructions, for example, Agent Condon, with regard to the people who might come into contact with Mr. Barboza during the course of his custodial protection by the Federal authorities?

A Would you repeat that question, please?

MR. BALLIRO: May the stenographer read it back?

THE COURT: Yes.

[Last question read.]

A Any instructions in what regard, please?

Q In the regard that he not be contacted by somone who might feed him information concerning the Deegan killing, who might bring him reports concerning the Deegan killing, who might do anything along those lines that would interfere with the purity of his testimony.

A No, sir, I left no such instructions.

Q Do you know of any such instructions that were left?

A No, sir.

Q Now, Agent Condon, did Mr. Barboza have mailing privileges during the period of time, or has he had mailing privileges during the period of time since he has been in Federal custody?

A I don't know that, sir.

Deegan Trial

AM GLOBE JUL 30 '68

Lawyers Call Baron 'Liar'

By DAVID TAYLOR
Staff Reporter

Lawyers for the defense in the Deegan murder trial spoke out strongly Thursday on the character of principal state witness Joseph (Barboza) Baron and questioned the credibility of his testimony, as they began final arguments at Suffolk Superior Court.

Five defense lawyers some speaking in low-keyed, patient tones, others with emotion and volume, called the self-confessed gangland member everything from "liar" to court room "executioner."

Again and again, the charge was put before the 16-member jury and Judge Felix Forte that the prosecution had offered no witnesses to corroborate Baron's testimony.

On trial for the murder of Edward "Teddy" Deegan in Chelsea on Mar. 12, 1965, are Wilfred Roy French, 39, of Everett, and Louis Grieco, 61, of Peabody.

Charged with accessories before the fact of murder, a crime which carries the death sentence, are Peter J. Limone, 34, of Medford, Ronald Cassesso, 35, of Somerville, Joseph Salvati, 55, of the North End, and Henry Tameleo, 63, of Cranston R.I.

'EXECUTIONER'

Lawrence F. O'Donnell, defense lawyer for Grieco, [illegible] Baron a "shylock" [illegible] in an hour and a half [illegible] pitched speech which brought the day's arguments to a close.

He called on the jury to use common sense in weighing the value of Baron's testimony.

"Show me just one man aside from Barboza who said Louis Grieco is a murderer," he said.

Earlier in the afternoon, Anthony McLaughlin, defense lawyer for the second man accused of first degree murder, Roy French, accused Barboza of "attempting to use this court room as his executioner."

'MASTERPIECE'

Defense Counsel Chester Paris, in making the final argument in behalf of Joseph Salvati, also maintained "the only evidence against his client has come from "the lips of Joseph Barboza, uncorroborated in every respect."

In the morning session, Atty. Robert Stanziani, representing Peter Limone, described Barboza's testimony as "a masterpiece of a gangland slaying."

Stanziani pointed out to the 16 jurors the only testimony against Limone came from Baron's lips.

The lawyer maintained Baron's purpose in testifying, other than revenge, was to secure his freedom and receive money so he could take up again with his girlfriend.

Ronald Chisholm, Cassesso's lawyer, opened the day's arguments.

The case could be [illegible] to the jury late today.

D.A. Raps Baron But Asks Jury To Accept Testimony

PM GLOBE JUL 30 '68

By RONALD A. WYSOCKI
Staff Writer

Admitting that the world would be a better place without the Joseph Barboza-Baron, Asst. Dist. Atty. Jack I. Zalkind told a Suffolk Superior Court jury "if you want to find out what it's like to live in hell, ask the devil."

Zalkind's statement was made in his closing argument to the jury, asking them to accept as truth Baron's testimony against six men in the 1965 gangland murder of Edward Teddy Deegan in a Chelsea alleyway.

A battery of six defense lawyers had attacked the credibility of Baron's tale.

Zalkind contended that the only way to get the core of gangland activity and its violence was from within, from the "Joe Barboza-Baron."

Presiding Judge Felix Forte was expected to deliver the case to the jury late this afternoon.

The case came to a close on the 40th day since the start of the jury selection.

Wrapping up defense arguments was Atty. Joseph L. Balliro, who argued that the Commonwealth's case was based primarily on Baron's testimony — most of it uncorroborated.

Zalkind maintained that the Joe Barons could exist only through public fear and the backing of men like those seated within the docket.

He urged the jury to reach its "decision without fear and with full realization of its responsibility to the community."

Charged with first degree murder in the death of Edward Teddy Deegan are Wilfred Roy French, 39, of Everett and Louis Grieco, 61, of Peabody.

Accused as accessories before the fact, a capital crime, are Peter J. Limone, 3[illegible] Medford, Ronald Cas[illegible] 35, of Somerville, J[illegible] Salvati, 55, of the Nort[illegible] and Henry Tamelo, 6[illegible] Cranston, R.I.

Each defense attorne[illegible] attacked the testimon[illegible] principal state's witne[illegible] seph Barboza Baron, [illegible] time gun-for-hire [illegible] turned on his alleged f[illegible] associates.

Baron claimed that h[illegible] hired by Limone to kill [illegible] gan for $7500 and tha[illegible] proval was given by [illegible] eleo.

Baron described the [illegible] der as Cosa Nostra or[illegible] Limone and Tameleo [illegible] indictified before a S[illegible] sub-committee in 196[illegible] members of the New [illegible] land organization.

It was Baron's testi[illegible] that he recruited the [illegible]

EXHIBIT
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BSF-01410

BSF-01411

...ing? Baron Lashed at Deegan Trial

BY RONALD WYSOCKI

Principal state witness Joseph (Barbara) Baron was characterized today as "a criminal bent on revenge" with his testimony of a gangland murder against six defendants in Suffolk Superior Court.

Atty. Robert Stanziani labelled Baron's testimony "a masterpiece of a gangland slaying" an ability gained through a half-a-lifetime spent in prison, he said. "He knows the ways of the streets and gutters," shouted the lawyer in his closing argument. "That's the way he lived — by the gun."

P.J. GLOBE JUL 29 '69

Stanziani represents Peter J. Limone, 34, of Medford, charged as an accessory before the fact of murder, a crime which carries the death sentence.

Similarly accused in connection with the 1963 slaying of Edward (Teddy) Deegan in a Chelsea alley are Ronald Cassesso, 33, of Somerville, Joseph Salvati, 35, of the North End, and Henry Tameleo, 68, of Cranston, R.I.

On trial for murder in the first degree are Wilfred Roy French, 30, of Everett, and Louis Greco, 31, of Peabody.

Stanziani pointed out to the 16 jurors that his only testimony in the lengthy trial against Limone came from Barboza's lips.

Barboza claimed that Limone ordered Deegan's death and offered him $7500 to carry out the murder contract.

Stanziani, the second lawyer to argue before Judge Felix Forte, said it was Baron's word against Limone's word. Limone took the stand in his own defense.

He asked the jury that they restrict their considerations of the evidence to the individual defendants and not to try them as a single group.

BARON A KING?

Harking to letter's written by Baron to a girlfriend, Stanziani quoted, "I don't care whether they're innocent or not. They go."

"These are the words of Barboza-Baron, the King of East Boston, the King of the Corner, the King who was destroyed when he was pinched, imprisoned and finally isolated."

Baron is serving a 4 to 5-year sentence on a gun-carrying charge. Since turning on his former associates, he has been removed from the prison to a secret place under the protection of U.S. marshals.

Stanziani maintained that Baron's purpose in testifying, other than revenge, was to secure his freedom and receive money so he could take up again with his girlfriend.

"He's so clever. He wants six lives," Stanziani said.

Cassesso's lawyer, Ronald Chisholm, opened the arguments. He spent an hour.

The trial is in its 47th day.

The case could be delivered to the jury late tomorrow or by Wednesday.

Baron testified that Tameleo concurred with Limone's order and that he (Baron) in turn recruited the other defendants as his murder team.

Baron characterized the slayings as a Cosa Nostra murder. Limone and Tameleo were named as members before a Senate investigating sub-committee in 1963.

which they had not been indicted. In summation, the prosecutor, referring to Barboza, stated:

> . . . *If there was a deal—and we do not suggest for one minute there was ever any deal with him—if there was a deal,* what does he have to do-keep on making up these stories for the rest of his life? The FBI told him that in return for his testimony, they will protect his wife and family and that they would call it to the attention of any judge[34] that tries his other cases. . . Now, why did he testify in this case? He gave you the reasons why. He says to you that Bratsos and DePriso were killed. And there you have the evidence that they were killed. He says that Chico Amico was killed, and we have the evidence that he was killed. He says to you that his wife and kid were threatened. That's his evidence."[35]

This argument was a serious breach of professional ethics[36] and was designed to inflame the jury against the defendants by bringing other irrelevant murders into the case and attributing them to the defendants. The prosecutor also implied that the defendants were behind threats to Barboza's family, also without proof.

The SJC addressed this very issue in *Commonwealth v. Ciampa*[37] in which it chided both trial and appellate counsel and once again restated its duty under MASS. GEN. LAWS ANN. ch. 278, § 33E, that "[w]e must disregard omissions of counsel if justice requires us to order a new trial."[38] The court, which cited cases regarding threats to witnesses and references to protective custody for witness's family, called such language "unfairly prejudicial."[39]

In the *Deegan* case, the prosecutor continued this barrage by telling the jury that the allegations against the *Cosa Nostra* have to be true because the government would not cooperate in fabricating these allegations or be involved in a criminal conspiracy:

> "Can you believe Joseph Baron? I suggest to you, ladies and gentlemen, Joseph Baron—and this would apply to anyone who took the stand—that in

34. During the trial, Judge Forte instructed the jury that Barboza was serving a sentence of "four to five years to be served" at M.C.I. Walpole for unlawful possession of a firearm, stiletto, and conspiracy. *See* Direct Examination, *supra* note 29, at 3802. His record included twenty-one convictions for burglaries, three assaults and batteries by means of dangerous weapons, two armed robberies, and one kidnapping. He was facing sixteen habitual criminal indictments. On November 1, 1968, the judge sentenced Barboza to a one year sentence on the conspiracy to murder indictments to be served concurrently. On March 28, 1969, less than nine months after the trial, the judge, upon the prosecutor's recommendation, revoked and suspended the sentence. Barboza was relocated to California where he murdered Clayton Wilson. He pled guilty, served a short period of time, and was ultimately gunned down in San Francisco on February 11, 1976.

35. Prosecutor's Summation, Commonwealth v. Lewis Grieco, et al., No. 31601, at 7440 (Mass. July 31, 1968)(emphasis added); *see also* Commonwealth v. French, 357 Mass. 356 (1970).

36. MODEL CODE OF PROFESSIONAL RESPONSIBILITY DR-706(C)(1-4)(1981).

37. *See* Ciampa, *supra* note 16, at 322.

38. *See id.*

39. *See id.* at 318.

> order for that person to tell a story such as Joseph Baron told in this case, he would have to have the cooperation of the FBI, the Chelsea Police Department, the District Attorney's Office, the Federal Bureau of Investigation, the United States Attorney's Office; that in order for a man to make up a story, as counsel for the defendants suggest, the man would have to be literal genius. I suggest to you, ladies and gentlemen, that when you heard Joseph Baron tell this story, you heard the true story. And I ask you now only to make a decision that is in the best interests of your consciences. Thank you."[40]

The SJC found this type of argument improper because it was witness vouching, meaning the prosecutor could not state the witness was telling the truth or make other statements which implied that the government would not fabricate a case or suggest that "the government has special knowledge by which it can verify the witness's testimony. . . ."[41] It is also a serious breach of ethics.[42]

Suffolk Superior Court Judge Felix Forte, age 73, charged the jury:

> [T]he burden of proof is to convince you beyond a reasonable doubt. Now, that doesn't mean beyond any doubt. It means beyond a doubt with a reason behind that doubt. It does not mean beyond a doubt in the mind of someone who is looking for a doubt, and it does not mean to a mathematical certainty. . . .
>
> *Suppose you have an important question of your own, a real serious problem, one that means a great deal to your future-whether you should buy a business or not; shall you sell your house or not and buy another; shall you move your family to another state or not. Questions of serious import, and if you make a mistake, it will be a serious mistake. On the other hand, if you decide correctly, it will be an improvement in your future and that of your family.*
>
> Now, you received some information from a certain person. If he has related the truth, you should make the change. But if he is not telling you the truth, you will make a terrible mistake. Now, shall you believe him or not. You don't know whether he's telling you the truth or not. You were not present when this occurrence, this incident took place about which he talked. You don't know whether he's telling the truth or not. You just have to make up your own mind, and you meditate and you think of him, think of all you know about him, his past, his education, his intelligence, his reputation, anything you know about him you think about. And after serious thought and meditation you say to yourself, 'Well, I don't have enough confidence in him. He doesn't sound correct to me. I'm not convinced.' You have not been convinced beyond a reasonable doubt.
>
> On the other hand, suppose you say, "Well, I don't know whether he is telling the truth or not but I have confidence in him. He is in a position to know. I don't know why he shouldn't be telling me the truth. He made a sufficiently

40. *See* Summation, *supra* note 35, at 7456.
41. *See* Ciampa, *supra* note 16, at 320.
42. *See* MODEL CODE, *supra* note 36.

Deegan Trial: 4 Get Chair, 2 Life; Judge Hails Jury

AM GLOBE 10/31/68

Four of the six men charged with the Cosa Nostra-ordered murder of Malden tough Edward (Teddy) Deegan in 1965 were condemned Wednesday to die in the electric chair. The other two were sentenced to life in prison.

Suffolk County Superior Court Judge Felix Forte left the Deaconess Hospital, where he was resting after the grueling, 49-day trial, to pronounce sentence.

He told the jury of 11 men and one woman who deliberated more than seven hours before returning guilty verdicts at 11:47 a.m.:

"You gave notice that the community will not stand for gangland murders. You had the courage of your convictions — and it did take courage. Thank you."

Sentenced to die in the electric chair at Walpole State Prison were: Henry J. Tameleo, 66, of Cranston, R.I., alleged high-ranking member of the New England Cosa Nostra; Peter J. Limone, 34, of Medford; Louis Grieco, 51, of Peabody; and Ronald A. Cassesso, 35, of Somerville.

DEEGAN Page 22

EXHIBIT
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PENGAD Bayonne, N.J.

7-31-68

[illegible] GLOBE JUL

The other defendants were brought in by Baron as members of the murder team, the self-admitted loansharks and hired killer stated.

Baron said Deegan's friend Anthony Stathopoulos did Stefan was supposed to be shot to death at the same time for an additional $3500.

The witness said Stathopoulos escaped because the approach of a Chelsea police [illegible] scared off the [illegible] team [illegible] himself, Cassesso and Salvati.

Baron said French, a stealing colleague of Deegan's, was used to "set up" the victim and that Grieco and the late Romeo Martin lay in wait for Deegan in the dark [illegible] Chelsea alleyway.

According to Baron, Deegan, Stathopoulos and French were engaged in a "soft score" burglary of a finance company office through the alley door which had been left open according to testimony by Baron and Stathopoulos, by the route policeman who had the key.

All six defendants were also sentenced to three years for guilty findings on two counts each of conspiracy to murder. [illegible]

Grieco [illegible] the [illegible] men in the dock came to [illegible] from the court prior to the imposition of sentence on the major crimes.

Referring to testimony in the case, Grieco said, "I'm guilty of just two things — going to Lechmere Sales and lying about my refrigerator and domestic troubles with my wife.

"I'm also guilty of being born of Italian parentage.

"I'm not guilty of this murder. I took a lie detector test and it showed that I didn't do it."

WIFE WEEPS

After Judge Forte, standing, intoned the death sentence by the "passage of a current of electricity through your body," Grieco was led from the court room to the lockup below.

His wife, who testified [illegible] the trial that [illegible] not have shot Deegan [illegible] was in Florida [illegible] her was led weeping [illegible] the courtroom crowded [illegible] spectators, police, [illegible] of the defendants. [illegible]

When Tameleo was asked if he wished to speak to the court his lips moved but the answer was inaudible. Queried again, the balding man who sat throughout the 49 days hunched in the middle front of the docket, replied, "I don't, your honor."

Salvati was the last sentenced. When Glynn finished reading "life imprisonment," Salvati's two sisters groaned and sobbed.

Judge Forte ordered that all death sentences be stayed pending the outcome of the appeals to the Supreme Judicial Court.

He instructed that all six were to be transferred to the state prison at Walpole immediately.

UNCONSTITUTIONAL

Tameleo's lawyer, Joseph Balliro, asked the court to withhold sentencing until he could appeal the case to the state high court, arguing that the death sentence was cruel and unusual punishment in viloation of the Eighth Amendment to the U.S. Constitution.

Similar arguments were put forward by Atty. Robert Stanziani for Limone and Atty. Ronald Chisholm for Cassesso.

Atty. Lawrence O'Donnell, speaking for Grieco, said to Judge Forte, "Put on the death sentence 'Stay Execution' and we'll present the appeal to the high court."

Asst. Dist. Atty. Jack L. Zalkind, who presented the government's case in the proceedings which started 49 days ago, asked the judge to file the conspiracy misdemeanors and impose sentence at once on the major offences.

Judge Forte said he was disregarding Zalkind's recommendation for the lesser crimes and was going to impose jail sentences.

DYRNE PRESENT

Seated beside Zalkind was Suffolk Dist. Atty. Garrett H. Byrne.

The jury received the case for deliberation at 6:13 p.m. yesterday.

They were retired at 10:43 last night at the order of Judge Forte after period over the testimony [illegible] hours.

They returned to their task at 9:16 this morning after breakfast.

At 11:50 a.m. [illegible] John McCarthy was [illegible] that the jury had reached [illegible]

the trial. He reportedly began running a high fever three days ago and visited the hospital for treatment at that time.

It was reported that doctors urged the jurist to remain abed at the hospital but he insisted on returning to court to complete the case.

Testimony in the case has probably been some of the most sensational ever heard in a murder trial in the commonwealth.

Star state witness Joseph (Barboza) Baron told the judge and jury that he was a hired killer employed by Limone to kill Edward "Teddy" Deegan, a Malden tough and ex-boxer.

Baron said that the murder was ordered "by what people know as Cosa Nostra." It was Baron's testimony that he was given $7500 for the killing.

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

FBI

Date: July 31, 1968

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

Via TELETYPE IMMEDIATE (Priority)

EXHIBIT 248

TO: DIRECTOR [redacted]

FROM: BOSTON [redacted]

CRIMINAL INTELLIGENCE PROGRAM, BOSTON DIVISION.

ALL SUBJECTS IN DEEGAN GANGLAND MURDER FOUND GUILTY THIS DATE, SUFFOLK COUNTY SUPERIOR COURT, BOSTON, MASS.

ROY FRENCH FOUND GUILTY OF MURDER, FIRST DEGREE AND SENTENCED TO LIFE. JOSEPH SALVATI FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND SENTENCED TO LIFE. BOTH THESE SENTENCES WERE BASED ON JURY RECOMMENDATION FOR LENIENCY.

LOUIS GRIECO FOUND GUILTY MURDER, FIRST DEGREE AND SENTENCED TO DEATH PENALTY. HENRY TAMELEO, RONALD CASSESSO AND PETER JOSEPH LIMONE ALL LCN MEMBERS FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND ALL SENTENCED TO DEATH PENALTY.

ALL SIX SUBJECTS FOUND GUILTY OF CONSPIRACY TO MURDER EDWARD DEEGAN AND SENTENCED TO TWO YEARS IN HOUSE OF CORRECTION. ALL FOUND GUILTY OF CONSPIRACY TO MURDER ANTHONY J. STATHOPOULOS AND SENTENCED ONE YEAR IN HOUSE OF CORRECTION.

TAMELEO, LIMONE AND CASSESSO ALL PROMINENT MEMBERS OF LCN IN PATRIARCA FAMILY. TAMELEO WAS CAPOREGIME OF PATRIARCA IN

Approved: _____ Special Agent in Charge

Sent 4:03 P M Per _____

[redacted] 3267

000943

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

FBI

Date:

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

Via _____ (Priority)

[redacted]

3.

NEW COURTHOUSE BUILDING, FIVE FIVE PEMBERTON SQUARE, BOSTON, MASS., ZERO TWO ONE ZERO EIGHT, AND STAFF FOR THEIR SUCCESSFUL PROSECUTION OF THIS CASE.

ALSO RECOMMENDED THAT LETTERS OF COMMENDATION BE FORWARDED SAS RICO, CONDON AND BOLAND. SAS RICO AND CONDON WERE RESPONSIBLE FOR THE DEVELOPMENT OF GOVERNMENT WITNESSES BARBOZA AND GLAVIN. SA CONDON ALSO TESTIFIED IN AN EXCELLENT MANNER IN THIS CASE. SA BOLAND ALSO TESTIFIED IN AN EXCELLENT MANNER. BOLAND'S TESTIMONY REFUTED THE ALIBI OF GRECO AS FURNISHED BY HIS WIFE. SA BOLAND HAD INTERVIEWED GRECO'S WIFE AND SHE TESTIFIED IN X THE CASE, CONTRARY TO THE FACTS AS FURNISHED BY HER TO BOLAND. HIS TESTIMONY WAS DEVASTATING TO THE DEFENSE OF GRECO. BOTH AGENTS TESTIFIED REFLECTING GREAT CREDIT ON FBI.

JFK:CAK
(1)

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

John W. McCormack
9th Dist., Massachusetts

The Speaker's Rooms
U. S. House of Representatives
Washington, D.C.

August 1, 1968

Virginia T. Morrissey
Administrative Assistant

Martin Sweig
Legislative Assistant and
Executive Washington Office

Boston Office
James W. Harvey
Secretary

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

PERSONAL
Honorable John Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C. 20535

Dear John:

May I call your personal attention to my deep interest in John J. Connolly, Jr., who has applied to your fine Bureau for an appointment.

I received a letter from this young man's father in which he told me that there might have been some possibility of his son not qualifying physically for the appointment he is seeking.

In this connection, I attach for your attention a self-explanatory letter sent to me by the young man's father from Dr. Michael J. Donovan, whose office incidentally is located in my congressional district at 527 East Broadway, South Boston, Massachusetts. I have known young Connolly since his birth. His father is a close and valued friend of mine and the young man in question is a splendid type of young American manhood. I am pleased to send this recommendation to you regarding young Connolly and I sincerely hope that conditions may be such that he will receive favorable consideration when an opportunity presents itself.

652417-2

With kindest regards, I am

Sincerely yours,

John (W. McCormack)

EXHIBIT
249

SUBJECT TO PROTECTIVE ORDER

EXP. PROC.
AUG 2 1968

[redacted] F

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted] F

DATE: 8/2/68

FROM : SA [redacted]

☒ CI. ☐ SI ☐ R (Prob)
☐ PCI ☐ PSI ☐ R
☐

SUBJECT: [redacted] B

Dates of Contact
7/31 and 8/2/68

Titles and File #s on which contacted

GENERAL CRIMINAL INTELLIGENCE, BOSTON DIVISION	94-536
[redacted]	92-1299

B, F

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE
☐ STATISTIC

Informant telephonically advised that he had some information to furnish regarding a statement made by [redacted] concerning the [redacted] and [redacted]. Arrangements were made to contact informant personally the morning of 8/2/68. B

On 8/2/68, informant stated that he was with FRANKIE SALEME, [redacted] located on [redacted] South End, Boston on the afternoon of 7/31/68 just after the jurors of the DEEGAN trial had made their verdict. Informant stated at this time FRANKIE SALEME was very angry with the verdict in the case [redacted] B

☒ Informant certified that he has furnished all information obtained by him since last contact.	Rating	Coverage
	EXCELLENT	GENERAL CRIMINAL

[redacted] 1299

F, B

[redacted]
94-536
92-1299

EXHIBIT
250

000948

F [redacted] 3299

[redacted]

B,M [redacted]

[redacted] SALEME indicated that the District Attorney's Office had lied, the witnesses in the trial had lied and also the Feds had lied and according to the informant, the only ones that did not lie were the defendants. Informant stated that he told SALEME that he was crazy to even think he could get away with anything regarding GARY BYRNE, his son, FITZGERALD.

B,M [redacted]

Informant stated that he did not know whether or not SALEME was serious in his talk about taking care of the above mentioned individuals but felt that RICO and CONDON should be alerted to the talk.

Informant stated that he considered FRANKIE SALEME one of the worst and most treacherous individuals in the Boston area. He stated that he is constantly with LARRY BAIONE and has made a statement that he did not care about the results of the verdict in the DEEGAN murder case except for the verdict against PETER LIMONE and HENRY TAMELEO. [redacted]

B [redacted]

B,M [redacted]

On August 2, 1968, District Attorney GARRETT H. BYRNE was informed of the above information by SA H. PAUL RICO.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted] b2 b7D

DATE: 8/2/68

FROM : SA [redacted] b7C

[redacted] b2 b7D

SUBJECT: [redacted] b2 b7D

Dates of Contact
7/31 and 8/2/68

Titles and File #s on which contacted

GENERAL CRIMINAL INTELLIGENCE, BOSTON DIVISION	94-536
b7C [redacted]	92-1299

Purpose and results of contact

- [ ] NEGATIVE
- [X] POSITIVE
- [ ] STATISTIC

Informant telephonically advised that he had some information to furnish regarding a statement made by [redacted] concerning the [redacted] and [redacted] b7C
Arrangements were made to contact informant personally the morning of 8/2/68.

On 8/2/68, [redacted] b7C b7D
[redacted] on the afternoon of 7/31/68 just after the jurors of the DEEGAN trial had made their verdict. b7C
Informant stated at this time [redacted] was very angry with the verdict in the case and stated that [redacted] b7C
[redacted] was trying to make an empire b7C
for himself [redacted] and that something should be done [redacted] 37 b2 b

[X] Informant certified that he has furnished all information obtained by him since last contact.	Rating	Coverage
	EXCELLENT	GENERAL CRIMINAL

[redacted] 85 !

b2 b7D tele tele

1 - [redacted] b2 b7D
1 - 94-536
1 - 92-1299
JFB:pd
(4)

000429

DOCUMENT #3

BS[redacted] b2 b7D

b7C

regarding [redacted] He further indicated that it was too bad that they did not finish the guy that they wheeled into court.

b7C b7D

At this time [redacted] was crazy to talk that way. [redacted] indicated that the District Attorney's Office had lied, the witnesses in the trial had lied and also the Feds had lied and [redacted] the only ones that did not lie were the defendants. Informant stated that he told [redacted] that he was crazy to even think he could get away with anything regarding [redacted] stated they took care of both [redacted] even though the guys were caught but he would never get caught.

b7D

[redacted] did not know whether or not [redacted] was serious in his talk about taking care of the above mentioned individuals but felt that [redacted] should be alerted to the talk.

b7C b7D

Informant stated that he considered [redacted] one of the worst and most treacherous individuals in the Boston area. He stated that he is constantly with [redacted] and has made a statement that he did not care about the results of the verdict in the DEEGAN murder case except for the verdict against PETER LIMONE and HENRY TAMELEO. [redacted] resides in [redacted] and furnished his telephone number which was personally given to SA [redacted]

O/S [redacted]

O/S [redacted]