

A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment,

Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

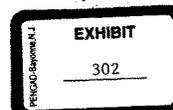
Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)



*missy pages in Chisholm*

A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an

answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry.

I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

the Charles Street Jail.

Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?

A I did.

Q And is that when he was being held for lack of \$250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?

A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.

Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?

A Yes, that is true.

Q And he hadn't furnished bail at that time?

A I had no knowledge at that time of what his condition was.

MR. CIRESI: I see.

Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?

A I am aware of that.

Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?

A I did not.

Q And was Mr. Harrington there at the Courthouse?

MR. ISRAEL: Well, now --

MR. ISRAEL. Objection.

THE COURT. Sustained. You want to strip it?

MR. ISRAEL. No, I think not.

Q Your answer was yes, is that correct?

A That's correct.

MR. SHEEHAN. That's all I have, Your Honor please.

THE COURT. Anything further, Gentlemen? Nothing? Any redirect examination, Mr Israel?

MR. ISRAEL. One question. I really don't know how to handle this. May we have a side-bar conference?

THE COURT. Come up.

(Conference at the bench)

MR. ISRAEL. I have no further questions, Your Honor.

THE COURT. All right, Mr. Farina, thank you. You're excused.

MR. ISRAEL. Paul Rico.

H. PAUL RICO

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation?

A Special Agent, Federal Bureau of Investigation.

Q How long have you been a Special Agent with the Federal Bureau of Investigation?

A Nineteen years.

Q Were you a special agent in 1969?

A I was.

Q In June, July and August of that year?

A Yes, I was.

Q And to what office were you assigned to that period of time?

A To the Boston office of the FBI.

Q Did you have occasion during those months to meet with John J. Kelley?

A I did.

Q And in that period of time, referring to those months of 1969, when was the first time that you met him?

A June 5, 1969.

Q And where was that meeting?

A At Charles Street Jail.

Q And did you have occasion to meet with him on dates after June 5, 1969?

A I did.

Q Do you remember where any of those meetings took place?

A Yes, I do.

- Q Did any of those meetings take place other than the Charles Street Jail?
- A They did.
- Q Were any of them at the Barnstable County House of Correction?
- A Yes.
- Q And in some other places?
- A Yes.
- Q Did you meet with him on June 25, 1969?
- A I did.
- Q On June 30, 1969?
- A No.
- Q On July 8, 9 or 10th?
- A Yes, I did.
- Q On how many of those three dates in July?
- A On the three dates.
- Q And after July 8, 9 and 10th of '69, did you meet with him?
- A Yes, I did.
- Q Now, were you ever present when Mr. Kelley was shown photographs?
- A Yes, I was.
- Q On how many occasions were you present when he was shown photographs?

- A I was on two occasions.
- Q And on those two occasions, was there anyone else present besides yourself?
- A Yes.
- Q When he was shown photographs?
- A Yes.
- Q Who were those other people?
- A Agent Robert Sheehan.
- Q Was Mr. Kelley there?
- A Yes.
- Q And were you present on an occasion when Mr. Kelley drew some diagram or diagrams?
- A I was.
- Q How many diagrams did he draw?
- A He drew three diagrams.
- Q Was anyone else present at the time Mr. Kelley drew the three diagrams?
- A Myself and Agent Sheehan and Mr. Kelley.
- Q Now did you observe Mr. Kelley as he drew the diagram?
- A Yes, I did.
- Q And did you assist him to draw the diagrams?
- A No, I did not.
- Q Did you speak to him while he was drawing the diagrams?

A No, I did not.

Q Did you speak to him before he drew the diagrams within  
a space of a few minutes?

A Not pertaining to the drawings.

---

Q Now, in the course of any of your conversations with Mr. Kelley, did you make any promises to him regarding his making statements in your presence, any promises regarding the statements he might have made in your presence?

A I made no promises to him.

Q Now, regarding any testimony which he might give, did you make any promises to him regarding any testimony he might give?

A I made a statement to him.

Q And by that, I take it you deny that you yourself --

MR. ISRAEL: All right, I'll reframe the question.

Q You make certain statements to him?

A Yes, I did.

Q Regarding what?

A I told him that any cooperation that he gave to the United States Government will be brought to the attention of the proper authorities.

Q Now, did you make any statements to him regarding testimony that he might give in Rhode Island?

A No, I did not.

Q Did you make any statements to him regarding any conversation he might have with you regarding events in Rhode Island?

MR. SHEEHAN: I'll object to that,

Your Honor please.

THE COURT: Grounds?

MR. SHEEHAN: Well, I think it's immaterial.

He's already had immunity from Rhode Island.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

THE COURT: Read the question to the witness, please.

MR. SHEEHAN: May the record indicate

"he" means Kelley, Your Honor please.

THE COURT: May the record indicate what?

MR. SHEEHAN: That when I use the word

"he" he means Kelley.

(Pending question read)

Q Do you understand the question?

A No.

MR. ISRAEL: I'll reframe it.

Q Did you make any promise or any statements to him as to what might happen if he were to make statements to authorities from Rhode Island?

MR. SHEEHAN: Object, Your Honor please.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

A I made no such statements.

Q Now, were any statements made by you to Mr. Kelly regarding his personal security?

A Yes.

Q And what were those statements?

A I told him that the United States Government had agreed to give him personal security.

Q Now, by "United States Government," do you mean the Federal Bureau of Investigation?

A No. I mean the Department of Justice has informed me that the United States Marshals would protect him.

Q I take it, then, that you relayed a message to him in your statements to him; is that correct?

A That's true.

Q Now, of your own knowledge, at that time did the Federal Bureau of Investigation independently have authority to offer any protection or security to Mr. Kelley?

A No, they did not.

Q Did you describe to Mr. Kelley the kind of personal security and protection that he might expect from the United States Government?

A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment,  
Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q Mr. Rico, did you file an affidavit in the Federal District Court in Boston --

MR. ISRAEL: Objection.

THE COURT: Well, now --

MR. ISRAEL: I think Your Honor should examine him.

THE COURT: Let him finish the question.

MR. ISRAEL: Oh, I'm sorry.

Q (Continued) -- in August of 1969?

MR. ISRAEL: No, I object.

THE COURT: You may answer the question "yes" or "no," Mr. Rico.

A Yes.

Q And that affidavit was -- you did sign that under oath?

MR. ISRAEL: Objection.

Well, I withdraw it, I'm sorry.

THE COURT: That's what an affidavit is: isn't it?

MR. CHISHOLM: I want to make sure the witness understands.

Q (Continued) You signed under oath; didn't you?

A I did.

Q It was your oath?

A It was.

Q Now, I'll ask you again, whether or not --

MR. ISRAEL: I object.

Q -- Mr. Kelley told --

MR. ISRAEL: I object and I'm interrupting counsel deliberately.

THE COURT: The objection is sustained, this being far removed from direct-examination, as I view it, Mr. Chisholm.

Q Well, Mr. Rico, you're not going to leave the jurisdiction, are you, in the near future, next week or so?

A I hope to leave the State of Rhode Island. I'm going to leave the State of Rhode Island.

THE COURT: What counsel means, Mr. Rico, if he wants to call you as a witness for the defendant you will be available a little later on.

THE WITNESS: Gladly.

Q Without a subpoena being issued to you?

MR. ISRAEL: I object. I think he said "gladly."

THE COURT: Oh, well, let's not fool around, gentlemen. You said you'll be available, Mr. Rico?

THE WITNESS: Yes.

THE COURT: All right.

Q May I have the answer, Mr. Rico?

A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry.  
I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

A Yes.

Q And what are those names?

A Theodore F. Harrington, Special Agent David Divan and  
Special Agent Al Kohler.

THE REPORTER: Would you spell that, please?

THE WITNESS: I think it's K-O-H-L-E-R.

Q Any others?

A Not that I can recall.

Q Now, what was the next date that you met with Mr. Kelley  
after June 5 of 1969?

A June 6th.

Q And the next date after that?

A Pertaining to this matter?

MR. CHISHOLM: Pertaining to any  
matter.

MR. ISRAEL: Object.

MR. CHISHOLM: All right, pertaining  
to this matter.

THE WITNESS: June 25.

Q And the next date after that?

A July 8th.

Q Next date after that?

A July 9th.

Q And the next date after that?

A July 10th.

Q Next date after that?

A July 17th.

Q Were there any dates after that?

A I cannot recall any specific dates after that.

Q Well, were there dates after that?

A There are dates after that that I've met Mr. Kelley.

Q Are you saying this subject of this case?

A I'd say yes.

Q Well, when you say you'd say "yes," are you guessing or --

A No, I'm not guessing. I'm just trying to answer the question.

Q And did you make some notes of your interviews?

A No.

Q You didn't make any notes?

A No.

Q And did you use any notes, or documents, or papers, or writings to refresh your memory --

MR. ISRAEL: I object.

Q -- before testifying?

MR. ISRAEL: I still object. Purpose.

Your Honor?

THE COURT: I beg your pardon?

MR. ISRAEL: To refresh his memory as to what, Your Honor. I object.

THE COURT: Before testifying here meaning in this trial?

MR. ISRAEL: All right. I'll withdraw the objection.

MR. CHISHOLM: Yes.

A Yes.

Q And may I see those?

(Witness complying)

Q And is this paper that you've shown me the only notes, paper, or documents, or memoranda that you've used to refresh your memory before testifying here?

A Yes.

Q And did you obtain that from --

MR. CHISHOLM: Strike it.

A Yes.

MR. CHISHOLM: I was going to say Agent Sheehan, but I said "strike it," Your Honor.

THE COURT: You anticipated the question, did you?

THE WITNESS: Yes, I did, Your Honor.

THE COURT: All right, Mr. Rico.

Q By the way, Mr. Rico, do you have a copy of that affidavit that you filed in the Federal District Court in August of 1969?

MR. ISRAEL: I object.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q And, well, Mr. Rico, will you obtain a copy of that affidavit or look it over before next -- the next few days?

MR. ISRAEL: Object.

THE COURT: Sustained.

MR. CHISHOLM: I have no further questions.

CROSS-EXAMINATION BY MR. CIRESI

Q Mr. Rico, you testified that the first occasion you talked to John Kelley, or met with John Kelley was at the Charles Street Jail; is that correct?

MR. ISRAEL: I object.

Q (Continued) Isn't that your testimony?

MR. ISRAEL: No, I object, Your Honor.

A No (nodding).

THE COURT: Did he say that was the first time? I know he said that he met him June 5th at

- the Charles Street Jail.
- Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?
- A I did.
- Q And is that when he was being held for lack of \$250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?
- A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.
- Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?
- A Yes, that is true.
- Q And he hadn't furnished bail at that time?
- A I had no knowledge at that time of what his condition was.
- MR. CIRESI: I see.
- Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?
- A I am aware of that.
- Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?
- A I did not.
- Q And was Mr. Harrington there at the Courthouse?
- MR. ISRAEL: Well, now --

MR. CIRESI: Well, if he knows, Your Honor.

THE COURT: All right.

A I have no way of knowing.

Q You have no way of knowing?

A No (Nodding).

Q And, then, your subsequent conversations with Mr. Kelley was after he was released; is that from the jurisdiction of Massachusetts; is that correct?

A No, that's not correct.

Q Well, he wasn't being held by the Massachusetts Authorities any longer when these subsequent conversations with you were taking place? He was free from the Massachusetts Authorities; wasn't he?

A That is not correct.

Q That isn't correct?

A No.

Q Well, is he being held in any jail by Massachusetts Authorities? By that I mean, the State of Massachusetts at this time?

MR. ISRAEL: I object.

THE COURT: If the witness knows, he can tell us, Mr. Israel.

MR. ISRAEL: All right.

A No, he is not.

MR. CIRESI: He is not. I have no further questions.

MR. CHISHOLM: May I re-open?

THE COURT: Go ahead.

CROSS-EXAMINATION BY MR. CHISHOLM CONTINUED

Q Mr. Rico, when you referred in your direct testimony to "proper authorities," who do you say the proper authorities are?

A At the time I said it, I had no way of knowing who the proper authorities were going to be.

Q Well, who do you consider proper authorities?

MR. ISRAEL: Object, now or then?

THE COURT: This is of the time --

MR. CHISHOLM: Well, both questions,

Mr. Israel.

THE COURT: This is directed to the time when he said he would bring it to the attention of the proper authorities?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right, as of then.

A I have no way of knowing who the proper authorities were going to be.

Q Did Mr. Kelley ask you who the proper authorities were?

A I had no knowledge of what he was going to talk about.

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Q Did Mr. Kelley ask you who the proper authorities were?

A No, he did not.

Q Did you tell him who the proper authorities were?

A I did not.

Q Since that time have you determined who the proper authorities are?

A Not in all instances.

Q Well, did you determine what you considered some of the proper authorities were?

A Yes.

Q Who do you consider the proper authorities?

MR. ISRAEL: Object.

THE COURT: I think it's all right.

MR. ISRAEL: I will withdraw the objection.

Q What person?

A I consider the proper authorities to be the district attorney of the areas or the prosecuting authorities in the areas who cover the violations of the law.

Q By person can you identify any person?

A You are asking my opinion?

Q I am not asking your opinion. Who do you now consider to be the proper authorities?

A In this instance here?

Q Mr. Rico, did you tell Mr. Kelley you would bring any

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- cooperation he gave to the attention of the proper authorities?
- A I did.
- Q All right then. Now, you say he gave you some, what you consider, cooperation?
- A Yes.
- Q Now, what proper authorities by person, by identify, do you say you would bring his cooperation to the attention of?
- A To the Department of Justice.
- Q By person. Can you identify the person?
- A Walter Barnes, held of the Strike Force in New England; Garret Byrne, district attorney, Suffolk County.
- Q Is that it? Is that the end of the answer?
- A Yes.
- Q Did you know Mr. Kelley prior to your meeting at Charles Street Jail on June 5, 1969?
- A Yes.
- Q As a matter of fact, you met him there June 4, 1969?
- A As a matter of fact, no.
- Q Did you meet him June 6, 1969 at Charles Street Jail?
- A No.
- Q Did you not see him two successive days at Charles Street Jail, June 4, 5 or 6?
- A I did not see him on two successive days at Charles Street Jail.

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Q In June of 1969?

A I did not see him on two successive days at Charles Street Jail in June of 1969.

Q Were you at Charles Street Jail on two successive days in June of 1969?

A Yes.

Q June 4th and 5th?

MR. ISRAEL: Object, your Honor.

THE COURT: Overruled.

A I have no memory of being there on those dates.

Q At any rate, you knew Mr. Kelley prior to June of 1969?

A Yes, I did.

CROSS EXAMINATION BY MR. SHEEHAN

Q Mr. Rico, you testified that you were going to pass on this cooperation to the proper authorities when you first talked to Mr. Kelley if he cooperated; is that correct?

A I made that statement to him.

Q Yes; in answer to Mr. Chisholm you said you didn't know who the proper authorities were at that time; is that correct?

MR. ISRAEL: I object.

THE COURT: Let him answer it again.

A I didn't know who the proper authorities were at that time.

Q You were going to pass it on; you told Kelley you would

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pass it on, yet you didn't have any idea who to pass it on to?

A I didn't know what he was going to say.

Q When did you first find out what he was going to say?

A I found out what he was going -- part of what he was going to say later that evening.

Q That would be June 5th?

A June 5th, right.

Q That is the first day you saw him, June 5th?

A That's right.

Q He told you a story; is that right?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called some facts to you; is that right?

MR. ISRAEL: Object.

THE COURT: This is, of course, no part of direct-examination, Mr. Sheehan, as to what was said.

MR. SHEEHAN: May I be heard, your Honor?

THE COURT: Just tell me briefly if you think it's proper to put it before the jury. Go ahead.

MR. SHEEHAN: I believe he said he talked to him on the 5th and on the 6th, and I think I can go into his conversation, what he talked to him about.

MR. ISRAEL: Is that is what the examiner

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is getting at I will withdraw the objection.

A Is that what you want for an answer?

Q What did you say?

A Is that what you want in the answer, what he talked to me about?

Q No.

A Sorry.

Q I said that he gave you a story; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called certain facts of a transaction; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Well, that's close enough,

Mr. Israel.

Q Do you want the question read?

A Yes.

THE COURT: Read it.

(The pending question was read.)

A Yes.

MR. CHISHOLM: Before the answer, I have a motion I'd like to present to the Court at the side bar.

THE COURT: Come up, gentlemen.

(The following proceedings were recorded

during the side-bar conference:

MR. CHISHOLM: I object to this question being answered, being asked by Mr. Sheehan, and I move for a severance. I should get a ruling first.

THE COURT: You think it opens the door?

MR. CHISHOLM: Yes. I don't want it opened against my client.

MR. CIRESI: I object.

MR. BUCCI: For the record I object.

THE COURT: Do you want to withdraw the question, Mr. Sheehan?

MR. SHEEHAN: May I have the question read?

THE COURT: It opens the door as I view this, getting into an area where this witness is permitted to tell you everything Kelley told him at that interview. Do you want to withdraw the question or do you want an answer?

MR. SHEEHAN: The first interview?

THE COURT: Yes. It shouldn't take you too long to make up your mind.

MR. SHEEHAN: It is for a purpose which is not.

THE COURT: Make up your mind because

I have a ruling to make.

MR. SHEEHAN; I will withdraw it.)

THE COURT: For the record, following the  
convergence at side bench Mr. Sheehan withdraw the last  
question.

Q Mr. Rico, you testified that the proper authorities were  
the district attorneys and the local jurisdiction where  
some effect it would have; is that correct? Part of it?

A The information disseminated to the Justice Department.

Q I believe you also said the district attorneys. You  
mean like the district attorney for Suffolk County in  
Boston?

A Yes.

Q And the attorney general for the State of Rhode Island?

A Yes.

Q When did you first notify the attorney general of the  
State of Rhode Island.

A My first contact with the attorney general of the State  
of Rhode Island?

Q In regard to this instant case.

A It would be August 7th.

Q You made an affidavit on the 8th, 9th -- an affidavit,  
excuse me, in Boston concerning this instant case?

MR. ISRAEL: I object.

THE COURT: Read it.

MR. ISRAEL: Maybe it was asked and objected to before by Mr. Chisholm. I will withdraw it.

THE COURT: All right.

MR. SHEEHAN: That is all I have.

THE COURT: Anything else, gentlemen?

MR. RAO: Nothing further, Your Honor.

THE COURT: Any redirect-examination, Mr. Israel?

MR. ISRAEL: None, your Honor.

THE COURT: The witness may be excused.

JAMES WALTER MULLEN, S w o r n

THE CLERK: Tell the Court your name.

THE WITNESS: James Walter Mullen.

MR. SHEEHAN: May we approach the bench before the witness testifies?

(Side-bench conference)

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation.

A I'm a captain in the Rhode Island State Police. I am in charge of the State Police detectives.

Q And how long have you been a captain of detectives?

A Going on three years.

Q And how long have you been a detective in the Rhode Island

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER H. BARNES, Departmental Attorney, Boston

Report of: JAMES F. LINK  
Date: 1/12/70

Office: Boston, Massachusetts

Field Office File #: 92-1416

Bureau File #: 92-11381

Title: VINCENT J. FLEMMI

Character: ANTI RACKETEERING

Synopsis: Subject observed in Jamaica Plain area of Boston and in Boston with JOHN MARTORANO and JESSIE TORTORICCI and other members of the criminal element in Boston. Contact with informants and Boston Police Department set forth. Details of the subjects arrest and subsequent trial also included. Subjects whereabouts unknown at this time. ARMED AND DANGEROUS.

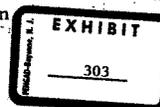
- P -

DETAILS:

On January 12, 1970, records at the Boston Police Department indicated that VINCENT J. (JIMMY) FLEMMI, 35 years of age of Hyde Park, Massachusetts was held on \$25,000 bail on January 8, 1970, on indictments stemming from a shooting incident in which the subject ended up as victim, shot in the shoulder.

FLEMMI was charged in Suffolk Superior Court Boston, with assault with intent to murder JAMES ABBOUT, 33 years of age, of Brighton, Massachusetts, on December 19, 1969 in a car on Huntington Avenue, Jamaica Plain. This incident occurred when FLEMMI accused ABBOUT of being an informant for the Task Force in Boston, regarding counterfeit money.

FLEMMI was arrested on the above charge on January 8, 1970.



BS 92-1416

On January 19, 1970, Boston Police Department Detectives, ED WALSH and JOHN CARTER advised that the subject had been observed on several occasions in the company of JOHN MARTORANO, SONNY COLONTINO, JESSIE TORTORICCI, and JACK AZULAY, at the Attic Lounge on Tremont Street, at the Living Room Lounge, and the Downtown Lounge, all in Boston. Detective WALSH stated that FLEMMI has not changed his routine, in that he arrives at the Pond Cafe, Jamaica Plain, by taxi and usually meets MARTORANO, or anyone of the above individuals, after which he accompanies them into Boston.

On February 6, 1970, Detectives Gerald Bulman and Robert Chenette, were contacted and advised that as a result of their surveillance of the subject they had observed him on February 2, 1970, at the Pond Cafe, Jamaica Plain. FLEMMI met PHIL COSTA, JACKIE SALEMME, and the bartender, EARL MURPHY, at the Pond, and later at approximately 12:10 A.M. they all left the location and drove to the Attic Lounge on Tremont Street, Boston. They remained at the Attic until 2:35 A.M., went to a pizza parlor around the corner at Beach and Washington Streets and from here the subject went home. He was driven to his residence, 130 Georgetown Drive by PHIL COSTA.

On February 16, 1970, ATTU Agent Allan Cole advised he had seen the subject first at the Pond Cafe, and later at the Living Room Lounge, Boston, on Saturday, February 14, 1970. Cole stated that TALLY and GARY KABELLA, were with FLEMMI at the time. He could not determine the purpose or reason for the association between the KABELLA'S and FLEMMI.

Detective EDWARD WALSH advised on February 24, 1970, that FLEMMI makes a weekly visit to either "Jeromes", or the "Downtown Lounge", both places are owned by LOUIS VENUS. The subject meets with VENUS, and according to WALSH, VENUS gives him money. WALSH has not determined the reason for the "pay off", however, he believes FLEMMI is collecting money for his brother STEVE FLEMMI who along with FRANK SALEMME, is the subject of an unlawful flight investigation at Boston, Boston File number 88-5039.

BS 92-1416



On March 16, 1970, the subjects trial began in Suffolk Superior Court where FLEMMI was charged with assault with intent to murder.

FLEMMI was represented by Attorney JOSEPH BALLIRO. The subject appeared in court on March 16, 1970, through March 19, 1970. FLEMMI left the court house on Thursday, March 19, 1970, and has not been seen since. His whereabouts at this time, is not known. The jury returned a verdict of guilty on Friday, March 20, 1970, despite protests from Attorney JOSEPH BALLERO who stated the court should not accept a verdict in the absence of FLEMMI. Judge EUGENE A. HUDSON accepted the verdict as reasonable and proper. FLEMMI was not sentenced.

Detective EDWARD WALSH advised that FLEMMI'S wife stated the subject left home Friday morning March 20, after telling her he was going to the court house. She has not heard from her husband since that time, she has no idea as to where her husband might have gone.

The charges against FLEMMI include assault by means of a dangerous weapon, and illegally carrying a gun. Complainant JAMES A. ABBOUT.

On Friday, March 20, 1970, the Boston Police Department issued a wanted Flyer on FLEMMI. Subject wanted on Superior Court Default Warrant #46743, issued March 20, 1970, charging him with being in default on original charges of Assault with intent to murder. Last known address was [REDACTED] Hyde Park, Massachusetts.

1665

BS 92-1416

██████████ was contacted on ██████████ <sup>B</sup>  
regarding the subject and advised at that time, that  
he had no information of a positive nature. He  
stated that he had heard that FLEMMI had left the  
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subject might have gone.

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6  
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-11381)  
FROM : SAC, BOSTON (92-1416) (P\*)  
SUBJECT: VINCENT J. FLEMMI, aka  
Jimmy  
AR  
(OO:Boston)

DATE: 9/22/70

Re report of SA JAMES F. LINK, dated 6/17/70,  
at Boston.

As set out in referenced report, the subject  
was arrested on 1/8/70 in Jamaica Plain, Mass., and  
charged with "Assault with Intent to Murder." During  
his trial, on 3/3/70, FLEMMI left Suffolk Superior Court,  
Boston, and has not been seen since that time. He is  
currently in a fugitive status and is the subject of  
Boston File 88-5228.

Detectives EDWARD WALSH and TOM CONNOLY,  
Organized Crime Section, Boston Police Department,  
who have been contacted on a frequent basis since the  
inception of this investigation, were contacted on  
September 14, 1970, and could provide no information  
regarding the subject's activities or whereabouts.

As indicated above, an active fugitive  
investigation is being conducted to locate FLEMMI,  
any information of a pertinent nature will be included  
in and reported in Boston file 88-5228. Copies of  
communication and results of investigation will also be  
included in captioned file.

In view of the above, this case is being placed  
in a pending inactive status, UACB.

2 - Bureau  
1 - Boston  
JEF:men  
(3) 9/23/70

EX-111

REC 11 99-11381-7

12 SEP 28 1970



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT  
304

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER H. BARNES, Departmental Attorney, Boston

Report of: JAMES F. LINK

Office: Boston, Massachusetts

Date: 1/12/70

Field Office File #: 92-1416

Bureau File #: 92-11381

Title: VINCENT J. FLEMMI

Character: ANTI RACKETEERING

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BS 92-1416

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BS 92-1416



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1670

BS 92-1416

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subject might have gone.

SUPERIOR CT. 10A.  STATE VS.  Murder and Acc. before the Fact to Murder  DEFENDANTS Maurice M. Lerner, Robert E. Fairbrother, & John Rossi-Murder Raymond E.S. Patriarca, Rudolph G. Sciarra, Paul Marzocchio & Frank A. Vercillo-Att. DOCTORS ATTORNEYS FOR DEFENDANTS	INDICTMENT NO. 69-767 YEAR DISPOSED OF EXHIBIT 306
--	--

DATE	ENTRIES
February 27, 28,	Trial Proceeds
Mar. 2, 3, 4, 1970	" "
March 5, 1970	Hearing in camera
Mar. 6, 7, 9, 10, 11, 12	
13, 14, 1970	Trial Proceeds
March 15, 17, 18, 19	Bulman J. Trial proceeds.
20, 1970	
March 21, 23, 24, 1970	Bulman J. Trial proceeds.
March 25, 1970	Bulman J. Trial proceeds and trial concludes and the jury retires as to its verdicts.
March 26, 1970	Bulman J. The jury further deliberates as to its verdict.
March 27, 1970	Bulman J. The jury further deliberates and concludes deliberation and returns verdicts as follows... The jury returns a verdict of guilty of murder in the first degree as to deft. Lerner. The jury disagrees as to defts. Fairbrothers, Rossi, Patriarca, and Sciarra and deft. Lerner committed w/o bail. Exhibits in the 4th floor vault.
April 2, 1970	M.N.T. filed for Lerner
April 13, 1970	Bulman J. Deft. Lerner appears and the Court continues M.N.T.
May 18, 1970	Order entered as to deft. Patriarca.
May 25, 1970	Bulman J. Heard on deft. Lerner M.N.T. and same is held.
July 9, 1970	Bulman J. Decision filed. Deft. Lerner's Motion for New Trial is denied. Exception noted.
July 14, 1970	Deft. Lerner files Notice of Intention to Prosecute Bill of Exceptions & has to Sept. 11, 1970 to file Bill & Transcript
July 23, 1970	Giannini J. Deft. Lerner appears and continued to August 3 1970 for sentence and committed w/o bail.
September 9, 1970	Transcript extended to October 13, 1970 as to deft. Lerner.

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

1672

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

FBI

Date: March 30, 1970

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_ AIRMAIL \_\_\_\_\_  
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (166-4355)

FROM: SAC, BOSTON (166-845)

LUIGI GIOVANNI MANOCCHIO, aka - Fugitive  
IO NO. 4336;  
FRANK ANTHONY VENDITUOLI, aka - FUGITIVE; ETAL  
ITAR-GAMBLING; CONSPIRACY  
(OO - Boston)

Re Boston teletype March 27, 1970.

In connection with the successful prosecution which resulted in the conviction for conspiracy to murder of PATRIARCA, LCN member; SCIARRA, LCN member; LERNER, hit man for LCN; and FAIRBROTHERS and ROSSI, close criminal associates of PATRIARCA, the following recommendations are made:

SAs H. PAUL RICO and ROBERT E. SHEEHAN for their outstanding accomplishments in the development of and handling of JOHN J. KELLEY, who was the star witness in the prosecution and will be a witness in several Federal cases. The handling of KELLEY posed numerous problems on a day-to-day basis as he has always been a professional thief and "standup guy" and the idea of being a witness against many of his associates was repulsive to KELLEY but all this was overcome by the patience, diligence and intellectual approach of SAs RICO and SHEEHAN. Both RICO and SHEEHAN were in close contact with the Attorney General's Office in Providence concerning the testimony of KELLEY, the preparation of the case and both appeared as witnesses in corroboration of the part of KELLEY'S TESTIMONY.

It is recommended that SAs RICO and SHEEHAN be granted an Incentive Award for their participation and excellent results of their efforts.  
SEE ADDENDUM PAGE 2.

2 - Bureau (RM)  
1 - Boston (66-82) *JH* Enc. *RMS*  
Approved: *JH* ds *JH* Sent *4:24 PM* Per *JH*  
Enclosures \_\_\_\_\_  
Special Agent in Charge  
SEE ADDENDUM OF ADMINISTRATIVE DIVISION PAGE 2a.

EXHIBIT  
307

BS 66-82

It is also recommended that Supervisor JOHN F. KEHOE, JR., under whose immediate supervision the many and involved details of this investigation and successful prosecution were handled, be granted an Incentive Award. As a result of this tremendous effort and the valuable results, Informants have advised that the LCN in this area is in panic. There are other trials pending that have been brought about as a result of the supervision, the efforts, the devotion to duty of Supv. KEHOE, all of which will tend to practically obliterate the LCN power in the Providence-Boston area. It is being recommended that Supv. KEHOE be granted an Incentive Award for his outstanding contribution to this prosecution which is of great importance to the Bureau.....

ADDENDUM OF SPECIAL INVESTIGATIVE DIVISION; WPB:bjs <sup>Ⓢ</sup> *add  
K*

It is recommended that an incentive award be given to SA Robert E. Sheehan in recognition of the manner in which he handled an extremely sensitive informant whose testimony was greatly responsible for the murder, conspiracy conviction of La Cosa Nostra boss Raymond Patriarca and four racket figures in Rhode Island. As a result of SA Sheehan's patience, intelligence, and intellect, he was able to turn this informant into the star witness in the prosecution. Sheehan, in addition, maintained extremely close contact with the Rhode Island Attorney General's office regarding the informant's testimony and handled himself in an outstanding manner as a corroborative witness to the informant's testimony.

It is felt that an incentive award should be given to SA Supervisor, John F. Kehoe, Jr., in recognition of the outstanding manner in which he supervised this extremely complex investigation which resulted in the conviction of the La Cosa Nostra "Commission" member Patriarca and four other hoodlums, an achievement of major significance.

As to the performance of SA H. Paul Rico, by memorandum, Galeto DeLoach, captioned "SA H. Paul Rico; EOD 2-26-51; Boston Office," dated 3-31-70, it was recommended and approved that SA Rico's performance in connection with this matter be recognized in the form of an incentive award and an office-of-preference transfer to the Miami office.

*RMS* *KEHOE*  
APR 24 1970

ADDENDUM OF ADMINISTRATIVE DIVISION RHC:skj<sup>43</sup> 4-10-70

Administrative Division agrees, incentive awards merited for SAs Sheehan and Kehoe.

With respect to recommendation of SAC, Boston, that SA Rico be afforded incentive award, it is noted the captioned matter pertains to actually the investigation and prosecution of Raymond Patriarca and in this connection SA Rico was granted an incentive award of \$300 4-1-70 as well as being transferred to the Miami Office.

Services of both SAs Sheehan and Kehoe past 3 years entirely satisfactory, rated Excellent 1969 Annual Performance Report. They are completely available and their overtime is satisfactory.

SA Sheehan EOD as SA 2-19-51 and is in GS-13, \$19,501. Afforded Quality Within-Grade Salary Increase 5-67, 2 incentive awards and 3 commendations.

SA Kehoe EOD as SA 4-20-42 and is in GS-14, \$21,621. Afforded Quality Within-Grade Salary Increase 5-67, 2 incentive awards and 4 commendations, 1 through SAC.

RECOMMENDATIONS:

- 1) That no recognition be afforded SA H. Paul Rico at this time in view of recent incentive award. *(Noted awarded \$300 & transferred to Miami in connection with this matter).*
- 2) That incentive awards of \$200 each be granted SAs Robert E. Sheehan and John F. Kehoe, Jr., of the Boston Office.

*(4-16-70)*  
Appropriate letters attached for SAs Robert E. Sheehan and John F. Kehoe, Jr.

*MS JM*  
*ASB*  
*[Signature]*  
*[Signature]*

PERMANENT BRIEFS OF SHEEHAN AND KEHOE ATTACHED *RAS* *25102*

APR 24 1970

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27  
5010-106  
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach *D*  
FROM : J. H. Gale *JHG*  
SUBJECT: SA H. PAUL RICO  
EOD: 2/26/51; Grade GS 13, \$18,974  
BOSTON OFFICE  
Veteran

DATE: 3/31/70

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*Handwritten signatures and initials:*  
J.H. Gale  
Stafford  
Rico  
Gale

With the murder conspiracy conviction of New England Mafia boss Raymond Patriarca and four other racket figures in Rhode Island on 3/27/70, it is believed appropriate to bring to your attention the truly remarkable record established by SA Rico in organized crime investigations during recent years. The achievements in question primarily involve SA Rico's development of high-level organized crime informants and witnesses, a field in which he is most adept.

SA Rico's development of Boston mobster Joseph Barboza, a vicious killer and organized crime leader in his own right, set off a chain of events which have seen the surfacing of a number of additional racket figures in New England as cooperative witnesses during the past few years. Making use of compromising information he had received from other top echelon informants he had previously turned, Rico brought Barboza to the point where he testified against Patriarca and two of his La Cosa Nostra (LCN) subordinates in an Interstate Transportation in Aid of Racketeering - Gambling case resulting in conviction of all three in Boston Federal Court on 3/8/68. Patriarca and the others received five-year prison sentences in this matter which involved a conspiracy to murder Providence gambling figure William Marfeo.

SA Rico also induced Barboza to testify as the state's key witness in Massachusetts in the gang slaying of hoodlum Edward Deegan. In this case, Rico was additionally instrumental in developing a second witness, attorney John Fitzgerald, resulting in the 7/31/68 murder convictions of LCN members Henry Tameleo, Ronald Cassesso and Peter Lamone, who were sentenced to death; one additional death sentence for another hoodlum, and life sentences for two others also convicted in this case.

Following the above major achievements, Rico was instrumental in the development and handling of notorious Boston hoodlum John Kelley as an informant and witness. Kelley was the state's principal witness in the recently concluded trial of

- Enc.
- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Gale
- 1 - Mr. Callahan
- 1 - Mr. Staffeld

*Handwritten:* TJE:mfd (6)

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
MAY 1970

CONTINUED - OVER

EXHIBIT  
308

SUBJECT TO PROTECTIVE ORDER

Memorandum to Mr. DeLoach  
 Re: SA H. PAUL RICO

Patriarca and four others in Rhode Island for the murder of Rudolph Marfeo. Patriarca and four others were convicted of murder conspiracy while Maurice "Pro" Lerner, the gunman, was convicted of first-degree murder. This is considered an achievement of major dimension causing telling disruption at organized crime's top-level in New England. At the Director's approval, this has been called to the Attorney General's attention by memorandum of 3/31/70.

In addition, Kelley was the Government's key witness in the Interstate Transportation of Stolen Property case for which New York La Cosa Nostra Commission member Carlo Gambino was arrested 3/23/70. [REDACTED] testimony before a New York Federal Grand Jury in this matter also served as a material contribution in this case. Gambino, as the dominant figure on La Cosa Nostra's ruling Commission, is the single most powerful racketeer in this country. Kelley is also expected to testify in several other major cases in the New England area. D

Further, SA Rico's development of Boston gang leader [REDACTED] as an informant resulted in the obtaining of a wealth of information regarding high-level organized crime activities in New England including a number of murders. B

[REDACTED]

SA Rico's overall performance has also contributed materially to the development [REDACTED] B

[REDACTED] and were induced to cooperate following Kelley's defection. Both of these racket figures are expected to be important witnesses in other organized crime cases now being prepared in the Boston area.

You may recall that the Boston office, during August, 1969, learned of a La Cosa Nostra inspired plot to kill SA Rico and the informant Kelley in retribution for the disruption Rico had caused in La Cosa Nostra circles through his development of informants and witnesses. Appropriate precautionary measures have been in effect since that time to preclude harm coming to SA Rico in connection with this plan. It is believed important to emphasize that Rico sought no special consideration in connection with this matter and courageously pressed forward with his development of Kelley to the point where he was produced

Memorandum to Mr. DeLoach  
Re: SA H. PAUL RICO

as the key witness in the murder convictions of Patriarca and others during the past few days. Rico has still sought no special consideration in connection with these developments, but it has been learned from our Boston office that SA Rico's wife has become increasingly apprehensive over the safety of her family particularly her five young children.

RECOMMENDATIONS:

1. In recognition of SA Rico's superior performance which has resulted in the murder convictions of Patriarca and four of his racket associates, it is recommended that SA Rico be granted an incentive award in an amount to be decided by the Administrative Division.

*\$300. per Mr. Mohr - Yes. ✓*  
*doyle*  
*4-1-68*

2. SA Rico's efforts have virtually decimated the Mafia's top-level structure in New England and his proven ability to develop organized crime informants and witnesses would be of significant value to the Bureau in an area such as Miami, which is his first office of preference. It has been determined that SAC Handley of our Boston office concurs in any consideration that can be given to transferring SA Rico to Miami. (SA Rico stands a net 19 on the Miami office of preference list.)

*R*  
*Yes.*  
*JK* *to* *to*  
*JPW* *JHS* *Mat*  
*I recommend transfer to Miami*  
*4-1*

PERMANENT BRIEF OF SA RICO ATTACHED.

SUBJECT TO PROTECTIVE ORDER

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

REPORT OF PERFORMANCE RATING

Name of Employee: H. PAUL-RICO  
Where Assigned: Boston Criminal-Intelligence  
(Division) (Section, Unit)  
Official Position Title and Grade: Special Agent, GS-13  
Rating Period: from April 1, 1969 to March 31, 1970

ADJECTIVE RATING: EXCELLENT Employee's Initials HRP  
*Outstanding, Excellent, Satisfactory, Unsatisfactory*

Rated by: [Signature] Supervisor 3/31/70  
Signature Title Date  
Reviewed by: John F. Kehoe, Jr. Special Agent in Charge 3/31/70  
Signature Title  
[Signature] Assistant Director APR 20 1970  
Signature Title Date  
Rating Approved by: [Signature] 133

TYPE OF REPORT HRP

- Official
- Annual

- Administrative
- 60-Day
- 90-Day
- Transfer
- Separation from Service
- Special

146

SUBJECT TO PROTECTIVE ORDER



PERFORMANCE RATING GUIDE FOR INVESTIGATIVE PERSONNEL  
(For use as attachment to Performance Rating Form FD-185)

Name of Employee H. PAUL RICO

Note: Only those items having pertinent bearing on employee's performance should be rated. All employees in same salary grade should be compared.

- RATE ITEMS AS FOLLOWS: (See Manual of Rules and Regulations for detailed instructions.)
- + Outstanding (To warrant overall +, all rated elements must be +, and justified in writing.)
  - E Excellent (Overall E must be supported by E or + on majority of items, including important elements.)
  - ✓ Satisfactory
  - Unsatisfactory (If any item so rated, overall adjective rating can be no better than Satisfactory.) Any unsatisfactory item or overall Unsatisfactory rating must be supported in writing.
  - 0 No opportunity to appraise

(Use INK for Checklist - DO NOT TYPE) CHECKLIST AND NARRATIVE COMMENTS

- ✓ 1. Personal appearance.
- ✓ 2. Personality and effectiveness of his personal contacts.
- ✓ 3. Attitude (including dependability, cooperativeness, loyalty, enthusiasm, amenability, and willingness to equitably share work load).
- E 4. Physical fitness (including health, energy, stamina. COMMENT on limitations on availability, physical limitations affecting performance, and sick leave information. Has employee used more sick leave (including annual leave or LWOP for illness) during the rating period than the amount of sick leave earned during such period? (If "yes" explain.)

No restrictions.

- + 5. Resourcefulness, ingenuity, and initiative.
  - + 6. Forcefulness and aggressiveness as required.
  - + 7. Judgment, including common sense, ability to arrive at proper conclusions, ability to define objectives.
  - + 8. Planning of work.
  - + 9. Accuracy and attention to pertinent detail.
  - + 10. Productivity, including amount of acceptable work produced and rate of progress on or completion of assignments. Also consider adherence to deadlines, unless failure to meet is attributable to causes beyond employee's control.
  - + 11. Knowledge of duties, instructions, rules and regulations, including readiness of comprehension and "know how" of application.
  - + 12. Investigative results (rate applicable cases) 0 A. Internal Security; + B. Criminal or General Investigative; + C. Fugitive; + D. Applicant; 0 E. Accounting.
- Complexity of investigative matters handled:  None  Moderate  Most complicated.  
Degree of supervision required:  Above average  Average  Minimum  None  
COMMENT on type of work handled entire rating period and appraisal of overall work performance:

During the rating period, SA RICO has been assigned exclusively to the development of criminal informants and investigations of LCN members and their associates. He is considered outstanding in this category and is responsible for the development of several PCs and informants who have been converted into Government witnesses, the most outstanding one of whom is JOHN J. KELLEY, notorious armored car robber in this country. Through his resourcefulness, ingenuity, and aggressiveness, he developed KELLEY which at this time, has resulted in the conviction of RAYMOND L. S. PATRIARCA, LCN boss, New England area, and other members of the LCN and their close associates. CARLO GAMBINO, leader of the LCN in this country, has also been indicted, based primarily on information furnished by KELLEY. Also indicted through the efforts of SA RICO have been GENNARO J. ANGIULO, acting boss, LCN, Boston, and other prominent hoodlums in this area. His knowledge of duties and the know-how of application both in investigative matters and development of informants is outstanding. He has furnished the names of one SA and two clerical applicants, however, none was appointed.

- A. Is employee available for general assignment yes special assignment yes; wherever needs of service require?
- B. Is employee qualified to operate a motor vehicle incidental to his official duties?  Yes  No  
If answer is "yes," personal file must reflect the following: (a) Has valid State or local operator's license for type vehicle he is to use.  
(b) Is physically fit to drive. (c) Past safe driving record OK or has passed Bureau road test.
- C. Specify general nature of assignment during most of rating period (such as security, criminal, applicant squad, Accountant, or as Resident Agent, supervisor, instructor, etc.): Criminal-Intelligence

ADJECTIVE RATING: EXCELLENT EMPLOYEE'S INITIALS HR  
(Outstanding, Excellent, Satisfactory, Unsatisfactory)

SUBJECT TO PROTECTIVE ORDER

(Checklist and Narrative Comments continued)

E 13. Firearms  
F 14. Development of informants and sources of information. COMMENT on participation in this program. **B**  
 During the rating period, SA RICO has handled top echelon criminal informants all of whom are considered to be outstanding, and also PCs. He is considered outstanding in this regard.

+ 15. Reporting: (Consider conciseness, clarity, organization, thoroughness, accuracy, adequacy and pertinency of leads, and administrative detail.)  
+ A. Investigative reports; 0 B. Summary reports; + C. Memos, letters, wires

+ 16. Performance as a witness.  During rating period;  Based on past performance;  No experience.

0 17. Executive evaluation (Approved Supervisors, Relief Supervisors, Alternate Senior and Senior Resident Agents.)  
0 A. Leadership 0 F. Devising procedures  
0 B. Ability to handle personnel 0 G. Promoting high morale  
0 C. Making decisions 0 H. Getting results  
0 D. Assignment of work 0 I. Furthering equal employment opportunity.  
0 E. Training subordinates

+ 18. Raids and dangerous assignments: + A. As leader; + B. As participant

+ 19. Miscellaneous. Specify and rate:  
+ Dictation; + Applicant recruitment; 0 Other

0 20. Police Instruction:  Qualified  Participated  Audited  
 21. Foreign Language Ability: Proficient in NA language(s).

Can handle typical investigative problems as follows:  
 A. Conversation form \_\_\_\_\_  Excellent  Very Good  Good  Fair  Unsatisfactory  
 (language)  
 B. Written form \_\_\_\_\_  Excellent  Very Good  Good  Fair  Unsatisfactory  
 (language)  
 Frequency \_\_\_\_\_ language ability used during rating period  
 Anticipated use during ensuing year \_\_\_\_\_

22. Administrative Advancement:  (Check block if not interested.)  
 A.  Yes  No Agent is completely available for administrative advancement.  
 B.  Yes  No Agent is considered qualified for administrative advancement, including experience, ability, personality and appearance.  
 C. If answer to B is "Yes," Agent's qualifications are considered  Very Good  Excellent  Outstanding  
 EXPLAIN if interested but not now qualified.

23. Number of Incentive Awards 0 Commendations 1 received from Director. Suggestions submitted 0.

24. Disciplinary Action and Justification for any Unsatisfactory Items.  None (List items taken into consideration on Checklist.)

April 1, 1970

Mr. H. Paul Rico  
Federal Bureau of Investigation  
Boston, Massachusetts

Dear Mr. Rico:

Your headquarters are changed for official reasons from **Boston, Massachusetts to Miami, Florida**, effective upon your arrival there on or after this date. Travel and transportation expenses and applicable allowances and benefits for you and your dependents incidental to this transfer as provided by the Administrative Expenses Act of 1946, as amended; Bureau of the Budget Circular Number A-56, dated October 12, 1966, and implementing regulations prescribed by this Bureau, shall be paid to you or on your behalf. However, before these expenses can be paid by the Government you must agree in writing (Bureau Form 3-34b) to remain with the FBI for one year following the first day you report for duty at the new station. If you are being transferred to a duty station outside the continental United States only the written agreement form, FD-382, need be executed.

MAILED 22  
APR 1 1970  
COMM-FBI

Very truly yours,

John Edgar Hoover  
Director

67-43  
REC-150  
APR 10 1970

Enclosure

1 - SAC, Miami

1 - SAC, Boston

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Walters \_\_\_\_\_
- Mohr \_\_\_\_\_
- Bishop \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Soyars \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

(Personal Attention) (Enclosures 2) Have above Agent execute the enclosed Forms 3-34b and return the original and copy to the Bureau. Expedite transfer and advise by FD-67 within 48 hours departure and arrival dates.

Advise Bureau arrival date and address of

1 - Payroll Distribution

jae jae

(6) Based on memo from Gale to DeLoach, 3/31/70, TJE:mfd.

MAIL ROOM  TELETYPE UNIT

SUBJECT TO PROTECTIVE ORDER

April 1, 1970

PERSONAL

Mr. H. Paul Rico  
Federal Bureau of Investigation  
Boston, Massachusetts

Dear Mr. Rico:

It is with considerable pleasure that I commend you and advise that I have approved an incentive award of \$300.00 for you in recognition of the excellence of your services in developing and handling sources of information of great importance to the Bureau in the criminal field. A check representing this award will be sent to you at a later date.

It is obvious that you have not only fulfilled your duties with a high degree of professional skill but have approached your assignments with a dedication that truly serves as an inspiration to your associates. I want you to know how much I appreciate your valuable contributions to our work which have enabled us to fulfill our vitally important obligations.

Sincerely yours,

J. Edgar Hoover REC-137

4-374-2-157  
1 1970

MAILED 22  
APR 1 1970  
COMM-FBI

Res

1 - SAC, Boston (Personal Attention) Enclosure  
You should personally present this award and should this not be possible or should presentation be unreasonably delayed by your absence official acting for you should present it. Inform employee net amount of check represents this award less withholding tax.

1 - Payroll Distribution (Sent Direct)  
1 - Mrs. Randolph (Sent Direct)

RHC:jhr (6) Award #1048-70  
Based on memo Gale-DeLoach 3-31-70 re SA H. Paul Rico.

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Soyars \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

7 APR 6 1970

PPM

EXHIBIT  
310