

4/23/93 Boston Herald 010
1993 WL 6274794

Boston Herald
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Friday, April 23, 1993

NEWS

Playing both sides pays off Flemmi tight with Italians & Irish
SHELLEY MURPHY

The reputed leaders of the city's Irish and Italian Mobs have at least one thing in common - a trusted confidante and business associate named Stephen "The Rifleman" Flemmi.

For years, Flemmi, 58, has been referred to by law enforcement as a "sidekick" of reputed South Boston crime boss James J. "Whitey" Bulger.

But Flemmi also has longstanding ties to reputed New England Mob boss Francis J. "Cadillac Frank" Salemme, dating back to the 1960s when they were both charged with blowing up a lawyer's car with the lawyer in it.

Bulger and Salemme have attempted to insulate themselves from law enforcement by meeting with only a handful of trusted associates - yet Flemmi is a frequent visitor to both men.

He quietly travels from meetings with Bulger in South Boston and around the South Shore to rendezvous with Salemme in Brookline and Brighton, according to sources.

"They're all working together, and they own the whole city," said one source.

"Stevie and Frank are partners, and Stevie and Whitey are partners," said another source, speculating that Flemmi may feel he owes something to Salemme.

Both Flemmi and Salemme were charged with attempted murder for a January 1968 car bombing that injured attorney John Fitzgerald, who represented a Mob hitman-turned-informant.

But only Salemme was convicted of the crime.

After several years on the run, Salemme was nabbed in New York and convicted in 1973. He served 15 years of a 28- to 30-year prison term and was released in February 1988.



Charges against Flemmi were dropped when a key government witness, Robert Daddieco, disappeared.

Daddieco's disappearance also forced the government to drop murder charges against **Salemme** and Flemmi for the gangland slaying of William "Billy" Bennett of Mattapan.

Bennett's bullet-riddled body was thrown from a moving car onto a snowbank Dec. 23, 1967, on Harvard Street in Dorchester.

Sources said **Salemme** and Flemmi rekindled their friendship immediately after **Salemme** became a free man.

Flemmi's association with Bulger also dates back three decades to when both men were members of Somerville's Winter Hill Gang, headed by Howie Winter.

Flemmi, who was raised in Roxbury, allegedly began his underworld career as a loanshark in Roxbury and the South End.

Bulger, 63, the brother of Senate President William M. Bulger, was identified in 1986 by the President's Commission on Organized Crime as a "reputed killer, bank robber and drug trafficker."

Bulger and Flemmi allegedly inherited the remnants of the Winter Hill Gang's rackets when Winter and a number of his underlings were convicted of race-fixing in the 1970s.

Law enforcement sources speculate Flemmi may have been proposed for membership in the Mafia back in the early 1980s, but chose to remain an independent operator with Bulger - whose Irish heritage makes him ineligible for induction.

"Stevie and Whitey remain together, but they work with **Salemme**" said one source.

The independence of Flemmi and Bulger is the envy of some Mafiosi, according to FBI tapes that were played in 1991 at a Mob trial in Hartford.

"I wantta be like Whitey and ah, Stevie," reputed Mob soldier Louis Faiella told a pal.

--- INDEX REFERENCES ---

EDITION: 01

REVIEW COMMITTEE

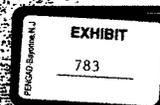
July 11, 1984

Gentlemen:

My name is Ronald Cassesso and I am writing this letter on behalf of Lewis Grieco. As you are probably aware, I was convicted in 1964 of the murder of Edward Deegan. Mr. Grieco, along with four other persons, was also convicted of that murder. You may also recall that the principal witness for the commonwealth was Joseph (Barboza) Baron, who testified to the involvement of all the defendants in the murder.

I am very much aware that the word of one prisoner speaking on behalf of another, especially a co-defendant, is not regarded as overly trustworthy. I am also aware that my telling you that Mr. Grieco was not involved in the murder will most likely be met with some degree of scepticism; more so because so many years have passed and the convictions have been upheld by the courts. However, realizing all this, and also realizing that it would in all probability be more advantageous to admit guilt and complicity, and even express some degree of contrition, I am still constrained to tell the truth. And the truth is that Lewis Grieco was in no way involved in the murder of Edward Deegan.

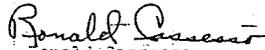
Mr. Baron testified as to the presence of Mr. Grieco, myself and the others at the murder and various meetings.



prior thereto. I am telling you unequivocally that Mr. Grieco was not even in the state of Massachusetts during any of the time periods testified to by Mr. Baron. He was, in fact, in Florida and had no part whatsoever in the murder of Mr. Deegen. I think it is now common knowledge that Mr. Baron was using the courts as an instrument of revenge against all those people he considered to be his enemies, with little regard for the truth. I, myself, would be willing to submit to a polygraph examination relative to Mr. Grieco's non-involvement.

Thank you for taking the time to read this letter.

Sincerely,

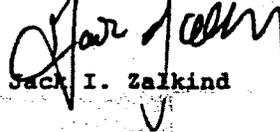

Ronald Cassesso

2832

Chairman and Associate Members of the
Massachusetts Parole Board
Page Two
July 18, 1984

Based upon the facts surrounding Mr. Grieco's conviction and his long period of incarceration which, I understand, has been exemplary, I have no hesitation in recommending to your Honorable Board that Mr. Grieco's Petition for Commutation be granted so that he can become eligible for parole.

Respectfully yours,



Jack I. Zalkind

JIZ/ls

2833

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

October 7, 1985

TO: WHOM IT MAY CONCERN

Re: Gennaro J. Angiulo, Et al.

By this letter, please be advised that in return for Theodore James Sharliss, alias James Chalmas, complete and truthful testimony in the Case of United States of America vs. Gennaro J. Angiulo, Et al., that Theodore James Sharliss, alias James Chalmas, will not be prosecuted by the People of the State of California for his participation in the death of Joseph Barboza that occurred in San Francisco, California on February 11, 1976 which participation may be disclosed by virtue of such testimony.

Very truly yours,

ARLO SMITH
District Attorney

By: Eugene Sweeters
EUGENE SWEETERS
Assistant District Attorney



BSF-00478

OCT 13 1985

KILLINGS RECALLED

Underworld's bloody link to SR

The existence of organized crime figures in Santa Rosa is not an entirely new phenomenon.

Two of the most-publicized underworld mobsters to set foot in Santa Rosa met violent deaths as have so many others in the history of the Mafia in the U.S.

In 1947, when Santa Rosa was a town of about 15,000, townspeople were shocked when the body of one of their respected citizens, Nick DeJohn, was found stuffed in the trunk of a car in San Francisco.

Police later announced DeJohn, who lived in the Grace neighborhood, was killed in a murder-related crime and that his murder

was committed by mobsters. The DeJohn murder remains unsolved.

On explanation is offered in Oviu Demaris' 1981 book "The Last Mafioso," a biography of Jimmy "The Weasel" Frattino, a Los Angeles Mafia enforcer that as saying that in the mid-1950's a Chicago mobster, Dominic Galano, told him he killed DeJohn on orders from Chicago mob boss John Branzoneta who was trying to take over San Francisco at the time.

In 1949, the eyebrows of Santa Rosa were raised when Joseph Branzoneta, Barboza's notorious

hismen for the New England Mafia, was charged with the murder earlier that year of Santa Rosa's Clay Wilson, whose body was buried in a shallow grave in Clayville.

As details of Wilson's death unfolded, it was learned that Barboza was reputed to have killed 26 men for New England mob boss Raymond Patriarca. He had become a government-protected witness given a new identity and located in Santa Rosa after informing on Patriarca and several other mobsters.

Barboza was convicted of second-degree murder in Wilson's death, sentenced to federal prison

in 1971 and paroled in November of 1975 to San Francisco, still under the Federal Witness Protection Program.

Four months later, he was gunned down in a San Francisco street. Theodore J. Sharliss was convicted in 1979 for setting up Barboza's murder.

The lawyer for Boston mob boss Gennaro Angiulo told The Press Democrat recently that federal authorities are trying to link the Barboza slaying to Angiulo, who reputedly became the boss of New England's mob after Patriarca's death two years ago.

By Bony Saludes



Memorandum



- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

To : MR. YORK *Y/MAS* Date 11/13/85

From : R. Gilberto *R/G/MAS*

Subject : THEODORE JAMES SHARLISS, aka;
ET AL;
JOSEPH BARBOZA BARON - VICTIM;
RICO

LATENT PRINT TESTIMONY

Name of Specialist(s) Russell G. Davey

Location Boston, Massachusetts Date 11/12/85

Testified: Yes No (If no explain in Remarks:)

Type of Court: Federal State
 Other (specify _____)

Judge David Nelson

Prosecuting Attorney Earnest DiNisco

Defense Attorney Anthony Cardinale

Trial by: Jury Judge Other (type _____)

Specimen(s) retained by court Charted Enlargements

To be returned by _____

Results of Trial Still in progress - Anticipated conclusion - Jan. 1986

Will be advised by SA Jack Cloherty, Boston Division

Arrived in Washington Date 11/12/85 Time 6:15 p.m.

Remarks: Davey testified that two latent fingerprints developed on Q8, a Hilton Hotel Registration card, are the fingerprints of Joseph Anthony Russo, FBI #677979A.

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LC #B-60198

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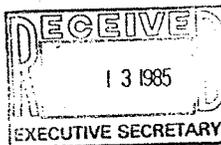
FERS. UNIT

2836

VICTOR J. GARO
ATTORNEY-AT-LAW
[REDACTED]
MEDFORD, MASS. 02155
TELEPHONE [REDACTED]

November 12, 1985

Ms. Louise Maloof
Executive Secretary
Governor's Council
Room 184
State House
Boston, Massachusetts 02133



Dear Ms. Maloof:

This letter is to advise that I represent Joseph L. Salvati, currently an inmate at the Park Drive Pre-Release Center.

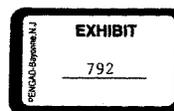
Please find enclosed herein a Petition For Commutation of Sentence.

I have also sent by mail a letter to the Secretary of State's Office, pursuant to Chapter 127, Sections 166 & 167 of Mass. General Laws.

Respectfully yours,

Victor J. Garo
VICTOR J. GARO, ESQUIRE

VJG:lh
Enclosure: One



PETITIONER: Joseph L. Salvati SENTENCE: LIFE
OFFENSE: Murder, 1st. degree EFFECTIVE DATE: 1-24-67
DATE PETITION RECEIVED: 11-15-85

GRANT DATE: 12/26/85 COMMENTS: Yours covered, 1st time. Heard: 3 co-defs granted hearing; famous issue debated hearing along with numerous questions of this case.
 DENY
 DENY WITHOUT PREJUDICE

GRANT DATE: 1/6/86 COMMENTS: Excellent inst record. Has served 17 yrs. Co-defs, although not committed here received a hearing.
 DENY
 DENY WITHOUT PREJUDICE

GRANT DATE: _____ COMMENTS: _____
 DENY
 DENY WITHOUT PREJUDICE

GRANT DATE: _____ COMMENTS: _____
 DENY
 DENY WITHOUT PREJUDICE

GRANT DATE: 11/18/86 COMMENTS: Subject merits hearing
 DENY
 DENY WITHOUT PREJUDICE

GRANT DATE: _____ COMMENTS: _____
 DENY
 DENY WITHOUT PREJUDICE

EXHIBIT
794

GRANT DATE: 12/26/85 COMMENTS: In favor of a hearing primarily because one or more of the defendants were granted hearing.
 DENY
 DENY WITHOUT PREJUDICE



JOHN J. CURRAN, JR.
Chairman
RUTH ANN JONES
Executive Director

The Commonwealth of Massachusetts
Executive Office of Human Services
Parole Board

Leverett Salmonsell Building, Government Center
100 Cambridge Street, Boston 02202

February 4, 1986

Mr. James Greenleaf
Special Agent in Charge
Federal Bureau of Investigation
J.F. Kennedy Building
Government Center
Boston, Massachusetts

Re: Joseph Salvati

Dear Mr. Greenleaf:

The Massachusetts Parole Board, in its capacity as the Advisory Board of Pardons, is presently considering a petition filed by Mr. Joseph Salvati for commutation of a life sentence that he is serving for the crime of murder.

The Board would appreciate any information that your office might have that would assist us in or be relevant to our consideration of this petition for ultimate recommendation to the Governor.

Sincerely,

John J. Curran, Jr.
Chairman

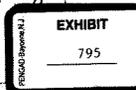
Massachusetts Parole Board

JJC:es
CC: Board Members
Ms. Joyce Hooley
Ms. Diane Wilkerson

INDICES SEARCHED	
<input checked="" type="checkbox"/> POINTS	<input checked="" type="checkbox"/> GENERAL
<input checked="" type="checkbox"/> NEGATIVE	<input type="checkbox"/> NEGATIVE
<input type="checkbox"/> SA	<input checked="" type="checkbox"/> SA
<input checked="" type="checkbox"/> INITIALS: KA	<input checked="" type="checkbox"/> INITIALS: KA



ACCREDITED BY THE COMMISSION ON ACCREDITATION FOR CORRECTIONS



FEB 27 1986

Jury finds mafia boss guilty

Santa Rosan among witnesses at seven-month Boston trial

Wire, and staff reports

BOSTON — Reputed New England mob underboss Gennaro J. Angiulo, two of his brothers and an associate were found guilty Wednesday of running a racketeering operation, the government said. Included murder schemes, gambling and extortion.

The federal jury of eight women and four men deliberated 30 hours over seven days before reaching a verdict in the seven-month trial, which officials said was the longest federal criminal trial in Massachusetts history.

After the findings were announced, the 66-year-old Angiulo was heard to tell a friend "Hang with me and I'll get you 100 years."

The most spectacular testimony in the trial concerned six murders that the government sought to link to the defendants.

During that phase of the trial, Santa Rosan

Robert Martin, a former San Francisco police officer, took the stand to deny he had ever been offered a contract to kill a man for the New England mob.

The target of that purported contract, Joseph "Baron" Barboza, also lived in Santa Rosa for a short time under a new identity provided by the federal witness protection program. Officials said Barboza had killed 26 people before he became a government informer.

While living in Santa Rosa as "Joseph Bentley," he killed Clayton Ricky Wilson of Santa Rosa in a dispute over stolen securities. Wilson buried the body in a shallow grave near Glen Ellen.

Barboza was killed in San Francisco in 1976, just a few months after he was released from prison after serving time for that 1970 slaying.

Each of the defendants in the Boston trial

was charged with two counts under the Racketeer Influenced and Corrupt Organizations Act: participating in a criminal enterprise and engaging in at least two illegal activities within 10 years.

The government had claimed that conversations the FBI taped at Angiulo's headquarters and at a poker game site proved the men were involved in illegal activities and had used threats to protect the operation.

Gennaro, Francesco, and Donato Angiulo and associate Samuel Granito were all found guilty under the racketeering act. Another Angiulo brother, Michele, 58, was found innocent of RICO offenses and guilty only on one gambling count.

"It's not victory; a battle is won but the war isn't over," said chief prosecutor Jeremiah O'Sullivan.



2840



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

March 24, 1986

Mr. John J. Curran, Jr.
Chairman
Massachusetts Parole Board
Leverett Saltonstall Building
Government Center
100 Cambridge Street
Boston, Massachusetts 02202

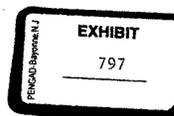
Re: Benjamin DeChristoforo;
Joseph Salvati

Dear Sir:

Concerning your letters of request regarding Joseph Salvati and Benjamin DeChristoforo of February 4, 1986, I am able to provide the following information:

As explained to you by Supervisor James A. Ring in a phone call of March 24, 1986, our files do reflect that on August 18, 1981, Detective Sergeant David Johnson of the Ogunquit, Maine Police Department, advised the FBI that he had received information from a reliable informant that Benjamin DeChristoforo was frequenting a residence on Ontio Road, Ogunquit, Maine, and that on August 18, 1981, a vehicle bearing Massachusetts registration 715 GFH, registered to DeChristoforo, was observed parked in front of the aforementioned residence.

On July 2, 1982, Detective Al Boussier, Portsmouth, New Hampshire Police Department, reported that a suspected narcotics dealer in New Hampshire named Paul Morano had an association with Benjamin DeChristoforo, no further details provided.



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

The Estate of John L. McIntyre)	
)	
Plaintiff)	
)	Civil Action No.: 01-10408-RCL
v.)	
)	
United States of America, et al.)	
)	
Defendants)	

PLAINTIFF'S OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS

NOW COMES the plaintiff, The Estate of John L. McIntyre, opposing Defendant United States' Motion to Dismiss and in support thereof states as follows:

1. Pursuant to Fed.R.Civ.P. 12(b)(1) defendant United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction.
2. For the reasons stated in the attached Memorandum of Law in Support of Plaintiff's Opposition to Defendant United States' Motion to Dismiss with Exhibits, plaintiff hereby opposes the United States' Motion to Dismiss.
3. Plaintiff asserts the Motion to Dismiss should be denied based upon the record submitted by the parties before the Court. However, if the Court should determine that it cannot resolve the government's motion based upon the current record, or is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff requests that the Court order limited discovery on that issue prior to ruling on the Motion to Dismiss. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1st Cir. 2000).



REQUEST FOR ORAL ARGUMENT

4. Pursuant to LR 7.1(D), plaintiff respectfully requests oral argument in this matter.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

- A. Deny defendant United States' Motion to Dismiss;
- B. Schedule oral argument on the United States' Motion to Dismiss;
- C. Order limited discovery on jurisdictional issues, if necessary, for the reasons stated, supra, at ¶ 3; and
- D. Grant such further relief as this Court deems necessary and just.

Respectfully submitted,

The Estate of John L. McIntyre
By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: William Christie
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

William Christie
William E. Christie
Jeffrey Decker

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

The Estate of John L. McIntyre)	
)	
Plaintiff)	
)	Civil Action No.: 01-10408-RCL
v.)	
)	
United States of America, et al.)	
)	
Defendants)	

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO
DEFENDANT UNITED STATES' MOTION TO DISMISS**

I. INTRODUCTION

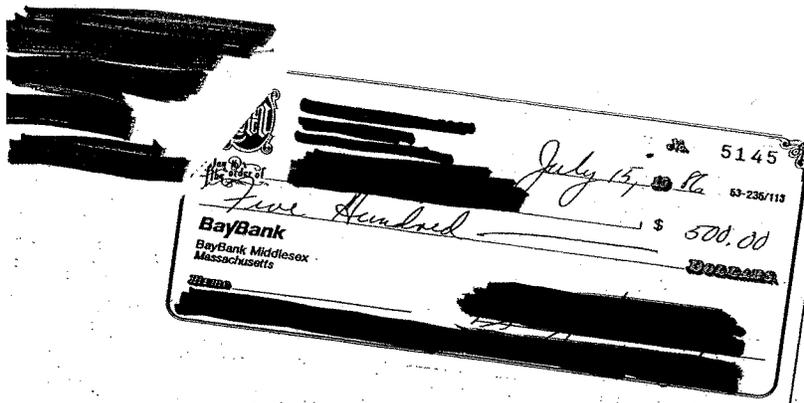
On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. The government's motion to dismiss is all the more striking because in hearings before Judge Wolf, the government continued in its obstructionist conduct concerning McIntyre's disappearance causing the court to lament that the question concerning McIntyre's disappearance and death could not "be resolved on the present record, in part because of the delayed disclosure of documents by the government and in part because ... it evidently was not in either the interest of Flemmi or of the FBI to have this issue fully developed in this case." See United States v. Salemme, 91 F.Supp.2d 141, 213 (D. Mass. 1999).

The government's shroud of secrecy first began to unravel when Stephen Flemmi

F.Supp.2d 408, 415-419 (D.Mass. 1999) (claim based on death from early 1960s did not accrue until release of critical information in 1995 Presidential report).

The government's motion to dismiss is factually insipid, legal deficient, and flirts with Rule 11. How is it that Mrs. McIntyre living alone and caring for her disabled daughter – who was treated as an outcast by law enforcement and did not have the power or authority to investigate criminal wrongdoing, wiretap telephones, conceal electronic eavesdropping devices in private homes and garages, offer immunity to those destined to long prison sentences – could have gained facts sufficient to file a lawsuit when those very facts allegedly escaped or eluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf. Equally disturbing and further condemning the government's motion are the undisputed facts that the government affirmatively represented to the McIntyres specifically, and the public at large, that McIntyre was at best a fugitive from justice, and, at worst, a victim of someone other than Bulger or Flemmi. Incredulously:

- After representations by government officials to the McIntyre family that John McIntyre was alive and a fugitive from justice, see Complaint at ¶ 299;
- After returning a federal Indictment in April 1986 against John McIntyre seventeen months after his disappearance, see Indictment, United States v. Murray et al., No. 86-CR-118, attached as Exhibit B.
- After defendant special agent in charge James Ahearn publicly denied in 1988 that any special relationship existed between the FBI and Bulger and Flemmi, see Law Enforcement Officials' Lament About and Elusive Foe: *Where Was Whitey?*, The Boston Globe, September 20, 1988 attached as Exhibit C.
- After Assistant United States Attorney Gary Crossen publicly speculated in 1992 that Joseph Murray (rather than Bulger and Flemmi as now known) was responsible for McIntyre's disappearance, see Kevin Cullen, *Valhalla Case Now a Little Murkier Quincy Man Seen as Fall Guy in Leak*, The Boston Globe, December 24, 1992, attached as Exhibit D;
- After Jerry Padalino, special agent in charge of United States Customs, publicly stated in 1995 that officially, U.S. customs officials considered McIntyre a fugitive,



sent me this check when
He found out the Boston FBI was
interested in contacting me for
an on going investigation.

so I refused to
cooperate.



GRANTING COMMUTATION HEARING

PETITIONER: JOSEPH SALVATI

SENTENCE: 10-24-66

OFFENSE: MURDER - FIRST DEGREE

EFFECTIVE DATE: 1-24-67

DATE PETITION RECEIVED: 11-15-85

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Re: on 10/26/87
12-26-86 due to
accept of the information
of getting such good behavior, last
guidance and satisfactory answer, I see
process for a hearing at this time.

(come p. 10)

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: I am extremely troubled
by meeting with Frank Orato,
appearing that he is requesting
association with part
convicted.

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: I am not inclined to go
a hearing at this time on top
of the information meeting with
a parolee who is present the only
of a major federal investigation.
with a major investigation that might
be a major investigation that might

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Due to recent events
re: F. Orato, my vote is to
deny a hearing at this time.

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: because of subject's return to
higher custody because of meeting
parole while on parole status with
no pre-release

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: In light of recent events
subject is not a good candidate
for hearing consideration.

GRANT
 DENY
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Since recent information
has surfaced on subject,
the application is no longer
warranted at this time.

EXHIBIT
800