

2916



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

The Commonwealth of Massachusetts

Executive Office of Human Services

Parole Board

*Leoneo Salomonsthal Building, Government Center
100 Cambridge Street, Boston 02202*

August 8, 1988

Mr. James Ahearn
Special Agent in Charge
Federal Bureau of Investigation
J.F.K. Building
Government Center, Room 900
Boston, Massachusetts 02202

Re: Joseph Salvati

Dear Mr. Ahearn:

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 imposed in the Suffolk Superior Court in 1968 for the offense of accessory to first degree murder.

I am writing to request you to update us as to any further information that your office might have relevant to consideration of this petition beyond that already provided on an earlier petition.

On behalf of the Board, I thank you in advance for your assistance.

Sincerely,

John J. Curran, Jr.
Chairman

Massachusetts Parole Board

JJC:es

CC: Board Members

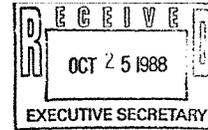
Barbara Johnson

Antoinette Leoney, Assistant Legal Counsel to the Governor



2917

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



October 17, 1988

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 M.C.I.-Norfolk.

Please find enclosed herein a Petition for Commutation of
Sentence.

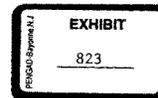
I have also sent via certified mail a letter to the Secretary
of State's Office, pursuant to Chapter 127, Sections 166 and 167 of
Mass. General Laws.

Respectfully,

A handwritten signature in cursive script that reads "Victor J. Garo".

VICTOR J. GARO, ESQUIRE

VJG/cmn
enclosure
Certified Mail RRR



GRANTING COMMUTATION HEARING

PETITIONER: Joseph h. Salvati SENTENCE: Life; 1st degree
 OFFENSE: Accessory before the fact to murder - 1st degree EFFECTIVE DATE: 10-24-67
 DATE PETITION RECEIVED: 10-27-88

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Mr. Albano
 DATE: 3/14/88

COMMENTS: Years of commutation hearing as this date; some cc-statement granted hearings in the past; heard's case in 1976 apparently included with-out any charges; not culpable of any of the defendant

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Mr. Burke
 DATE: 3/14/88

COMMENTS: 6-10-88 habeas been granted a hearing minor prior - several first incarceration. Despite considerable investment. Obvious he was granted hearing 11-11-88

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Mr. Curran
 DATE: 3/14/88

COMMENTS: I believe a hearing is warranted at this time. Subject has served 20 years in prison - first incarceration. Although subject will have a long time before to escape of the prison system. He has been in the system for 20 years.

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Ms. Hooley
 DATE: 3/14/88

COMMENTS: Deny GOVERNMENT OFFICE TROUBLE ONE - RECENT INVOLVEMENT WITH PAROLEE UNDER SUPERVISION IS ALSO TROUBLE

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Mr. Myers
 DATE: 7/4/88

COMMENTS: Hard hearing

GRANT
 DENY
 DENY WITHOUT PREJUDICE

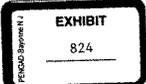
Mr. Gittens
 DATE: 3/14/88

COMMENTS: Would grant from him on the length of time he had served & fact that less 10-12 months have been granted hearing

GRANT
 DENY
 DENY WITHOUT PREJUDICE

Ms. Suber
 DATE: 3/14/88

COMMENTS: These 2 have been granted by early, but out of priority should be denied same.



 wsBank, inc. - The Boston Globe - 1989 - Article with Citation

Headline: BALLIRO AMONG SEVEN INDICTED

Date: THURSDAY March 30, 1989 Section: METRO
 Page: 1 Edition: THIRD
 Length: MEDIUM

Author: By Elizabeth Neuffer, Globe Staff

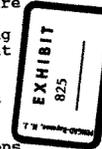
Index Terms: US, COURT, TAXATION, FRAUD, NAME-BALLIRO, PROBE
 NAME-CARUANA, NAME-HURLEY, NAME-NOTTAGE

Lead:

Seven persons, including prominent Boston defense attorney Joseph J. Balliro, have been indicted by a federal grand jury on charges of conspiring to conceal millions of dollars of a Mafia drug kingpin's profits from the Internal Revenue Service in false companies established in the Bahamas, Panama and the United States. The 37-page indictment, handed down last Thursday and unsealed yesterday, also accuses Boston attorney Edmund M. Hurley, Bahamian Parliament member Kendal W. Nottage, and reputed drug kingpin Salvatore Michael Caruana in the \$5 million money-laundering scheme.

Text:

Hurley, Caruana, and three others are also charged with multiple counts of racketeering in the alleged creation of a criminal enterprise. Interim US Attorney Jeremiah T. O'Sullivan, announcing the indictment at a news conference at US District Court in Boston yesterday, dismissed allegations made last week that the indictment was a personal vendetta against Balliro, calling those accusations "a figment of Mr. Balliro's imagination." Balliro, who is Caruana's attorney, made the charge at a news conference last week, where 30 Boston defense lawyers supported him. Balliro later accused O'Sullivan of impugning "perfectly legitimate acts." "What he had to say was smoke and mirrors," Balliro said. "I am going to get an independent review from a jury, and I am satisfied that review will result in an acquittal." O'Sullivan said the indictment had been reviewed by a Justice Department official following a request by Balliro's attorneys for an independent prosecutor, and that the official concluded there was no need for a special prosecutor. At a separate news conference late yesterday, Balliro maintained his innocence and called the indictment a result of O'Sullivan's "personal animus." Defense attorney Harry Manion pledged that the "best and the brightest" of Boston's defense bar would defend Balliro. Also indicted in the alleged scheme yesterday were David Gorwitz; Charles R. Burnett, a Florida attorney; and Rubie M. Nottage, a Bahamian attorney. All except Gorwitz, who is at large, are expected to be arraigned Tuesday in US District Court in Boston. According to the indictment, Caruana earned \$7,670,000 in unlawful drug proceeds between 1978 and 1981 and told Hurley, Gorwitz and others that he wanted to conceal those proceeds. They along with the Nottages, Balliro and Burnett "acted in concert" to conceal the proceeds from the IRS between 1978 and 1987, the indictment says. The indictment accuses Balliro, Caruana, Hurley, and the others, excepting Kendal Nottage, of creating six false corporations in the Bahamas, four corporations in Panama, a trust in the Bahamas and three US corporations to conceal the drug profits. Caruana, Hurley, Gorwitz, Burnett,



Nottage and Balliro caused \$2.5 million of the drug profits to be distributed by four of the Bahamian dummy companies in the forms of loans, the indictment alleges. Along with Kendal Nottage and Burnett, they distributed an additional \$2.5 million through investments in oil and gas leases and the Islander Hotel in the Bahamas. The 99-count indictment charges Balliro with one count of conspiring to defraud the IRS. But as part of that conspiracy, the indictment accuses Balliro of threatening co-investors in a hotel in the Bahamas in 1980 to sell the hotel or "certain investors might face physical harm from Salvatore M. Caruana and other members of La Cosa Nostra in New England." Balliro is also accused of communicating with his client since Caruana became a fugitive and of signing false documents in his role as the treasurer of a Caruana front company. He is also accused of pledging his share of a Bahamian hotel in return for a \$125,000 loan from one of the dummy corporations. Hurley is charged with 91 counts. He is accused of forming Bahamian, Panamanian and domestic front corporations and arranging loans and investments for their repayment, as well as transporting large amounts of currency. Hurley's attorney, Albert F. Cullen Jr., could not be reached for comment. But Hurley denied any wrongdoing in a statement issued last week. Both Nottages are accused of lying to a 1984 Bahamian commission on Caruana's behalf and of defrauding the IRS. Rubie Nottage is also accused of forming Bahamian and Panamanian dummy corporations. Kendall Nottage is accused, along with Caruana, of transporting \$1 million in US currency to the United States. The Nottages have previously proclaimed their innocence and called the indictment a political move by the United States to smear the Bahamas as a drug laundering center. O'Sullivan said yesterday that a request has been made to extradite the Nottages. He added that after Balliro's news conference last week, the indictment received "extra review." He stressed that the investigation had been going for two years by a number of agencies, including the federal Drug Enforcement Agency. The prosecutor in charge of the case is Assistant US Attorney Robert Ullmann.

aphic:
OTO

ption:
obe staff photo/Joanne Rathe / Joseph J. Balliro stands up after conducting a news conference about his indictment yesterday.

pyright:
obe Newspaper Company 1989

2921

Las Vegas Metropolitan Police
Department
400 East Stewart Avenue
Las Vegas, Nevada 89101-298
(702) 796-3111

September 29, 1997

JERRY
KELLER,
Sheriff

Tom Bezanson, Deputy U. S. Marshal
90 Devonshire Street, Room 1516
Boston, Massachusetts 02109

In response, please reply to:
Sergeant K. Manning
D. Hatch/Cold Case Review
Homicide Section
Reference: CCSO File # 184-458
Murder victim: Peter J. Poulos
Murder suspect: Stephen J. Flemmi
FBI # 401-425C
Murder suspect: Frances P. Salemme
FBI # 433-761F.
Murder warrant: Authority
Clark County/Las Vegas Justice Court
Crime of Murder. Warrant# 441-24A,
Issued 3-12-70. Warrant recalled March 1989
Without prejudice (Prosecution pending).

Dear Deputy Marshal Bezanson:

As per our telephone conversation of 9-24-97, this agency is presently reviewing homicide cases that have been listed as unsolved/unresolved. In reviewing the above murder case, these investigators determined a warrant was issued charging Stephen Flemmi and Frances Salemme with the murder of Peter J. Poulos. This murder occurred in Clark County, Nevada, as a result of an unrelated homicide occurring in Boston, Massachusetts. The deceased and these two suspects had been indicted by the State of Massachusetts charging them with the murder of William Bennett, this crime occurring in Boston, Massachusetts, on December 23, 1967.

As a result of our review of this case, it appears to be a prosecutable case and through a record search of Frances Patrick Salemme, it was discovered that he had been in custody in the Massachusetts Correctional System until 1988. Our records reveal that the Clark County District Attorney recalled this warrant in March of 1989; however, did not request dismissal of charges, merely recalling an active warrant.



Partners with the Community 

2922

Continuation of letter to Deputy Marshal Benzason
Dated: 9-29-97

We are attempting to determine through the present District Attorney if prosecution is feasible. If so, it is our intention to travel to your jurisdiction and attempt to interview both of these suspects.

Could you please provide a copy of this letter to these suspects' defense attorneys and advise them to contact this office concerning interview of their clients.

Sincerely,

JERRY KELLER, SHERIFF

By: Kevin Manning, Sergeant
(Dictated by D. Hatch)

97M0801 /JK:KM:DH:lr

2923



The Commonwealth of Massachusetts

DISTRICT ATTORNEY OF SUFFOLK COUNTY
NEWMAN FLANAGAN

Organized Crime Division
55 Court Street
Third Floor
Boston, Massachusetts 02108
(617) 725-8750

June 7, 1989

Mr. James A. Ring
Supervisory Special Agent
Federal Bureau of Investigation
Room 900, John F. Kennedy Building
Boston, Massachusetts 02203

Dear Mr. Ring:

Attached is a letter received by this office from the Advisory Board of Pardons notifying us of a commutation hearing for Joseph SALVATI, aka "Joe the Horse", date of birth 10/30/32. As in the cases of Peter LIMONE and Louis GRECO, we are preparing a response concerning this petition for executive clemency.

I would appreciate any information that your office has with regard to Mr. SALVATI's involvement with the Deegan murder as well as his past and present status with organized crime elements in the area, which could be disseminated to the Board. If you have any questions regarding this matter, please contact John Ford of this office at 725-8750. Your assistance in this matter is greatly appreciated.

Cordially and Sincerely Yours,

Leonard J. Flanagan
Leonard J. Flanagan, J.D.
Assistant District Attorney
Chief, Organized Crime Division

①

LJH/hc: 0847/102

*Ford was advised that info previously submitted to Board of pardons - file SSA King
Lofgren*

182A-1021-21

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 12 1989	
FBI - BOSTON	

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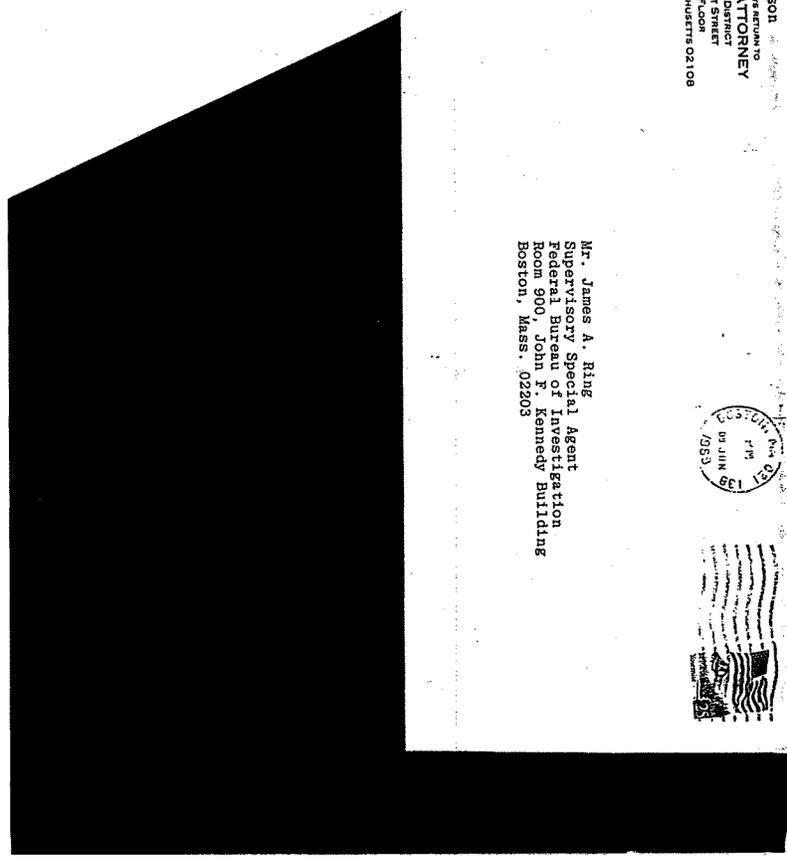
EXHIBIT
828

*no action required?
file closed*

HAIRSON
AFTER FIVE DAYS RETURN TO
DISTRICT ATTORNEY
SUFFOLK DISTRICT
55 COURT STREET
BOSTON, MASSACHUSETTS 02108



Mr. James A. Ring
Supervisory Special Agent
Federal Bureau of Investigation
Room 900, John F. Kennedy Building
Boston, Mass. 02203



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3/14/92 Boston Globe 291992 WL 4167199

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The Boston Globe
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Saturday, March 14, 1992

METRO/REGION

US to seek longer term for Patriarca
Matthew Breis, GLOBE STAFF

[A PUBLISHED CORRECTION HAS BEEN ADDED TO THIS STOR

Federal prosecutors plan to use the sworn admission of reputed mobster Vincent (The Animal) Ferrara at the upcoming sentencing hearing of Raymond J. (Junior) Patriarca, in an attempt to obtain a longer prison term for the reputed former boss of the New England Mafia family.

The prosecutors revealed the move in papers filed yesterday in US District Court.

"The government will introduce the sworn admission of Vincent Ferrara at his change of plea that he ordered the murder of Vincent James Limoli Jr., in aid of the racketeering enterprise that is alleged against Patriarca and Ferrara," says the government's proffer of evidence.

Prosecutors say they may call more than 30 witnesses and play 100 tape recordings, which could turn the hearing on April 6 into a lengthy proceeding. [CORRECTION-DATE: Tuesday, March 17, 1992: CORRECTION: Because of an editing error, a story in the Metro/Region section of Saturday's Globe on Raymond J. (Junior) Patriarca gave an incorrect date for a sentencing hearing. A conference in the case is scheduled for April 6.]

Patriarca pleaded guilty in December to racketeering, gambling and extortion charges. Under federal guidelines, Patriarca, based on his criminal record, would face six to seven years in prison for the crimes to which he pleaded guilty.

The government, however, will argue that Patriarca's "relevant conduct" as the reputed head of the Mafia in New England either knew, or should have foreseen, the 1985 murder of Limoli, the 1986 murder of Boston hotel executive Theodore Berns, Salvatore Michael Caruana's efforts to ship 77 tons of marijuana into Massachusetts and Maine between 1979 and 1981, and the planned murder of Ferrara.

If the government is successful, Patriarca could face 25 to 30 years in prison.

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But Patriarca's lawyer downplayed the effect of prosecutors' maneuvering.

"Despite 12 years of intensive investigation, the government continues to be unable to prove that Raymond Patriarca committed any violent crime or drug-related offense," said attorney Martin Weinberg.

"Despite a 24-page proffer, there simply exists no evidence that Patriarca authorized or committed any of the very serious crimes that the government is alleging, but has not proven."

In addition to Ferrara's statements, the government plans to have Walter Jordan, a former associate in the Patriarca family, testify "that he participated in the murder of Limoli on the orders of Vincent Ferrara."

Limoli was shot to death in the North End in what officials believe was retribution for stealing drug money. In his recent plea agreement, Ferrara was granted immunity for any role he might have had in Limoli's murder.

Prosecutors say Jack Johns will testify at Patriarca's sentencing hearing -- as he did in a trial of Patriarca associates in Hartford last summer -- that he helped Salvatore (Butch) D'Aquila, and Caruana, bury the body of Berns under a Connecticut garage.

Federal officials believe Berns was killed because Caruana suspected him of having an affair with the drug kingpin's wife.

The proffer says that John F. Castagna, who is described as a former proposed member of the Patriarca crime family, will testify that he met with Gaetano Milano, Joseph Russo, Ferrara and Robert Carozza. At the meeting, he was told that the plan to murder Connecticut crime boss William Grasso "was precipitated, at least in part, by Grasso's intention, with the approval of Raymond J. Patriarca, to kill Ferrara," according to the government.

Grasso was murdered in 1989.

"These individuals told Castagna that Ferrara was believed to be an informant and that a letter existed which supported this belief," the government says in its proffer.

The plot to kill Ferrara was never carried out.

Caruana jumped bail in 1984 before he was to stand trial on marijuana smuggling charges. A reputed soldier in the Patriarca family, he allegedly had the blessing of Patriarca's father, Raymond L.S. Patriarca, when he ran drugs.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

PHOTO;
CAPTION:VINCENT FERRARA
Testimony is seen as key.

--- INDEX REFERENCES ---

EDITION: CITY EDITION

Word Count: 634

3/14/92 BOSTONG 29

END OF DOCUMENT

The Boston Globe
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Monday, June 19, 1989

METRO

TWO SEEN AS LIKELY REPLACEMENTS FOR GRASSO AS LEADER IN MOB

Kevin Cullen, Globe Staff

Globe reporter Dick Lehr contributed to this story

Even before William Grasso is lowered into his grave, the big winners in the wake of his murder appear to be a pair of men whose leadership ability, affinity for fancy clothes and reputation for ruthlessness make them representatives of the Mafia's old guard.

Many investigators say they believe that Grasso's demise leaves Nicholas Bianco, 56, of Providence, and Joseph A. (J.R.) Russo, 57, of Boston, as the two mafiosi in the best position to rise to power in New England.

Both men were identified last year during congressional testimony by James F. Ahearn, the special agent in charge of the FBI in Boston, as capo regimes -- the leaders of small underworld fiefdoms -- in the Providence-based Patriarca crime family.

Essential to the potential ascension of both men, sources say, is the esteem in which they are held by some of the five New York Mafia families, whose leaders inevitably call the shots in the national makeup of La Cosa Nostra.

Many experts on the Mafia say that Grasso, who was found shot to death along a bank of the Connecticut River outside Hartford on Friday, would not have been killed without the authorization of the New York families. The FBI considered Grasso to be the second highest-ranking mafioso in New England, behind Raymond (Junior) Patriarca, though some believe Grasso was the real power while Patriarca serves mainly as titular head.

Both Russo and Bianco earned their underworld stripes by spending time in New York, some of it underground, or "on the mattress," as mobsters call it, after they allegedly participated in gangland slayings.

Russo, a sharp dresser and suave talker, is considered the Bobby Thompson of the Mafia, having been credited with hitting the biggest and most dramatic "home run" in recent mob history: the 1976 contract killing of Mafia enforcer-turned-government-witness Joseph (Barboza) Baron, who was gunned down by a carbine rifle in

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6/19/89 Boston Globe 11989 WL 4815218

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San Francisco.

Baron, who had been a legbreaker and hitman for the Mafia, though never a "baptized" member because of his Portuguese heritage, had turned against the mob after Boston gangsters killed two of his friends in a Commercial Street bar in 1966.

Baron's testimony led to the indictment and imprisonment of several high-ranking mobsters, including New England godfather Raymond L. S. Patriarca and then-underboss Gennaro J. (Jerry) Angiulo of Boston.

Because the integrity of "omerta," the Mafia's code of silence, was at stake, Baron's murder became a nationwide Mafia obsession. Russo would hold a place in La Cosa Nostra's unofficial hall of fame if, as alleged, he had coordinated Baron's murder.

In conversations overheard in 1981 by an FBI listening device, Boston Mafia capo regime Ilario M.A. Zannino and his henchmen sat in their North End gambling club and reminisced fondly about how "we clipped Barboza."

"Smart as a whip," Zannino said of Russo. "Stepped right out with a (expletive) carbine. I was with him every (expletive) day. Him and me discussed everything . . . he made snap decisions. And he accomplished the whole (expletive) pot, didn't he?"

Despite the FBI tapes, however, Russo never was charged with Baron's murder, apparently because investigators had no evidence to corroborate Zannino's hearsay conversation.

Following the Baron murder, sources say, Russo dropped out of sight and was believed to have been "on the mattress" in New York with other mafiosi. The FBI tapes recorded Zannino as saying Russo should come out of hiding so the Mafia could reward him with promotion to capo regime.

Shortly after reappearing, Russo disappeared again in 1980, when a subpoena was issued for his appearance before a San Francisco grand jury investigating Baron's murder. Russo then reappeared at his usual haunts in greater Boston for about six months before vanishing again in 1983.

In the summer of 1986, Russo again reappeared in Boston and immediately began acting the role of a leader, sources say. The FBI says he was promoted to capo regime shortly after.

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Russo can frequently be seen in Maverick Square in East Boston, in Chelsea, at Suffolk Downs and on Hanover Street in the North End where, sources say, he likes to take his capuccino at the Cafe Pompeii.

Bianco, long the right-hand man of the elder Patriarca in Providence, officially took a back seat to Junior Patriarca when the old godfather died in 1984.

But while the FBI says Junior Patriarca was named boss of the New England mob by The Commission, the Mafia's governing board, many mob experts think Bianco has continued to run the family's day-to-day operations.

Bianco grew up on Atwells Avenue in Providence, where a vending company office served as the elder Patriarca's headquarters for three decades, but was originally a "soldier" in the Colombo crime family in New York.

Sources say the elder Patriarca sent Bianco to New York in the 1960s to help settle a dispute within the Profaci crime family. After Bianco's New York sponsor was killed, and Bianco escaped an assassination attempt, he headed back to Providence in 1971, sources say.

In testimony before a Brooklyn grand jury in 1970, the transcripts of which were obtained by The Providence Journal, Bianco acknowledged his ties to some of the New York Mafia chieftains, like Carlo Gambino and Joseph Colombo.

When a prosecutor asked Bianco how he earned a living, Bianco offered some answers that gave some insight to the wiseguy way of life. The answers, however, were not enough to prevent Bianco from being indicted later on tax evasion charges.

Prosecutor: "Mr. Bianco, you tell this grand jury that you make your living primarily from the track. You don't work and you haven't been to the track since last season, which was 1969, at Aqueduct?"

Bianco: "Yes."

Prosecutor: "What do you do with your days? Like today, for instance? Yesterday? What did you do yesterday, if you don't go to the track? You haven't been there. What do you do with your time?"

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6/19/89 Boston Globe 11989 WL 4815218

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Bianco: "I don't know exactly what I do with my time."

When the elder Patriarca was jailed for nearly six years in the 1970s, it was Bianco and Joseph Patriarca, the imprisoned don's brother, who ran the New England family, sources say.

In 1975, Bianco ran into legal problems of his own. He received a four-year sentence for failing to report income while he lived in New York between 1967 and 1971. He was paroled in June 1978 and returned to Rhode Island, where he was hired as a paralegal assistant to Providence lawyer John F. Cicilline.

He is believed to have been Junior Patriarca's top aide ever since.

Some investigators were surprised when The Commission selected Junior Patriarca to succeed his father as New England boss. Some thought Grasso or Bianco were better suited. In the wake of Grasso's death, Bianco may now get his chance, some say.

Certainly, investigators say, Bianco has been around long enough to know what a bullet to the head, not to mention loyalty and patience, can accomplish.

When the elder Patriarca sent his soldier Bianco off to New York, according to FBI tapes from Patriarca's office, he reminded him of the significance of "this little thing of ours," which is the English translation of La Cosa Nostra:

"Remember," the old man told Bianco, "that you have thousands of people on your side. In this thing of ours, your love for your mother and father is one thing, your love for the family is a different kind of love."

CULLEN;06/17 LDRISC;06/20,16:06 HEIRS19

Caption: PHOTO

1. Providence Journal photo / Nicholas Bianco is shown leaving a Providence courthouse in 1985.

2. WCVB-TV photo / JOSEPH RUSSO / Linked to Baron slaying

S. Doc. 101-184 Pt. 2A

**REPORT OF THE SENATE IMPEACHMENT TRIAL
COMMITTEE ON THE ARTICLES AGAINST
JUDGE ALCEE L. HASTINGS**

**HEARINGS
BEFORE THE
SENATE IMPEACHMENT TRIAL
COMMITTEE
UNITED STATES SENATE
ONE HUNDRED FIRST SESSION**

FIRST SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE ALCEE L. HASTINGS,
A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTH-
EASTERN DISTRICT OF FLORIDA, FOR HIGH CRIMES AND MISDEMEANORS

MISCELLANEOUS MATERIAL RELATED TO THE EVIDENTIARY HEARINGS

Part 2A of 3 Parts



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1989

29-300

For sale by the Superintendent of Documents, Government Printing Office

EXHIBIT
830

The CHAIRMAN: Agent Murphy, you are...
 your... much.
 The CHAIRMAN: The House managers can call their next witness.
 (Witness excused.)
 Mr. BRYANT: At this time, Mr. Chairman, the House calls H.
 Paul Rico.

[Pause.]
 Mr. BRYANT: Mr. Chairman, the direct examination of this witness
 will be conducted by Hamilton Fish.
 The CHAIRMAN: Mr. Rico, would you raise your right hand? Do
 you, H. Paul Rico, swear and affirm that the evidence you shall
 give in the case now pending between the United States and Judge
 Alcee L. Hastings shall be the truth, the whole truth, and nothing
 but the truth, so help you God?

Mr. Rico: Yes, I do.
 The CHAIRMAN: Please be seated.
 Mr. FISH: Please state your name for the record.

TESTIMONY OF H. PAUL RICO

DIRECT EXAMINATION

Mr. Rico: H. Paul Rico.
 Mr. FISH: Mr. Rico, where do you live?
 Mr. Rico: 1586 Northeast 104th Street, Miami Shores, Florida.
 Mr. FISH: And where are you employed?
 The CHAIRMAN: Would you put the microphone up a little
 closer, please, so that the witness could hear? Thank you.
 Mr. FISH: All right. Where are you employed?
 Mr. Rico: I am employed at Miami Jai Alai.
 Mr. FISH: Where are you employed?
 Mr. Rico: I am employed at Miami Jai Alai.
 Mr. FISH: And what is your position there?
 Mr. Rico: I am general manager of Miami Jai Alai and director
 of operations for World Jai Alai.
 Mr. FISH: Mr. Rico, prior to working for Miami Jai Alai, what
 way were you employed?
 Mr. Rico: I was a special agent, Federal Bureau of Investigation.
 Mr. FISH: And how many years did you serve as special agent?
 Mr. Rico: Twenty-four-and-a-half years, from the FBI.
 Mr. FISH: Mr. Rico, when did you retire?
 Mr. Rico: I retired in 1981, after your retirement, were you
 asked by the FBI to participate in an undercover investigation of
 an alleged bribery conspiracy involving a Federal judge?
 Mr. Rico: Yes, I was.
 Mr. FISH: When you were contacted by the FBI, were you told
 what Federal judge was allegedly involved in the conspiracy?
 Mr. Rico: Yes.
 Mr. FISH: What was your role in the undercover investigation?
 Mr. Rico: I eventually learned my role was to impersonate one
 Frank Romano.
 Mr. FISH: As part of the investigation, did you meet with William
 Borders at Miami International Airport on the morning of Sep-
 tember 12, 1981?

Mr. Rico. I did.
 Mr. Fish. At that time, were you wearing a body recorder?
 Mr. Rico. Yes, I was.
 Mr. Fish. In fact, Mr. Rico, were all the conversations you had with William Borders as part of the bribery investigation recorded?
 Mr. Rico. Yes, they were.
 Mr. Fish. During your conversation with William Borders on September 12, 1981, at the Miami International Airport, did Mr. Borders write anything down for you on a piece of paper?
 Mr. Rico. Yes, he did.
 Mr. Fish. What did he write down?
 Mr. Rico. He wrote down "\$150,000" and he wrote down "in 10 days." And I could not read the other word.
 Mr. Fish. Did you observe what Mr. Borders did with the piece of paper?
 Mr. Rico. He retained it.
 Mr. Fish. Mr. Rico, based on your conversation with Mr. Borders that day, would this \$150,000 figure represent the money that Mr. Rico would have to come up with in order to take both myself and my brother's sentence would be taken care of?
 Mr. Fish. Thank you.
 Thank you, Mr. Chairman.

The CHAIRMAN: Is there cross-examination?
 Mr. Anderson: Mr. Chairman, I think it is time for the witness to testify. I think we should realize the Chair's presence that witness only has to testify to the facts. Our witness list with regard to the May 1981, Mr. Rico, Chair wish me to proceed into both lines at the same time to destroy the House's order of proof. That is whether Mr. Rico should be examined now about questions involved with the Article XVI of the Articles of Impeachment?
 Mr. Fish. Right, Mr. Chairman. First of all, such questions are clearly beyond the scope of direct examination. Secondly, the chairman and the Senators will reserve the right to ask statements by both Mr. Bryant and Mr. Anderson, the whole question was specifically postponed until a later time, and the gentleman reserved time for the argument at that time.
 Also, it is our view that questions involving Title III would disrupt the presentation by the House on the bribery conspiracy case at this point.
 Mr. Anderson: Mr. Chairman, if I could make a few points, asserting that we wish to pursue this. We are simply bringing to the Chair its issue. I have no problem with the managers' position on the issue. We will do either way the Chair wishes.
 The CHAIRMAN: The chair will rule that this witness can be recalled as a witness to testify on that matter when the issue is before the Senate. I think that would give us a more orderly presentation of the evidence.
 Is there cross-examination of this witness on the line of questioning which Mr. Fish has just completed?
 Mr. Anderson: Yes, Mr. Chairman, there is.

CROSS-EXAMINATION

Mr. Anderson: Mr. Rico, my name is Terry Anderson. Have we ever met before, sir?
 Mr. Rico. No.
 Mr. Anderson: Mr. Rico, in our dealings prior to October 9th, you were dealing with Agent Murphy, were you not, sir?
 Mr. Rico. I was dealing with Agent Murphy and Agent Amoreso?
 Mr. Rico. Yes.
 Mr. Anderson: And you had dealt with Mr. Drege, and obviously you had dealt with Mr. Borders, is that correct, sir?
 Mr. Rico. I met Mr. Drege, that is correct, and I met Mr. Borders. That is also correct.
 Mr. Anderson: But prior to October 9, 1981, you had never met with, seen, or observed any conversations with Judge Hastings, had you?
 Mr. Rico. No.
 Mr. Anderson: And is it not correct, as I recall it, that really the first time you observed Judge Hastings or saw him was at the trial in 1983, is that correct?
 Mr. Rico. In the courthouse, right. That is correct.
 Mr. Anderson: Now, I would like the clerk to provide the witness with Exhibits 38B and 43B just simply to facilitate my examination.
 Let me ask you to look at both exhibits so you are sure what I am talking about and can refresh your recollection as we go along. Exhibit 38B has been introduced in evidence as a transcript of sorts of a conversation among initially you, Mr. Drege, and Mr. Borders, on September 12, 1981. You will recall this conversation. That was the first meeting on Saturday, September 12th.
 Mr. Anderson: And the second one is on Saturday, September 19, 1981, and, again, purports to be a transcript of, again, the recording you made of your dealings with Mr. Borders on that date?
 Mr. Rico. That is right.
 Mr. Anderson: Now, at that first meeting, you had been briefed by Agents Murphy and Amoreso, and the information that a man named William Borders provided them as to the kind of deal Mr. Rico was willing to make, had you not?
 Mr. Rico. Yes.
 Mr. Anderson: And you understood that the bottom line was you were to portray yourself as a Romano brother who wished to get his sentence converted to avoid jail?
 Mr. Rico. Correct.
 Mr. Anderson: And you were aware that it was necessary that you, along with Mr. Borders, some showing which might demonstrate that, in fact, Borders' claims with respect to Judge Hastings were more than nothing? A show of proof, I think it has been characterized.
 Mr. Rico. Yes.
 Mr. Anderson: Is that correct, sir?
 Mr. Rico. Yes.

Mr. Rico. No. It was until everything was done, in Mr. Borders' words, "Within 10 days, he will give it to me. I will hold it until everything is done."

Mr. Fish. So when would the 10 days start running?

Mr. Rico. Well . . . I cannot—I have no—really, whatever is here is here.

Mr. Fish. All right. Let us look at page 6 there where it says, "WAF . . . within 10 days."

Mr. Rico. Yes, right.

Mr. Fish. Within 10 days, then he—

Mr. Rico. Yes.

Mr. Fish. "He" is whom?

Mr. Rico. I assume that he is referring to giving the money to Dredge.

Mr. Fish. "He" is Dredge.

Mr. Rico. Right.

Mr. Fish. Will give it to me. "What is 'it'?"

Mr. Rico. The money, until everything is done.

Mr. Fish. "Will give it to me" period.

Mr. Rico. Right.

Mr. Fish. So it is, "Within the 10 days, Dredge will give the money to me" is what is saying; is that correct?

Mr. Rico. I know that is what it says, but I do not know what the exact meaning of this is at this time.

Mr. Fish. Then he goes on and says, "I will hold it." That, again, refer to the money?

Mr. Rico. Right.

Mr. Fish. "Until everything is done."

Mr. Rico. Right. Right. And I assume that means that he is going to hold the money until everything is done.

Mr. Fish. That is my understanding.

Now, go down a little further to the fourth line, "You give it to him. He says he's got it. Within ten days, the order will come down."

Mr. Rico. Right.

Mr. Fish. Now, does that mean to you that the order—the 10 days will start running after Dredge says that he has got the money?

Mr. Anderson. Objection. I am trying to be patient, but this is fairly crucial and I think this is leading. "Does that mean to you that he has got it, and then tells him—"

Mr. Fish. What is that man to you, then, Mr. Rico?

Mr. Rico. That is what it says.

The CHAIRMAN. The witness—I think the question was revised, and the witness can go ahead and respond.

Mr. Rico. Yes. It says, "You give it to him. He says he's got it." And it would be 10 days from then.

Mr. Fish. Thank you. At that time, Mr. Rico, had the money passed?

Mr. Rico. No, No.

Mr. Fish. Did you have any contact with Mr. Dredge after he introduced you to Mr. Borders on September 12th?

Mr. Rico. No.

Mr. Fish. All right. Did you raise with Borders the possibility of the judge ordering something, something special? I refer you to page 7 of the transcript.

Mr. Rico. Considering it, but I thought I might be going a little too far if I did that.

Mr. Fish. Mr. Rico, going back to an earlier time, prior to being contacted by the FBI to participate in the investigation of the bribery conspiracy, did you know William Borders?

Mr. Rico. No.

Mr. Fish. Had you ever heard of him?

Mr. Fish. Objection, Your Honor. I think this goes beyond the scope of my cross. I do not mind him opening it up. I guess I would like to get a ruling.

The CHAIRMAN. The objection is overruled. You can proceed.

Mr. Fish. Had you ever heard of Mr. Borders?

Mr. Rico. No.

Mr. Fish. Prior to being contacted by the FBI to participate in this investigation, had you ever heard of or met William Dredge?

Mr. Rico. No.

Mr. Fish. And as you said, you had no contact with Mr. Dredge after he introduced you to Mr. Borders on September 12th.

Were you paid for impersonating Frank Romano in the undercover operation?

Mr. Rico. Well, Mr. Rico, I think we would all be interested. Why did you agree to impersonate Frank Romano?

Mr. Rico. Well, I spent twenty-four-and-a-half years of trying to get other people to help me when I was an agent, so I did not think I could turn the Bureau down if they wanted me to help them. That is why I did it. And they told me that they wanted a "licky" prove or disprove a very serious allegation concerning a Federal agent.

Mr. Fish. No further questions, Mr. Chairman.

The CHAIRMAN. Is there recross-examination?

RECCROSS-EXAMINATION

Mr. Anderson. Two points.

Agent Rico, I wonder if I could ask you to look at the top of page 2 of House Exhibit 44, which is the report of the September 19, 1954, meeting, and ask you to pay the up-front money. Do you have that page in front of you?

Mr. Rico. Page 2?

Mr. Anderson. Page 2.

Mr. Rico. Yes.

Mr. Anderson. In your first remarks, you conclude with my understanding that you are going to be released. You recall that do you not? Or not that you do not recall it. That is what you said at that meeting, is it not?

Mr. Rico. Yes.

Mr. Anderson. And Mr. Borders says, "Within 10 days," and you respond immediately, "Within 10 days of the last time we talked, right?"

Mr. Rico. That is right. That is what I said.

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Mr. Rico. No. It was until everything was done, in Mr. Borders' words, "Within 10 days, he will give it to me. I will hold it until everything is done."

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Mr. Fish. Thank you. At that time, Mr. Rico, had the money passed?

Mr. Rico. No, No.

Mr. Fish. Did you have any contact with Mr. Dredge after he introduced you to Mr. Borders on September 12th?

Mr. Rico. No.

Mr. ANDERSON. And that confirmed your understanding that you thought the money after the September 12th meeting, was coming out by September 22nd; is that not correct, sir?

Mr. RICO. I was trying to elicit dates from your mind, and I was trying to get a sense of the time period. I was not sure of the purpose of the question. I thought the answer would be better. But he explained that it was 10 days from today.

Mr. ANDERSON. I understand. But based on your prior conversation, your immediate response was that it was, "Within 10 days from the last time we talked, right?"

Mr. RICO. That is correct.

Mr. ANDERSON. That is what you said, is it not?

Mr. RICO. Yes, that is true. That is exactly what I said.

Mr. ANDERSON. And that is all we have eight years after the fact—

Mr. RICO. That is right.

Mr. ANDERSON (continuing). As really the only evidence of what was going on there.

Mr. RICO. Right.

Mr. ANDERSON. Now, Agent Rico, who was it that recruited you to come back into service and aid in this investigation?

Mr. RICO. Anthony Amoroso and Bill Murphy.

Mr. ANDERSON. And you had a fairly close relationship with Anthony Amoroso, did you not?

Mr. RICO. Yes.

Mr. ANDERSON. Thank you.

EXAMINATION BY THE COMMITTEE

The CHAIRMAN. Mr. Rico, you indicated that when you were first approached by the FBI to serve as an undercover agent in this case you were not told who the Federal judge was that was involved; is that correct?

Mr. RICO. That is correct.

The CHAIRMAN. When were you told?

Mr. RICO. When I signed the contract.

The CHAIRMAN. Was there a reason in your mind why they waited until you had signed the contract to advise you of that? Is there some significance there that we should know?

Mr. RICO. No, I may even be wrong on that. I just know that it was not until I agreed to do it before they advised me of that.

The CHAIRMAN. But you told me that you read into the FBI files and tell you of that at a prior time?

Mr. RICO. Well, I do not think that the Bureau would tell someone of an ongoing investigation unless they were going to be sure that they were going to be working with that party. I do not think that they would be going door to door to try to—

The CHAIRMAN. So that is the only purpose in not giving you that information initially?

Mr. RICO. Right.

The CHAIRMAN. That until they were sure you were going to participate and help with the investigation, they did not want to reveal that information.

Mr. RICO. That is what I think, yes.

The CHAIRMAN. Senator Specter.

Mr. SPECTER. Thank you, Mr. Chairman.

Mr. RICO. When you were dealing with Mr. Borders, did you ever conclude that or believe or think that Mr. Borders might be apprehensive about the transaction that you and he were engaging in?

Mr. RICO. Absolutely. Yes, I did.

The VICE CHAIRMAN. Did you ever consider that you were pushing it a little harder going to Washington to complete the transaction?

Mr. RICO. That was always a danger, pressing too hard, yes. At times I did not press any further rather than want to keep the thing going.

The VICE CHAIRMAN. We have heard some of the tapes. We have heard that you did not represent necessarily all of the transactions. Did you ever have a sense that Mr. Borders was backing off in any way?

Mr. RICO. Not backing off, no. Apprehensive, though.

The VICE CHAIRMAN. But not backing off?

Mr. RICO. Right.

The VICE CHAIRMAN. Was there a sort of indifference on Mr. Borders' part?

Mr. RICO. Mr. Borders always seemed to—if I proposed, "Let's have a cup of coffee," he would say, "Let's go for a walk. I will propose." "Let's go downstairs and get the money," he would never do—when I invited him into the room, he probably would have said, "I invited the room." That is the way he was. He just did not want to seem to have any guidance as to what his activities were going to be. He was, I thought, a very cautious individual, and

The VICE CHAIRMAN. Mr. Rico, impressions and feelings and senses are very different from facts, obviously, but I am going to ask you a question about impressions.

There is one \$125,000 which appeared to me to raise a question, payment in my mind, as to almost the level of indifference on the part of Mr. Borders, which suggests to me the possibility that your comment as to whether this was a subsequent occurrence that it was almost a matter of backing off. But there is a tone in his remark at least for myself, think it of value to get your impression as to what was going on between the two of you.

Mr. RICO. Are you referring to the telephone conversations in Washington, DC that I had with Borders? Are those the conversations that I had with Borders referring to the conversations where

The VICE CHAIRMAN. Yes, the conversations where you are referring to the talk about making the payment. You are referring to him to conclude the transaction to get the money, and then the conversation where you arrange to go to Washington in-

Mr. Anderson: Respondent calls H. Paul Rico, who is the brother of the respondent, in Mr. Chairman, what Senator Lieberman requested, I was able to find. Could I give it to the clerk and have him supply it to Senator Lieberman and other Senators who may be interested?

The CHAIRMAN: Did we want to offer this as an exhibit to the record, is that an appropriate thing—

Mr. Anderson: I don't think he asked for it as an exhibit and I was offering it. I was only supplying it for information for Senator Lieberman.

The CHAIRMAN: Okay. We will just accept it.

Mr. Anderson: Mr. Rico, do you understand you are still under oath before this committee?

Mr. Rico: Yes.

The CHAIRMAN: Please be seated.

TESTIMONY OF H. PAUL RICO (continued)

DIRECT EXAMINATION (continued)

Mr. ANDERSON: Mr. Rico, to refresh the committee's recollection, were you employed as an FBI agent for most of your career?

Mr. Rico: Yes.

Mr. ANDERSON: And when did you retire, sir?

Mr. Rico: The end of April 1976.

Mr. ANDERSON: And what was your duty station at that time?

Mr. Rico: Miami.

Mr. ANDERSON: How long had you been in Miami?

Mr. Rico: Five years.

Mr. ANDERSON: And during your association there, had you developed a friendship and a working relationship with Anthony

Forrester?

Mr. Rico: Yes.

Mr. ANDERSON: Did you know an agent Jerry Forrester?

Mr. Rico: Yes.

Mr. ANDERSON: And an agent Tom Dowd?

Mr. Rico: Yes.

Mr. ANDERSON: And I take it you knew a number of agents.

Mr. Rico: Yes.

Mr. ANDERSON: About how many agents were in Miami at that time in the FBI?

Mr. Rico: Probably assigned to the office, around 100, but not all in headquarters.

Mr. ANDERSON: When you retired, where did you go to work?

Mr. Rico: I went to Miami.

Mr. ANDERSON: And in what capacity were you hired at Miami Jai Alai?

Mr. Rico: Director of Security.

Mr. ANDERSON: And what is your present position at Miami Jai Alai?

Mr. Rico: I'm the general manager.

Mr. ANDERSON: And when did you become general manager?

Mr. Rico: Either early 1976 or late 1975.