

"It was all a lie," says Salvati, standing outside the Boston club where he was arrested in 1967.

JOSEPH SALVATI SERVED
30 YEARS FOR A MURDER
HE DIDN'T COMMIT.

THE MOST SHOCKING
REVELATION: WHO PUT
HIM BEHIND BARS.

THE EXONERATED

BY JAN GOODWIN

You could hear the ticking of the clock hanging in the back of the courtroom and the cries of the seagulls that circled above Boston as the jurors—averting their eyes for the first time in the 50-day trial—filed past the six men in the dock. The day before, the six had been convicted in the slaying of a local hood named Edward “Teddy” Deegan. The jury was now being asked to choose between a sentence of life behind bars or death.

His voice flinty, 73-year-old Justice Felix Forte addressed the first four defendants in turn. “You are sentenced to die in the electric chair.” Undulating his hands to illustrate the chair’s 2,000-volt current, he added, “On the designated date, the electricity will run through your body until death.”



Attorney Victor Garo (right) worked pro bono on his client's appeal for three decades.

wrote in her scathing 223-page decision. "FBI officials up the line allowed their employees to break laws, violate rules and ruin lives."

"I was robbed of three generations of family, who grew up without me, and a lifetime with my wife," Salvati says today, sitting in the modest North End apartment that his wife, Marie, moved to 20 years ago, when money was especially tight. "I was behind bars so long, when I came out, my father had died and my mother had Alzheimer's. She didn't recognize me."

He raises a beefy hand and wipes away tears as they course down his face. "Do you know what it's like to never be there for birthdays, Communion, graduations, weddings? The skinned knees, broken bones, taking your kid to play ball? The government stole more than 30 years of my life."

A high school graduate with no trade skills, Joseph Salvati put in ten-hour days, six days a week, working three jobs to support his family. "It was casual labor," he says. "You got what you could. I'd run down to the pier and help unload the fish. Lumpin', it was called. It was dog's work. But you could make \$60 a week. I unloaded trucks in the meat market. I worked as a doorman. The hours were late, but \$40 in tips was \$40."

"We lived from week to week," says Marie. "It wasn't easy, but Joe provided for us the best he could. We'd take the kids out once a week for a pizza, sometimes a movie. It was good, but there was no money to spare."

Their budget could barely stretch for unexpected expenses, like medical care for their daughter Lisa Marie, who was born with Down syndrome

Joseph Salvati, a 35-year-old father of four young children, was next. Convicted of being an accessory to the murder, he rose uneasily to his feet. Forte asked if he had anything to say. Although Salvati had maintained his innocence from the beginning, he mumbled, "No."

"You are sentenced to Walpole Prison for the rest of your natural life, without possibility of parole," the judge said on that day, July 31, 1968. It was a death sentence of a different kind.

And it was especially harsh because Salvati—and three of the other five defendants—were innocent. Worse still, the FBI knew it all along.

In the mid-1960s, New England was teeming with organized crime. J. Edgar Hoover, the controversial FBI director, had launched his campaign to eradicate the Mob, and field agents were under pressure to cultivate Mafia informants. Operatives in the bureau's Boston office soon infiltrated deeply into the organized-crime underworld, forming alliances with a network of gangsters including Joseph "The Animal" Barboza, a brutal loan shark and hit man with some 30 murders to his name.

Although there will always be questions surrounding the 1965 alleyway shooting of Deegan—several reports suggest that the FBI was forewarned

and did nothing to stop the murder—it's clear today that Joseph Salvati didn't have anything to do with it. Barboza admitted to participating in the slaying to his FBI handler, Special Agent H. Paul Rico. But with Rico's collusion, the hit man concocted a scenario that protected his partner, Jimmy "The Bear" Flemmi, while implicating the defendants, only two of whom were actually involved.

Barboza, for whom the Witness Protection Program was created, was ultimately murdered by the Mafia in 1976. Meanwhile, Salvati spent decades filing appeals from behind bars. He went into prison a vibrant man who loved his wife and kids, pasta and a bottle of wine shared with friends; he came out 29 years and seven months later a silver-haired great-grandfather.

Salvati was exonerated in January 2001, a month after a special task force investigating the Boston FBI office's handling of Mob informants uncovered long-hidden documents establishing that innocent men had been framed for Deegan's murder. Last July, in a civil case filed by the families of the four wrongly convicted, federal Judge Nancy Gertner ordered the government to pay them \$101.7 million. "The minute Barboza's mouth identified the plaintiffs, [the agents] had to have known he was lying," the judge

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In the late 1980s, a few months before she died, Garo's mother, Kay, who worked as one of his secretaries, made her son promise he would represent Salvati until he won his freedom. A solo practitioner, Garo repeatedly filed for appeals, and Salvati, by now a grandparent, clung to the hope that justice would prevail.

Salvati's oldest grandchild, Jennifer, now 35, remembers waiting at the Boston courthouse in 1989 in the hope that a commutation request would be granted. "My grandfather came off the elevator," she remembers, "with shackles on his wrists, waist and feet. He just looked down, and they rushed him away. You don't want to see anyone, let alone a family member, in shackles, especially when he's innocent. Not only was my grandfather robbed of his life, we were robbed of him."

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a divorce. "If you want one, I won't contest it," he told her. "I'm not in here for a year or two. This is for the rest of my life."

"Are you crazy?" Marie responded. "I took a vow for better or worse. We love each other."

Just as she never missed a weekly visit, her husband never failed to send a weekly greeting card, purchased with his 15-cents-a-day prison wages. "Next year, maybe we will be together," he would write. Or, "My every thought is of how much I love you, so I'm never alone." Each card sat on top of the television until the next arrived.

Marie stored her precious collection in shoe boxes, tied with red ribbon. On their 25th wedding anniversary, feeling lonely, she went through them. "I realized my marriage," she says, "had been lived in a shoe box. I wasn't a widow. He was still part of my life. But he was not with me."

Garo figures he spent 30,000 hours digging into Deegan's murder. A breakthrough came when he obtained a long-suppressed police report written shortly after the crime indicating that an informer with Mob ties had named Barboza and Flemmi as the men who left a restaurant that night intent on killing Deegan. The report made no mention of Salvati. "It was more important to the FBI to protect their murderous informants," says Garo, "than to protect an innocent man who had a young family."

In 1997 Garo finally won his client a parole commutation and walked him

for brutality. Inmates were subjected to beatings, deprived of heat, fed food with bugs in it, even threatened with death. Riots routinely broke out, and lockdowns lasted for weeks on end. For lifers like Salvati, the place was hell on earth.

He routinely retreated to his tiny cell, just big enough for a bed, a sink and a toilet, to escape the cacophony and frequent violence. Alone, he often wept with worry over Marie and the kids. "I cried a lot," he says. "Who wouldn't?"

Joe never told Marie what life was like on the inside. She, in turn, sheltered him from her problems on the outside. "We had a pact," says Marie. "You do the time, and I'll take care of our family." She took a job at the local Head Start office. At first, she barely earned enough to put food on the table. "At Christmas, when donated clothes and toys came in, I asked if I could take some for my kids. Otherwise they wouldn't have had anything." Eventually, she rose to the position of director.

Every Saturday, no matter the weather, she made the trek to the prison, usually with the kids in tow. It was an all-day trip by bus. When they got there, the guards could be tough, sometimes strip-searching the children, humiliating and terrifying them.

Two years into her husband's sentence, Marie bought a worn-out Oldsmobile with a rusted-through hole under the backseat and bald tires that made it skid dangerously when it snowed. Not surprisingly, she soon grew phobic about driving. "I'd be holding the wheel like it was my life, breaking out in hives, praying we

wouldn't have an accident," she says. "All I knew was we had to get to Joe."

During one visit, Salvati's youngest daughter, Gail, then eight, greeted him by asking, "Daddy, what's an electric chair? Are you going to get it? The kids in school say you are." Shaken, he explained that it wasn't true, that her classmates were just trying to scare her. "I went back to my cell," says Salvati, "and asked the guard to lock me in. They can tell when you get a bad visit. I

sobbed off and on for a week. I felt like somebody had kicked me in the stomach. And to think, all this was happening because the FBI wanted it to."

Salvati was ten years into his sentence when Victor Garo heard about him. At first, he didn't want to get involved. He was a white-collar criminal defense attorney who handled insurance fraud and political corruption, not organized crime. "Don't tell me you're innocent," he said at their first meeting. "Just tell me the facts." The men talked

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"Who the hell is Teddy Deegan?" a stunned Salvati asked. Before anyone answered, he was taken into custody.

Marie was walking with her youngest, five-year-old Anthony, when the case made news. "People on the street stopped me and said, 'Marie, there's been a big crime raid, and Joe got arrested,'" she remembers. "No one knew the details, just that it was an organized-crime case."

Terrified but sure her husband would call and tell her it was all a mistake, she collected the other children from school and hurried home. "Joe sent me word through a friend," she says. "He said not to worry, he'd soon clear this up and be out."

But, remanded without bail for ten months before the trial, he

didn't come home. "It was a nightmare that went on for 30 years," Marie says.

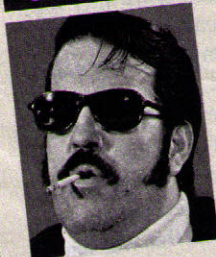
A friend organized a raffle and raised \$1,100 for Salvati's defense. What that bought was a fresh-out-of-law-school attorney whose name Salvati can't remember. "He kept asking for my alibi, and I kept telling him I didn't have one," he says. "Innocent people don't need alibis." Salvati's story—that Barboza had made good his threat by falsely implicating him in Deegan's murder—fell on deaf ears in court.

"Barboza had his own gang," says Victor Garo, who took Salvati's case on appeal in 1977 and grew old with his client, fighting for his exoneration without charging a penny. "He was a loan shark, a receiver of stolen goods, a leg breaker. He'd shoot you in the head, puncture your eardrum with an ice pick, disembowel you with a knife. But the FBI wanted everyone to believe he would never, in a court of law, lie to save himself. And it worked."

The first visitor to Salvati's cell at Walpole was Albert DeSalvo, accused of being the Boston Strangler. "He brought me two sandwiches, which I didn't eat," Salvati says. "They could have been poisoned." He learned survival tactics from the men who carried out the Great Brinks Robbery, then the largest heist in U.S. history. "They said that if you mind your business, the other prisoners won't bother you. But they also said you can find trouble if you want it."

Walpole, a maximum security prison 25 miles outside Boston, was notorious

Conspirators

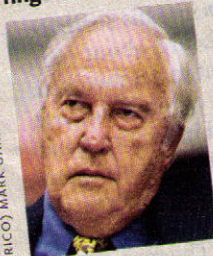


Joseph Barboza
fingered innocents.

Adjudicator



Judge Nancy Gertner
awarded \$101.7 million in the civil case last July.



FBI Agent Rico
helped cover up.

(BARBOZA) AP IMAGES; (GERTNER) WENDY MAEDA/BOSTON GLOBE/LANDOV;
(RICO) MARK GARTINKEL/BOSTON HERALD

for three hours. After hearing that Barboza was the only eyewitness at the trial, and concluding the evidence was full of holes, Garo agreed to take on Salvati's appeal.

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if he felt remorse, answered, "What do you want, tears or something?" The agent, who died in 2004 awaiting trial on unrelated murder charges, was never disciplined for his role in the Deegan case.

Burton, an Indiana Republican, was so outraged by the government's conduct that he battled the Bush Administration over Department of Justice documents, which White House lawyers initially tried to keep from Congress on claims of executive privilege. And Rep. Bill Delahunt, a Massachusetts Democrat, has introduced a bill imposing criminal sanctions on federal authorities who hide evidence the way they did in the Deegan case.

Salvati, now 75, knows he may not live long enough to see a penny of the award. But a month after his release, he began making up for lost time, assisting with the birth of his ninth grandchild, Michael. "He'd missed out on so much," says Marie. "It was a miracle for him to be able to cut the cord."

Shortly thereafter, he had a little chat with his wife, who, after three decades of being solely in charge at

home, kept trying to take charge of Joe as well. "Marie, you can't keep telling me what to do," he said.

"It had become second nature after all those years," she says.

Salvati still gets a kick out of choosing what time he gets up and goes to bed. "I enjoy just being able to walk anywhere whenever I want to," he says. He admits that he often reverts to pacing, as he did when he was locked up, for exercise. He irons his own clothes because in prison everything was wrinkled; these days, he prides himself on being a sharp dresser. Mostly, he and Marie relish being together and with their family—able to finally hold each other and hug their kids.

"We're simple people, not materialistic," says Marie, now 73. "It was never about the money. It was about proving Joe's innocence, about getting our good name back. If we ever get that money, it won't mean much to us personally. It will go for trust funds for the kids and grandkids so they can go to college and have a better life, get all the things that they didn't have while Joe wasn't here."

TALK ABOUT A SOFT REAL ESTATE MARKET ...

Who knew I lived in such a wild area? Our neighborhood newsletter published this warning: "Bikers and walkers, it is suggested you wear clothing when out after dark."

Dennis Mulder

After reading the ad for this lakefront property, it's no wonder that RE/MAX was pushing it so hard. "Two bedrooms, one bath. Comes with docking and mooning rights."

Submitted by Glenn Kruthof



"She was the glue that held everything together," says Salvati of his wife, Marie (at home with their daughter Sharon and grandson Michael).

out of prison, where three generations of Salvatis waited for him. Before heading home, Salvati and his attorney stopped at the Oak Grove Cemetery to place roses on Kay Garo's grave. "Mom, I kept my promise," Garo said.

It would be another four years before all charges against Salvati were dropped, and six more before a judge would determine what 30 years of his life was worth in dollars.

The \$101.7 million awarded to Salvati and his codefendants is believed to be the highest ever for wrongful

conviction and imprisonment. (Henry Tameleo, a codefendant in the murder trial, died in prison in 1985, as did Louis Greco, a decorated World War II veteran, in 1995; their awards go to their estates.) The Department of Justice is expected to appeal the case, despite an apology to the Salvati family by Congressman Dan Burton, who spearheaded a three-year investigation as chairman of the House Committee on Oversight and Government Reform. No such apology was forthcoming from FBI Agent H. Paul Rico, who, when asked during the hearings