

# ORGANIZED CRIMINAL ACTIVITIES

South Florida and U.S. Penitentiary, Atlanta, Ga.

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HEARINGS  
BEFORE THE  
PERMANENT  
SUBCOMMITTEE ON INVESTIGATIONS  
OF THE  
COMMITTEE ON  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
NINETY-FIFTH CONGRESS  
SECOND SESSION

AUGUST 1, 2, 3, 9, AND 10, 1978

PART 1

ed for the use of the Committee on Governmental Affairs



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## ORGANIZED CRIMINAL ACTIVITIES

South Florida and U.S. Penitentiary, Atlanta, Ga.

TUESDAY, AUGUST 1, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to call, in room 1202, Dirksen Senate Office Building, under the authority of Senate Resolution 370, agreed to March 6, 1978, Hon. Sam Nunn (vice chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; Senator Lawton Chiles, Democrat, Florida; and Senator Charles H. Percy, Republican, Illinois.

Members of the professional staff present: Owen J. Malone, chief counsel; F. Keith Adkinson, assistant counsel; William B. Gallinero, investigator; David P. Vienna, investigator; Larry Finks, captain, U.S. Park Police; Joseph G. Block, general counsel to the minority; Ruth Y. Watt, chief clerk; and Mary Donohue, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of convening: Senators Nunn and Chiles.]

### OPENING STATEMENT OF SENATOR SAM NUNN

Senator NUNN. Today, we begin 5 days of hearings on organized crime activities in south Florida and in one of our Federal prisons.

The focus of our inquiry may seem geographically narrow, but it is not. Law enforcement officials in Washington and across the Nation point to Florida as the home of numerous and notorious individuals who have long been identified with criminal activities in cities across the Nation.

Taking a hard and close look at criminal activities in Florida can provide us with a view of not only what is happening there, but also it will tell us what may well be happening in other areas of America.

The primary witness at these hearings will be Gary Bowdach, who has been identified by law enforcement officials as an active member of the Florida underworld. He has cooperated with this subcommittee as well as with law enforcement officials.

In a lengthy executive session conducted by the subcommittee a few weeks ago, we learned from Mr. Bowdach, from law enforcement officials, and from documents that he was actively engaged in the activities that will be the subjects of his testimony.

What the subcommittee has, through Mr. Bowdach, is an extraordinary insider's view of how crimes against people and property take place in an organized manner. We are not talking about the occasional crime of a street hoodlum. Rather, we are talking about groups of men and women who deal in crime in a methodical, planned, and organized way.

They are part of the multi-billion-dollar crime industry. Its customers range from 8-year-old heroin addicts in our major cities to jet-set coke snorters. Its customers include businessmen in need of loans who are willing to pay exorbitant interest rates. Its customers also include people who abuse the trust of our insurance system by burning their buildings for profit.

These hearings will focus on loansharking, arson and narcotics, and the violence related to these crimes. The hearings will also take a close look at one Federal institution maintained for those convicted of these as well as other crimes.

[At this point Senator Percy entered the hearing room.]

Senator NUNN. Mr. Bowdach was imprisoned at the Federal penitentiary in Atlanta. He will discuss from his own direct and personal knowledge what transpired in the Atlanta Penitentiary when he was there.

In addition to his activities on the street, Mr. Bowdach will discuss how he and others used the Freedom of Information Act to determine the nature and the extent of information pertaining to them in the files of Federal law enforcement agencies. He will also describe the way criminals use the Freedom of Information Act to determine the identities of informants.

His description of how the criminal element takes advantage of the Freedom of Information Act, in my view, raises serious question whether the pendulum has swung too far in favor of the criminal element to the serious detriment of effective law enforcement. It leads us to ask: Should we reexamine parts of that legislation to limit the access by criminals to information that seriously jeopardizes vitally important sources of information and undermines the ability of our law enforcement agencies to do their jobs effectively?

The identification of organized criminal activities, the assessment of the ability of our law enforcement authorities to deal with the situation, and the adequacy of the laws they have to work with are all matters clearly within the jurisdiction of the Senate Permanent Subcommittee on Investigations. These hearings are an exercise of our responsibilities in this important area.

I believe there is no better way to get the facts about criminal activities and to measure the appropriateness of our laws than from the candid and forthright discussion of these matters by witnesses who have themselves participated in these activities.

The relative ease with which criminals break our laws without getting caught or going to prison raises questions about the strength of our laws, the weakness of our courts, or whether we have handcuffed the police of our Nation.

The subcommittee is grateful for the cooperation of Mr. Bowdach. In coming forward to testify at these public hearings, he is without any doubt exposing himself to some degree of risk.

Mr. Bowdach has been involved in loansharking. He has been involved in arson. He has been involved in narcotics trafficking. He served time in the Atlanta penitentiary where he had knowledge of contract killings and participated in a contraband operation within the prison.

A 1976 Federal district court order declared Mr. Bowdach a "dangerous special offender," enabling the court to increase his sentence because of his history of criminal misconduct. The order described the witness as a violent repetitive felon, who threatened and intimidated witnesses.

Also, according to the court, "there is little doubt, but in addition to being a shylock, he was a 'hit man.'" The court's order went on to say that "Bowdach is well connected in organized crime elements and is an organized crime subject. His superior was Phil Kovolick, a lieutenant of Meyer Lansky and closely associated with members of the old Lansky-Siegel-Murder, Inc., crowd."

Mr. Bowdach has now "turned," as they say in law enforcement circles. He has come forward and has been very cooperative with law enforcement authorities, as well as with this subcommittee.

Of paramount concern to the subcommittee's decision to go forward with public hearings with this witness is his credibility. In that regard, subcommittee staff has interviewed many responsible public officials regarding Mr. Bowdach's activities and credibility. His credibility has been attested to by:

The Miami Organized Crime and Racketeering Strike Force, who originally called him to our attention; the FBI; the Dade County Department of Public Safety; the U.S. attorney's office in Atlanta; and others.

Additionally, Gary Bowdach was polygraphed extensively regarding certain homicides with "no deceptions indicated." We will receive testimony today from certain of these groups regarding his credibility.

It is through the cooperation of Mr. Bowdach that the U.S. Senate and the people of the Nation can see beneath the surface of our society into its underworld.

It is ruthless. It is cruel. It is without mercy. People are intimidated, maimed, and they die horrible deaths.

A better understanding of the fear, the terror, and the hopelessness of spirit of those enmeshed in organized crime—be they the victim or the perpetrator—will result from these hearings.

Mr. Bowdach is a "fact" witness. By that, I mean he will relate incidents and activities he knows about and participated in. We will question him closely regarding his recollection of these events and activities.

We will question him closely regarding the actual roles of individuals he will name. To him, his criminal life was a kaleidoscope of events and individuals. We must be careful to separate the active criminal participants from those who casually and innocently found themselves a part of the events around them.

What we are about to hear over the next several days should alarm and alert us all. For what we will hear is not a play, not a TV show, nor a movie. It is the way the real criminal world operates. The question is now and will be at the close of these hearings: What are we going to do about it?

Senator Percy?



## OPENING STATEMENT OF SENATOR PERCY

Senator PERCY. Mr. Chairman, as you were talking, I couldn't help but think of the fact that all throughout the course of my life as I have traveled throughout the world, people ask where I am from. I say I am from Chicago. Just one image comes into their mind. That is the image of a Chicago gangster, the image of Capone and Dillinger.

I have seen little children in Indian villages playfully point their finger at me, like a pretend gun, as if to say, "We know where you are from." We work very hard in Chicago and in Cook County to rid ourselves of the crime image and I think a tremendous amount of progress has been made.

Crime is not just associated with Chicago, our major cities, or even the United States of America any longer. It is associated with Italy, where it has terrorized the Government; it is associated with Germany, where it has terrorized the Government; and it is a phenomenon that I think the entire world has to cope with.

As we try to better understand the crime problem in the United States and what we can do about it, I think we must look back and pay tribute to Senator McClellan and this subcommittee, because it has probably done more through the years to shed light on the nature and the workings of organized crime than any other congressional committee.

In that spirit, I applaud Senator Jackson, Senator Nunn, and certainly Senator Chiles, who urged us to undertake this investigation and has been most supportive of it.

The focus of attention today is not on Chicago. It is on activities in Florida, although some of the individuals we will hear about developed their criminal skills in Chicago, New York, and other areas, and have taken their trade into other parts of the country.

I think there is much that we can learn about how organized crime is infiltrating into American society. It is in this spirit that we open these hearings. The life of crime of Gary Bowdach represents an extraordinary chapter in this subcommittee's history of investigation of organized crime.

Mr. Bowdach's involvement in organized crime circles in southern Florida touched on so many criminal activities—loan sharking, narcotics trafficking, arson, and murder—that his story offers the Congress and the American people a startling panoramic view of organized crime spreading like a plague of olden times throughout the entire Nation.

In April, during our hearings on labor-management racketeering, we learned that south Florida was considered by organized crime to be an "open territory," in which the crime families from Chicago, New York, and other cities "compete for business." Mr. Bowdach confirms that analysis.

It is not an everyday occurrence that a Senate subcommittee is told about how a man murders his loansharking partner. Nor is it every day that we learn of orders from the head of an organized crime family to burn down a building. We must take this opportunity to educate ourselves, and the American people, about the

unbridled and vicious ways which are a fact of life within organized crime.

We will surely learn one lesson—no matter how sophisticated its criminal enterprises become, organized crime takes care of business in the same old way, through violence and intimidation. These people play a very rough game, and they play for keeps.

Organized crime is, most assuredly, no myth. Law enforcement officials have conservatively estimated that the syndicate controls \$300 billion in assets, and every year takes in \$30 to \$60 billion in illicit profits. Needless to say, the Treasury does not benefit from income taxation on these profits.

The syndicate's reach is nationwide. Its infiltration of legitimate business poses a direct threat to the Nation's economy.

Organized crime is not today, if it ever was, a monopoly of any one ethnic group. The Florida Organized Crime Control Council wrote in 1976:

The organized crime apparatus, \* \* \* particularly in Florida, is \* \* \* comprised of career criminals of various ethnic origins whose common bond is the attainment of wealth and influence by whatever means.

The citizens of Illinois are not strangers to the violence and corruption that Mr. Bowdach will speak of. They are well aware of the wall of secrecy that separates the syndicate from the rest of society.

Over the last 60 years in Chicago, there have been more than 1,000 gangland slayings. Less than 25 have been solved. Just this past weekend, a reputed Chicago organized crime figure was brutally gunned down in a reported power struggle over control of the multimillion-dollar chop-shop racket—in which cars are stolen and cut up for parts.

Congress has authorized the Permanent Subcommittee on Investigations to "study and investigate syndicated or organized crime \* \* \* and the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce."

Fifteen years ago, this subcommittee heard from Joe Valachi. From 1971 to 1974, the subcommittee held extensive hearings on organized crime's involvement with stolen and counterfeit securities.

Very shortly, we will be holding hearings on arson-for-profit and the increasing participation of organized crime in that criminal enterprise, which raises the insurance rates of every single American and individual family and business in America.

The hearings we hold today demonstrate the continuing commitment of this subcommittee to educate the Congress and the public about the dangers of organized crime to this country. Organized crime is a specter which haunts this Nation, and mocks our democratic institutions. Eradicating its sinister influence ought to be one of our highest priorities.

Again, I wish to thank Chairman Jackson and Vice Chairman Nunn, and Senator Chiles, who have worked diligently to bring this case to public hearings.

I want also to extend my deep appreciation to the staff of the subcommittee, who have labored tirelessly to put the pieces of this investigation together to insure that this important story is told.

As always, the minority and majority staffs have worked in a bipartisan and cooperative manner.

Senator NUNN. Thank you, Senator Percy. I would like to return the compliment. Everything we have done in the preparation for this hearing, which has been over a year, has been in a bipartisan manner. We have had joint cooperation not only of the Senator, but also of the staff, which is the key to a successful hearing.

Senator CHILES, let me just say that I appreciate all of your cooperation in bringing these matters to the subcommittee's attention. You represent the State where a good bit of this activity we will be hearing about in the next few days has occurred, and I would say in my view it is not unique to south Florida.

I think what is unique is that a U.S. Senator who wanted to vigorously pursue this here in Washington, wanted to make certain that everything would be run by the Federal, State, and local law enforcement officials in terms of trying to deal with the very serious problem there.

So before you make your statement, I want to thank you for the attention you have given this very serious problem in your State.

#### OPENING STATEMENT OF SENATOR CHILES

Senator CHILES. Mr. Chairman, I certainly thank you for that statement and I want to express my appreciation to you, Senator Percy, and Senator Jackson for the work that you and the staff have done in preparing for these hearings.

You know, these problems were called to my attention primarily by local officials in Florida. They said that we were losing the battle with organized crime; that they were seeing their communities virtually overwhelmed; that they did not have the resources and that they did not feel that law enforcement people were protecting the citizenry adequately. They felt it was beyond their control.

Hopefully, as a result of these hearings, we are going to get some resources devoted to combating organized crime. Also, Mr. Chairman, I am tremendously concerned that there are so many people including, unfortunately, senior Government officials who don't seem to believe that organized crime really exists. You and I know that it does. And it exists throughout the country.

Taken together, the forces of organized crime are in many areas more powerful than those of legitimate governments. Through crime, nonpayment of taxes, extortion, and bribery, organized crime affects everyone and it hurts everyone.

South Florida is a prosperous area with a fine climate. It is attractive to many people, and unfortunately, some of those people are members of organized crime. The organized crime problem in south Florida may well be one of the worst in the country.

It seems that we have to pay some penalty for our beaches and our sunshine, but we don't think that penalty should have to be the presence of organized crime. In our year-long inquiry into the organized crime problem in south Florida and in the subcommittee's investigations of other criminal activities, one thing becomes more and more apparent. That is that the criminals are organized and many times the police, unfortunately, are not.

Too often we have seen Federal agencies squabbling with one another and ignoring, and sometimes abusing, their State and local colleagues. Failure to work in concert with allied law enforcement agencies has hurt our cause.

Throughout our hearings I think we have to examine our resources to see if they are sufficient. We must see what must be done to pull our forces together to act in common cause against what we now know is a powerful and a ruthless enemy. We must find the legislative and organizational reform initiatives that will move us ahead in the battle with organized crime.

Obviously, that is not going to be accomplished in the next few days or even the next few months for that matter. But for those who think that organized crime is a fiction designed to fill the minutes between television commercials, I suggest that they listen to the subcommittee's key witness today and in the next few days. They are going to hear how the mob operates on the street. It is not going to be a pleasant story, but all of our tests lead us to believe that it is a devastatingly accurate story.

Senator NUNN. Thank you very much, Senator Chiles. We will now have a staff statement by Keith Adkinson, a member of the subcommittee staff, who has done a very fine job in heading this investigation.

Mr. Adkinson, before you take your seat, we will ask you to please take the oath. Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADKINSON. Yes, I do.

**TESTIMONY OF F. KEITH ADKINSON, ASSISTANT COUNSEL,  
SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE  
ON GOVERNMENTAL AFFAIRS**

Senator NUNN. State your name for the record, please.

Mr. ADKINSON. My name is Keith Adkinson, Mr. Chairman, and I am the attorney that has been handling this investigation.

William B. Gallinaro, chief investigator, has been working on this matter. We have had the able assistance of Capt. Larry Finks, who is on detail to the subcommittee from the U.S. Park Police.

Mr. Chairman, in June of last year and in response to expressions of concern from various local officials in south Florida, the subcommittee staff was directed to explore the nature, scope, and extent of organized criminal activities in south Florida.

Over the months since then, and particularly since the first of this year, many investigative trips have been made by staff to south Florida. Numerous meetings and interviews have been conducted with Federal, State, and local law enforcement officials, prosecutors, elected officials, and with convicted criminals and victims of crime.

Throughout its inquiry, the subcommittee staff has worked closely with the Department of Justice and the Miami Organized Crime and Racketeering Strike Force as well as the Dade County Department of Public Safety and various other State and local law enforcement authorities.

The work we have done makes it clear that Federal, State, and local law enforcement authorities in south Florida are confronted

with major organized crime activities. We have paid particular attention to the capabilities of the Federal law enforcement effort and how it coordinates with State and local efforts to deal with organized criminal activity as it exists there today.

As you know, Mr. Chairman, we have numerous projects that we have been working on. The Miami Strike Force and the Organized Crime Bureau of the Dade County Department of Public Safety have been of invaluable assistance in making case files and witnesses available to this subcommittee. One such witness, called to our attention by the Miami Strike Force, is Mr. Gary Bowdach, who is presently serving a 15-year Federal sentence as a dangerous special offender for firearms violations and extortionate extensions of credit—"loan-sharking."

Mr. Bowdach is of interest to the subcommittee because of his direct involvement in criminal activities and his role as an operative in south Florida working with and on behalf of certain organized crime figures.

The staff has spent many hours in interviews debriefing Mr. Bowdach. He also testified under oath in an executive session of the subcommittee on July 12, 1978. At that time, testimony was also received from Gary Betz, the Deputy Chief of the Department of Justice, Organized Crime Strike Force in Miami, who first brought Mr. Bowdach to the attention of the subcommittee, and from a special agent of the FBI who worked on cases involving Mr. Bowdach prior to his convictions and imprisonment and who has since worked with him as an informant.

In the opinion of both, Mr. Bowdach has proved credible and accurate as a source of very reliable law enforcement intelligence. Mr. Betz described Mr. Bowdach as "a principal nonmember associate of organized crime figures" and as a person "well connected in organized crime elements."

In the fall of 1977, Gary Bowdach came forward as a cooperating witness. At that time he was incarcerated in the Atlanta Penitentiary and had recently been involved in a murder in that institution. When Bowdach came forward to the attention of the U.S. attorney's office in Atlanta, he was debriefed with respect to the homicide and was immediately made available to the Miami Strike Force, with whom he worked on numerous homicides and other activities.

The initial reason for his coming forward in the fall of 1977 was fear for his own life when he perceived that a fellow inmate, for whom he was working in the Atlanta Penitentiary, intended to kill him.

I think Mr. Bowdach's reasons for coming forward are best expressed in a letter of August 26, 1977, that he wrote to Mr. Betz. I would like to read that letter into the record at this time. Omitted from my reading will be a reference in the letter to a sensitive ongoing investigation now being conducted by Federal authorities.

DEAR MR. BETZ: Had anyone told me in the past that I would be writing a letter of this nature to you, I would have laughed at them.

My whole situation has changed radically. Since earlier this month I have been a Government informant supplying information to the FBI for the northern district of Georgia on various Federal violations including narcotics smuggling and murder.

On August 23, at 4 a.m., I requested and received protection and was placed in protective custody. This was necessary as my position was exposed and a "contract" placed on my life by members of various mafia crime families.

[Sensitive material deleted.]

The reason I'm letting you know this is so that you may be aware of my new status and that since I'm giving up my criminal life for a better, more serene one, I may as well take this opportunity to clean the slate clear across the board in order to start anew.

I'm not aware of how I may be of help to you but if in the event you feel I can clear up some unanswered questions, I'll be glad to help. Needless to say, whatever assistance you can give me would be highly appreciated.

I know this letter comes as a great surprise to you and I hope it's not too much of a shock. There comes a time in every man's life when he must set out his priorities. All my life I've been honorable to the wrong people while at the same time being neglectful to those who really cared. It has taken 35 years of hard knocks to wake up and see everything in its proper perspective. As long as it was finally done, it's never too late.

Hoping to hear from you if the need arises, I'll always be,  
Respectfully yours, Gary Bowdach.

Mr. ADKINSON. Today, Mr. Bowdach will describe going to Florida and receiving "permission" from New York organized crime figures to engage in loan-sharking in Florida. He was provided a bankroll to get started and was given a local Florida mob contact to whom he paid a flat rate from his proceeds. Bowdach returned a percentage of his loan-sharking operation to the New York mob figures.

He will describe taking in a partner in his loan-sharking operation against the wishes of the New York mob figure. He will discuss the death of his partner.

In addition to Mr. Bowdach, we will be hearing from two FBI agents, Mr. David Jellison and Mr. Joseph Gersky, who spent many months in investigations leading to Mr. Bowdach's arrest for loan-sharking in 1971.

Both have worked closely with Mr. Bowdach and know of his associates and activities in south Florida until his arrest. Additionally, they have been working closely with Mr. Bowdach, since he has become a cooperating witness. We will also hear from Mr. Gary Betz of the Miami Strike Force who prosecuted Bowdach and who was successful in having Bowdach designated a "dangerous special offender" because of the violence of his activities.

Mr. Chairman, in the course of these hearings, many names will come up that may not be familiar to us. William Gallinaro who is the staff authority on these matters will be available for identification purposes should you desire.

Senator NUNN. Thank you. Do you want to make the letter an exhibit at this stage?

Mr. ADKINSON. That would be fine.

Senator NUNN. Without objection, the letter that you read in the record will be exhibit No. 1.

[The letter referred to was marked "Exhibit No. 1" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Thank you, Mr. Adkinson.

Senator CHILES, do you have any questions?

Senator CHILES. No.

Senator PERCY. Mr. Adkinson, did you say in your statement that you, personally, and the staff are convinced of the credibility of this witness?

Mr. ADKINSON. Yes; we are personally convinced of it. In a situation like this, staff is always anxious to have the opinions of others who have worked with these witnesses over a longer period of time and in this particular case we have the benefit of such confirmation.

Senator PERCY. Has this subcommittee obligated itself or has the staff made any kind of an offer of assistance to Mr. Bowdach? Are we committed in any way to do anything because of his appearance?

Mr. ADKINSON. In that regard, Senator, Mr. Bowdach who can address himself in great detail Thursday of next week to his situations and encounters as a protected witness had certain matters of personal concern to many that had been matters of discussion between him and local authorities and Federal authorities over the year he has been a protected witness.

We agreed to call these matters to the attention of the Justice Department in the form of transmitting a letter from him to them. Their review of the situation has occasioned certain commitments from them such as putting him in the witness protection program as a full member, protect members of his family as a necessary adjunct of his appearance here today, those kinds of matters.

He has no commitment from this subcommittee other than we will make his cooperation known to any person.

Senator PERCY. Does that include the Justice Department?

Mr. ADKINSON. Yes.

Senator NUNN. At this point I think it ought to be noted for the record, we will get testimony on this from the agents involved this afternoon, but at the time the subcommittee had the executive session with Mr. Bowdach, he had already received certain immunity from the Justice Department.

This subcommittee has made no offer of immunity to the witness. That offer and acceptance had already been made before our testimony in executive session by the Justice Department.

Mr. ADKINSON. That is correct.

Senator NUNN. Our next witness will be Gary Bowdach. Before he appears, there is a matter the members must act on. Mr. Bowdach has made a request that no cameras be directed at his face.

Furthermore, he has requested that no pictures of any kind be taken of his profile. The rules of procedure of the Permanent Subcommittee on Investigations provide that:

A witness may request, on grounds of distraction, harassment or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on by the subcommittee members present at the hearing.

I will state as acting chairman of the subcommittee that I think Mr. Bowdach's request under the circumstances is a reasonable one. He is concerned about his safety. He is concerned about harassment. He is concerned about his future. He is now in the Department of Justice witness protection program.

It is our understanding that he will require continued protection for an indefinite period. The wide dissemination of his picture

would increase the risk he faces as a cooperating witness and would make it more difficult for the Government to protect him.

My own view as to the witness's requests is that it should be approved. I would like for the subcommittee to formally vote on that as the rules require. After we take that vote, I would like to discuss with Senator Percy and Senator Chiles how we should implement that order, assuming the vote is in the affirmative.

We can have the discussion now and then I would ask for a vote.

Senator PERCY. Mr. Chairman, as I understand it, those in the Justice Department responsible for Bowdach's personal safety concur with this procedure and support that request.

Senator NUNN. That is exactly correct.

Senator CHILES. I understand this was one of the conditions of his testimony as well, that he be afforded this protection.

Senator NUNN. He has the right to make a request and we have the right to decide on that. But this was the condition that he set forth earlier in the discussion.

Senator PERCY. I have no objection.

Senator NUNN. I would ask if there is any objection to this. The vote is unanimous that he be accorded his privileges under the rule.

At this stage we will take a 2-minute break to discuss the options we have in implementing the rule. It is not an easy set of circumstances because as you all know, in the audience, you have gone through certain security precautions outside.

One option would be to have everyone leave the room while the witness is seated so his face would not be exposed to the cameras. If we did that, we would have to have all the security precautions taken again. So that option is not very attractive.

Another option is to have everyone in the room turn their back when he comes in. I don't personally find that option very attractive. Another option is to get the cameras all to point in another direction and I think that that certainly is the most reasonable option, but I want to discuss that with the subcommittee members and we will announce a decision in a minute. I certainly ask for the indulgence and the cooperation particularly of the members of the news media who have the cameras and anyone else in the audience who has a camera.

[Discussion off the record.]

Senator NUNN. We are going to ask all cameras to be pointed in the direction the Marshal Service will indicate. Mr. Terry Merrifield has asked that all cameras be turned. He is coming out now and will ask each of you to cooperate with him and we ask that this be done. As soon as the Marshal Service tells us it has been done, including all cameras in the room, I will ask the police officer present to make certain that no one takes any pictures as the witness is approaching.

We will not have any cameras taking any pictures of any kind until he is seated.

Mr. Merrifield, if you will tell me when you feel that the orders have been complied with, we will then bring the witness out.

At this point, the witness will be brought in.

Mr. Bowdach, before you are seated, let me give you the oath, please.



Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOWDACH. I do, sir.

### TESTIMONY OF GARY BOWDACH

Senator NUNN. Have a seat.

At this point, we will resume normal procedures with the cameras.

I want to thank the members of the news media for your cooperation.

I might just say that this rule will be in effect throughout the course of these hearings.

Mr. Bowdach, would you please state your name for the record?

Mr. BOWDACH. Gary Bowdach.

Senator NUNN. I want to advise you of your rights and obligations as a witness before this subcommittee. First, you have the right to consult with an attorney prior to answering any question or questions.

Do you understand that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you have an attorney present with you today?

Mr. BOWDACH. No, sir.

Senator NUNN. If you don't have an attorney, is that because of your own voluntary will? In other words, you understand you have the right to an attorney?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you waive your right to have an attorney present?

Mr. BOWDACH. At this time, yes.

Senator NUNN. In addition to your rights as a witness, you also have an obligation while testifying before this subcommittee to testify truthfully. You have sworn to testify truthfully. You understand that?

Mr. BOWDACH. Yes.

Senator NUNN. If you do testify, you are obligated to provide truthful responses so as not to subject yourself to the laws and penalties regarding perjury. You understand that fully?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you understand all of your rights and obligations as a witness before the subcommittee, Mr. Bowdach?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you give us your date of birth for the record?

Mr. BOWDACH. December 17, 1942.

Senator NUNN. Mr. Bowdach, I will say at the outset, we are not going to be asking you anything about your family, and I would hope all Senators will understand that this is your request.

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, when did you begin cooperating with law enforcement?

Mr. BOWDACH. Fall of 1977.

Senator PERCY. Mr. Chairman, could I ask if people in the hearing room, and they have a right to hear Mr. Bowdach, if you

cannot hear, would you please raise your hand? We will ask Mr. Bowdach to speak more clearly into the microphone.

We will assume that everyone can hear if we do not see any hands.

Senator NUNN. Mr. Bowdach, without going into great detail at this time, we will cover it at a later point, tell us briefly why you decided to begin cooperating with law enforcement?

Mr. BOWDACH. Multiple reasons, sir. One being that my life was threatened, in danger to my life, the second being that the people I have been associated with all these past years, I finally come to realize that they use you and discard you when they are done with you.

Senator NUNN. Are you currently supplying information to Federal law enforcement agencies?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Without going into detail, what is the general nature of the information you are now supplying?

Mr. BOWDACH. Nature involving arson, loan-sharking, murders.

Senator NUNN. Mr. Bowdach, have various law enforcement agencies written letters on your behalf addressed to your cooperation and your credibility?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you have those letters or does the staff have a copy of the letters?

Mr. BOWDACH. Yes.

Mr. ADKINSON. Yes, Senator. We do have these letters.

Senator NUNN. I would like to read very briefly a general description of the letters into the record. They are as follows: a letter of December 21, 1977, from William L. Harper, U.S. attorney in Atlanta, to Robert Cooper, U.S. Parole Board; a letter of December 13, 1977 from Gary Betz, deputy chief, Miami Strike Force, to James Fagan, assistant U.S. attorney, Atlanta; a letter of November 15, 1977 from John E. VanDiver, Drug Enforcement Administration, to Mr. Harper, U.S. attorney, Atlanta; a letter of December 7, 1977, from Edward J. O'Donnell, attorney at law, to James Fagan, Atlanta; a letter of November 10, 1977 from Richard Gerstein, State attorney, Miami, Fla., to Mr. Fagan, assistant U.S. attorney, Atlanta; a letter of November 14, 1977 from Julius Mattson, special agent in charge, FBI, to Mr. Harper, Atlanta; a letter of December 12, 1977 from Richard Gerstein, to Mr. Harper, U.S. attorney, Atlanta; a letter of March 6, 1978, from William Harper, U.S. attorney, Atlanta, to Daniel Pearson, attorney at law, Miami; a letter of March 23, 1978, from Mr. Harper, to the Honorable Clyde Atkins, chief judge, U.S. district court, Miami; one of April 20, 1978 from Janet Reno, State attorney, Miami, to Daniel Pearson, attorney at law, Miami, Fla.; a letter of April 23, 1977, from Mr. Edward McGee, assistant State attorney, Fort Lauderdale, Fla., to Daniel Pearson; one of May 12, 1978, from J. V. Eskenazi, U.S. attorney, Miami, Fla., to the U.S. Parole Commission; a letter of May 24, 1978 from Gary L. Betz, deputy chief, Miami Strike Force, to Mr. Bowdach; and finally, one of July 26, 1978, from William Harper, to the Honorable Clyde Atkins, chief judge, U.S. Southern District Court of Florida.

I would ask unanimous consent these be made part of the record, as a sealed exhibit. Also, without objection, exhibit No. 1 will be a sealed exhibit because of certain information that was omitted from that.

[The documents referred to were marked "Exhibit No. 2" for reference and are retained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Bowdach, as we did in executive session, we will break down the questioning into four or five different areas. We will talk today about some of your background. We will talk today about the loan-sharking operation that you were involved in in South Florida. We will talk about violence in that loan-sharking operation that you personally were aware of.

Tomorrow, we will go into certain arson activities, and on Thursday, we will talk about narcotics activities, and then next week, we will talk about various involvements you had while you were in the Atlanta Penitentiary.

We will try to make a logical progression so that we can present this in a form that is understandable.

Before we begin our questioning, Mr. Bowdach, would you please relate to us your understanding with the Federal authorities as to whether or not you will be prosecuted on any criminal matter with respect to information you have supplied or will supply.

Mr. BOWDACH. I was advised by the strike force in Miami on behalf of the Justice Department that any information that I turned over to any law enforcement authority would not be used against me.

Senator NUNN. Mr. Bowdach, for the moment, we would like to ask you a little bit about your past record, again without getting into all the details. Were you convicted of manslaughter in the second degree in New York in 1961?

Mr. BOWDACH. Yes, sir. I was.

Senator NUNN. Were you convicted of unlawful possession of silencers in January 1971?

Mr. BOWDACH. Yes, sir. I was.

Senator NUNN. In May 1971, were you convicted of extortionate extensions of credit?

Mr. BOWDACH. Yes, sir, I was.

Senator NUNN. What was the sentence given you for that offense?

Mr. BOWDACH. Fifteen years, sir.

Senator NUNN. Were you convicted of a three-count indictment for possession of firearms in 1976?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What was the sentence you got at that time?

Mr. BOWDACH. Five years, sir.

Senator NUNN. Could you summarize at this point the status of the sentences that you are serving now?

Mr. BOWDACH. I have a 15-year sentence and a 5-year sentence which are running concurrent, almost 7 years served, approximately 20 months to finish the total sentence.

Senator NUNN. What is your total sentence?

Mr. BOWDACH. Fifteen years, sir.

Senator NUNN. Mr. Bowdach, what is your understanding about when you will be eligible for any kind of parole consideration?

Mr. BOWDACH. I have been before the parole board on numerous occasions and I go back before them again in February 1979.

Senator NUNN. February 1979?

Mr. BOWDACH. Yes, sir.

Senator NUNN. At this point, I would ask that exhibit 3 setting forth the criminal record of the witness be a sealed exhibit.

[The document referred to was marked "Exhibit No. 3" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Bowdach, our records, and your prior testimony, indicates that in approximately 1965, you went to south Florida and after holding a series of jobs for very brief periods of time, you established yourself in the loan-sharking business for which you were ultimately indicted and convicted.

I understand you have a brief statement regarding your going to Florida and becoming involved in the loan-sharking activities. If you would read that statement at this time, I would appreciate it.

Again, if you would speak slowly and distinctly and into the microphone and just take your time, I think everyone will be able to hear you much better.

Mr. BOWDACH. Fine.

Mr. Chairman, Senators, I was released from my parole in 1965 for the manslaughter conviction in New York. At the time, I was working for Julie W. Sirowitz at 36th Street Auto Collision on 37th Street and Queens Boulevard, Long Island City, N.Y. I was the manager of his body shop and I did some errands for him in the shylocking business in New York.

Julie's body shop was a front for him. He was partners, at the time, in a major loan-sharking operation with Frank Mari, also known as Frankie T, a Mafia member of the Bonnano family in New York.

Senator NUNN. At this time, let me just interrupt you. I will try not to interrupt you again, but I think this is something important. Some people use the word "Mafia" to describe all of organized crime. Obviously, this is a very sensitive point because it has certain ethnic connotations.

During the course of this hearing, we are going to be talking about organized crime in general, and from time to time, we will talk about various ethnic groups, not Italians alone, but we will be talking about Jewish people, Irish people, Latinos, many others involved.

From the point of view of this subcommittee, I think it is very important that we understand exactly what your definition of the word "Mafia" is and whether or not you distinguish that from the term of organized crime.

Mr. BOWDACH. Yes, sir. The Mafia is an organization of men of Sicilian extraction. They are in my opinion the nucleus of organized crime. There are many different ethnic groups in organized crime, organized crime has no ethnic boundaries. There are the Jews, the Irish, the Latins, and the blacks. So when I am talking about the Mafia, I am talking about people of Sicilian extraction, and that is what they term the Mafia.

If I am talking about someone who is not a member of the Mafia, I will so stipulate that he is a nonmember, associate member of organized crime.

Senator NUNN. You would categorize your affiliation as being a nonmember. Is that correct?

Mr. BOWDACH. I could not be a member.

Senator NUNN. Why is that?

Mr. BOWDACH. Because I am not Italian. I am Jewish.

Senator PERCY. Could we put on the record your own nationality at this point?

Mr. BOWDACH. Romanian and Russian. My parents are American. My grandparents emigrated from Europe.

Senator NUNN. I would ask that during the course of these hearings, and we will all try to adhere to this, when you use the word Mafia, be very particular about it, I think we all understand your definition. If you use that term, you are talking about a particular element of organized crime.

Mr. BOWDACH. Yes, sir.

Senator NUNN. Your definition of organized crime is broader. When you use the term "organized crime", it includes different ethnic groups, not just one. Is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. All right. Thank you for letting me interrupt on that point.

Mr. BOWDACH. Frank Mari was handling Carlo DiPietro's interests in the operation with Sirowitz, since DiPietro was incarcerated at the time.

Shortly after my release from parole in 1965, I went to south Florida for personal reasons. I went down there only for a short period of time and ended up relocating there.

I went to work and established myself in an operation of appraising damaged automobiles for various insurance companies which I found to be a very lucrative field and I was able to make quite a living at it.

Being in Florida and being an insurance adjuster, at that time—I don't know if it is active now—but at that time, you could not be one if you were a convicted felon. I got around that by applying for a temporary license, which is good for 90 days, in which time the secretary of the insurance department in Florida gave you 90 days to study for the exam.

I used that license to go around and solicit work from various insurance companies. I got a sufficient amount of work to make a decent living. I never went back in 90 days to take the test because one of the questions on the application was, "Have you ever been convicted of a felony?"

I knew if I answered in the affirmative, I would be denied my license and if I answered in the negative, I would be subject to perjury charges because I had to swear to it. So I never went back.

That lasted about 1 year. I was arrested in Hialeah, Fla., for gambling. The newspapers got ahold of my rap sheet, so to speak, and made it public knowledge that I was a convicted felon.

Subsequently, the business folded because it was clearly well known to everyone that you cannot be a convicted felon and have

an adjuster's license. I was working illegally and the company didn't want to lose their license with the State.

In the interim, I picked up a way of living, to meet my mortgage, car payments, things of that nature through legitimate means because I was earning a legitimate living, and from there proceeded to go into the loan-sharking business because I still had these outstanding obligations and no money was coming in anymore.

I went back to Julie Sirowitz in the late 1960's and explained what I wanted to do. He gave me an initial loan of \$10,000 to get started in the shylock business. He explained to me the structure of the organized crime situation in south Florida and said it was wide open, so long as I had an organized crime "rabbi" to handle any problems I might get into. He told me my rabbi would be Phil Kovclick, an oldtime organized crime associate, and a close friend of Meyer Lansky.

Senator NUNN. May I interrupt again and ask you what do you mean by the term "rabbi"?

Mr. BOWDACH. Somebody that I could go to in case I had a problem. He was a high-echelon figure in the Meyer Lansky crime syndicate down there.

I was required to pay a percentage to Sirowitz on the money I borrowed, and a token weekly payment to Phil Kovclick.

With these arrangements made, I was in the loan-sharking business. I got tens of thousands of dollars from Sirowitz. And as fast as I would get it, I put it out on the street.

I used Sonny Brock Motors, a used car business I created at 1068 Northwest 36th Street, Miami, Fla., as a front for my shylock operation.

I put my money on the street at weekly interest rates of up to 10 percent. I was doing a tremendous business and served as my own "enforcer" until I was arrested in 1970.

That concludes my statement, Mr. Chairman.

Senator NUNN. Thank you, Mr. Bowdach.

How well did you get to know Mr. Sirowitz before going to Florida?

Mr. BOWDACH. We became close personal friends.

Senator NUNN. At this point, we have an exhibit.

Mr. ADKINSON. Yes, Mr. Chairman. The subcommittee has in its possession a copy of a DEA report which describes Mr. Sirowitz' loansharking activities as follows:

According to FBI sources, Julius Sirowitz, also known as Big Julie, is heavily involved in loansharking and used the T. & S. Fish Co. and the Fulton Fish Market as the center of his loansharking operations in New York.

Sirowitz brother-in-law is reportedly one of the biggest loansharks in the Brooklyn area. In the midsixties, Sirowitz became a loansharking partner of Frank Mari and Carlo DiPietro. Carlo was reported in a DEA report to be employed as a sales representative for the T. & S. Fish Co., Inc., as of July 28, 1976, and had a salary of \$2,000 per month since parole from a Federal narcotics conviction.

I suggest you might want to include this as a sealed exhibit.

Mr. GALLINARO. Mr. Chairman, Mr. DiPietro, was identified in hearings held by this subcommittee in 1963 and 1964 as a member of the late Genovese crime family, now known as the Tieri family.

Senator NUNN. This will be sealed exhibit No. 4 without objection.

[The document referred to was marked "Exhibit No. 4" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Bowdach, is Mr. Sirowitz still living?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know where he lives?

Mr. BOWDACH. Cadman Plaza, Brooklyn, N.Y.

Senator NUNN. How did you know Mr. Sirowitz was in the loan-sharking business in New York?

Mr. BOWDACH. At the time, I was manager for the bodyshop, I would on occasion run errands for him, pick up money for his operation.

Senator NUNN. So when you went to Florida, you really got your financing from Mr. Sirowitz for your loan-sharking operation?

Mr. BOWDACH. That is correct.

Senator NUNN. Would you tell us about Mr. Louis Chiccini, when you first met him?

Mr. BOWDACH. Yes, sir. I met Mr. Chiccini in Miami, Fla., I believe it was in 1969.

Senator NUNN. 1969?

Mr. BOWDACH. Yes.

Senator NUNN. How long had you been in the loan-sharking business in Florida at that stage?

Mr. BOWDACH. I had been in the business I believe it was a few months at that time.

Senator NUNN. Did you take Mr. Chiccini as a loan-sharking partner?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What did you know about Mr. Chiccini when you took him in?

Mr. BOWDACH. Mr. Chiccini was working for, at that time, Mr. Eddie Coco, Mr. James Falco at that time.

Senator NUNN. Did you tell Mr. Sirowitz you were taking Mr. Chiccini in as a partner?

Mr. BOWDACH. After I took him in, sir.

Senator NUNN. What was Mr. Sirowitz's attitude toward Mr. Chiccini?

Mr. BOWDACH. His attitude was what did he bring into the business? I said nothing. He said why do you need him. I said well, he is a good man, I like him a lot. Mr. Sirowitz took the position that I made a big mistake, and very carefully reminded me that I would be responsible for his actions and I would be held accountable for anything he did.

Senator NUNN. What happened to Mr. Chiccini?

Mr. BOWDACH. He is dead, sir.

Senator NUNN. He is what?

Mr. BOWDACH. He is dead.

Senator NUNN. When did he die?

Mr. BOWDACH. September 11, 1970.

Senator NUNN. How did he die?

Mr. BOWDACH. He was killed.

Senator NUNN. Who killed him?

Mr. BOWDACH. I did.

Senator NUNN. Mr. Bowdach, could you describe what led up to the killing of Mr. Chiccini and give us in your own words what happened?

Mr. BOWDACH. We had, Mr. Chiccini and myself, and two other individuals, were arrested—arrested on April 24, 1970, by agents of the FBI for violations of the Extortionate Credit Transactions Act.

Mr. Chiccini had a lawyer, separate from my lawyer, and it was believed that he was going to supply information to the authorities in regard to the shylock operation which would have involved Mr. Sirowitz. Chiccini had met Mr. Sirowitz on one occasion, and I felt that if I didn't take the appropriate action at the time that I did, that it got out of hand, instead of Chiccini being dead, I would have been dead.

Senator NUNN. Why did you think Mr. Chiccini was not trustworthy? Why did you believe he was going to inform on you and Mr. Sirowitz?

Mr. BOWDACH. When Chiccini came home to his house one day, unbeknownst to him, I was sitting in the living room. He came into the south part, to the kitchen, where his wife, Kay, was present. He made a statement to his wife, Kay, he said, "Well, I am not going to jail."

Senator NUNN. You were in the living room when he made that statement?

Mr. BOWDACH. Yes; he did not know I was there.

Senator NUNN. Did his wife know you were there?

Mr. BOWDACH. She knew I was there, but she couldn't tell him in time, after he made his statement, you could hear "shhhh."

Senator NUNN. So that you believed Mr. Chiccini was going to protect himself and possibly turn you or Mr. Sirowitz in to the authorities. Is that correct?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Were the authorities investigating your loan-sharking operation at that time?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did you know that?

Mr. BOWDACH. We had already been arrested.

Senator NUNN. You had been arrested?

Mr. BOWDACH. April 24, 1970, we were arrested.

Senator NUNN. You had been arrested?

Mr. BOWDACH. April 24, 1970, we were arrested.

Senator NUNN. You and Mr. Chiccini?

Mr. BOWDACH. Two other individuals, yes.

Senator NUNN. You had different lawyers?

Mr. BOWDACH. Yes.

Senator NUNN. Would you tell us how you went about murdering Mr. Chiccini?

Mr. BOWDACH. Yes, sir. Myself, Mr. John Manarite, Mr. Harry Olivero, and an individual named Donnie from the Springfield, Mass., area, had set up the plan that we would kill Louis Chiccini in the office of Sonny Brock Motors, Miami, Fla.

Senator NUNN. Sonny Brock is where you were operating out of. Is that right?

Mr. BOWDACH. That is right.



Senator NUNN. That was a front for your own loan-sharking operation?

Mr. BOWDACH. Yes, sir. I called Chiccini at home, his wife told me he was at the lawyer's office and that he should be home soon. She gave me the number of the lawyer's office, I proceeded to call the lawyer's office. I got Chiccini on the phone, I told him before he goes home, I had to see him for a few minutes, it was very important.

He came by the office, by the carlot, when he came in, Manarite, Olivero were in the back room, myself and Donnie were out front.

Chiccini did not know who Donnie was. When I introduced Chiccini to Donnie, Chiccini stuck out his hand to shake Donnie's hand, at that time, Donnie had a rolled bar of steel in his left hand, and he hit Chiccini in the temple. Chiccini went down, but he was still conscious. We dragged him into the back room at which time Manarite shot him with a spear gun.

Senator NUNN. A what?

Mr. BOWDACH. A spear gun, which deflected off the rib. He then got up, came out of the room, at which time I shot him with a .38 revolver.

Senator PERCY. The spear gun was intended to be a lethal weapon, and could have killed him if it hadn't just happened to deflect off the rib. Is that right?

Mr. BOWDACH. Yes, sir. The first shot penetrated his arm, he backed up from the impact, he came at me with full force the next time. I shot him one more time, he had a white Banlon shirt on, he went down. I saw the blood on his shirt, right in the heart area. But after that, we put him in the trunk of my automobile, drove him to the home of Henry Scalzo in North Miami, Fla.

We left him in the driveway, in the trunk of the car; it was daylight hours. Manarite and myself proceeded to an area of Northwest 157th Street right off Interstate 95. We dug a hole, and evening hours, we brought Chiccini over to the hole that we had dug during the daylight hours and we proceeded to place him in the hole and cover up the hole.

Senator NUNN. What time of day did the murder take place?

Mr. BOWDACH. It would have been around noontime.

Senator NUNN. Do you remember the day of the week?

Mr. BOWDACH. No.

Senator NUNN. Do you remember the date?

Mr. BOWDACH. Mr. Chairman, I would say—I got to say September 10 or September 11, it would all depend on when my ex-wife died in childbirth, because Chiccini died 1 month and 1 day after her demise.

So she died on August 10, he died on September 11. That was August 9, it would be September 10.

Senator NUNN. Did she die of natural causes?

Mr. BOWDACH. In childbirth, sir.

Senator NUNN. Childbirth?

Mr. BOWDACH. Yes.

Senator NUNN. What year was this again?

Mr. BOWDACH. 1970, sir.

Senator NUNN. Did you worry about people passing by during the murder if it was in broad daylight?

Mr. BOWDACH. Northwest 36th Street in Miami is a very heavy thoroughfare, lot of trucks going up and down the street. We were in the back office. I didn't feel that it would be heard. The plan was not to use a pistol if at all possible, but we had committed ourselves already at that time and we had to proceed and go through with it.

Senator NUNN. So the plan was to use a spear gun which would not make any noise?

Mr. BOWDACH. Yes.

Senator NUNN. You ended up having to use the pistol?

Mr. BOWDACH. Yes.

Senator NUNN. Did you have a silencer on the pistol?

Mr. BOWDACH. No, sir.

Senator NUNN. Where was the automobile parked and how did you get the body into the automobile without being seen?

Mr. BOWDACH. We backed the automobile up to the door of the office, which is approximately a foot, foot and a half. We had him wrapped up in, I believe, some sort of a blanket and just opened the door, threw him in the trunk.

Senator NUNN. You went out and dug the grave in broad daylight?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was that near an intersection or an interchange on 95? Where did you say it was located?

Mr. BOWDACH. Northwest 157th Street, right off Interstate 95.

Senator NUNN. Were there a lot of cars passing by?

Mr. BOWDACH. Not on the street we were on. It is a quiet residential area, but the area where we were digging was in heavy underbrush. We could not be seen.

Senator NUNN. You could not be seen?

Mr. BOWDACH. No.

Senator NUNN. Was that anybody's property that you knew?

Mr. BOWDACH. It was somebody's property, but I didn't know whose it was.

Senator NUNN. It was not your property or any of your associates?

Mr. BOWDACH. No.

Senator NUNN. How did you pick out that location?

Mr. BOWDACH. Good spot, secluded, good cover to work under. We couldn't be seen.

Senator NUNN. Did you worry about the body being discovered at some later point?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you do anything to prevent the body from being discovered?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you do anything to decompose the body or anything of that nature?

Mr. BOWDACH. Yes.

Senator NUNN. What was that?

Mr. BOWDACH. We used a 100-pound bag of quicklime.

Senator NUNN. Quicklime?

Mr. BOWDACH. Yes.

Senator NUNN. What does that do?

Mr. BOWDACH. Decomposes the skin and organs.

Senator NUNN. Mr. Bowdach, have you ever been charged for this murder?

Mr. BOWDACH. No, sir.

Senator NUNN. Why not?

Mr. BOWDACH. The authorities never knew about it until I came forward.

Senator NUNN. This is part of the testimony you have told the authorities?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You have immunity as far as this is concerned?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Are any of the people who participated in the murder with you still living?

Mr. BOWDACH. I believe so, sir.

Senator NUNN. Who?

Mr. BOWDACH. Not hearing otherwise, Harry Olivero, Henry Scalzo, an individual named Donnie.

Senator NUNN. Could you spell those names for us?

Mr. BOWDACH. Scalzo, S-c-a-l-z-o.

Senator NUNN. How about the others?

Mr. BOWDACH. Harry Olivero, O-l-i-v-e-r-o.

Senator NUNN. Did you name one more?

Mr. BOWDACH. Donnie. I don't know his last name. He is a cousin to John Manarite.

Senator NUNN. Have any of them been prosecuted or charged for this murder?

Mr. BOWDACH. No.

Senator NUNN. Is John Manarite still living?

Mr. BOWDACH. No, sir.

Senator NUNN. Do you have any understanding of why the others have not been charged with the murder?

Mr. BOWDACH. I do not know, sir.

Senator NUNN. Has the body ever been found?

Mr. BOWDACH. No, sir.

Senator NUNN. You know where it is now?

Mr. BOWDACH. No, sir.

Senator NUNN. You described where it is. The body is no longer there; what is the situation?

Mr. BOWDACH. The body, the best I can assume, the body was moved subsequent to my going away by Mr. Manarite as a means of insurance.

Senator NUNN. When you were arrested and put in prison, you think the body was moved?

Mr. BOWDACH. Yes.

Senator NUNN. By Manarite?

Mr. BOWDACH. Yes.

Senator NUNN. Why would he have the body moved after you were put in prison?

Mr. BOWDACH. Mr. Manarite is a well schooled individual in the life of crime. He knows the ramifications. If I come forward with this information, would have come forward earlier while he was still alive, he knows he would have been prosecuted. So I believe he bought an insurance policy by moving the body.

Senator NUNN. Right now, no one that you know of, knows where the body is?

Mr. BOWDACH. No, sir.

Senator NUNN. You don't know where the body is?

Mr. BOWDACH. No.

Senator NUNN. Mr. Manarite is dead.

Mr. BOWDACH. Mr. Olivero is still around, Mr. Scalzo is still around.

Senator NUNN. Do you know that John Manarite moved the body, or is that something you suspect?

Mr. BOWDACH. Bodies don't disappear, Mr. Chairman. They have got to be moved.

Senator NUNN. Was John Manarite the only one other than yourself who knew where the body was?

Mr. BOWDACH. Olivero knew where it was; Scalzo knew where it was, but it would have been Manarite that would have done the moving.

Senator NUNN. Why do you say it would have been Manarite?

Mr. BOWDACH. They are not that sharp. They wouldn't have known to do that.

Senator NUNN. Mr. Bowdach, have you been examined on this entire episode by the authorities in terms of a polygraph examination?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When was that given?

Mr. BOWDACH. I believe it was around October; September-October 1977.

Senator NUNN. October 1977 you took a lie detector test on this?

Mr. BOWDACH. I believe it was then.

Senator NUNN. What were the results of that test?

Mr. BOWDACH. I was advised there was no deception indicated.

Senator NUNN. No deception indicated. Would the staff have a copy of that?

Mr. ADKINSON. Yes, sir; we do.

Senator NUNN. Would you give the title so we can give it an appropriate designation as an exhibit?

Mr. ADKINSON. Report of polygraph examinations of Gary Bowdach, regarding Homicide Investigations, Slattery Associates, Inc., examined on September 29, 1977, by George B. Slattery.

Mr. Chairman, we will receive this as a sealed exhibit.

Senator NUNN. Sealed exhibit No. 5.

[The document referred to was marked "Exhibit No. 5" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Do you know of any other murders that Mr. Manarite participated in?

Senator PERCY. Could I ask a question before we leave that particular incident? Would the evidence of lye having been used have to be removed at the same time? Was there any evidence of lye found when they went back to the site?

Mr. BOWDACH. Mr. Chairman, I don't know what they found. I know they didn't find the body. I don't know if they found any indication that there was ever a body there or what; not privy to their findings, they haven't made them known to me.

Lye, in my opinion, would, over that period of time, with all the water located there, would have been washed away or filtered into the ground over the amount of years.

Senator PERCY. Finally, what did you believe that Mr. Sirowitz would have done to you, had your partner testified against the two of you?

Mr. BOWDACH. He would have killed me.

Senator PERCY. He would have killed you?

Mr. BOWDACH. Yes.

Senator PERCY. Did you report your action to Mr. Sirowitz? What you had done?

Mr. BOWDACH. Yes.

Senator PERCY. You did?

Mr. BOWDACH. Yes.

Senator PERCY. What was his reaction?

Mr. BOWDACH. Smile, nod; my remark to him was something to the effect that we don't have to worry about Chiccini anymore.

Senator PERCY. In other words, it is done in the normal course of business?

Mr. BOWDACH. Yes.

Senator NUNN. Mr. Bowdach, did you and John Manarite make plans on any occasion to murder another individual?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who was he?

Mr. BOWDACH. Mr. Louis Nakaladski, also known as Louis Nash.

Senator NUNN. Louis Nash?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who was Louis Nash?

Mr. BOWDACH. Louis Nash was a shylock working for Mr. Eddie Coco and Mr. James Falco.

Senator NUNN. Why did you and John Manarite decide to kill Louis Nash?

Mr. BOWDACH. Mr. Manarite showed me a document that was entitled "Secret Confidential Information, Federal Bureau of Investigation", had the name Louis Nash on it, it had a CIA number next to it which indicated to me the man was a confidential informant.

Senator NUNN. He had a document from the Federal Bureau of Investigation?

Mr. BOWDACH. Yes.

Senator NUNN. That had CI at the top?

Mr. BOWDACH. It had CI following Louis Nash's name.

Senator NUNN. CI to you meant confidential informant?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Where did Mr. Manarite get that copy?

Mr. BOWDACH. I don't know.

Senator NUNN. He never told you that?

Mr. BOWDACH. No.

Senator NUNN. Go ahead. What did you decide to do?

Mr. BOWDACH. We looked at the document, this took place in Capra's Restaurant, 6400 Biscayne Boulevard, Miami, Fla. We had started to formulate plans to kill Nash. The first time we tried, I was a patient in the Palm Springs General Hospital in Hialeah, Fla. Louis Nash had contacted me, or I had contacted him, I am

not sure which one it was now, sir. He had a Treasury note, stolen Treasury note, that he was trying to dispose of. I told him to bring it over to the hospital, I will take a look at it and I will let him know.

Senator NUNN. You were in the hospital at that stage?

Mr. BOWDACH. Palm Springs General Hospital, Hialeah.

Senator NUNN. For what?

Mr. BOWDACH. Hepatitis. As soon as I hung up on Mr. Nash, I contacted Mr. Manarite, told him what was going on, and we set up the plan.

Senator NUNN. Had Mr. Manarite come to you in the hospital and showed you that memo from the FBI with Louis Nash's name on it?

Mr. BOWDACH. No. I seen the memo at Capra's Restaurant.

Senator NUNN. Before you went to the hospital?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Go ahead.

Mr. BOWDACH. The plan was that when Louis Nash came to the hospital, he would come up to see me, that Manarite and Olivero would be in a car in the parking lot area. When he came up to see me, they would let out the air to one of his tires, which would cause him to have to change a tire and get down between two vehicles in the dark, at which time they would have walked up to him and killed him.

When Louis Nash left my hospital room, I went out the side entrance. I had a .38 revolver with me. I got Manarite, Olivero, we got in the car and went around to where Louis Nash's car was parked.

Senator NUNN. You got out of your bed, left the hospital with a .38?

Mr. BOWDACH. Yes.

Senator NUNN. Did you put on your clothes?

Mr. BOWDACH. I had my pants and shirt under my hospital gown, had my pants legs rolled up so if anybody looked at me, they would have observed my hospital gown, and would not have seen the street clothes on. I went down the back entrance, I did a Watergate job on the door, with the tape, I went out the side door and got in the car with Olivero and Manarite. We went around to where Nash was parked to kill him. He was standing there with a small, what appeared to be a .25 automatic in his hand, and he had some young fellow changing the tire on his car. I later found out why he didn't change his own tire, but we didn't know at that time. We couldn't figure out why he didn't change his tire.

Senator NUNN. He had somebody else changing the tire. Was he armed?

Mr. BOWDACH. Yes. He had what appeared to be a small .25 automatic in his hand.

Senator NUNN. He had it in his hand?

Mr. BOWDACH. Yes.

Senator NUNN. So you knew at that stage he suspected something?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you find out later how he was alerted?

Mr. BOWDACH. Yes.

Senator NUNN. How?

Mr. BOWDACH. When I was in the U.S. penitentiary in Atlanta, Louis Nash was also an inmate there, and he had no idea I had anything to do with that incident in Palm Springs General Hospital and he related the story to me that when he came down, some young fellow had come up to him and told him, "Mister, two guys were here and let the air out of your tire." So he gave the kid \$20 to change his tire.

Senator NUNN. So Louis Nash was still in the Atlanta Penitentiary when he told you about that?

Mr. BOWDACH. Yes.

Senator NUNN. He told you somebody, he thought, was trying to kill him?

Mr. BOWDACH. Yes.

Senator NUNN. He did not know it was you?

Mr. BOWDACH. No.

Senator NUNN. Did you make any other attempt to kill Louis Nash?

Mr. BOWDACH. Yes.

Senator NUNN. When was that?

Mr. BOWDACH. It was around November 19, November 20, 1970, Mr. Louis Nash was trying to lure me out of town to go to California to commit a robbery with him. I got very skeptical about that. I was on very tight restrictive bond. I knew if I got caught out of the Southern District of Florida area, my bond would have been revoked, I would have been remanded to the custody of the Attorney General. So he was very persistent about it, and I had set up a meeting with him to discuss this so-called robbery out in California. He was waiting, he was to meet me at Sonny Brock Motors, and when I came out of my house to go down there, I had a bag which contained two pistols and a silencer. I was dressed in my work clothes, had my gloves in my back pocket, had the shovel in the trunk of my car, was to meet Manarite down there. I got about 50 feet from my house, unbeknownst to me, an indictment had been handed down on the loan-sharking case and I was arrested at that time by the FBI.

Senator NUNN. What weapons did you have in your possession at that time?

Mr. BOWDACH. I had a .32 Baretta, I had a .9mm Llama.

Senator NUNN. What is a Llama?

Mr. BOWDACH. A Llama is the make of weapon.

Senator NUNN. Pistol?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You had two pistols?

Mr. BOWDACH. Yes.

Senator NUNN. You were going to meet Louis Nash for the purpose of killing him when you were arrested?

Mr. BOWDACH. Yes.

Senator NUNN. Is Louis Nash still living?

Mr. BOWDACH. Yes.

Senator NUNN. Did he ever know you were trying to kill him?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you use any kind of weapons like sawed-off shotgun or machine gun?

Mr. BOWDACH. I owned them.

Senator NUNN. Did you ever use them in any murder?

Mr. BOWDACH. I never had them long enough.

Senator NUNN. I will ask staff to hand me the weapon. I ask—does this look like the weapon?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I will ask staff to hand that to Mr. Bowdach for identification.

If you will describe that weapon, Mr. Bowdach.

Mr. BOWDACH. Yes, sir. This is a single-shot, sawed-off shotgun, breakdown. This is the way I received it when I got it, and a very good weapon.

Senator NUNN. Why do you have it sawed off like that? What is the purpose of having the shotgun that short?

Mr. BOWDACH. I could put this in my belt and conceal it, just like a pistol.

Senator NUNN. So you carry it as a concealed weapon?

Mr. BOWDACH. Yes, sir.

Senator NUNN. And you have carried that weapon before?

Mr. BOWDACH. Yes.

Senator NUNN. Is that your weapon?

Mr. BOWDACH. Yes, sir.

Senator PERCY. If we legislate against handguns, would it leave that unaffected?

Mr. BOWDACH. Senator, anything below 18 inches in the barrel would then come under the ATF laws, and I think it carries more time than a pistol.

Senator NUNN. It carries more penalty than a pistol?

Mr. BOWDACH. Yes, sir.

Senator NUNN. So it is already a violation of the law to carry one?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Adkinson, would you hand the witness that weapon? Would you identify that for us, Mr. Bowdach?

Mr. BOWDACH. Yes, sir; .45-caliber machinegun.

Senator NUNN. Would you call that a sawed-off machinegun?

Mr. BOWDACH. This is standard, sir. This is the way it comes. I don't believe they make those anymore.

Senator NUNN. They don't make those anymore?

Mr. BOWDACH. No, sir. I never got a chance to fire this weapon.

Senator NUNN. You never have fired that?

Mr. BOWDACH. No.

Senator NUNN. Is that your weapon?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Can you identify it for the record?

Mr. BOWDACH. Yes.

Senator NUNN. Where did you get the weapon?

Mr. BOWDACH. I purchased this weapon from an individual named Robert Earl Warner.

Senator NUNN. Is he still in business?

Mr. BOWDACH. In business? He is still breathing.

Senator NUNN. He is still breathing. Is he still selling these kinds of weapons?

Mr. BOWDACH. I think he got out of that business.



Senator NUNN. You are not certain what he is doing now?

Mr. BOWDACH. The last I heard he was in South America.

Senator NUNN. At this stage, I think I have taken a good bit of the time.

Senator CHILES. I think we had better break for the vote.

Senator PERCY. I have just one question concerning the .45-caliber machinegun. As a gunnery officer, I trained with .50-caliber machineguns that would mount on aircraft that were capable of shooting other aircraft down. Does that give us some indication as to the power of that weapon?

Mr. BOWDACH. The .50-caliber that you are speaking about is a little bit different than the .45. The .45 is a very, very lethal weapon, has a terrific impact. The chances of survival from a bullet wound from a .45 is almost nil.

You are talking about the military .50's; these are commercial .45's.

Senator PERCY. How inaccurate could you be and still have a lethal wound? You don't have to penetrate the heart to kill a person with that weapon?

Mr. BOWDACH. No, sir. I think the shot would get you.

Senator PERCY. Thank you.

Senator NUNN. Mr. Bowdach, before we leave to vote, you said you got these weapons from Mr. Robert Warner?

Mr. BOWDACH. I got the machinegun from Robert Warner.

Senator NUNN. W-a-r-r-e-n?

Mr. BOWDACH. W-a-r-n-e-r.

Senator NUNN. Mr. Robert Warner?

Mr. BOWDACH. Yes.

Senator NUNN. You say he is still breathing. You mean he is still alive?

Mr. BOWDACH. Unfortunately.

Senator NUNN. Did you try to kill Mr. Warner?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why?

Mr. BOWDACH. I purchased the machinegun from him and took it over to Sonny Brock Motors and I placed it under a safe which I had, sort of a false bottom to it. I think it was a day or 2 days later, right after I purchased the machinegun, Federal agents of the Federal Bureau of Investigation came into my office with a search warrant and it appeared to me they went directly to that area.

I don't know if this is what they did, but this is what it appeared to me and I felt that Mr. Warner was working in concert with the FBI against me. So I tried to kill him.

Senator NUNN. Where did the attempt take place?

Mr. BOWDACH. The attempt took place, it was Northwest 38th Street, and approximately 32d Avenue.

Senator NUNN. In Miami?

Mr. BOWDACH. In Miami in the evening time. It was in front of a business called Master Host Caterers.

Senator NUNN. How did you set that up?

Mr. BOWDACH. Manarite, Olivero, myself, and an individual named Frank Vidiello—

Senator NUNN. How do you spell that?

Mr. BOWDACH. V-i-d-i-e-l-l-o. Vidiello brought Warner to the Master Host Caterers, under the ruse that they were going to check it out for a possible B. & E. He placed the car underneath the street lamp in the evening hours, approximately 9 o'clock at night. I was laying in the bushes.

I had a P-38 with a silencer on it. I had a five-shot Colt .38-caliber in my back pocket, a revolver as a backup weapon. Vidiello got out of the car to check the back of the building. He left Warner sitting in the car. I came out of the bushes, I got up to the window of the car, I tapped on the window with the gun, the silencer. He looked at me and I shot him in the head.

Senator NUNN. You shot through the window?

Mr. BOWDACH. Yes.

Senator NUNN. Was it open or closed?

Mr. BOWDACH. Closed. The bullet apparently deflected off his skull and blew out the windshield. He had gone to the floorboard of the car, and through the car on the driver's side, opposite the side where I shot him, at which time I went around the car. He was laying on the floor. I went to shoot him again.

Senator NUNN. Was he lying on the floor of the car or outside?

Mr. BOWDACH. Outside the car this time.

Senator NUNN. He was on the ground?

Mr. BOWDACH. I let him get out of the car. I went to fire again; it wouldn't go off. I looked; I saw my P-38 was jammed.

Senator NUNN. That was the gun with the silencer?

Mr. BOWDACH. Yes, sir. I put that gun in my belt, went into my back pocket, took out the five-shot, put the other five into his head, too.

Senator NUNN. You shot him five more times in the head?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What happened to him then?

Mr. BOWDACH. He got up and he ran away.

Senator NUNN. You shot him six times in the head; he got up and ran away?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Were you ever prosecuted for this, Mr. Bowdach?

Mr. BOWDACH. I was arrested the following day. I was charged with assault with intent to commit first-degree murder. Mr. Warner recovered from his wounds, slightly thinner in face, got out of the hospital. Manarite gave him \$2,000 to get out of town.

Senator NUNN. Manarite gave him \$2,000 to leave town?

Mr. BOWDACH. Yes, sir. He left town, supposed to go to California. He ended up going to Pass Christian, Miss.

When the case came up before Judge Sepe, the prosecution couldn't locate their witness. He put it off for a week, came up again, he couldn't locate their witness. I was released and the material witness warrant was issued for Robert Earl Warner. He was apprehended in Pass Christian, Miss., brought back to Dade County, Fla. I was rearrested again. I posted a \$5,000 bond in my case.

Mr. Warner was held under \$20,000 bond. I tried to bond him out, but he didn't want to come out.

Senator PERCY. Why did you try to murder him yourself rather than paying someone else to do it?

Mr. BOWDACH. I know the job would have got done better if I did it, sir.

Senator PERCY. You had confidence in your own ability?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, did Mr. Warner ever testify against you?

Mr. BOWDACH. No, sir.

Senator NUNN. Did he refuse to testify?

Mr. BOWDACH. Yes, sir.

Senator NUNN. The hearings will recess for approximately 10 minutes while we go and vote. The marshals will take the necessary precautions and I ask that all cameras be turned off at this time.

[Members present at time of recess: Senators Nunn, Chiles, and Percy.]

[Brief recess.]

[Members of the subcommittee present at the time of reconvening: Senators Nunn, Chiles, and Percy.]

Senator NUNN. The subcommittee will come to order.

I will defer to Senator Percy for any questions he may have in this overall area and then we will have Senator Chiles questioning.

Senator PERCY. Mr. Bowdach, we have seen some of the most sophisticated weapons that you have used. At what age and what type of weapon was the first weapon you ever acquired and what was the cost of it?

Mr. BOWDACH. The first weapon I had was a .32-caliber revolver, a breakdown type, kind of old. I acquired that in Junction City, Kans., right outside of Fort Riley, Kans., and that was my first weapon.

Senator PERCY. What age were you then?

Mr. BOWDACH. I believe I was 18.

Senator PERCY. About 18. How would that compare in cost with this weapon for instance? What was the most expensive weapon you carried, the .45 caliber?

Mr. BOWDACH. No, sir. I had a 300 Winchester magnum with a variable scope on it which cost about \$500.

Senator PERCY. The first weapon cost how much?

Mr. BOWDACH. I think it was about 50 bucks.

Senator PERCY. Could you describe for the subcommittee the age at which you committed your first offense, and the nature of that crime?

Mr. BOWDACH. I believe I was about 13 years old; automobile theft.

Senator PERCY. Automobile theft?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Could you describe also the circumstances under which you allegedly committed suicide, and why and how you did that, and at what age?

Mr. BOWDACH. My middle teens, I was in a reform school and in Hawthorne, N.Y. I was the recipient of information that if you were sent from the reform school to a hospital for mental observation and you were declared to be competent, the court could no longer send you back to be incarcerated, that you would have to be released.

With that information, I saw my chance for being released, hoping, of course, they didn't find me incompetent. And I faked a suicide; me and another fellow tied a rope around my neck behind one of the cottages, got up on the barrel, and my lookout man, I told him when I kick the barrel over, come and grab me and yell for help. I kicked the barrel over; he walked away. Luckily, my hands were not tied behind my back.

Senator PERCY. What happened so that you are still here?

Mr. BOWDACH. My hands would have been tied behind my back, I wouldn't be here. I grabbed the rope and I got out of it myself and they sent me down to Bellevue Hospital in New York where I remained 6 weeks under observation, determined I was mentally competent, that I had an emotional problem of some sort, and that I should be referred to outpatient services for my emotional problem. And I was released, which was my objective.

Senator PERCY. Since your life in crime began around age 13, you have been engaged in it rather steadily for 22 years. You indicate now that you want a new way of life. Are you convinced that you can after that period of time in crime find a legitimate business to go into, be satisfied to stay in that business, and be satisfied to be a respectable law-abiding citizen in the future?

Mr. BOWDACH. I have no doubt about it, sir.

Senator PERCY. Mr. Bowdach, the subcommittee has been told that south Florida is considered open territory to the crime families of New York, Chicago, and other cities.

Could you describe what is meant by an open territory? Would you say that organized crime in south Florida is essentially orchestrated from New York, Chicago, and other cities, or does it have its own headquarters base and its own management right there?

Mr. BOWDACH. South Florida is wide-open territory for organized crime figures from all major cities in the country. It is a very lucrative city there—a lot of money to be made there. There is no such thing as territories. Everybody can operate there.

As long as there is going to be corruption, as long as there is going to be permissiveness, organized crime will continue to flourish.

Senator PERCY. What degree of management comes from Chicago, New York, and other cities?

Mr. BOWDACH. Pardon?

Senator PERCY. What degree of management or direction of south Florida criminal activity comes from outside the State itself, in the way of furnishing manpower, in the way of directing activities?

Do you get a good deal of direction from New York, Chicago, and other cities?

Mr. BOWDACH. Yes, sir. Absolutely.

Senator PERCY. I wonder what you could tell us about Chicago. What criminal activity in south Florida by Chicago organized crime figures are you aware of?

Mr. BOWDACH. The people that come down from Chicago frequent a few places that I am aware of. One is the Thunderbird Motel, in North Miami, Fla. The other place is Joe Sonken's Gold Coast Restaurant in Hollywood; individuals such as Mr. Tony Ricci, also known as Tony Goebels.

Senator PERCY. Tony Ricci is a member of the organized crime in Chicago?

Mr. BOWDACH. Tony Ricci is out of New York, sir, but all of his affiliates are with the Chicago syndicate.

Senator PERCY. His affiliations are with the Chicago syndicate?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What specific activities is the Chicago crowd involved in?

Mr. BOWDACH. The Chicago people are very heavily involved in gambling, stolen merchandise, major thefts, narcotics.

Senator PERCY. From your experience, would you say that if legalized gambling, or off-track betting is allowed in a State, that is a nurturing ground for crime? Do crime syndicate figures generally move into those areas where it is legalized, and engage in what might be then illegal activities? Would areas with legalized gambling be a spawning ground for such sort of people?

Mr. BOWDACH. Absolutely, sir.

Senator PERCY. So you believe that legalized betting and legalized gambling encourages crime.

Mr. BOWDACH. Yes, sir.

Senator PERCY. Are there specific meeting places that you can tell us about where organized crime figures from Chicago meet down there? You mentioned one hotel. Can you tell us why they meet there? And are there other places that they frequent?

Mr. BOWDACH. Yes. There are places like the Thunderbird Motel that has been used for years and years for people that come in from the Chicago area, the Midwest. I don't know particularly who the owners are, but you got to realize that these people have numerous investments in different businesses where they are silent partners.

Mr. Ricci is very closely associated with the Thunderbird Motel; Mr. Tony Plate is very closely associated with the Diplomat Hotel. Joe Sonken is out of Chicago.

Senator PERCY. Would you spell his name?

Mr. BOWDACH. S-o-n-k-e-n. That is a big meeting place, a big restaurant where you can always find the Chicago crowd there when you are in town.

The racetrack is a known hangout for Chicago gamblers, operations of that sort.

Senator PERCY. Are these businesses generally run strictly as legal businesses? Are you saying they are fronts for members of the crime syndicate to have legitimate sources of income?

Mr. BOWDACH. They are used like I used Sonny Brock Motors to launder money, so I can put it to the top and don't have to worry about where I got my income from.

Senator PERCY. Do you find that with their background that it is hard for them to adhere to all of the rules and regulations of legitimate business? For instance, do they get into areas of illegal operations with respect to labor racketeering, or in attracting business?

Do they use the same techniques of muscle and persuasion that you are familiar with in organized crime?

Mr. BOWDACH. Yes, sir.

Senator PERCY. I would like to just get a feel from you on organized crime in general. You have previously told staff that due to the number of major organized crime figures that have been killed in jail, the syndicate, which has been closed to new members, is once again opening its membership.

They have had attrition through crackdown. What does this mean for the future that they have now opened their ranks for new members?

Mr. BOWDACH. The books were opened a couple of years ago for new membership because a lot of the major figures were going to the penitentiary as a result of convictions, a lot of the members were being killed off and they had to replenish their army.

So they once again reopened the books for new membership to replenish what they lost through incarceration or death.

Senator PERCY. What techniques do they use?

Obviously, they don't just replenish the army like we do the Volunteer Army, by taking advertising council ads, on radio, television, or newspapers. What methods do they use to replenish their depleting ranks?

Mr. BOWDACH. Senator, are you talking about organized crime or are you talking about the Mafia now?

Senator PERCY. I'll let you describe both areas. You have already given your definition. How are they brought into, as you say, the Mafia? How are they brought into organized crime?

Mr. BOWDACH. When the books were opened for membership in the Mafia, a man had to have a sponsor who was already a made man in the Mafia. He sponsored this individual.

Senator CHILES. What is a made man?

Mr. BOWDACH. A made man is someone who is already a member that has gone through the initiation rite once before, that has standing in a particular crime family.

Senator PERCY. Could you then describe that initiation rite for us?

Mr. BOWDACH. Yes, sir. The determination is made, the sponsoring of the man, goes to the head of a family, lets that man know that he would like to bring this man in.

The person that brings the man in is responsible for this man all the way through his life.

Senator PERCY. When you say man, is it always a male?

Mr. BOWDACH. It is always a male. There is no such thing as a female Mafia.

Senator PERCY. No ERA in the Mafia?

Mr. BOWDACH. No, sir. Once a determination is made that the man will be permitted to enter into that society, they have the rite which is performed, where the man is sworn to silence. He is sworn to silence by the knife and the gun and he is made clearly aware that if he breaks the silence, he will die by the knife or the gun.

Senator PERCY. What do organized crime figures look for in a potential candidate? What criteria do they have? What sort of biography and background does a person have to demonstrate?

Mr. BOWDACH. The prerequisite to being made in a certain—any—Mafia family is the commission of murder. Without question, this is one of the first things they look for, is total and absolute

obedience and discipline. At that time, he is brought in with a sponsor.

Senator PERCY. In other words, they have to be convinced that if given an order to murder someone——

Mr. BOWDACH. No questions asked.

Senator PERCY. That it will be disciplined and it will be carried out in unquestioned, absolute authority, no "Why this man, why that person, what is the motive?" That is it?

Mr. BOWDACH. They have to kill a family member.

Senator PERCY. Once you are brought into the syndicate, is there any way for anyone to—for an individual to voluntarily withdraw, to just get tired of it and submit his resignation?

Mr. BOWDACH. You resign from life.

Senator PERCY. Pardon?

Mr. BOWDACH. What you do, you resign from life. There is no such thing as quitting.

Senator PERCY. There is no such thing as quitting?

Mr. BOWDACH. Absolutely not.

Senator PERCY. There is just no way to reform, transform, say you are sorry, you have other things to do?

Mr. BOWDACH. You are in forever.

Senator PERCY. Can't you retire at a normal retirement age?

Mr. BOWDACH. No, sir.

Senator PERCY. By which you become a senior citizen and respected elder and not expected to engage in full-time activities? How would you describe your own position in organized crime? In other words, where did you fit into this picture?

Mr. BOWDACH. I was a nonmember associate with the Vito Genovese crime family.

Senator PERCY. You were a nonmember. Why is that?

Mr. BOWDACH. I could not be a member because I am not Italian.

Senator PERCY. What do you call yourself if you are not a member?

Mr. BOWDACH. Associate.

Senator PERCY. You are an associate?

Mr. BOWDACH. Yes, sir.

Senator PERCY. How does movement within organized crime hierarchy work? Through what routes do you go? What do you start as, what is the ultimate that you can get to if your achievement is noteworthy and given recognition?

Mr. BOWDACH. You have a boss, an underboss, a counselor, captain, lieutenant, and a soldier. One is usually insulated from the other in order to protect the man higher up. The boss will speak to the captain. He tells his underboss what he wants, in turn he tells the captain. The captain goes bad, the underboss falls. The boss always stays there.

Senator PERCY. I would like to get to the source of money of the syndicate. Organized crime, we know, has at its disposal vast sums of money. Is loan-sharking the principal source of this money?

Mr. BOWDACH. It is a tossup, Mr. Senator, between loansharking and narcotics. Narcotics, as of late, has become a very lucrative field.

Senator PERCY. But you would say that loan-sharking equates at least, then, with other fields such as narcotics, as a source of big money?

Mr. BOWDACH. Yes, sir.

Senator PERCY. How much money were you actually making as a loan shark?

Mr. BOWDACH. I had approximately at any given time between \$100,000 and \$140,000 on the street averaging about 7 percent per week.

Senator PERCY. Your interest rate was averaging 7 percent a week?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What were the highs and the lows and why? What was the high figure?

Mr. BOWDACH. Ten percent per week.

Senator PERCY. Ten percent a week?

Mr. BOWDACH. Yes.

Senator PERCY. What was the low percent?

Mr. BOWDACH. Three percent a week.

Senator PERCY. Three percent was low. What caused you to ask for the high figure, 10 percent for some and the low figure, 3 percent for others? Is that the prime rate, 3 percent?

Mr. BOWDACH. The more of a risk that I determined the borrower could be, the higher the interest rate would be. So, in effect, I would cover my money, my initial principal, much more quickly than at that time. If I had loaned \$1,000 at 10 percent a week, I would have my principal back in 10 weeks. If after that time I had a problem with the individual, I didn't suffer a loss.

Senator PERCY. How did your loansharking operation compare with other operations in Florida in the amount that you made per year, per month, per week?

Mr. BOWDACH. I wish it was bigger.

Senator PERCY. In other words, you were not the biggest operator, but you would be looked upon as a fairly successful businessman in that activity?

Mr. BOWDACH. Mr. Senator, every loan shark has a loan shark all the way to the top. The money comes down through the channels, top guy loan shark, the guy beneath him, he in turn turns it over to the buy beneath him and it filters on down to the street level.

Senator PERCY. In other words, you have always got a route, something to aspire to, the guy above you is obviously making more money than you are and he is making it off you?

Mr. BOWDACH. No. He would be making less money than I am for the reason that I am taking more of a risk. He knows of my ability.

Senator PERCY. Doesn't he have more people like you working for him?

Mr. BOWDACH. I know of loans of \$1 million for 1 percent per week.

Senator PERCY. I wonder if you could describe the style in which you lived, what kind of car did you drive, what kind of home did you live in? Did you live in very high style?



Mr. BOWDACH. I would drive a brandnew Cadillac, wear \$500 suits, party every night, go on numerous vacations; never paid no taxes.

Senator PERCY. You never paid any income taxes?

Mr. BOWDACH. No, sir.

Senator PERCY. Didn't you file just sort of a pro forma return on some sort of income so at least you would have—

Mr. BOWDACH. I would file a return and work it out where the Government and I would leave it.

Senator PERCY. Did you have a social security number?

Mr. BOWDACH. Yes.

Senator PERCY. Did you pay social security?

Mr. BOWDACH. I don't recall, sir. I don't believe I did. If I did, it was bare minimum.

Senator PERCY. How did your financial relationships with Sirowitz and Phil Kovolick work? How much did you actually pay them?

Mr. BOWDACH. I was paying Sirowitz 2 percent per week on any money that I had outstanding from him, and I would give Kovolick \$50 a week as a token payment.

Senator PERCY. Who actually gave you the advice as to how to run a loan-sharking operation in Florida?

Mr. BOWDACH. Mr. Sirowitz.

Senator PERCY. Pardon?

Mr. BOWDACH. Mr. Sirowitz.

Senator PERCY. Did he teach you everything that you knew, or did you pick up any particular tricks of your own?

Mr. BOWDACH. He was a good instructor.

Senator PERCY. Pardon?

Mr. BOWDACH. He was a good instructor.

Senator PERCY. Were there any techniques you developed on your own that you could pass on to someone else or tell us about?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Confidentially?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What were they?

Mr. BOWDACH. Use of a baseball bat, blackjack, pistol, shotgun.

Senator PERCY. What kind of people did you do business with in your operation?

Mr. BOWDACH. Working people, gamblers, fences, different people, sir.

Senator PERCY. When you walked around collecting your loans, did you go out to them to collect the loans, or did they come to you?

Mr. BOWDACH. On Friday or Saturday, I would usually make my rounds, Chiccini and I. We had split up Dade County. I would take the north end one week, he would take the south end and we switched off here and there.

Senator PERCY. You say you had some of your own techniques in persuasion. You actually walked around with a baseball bat sometimes?

Mr. BOWDACH. When I needed to.

Senator PERCY. No false inference about your playing baseball that afternoon? They knew what the baseball bat was for?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Did you ever use it?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Can you tell us on what occasion you happened to use a baseball bat and how effective it was?

Mr. BOWDACH. I believe the fellow's name was—it was either Bill Prince or a fellow by the name of Bell. I get each one of them mixed up. I know I gave both of them beatings, so I don't know which I used the bat on and which I didn't. These are two people who had absconded owing me money.

Senator PERCY. What did you do with the baseball bat? They were unable to make their payments that particular week?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What was the effect of using a baseball bat on them?

Mr. BOWDACH. They ended up running away.

Senator PERCY. Pardon?

Mr. BOWDACH. They ended up running away.

Senator PERCY. How did the people that you dealt with, did business with, learn about your operation?

Mr. BOWDACH. I basically—my biggest concentration of customers were in the automobile business and everybody seems to know everybody else and the word gets around. I would have people coming to me for loans and car salesmen are like roofers and painters. They are transient. They keep changing jobs, they keep moving around. It wasn't long, the money was going on the street.

Senator PERCY. How did they happen to do business with you, rather than other operators? Is there any competitive spirit to offer services—your friendly banker, or something like that—encouraging them to come to you, rather than someone else?

Mr. BOWDACH. I don't know what their motivation was for coming to me. I guess availability.

Senator PERCY. How long a period of time did you give your clients to pay you back? How did you maintain the records of your loans?

Mr. BOWDACH. I had two types of loans that I would use. One would be where a man would borrow \$100 at a certain percentage a week. Whatever the balance was that was outstanding at the end of that week, he would pay me a certain percentage that we had agreed upon.

Another type of loan which we called a payoff loan, if I loaned the man \$1,000, I would give it to him with the understanding that he paid me back \$120 a week for 10 weeks.

So I would get back \$1,200 in 10 weeks for the \$1,000 that I gave him.

Senator PERCY. I understand that loan sharks really don't want their clients to pay back their loans totally and completely. They prefer that they stay in debt and keep paying a mounting interest rate. Is this true?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What percentage of your clients were able to fully pay back their loans?

Mr. BOWDACH. I got most of my money back. I got—I had a very persuasive attitude. And I got most of my money back.

Senator PERCY. But if you were making that kind of money—let's say you had a 10-percent per week customer—you hated to lose him, and it looked like he was going to pay you back and end the relationship, was there any way you had of preventing him from actually paying back the loan if you knew he was a regularly paying customer?

Mr. BOWDACH. I can give you an example of one individual, Mr. Senator. I made him a loan of \$10,000 at 10 percent per week. He ended up paying me \$1,000 a week interest for about 30 weeks. And he owned a used car lot in Ffialeah, and every week when I would go by to get my money, his stock would be depleted, less and less, every single week.

So I knew I was draining him so he could never touch the principal itself. They keep looking for the next week, hoping they will get lucky with something, be able to pay it off, but next week never comes.

Senator PERCY. You used violence. Was it a regular practice of yours to threaten violence on your clients whenever you felt it was necessary to keep them on their schedule for a loan? Did you resort to violence only when the payment was overdue?

Mr. BOWDACH. Can I explain something that I believe would be very clearly understandable to everybody and I think it would answer that question?

Senator PERCY. We would appreciate it.

Mr. BOWDACH. A man goes to a bank to mortgage a home, he can't make his payment, eventually the bank will foreclose on his home and take his home in lieu of the money that is owed him. A man goes buys a car, he can't make payments on his car, his car will be repossessed.

If a man borrows from a shylock, can't pay the shylock, his life will be repossessed. The only thing a shylock has is his reputation. If you show weakness, nobody is going to pay you. You have got to make it understood by the other people.

Senator PERCY. Let's take a case of the testimony that was used against you at your trial for extortion. A female witness who purchased an alleged defective car from you testified that when she threatened to go to the State's attorney's office, you replied, and I quote from that trial record, "You got these two kids to think about. If you do this, a lot of harm can come to you and those kids."

Did you really intend to carry out your threat, and if so, what were you prepared to do?

Mr. BOWDACH. I never made that statement.

Senator PERCY. Pardon?

Mr. BOWDACH. I never made that statement.

Senator PERCY. You did not make that statement?

Mr. BOWDACH. No, sir.

Senator PERCY. That was testimony in your trial for extortion; the female witness gave that statement as a sworn statement.

In other words, you are saying that she committed perjury at that time?

Mr. BOWDACH. Absolutely.

Senator PERCY. You have never in your lifetime threatened the children of a client of yours?

Mr. BOWDACH. That is not my bag, Mr. Senator. A woman and children are not my bag.

Senator PERCY. Have you ever threatened any relatives of theirs?

Mr. BOWDACH. Of who?

Senator PERCY. Of a client, or customer?

Mr. BOWDACH. If I have—I maintain a certain level, believe it or not, of ethics and scruples. If I have a problem with you, my beef is against you, not your family, not your wife or your children.

Senator PERCY. Finally, are the loan-sharking operations in Florida any different than those in New York, which you were marginally involved in, or in Chicago? If so, can you explain the differences between operations in Florida and those in New York, and Chicago?

Mr. BOWDACH. There is no difference, sir. It is basically the same everywhere you go. Violence, intimidation is the necessary ingredient in the collection of shylock money.

Senator PERCY. The Governmental Affairs Committee has had gun control responsibility when it comes to the reorganization of Government to try to affect it.

Can you give us any general advice in that regard? You are currently serving a 15-year sentence as a dangerous special offender. You and your former associates appear to have had very easy access to practically any weapon that you wanted.

Do you believe any of the current proposals concerning gun control, for example, banning Saturday night specials or requiring registration for handguns, would be effective in curbing the huge amount of weapons available on the street today to organized criminals?

Mr. BOWDACH. I believe the only thing you would accomplish by that is keeping the people that deserve to carry guns or have access to guns, you would keep them from having it. Criminals always is going to have the guns. We have got more guns than we can handle.

Senator PERCY. I want to thank you very much indeed.

Senator NUNN. In other words, what you are saying is that no legislation will keep someone like you on the outside from getting guns?

Mr. BOWDACH. Mr. Chairman, we have—we will get our gun from the chief of police.

Senator NUNN. You were getting your guns from the chief of police?

Mr. BOWDACH. Yes.

Senator NUNN. Where was that?

Mr. BOWDACH. Miami, Fla.

Senator NUNN. Miami, Fla?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know that as a personal fact? You are testifying of your own knowledge?

Mr. BOWDACH. I was advised by my very close associate that that is where he would go to get the guns anytime we used guns.

Senator NUNN. Buying them from the chief of police?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I think at this point you ought to say what year that was?

Senator CHILES. And which chief of police of what area you are talking about?

Mr. BOWDACH. This would have been in, at that time, it was 1974, the chief of police in North Bay Village, Mr. John Ripa, R-i-p-a, in 19—late in the sixties, and in the seventies, we would get our guns from Detective Al Smith, the West 100th Street Police Station, New York City, N.Y., a homicide detective.

Senator NUNN. What year was that?

Mr. BOWDACH. In the late sixties.

Senator NUNN. Is the chief of police you have just named, how do you spell his name?

Mr. BOWDACH. R-i-p-a.

Senator NUNN. Is he the chief of police now?

Mr. BOWDACH. I don't believe he is no more.

Senator NUNN. He was chief of police in the city of Miami?

Mr. BOWDACH. He was the chief of police in North Bay Village, Dade County, Fla.

Senator CHILES. I think our staff can clarify that for the record.

Senator NUNN. But not the city of Miami?

Mr. BOWDACH. No, sir. In Dade County, proper.

Senator NUNN. It was a small city within Dade County?

Mr. BOWDACH. That is right.

Senator NUNN. North Bay Village?

Mr. BOWDACH. He was the police chief there, he was also the police chief in Opa Locka, Fla., also situated in Dade County.

Senator NUNN. You are saying that someone told you that that is where they came; who gave you the guns?

Mr. BOWDACH. I would go with the individual when he would pick up guns.

Senator NUNN. Did you see the exchange of guns?

Mr. BOWDACH. No; but when the individual goes into the police station and comes out with all kinds of guns, I didn't think they were having a sale in there.

Senator NUNN. You were waiting out in the car, he went in the police station, and came back with the guns?

Mr. BOWDACH. Yes.

Senator NUNN. That was in North Bay Village?

Mr. BOWDACH. That's correct.

Senator NUNN. In 1974?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was this in the daytime?

Mr. BOWDACH. In the evening time.

Senator NUNN. Late at night?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was there cash transaction that took place?

Mr. BOWDACH. We got them on eyesight.

Senator NUNN. Was that your understanding that there would be cash exchanged for guns?

Mr. BOWDACH. Yes.

Senator NUNN. From the police station?

Mr. BOWDACH. The individual would go in, he would pay for the guns, come out with the guns.

Senator NUNN. Who was the individual?

Mr. BOWDACH. Richard Douglas Cravero.

Senator NUNN. You were with him on one occasion when he actually did that?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Staff?

Senator CHILES. I think it has been clarified.

Senator NUNN. What you are saying is people in organized crime, is this something that happens frequently, buying guns from people involved in law enforcement?

Mr. BOWDACH. Buying guns from them, buying narcotics from them, buying stolen merchandise from them.

Senator NUNN. Thank you. Senator Chiles?

Senator CHILES. Who were the major loan-sharking groups in south Florida at this time, if you know? Who were the ones which were active at the same time that you were?

[At this point Senator Percy withdrew from the hearing room.]

Mr. BOWDACH. Mr. Frank Gagliardi, Mr. Joseph Indeligato.

Senator CHILES. Spell those names for us, if you can.

Mr. BOWDACH. G-a-g-l-i-a-r-d-i.

Senator CHILES. Who would he be operating under? In other words, you said everybody is in a family or has a godfather, or a rabbi. Where does he fit in?

Mr. BOWDACH. Mr. Gagliardi would have been operating underneath Mr. Patty Erra or working in concert with Mr. Vincent Teriaca. Mr. Patty Erra, before he was deceased, was a high ranking member in the Vito Genovese family. His position has now been taken over by a fellow known as Chinky. I was trying to think of his name, Mr. Albert Joseph Fachiano is Chinky, who took the place of Mr. Patty Erra upon his demise.

Senator CHILES. What would his rank be?

Mr. BOWDACH. Captain.

Senator CHILES. Would you try to spell that name?

Mr. BOWDACH. Fachiano, F-a-c-h-i-a-n-o.

Senator CHILES. The other person?

Mr. BOWDACH. The other individual who would have been working with shylocks would have been two brothers, Steve and Joe M-a-r-u-k-a, Maruka, who have been recently made into organized crime family Mafia family; Mr. Tony Plate was another well-known shylock in that area.

Senator CHILES. Who did he work under?

Mr. BOWDACH. Mr. Tony Plate is a ranking member of the Gambino crime family out of New York, a high ranking member. Mr. John Pelligrino, also known as Johnny Popcorn.

Senator CHILES. How do you spell that?

Mr. BOWDACH. P-e-l-l-i-g-r-i-n-o, worked for Fachiano.

Another individual would be Mr. John T-r-o-n-o-l-o-n-e, also known as Johnny Peanuts.

Senator NUNN. Johnny what?

Mr. BOWDACH. Peanuts.

Senator CHILES. Who did he work under? Where did he fit in?

Mr. BOWDACH. He would be associated, I believe, to my recollection, with Mr. Joseph Indeligato, also known as Joe Scotch.

Senator CHILES. Can you name any other loan sharks at the present time?

Mr. BOWDACH. Not right offhand, sir. It will come to me.

Senator CHILES. What would happen if an independent just decided he would setup a loan-sharking operation?

Mr. BOWDACH. He wouldn't be around long.

Senator CHILES. Are there other loan sharks in other organized crime units? How about the Dixie Mafia? Do they have loan sharks?

Mr. BOWDACH. The Dixie Mafia is basically into robberies, murders, arsons, things of that nature, highjackings.

Senator CHILES. When you went to the Atlanta Penitentiary in 1971 for loan sharking, you owed money to Julie Sirowitz, which he had given to you to put out in Florida. How much was that?

Mr. BOWDACH. Approximately \$28,000, and I owed it to the partnership, Mr. Sirowitz, Mr. DePietro.

Senator CHILES. Did anyone ever try to collect that money from you? Has it been collected?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Relate the circumstances to us.

Mr. BOWDACH. In the summer of 1974, approximately July, Mr. Carlo DePietro came to Florida, with his wife, Marie. They were staying at the Doral Beach Hotel at which time I was with them constantly on a daily basis. We had discussed the money. He wanted to know how I am going to pay it. I told him I don't know, I can't go around and see the people that owe me money because I don't know who are the informants in the case and if I approach the wrong person I would get my bail revoked and be remanded back to jail.

Senator CHILES. I was going to ask you: How did you get out of the Atlanta Penitentiary? How did you happen to be down there?

Mr. BOWDACH. On November 29, 1973, the chief judge, C. Clyde Atkins, in Miami, set an appeal bond in the amount of \$50,000 with a 10 percent for the costs.

Senator CHILES. So you were out pending an appeal?

Mr. BOWDACH. Yes, sir.

Senator CHILES. You were trying to tell them it wasn't the right time for you to go around trying to collect these loans by force because somebody might tell and you would be right back in?

Mr. BOWDACH. That's right.

Senator CHILES. You had said that your rabbi was Kovolick.

Mr. BOWDACH. Yes, sir.

Senator CHILES. Did Kovolick call upon you to handle a burglary which occurred at his house?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Give us the details surrounding this situation? What happened, and how did it turn out? What was your involvement?

Mr. Kovolick's house was broken into by someone unknown to us at that time, a lot of jewelry was taken. Mr. Kovolick got in touch with me, gave me a list of all the jewelry that was taken, gave me a description of it, and I didn't think it would be too hard to find because there were numerous pieces of jewelry that he had received and his wife had received that were inscribed "To Phil, Love Always, Meyer".

When I refer to Meyer, I mean Meyer Lansky. I put out the word to various fences in the Miami area of the particular pieces that I

was looking for. I was contacted by an individual who goes by the nickname of Gilly Gilly, that he had a fellow that had the jewelry, with one piece that did stand out was a pin of a turtle which contained emeralds and rubies in it.

He set up a meeting with this individual at his house, at which time myself, John Manarite, Harry Olivero, were there waiting for this individual.

When he come in, we looked at the jewelry, what was left of it, they had melted it down, almost all the gold, and it was only a few stones left.

Once I was sure that the jewelry was the same exact jewelry that was taken from the Kovolick house, we took the man at gunpoint, put him in my car, and drove him up to Hollywood to Jefferson Street where Phil Kovolick lived.

At that time, I went to the door, had Mr. Kovolick come out, I told him that I got the fellow that I thought robbed your house.

Kovolick went over to the window of the car, the guy rolled down the window, Kovolick spit in the man's face. Kovolick told me, take him out and kill him.

At that time, I handed the gun to Phil Kovolick, I told him you go out and kill him. The guy did not know whose home was that he robbed. He wanted to make restitution for the money that was owed to Kovolick. He ended up getting about \$800 for the melted-down gold.

The stones that he had in his possession were returned to Kovolick at that time.

Kovolick set a price of \$7,000, that he said this individual owed to him. The individual whose name is John Alvin Baxter owned the iron works shop in Hallandale, Fla., called Baxter Iron Works.

It was my job then to go to his place every single week and pick up merchandise and cash that he had from the weekly burglary that he was committing in order to pay Kovolick back.

I did that for a short period of time at which time I told Kovolick that I was involved in my case and I could not see this man each week anymore, that he would have to handle it himself.

Senator CHILES. How was Kovolick assessing how much the goods were worth? He was taking goods rather than money. Is that right?

Mr. BOWDACH. I would like to have bought all the stuff at which Kovolick was assessing it at. I would bring Kovolick \$2,000, he would send me back and tell the guy to take off \$200 what he owes me. The guy had to commit 1,000 burglaries to pay back the \$7,000.

Kovolick started going to the Baxter Iron Works shop in the company of Steve Maruka and they would take whatever the man had every single week.

One week Kovolick made a mistake; he went by himself. He was paid in full at that time.

Senator CHILES. How was he paid in full?

Mr. BOWDACH. Bullets in his head.

Senator CHILES. So Baxter killed Kovolick?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Was Baxter later convicted for that?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Baxter also was engaged in making silencers, was he not?



Mr. BOWDACH. Yes, sir.

Senator CHILES. How much would he sell a silencer for?

Mr. BOWDACH. Between \$300 and \$500 per silencer.

Senator CHILES. Between \$300 and \$500?

Mr. BOWDACH. Yes.

Senator CHILES. How long would it take him to make the silencers?

Mr. BOWDACH. He would make about 12 a day.

Senator CHILES. And the underworld would buy these from him. Was Baxter connected with any organized crime group himself or is he freelancing?

Mr. BOWDACH. Not that I know of, sir.

Senator CHILES. He is presently incarcerated?

Mr. BOWDACH. He is serving life in a Florida State prison.

Senator NUNN. Mr. Bowdach, have you ever heard the name Tony Scotto?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What was your relationship with Mr. Scotto? Did you know him on a personal basis?

Mr. BOWDACH. I have seen the man on two occasions, in two different places. He was identified to me as Mr. Anthony Scotto by two separate individuals who had no knowledge of each other.

Senator NUNN. So you have seen this man which you believe to be Tony Scotto on two different occasions. Is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you go about ascertaining whether that man was Tony Scotto? Who told you it was Tony Scotto?

Mr. BOWDACH. One time it was a fellow named Ray Elman who identified him to me as Mr. Tony Scotto. On another occasion, Mr. Phil Kovolick identified him to me as Mr. Tony Scotto at a meeting.

Senator NUNN. What was the first occasion you ever saw the man you believe to be Tony Scotto?

Mr. BOWDACH. It was approximately 1968, to the best of my recollection, sir. The International Longshoremen's Association was in Miami Beach for the convention. I was the bartender at the DiLido Hotel. I was working the bar with Mr. Ray Elman at which time Mr. Scotto and two or three other gentlemen came into the bar. Mr. Elman told me that that is Mr. Tony Scotto, the vice president, International Longshoremen's Association, and that he was a big spender and treat him accordingly.

Senator NUNN. Treat him accordingly?

Mr. BOWDACH. Yes.

Senator NUNN. Who told you that?

Mr. BOWDACH. Mr. Ray Elman.

Senator NUNN. Did you observe Mr. Scotto anymore during that period?

Mr. BOWDACH. That was the first occasion.

Senator NUNN. First occasion?

Mr. BOWDACH. Yes.

Senator NUNN. Tell us about it.

Mr. BOWDACH. That was the first occasion.

Senator NUNN. That is all you know about the first occasion?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When was the second time you saw Mr. Scotto?  
Mr. BOWDACH. The second occasion was 1970. I was notified by Phil Kovolick to meet him at the Place Pigalle on 23d Street in Miami Beach, Fla.

Senator NUNN. This is the same Kovolick that was your rabbi?  
Mr. BOWDACH. Yes, sir.

I went to the Place Pigalle to meet Mr. Kovolick. He advised me that he had to meet Tony Scotto, to pick up an envelope of money in excess of \$40,000 for Meyer.

Senator NUNN. For who?

Mr. BOWDACH. For Meyer.

Senator NUNN. Who did you understand that to be?

Mr. BOWDACH. Meyer Lansky. He wanted me to go because of the hour of the meeting, because of the location of the meeting, to ride shotgun for him to see that he got home with the money.

Senator NUNN. What time frame was this?

Mr. BOWDACH. It would be 1970.

Senator NUNN. 1970?

Mr. BOWDACH. Early part of 1970.

Senator NUNN. January or February, March, sometime in there?

Mr. BOWDACH. In that area, yes, sir.

Senator NUNN. Where is the Place Pigalle?

Mr. BOWDACH. 23d Street, off Collins Avenue in Miami Beach, a strip joint.

Senator NUNN. Go ahead and tell us exactly what you did and what you observed.

Mr. BOWDACH. I positioned myself at a spot near the back door, the rear door, where I could observe Mr. Kovolick at all times. Mr. Scotto, an individual that was told to me to be Mr. Scotto, entered the premises, sat down next to Mr. Kovolick, brief conversation out of my ear's hearing.

Senator NUNN. You did not hear the conversation?

Mr. BOWDACH. No, sir.

Mr. Scotto removed an envelope from his breast pocket, handed it to Mr. Kovolick, had a few minutes of conversation, Mr. Scotto left, and I followed Mr. Kovolick out.

Senator NUNN. You followed Mr. Kovolick out of the nightclub?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What happened then?

Mr. BOWDACH. Mr. Kovolick got into his automobile, I got into mine, he drove up to Hollywood, I followed him home, when I seen him enter his home, I proceeded and went my way.

Senator NUNN. Did Mr. Kovolick ever tell you what was in the envelope?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you see what was in the envelope?

Mr. BOWDACH. No.

Senator NUNN. What did Mr. Kovolick tell you was in the envelope?

Mr. BOWDACH. An amount of money in excess of \$40,000.

Senator NUNN. Did he tell you what it was for?

Mr. BOWDACH. Yes.

Senator NUNN. What was it for?

Mr. BOWDACH. It was for Meyer.

Senator NUNN. You mean to be delivered to Meyer Lansky? Was it to be delivered to Meyer Lansky?

Mr. BOWDACH. It was for Meyer.

Senator NUNN. What happened to the money?

Mr. BOWDACH. I don't know what happened to it. I don't know if it was ever delivered to Meyer or if it wasn't delivered to Meyer. He didn't mention the name Lansky, but then we talked about the Pope, you don't mention Pope who. You automatically know who you are talking about.

Senator NUNN. You understood Meyer to be Meyer Lansky but he did not mention the last name Lansky?

Mr. BOWDACH. You don't have to, sir.

Senator NUNN. Is there another Meyer that you would be talking about in that kind of circumstance? Was there any other Meyer, any possible misidentification?

Mr. BOWDACH. No, sir.

Senator NUNN. Do you have any idea of why the money was being sent by Mr. Scotto to Meyer?

Mr. BOWDACH. No, sir.

Senator NUNN. Mr. Kovolick never told you that?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you ever ask him?

Mr. BOWDACH. No, sir.

Senator NUNN. Have you seen Mr. Scotto since that time?

Mr. BOWDACH. No, sir.

Senator NUNN. Mr. Bowdach, have you been shown a photograph recently of Mr. Tony Scotto?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you tell us the circumstances of that?

Mr. BOWDACH. I was asked if I could positively identify Mr. Tony Scotto and I said I could. His picture was placed with a bunch of other pictures at which time I made an identification of the man that I believed to be the man that I had observed on two prior occasions in Dade County, Fla.

Senator NUNN. The picture you identified was in a group of pictures of other individuals. Is that right?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. You picked out the picture of the man that you saw on those two occasions?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Where was this identification carried out? When did you do it?

Mr. BOWDACH. In the staff's office, the Senate building.

Senator NUNN. When was that done?

Mr. BOWDACH. Yesterday.

Senator NUNN. I will ask staff to come around and get the picture and show it to Mr. Bowdach.

Mr. Bowdach, take a look at that picture and please tell us if that is the photograph you picked out yesterday?

Mr. BOWDACH. Yes, sir. It is.

Senator NUNN. Is that the same individual that you saw on the two occasions you just described?

Mr. BOWDACH. Yes, sir. It is.

Senator NUNN. Is that the individual that was identified to you as being Tony Scotto?

Mr. BOWDACH. Yes, sir. It was.

Senator NUNN. Thank you.

We will make that exhibit 6.

[The document referred to was marked "Exhibit No. 6" for reference and may be found in the files of the subcommittee.]

Senator NUNN. Would staff like to give further description of the identification procedure on this?

Go ahead.

Mr. GALLINARO. Mr. Chairman, in 1976, annual report, State of Florida, organized crime through counsel, they list Mr. Anthony Scotto as a captain in the Carlo Gambino crime family. In 1970, before the New York State Legislative Committee on Crime, he was also identified as a member of the Carlo Gambino crime family.

Mr. Scotto also appears and I will read this from the report of the New York State Crime Committee:

Anthony Scotto, Vice President of the powerful International Longshoremen's Association and a man whose name is well known in high political circles, has recently been listed by the U.S. Justice Department as a Captain in the Cosa Nostra family of Carlo Gambino.

Mr. Chairman, I would like to enter this as an exhibit.

Senator NUNN. Is there any confidential information in that or is that all public information?

Mr. GALLINARO. That is a public record.

Senator NUNN. No need to seal this exhibit?

Mr. GALLINARO. No, sir.

Senator NUNN. Without objection, it will be entered in the record.

[The document referred to was marked "Exhibit No. 7" for reference and may be found in the files of the subcommittee.]

Senator NUNN. What is Mr. Scotto's position?

Mr. GALLINARO. He is president, I believe, of the Longshoremen's Union in Brooklyn.

Senator NUNN. At this time?

Mr. GALLINARO. Yes.

Senator NUNN. What is the present position?

Mr. GALLINARO. President of the International Longshoremen's Association, ILA.

Mr. ADKINSON. For the record, Mr. Chairman, the picture in question was provided to me yesterday by the FBI as a picture of Anthony Scotto. It was taken from one of the recent yearbooks of the ILA and yesterday afternoon, in the presence of Jerry Block, myself, and Larry Finks, a photo spread of six individuals were provided to Mr. Bowdach for identification purposes.

Each of the six individuals were white males, similar age, wearing business suits. The photo spread consists of two vertical rows with three photos per row. Mr. Bowdach made a positive identification of the center photo of the top row.

This was the photo of Anthony Scotto.

Senator NUNN. Mr. Block, minority counsel, do you have anything you want to add or any correction?

Mr. BLOCK. No. Mr. Adkinson is correct.

Senator NUNN. Were you present when the photo was identified?  
Mr. BLOCK. Yes; I was.

Senator NUNN. Mr. Bowdach, it has been a long morning. It is now almost 1 o'clock. You have been here since 10. We thank you for your testimony.

This afternoon, we will have testimony which I consider to be very important regarding Mr. Bowdach's background and other related matters, from Mr. Gary Betz, deputy chief, racketeering strike force, and from FBI agents Joseph Gersky and David Jellison. We will be back at 2 o'clock.

Mr. Bowdach, we appreciate your cooperation.

Tomorrow we will have you back here and we will at that time be talking about arson and related activities that you participated in.

Thank you very much. I ask that all cameras be turned away from the witness as promptly as possible.

Are the U.S. marshals ready for the witness to depart the room?  
Could someone cut the lights off?

Thank you.

The subcommittee will reconvene at 2 o'clock promptly.

[Whereupon, at 1 o'clock, the subcommittee recessed, to reconvene at 2 o'clock, the same day.]

[Members of the subcommittee present at time of recess: Senators Chiles and Nunn.]

[The subcommittee reconvened at 2 p.m., Senator Sam Nunn, presiding.]

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of reconvening: Senators Nunn and Chiles.]

Senator NUNN. We have a brief statement by minority counsel, Mr. Block, as to the correction of a small portion of this morning's testimony as to the actual position of Mr. Tony Scotto.

Would you give us that clarification for the record?

Mr. BLOCK. Yes. I believe it was mentioned that Mr. Scotto said he was the president of the Longshoremen's Union. I understand he is the legislative director and the vice president of the International Longshoremen's Association.

Senator NUNN. Thank you very much, Mr. Block.

Our next witness is Mr. Gary Betz, deputy chief of the Miami Strike Force. Mr. Betz has been an active prosecutor in south Florida in the area of organized crime. In addition, Mr. Betz prosecuted Gary Bowdach for various misdeeds, including having Bowdach declared a dangerous special offender because of the violence associated with his illegal activities and of his repetitive felon status.

Mr. Bowdach contacted Mr. Betz from the Atlanta Penitentiary in August 1977 setting forth his original offer of cooperation to the Miami Strike Force. As a result of this offer, Mr. Bowdach was extensively debriefed by the Miami Strike Force and, through their good offices, by the Dade County Department of Public Safety.

Mr. Bowdach's cooperation with these groups has led to numerous convictions in Florida.

Mr. Betz, if you will come forward and before you take the oath, let me say I appreciate very much your being here today, and for

working with us over a period of several months, and also appearing in executive session, which was very helpful.

Before you take your seat I will ask you to take the oath which we administer to all witnesses.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BETZ. I do.

#### TESTIMONY OF GARY BETZ, DEPUTY CHIEF, MIAMI ORGANIZED CRIME RACKETEERING STRIKE FORCE

Senator NUNN. Mr. Betz, would you please state your full name for the record, and date of birth?

Mr. BETZ. Gary L. Betz; I was born July 18, 1936.

Senator NUNN. What is your present position with the Miami Strike Force?

Mr. BETZ. I am presently employed as a trial attorney with the Organized Crime Racketeering Section of the U.S. Department of Justice.

I am assigned to the Organized Crime Section, the Organized Crime Strike Force in Miami, Fla.

Senator NUNN. How long have you held that position?

Mr. BETZ. I have been employed in that position since October 1969.

Senator NUNN. What other positions have you held in the Federal Government?

Mr. BETZ. In 1961, I started with the U.S. Department of Justice as a law clerk research analyst. I held that position until 1965. Upon graduation from law school, I served as a trial attorney in the Civil Rights Division of the U.S. Department of Justice and I transferred to the Criminal Division of the Organized Crime Section in 1969.

Senator NUNN. Mr. Betz, do you know Gary Bowdach?

Mr. BETZ. Yes, sir, as a person I prosecuted, I know him.

Senator NUNN. When did he first come to your attention?

Mr. BETZ. Mr. Bowdach first came to the attention of agents of the Federal Bureau of Investigation sometime in 1969, sir.

Senator NUNN. Would you describe for us the instances you have been involved in professionally as a prosecutor with Mr. Bowdach or his close associates?

[At this point Senator Percy entered the hearing room.]

Mr. BETZ. Yes, sir. Sometime in early 1970, agents of the Federal Bureau of Investigation were conducting an investigation into the loan-sharking activities of Mr. Gary Bowdach.

On April 24, 1970, Mr. Bowdach was arrested and a search of the Sonny Brock Motors was conducted in Miami, Fla. Mr. Bowdach at that time was found to be in possession of a .38 caliber revolver.

Other weapons, including machine guns, machine exhibit A, were found on the premises of Sonny Brock Motors. He was subsequently released on bond, and he was prosecuted for that case in 1970 for possession of a .38 caliber revolver.

He was convicted and sentenced to 1 year in prison for possession of the revolver. He was released on bond in October 1970, was again arrested in the possession of two pistols, two silencers. He

was tried on the possession of the two pistols and two silencers sometime in early 1971.

He was convicted on those charges and sentenced to 5 years in addition to the 1-year sentence previously given him. In 1971, he was finally prosecuted for the extortion extensions of credit charges, that is the loan-sharking charge, and in May 1971 he was convicted on those charges and sentenced to a period of incarceration.

At the sentencing hearing, the court found that Mr. Bowdach was a danger to the community and finally revoked his bond. Mr. Bowdach was subsequently released from prison in November of 1973 on bond, pending appeal, since his loan-sharking conviction had not been affirmed by the Fifth Circuit Court of Appeals.

It was subsequently affirmed in early 1975. After his release on bond in November 1973, he was again arrested in December 1974. That arrest came about, Senator Nunn, as a result of the investigative efforts of the Federal Bureau of Investigation, Dade County Public Safety Department, and U.S. Customs.

We received information that Mr. Bowdach was involved with a narcotics operation and he was possessing other guns and was a threat to the community. We applied to Chief Judge of the U.S. District Court in the Southern District of Florida, Judge C. Clyde Atkins.

He issued an order to have Mr. Bowdach's bond revoked. We held a hearing and Mr. Bowdach's bond was revoked in December 1974. At the time of his arrest in December 1974, he was again found to be in possession of two weapons, a 12-gauge riot shotgun and a 357 magnum revolver.

He was tried on those charges in 1976 in front of U.S. District Court Judge Norman Roettger. He was convicted of those charges and we at that time applied to the court to have Mr. Bowdach labeled a special dangerous offender. In effect, we asked the court to find that Mr. Bowdach's status as a career criminal and a danger to the community permitted the court to enhance his sentence, to increase his sentence more than the judge would be normally allowed to sentence him.

The court held a hearing which lasted 3 days, and found Mr. Bowdach was a special dangerous offender.

That, in summary, is the prosecutorial activities I have been involved in with Mr. Bowdach, incidentally, along with Mr. James Walsh, from the very beginning.

Mr. James Walsh was the original attorney in the loan-sharking case along with me.

Senator NUNN. Attorney for the Government?

Mr. BETZ. Yes.

Senator NUNN. Mr. Betz, I have before me a document dated October 1, 1974, which we received from the Organized Crime Bureau of the Dade County Department of Public Safety. There is a section of this document that states as follows about Mr. Bowdach, and I quote:

Subject is a shylock and has a past for extortion and attempted murder. He is considered a principal nonmember associate of organized crime figures and will use any means to collect loan shark debts.

Mr. Betz, does that accurately describe Mr. Gary Bowdach as you knew him to be in 1974?

Mr. BETZ. Yes, sir. That does accurately describe Mr. Bowdach in 1974.

Senator NUNN. We will make that sealed exhibit No. 8, without objection.

[The document referred to was marked "Exhibit No. 8" for reference, and is retained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Betz, on that same document, under "Associates of Bowdach", it lists, among many, Phil Kovolick, Eddie Coco, Louis Nash, and others. What can you tell us about these associates of Gary Bowdach?

Mr. BETZ. Mr. Kovolick is now dead. The FBI had information back in 1971 that Mr. Kovolick was Mr. Bowdach's boss in the loan-sharking operations. Mr. Kovolick has been an associate of organized crime figures in the Miami area, as previously testified by Joseph Gersky, that Mr. Kovolick was the bodyguard-chauffeur for Mr. Meyer Lansky and formerly a member of the Siegal-Lansky organized crime group. Agent Joseph Gersky in 1971 testified in open court to these facts, sir.

Senator NUNN. How about Ettore Coco?

Mr. BETZ. Ettore Coco has been, prior to his conviction for loan-sharking, a major loan shark in the Miami, Fla., area. He was prosecuted in 1972, along with Louis Nakaladski and James Michael Falco for loan-sharking violations, convicted, and is presently serving a life sentence in the State of Florida. The State of Florida revoked his parole after he was convicted in Federal court.

Mr. Coco was out on a lifetime parole, having been convicted in the State of Florida some 5 years prior to 1972 for murder.

[At this point Senator Chiles withdrew from the hearing room.]

Senator NUNN. How about Mr. Louis Nash?

Mr. BETZ. Mr. Louis Nash was involved in the Coco loan-sharking operation, a very violent individual, and was considered to be a major loan shark in the Miami area. He was also convicted in 1972 for loan-sharking violations, sentenced to 10 years in custody.

Senator NUNN. Mr. Betz, it is our understanding that Mr. Bowdach had a history of witness intimidation. Are you in a position to share with us the difficulty you had in terms of getting witnesses to testify against him in the loan shark trial in 1971?

Mr. BETZ. Yes, sir. Mr. James Walsh, along with myself, had numerous difficulties. We started out with a list of approximately 78 potential witnesses. This list was developed through the search of Mr. Bowdach's premises. After the FBI interviewed numerous witnesses, we finally narrowed it down to 20 who were able to provide information that we could use in court.

By the time we reached the trial level, we had to drop some 15 different counts because 15 witnesses outright refused to testify because of their fear of Mr. Bowdach. Subsequently, we were able to place five witnesses on the stand at the trial who did testify in different degrees to Mr. Bowdach's involvement in the loan-sharking offenses, his use of intimidation and threats to collect moneys owed to him during the loan-sharking operation.

During the course of the trial, Senator, witnesses testified to his use of arms and knives, to collect moneys. One witness, Mrs. Marjo-



rie Stallard, testified concerning threats to her children and threats to another witness, that Mr. Bowdach indicated to her that he would dismember the loan shark victim's body and hang it in a local lounge, should the victim of the loan-sharking operation not pay certain moneys owed to Mr. Bowdach.

Senator NUNN. Who testified as to that?

Mr. BETZ. Mrs. Marjorie Stallard.

Senator NUNN. She testified she heard him say that?

Mr. BETZ. Yes, sir. This was a message given to her to relay to one James Bell, the person who had borrowed money from Mr. Bowdach.

Senator NUNN. Were you surprised when you got Mr. Bowdach's letter of cooperation?

Mr. BETZ. Yes, sir. I was. I never believed Mr. Bowdach was the type of individual who would assist law enforcement in any way.

[At this point Senator Chiles entered the hearing room.]

Senator NUNN. Could you take a look at that letter? Would staff furnish the letter? We have already read the letter in the record.

I would like you, Mr. Betz, to identify it for the record.

Mr. BETZ. Senator Nunn, this is a copy of a letter I received from Mr. Bowdach in the fall of 1977, sir.

Senator NUNN. That is an accurate copy, to the best of your knowledge?

Mr. BETZ. Yes, sir. It is.

Senator NUNN. What did you do to take Mr. Bowdach up on his offer of cooperation?

Mr. BETZ. I initially, Senator, contacted assistant U.S. attorneys in Atlanta, Ga., concerning his cooperation with them, and received certain information concerning his cooperation.

I then had Mr. Bowdach brought to Dade County, Fla., to be debriefed.

I initially talked to him and his attorney and then he was turned over to agents of the Federal Bureau of Investigation, the Drug Enforcement Administration, and to the Dade County Public Safety Department.

Senator NUNN. Mr. Betz, did you make any offer of immunity to Mr. Bowdach, any offer of use immunity or any other form of immunity and if you did, would you describe that for us?

Mr. BETZ. Yes, sir.

Mr. Bowdach, when he talked with the authorities in Atlanta, was informed that anything he said would not be used against him, which is a form of immunity.

Senator NUNN. Is that what we call use immunity?

Mr. BETZ. Yes.

Senator NUNN. Who told him that?

Mr. BETZ. Assistant U.S. attorneys in Atlanta, Ga., concerning an investigation in Atlanta, sir. When he was brought to Dade County, Fla., I also informed him and his attorney that anything he said would not be used against him.

I did also inform him that if there were any investigations of facts developed independent of his testimony, he could be prosecuted for those offenses, if they were developed. We do not, at this time, or did not at that time, have any information in our posses-

sion that he was involved in any other offenses other than those he had previously been prosecuted for and convicted of.

Senator NUNN. Would you say at this stage it would be virtually impossible to prosecute him on anything in the past that he has related to you?

Mr. BETZ. Yes, it would be impossible because the only evidence we would have, in addition to some small cooperation, would be Mr. Bowdach's testimony.

Senator NUNN. Mr. Betz, could you give us a summary of the cooperation Mr. Bowdach has given to law enforcement to your knowledge since he turned?

Mr. BETZ. Mr. Bowdach has given substantial information concerning an investigation in Atlanta, Ga. He has additionally provided information concerning a bombing in Miami, Fla., which occurred sometime in 1974. He has testified in a trial involving that bombing, where one Paul Jacobson was convicted.

Mr. Bowdach has also testified, provided information to the Dade County authorities, concerning a murder case involving a narcotics group and one Rick Cravero was convicted for that murder. He also testified at a hearing of the United States versus Mary Ann Cook, who was involved in narcotics operation. Mr. Bowdach has provided additional information to Federal and State authorities concerning other homicides, other bombings, loan-sharking activities, and he has provided information concerning narcotics activities, sir, some of which are being worked on at the present time.

Senator NUNN. Mr. Betz, are you aware of any polygraph test or lie detector test that Mr. Bowdach was given, and if so, would you give us the details of that?

Mr. BETZ. Yes, sir.

Mr. Bowdach was given a polygraph test by a well-known polygraph examiner in Dade County, Fla., along with the Dade County Public Safety Department.

These polygraph tests covered many areas concerning homicides, narcotics dealings, and things of that nature. He passed these polygraph tests in that the polygraph examiner indicated Mr. Bowdach showed no deception at all in providing answers.

Senator NUNN. Have you looked at that polygraph test?

Mr. BETZ. Yes, sir, I have.

Senator NUNN. Would you take another look at it? We have already made this a sealed exhibit. If it is the correct copy of the test you have seen, would you so identify it.

Mr. BETZ. Senator Nunn, this is a correct copy. I would note for the record that certain portions were deleted, blacked out by the Dade County Public Safety Department which pertained to possible current investigations or things of confidential nature.

Senator NUNN. Thank you.

Is it your understanding that, according to the polygraph examination of Mr. Bowdach, he was testifying truthfully on matters that he was questioned about?

Mr. BETZ. That is correct, sir.

Senator NUNN. Mr. Betz, how would you describe Mr. Bowdach's credibility as a witness?

Mr. BETZ. Since Mr. Bowdach started cooperating, after talking to him and based upon my own assessment, and assessments of

other agents, I believe Mr. Bowdach to be a very truthful witness, and I would not hesitate, myself, to place him on the witness stand and to use his testimony.

Senator NUNN. Do you know of any occasion where he supplied you with false information?

Mr. BETZ. No, sir. I know of no such occasion.

Senator NUNN. Do you know of any occasion where he has supplied you with misleading information?

Mr. BETZ. I am unaware of any, sir. I don't believe he ever has.

Senator NUNN. The information he has supplied to you has been verified and corroborated on the occasions he has testified?

Mr. BETZ. Yes, sir; where possible, it has.

Senator NUNN. Thank you.

Senator Percy?

Senator PERCY. Could you tell us, Mr. Betz, what Gary Bowdach's position was in the hierarchy of the crime in south Florida?

Mr. BETZ. Senator Percy, Mr. Bowdach was a street worker, a nonassociate in the organized crime group. He was a person out doing the work on the street.

Senator PERCY. You said nonassociate?

Mr. BETZ. Yes, sir.

Senator PERCY. He is a nonmember?

Mr. BETZ. Nonmember, excuse me.

Senator PERCY. Do you feel that, from this particular vantage point, he can supply this subcommittee with significant insights into organized crime in south Florida?

Mr. BETZ. Senator, I believe Mr. Bowdach, since he was out actually doing the work, not really insulated from law enforcement has some particular insights into the functioning of our judicial system, our prosecutorial efforts, our law-enforcement agencies, in that I believe he made particular efforts to frustrate law enforcement, and he has this insight that many individuals would not have.

Senator PERCY. Your fellow strike force attorney, Martin Steinberg, appeared before this subcommittee in April. During the course of those hearings, it was apparent that the Justice Department strike forces would be immeasurably strengthened in investigating labor racketeering, if they were reinforced by Labor Department compliance officers who would be left on the job long enough so they could handle complex investigations.

Members of this subcommittee have recently met with Secretary Ray Marshall. In mid-June, at our suggestion, he met with the heads of the Justice Department strike forces of major cities, including Miami. Could you give us a report on whether or not the relationship with the Labor Department has been strengthened? Do you have promise now of permanent personnel being assigned? I believe that the new figure for Miami was nine compliance officers to be assigned by the Labor Department. Could you just give us an update?

Mr. BETZ. Yes, sir. I am certainly gratified in reporting to the members of the committee that because of this committee's efforts, nine additional Labor Department investigators will be assigned to the organized crime strike force in Miami to operate in the Miami area, the Tampa area, and in Puerto Rico. This should become

operational at the beginning of the fiscal year, and they are presently working on it now.

Certainly, with an increase in attorneys, we should be able to use all our manpower and vigorously attack the labor racketeering problems in the south Florida area.

Senator PERCY. In other words, you feel it is going to strengthen your activity considerably?

Mr. BETZ. It certainly will, sir.

Senator PERCY. We certainly do appreciate the cooperation of Secretary Marshall in this regard. I know that the additional manpower will be used very well not only in Miami, but in Chicago and other cities.

Martin Steinberg told us that organized crime regarded Florida as open territory. He told us that organized crime families in Chicago, New York, and other cities, actually compete for business in the south Florida area. I understand that there may be some problems in your divulging actual names of people and places, but can you tell us as much as you can about the activities of the Chicago organized crime, in the south Florida area?

Mr. BETZ. Senator, the Federal Bureau of Investigation, the Drug Enforcement Administration, along with the organized crime strike force, are currently working on active investigations of Chicago organized crime figures. In addition to that, organized crime figures from the Chicago area have been coming there since the days of Al Capone. And in recent years, they have been involved, sir, in labor racketeering, mentioned by Mr. Steinberg, in stolen securities activities, in narcotics importation activities, in gambling and in the infiltration of legitimate businesses.

Senator PERCY. Have they engaged in loan sharking?

Mr. BETZ. Yes, sir.

Senator PERCY. So they have pretty much run the gamut. Fencing?

Mr. BETZ. Yes.

Senator, there are some organized figures in Chicago engaged in fencing activities.

Senator PERCY. Have they infiltrated into legitimate business, hotels, restaurants, and so forth?

Mr. BETZ. Yes, sir, they have.

Senator PERCY. I have a copy of the "1976 Annual Report of the State of Florida Organized Crime Control Council." I would like to just take a few of the names from that, figure 2(b)—you are familiar with this report, I presume?

Mr. BETZ. Yes, sir.

Senator PERCY. And just read into the record the names of the Chicago "family" who have some link to Florida to identify them.

Salvatore Giancana; status, deceased; his title was boss.

Anthony Joseph Accardo, born April 23, 1906, he is acting boss, notation, visits south Florida.

John Phillip Cerone, under boss, a seasonal resident in Miami.

William A. Aloisio, born October 1906, a member, visits south Florida.

Marshall Caifano, member, visits south Florida.

Charles James Delmonico, May 20, 1927, a member, resident of Miami Beach.

Dominick DiBella, member, seasonal resident, south Florida.  
Joseph DiVarco, born 1911, a member, seasonal resident, south Florida.

Charles English, member, visits south Florida.

Frank Paul Eulo, member, resident of Holiday.

John Lardino, member, visits south Florida.

William Joseph Messino, member, seasonal resident, south Florida.

Louis Frank Rosanova, member, former resident.

The only nonmember associate is Gus N. Alex, seasonal resident, Fort Lauderdale.

To the best of your knowledge, is that an accurate list of the so-called Chicago "family" who have ties to Florida? Are you aware of it, and can we rely upon the State of Florida Organized Crime Control Council as probably the best evidence we have as to the Chicago members operating in Florida?

Mr. BETZ. I believe, from my experience, that to be an accurate list. Perhaps it doesn't contain certain names. You can rely upon that list.

Based upon my experience the Florida Organized Crime Council established by Gov. Reubin Askew, contains members of the State's attorney's offices and certain Federal investigative agencies, including Mr. Atlee Wampler, chief of the strike force.

All of those members combined to put out that publication, and it is a very, very good tool and very competent work.

Senator NUNN. Would you like to put that in the record?

Senator PERCY. Yes, I did omit a few of the dates. I ask that it be placed in the record at this point.

Senator NUNN. Without objection, it will be exhibit No. 9.

[The document referred to was marked "Exhibit No. 9" for reference and may be found in the files of the subcommittee.]

Senator PERCY. Finally, what special law-enforcement problems are involved in investigating and prosecuting organized crime figures such as those I have listed, and others?

Mr. BETZ. Senator Percy, I believe there are many, starting with—the thing that Mr. Bowdach pointed out earlier is the intimidation of witnesses. To conduct grand jury investigations concerning loan-sharking, for example, organized crime figures involvement in loan-sharking. It is very difficult to get a person to come forward to testify, and the grand jury is an essential tool in giving immunities out in compelling testimony in that area.

I believe some other area concerning organized crime that we have problems in is in the area of immunity. For example, there are occasions when immunity is granted to a witness and the witness refuses to testify.

The way the statute is now written, it is up to the Federal district judge to determine whether appeal bonds should be granted. If an appeal bond is granted, then the witness would wait for the running of appeal.

Therefore, a subsequent appeal, which may be 6 months to 9 months later, decision would prevent the grand jury from acting in a very orderly and efficient process. In effect, Senator, the grand jury investigation would be frustrated because the person would not be compelled to go to jail in lieu of testifying.

There is present legislation, for example, concerning grand juries and I am not speaking on the policy of the U.S. Department of Justice, but in those areas, I would hope that the Senate would give a careful look to some of the legislative proposals such as permitting attorneys in grand jury rooms, concerning the elimination of use immunity to be replaced by transaction immunity. I think those would be two very important areas. I also think that in the Freedom of Information Act area, Senator, there has been a lot of manpower devoted to going through files and providing information to, in many cases, prisoners.

Mr. Bowdach, for example, was a very prolific writer. He would file motion after motion. I generally had to field these motions and asking for various items of information in his file. I think, unfortunately, in the area there comes a time when a very perceptive criminal with knowledge of facts and dates, many times knowledge not in law-enforcement hands can pinpoint perhaps who an informant may be, or someone who has given information about him from these reports.

So I am hopeful that in that area there could be some type of legislation to assist law enforcement in all of these numerous requests.

I don't know exactly how many members of the Federal Bureau of Investigation is assigned to the field Freedom of Information request staff. But I think it is a very large number; especially in the areas of prisoners, who are writing all the time. They seem to Xerox copies, and they are all filing the same request.

Senator NUNN. We have been given information that more people in the FBI are working on answering Freedom of Information requests than there are working on organized crime. That may not be the exact quote, but is that generally true?

Mr. BERZ. I understand, Senator Nunn, it is a very large number. I am not familiar with the total statistics. I understand it is a very large number.

From the top of my head, Senator Percy, these are the only items I can think of—I had not been prepared for a question of that nature—but I know there are more things that would be very helpful to us in the organized crime area; manpower, for one, in the State of Florida, and in other areas, in Chicago, for example. The amount of investigations going on—the number of attorney personnel to handle those is never enough. For example, should we—I hope—I know we will—retain the nine labor investigators in the Miami, Fla., area, we certainly will not have enough attorneys to handle all the investigations and the prosecutions that should develop.

In many organized crime cases, we generally have to work with all the investigative agencies; that is, pooling resources and information, and perhaps witnesses from the FBI, and from the Drug Enforcement Administration, and from Customs, and many of the investigations are time consuming and they stretch over a period of time, especially in the white collar area.

We cannot traditionally look at a U.S. Attorney's Office or the organized crime strike force offices in a statistical area to determine whether or not results were being obtained. Many times one case is of the quality that far outnumbers 10 other prosecutions. So

what I am trying to suggest, Senator, is that there is a manpower problem, not enough attorneys are assigned because of the budgetary problems and the nature of the prosecutions of organized crime cases are such that one attorney could perhaps spend a year working on one case.

Senator NUNN. We have a vote.

Senator PERCY. I think I will be able to finish up in 1 minute.

Senator NUNN. We will recess for approximately 10 minutes.

[Brief recess.]

[Members present at time of recess: Senators Nunn, Chiles, and Percy.]

[Members of the subcommittee present at time of reconvening: Senators Percy and Nunn.]

Senator NUNN. The subcommittee will come to order.

Senator Percy was finishing his questions. I will yield back to you, Senator Percy.

Senator PERCY. You mentioned several active investigations of Chicago crime figures in Florida. Do you anticipate getting indictments, any time soon? For what kind of criminal activities?

Mr. BETZ. With the committee's permission, I am not authorized, Senator, to go into the exact type of the investigation. I am hopeful that one of the cases will come to the indictment stage within the near future, hopefully within the next 2 months.

Senator PERCY. One last inquiry; just drawing upon your general knowledge. Gary Bowdach is of the general belief that it would be wrong to modify the grand jury system, for instance, to permit someone being questioned by the grand jury to have an attorney with him, rather than being required to leave the room to consult with his attorney.

The appearance of a person constantly going in and out of the room to consult his lawyer might negatively influence the grand jury. Yet, a person has a right to have that counsel.

It might be easier to have the attorney right there in the room. Would you have any judgment on that? Could you give us your considered opinion as to whether or not the present grand jury system is in your judgment a balanced, fair, system—fair for those under suspicion and fair to the prosecutor—or do you feel that it favors one side or the other?

Mr. BETZ. Senator, based on my experience concerning witnesses who perhaps in front of the grand jury may refuse to testify, and their leaving the grand jury to consult with their attorney, I have found that it generally can be worked out in such a manner that the witness does not have to leave the grand jury room for every question, through consultation with his attorney, through the manner of asking questions, this does not have to occur.

For example, if the witness is going to refuse to testify, based upon his fifth amendment privilege, it is not necessary to go into all the questions. Further, though I am not really—I am just testifying generally now, not as to what has occurred in the grand jury room. I have certainly had the occasion to instruct jurors that it is a right established by our Constitution and any person who believes that an answer to a question may incriminate them, can refuse to answer questions.

It is their right and privilege; whether it is at grand jury or trial, just like judges instruct jurors in open court of trials, the same with the prosecutors who are assisting the grand jury giving them legal advice. I am certain that no juror would vote for indictment just on that basis alone because someone refused to testify.

Generally, grand juries do not call a person who is actively under investigation, on limited occasions this does occur. There are times when the person suspected is called to the grand jury room. He is of course advised of his status and there are cases, Senator, where if a person under an active investigation by a grand jury desires to testify, he of course can make that request for the prosecution. I have had that occasion myself.

I think we have to understand the nature of the grand jury to determine whether it is really balanced or not. A grand jury is not a tool of prosecution. It is not the arm of the court. It is a distinct entity in and of itself, of the people of this country, established by our Constitution; a body that can look into anything they desire in the criminal area.

It is not a trial where one side puts on evidence, the other side puts on evidence. It is a body in determining whether there is probable cause that a crime has been committed. That is the function of the grand jury. It is not an adversary proceeding.

I think sometimes when we discuss the rights of individuals and vis-a-vis the grand jury function, we make the mistake of thinking in terms of an adversary proceeding, where certain rights on one side and rights are on the other. All cases, that have gone to the U.S. Supreme Court, has indicated that there are many things a grand jury can or cannot do and I believe these cases are sound law.

The rights of individuals are protected at the grand jury level and at the trial level.

I think in summary, many of the criticisms of the grand jury action really boil down to this: It all depends on the nature of the prosecutor, if he is such an individual, and there has been criticism, that might use this grand jury to its own end, well, there is danger.

[At this point, Senator Chiles entered the hearing room.]

Mr. BETZ. I am myself proud, all of the individuals I have ever worked with, in the prosecutorial field, are not of that nature because if you don't develop a decent case in the grand jury, you are not going to have a decent case at the trial. If for example, when someone is, because of some political purpose, running for office, wants that type of publicity, the grand jury in certain limited areas could be used to his own personal advantage but I am hopeful that this would never occur in the future and I have had no experience at all with anyone ever doing this in the past.

I do say that our system, the grand jury system on the Federal level is much better than, for example, the State of Florida. The State attorney in the State of Florida, on his own, without going to a grand jury concerning everything but major crimes, can file a complaint without going through a grand jury based upon his own decision.

I believe a grand jury is, and my experience has acted as a barrier between the executive branch. I worked in the civil rights



field, for example, Senator, and even in the criminal field I have had occasions where grand jurists have not voted indictments based upon the evidence. They weren't strictly reacting to what the prosecutor had given to them and they had acted as a barrier based upon the evidence presented them.

I find in the organized crime area—it is a needed, effective tool to continue complex investigations, where we would normally not be able to prove cases without bringing the people to the grand jury.

I believe the executive branch, the U.S. Department of Justice and their personnel can and have in the past handled grand jury matters in conformance with the constitutional laws of our land.

This is the only way to do it and the only way we should do it.

Senator PERCY. Thank you.

Senator NUNN. Senator Chiles.

Senator CHILES. Mr. Betz, is Bowdach known as a jailhouse lawyer?

Mr. BETZ. Yes, sir.

Senator CHILES. Did you ever have occasion to run across writs he had filed or Freedom of Information requests he had made?

Mr. BETZ. Senator Chiles, Mr. Bowdach, I can't remember how many times, filed numerous motions for himself and I was also informed by a prisoner who came from Atlanta, that Mr. Bowdach was preparing papers, legal papers, for other prisoners there.

I was never able to completely determine which ones he filed and which ones he did not. That would take an analysis of many of the motions and I was not responsible for most, because many of the prisoners come from different areas. They were convicted in different areas and most of them would go there, but there were many.

Senator CHILES. Is the same of the south Florida strike force being taken up by these requests or is it the job of the FBI or other sections in the Justice Department to handle these requests?

If these motions are filed, if writs are filed, if FOI information requests are made, does that interrupt your strike force activities?

Mr. BETZ. Senator, it certainly takes up many hours. I personally cannot count the hours on the motions Mr. Bowdach has filed under 28 U.S.C. 2255. This is essentially a writ of habeus corpus. He filed numerous motions, numerous answers were filed, I believe I handled most of them.

I was the original prosecutor in the case, and I recall, there were at least a couple of court hearings. The Freedom of Information Act requests are generally handled in Washington, but we have to also search our files in the Miami area concerning information that is in there.

I don't know how many hours it has required just searching Mr. Bowdach's request, many of them.

Senator CHILES. Many hours, you say?

Mr. BETZ. Yes, sir.

Senator NUNN. May I interrupt at this point? We were talking a minute ago about the number of agents allocated to the Freedom of Information requests in Washington and information has now been presented to me; there are 50 agents, 200 analysts, and 100 support staff for a total of 350 people who work on the Freedom of Information and privacy requests in the Washington headquarters. That is

twice the number of agents that are assigned to organized crime in the Washington headquarters.

Senator CHILES. You said that you thought perhaps something needed to be changed in the law in regard to Freedom of Information requests and other filings by convicted felons. What kind of suggestion do you have as to how that could be done?

Basically, the Freedom of Information Act is something that we want to have in this country. Our citizens should be able to get information and the Government should not be able to keep that information from them.

Do you see a difference between ordinary citizens and those that have been convicted of felonies? We know a felony conviction takes away some of their civil rights. Do you recommend legislation that would cut down on these requests by convicted felons?

Mr. BETZ. Senator, I have not completely analyzed drafts of legislation as to how we could suggest improvements that could be accomplished. Certainly, prisoners, as well as any other citizens, should have a right to an open government. I would suggest, however, that we could consider some type of limitation on prisoners requesting complete investigation files concerning their own conviction.

During discovery processes, for example, they should have obtained much of this type of information. So where there is a danger of revealing the informant, we could have legislation in that area, just concerning prisoners alone or persons convicted that they cannot obtain the files related to their own investigation.

This, of course, would have to be weighed with the general tenor of the Freedom of Information Act area, that we do allow people to obtain information from the Government that they should have. I don't believe I have answered the question other than I am suggesting that I believe it would pass legal muster to limit the amount prisoners could get or perhaps limit the amount of opportunities they could derive.

For example, many of them write three or four times to different agencies. I can't see any reason, Senator, why they would have to periodically every 3 or 4 months file a request. One time would be enough.

Senator CHILES. Thank you.

That is all.

Senator NUNN. Mr. Betz, again, thank you very much for your cooperation. You have been a tremendous assistance to us. We anticipate being in this overall area for quite a while. We are looking at the Freedom of Information Act, the Privacy Act, the Tax Reform Act of 1976. We are looking at various narcotics statutes that might be changed.

We are looking at all manner of possible options for tightening criminal law, and to give assistance not only to our own law enforcement agencies, but to the prosecutors, and to the courts. I believe that the American people have a right to expect our system of justice to protect their persons and property.

So we will be continuing to pursue this for quite a while and we would like very much to continue to stay in touch with you.

Your help has been invaluable and your experience in the field will continue to be of great assistance to us as we look for possible changes in the laws that will improve law enforcement.

Thank you very much.

Mr. BETZ. Thank you, Senator. I certainly welcome the opportunity to work with members of your staff and I am hopeful that the committee hearings will result in some substantial assistance to Federal prosecutors in fighting this cancerous organized crime problem.

Thank you.

Senator NUNN. Let me just ask you one other question. Have you looked at organized crime in any area other than the Miami area? Is there any way to compare the south Florida problem with the problems in New York, Chicago, or San Francisco?

Do you have any way of comparing that?

Mr. BETZ. I do have access to discussions with other individuals working in the organized crime field in that area. I think the unique distinction that Florida has, Senator Nunn, is that it is a nice place to live. The climate is great, and the influx, because of it being an open territory, is great. But there are similar problems of law enforcement in New York, Chicago, the west coast, in the Philadelphia, Pa., area.

I would say Florida is unique, though, because of the influx and the transients coming to it. We have more organized crime families who are located in Florida than any other individual State.

Senator NUNN. In other words, if they quit advertising their good weather, they might have less organized crime there?

Mr. BETZ. Either that or quit selling oranges.

Senator NUNN. Thank you very much, Mr. Betz.

Our next witnesses are FBI agents Mr. Gersky and Mr. Jellison. They originally made the loan-sharking case against Gary Bowdach in Miami in 1971. Agent Gersky is currently assigned to the Rapid City, S.D., field office; and David Jellison is assigned to the Miami field office. They were part of a squad of some 20 FBI agents working on the Bowdach loan-sharking case in 1971.

Both agents have worked closely with Mr. Bowdach since he became a cooperating witness. They have been of immeasurable help to our subcommittee. They have helped us in many, many different respects, and we are honored to have you here today. We thank you publicly for your assistance.

If you will both come forward, we will give you the oath before you have your seat. I understand you also have Mr. Ed Sharp.

Mr. SHARP, would you tell us your position?

Mr. SHARP. Yes. The section chief, Organized Crime Section, FBI Headquarters.

Senator NUNN. Will you be testifying?

Mr. SHARP. If need be.

Senator NUNN. Let me go ahead and give you the oath, too. How about your associate? Will he be testifying?

Mr. KAUL. I am John Kaul, from our Congressional Liaison Office, Legal Counsel Division. I don't believe I will be testifying.

Senator NUNN. Go ahead and have a seat. We will have the three of you take the oath.

**TESTIMONY OF JOSEPH GERSKY AND DAVID JELLISON, FBI AGENTS, ACCOMPANIED BY ED SHARP, SECTION CHIEF, ORGANIZED CRIME SECTION**

Senator NUNN. Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JELLISON. I do.

Mr. GERSKY. I do.

Mr. SHARP. I do.

Senator NUNN. Let the record show each answered affirmatively. Gentlemen, the subcommittee staff interviewed you on June 28 in some depth. We have a series of questions for you and if any of the questions can better be answered by one agent rather than the other, we would welcome you deciding among yourselves who should answer the question because both of you have been involved in this.

I am going to direct the questioning really to both of you. Then I will leave it up to you as to who answers which question or if both of you would like to comment on a question, you are welcome.

Is that satisfactory?

Would you state your name—let's start over here on our right; my right, your left. Would you state your name and present position?

Mr. JELLISON. My name is David N. Jellison, special agent with the Federal Bureau of Investigation, assigned to the Miami, Fla., division.

Senator NUNN. How long have you been with the Miami, Fla., division?

Mr. JELLISON. I have been there 12 years.

Senator NUNN. Mr. Gersky?

Mr. GERSKY. Joseph Gersky, I am a special agent with the FBI. I was previously assigned to the Miami division where I worked there for 6 years, from 1969 through 1975, in the organized crime field. I am presently assigned to the Rapid City, S. Dak., where I have been for the last 3 years.

Senator NUNN. Mr. Jellison, what is your area of specialty at this time and what has been your main specialty since you have been in the FBI?

Mr. JELLISON. My specialty right now and has been for several years involves organized crime as it relates to loan-sharking and gambling.

Senator NUNN. Mr. Gersky, how about you, particularly speaking in reference to the time you were in Florida?

Mr. GERSKY. When I was in Florida, I worked exclusively in the antiracketeering organized crime field, specializing in loan-sharking.

Senator NUNN. Mr. Gersky, when did you first encounter Gary Bowdach?

Mr. GERSKY. In the latter part of 1969, about December.

Senator NUNN. What were the circumstances?

Mr. GERSKY. It was first reported that Gary Bowdach had been a minor figure on the fringes of organized crime and his particular little—in 1968, was shaking down hustlers over around Miami Beach where he would pose as a police officer armed with a gun

and a badge. And he would extract protection money from these girls.

Senator NUNN. Was he prosecuted for that?

Mr. GERSKY. No. He was not.

Senator NUNN. When did you first encounter him, Mr. Jellison?

Mr. JELLISON. My first encounter with him was late 1969 or early 1970 when we began to develop information that indicated he was operating a sizable loan-sharking business in Miami.

Senator NUNN. Did both of you work together on that?

Mr. JELLISON. Yes, sir.

Mr. GERSKY. Yes. In the FBI the cases are assigned to one agent who serves as the case agent. I was the case agent for 5 or 6 years.

Senator NUNN. You were the case agent on Gary Bowdach?

Mr. GERSKY. On Gary Bowdach.

Senator NUNN. Would you describe for us the information you received with respect to the shylocking operation Mr. Bowdach was running?

Mr. GERSKY. Yes, sir. This information came from a highly placed source and had a great deal of information on organized crime activities. We developed the information that he was in fact a prominent shylock operating in the Miami area, that his specialty was to provide money to persons involved in used and new car business; that is, basically auto salesmen; also gamblers, and so forth.

Senator NUNN. Did you consider your informant to be a reliable informant?

Mr. GERSKY. Reliable to the nth degree, I thought.

Senator NUNN. Was the information you received corroborated?

Mr. GERSKY. Yes. After receiving that information, we conducted normal surveillances and obtaining other sources of information, and it all dovetailed with each and every other piece of information.

Senator NUNN. Did you have occasion to use a wiretap on Mr. Bowdach's phone?

Mr. GERSKY. Yes. We did. That is, we applied for and received the Attorney General's authority to apply the wiretap on the phones located at Sonny Brock Motors which was reported to us to be the front of a shylocking operation.

Senator NUNN. When is that time frame?

Mr. GERSKY. I think it was about April 1970.

Senator NUNN. April 1970?

Mr. GERSKY. Yes.

Senator NUNN. During the course of that wiretap, did you find any higher-ups, people higher up than Mr. Bowdach who were involved in the loan-sharking?

Mr. GERSKY. Yes, sir. We did. However, we were unable to obtain sufficient additional evidence with which to prosecute these higher-ups, but there was enough information that led me to believe, and I still do believe, that Mr. Phil Kovolick was Bowdach's rabbi and/or godfather, which means his protector in the Miami area, and that Mr. Julius Sirowitz was his financial backer.

Senator NUNN. Is the word "rabbi" used with just Jewish people who are involved in underworld activities in organized crime, or is that a broader word?

Mr. GERSKY. It is really broader, Mr. Chairman. But it is really interchangeable with the term "godfather." It means the man to whom he reports, the man who looks out for his interests and he has to, of course, pay his dues to that individual.

Senator NUNN. You mean the word "godfather" doesn't necessarily mean the big boss? It means someone higher than the next person who is looking out for him. Is that correct?

Mr. GERSKY. That is correct, as far as I understand it.

Senator NUNN. What word did they use in your experience to describe the so-called boss of organized crime families? If godfather is used interchangeably with rabbi, what is used to denote the top man in organized crime operations?

Mr. GERSKY. I have always understood the term to be the "boss of bosses."

Senator NUNN. Boss of bosses?

Mr. GERSKY. Yes, sir.

Senator NUNN. Did you get any indication in the course of the wiretap that Mr. Bowdach had any certain territory, was he allocated any certain territory?

Mr. GERSKY. Yes, sir. That is correct. Of course, the information first came from this source and was later in my mind confirmed by the evidence obtained not only through the wiretap, but also evidence seized at the time of Bowdach's arrest and subsequent search warrants issued and used on Sonny Brock Motors.

Basically this territory, as I saw it, was the used-car, new-car businesses about Miami, which is very considerable.

Senator NUNN. What does the word "sitdown" mean to you?

Mr. GERSKY. A sitdown is when there is a problem among the organized crime figures that cannot be resolved between them; then usually their rabbis and they themselves sit down. The problem is discussed and a solution agreed upon. It takes big people—that is, important people in the organized crime community—to make these decisions, and they use it in place of shootouts and so forth. Apparently, they had that back in the thirties.

Senator NUNN. Did you come into any information about a sitdown in the course of your investigation of Bowdach?

Mr. GERSKY. Yes, sir. We did.

Senator NUNN. Would you describe that for us?

Mr. GERSKY. Right at the onset, during this title III wiretap, we found—we had a bit of bad luck. Mr. Bowdach was not physically at Sonny Brock Motors. There was some sort of a problem where he was protecting himself by not going down there.

This, of course, hurt us a lot in gathering evidence because he was not using the phones. However, we found out he was staying over in Miami Beach at the Holiday Inn and he would communicate with his partner, Louis Chiccini, by telephone.

So even though we obtained good information in their conversations back and forth, we didn't get much of the information we wanted to as regards to the higher-ups. We did learn that there was some sort of a problem going on that would require a sitdown. The date was set; that is to say, the conversations came in and we knew there was going to be a sitdown that night, but we didn't exactly know where Bowdach was so we couldn't follow him and find out who was involved and so forth.

We did, however, the next morning find out from the original source basically who attended the sitdown, basically what the results of it were. Also, that same day we had heard additional conversations between Bowdach and Chiccini where the sitdown was discussed. So it confirmed the source of the information.

Senator NUNN. What was the nature of the sitdown? What was involved? What were they talking about?

Mr. GERSKY. On Bowdach's behalf, he, of course, described it as the old man, his rabbi, as the old man. We learned that this individual was Phil Kovolick.

On behalf of the other party involved, Frank Gagliardi, on behalf, I understood, of Patsy Erra, represented the other side.

Senator NUNN. Would you repeat that?

Mr. GERSKY. There were two sides. Bowdach's side was represented by Bowdach and Phil Kovolick. The other side was represented by Frank Gagliardi.

Senator NUNN. Who is he?

Mr. GERSKY. Frank Gagliardi is an old-time racketeering figure who has been about the Miami-New York area for years and years. He is prominent in loan-sharking activities. He is a highly respected member of the organized crime community, as would be Kovolick on the other side.

One side represented an Italian element, and the other one a Jewish element.

Senator NUNN. What was the subject matter of that sitdown?

Mr. GERSKY. My understanding at that time was that it had something to do with the territorial problem having to do with money owed Bowdach.

We have since found out by talking with Bowdach that it was money owed to him that was not repaid by—in any case, it was money owed to Bowdach having to do with the shylocking operation and it was necessary to have a sitdown to resolve the thing.

At that time, we learned that over the wiretap, it was resolved in favor of Bowdach, which meant to us that Bowdach in his position had a lot of clout in the organized crime down there.

Senator NUNN. When did you first learn of a fellow named Louis Chiccini?

Mr. GERSKY. He was reported to be Bowdach's partner at the onset, but the source told us and later it seemed to be the case that Bowdach was the real strong man and the real brains.

So although Chiccini wasn't a full partner, the real brains and boss of the operation was Bowdach and his superiors, of course.

Senator NUNN. Do you know what happened to Chiccini?

Mr. GERSKY. I know he disappeared shortly after we arrested several individuals and we conducted an extensive search trying to find him.

Since, Bowdach has, of course, advised that they murdered him. We suspected that all along, of course. Nobody could prove it.

Senator NUNN. Did you always suspect Bowdach was the one that did it?

Mr. GERSKY. First of all, we had continuing information, source information on this operation and the minute the guy disappeared the source advised us that probability—the word, let's say the word in the organized crime community was that Bowdach had done in

Chiccini, and planted him in the ground as a matter of fact, which is the case.

Also, shortly after his disappearance, we found Chiccini's car parked a couple of houses down from Louis Nash's house, not that we suspected Louis Nash did it. We also felt that whoever did it dropped the car there to throw suspicion on Nash, who was Eddi Coco, another shylock man, and we felt it was just a power struggle, to get rid of Chiccini, because they felt he was the weak link, which he probably would have been.

He had a lot invested, a couple of little beautiful children, a beautiful wife, a nice home; had everything going for him. We had word from him that he could not face 20 years in the pen for his involvement.

Senator NUNN. You think Mr. Bowdach's suspicion that he related here this morning that Chiccini might have cooperated with law enforcement was justified?

Mr. GERSKY. On Bowdach's part, I am sure it was. Had I been in Bowdach's shoes, I would have figured that.

Senator NUNN. Do you know anything about Angelo Bruno?

Mr. GERSKY. I know that Chiccini was from Philadelphia and at that time we had information Chiccini was to some degree an associate of the Bruno people, and that after his trouble, he had gone to Philadelphia or at least made contact with Angelo Bruno, to try to get some help in this matter.

Unfortunately, we were never able to prove that, and Chiccini disappeared.

Senator NUNN. How do you compare Gary Bowdach's shylocking operation with others you have investigated.

Mr. GERSKY. Mr. Chairman, that was a classic shylocking operation. If you were going to write a book, you could use this as a model. It was very large in volume. He had a lot of customers, probably over 100 customers. We know of 78 of them.

The methods used to enforce payment were classic as he described, hitting people with the baseball bats. In addition to that, I know where he established victims, threatened them with guns, shot them, typical, classic shylock operation.

In my opinion, it was a very large volume, and the largest volume case that I have worked on, not so much in terms of dollars, as in terms of numbers of victims.

Senator NUNN. Numbers of victims?

Mr. GERSKY. Yes, sir.

Senator NUNN. Were you here this morning when Mr. Bowdach was describing his association with various people who have been involved in organized crime?

Mr. GERSKY. Yes, sir. I was.

Senator NUNN. Mr. Jellison, you have quite a knowledge of Mr. Bowdach.

Did you hear anything that he testified to that you knew to be incorrect or misleading?

Mr. GERSKY. Nothing.

Senator NUNN. You did not?

Mr. JELLISON. No, sir. I heard nothing either that didn't dovetail with what we knew or suspected at the time.



Senator NUNN. I am not asking you to verify every detail that he gave, and I know that you are not in a position to name a lot of names yourself. I am asking both of you if you heard anything that needs to be corrected for the record, that you know to be misleading, inaccurate, or false that he testified to this morning?

Mr. GERSKY. Everything I heard him say agrees, in fact, as I recall the situation being there at the time I left. I found nothing inconsistent in what he said.

Senator NUNN. Mr. Jellison?

Mr. JELLISON. I have to agree with Mr. Gersky. I think he was right on the money with all of it.

Senator NUNN. Mr. Jellison, I asked Mr. Gersky several different questions here. I am going to defer to Senator Chiles at this point. Do you have anything you would like to add to the answers given by Mr. Gersky?

Mr. JELLISON. No; I think he has covered it quite adequately.

Senator NUNN. Senator Chiles.

Senator CHILES. You said that Bowdach's shylocking operation was larger in terms of the number of victims than in others. Did Bowdach have in his possession a list of his customers at the time of his arrest?

Mr. GERSKY. Yes, sir, he did. Most shylocks that I have had anything to do with operate with what is commonly termed a shylock list and usually the names are in a code. His was in a code. There were 78 coded names on this list. They included after the name the weekly payment of vigorish each would have to pay. Some of these payments—

Senator CHILES. You used a term "vigorish." What does that mean?

Mr. GERSKY. That is the interest. Generally it is expressed in terms of a percent per week.

Senator CHILES. Called vigorish?

Mr. GERSKY. Yes; vigorish.

Senator CHILES. What the shylock is doing is getting the interest, he doesn't care about getting the principal. He is more interested in getting that weekly interest.

Mr. GERSKY. That has certainly been my experience in the dozen or so of these cases that I have worked on.

Senator CHILES. How many customers did he have? He had about 78 coded names?

Mr. GERSKY. Seventy-eight coded names, yes, with their amounts of vigorish.

Senator CHILES. When you were attempting to prepare for Bowdach's trial for extorting extensions of credit, did you find the victims were scared to discuss Bowdach?

Mr. GERSKY. They were scared to death, literally. They were petrified of this man. I am not trying to add to it, but they really were. It was a very, very difficult case to work on because of the reluctance of the victims to help us.

Senator CHILES. That is one of the problems in trying to prosecute a shylock case?

Mr. GERSKY. Yes, sir. I have had victims in that particular case, for example, the method that was used basically, quite aside from just interviewing and asking them what went on, when we did

that, they wouldn't tell us the time of day. They wouldn't talk to us and if they did, they made up a story. The method that was used was to subpoena them before the grand jury and then play their recorded conversations with the two shylocks so that they couldn't really lie. In other words, one of the shylocks would tell them they had to pay such and such, and then threaten them, then they would answer, make some acknowledgement of the fact they owed this money. So they would play that game. They were really in many cases stuck, having to admit that in fact that was them, and in fact they did make a loan. But several of these witnesses would actually tell me, I remember one person said he lied in the grand jury, he came out and I suggested to him that he might be charged with perjury for having lied.

He said to me, he and several others, but this particular person, said, "Look, all you can do at most is put me in jail for a year. If I testify, Bowdach will kill me. I would rather be in jail than dead." This was the prevailing feeling amongst all of these people, of the 70-some people we interviewed in this case. That was the feeling. All of them believed that.

Senator CHILES. You interviewed approximately 70 people. You ended up getting how many to testify?

Mr. GERSKY. We interviewed as many as we could identify. That was an approximate figure, Senator, 70. I am not positive. But it was most of them. We didn't have this hard evidence to assist us in each case. So if they decided not to talk to us, and we didn't have some way of convincing them to help us, then we had to drop them in terms of using them. We ended up with approximately 20 people that we felt we could convince to cooperate in the sense that they would face testimony or perjury. Of those 20, before trial finally came, a number of them disappeared; that is, absconded, took off. A number of them came up with this answer, "All right, prosecute me. I am not talking." We ended with about five people that were just so tied in in terms of what we had that they were actually required to testify in court, in open court.

Senator CHILES. Is the name Julie Sirowitz familiar to you? What can you tell us about his activities, or associates?

Mr. GERSKY. Yes, sir. It is familiar to me. The name came up before the wiretap, actually. We had information that Sirowitz was, in fact, his boss, or top man in the shylock operation, money supplier, I think would be the best term. What I found out about Sirowitz was that he was an owner of parking garages, and so forth, in New York City, that he used these as a front for shylock operations, he and his brother-in-law. But he was basically, as I understood it, a supplier of money to other shylocks.

Senator CHILES. Is the name Carlo DiPietro familiar to you?

Mr. GERSKY. Yes; it is.

Senator CHILES. In what connection?

Mr. GERSKY. My understanding was that DiPietro and Sirowitz were partners in this shylock money-providing business and that in effect they provided the money, or a large part of it, for Bowdach's shylock operation.

Senator CHILES. What can you tell us about Phil Kovolick?

Mr. GERSKY. Phil Kovolick has been identified, or was identified, I should say, since he is dead, as the chief lieutenant of Meyer

Lansky and employed as a killer, as an assassin for the old Murder, Inc., Meyer Lansky, Bugsy Siegel group. He has a nickname of Farvo Spick.

Senator CHILES. I didn't get that.

Mr. GERSKY. I guess it came from field stick. It was shortened down to Farvo Spick.

Senator CHILES. What does that mean?

Mr. GERSKY. I am not sure; an enforcer, I guess, for Lansky.

Senator CHILES. Do you know what his activities were in south Florida in the seventies?

Mr. GERSKY. Of course, at that time he was about, as I recall, 65 or so. But he had the support of Meyer Lansky and certainly the Jewish element of organized crime in that area, very respected man in that field.

It is my understanding that he was a backer of shylocks and basically—I don't know how to say this, but as a rabbi type, like for example, for Bowdach, I am sure he had other people working for him, but all of these people paid him a stipend for his support, plus whatever he had going on his own, which was probably to the best of my knowledge involved not only shylocking, but fencing, and enforcing, and all kinds of things.

We were told that—this was before the wiretap—that Farvo Spick was running Bowdach, as an assassin to be used by various organized crime persons about the country, as the old Murder, Inc., was to be used, was used, as the new young Jewish, tough killer. And there was no doubt about that. He was tough.

Senator CHILES. Bowdach was viewed by some organized crime figures as a "standup guy." What would that term mean?

Mr. GERSKY. In his case, I guess in any case, it would mean he would take his lumps, go to prison, never say "boo" about any of his associates and that, of course, was the case up until quite recently when apparently he found out he was going to be killed.

That changed his mind. I guess he would do a lot of things for him, but he wouldn't be killed. But he was a standup guy.

Senator CHILES. Because of that, he would tend to be trusted and maybe people would talk in front of him. He would know about things because he had this reputation. Is that right?

Mr. GERSKY. In my opinion, he would be, yes. He certainly knew all the right people. He had all the right connections and was busted and he did take his lumps, didn't become involved in killings and things of that nature. So, yes, he would have been a standup guy for them.

Senator CHILES. At a bond hearing on one of the gun violations, did Mr. Bowdach try to intimidate you, Mr. Jellison?

Mr. JELLISON. Yes, sir. He did.

Senator CHILES. How did that happen?

Mr. JELLISON. He saw fit to write down my home address while I was giving it on the stand and placed it in his pocket. I asked him in the presence of his attorney to return it to me. He categorically refused. He proceeded to say that if I wanted to be the hero or martyr, he said, I will just roll a grenade down this hallway and get all of you sitting here; I won't come to your house and just get you alone.

Senator CHILES. Were you actually concerned about what he might do at the time you were testifying against him?

Mr. JELLISON. Yes, sir. I was quite concerned.

Senator CHILES. Did you take any express precautions?

Mr. JELLISON. Yes, sir. I moved my family out until the trial was over.

Senator CHILES. Tell us what you all know about the incident involving Warner.

Mr. GERSKY. Bob Warner was one of Bowdach's associates. He was also a loan-sharking victim in the sense that Bowdach lent him money. We have since found out that he was the supplier of those guns and so forth, those machine guns.

Senator NUNN. I didn't hear you?

Mr. GERSKY. Warner; we since found out he was the supplier of the machineguns, sawed-off shotgun. So he had a lot of information on Bowdach. Apparently, Bowdach was under the impression that he was the supplier of this information to the FBI.

Anyway, one night when I was home I received a telephone call from the Dade County sheriff's office that Warner had been shot full of holes and was dying. So I interviewed him shortly after the police did and the truth of the matter was, he did look like he was going to die.

He was just all full of holes, holes in his head, holes in his body, holes in his arms. It looked like somebody had shot him with a machinegun. One of his ears was cut in half with a bullet; the bullets bounced off his head.

In any case, I interviewed him and he told us that Bowdach had tried to kill him and that it had been a professional setup where he was literally set up at a certain time and place and Bowdach would come out and shoot him full of holes.

For some reason or another, none of the shots were vital and he managed to crawl off before Bowdach could reload, got in the bushes, crawled into some trailer home and called the police. They came out and took a deathbed statement from him, where he admitted, basically, everything that I just told you, then later repeated it to me and when we found out he wasn't going to die, he agreed to be a witness for us.

Dade County went ahead and obtained a warrant for Bowdach and got him back in jail. Some time between then and the first hearing, which was just a couple of weeks away, or a couple of weeks later, I can't recall, a couple or 3 weeks later, Warner decided that if he testified—I mean apparently he decided if he testified, his life would be forfeited.

So he absconded. The case had to be dismissed against Bowdach. We had a heck of a time finding Warner. We finally found him in some little town in Louisiana somehow or another. We brought him back under a material witness warrant.

I talked to Warner at length in private and basically what he told me was that there is no way he is going to testify; if you put him on the stand, he would lie and that when I told him, if you lie, you are going to perjure yourself and go to jail for that.

He repeated that same story. All you can do is put me in jail; Bowdach will kill me. I know he will. As soon as I get out of your

place, I am going to take off, and he subsequently has. The last I heard he was in Paris or some place or another.

In any case, he would not help the State even though this man viciously tried to kill him. Warner would have been a good witness for us in the shylock case, by the way. We lost him since he was no longer available to us as a witness.

Senator CHILES. Mr. Gersky, at the dangerous special offender hearing, you made the following statement: "It is my opinion today that Gary Bowdach is the most dangerous individual I have ever met or encountered in my entire life."

Mr. GERSKY. Yes, sir. That is correct. I sure said that.

Senator CHILES. You meant that at that time?

Mr. GERSKY. Yes, sir. I have been an FBI agent, policeman, border patrol man, been at this almost 20 years; absolutely the most dangerous man I ever met in my life.

Senator CHILES. Did you have occasion to talk with two drug enforcement informants separately and independently with respect to what services Bowdach performed for the Cavero group?

Mr. GERSKY. Yes, sir. I did. I had a telephone call one day asking me if I was interested in a couple of DEA informants who had some information on Bowdach. We weren't actively working with Bowdach at this time.

Bowdach had gotten out of jail on an appeal board or something. In any case, we weren't privy to any information indicating that he had been back in the shylocking, so we weren't working it, but I was interested in Bowdach, so I went down and talked to these informants.

The situation was that they had brought this up spuriously, quite aside from the information that they were giving to DEA. I interviewed them separately, with proper technique; that is so that they won't be providing information furnished by one another.

I believe what they told me was accurate. They identified Bowdach as having been hired by the Rick Cravero narcotics crime ring as a killer, as an assassin. They provided information pertaining to the types of weapons that were available to him, some of the techniques they used, that is, Bowdach and his associates.

And in my opinion, the information they gave us was accurate. They both said the same thing, but separately, and they had no reason, No. 1, to lie as I could see it and, No. 2, to have gotten their heads together to furnish this story. So we used that information in an affidavit which subsequently resulted in Bowdach being arrested again with a large quantity of weapons and he was finally declared a special dangerous offender and put away. Finally.

Senator CHILES. Both of you have been exposed to Bowdach since he has become a cooperating witness?

Mr. GERSKY. Yes, sir.

Mr. JELLISON. Yes.

Senator CHILES. Is he, in fact, supplying information to you at this time?

Mr. JELLISON. Yes, sir, as it comes to his attention.

Senator CHILES. Both of you say your assessment of his credibility today is that he has been candid and that he has been an important witness for you and for law enforcement?

Mr. JELLISON. Yes, sir.

Mr. GERSKY. That is correct.

Senator CHILES. Can you give us a general outline of the kinds of information and subject matters which is currently being supplied without compromising any case that you are working on?

Mr. JELLISON. In very general terms.

Senator CHILES. How is that valuable?

Mr. GERSKY. Just relationships of one hoodlum to another, aside from substantive violations involving either drugs or loan-sharking or whatever the case may be, but just providing a lot of background that we are always happy to get. It is significant in that some things we may see on the surveillance, 4 or 5 years ago, he would piece together for us now. And just in general it has been a big help and a lot of assistance.

Senator CHILES. I suppose you both were a little surprised when you found he turned?

Mr. GERSKY. I was shocked. I had approached him several times in the past when I thought I had him over the barrel, because it was obvious from the start he would be a valuable source of information and he knew all of the right people, the big people, too, rather than just being a street shylock. He had these connections. He was being groomed for bigger and better things. I thought it would be impossible. I tried. He wouldn't always exactly spit in my eye, but figuratively, he would. So I was shocked when I found out.

Senator CHILES. A little surprised and a little dubious?

Mr. GERSKY. Not dubious, because I knew the circumstances under which he was forced to do it. It was his life or this. That I can understand. That is a motive I understand. The man is not emotional. He is very deliberate; I hate to use the term, cold-blooded individual.

Senator CHILES. That is a pretty good term.

Mr. GERSKY. Well, I guess it fits, you know. But I was shocked. But I understood it.

Senator CHILES. Once he has turned, then he has every motive to turn all the way and to stay that way because there is no going back.

Mr. GERSKY. No going back from this. None. He has made his bed and he has to lay in it.

Senator CHILES. Both of you have worked with many informants in your careers. Would you each give us your opinion of how you would say Bowdach compares with the other informants with which you have worked?

Mr. JELLISON. I would like to clarify this informant, the term informant. Mr. Bowdach is in the witness protection situation. He is convicted, and so forth. He has provided us with a lot of information as he has several other law enforcement agencies.

We are utilizing him as a source of information, but he is not classified as an informer as such.

Senator CHILES. He is not under cover?

Mr. JELLISON. He is not a confidential informer. We are accepting information from him, but if you want me to evaluate him with other legitimate bona fide informants, his information stacks up as good, if not better as any of the best ones we have ever had.

This goes back over a long period of time. It is just, we are not allowed to operate anyone that is in witness protection situation as

one of our informants. If they volunteer information, we accept it, and that is it. That is the status he is in.

His information has been about the best we could get anywhere.

Mr. GERSKY. I agree with that. I would just like to add that, in my opinion, I have always tried to evaluate informants; I want to know their motive. This guy has got the best motive I have ever encountered.

Senator CHILES. Sometimes they have a double motive.

Mr. GERSKY. Yes, sir. You never know when it is going to backfire on you. But this guy has a very simple motive. He wants to stay alive and he has no reason in the world to furnish any false information.

Quite the opposite; he has every reason in the world not to. He is quite subject to perjury and other possible violations. The man hates jail. He doesn't want to go back there.

So what I am saying is, in evaluating his motives, I find that I would attach a lot more of what he says, just for that reason alone, let alone the value of the stuff which is tremendous.

Senator CHILES. When he started talking about the murder of his partner, why couldn't you find the body? Where is the body?

Mr. JELLISON. I will try to answer that for you, Senator. Actually, when we sat down with him in the beginning what was foremost in our mind is what happened to Chiccini. We have been through this with many, many efforts to try to turn him, sometimes right when we would arrest him, sometimes on the street, we approached him numerous times, all with no success at all.

So we sat down to debrief him; this was one of the primary topics of conversation.

Senator CHILES. That is the question you went to ask?

Mr. JELLISON. Yes, sir. After we got it all straightened out with the immunity thing, with the Justice Department, then we proceeded. He agreed to take us out to the scene where he says this man was buried, where he had personally placed him in the ground.

We enlisted the services of an archeologist, whose name I do not recall, from the Florida State University, who came down with his pro, and I understand this man is eminent in his field, and the place Bowdach took us, he probed for hours and I think for days, to no avail.

It was buried in black south Florida muck, maybe five feet of it. We then, the Dade County Homicide Bureau, enlisted the services of a bulldozer and two operators. They went probably on a 1½-acre track, 3 inches at a time.

It took better part of 2 weeks and they were able to come up with nothing. They went to a depth of I think 5½ feet and still found absolutely nothing. The property owners and the powers to be decided it just wasn't worth any more expenditure of manpower and money digging for, through the muck, which probably had done its job. It just wasn't there any more.

Senator CHILES. This was how many years after the murder?

Mr. JELLISON. This would have been 7 years, I believe. I may be off a few months, but it was last September.

Senator CHILES. Was there some feeling that with 100 pounds of quicklime in that particular soil that the body had decomposed?

Mr. JELLISON. That was the prevailing feeling of the experts that were there, that it probably just completely decomposed, whatever was there. There was clothing, carpet, I think he said he was wrapped in, gold teeth, metal detectors were used, and everything. Nothing was found.

Senator CHILES. This question was put to Bowdach on the polygraph test, was it not, about the body? Where was the body left?

Mr. JELLISON. As far as I know, it was. He came through with flying colors. There was no deception indicated from what my understanding was of the examination.

Senator CHILES. Bowdach has said today that he thinks that the body was moved by Johnny Manarite.

Mr. JELLISON. From what I know of Johnny Manarite, he was a thinker and he may well have had it moved. That is speculation on everyone's part. But I will say one thing for Mr. Bowdach, he took us to the same exact spot three or four times, three or four different occasions, even after the bulldozers had started to work.

He still went right back to where he, in his mind, thought that body was buried.

It was just, it was a bog, quagmire, just a plain old black muck. It was a difficult place to work in, every time you would get down to a certain level, water would seep in. It was that kind of circumstance.

Mr. GERSKY. Could I add something? You are probably not aware of it. Bowdach has told me for quite a while after that, he paid Chiccini's wife, I think, \$200 a week, because he felt bad about it.

So he paid this money for a long time. Then he found out she was sending it to her parents in Minnesota, and got mad and stopped paying her the money, for what that is worth.

Senator NUNN. He never did tell her he killed her husband?

Mr. GERSKY. No, I am sure he didn't. I used to go over to see her once a month. At first we thought maybe he had absconded, gone to Italy, but there was never any information on that and, finally, the word from the street got back that Bowdach had done him in and buried him in the swamp.

She finally moved away, as I recall.

Senator CHILES. His partner's car was found, was it not?

Mr. GERSKY. Yes; Chrysler station wagon was found right near Louis Nash's house, which now we understand Bowdach had a thing for Louie Nash. I can understand why they did it. He wanted to throw suspicion on him. This was a competitive shylock operation.

Mr. JELLISON. One thing I would like to add, when we were debriefing Bowdach, he said the time you arrested me with the silencer, he said the only reason I was carrying that silencer was to kill Louie Nash that day. He said you guys saved his life.

He had him coming into the car lot, they were going to do Louie Nash that day, according to what he told us.

Senator CHILES. After he turned?

Mr. JELLISON. This was after he turned.

Mr. GERSKY. He never told us the time of day.

Mr. JELLISON. He was very evasive and aggressive and just wanted to argue and fight whenever we arrested him. This came later when he told us about Mr. Nash's problem.



Senator NUNN. On the Chiccini case, we have heard Mr. Bowdach testify here today about people who assisted him in carrying out that murder. In your professional opinion, is there a possibility that any case can be made since there is no available corpus delicti?

Mr. JELLISON. It is my understanding, I could stand corrected on this, Senator. The Dade County homicide authorities are conducting an active investigation into this matter. They are having problems locating the other people mentioned here.

They would like, of course, to have a corpse, if they could find a second witness to corroborate what Mr. Bowdach says, I think they would proceed. That is their thinking.

Senator NUNN. Even without a body?

Mr. JELLISON. Hopefully, that is the way to proceed.

Senator NUNN. You are going to have to have some strong corroborating evidence?

Mr. JELLISON. That is right. So far we have not gotten it.

Mr. GERSKY. The day we arrested him with the silencer, and gun, so forth, he was driving John Manarite's brandnew Oldsmobile convertible. So there was definitely association there.

Senator NUNN. Who was driving?

Mr. GERSKY. Bowdach.

Senator NUNN. John Manarite is dead, is he not?

Mr. GERSKY. Now he is, but of course he was alive then. I might say Bowdach drove that car regularly. I saw him driving it around all the time. It was beautiful.

Senator NUNN. How do you rate Mr. Bowdach as far as his intelligence is concerned?

Mr. GERSKY. His native intelligence?

Senator NUNN. Native intelligence, education?

Mr. GERSKY. I don't know about his education. I doubt if it is too formal, but he is a real sharp individual; he has got a lot on the ball; very intelligent man.

Senator NUNN. Have you found any occasion where he gave you erroneous information?

Mr. GERSKY. Quite the opposite. I found his memory is exceedingly good. Sometimes he will say something and it will take maybe 3 or 4 days, a week; he will call you back and say, hey, what I told you, these are the actual details.

In other words, it refreshes his memory, thinks on it, gets it all straight. I rather imagine he puts it down on paper.

Senator NUNN. Would you rate him as average, above average, or far above average intelligence?

Mr. GERSKY. I think he is a very intelligent man. I think it is a shame that a person of that ability and intellect would have to turn to crime, because he would have been sharp in any field he chose. He is a very intelligent individual in my opinion.

Senator NUNN. Mr. Gersky, you said he had the best motive for testifying and cooperating, that is to protect his own life. Does it go further than that? Is Mr. Bowdach cooperating strictly to protect his life, or do you find he has a real regret for the life of crime that he has led?

Mr. GERSKY. In my opinion, I am not sure about the regret. I can't answer that question. I think, however, that he has a great

deal of resentment against those persons in authority in the organized crime field above him that let him down, that let him go to the pen for all that time and didn't protect his interests, came back, demanded "vigorish" on money when he was down and out.

Senator NUNN. You would say it was more revenge than regret?

Mr. GERSKY. No, not revenge either.

Senator CHILES. He has discovered he had a misplaced loyalty?

Mr. GERSKY. Yes, I think that is exactly right.

Senator CHILES. His heroes didn't turn out to be heroes?

Mr. GERSKY. Exactly. That would be a very good way of putting it.

Mr. JELLISON. I would like to say, early on in his cooperation, he did tell us he wanted to wipe the slate clean and provided us with as much as he possibly could; to make our jobs a little easier because we have been after him for several years to see things our way. He finally agreed to do it, and said I will do the best job I can for you.

Mr. GERSKY. Not only that, he has gone beyond what he actually has to do. He has dug up information within the system that he has actively gone out and pursued. So I think he is totally committed to assisting the Government if I can make myself clear on that.

Senator NUNN. In your professional opinion, does he have a cause to be concerned about his safety and his life?

Mr. JELLISON. I would say "most definitely."

Mr. GERSKY. Absolutely.

Senator NUNN. Mr. Sharp, is your present position head of the Organized Crime Section of the FBI?

Mr. SHARP. Yes.

Senator NUNN. You are the top man in the FBI organized crime program?

Mr. SHARP. I run the program.

Senator NUNN. How many people do you have working in organized crime? I don't want you to give any information you don't care to be made public. So just let us know if this is private confidential information.

Mr. SHARP. It is around the figure of 1,000.

Senator NUNN. That would be throughout the country?

Mr. SHARP. Throughout the United States.

Senator NUNN. How many do you have in Washington?

Mr. SHARP. Twenty men in headquarters.

Senator NUNN. Mr. Sharp, how long have you been in the organized crime field?

Mr. SHARP. Fourteen years.

Senator NUNN. Investigation?

Mr. SHARP. Fourteen years.

Senator NUNN. Could you tell the Senate and the Congress and the American people the main needs in terms of possible changes in the law, in manpower, et cetera; what would you describe as your top priority needs in order to do a better job in combating organized crime in this country?

Mr. SHARP. Since the Director has either testified or will be testifying in these areas, I would defer to the Director of the FBI.

Senator NUNN. Let me ask Mr. Gersky then. We would like to know from the field, what from the field point of view do you need more of?

Mr. GERSKY. I'm sorry. I am not in any way to make any kind of a policy statement. I just can't answer that question. I am sorry.

Senator NUNN. Mr. Jellison?

Mr. JELLISON. I think I will have to take the same posture and agree with Mr. Sharp and Mr. Gersky, that is for the Director to handle.

Senator NUNN. Is that the only way we will find out what you are going to need, is get the Director up here?

Mr. SHARP. With due respect to the committee and to the question, he has addressed other committees, or will be, in the area of policy matters, certainly budgetary matters.

Senator NUNN. I would assume if I ask you the question whether you agreed with him, your answer would be in the affirmative?

Mr. SHARP. It is a major priority of the FBI today, organized crime.

Senator NUNN. It is a major priority?

Mr. SHARP. Yes. It is one of our three major programs.

Senator NUNN. Do you think certain changes in the law, without asking you what those changes are, are needed in order for you to be more diligent in organized crime prosecution?

Mr. SHARP. We committed ourselves totally, we gained experience in organized crime investigations. We have really only been in this business about 17 years, 18 years, and we do have a lot of experience. We are now totally committed and ready to go forward with whatever wisdom Congress sees in the law to assist the battle against organized crime and certainly would be most appreciative.

Senator NUNN. Mr. Gersky or Mr. Jellison, do either of you have anything else to add about this matter we are talking about, or about organized crime, that you would like to pass on to this committee while you are here?

Mr. JELLISON. No, sir, not at this time.

Mr. GERSKY. No. I don't think so.

Senator NUNN. You don't have any advice to offer to the Congress?

Mr. GERSKY. No. But I think we should keep looking at the problem, keep examining it, come up with whatever tools are deemed necessary.

Senator NUNN. How do you rate the problem with organized crime now, Mr. Gersky, compared to, say, 5 years ago?

Mr. GERSKY. I am not really in the position to answer that. I have been out of the field for 3 years. So I really can't say. It has got to be increasing, though.

Senator NUNN. Mr. Jellison, how would you rate the problem of organized crime in south Florida now compared to several years ago?

Mr. JELLISON. It is still there, it was there 5 years ago, it is a factor and something we work on every day and they are there, they are in other cities. We are just doing the best job we can.

Senator NUNN. Would you say it has increased in the last 5 years?

Mr. JELLISON. Down there peoplewise, probably there are more than there were 5 years ago, but it is hard to quote statistics like that.

Senator NUNN. Generally you think——

Mr. JELLISON. New names keep popping up. That is what I am basing it on.

Senator NUNN. Generally you think it is on the increase?

Mr. JELLISON. Yes, sir, just from the numbers standpoint, there are more there now.

Senator NUNN. We keep talking about south Florida. Perhaps that is a mistake. We may be defining the area too narrowly. Do you have jurisdiction or have any knowledge about central or north Florida, or is it accurate to say we are talking primarily about south Florida?

Mr. JELLISON. I have to confine my remarks to south Florida because that is primarily where I operate.

Senator NUNN. Without getting into detail, does the problem with organized crime exist in other parts of Florida?

Mr. JELLISON. I am sure it does, though I could not specifically back that up.

Mr. SHARP. The heavy concentration in any particular area in Florida would be the south Florida area as compared to middle Florida or northern Florida.

However, these areas can't be considered to be left out of the influence or some control.

Senator NUNN. Do you know whether organized crime is on the increase in the State of Georgia; would you say it is constant, how would you describe it in my home State of Georgia?

Mr. SHARP. Traditional organized crime certainly does not appear to have an influence in the State of Georgia. One must get into the definition of organized crime, certainly there are a few major cities without some form or aspect of the organized crime element.

Senator NUNN. Mr. Block has a question.

Mr. BLOCK. I have two questions.

We have heard a lot of mention about John Manarite today. Can you tell us what you knew about him?

Mr. GERSKY. Yes, sir. I know that he had a lengthy conviction record. This has been a number of years. I don't recall. It seems to me it was for extortion and heavy crimes of violence. He was, of course, known to us to be a shylock. He had all types of organized crime connections and involvements.

For example, the day we arrested Bowdach with the silencer when he was driving Manarite's car, in the trunk of that car were numerous volumes of obscene films, big boxes of them. I have since found out that they were in fact Manarite's.

So he was a very, very tough shylock, probably a killer, certainly thoroughly involved in organized crime in south Florida.

Mr. BLOCK. Can either of you tell us what activities you are aware of that the Chicago organized crime members are involved in in the south Florida area?

[At this point Senator Chiles withdrew from the hearing room.]

[The letter of authority follows.]

U. S. SENATE,  
 COMMITTEE ON GOVERNMENTAL AFFAIRS,  
 SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,  
*Washington D.C.*

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open hearings without a quorum of two members for the administration of oaths and taking testimony in connection with Organized Crime/Law Enforcement in Florida on Tuesday, August 1, 1978.

HENRY M JACKSON,  
*Chairman.*

CHARLES H. PERCY,  
*Ranking Minority Member.*

Mr. SHARP. We have extensive investigations going on in several of the cities that were mentioned today in these hearings and certainly if we discuss these specific investigations it would just jeopardize some of them and some of the agents investigating them.

Mr. BLOCK. They are active investigations at this time?

Mr. SHARP. They are active investigations in the city of Miami, in the city of Chicago.

Mr. BLOCK. Thank you. Nothing further, Mr. Chairman.

Senator NUNN. Thank you very much for being here today Mr. Sharp, Mr. Gersky, and Mr. Jellison. I commend you for your excellent work and we appreciate your cooperation with the subcommittee and we hope to stay in touch with you.

We do hope at some point to hear from the Director of the FBI, to get your views and his views about what we can do to improve our law enforcement mechanism.

Thank you very much.

The subcommittee is adjourned until 10 o'clock tomorrow morning at which time we will resume with the hearings.

[Whereupon, at 4:15 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, August 2, 1978.]

**ORGANIZED CRIMINAL ACTIVITIES**  
**South Florida and U.S. Penitentiary, Atlanta, Ga.**

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WEDNESDAY, AUGUST 2, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to recess, in room 1202, Dirksen Senate Office Building, under the authority of S. Res. 370, agreed to March 6, 1978, Hon. Sam Nunn (acting chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; Senator Lawton Chiles, Democrat, Florida; and Senator Charles H. Percy, Republican, Illinois.

Members of the professional staff present: Owen J. Malone, chief counsel; F. Keith Adkinson, assistant counsel; William B. Gallinaro, investigator; David P. Vienna, investigator; Larry Finks, captain, U.S. Park Police; Joseph G. Block, general counsel to the minority; Ruth Y. Watt, chief clerk; and Mary Donohue, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of reconvening: Senators Nunn, Chiles, and Percy.]

**OPENING STATEMENT OF SENATOR NUNN**

Senator NUNN. Today we will hear testimony concerning what I would call a "growth crime" in America—arson. Arson is an easy crime to commit and a very difficult offense to prove.

The subcommittee has a separate inquiry underway unrelated to this particular witness that is focused on arson for profit. Senator Percy has taken a very active lead in that inquiry and we hope to have hearings in the near future.

Arson is a crime that defies detection in most cases. Detection and prosecution require the cooperation of police and fire specialists, but such coordination is, unfortunately, infrequent. Because fires are easy to set, prosecution, successful prosecutions are few and far between and because of the profits involved, arson and organized crime go hand in hand.

Arson can also be in many cases a crime of revenge as we will hear today.

Yesterday we heard the horror of murder and the brutality of the loan-sharking business.

Clearly, it was established by several witnesses, including Gary Bowdach, that he was a very violent man. He gave testimony about the names of persons involved in organized crime activities.

Personally, I was very depressed by the vivid, matter-of-fact precise statements of Mr. Bowdach. But on the other hand, from his testimony, we all should have a better understanding today of the type of individual our law-enforcement officials throughout this country are faced with on a day-to-day basis.

I believe that the human tragedy of yesterday's testimony places even greater importance on the questions we ultimately must raise in these hearings and in the Congress as a whole.

Have efforts aimed at curbing the excesses of law enforcement gone so far that our laws cannot protect the people of this Nation from organized crime? That is an essential question.

Another question is, finally, can our laws and our efforts to enforce them compete successfully with the criminal elements of our society?

Senator Percy?

#### OPENING STATEMENT OF SENATOR PERCY

Senator PERCY. Mr. Chairman, I appreciate your full cooperation in my directing the attention of the subcommittee to the problem of arson for profit. Arson is one area of crime that touches every single homeowner, every single owner of a building, anyone who rents property, and anyone in business. Because of arson, insurance rates are extraordinarily high. The cost is borne by everyone. It adds to inflation. In some areas it becomes impossible to get insurance, and without insurance, a business simply will not move into these areas.

Burning buildings has become a very lucrative business in this country. Property losses from arson were said to be \$2 billion in 1976. That figure is twice what it was just 3 years before. Arson-for-profit is one of the fastest growing businesses in America today.

When the hidden costs such as the erosion of the tax base and unemployment are added to this figure, the total economic impact of this crime may approach \$15 billion annually. Each year, deliberately set fires claim some 1,000 lives.

Despite the growing magnitude of the problem, the record on arson prevention is extremely disappointing. For each 100 arsons, only 3 persons are arrested and less than one is convicted.

Whenever criminals have odds like that, you can be certain that organized crime is cashing in.

Gary Bowdach's forthcoming testimony will dramatically illustrate that this is so. This subcommittee has been conducting an extensive investigation of arson-for-profit for nearly a year. Our staff has conducted numerous interviews with policemen, firemen, Federal and State prosecutors, and other law-enforcement officials across the country. They have also talked to both the people who set the fires, that is, the "torches," and the victims who are burned out of their homes, their belongings, and their jobs.

Three reports to the General Accounting Office have been prepared at our request. They reveal the weakness of the present Federal response to arson-for-profit. In fact, the response is so uncoordinated and so weak that it is a point of despair with many

local law-enforcement people who feel that they simply can't cope with it, particularly considering that arson-for-profit is a lucrative area that the syndicate has moved into.

We look forward to having hearings later this month on arson. Today, we are anxious to hear from Mr. Bowdach. His testimony on arson-for-profit will lay an important foundation for the future.

Senator NUNN. Thank you very much, Senator Percy. I want to commend you and your staff for the very active role you have taken in the past months and will continue to take in the future months on this very important area.

We will be cooperating fully in presenting to the public and to the Congress some of the very serious problems in the arson-for-profit game which is growing by leaps and bounds in this country.

Senator Chiles.

#### OPENING STATEMENT OF SENATOR CHILES

Senator CHILES. Thank you, Mr. Chairman.

Yesterday, I think we heard the kind of story that most of us wish we could reserve for someone else's nightmares. Last night, I had an opportunity to be at a gathering with a number of people who had watched the evening news. They were all sort of talking about this person they had seen on television.

Their comments were interesting. I noticed that a number of them weren't sure that it was really part of the news. "There just couldn't be anybody actually describing a killing. Was that really part of the news that I saw?"

I think this is the kind of thing that nice people don't like to think about. But it seems that nice people need to start thinking about it. What we heard yesterday and what we will hear today and tomorrow about arson and narcotics are not the wild statements of an overwrought speechwriter. Instead, they are factual restatements of an organized crime job description.

This is what people in organized crime do every day. It is what they do every day of their whole career. Our intention, and the reasons for these hearings, is to try to interrupt those careers at the street level and at the higher levels of organized crime.

Yesterday afternoon, we had testimony from an assistant U.S. attorney and two FBI agents. They confirmed the accuracy of much of what Mr. Bowdach had to tell us. They also described to us how difficult it is to catch people like Mr. Bowdach and to prosecute them successfully and then to keep them in jail once they have convicted them.

It seems that current and proposed legislation which is intended for the most legitimate reasons and with the public interest in mind, many times does not contain safeguards against manipulation by organized crime figures for their own purposes.

I think it might well be that we have in our reform efforts worked against our own best interests. We have reformed the Internal Revenue Service to the point where many people tell us today it cannot work effectively against organized crime.

Provisions of the Freedom of Information Act appear to have been twisted by organized crime figures to tie up the law enforcement agencies and to discover those who dare to give evidence against them.



Our subject today is arson, but I think as we deal with each one of these subjects, we need to be mindful of what kind of reform efforts we need to correct these problems in the future. I look forward to today's testimony, Mr. Chairman.

Senator NUNN. Thank you very much.

Just one point of clarity: There was a reference to the immunity given to this witness yesterday in one of the news reports. I want to make it very clear again, as the testimony did yesterday, that this witness had already received immunity before our executive session. This committee and the Congress have not given this witness immunity. The witness has been given immunity by the Justice Department and that immunity was given, as was related yesterday, in oral commitments from the strike force in Miami.

I just want to make that point clear.

This witness has not been given immunity by this subcommittee, but the immunity was given by the Justice Department. It was in the nature of use immunity.

We have had testimony both in the executive session and again yesterday that the likelihood of any prosecution of this witness is very slim because he has described to the Justice Department the crimes he has participated in. I think this is a point that should be made clear and emphasized at this stage.

Again reluctantly, but necessarily, we are going to ask all the cameras to please point in a different direction from the front so that we can bring the witness in, as we did yesterday, and pursuant to a vote of the subcommittee members present, pursuant to the rule of the Permanent Subcommittee on Investigation. Again this is being done at the request of the witness and at the request of the Justice Department and the marshals who have the duty of protecting the witness.

I will ask the marshals to see that all cameras are turned away from the witness before we bring him in.

This includes any cameras in the audience.

Are the marshals ready for the cameras to be placed in a normal position?

Mr. Bowdach, you recall that we gave you the oath yesterday. You swore to testify truthfully before this subcommittee. You understand this morning you are still under obligation to be truthful in everything you say to the subcommittee?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, I understand you have a brief prepared statement that you would like to start with this morning.

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why don't you go ahead with that statement and then we will get to the questions?

#### TESTIMONY OF GARY BOWDACH—Resumed

Mr. BOWDACH. Mr. Chairman and members of the subcommittee, I have related to your staff and in executive sessions for this subcommittee the circumstances leading up to the torching in Tampa of a wholesale florist warehouse. I want to relate those circumstances to you today.

In early January 1971, I went to Capra's Restaurant, 8400 Biscayne Boulevard, Miami, to meet John Manarite, my partner.

When I entered the establishment, I noticed Manarite sitting with an individual, whom I did not know at the time, at a table in the restaurant. Manarite waved me away with a nod of his head, which I interpreted to be an indication that he might be having a problem with the person he was talking with. I immediately went into the kitchen of the restaurant and talked with its owner, Vincent Bruno, whom Manarite and I had known for some years.

As soon as I entered the kitchen, I took my gun out, believing that Manarite may be in need of my assistance. I asked Bruno who Manarite was meeting with and if he was having a problem. Bruno told me that everything was all right and that Manarite was meeting with Santo Trafficante. I observed the meeting and immediately upon Trafficante leaving the restaurant, I went and joined Manarite at the table.

John Manarite told me that we had a torch job to do in Tampa at Trafficante's request and for a friend of Trafficante's.

Shortly after that meeting, plans were made to travel to Tampa. Several days later John Manarite, Harry Olivero, and I drove to Tampa from Miami in my car. Once we arrived in Tampa we went to a private residence in a residential area at Manarite's direction. We pulled into a garage adjacent to a home and Manarite and I went in the back entrance of the home and met with an individual that Manarite evidently knew but someone I had never seen before and haven't seen since. That individual gave us a key to the establishment and told us the flammable fluid was already there. After leaving that home, I believe we went and cased the establishment we were to burn. This was before nightfall and so we went to a motel and rented a room to pass the time until dark.

Late in the evening we went to the building, entered it and proceeded to spread around the various parts of the building a flammable fluid which was left there in 5-gallon drums for the purpose of the arson. We opened the windows, ignited the building, and left. After changing clothes in our motel room, we drove through the night returning to Miami.

Mr. Chairman, I am prepared to answer any questions or provide any additional details that you may desire on this arson.

Senator NUNN. Thank you, Mr. Bowdach.

Before we get into the details of this arson and others, give us again your description of John Manarite. Who was John Manarite, and what was your affiliation with him?

Mr. BOWDACH. John Manarite was a middle-aged man, living in Miami. He was the cousin of the Mafia boss in Springfield, Mass., a man by the name of Sam Cafari. He was instructed at one time by Mr. Cafari—

Senator NUNN. How do you spell that?

Mr. BOWDACH [continuing]. To comply with any request by Mr. Trafficante.

Senator NUNN. How do you spell that?

Mr. BOWDACH. C-a-f-a-r-i.

Senator NUNN. How did you describe Mr. Cafari?

Mr. BOWDACH. He is the boss of the Mafia family in Springfield, Mass.

Senator NUNN. Was, at that time?

Mr. BOWDACH. He is still, as far as I know, sir.

Senator NUNN. Go ahead.

We have a sealed exhibit from Mr. Manarite's FBI record. Without objection, it will be made a part of the record at this time.

[The document referred to was marked "Exhibit No. 10" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Go ahead, Mr. Bowdach.

Mr. BOWDACH. On one occasion that I was present, Mr. Cafari, Manarite, and myself were in a restaurant on Wharf Avenue, in Palm Beach County, and Mr. Cafari related to Mr. Manarite that anytime Santo Trafficante asks you to do something, you do it without question.

Senator NUNN. You personally were there when Mr. Cafari told Mr. Manarite this?

Mr. BOWDACH. Yes.

Senator NUNN. What year was that?

Mr. BOWDACH. 1970, sir.

Senator NUNN. Where were you when that conversation took place?

Mr. BOWDACH. A steakhouse on Wharf Avenue, Palm Beach.

Senator NUNN. Approximately what time of the year was it?

Mr. BOWDACH. It would have been in the fall of 1970.

Senator NUNN. Fall of 1970?

Mr. BOWDACH. Yes.

Senator NUNN. Did you meet Mr. Cafari any other time?

Mr. BOWDACH. Pardon me?

Senator NUNN. Did you meet Mr. Cafari at any other time?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you want to add anything else concerning your relationship with John Manarite?

Mr. BOWDACH. Mr. Manarite and I were very close because of the fact we did a murder together and we did an attempted murder together, and that automatically performed what we call a marriage between two people.

Senator NUNN. Those were the murders you discussed yesterday?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did Mr. Manarite discuss any other murders with you?

Mr. BOWDACH. Yes.

Senator NUNN. Would you relate those to the best of your recollection?

Mr. BOWDACH. Yes, sir.

In the summer of 1970, approximately in August, Mr. Manarite, Mr. Olivero murdered a man by the name of Albert Sonenblum.

Senator NUNN. Would you spell that?

Mr. BOWDACH. Albert Sonenblum, S-o-n-e-n-b-l-u-m.

Senator NUNN. What did Mr. Manarite tell you about that murder?

Mr. BOWDACH. He killed Mr. Sonenblum on State Road 9, between Opa Locka and North Miami Beach. They used a .32 caliber weapon. He was killed in the back seat of Manarite's car while Olivero was driving the automobile. They then proceeded to take Mr. Sonenblum to the motel where he was staying on Biscayne Boulevard, transferred him from Manarite's car, placed him in the

trunk of his Chrysler, took his body to the Miami International Airport and left it there.

Senator NUNN. Why did they kill this particular individual?

Mr. BOWDACH. There was a dispute over a jewelry deal that had gone down, and Manarite felt that he would be on the job.

Senator NUNN. Was anybody ever tried for this murder?

Mr. BOWDACH. No, sir.

Senator NUNN. Do you have any other murders that related to you by Mr. Manarite?

Mr. BOWDACH. Prior to my arriving in Florida, Mr. Manarite shot and killed a man by the name of Joe Mushkiello, but had it dismissed in Justice of the Peace Court No. 1, for lack of evidence.

Senator NUNN. Where—how do you pronounce his name?

Mr. BOWDACH. Mushkiello. I would spell it phonetically, M-u-s-h-k-i-e-l-l-o.

Senator NUNN. What was the reason for this killing?

Mr. BOWDACH. He didn't explain it, sir.

Senator NUNN. Where was the victim from?

Mr. BOWDACH. I don't know, sir. He was killed on Northeast 163d Street, North Miami Beach.

Senator NUNN. Did anyone else participate in that murder besides Mr. Manarite?

Mr. BOWDACH. He said he did it himself.

Senator NUNN. Was there any other murder that he described to you?

Mr. BOWDACH. No, sir.

Senator NUNN. Mr. Bowdach, you have mentioned a meeting you observed with Santo Trafficante and Mr. Manarite. What was the relationship between Manarite and Trafficante?

Mr. BOWDACH. Manarite was very close to Santo Trafficante, told me that he had made two trips to Costa Rica, for Mr. Trafficante, for reasons that I do not know why, sir.

Senator NUNN. How many times have you personally seen or observed Santo Trafficante?

Mr. BOWDACH. At the time I saw him with Manarite at the restaurant would have been the first time that I have seen him subsequent to that at Capra's Restaurant on many occasions.

Senator NUNN. Have you ever been called on to identify a picture of Santo Trafficante?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When was the last time you identified a picture of him?

Mr. BOWDACH. A few weeks ago, sir.

Senator NUNN. Where was that?

Mr. BOWDACH. In here, in Washington by your staff.

Senator NUNN. By the staff of the subcommittee?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I give you a picture and I would ask staff to hand this picture to Mr. Bowdach.

Mr. Bowdach, tell us who that is?

Mr. BOWDACH. Santo Trafficante.

Senator NUNN. Is this the same man you observed talking to John Manarite in the incidents you just related?

Mr. BOWDACH. Absolutely.

Senator NUNN. Is this the same man that Mr. Manarite told you asked him to torch a particular building?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You have no doubt about that?

Mr. BOWDACH. None at all.

Senator NUNN. I will ask staff to give us the proper identification of that picture.

[The document referred to was marked "Exhibit No. 11" for reference and may be found in the files of the subcommittee.]

Mr. ADKINSON. It is identified as a photograph of Santo Trafficante that we received from the Tampa Police Department, Mr. Chairman, some weeks ago. It is a photograph taken in the early 1960's of Mr. Trafficante.

Senator NUNN. Mr. Bowdach, did Mr. Manarite get paid to torch that building?

Mr. BOWDACH. We did it. The agreement was we would get 10 percent of the insurance proceeds, but I had gone to jail and I never got any money.

Senator NUNN. You never got paid for that job?

Mr. BOWDACH. I didn't.

Senator NUNN. Did Mr. Manarite get paid?

Mr. BOWDACH. I don't know, sir.

Senator NUNN. What percent were you supposed to get?

Mr. BOWDACH. Ten percent.

Senator NUNN. What were the insurance proceeds supposed to be?

Mr. BOWDACH. I was advised it would be in the area of \$700,000.

Senator NUNN. \$700,000?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What kind of building was it?

Mr. BOWDACH. It was a florist factory.

Senator NUNN. Factory?

Mr. BOWDACH. Yes.

Senator NUNN. Who was the owner of the factory?

Mr. BOWDACH. I didn't know at that time who the owner was.

Senator NUNN. You did not know at the time you torched the factory who the owner was?

Mr. BOWDACH. I wasn't interested; I was only interested in the money.

Senator NUNN. Do you know now?

Mr. BOWDACH. I believe it was an individual by the name of Campisi.

Senator NUNN. What do you know about Mr. Campisi?

Mr. BOWDACH. I don't know Mr. Campisi, sir.

Senator NUNN. Is he still living? Do you know anything about him at all?

Mr. BOWDACH. I only know that the individual that owned the building was going to be at the Super Bowl that day, that the building went up, we were instructed to perform the arson on Super Bowl day, 1971, because the owner would be at the Super Bowl in Miami and that would be his alibi.

Senator PERCY. He could prove that he was there and that is why that date was picked?

Mr. BOWDACH. Yes. We were definitely instructed to do it on that day.

Senator PERCY. Could I ask, Mr. Chairman, when you were told the building was insured for \$700,000, did you just take someone's word for that? How certain are you that there was such an insurance policy, that it is for \$700,000, and that you would get your 10 percent?

Mr. BOWDACH. When we got up there, Mr. Senator, I looked at the building and I knew right away it could not have been insured for \$700,000. I don't believe any insurance company would have insured the building for \$700,000, but we were there already.

Senator PERCY. It wasn't worth that?

Mr. BOWDACH. I wouldn't say.

Senator PERCY. They made the representation to you that it was insured for \$700,000. But when you took one look at the building, you saw that it couldn't have been insured for that amount.

What did you do at that stage?

Mr. BOWDACH. Proceeded to take care of the job. I wasn't too upset. It is tax-free money.

Senator PERCY. By the hour, it is above the minimum wage. [Laughter.]

How much did you get for that job?

Mr. BOWDACH. I didn't get anything, sir.

Senator PERCY. You didn't get a thing?

Mr. BOWDACH. Nothing.

Senator PERCY. Could you explain how they could do this to you, and what you did to get your money?

Mr. BOWDACH. I had gone to jail a few months after that, and the insurance claim had not been paid at that time. While I was in jail, I had instructed my ex-wife, who was aware of the arson in Tampa, who knew that we did it, and I had instructed her to go see John Manarite and get my end of the money. She proceeded to do that.

Senator PERCY. Could you expand a little on your comment that it is all tax-free, and your comment yesterday that you never have filed an income tax return? Tell us a little more about that. I imagine most everyone in this room pays their taxes. They don't like to, but they pay them. How did you escape the notice of the Internal Revenue Service, one of the better, more respected branches of the Federal Government?

Mr. BOWDACH. Arson for profit is about the easiest thing there is to get away with other than homicide. The insurance company is bound to pay, even if it is an arson, unless they can prove conclusively that the owner was involved in the arson. They have to honor the claim and pay it.

A lot of places, a lot of people that have a business, the businesses are starting to fail, or the neighborhood is deteriorating, they can't sell the business, or they can't sell the building at a price that they would like to get, so they hire a torch man to torch the building and they get more than they ever expected to get. It goes on all the time.

Senator PERCY. We have already determined that the Federal Government has a very poor anti-arson program. Cooperation with local law enforcement is minimal. We have determined the adequa-

cy of local law enforcement for sophisticated arson for profit jobs is just not there.

Does the insurance company in your judgment have a responsibility to follow up on this? Should they be more vigilant about it? Should they look behind the insurance policy to see whether the circumstances for an arson for profit are there? For example, in a failing business, a building is obviously a valuable asset, if it is insured.

Do you think the insurance industry itself should take this on as a project and help to bolster law enforcement to insure that there is more than 1 conviction out of 100 in arson cases?

Mr. BOWDACH. I think the insurance companies really should be the one to do it because they have the biggest stake there, should have a staff of trained investigators in arson and trained investigators in seeking out people and motivation behind these things. They leave it up to the local fire marshals and the police department arson squad and and it just does not seem to get the job done because the police departments have to take things in priority.

Arson is not one of their priorities. They have to go on armed robberies, muggings, rapes, and things like that because they are the things that bring the outcry of the public.

Senator PERCY. Despite the fact there are 1,000 deaths a year through arson, despite the fact that the minimal cost that we have determined is \$2 billion, this is still not a high priority item. Yet there is one other factor. It is tax-exempt money, which means that everyone else has to pay more in proportion because of the tax-exempt nature—not only to the torch—but it is also tax-exempt, legitimately, for the person who insures the building and gets the proceeds. They pay no tax on the proceeds, whereas if they had sold the business or sold the building, they would have had to pay the tax on it.

Mr. BOWDACH. I agree with you, sir.

Senator PERCY. Thank you.

Senator NUNN. Senator Chiles has a question.

Senator CHILES. I understand you to say that the insurance company, even if it was arson, would have to prove the owner's connection. It would be pretty clear that the job that you did in Tampa was arson, to anybody looking at it. It wasn't going to look like an accident, was it?

Mr. BOWDACH. No, sir.

Senator CHILES. I want to show you a couple of pictures. Did you do anything so that the insurance company would not suspect the owner's connection?

Mr. BOWDACH. Definitely, sir.

Senator CHILES. I will show you a couple of pictures and ask you if you will identify those pictures and tell us what they portray. The first one—there are two there. What is that a picture of?

Mr. BOWDACH. Mr. Senator, these are pictures of cans that were filled with a flammable fluid, naphtha, that was used—

Senator CHILES. A drycleaning fluid, highly flammable?

Mr. BOWDACH. Yes. These are cans identical to the ones that were placed sporadically around the building by someone who had set this thing up and we walked in, and within 15 minutes—

Senator CHILES. The cans were already there when you got there?

Mr. BOWDACH. Yes.

Senator CHILES. So it was already set up?

Mr. BOWDACH. Very easy.

Senator CHILES. All you had to do was go strike a match?

Mr. BOWDACH. No. We had to spread it around. We doused everything, went from the top floor to the next floor, worked our way down and ignited it and left.

Senator CHILES. Take a look at this picture, if you will. Is that inside the building itself?

Mr. BOWDACH. I couldn't say with certainty, sir.

Senator CHILES. Could the staff further identify that picture?

Mr. ADKINSON. Yes, Senator. This is a photograph taken by the fire marshals in Tampa of the inside of the building.

There were two sections of the building, one of which did not ignite entirely, and these were the cans that remained, that did not ignite.

Senator CHILES. Let's mark that for identification.

[The document referred to was marked "Exhibit No. 12" for reference and may be found in the files of the subcommittee.]

Senator CHILES. What did you do so that would not look like an owner-connected arson?

Mr. BOWDACH. We were instructed to make it appear that the arson was done by people who would not have wanted this business in that neighborhood. The neighborhood was changing and it was becoming at that time predominantly black. So what I had done was taken a can of spray paint and sprayed things on the wall, just like is in this picture right here, to leave the impression to the investigators that it was done by people that wouldn't want the business there, namely, black people.

Senator CHILES. What is on the wall there in that picture?

Mr. BOWDACH. "B-l-a-c"—and then I ran out of room.

Senator CHILES. You put that on the wall?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Did you put anything else on the wall, sir?

Mr. BOWDACH. It is not in this picture, but off to the side I put something to the effect of "white honky," "pigs," things of that nature, that would be connected with racism and things of that sort.

Senator CHILES. I would like to have that picture marked.

Senator NUNN. Without objection, it will be exhibit 13.

[The document referred to was marked "Exhibit No. 13" for reference and may be found in the files of the subcommittee.]

Senator PERCY. Who told you to use the spray paint? Where did that idea come from?

Mr. BOWDACH. Manarite told me that this is the instructions that he received from Santo Trafficante.

Senator PERCY. So there were instructions from above. In other words, it was a somewhat sophisticated approach. They realized what the local situation was. They thought about how to outwit the local investigators, so that when the investigators look over the building they come to a totally erroneous conclusion, nevertheless,



it is logical, enabling them to file a report and close out the investigation satisfactorily.

Mr. BOWDACH. That was the purpose of it, sir.

Senator PERCY. Law enforcement officials tell us it is extraordinarily difficult to cope with this problem. Organized crime looks on it as a big business, the returns of which are very, very high. If society is to cope with arson-for-profit, we better move it up in priority.

Mr. BOWDACH. Quickly.

Senator PERCY. Quickly. Thank you.

Senator NUNN. Senator Chiles, do you have any other questions on this point?

Senator CHILES. I understand that we have an exhibit from the Tampa Fire Department Investigative Report, dated January 18, 1971, describing the residence and a description of the scene. It says the outside door was unlocked and another door was also unlocked.

It says on the west wall of the two-story section, words had been sprayed on the wall: cop, pig, cop, white, pig, b-l-a-c. Black paint had been used. These were the words that you printed on the wall?

Mr. BOWDACH. Yes, sir.

Senator CHILES. One of the things that you said was that you opened all the windows. Which one of you was the fire expert?

Mr. BOWDACH. Manarite, sir.

Senator CHILES. He knew more about how you would want the fire to blaze. You were sort of getting on-the-job training at this fire?

Mr. BOWDACH. I was doing all the dousing. The place had numerous windows to it. What he was doing, he was going around, opening each window about this much in order that enough air would get in for the combustion.

Senator CHILES. Were you trained in arson? Did you know how to perform arson? Was Manarite more the arson expert?

Mr. BOWDACH. No, not really, because I had did one about a month before with Manarite and almost got killed in it.

Senator CHILES. You had done one about a month before. Where was that?

Mr. BOWDACH. It was three, a month before.

Senator CHILES. Did three about a month before?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Before you go to that: after the Tampa arson, how did you all report that the job had been accomplished? You didn't stick around to really see that you had burned it to the ground or anything like that, did you? You just torched and left?

Mr. BOWDACH. Yes. I didn't think it was necessary to phone. Whoever owned the building would have noticed it.

Senator CHILES. You didn't feel like it was necessary to make a phone call and tell somebody you had done it?

Mr. BOWDACH. No sir.

Senator CHILES. You don't think Manarite felt that necessity, either?

Mr. BOWDACH. He may have done that after we got back from Miami and we separated. I don't know. But Tampa looked like broad daylight about midnight. The sky was really lit up.

Senator CHILES. You could see the—

Mr. BOWDACH. We were about 5 miles away in the highway and could see a big orange cloud. It was illuminated.

Senator CHILES. You thought you had done the job pretty well as far as what you could see?

Mr. BOWDACH. Yes, sir.

Senator NUNN. At this stage, the report that Senator Chiles was referring to ought to be made an exhibit. It is dated January 19, 1971. We will make this sealed exhibit No. 14, without objection.

[The document referred to was marked "Exhibit No. 14" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. It is addressed to the Florida State Fire College in the form of a report. It gives the address of the building as 2608 North Albany, dated January 17, 1971, time 1:19 a.m., owner Adolph and Frank Campisi, C-a-m-p-i-s-i.

Occupant: A. F. & J. Wholesale Florist.

Mr. Bowdach, would this be consistent with the testimony you had given in your recollection of the building?

Mr. BOWDACH. Yes, sir.

Senator NUNN. This will be a sealed exhibit because the case is still open. I will make this reference—since there has been testimony on the point—that this report refers to detectives of the police intelligence unit, and I quote: "After observing the writing, it was the opinion of both officers that this was not the work of blacks, as they do not call police 'cop.' They call them white pigs or pigs."

I also think that it might be relevant to read from a particular page of the report which records the interview of the owner Mr. Campisi. The report says, and I quote:

Mr. Campisi stated that he did not have any mineral spirits or other flammable liquids on the premises. He was shown the cans of liquid on the second floor of the 2-story section. He stated they had not been there when he left the building at 10:30 a.m. on Saturday, January 16, 1971. He also stated that the boxes stacked on the second floor in a criss-cross pattern had not been stacked that way when he left either. He stated that the rear door had been locked and then left by the overhead door on the north side of the building.

There is some word omitted there. But that is the way this report reads.

Continuing, "He stated he had gone to the Super Bowl game in Miami with his family and got back Sunday night."

Mr. Bowdach, this is the report of the fire department based on the interview with Mr. Campisi. What about the statement that he was shown the cans of liquid on the second floor of the two-story building, he stated they had not been there when he left the building at 10:30 a.m. Saturday, January 16, 1971.

My question to you is, were those cans there when you arrived?

Mr. BOWDACH. Those cans were spaced out on each floor at different intervals for easy dousing. We were in and out of that building within 15 minutes.

Senator NUNN. Were the cans there when you arrived?

Mr. BOWDACH. Definitely.

Senator CHILES. You said in your statement that you opened the door to the building with a key. You had a key. Did you do

anything once you were there to make it look as if you had broken in?

Mr. BOWDACH. No, sir. We were given a key.

Senator PERCY. I thought you said you had broken some windows. Was that for some other purpose?

Mr. BOWDACH. We didn't break the windows. We had cracked them about 5 inches, to let the air in, to help the fire go.

Senator PERCY. Whose idea was that? Who instructed you?

Mr. BOWDACH. Manarite did the window opening.

Senator PERCY. Pardon me?

Mr. BOWDACH. Manarite did the window opening.

Senator PERCY. He did that from knowledge, that that would just flame the fire and cause a draft?

Mr. BOWDACH. Yes, sir.

Senator PERCY. How many fires had Manarite performed, do you suppose?

Mr. BOWDACH. He did four with me. I don't know what he did prior.

Senator PERCY. Arson isn't your principal business. It's just a sideline?

Mr. BOWDACH. Yes, part-time job.

Senator PERCY. Part-time job, but Manarite was a real professional at this?

Mr. BOWDACH. Yes. He knew what he was doing very well.

Senator PERCY. Was that his main line of work?

Mr. BOWDACH. I wouldn't say it was his main line, but he was an older gentleman and he seemed to have a lot of experience in it.

Senator PERCY. How many would you say he performed, a dozen?

Mr. BOWDACH. We did four in a month.

Senator PERCY. Four in a month?

Mr. BOWDACH. We did four in a 1-month period.

Senator PERCY. From what you know, he had been doing it for some time?

Mr. BOWDACH. Either that or he went to school and learned it. I don't know, but he had a lot of experience. He knew what he was doing.

Senator PERCY. He knew what he was doing?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, getting back to the meeting at Capra's Restaurant where you identified Santo Trafficante, was this restaurant a place that you met frequently?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who did you usually meet when you went to Capra's Restaurant?

Mr. BOWDACH. Manarite.

Senator NUNN. What is the location of Capra's Restaurant?

Mr. BOWDACH. 8400 Biscayne Boulevard, Miami, Fla.

Senator NUNN. Who owns Capra's Restaurant?

Mr. BOWDACH. Vincent Bruno.

Senator NUNN. What do you know about Vincent Bruno?

Mr. BOWDACH. Vincent Bruno, I was told, is the cousin of Angelo Bruno from Philadelphia, Pa.

Senator NUNN. Who is Angelo Bruno?

Mr. BOWDACH. Angelo Bruno is the boss of the crime family in Philadelphia.

Senator NUNN. You met Vincent Bruno personally?

Mr. BOWDACH. On many occasions, sir. I know the family.

Senator NUNN. Did you and Mr. Manarite have any kind of code names that you went by?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why did you have code names?

Mr. BOWDACH. In the event that Mr. Bruno's books would ever be confiscated by law enforcement authorities, our names were not to be in there, the code names were in there. There were phone numbers in there, but there were transpositions in the numbers so nobody would know who it was.

Senator NUNN. The numbers were arranged in a different order than they really were?

Mr. BOWDACH. I hope they were. They were supposed to be.

Senator NUNN. Why would your names appear in Mr. Bruno's book?

Mr. BOWDACH. To contact us when he had something to do.

Senator NUNN. You were aware his book might be confiscated by the police at some point and your names would appear in it?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was Mr. Bruno a middleman? Did he participate in these crimes, such as the arson crime you just described, or was he simply the owner of the restaurant?

Mr. BOWDACH. He would act as a liaison sometimes between Manarite, me and other people.

Senator NUNN. Did he get paid?

Mr. BOWDACH. I don't know, sir.

Senator NUNN. You didn't pay him?

Mr. BOWDACH. No.

Senator NUNN. Was he a friend of Santo Trafficante?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What code names did you and Mr. Manarite use?

Mr. BOWDACH. John Manarite was George Washington and I was Abraham Lincoln. [Laughter.]

Senator NUNN. How did you go about selecting those names?

Mr. BOWDACH. Patriotism, sir. [Laughter.]

Senator NUNN. Mr. Bowdach, did you observe any other organized crime figures in Capra's Restaurant that you knew to be members of the so-called organized crime family?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was Capra's Restaurant a key location for meetings of organized crime people?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Is it still in operation?

Mr. BOWDACH. To the best of my knowledge, sir.

Senator NUNN. What has happened to Mr. Vincent Bruno to the best of your knowledge?

Mr. BOWDACH. I read in the obituary that he has died from natural causes.

Senator NUNN. What about Mr. Angelo Bruno?

Mr. BOWDACH. I think he is still very much alive.

Senator NUNN. Could you name other organized crime figures that you observed in Capra's Restaurant? I think you should be careful in naming people unless you are certain that they are part of the organized crime family.

Mr. BOWDACH. Mr. Chairman, that would be like going into a baseball park and observing all the baseball players in the ball-park. The place is constantly loaded with different people from different factions, all the time. Any given time you walk in there, you are going to see somebody.

Senator NUNN. Are you prepared to give any names or would you prefer not to?

Mr. BOWDACH. On occasions, I have seen Mr. Trafficante, Frank Paluchio.

Senator NUNN. Who is Frank Paluchio?

Mr. BOWDACH. Hialeah Frank.

Senator NUNN. His name is Hialeah Frank?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you know him to be a member of organized crime?

Mr. BOWDACH. He is tied up with the people in the New England area. He is associated, I believe his nickname is Frank Delvecchio or Frank a.k.a. "Frisco". I am not sure on the last name. I observed Mr. Tony Plate there. I have observed Mr. Vincent Alo in there.

Senator CHILES. Who is Vincent Alo?

Mr. BOWDACH. Vincent Alo is a captain in the Vito Genovese family, also known as "Jimmy Blue Eyes". There were a lot of other people, but it was insignificant to me.

Senator PERCY. Simply going to a restaurant doesn't necessarily implicate someone. What was the purpose of meeting in Capra's Restaurant? Is it just to see friends, socialize, have a cup of coffee together and talk about what Washington is doing these days or do you really do business there?

Is this where deals are struck? Is it a meeting place where you go, when you may need someone to do something? Are they generally planned meetings or do people just drop by?

Mr. BOWDACH. Mr. Bruno would have some sort of arrangement where people in organized crime could sit in a certain area away from the other people, if there were any undercover agents in the restaurant at the time, they couldn't overhear their conversation and things of that nature. He was very cooperative.

He worked with them hand in hand in accommodating them.

Senator PERCY. So business was conducted. Even if you had a three-martini lunch and paid your taxes, you could deduct your meals there, I suppose?

Mr. BOWDACH. Yes, sir.

Senator PERCY. But it was for business, and there were segregated areas where they could conduct their business. That is where planning was done, strategy was laid, targets were picked out, and so forth?

Mr. BOWDACH. Yes, sir.

Senator CHILES. If I may, I would like to read an excerpt from the staff memo concerning an interview with Anthony Bruno, son of the late Vincent Bruno, owner of Capra's Restaurant:

Anthony Bruno, who is now running his father's business, stated during the interview that his father did know John Manarite and Gary Bowdach. He stated that Manarite and Bowdach were constant visitors in the restaurant and would have many conversations with his father in the kitchen. Anthony Bruno stated that his mother had given Manarite and Bowdach a nickname, George Washington and Abe Lincoln. Anthony Bruno stated that he, himself, had had many conversations with Bowdach concerning flying.

He further stated that Santo Trafficante was also a regular visitor at the restaurant. In reference to the meeting where Bowdach stated that Manarite and Trafficante had a meeting concerning the arson in Tampa, Anthony Bruno stated he could not confirm or deny such a meeting took place.

The staff has in its possession a security file on Vincent Bruno from the Dade County Department of Public Safety. In part, it states Bruno is reported to be a liaison for Mafia members arriving in the Miami area in his restaurant.

Capra's is frequently used as a meeting place for top Mafia figures. The report also indicates that Santo Trafficante was a close associate of Vincent Bruno. Vincent Bruno passed away on July 11, 1976. Part of the report indicates that on September 26, 1971, surveillance was held on Capra's Restaurant where Mr. and Mrs. Trafficante were in the company of Mr. and Mrs. Vincent Bruno and five other unidentified males.

The report also indicates that on January 15, 1971, Santo Trafficante appeared in traffic court on charges of careless driving and driving under the influence of intoxicating beverages and that report indicates that Vincent Bruno was a witness for Trafficante.

I would like to submit these exhibits as part of the record.

Senator NUNN. Without objection, they will be a part of the record and appropriately sealed, if need be. Those reports need to be sealed?

Is this your report, Mr. Gallinaro, before we put it in the record?

Mr. GALLINARO. Yes, Senator. This is my report.

Senator NUNN. Did you personally have the conversation that is related in that report?

Mr. GALLINARO. Yes, sir. I was accompanied by Sgt. John Waymire of the Public Safety Department, Dade County, in the Organized Crime Bureau.

Senator NUNN. When did that interview take place?

Mr. GALLINARO. On May 19, 1978.

Senator NUNN. Without objection, that will be part of the record.

[The document referred to was marked "Exhibit No. 15" for reference and is retained in the confidential files of the subcommittee.]

Senator PERCY. Before we leave the names, I did not recognize any of the names that you gave as members of organized crime in Chicago. Do you recall if members of organized crime in Chicago syndicate did frequent Capra's on occasion?

Mr. BOWDACH. Not to the best of my recollection. They had their own place where they would frequent which was a place I would say quite similar to Capra's and anytime you walked in there, you saw a big influx of out-of-town hoodlums in that place.

Senator PERCY. What was that restaurant?

Mr. BOWDACH. That was John Sonken's Gold Coast Restaurant, located in Hollywood, Fla.

Senator PERCY. Do you recall any Chicago figures that you may have seen in there?

Mr. BOWDACH. Again, Mr. Senator, I am sorry, not to my recollection. I didn't frequent that place too often.

Senator NUNN. Mr. Bowdach, do you know an individual named Vic Campisi, also known as "Blackie" Campisi?

Mr. BOWDACH. No, sir.

Senator NUNN. You do not?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you make any other trips to Tampa for the purpose of carrying out arson with John Manarite other than the one you already described?

Mr. BOWDACH. No.

Senator NUNN. Do you know whether Mr. Manarite made any other trips to Tampa for the purpose of committing arson?

Mr. BOWDACH. Not to my knowledge, sir.

Senator NUNN. Did you on any other occasion perform any other crime or activity on behalf of Santo Trafficante?

Mr. BOWDACH. If I did, sir, I didn't know it was for him. I did perform other arsons with Manarite, but I didn't know who it was for.

Senator NUNN. In other words, that is the only instance that you know of that you ever did anything at the request of Santo Trafficante?

Mr. BOWDACH. Yes, sir.

Senator CHILES. You did perform other arsons with John Manarite?

Mr. BOWDACH. Yes, sir.

Senator CHILES. How many?

Mr. BOWDACH. Three.

Senator CHILES. Would you relate those to us?

Mr. BOWDACH. Yes, sir. These arsons occurred, it would have been around Christmas time of 1970, right in that area. We burnt down the Italian-American Civil Rights Club at Hialeah, Fla., which was run by Hialeah Frank. It didn't burn too good. We went back 2 days later and we burnt it down again.

Senator CHILES. How did the second trip—

Mr. BOWDACH. It was successful.

Senator CHILES. Were you paid for that?

Mr. BOWDACH. No, sir.

Senator CHILES. Why was that arson performed?

Mr. BOWDACH. At Manarite's instructions.

Senator CHILES. Did he tell you why he wanted to burn that down? Why did you go along with it?

Mr. BOWDACH. I don't think he liked Hialeah Frank and I don't think they wanted that club there. And they did their best to try to keep it from going up.

Senator NUNN. Who is "they", Mr. Bowdach? You say you think "they" would not like Hialeah Frank. Who besides Manarite and you are included in "they"?

Mr. BOWDACH. Olivero, Henry Scalzo.

Senator NUNN. Were these associates of Manarite?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why did they dislike Hialeah Frank?

Mr. BOWDACH. I don't know, sir.

Senator CHILES. Did they participate in the arson, too, or just you and Manarite?

Mr. BOWDACH. And Olivero. Scalzo didn't.

Senator CHILES. The three of you participated?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Describe what the club was and how you all attempted to burn it.

Mr. BOWDACH. It was a small building located, I believe it was on Red Road in Hialeah. We burnt it down, we used gasoline, but we didn't have a sufficient amount of gasoline and it didn't burn completely. We went back 2 nights later and burnt it down again, with a sufficient amount of gasoline.

Senator CHILES. Went and got more gas?

Mr. BOWDACH. Two nights later, yes, sir.

Senator CHILES. Manarite wasn't paid by anyone for that job?

Mr. BOWDACH. Not to my knowledge, no.

Senator CHILES. It was—

Mr. BOWDACH. I believe it was a personally motivated thing.

Senator CHILES. You were satisfied to go along and help if that is what Manarite wanted to do?

Mr. BOWDACH. He helped me with murder. So I helped him with the fire.

Senator PERCY. Could I ask for a clarification? Why in instances where you have taken a degree of risk, with promise of payment, did you not follow up on it when you didn't get paid. Whether it is with a sawed-off shotgun or whether it is with a baseball bat, you saw that commitments made to you were fulfilled. Yet, with these characters, you let them get away without making payments to you?

Mr. BOWDACH. Senator, the three fires that we did in Hialeah were prior to the Tampa arson. When I came home in November 1973, I made inquiry from Mr. Manarite about the money that I never received for the Tampa arson job. And I got a long drawn out story about something to the effect that I didn't get what we thought we would get, I had to use what I got and this and that.

I was just too busy to kill him at that time. I had other things to do. I was trying to play it very low key because I was out on appeal bond and I was under extremely heavy surveillance at that time. As long as I knew where he was, that he wasn't going anywhere, eventually, he would step into my trap and I would get him.

Senator PERCY. Were you well enough off at the time that the amount wouldn't bother you? Ten percent of the promised \$700,000 is \$70,000, tax-free, equivalent to \$150,000 of taxable income—no small amount. Even with someone of means. What was your own present financial condition at that time and that of your wife?

Mr. BOWDACH. Pretty rough.

Senator PERCY. It was rough at the time?

Mr. BOWDACH. Yes.

Senator PERCY. So you had an I O U and yet you just didn't see fit to follow up?

Mr. BOWDACH. If I killed him, I couldn't get my money.

Senator PERCY. In other words, these people were as tough as you—and there isn't any question about your tenacity. Is there an element within the organized crime hierarchy that can break a



pledge to you, that has enough muscle and enough leverage that you just don't dare follow up on them?

How do you let them get by with things like that? I thought there was honor among thieves.

Mr. BOWDACH. Senator, sometimes——

Senator PERCY. You are destroying my belief in that cliché.

Mr. BOWDACH. You have to take a position and back up a little bit, depending on who the people are that are involved. That wasn't the first time that I had to back up, I had to back up on a previous occasion that involved a Dade County circuit court judge who could help certain organized crime people, and I had to take a backup position at that time also.

So sometimes you have to swallow your pride a little bit and just back up. That is the name of the game.

Senator NUNN. At this point, Mr. Bowdach, you say a Dade County circuit court judge?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who was this person?

Mr. BOWDACH. John Gale.

Senator NUNN. Was he a judge at the time the incident occurred?

Mr. BOWDACH. No, sir. He was an attorney at that time.

Senator NUNN. When did this occur?

Mr. BOWDACH. Middle, late 1969.

Senator NUNN. 1969?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Where were you at that time?

Mr. BOWDACH. Miami, Fla.

Senator NUNN. Would you describe the situation you have referred to?

Mr. BOWDACH. Yes, sir. I owned a 1969 Eldorado which I was interested in getting rid of, through a man by the name of Anthony Klinger, who is a car salesman, a Ford dealer. He told me that he believed he had a fellow that would be interested in buying the car. I asked him who it was, and he told me John Gale; Mr. Gale happened to be married to Klinger's ex-wife.

Senator NUNN. Married to who?

Mr. BOWDACH. Klinger's ex-wife, the fellow who was going to act as the go-between in the sale of the automobile.

Senator NUNN. What was he doing at that time, what business was he in?

Mr. BOWDACH. Used car salesman.

Senator NUNN. Mr. Gale?

Mr. BOWDACH. Klinger. Mr. Gale was an attorney.

Senator NUNN. He was an attorney?

Mr. BOWDACH. Yes.

Senator NUNN. In Miami?

Mr. BOWDACH. Yes.

Senator NUNN. He was not a judge at that time?

Mr. BOWDACH. No. I believe he became a judge in 1973, sir. Mr. Klinger took the car to Mr. Gale, he liked the car. I received a sight draft for the amount of the sale, which I submitted to my bank, the Dixie National Bank in Kendall. I thought that would be the end of it and sold the car and paid off my loan.

Approximately 1 month later, I got the car back. He decided he did not like the car, did not want the car, he stopped payment on the sight draft, put a few thousand miles on the car, wore out my tires. So I told Klinger, "You go see Gale and you tell him that I want the money for the mileage and I want a new set of tires to put on this car."

Senator NUNN. Had you directly dealt with Mr. Gale?

Mr. BOWDACH. No, sir.

Senator NUNN. You dealt through a middleman?

Mr. BOWDACH. Yes.

Senator NUNN. Did you ever meet with Mr. Gale personally?

Mr. BOWDACH. No, sir.

Senator NUNN. You never saw him?

Mr. BOWDACH. No.

Senator NUNN. You never got any money from him personally on a person-to-person basis?

Mr. BOWDACH. I got the sight draft from him.

Senator NUNN. Do you know him personally? Have you ever met him in your life?

Mr. BOWDACH. No, sir.

Senator NUNN. Have you ever talked to him on the telephone?

Mr. BOWDACH. No, sir.

Senator NUNN. So your contact with Mr. Gale was directly through a third party?

Mr. BOWDACH. Yes.

Senator NUNN. What was that party's name?

Mr. BOWDACH. Anson Klinger, K-l-i-n-g-e-r.

Senator NUNN. Where is he located?

Mr. BOWDACH. I don't really know, sir. It is part of a big clothing outfit in Miami called Peter Kent Clothes.

Senator NUNN. Was he involved in the used car business with you?

Mr. BOWDACH. No, sir. He was a shylock customer of mine.

Senator NUNN. He was a shylock customer of yours?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know of any law he violated?

Mr. BOWDACH. No, sir.

Senator NUNN. So you are not accusing him of any kind of violation of law?

Mr. BOWDACH. No.

Senator NUNN. What you are describing here is a business transaction?

Mr. BOWDACH. Yes.

Senator NUNN. You are not describing an illegal act by you or any of the people you are referring to at this stage?

Mr. BOWDACH. No, sir.

Senator NUNN. Go ahead.

Mr. BOWDACH. I told Mr. Klinger my feelings about the payment for the mileage of the tires. I told him to take that message back to John Gale. I received word from Mr. Klinger that I should go to see Mr. Patsy Erra at the Dream Bar.

Senator NUNN. Who is he?

Mr. BOWDACH. Mr. Patsy Erra is now deceased. He was the captain in the Vito Genovese family.

Senator NUNN. How do you spell his name?

Mr. BOWDACH. E-r-r-a, Patsy Erra.

Senator NUNN. E-r-r-a?

Mr. BOWDACH. Yes.

Senator NUNN. He was a captain in the Vito Genovese crime family?

Mr. BOWDACH. Yes.

Senator NUNN. With home base in Miami?

Mr. BOWDACH. Yes.

Senator NUNN. Had you met him before?

Mr. BOWDACH. I have seen him. I had never met him.

Senator NUNN. You never committed any illegal acts with him?

Mr. BOWDACH. No, sir.

Senator NUNN. Or any at his request?

Mr. BOWDACH. No.

Senator NUNN. Go ahead.

Mr. BOWDACH. Before I got an opportunity to go over to the Dream Bar to see Patsy Erra, I received a phone call that I was to go to a custom door shop on Biscayne Boulevard, somewhere in the midsixties, at that place, I would meet some individuals; I would discuss the money that was owed to me. When I got to this shop, there was an individual there named Frank Gagliardi.

Senator NUNN. Can you spell that for us?

Mr. BOWDACH. G-a-g-l-i-a-r-d-i, I believe, also known as Frank the Wop.

Senator NUNN. Frank the Wop?

Mr. BOWDACH. Yes, sir. When I met Mr. Gagliardi, I explained the situation to him and he very flatly informed me that I am not going to get any money and that I had better not go bother Mr. Gale, because he is with us.

Senator NUNN. Who said that?

Mr. BOWDACH. Mr. Gagliardi.

Senator NUNN. Who was he again?

Mr. BOWDACH. Mr. Gagliardi is a high-ranking member of the New York Mafia family.

Senator NUNN. Was he home based in New York or Miami?

Mr. BOWDACH. He is out of New York, but he is situated in Miami.

Senator NUNN. Where did that conversation take place?

Mr. BOWDACH. In the office of that custom door business.

Senator NUNN. When was the date of this?

Mr. BOWDACH. Again, it would have been in the latter part of 1969, sir.

Senator NUNN. The latter part of 1969?

Mr. BOWDACH. Yes.

Senator NUNN. You were in the automobile business at that time?

Mr. BOWDACH. I don't believe we had formed Sonny Brock Motors at that time. I think this occurred just before the formation of Sonny Brock Motors.

Senator NUNN. What was the kind of automobile involved?

Mr. BOWDACH. 1969 Cadillac Eldorado.

Senator NUNN. What was the purchase price?

Mr. BOWDACH. I believe it would be about \$5,000.

Senator NUNN. Who did you deliver the car to?

Mr. BOWDACH. I gave it to Mr. Klinger.

Senator NUNN. To Mr.—

Mr. BOWDACH. Klinger.

Senator NUNN. He is the one that was the go-between?

Mr. BOWDACH. Yes.

Senator NUNN. Did you get a check from him?

Mr. BOWDACH. I got a sight draft.

Senator NUNN. For the full amount of money?

Mr. BOWDACH. For the full amount of money by John Gale.

Senator NUNN. A check by John Gale?

Mr. BOWDACH. Yes.

Senator NUNN. Was it a personal check, on an attorney's account?

Mr. BOWDACH. It was a sight draft. When you are dealing with automobiles, you issue sight drafts. He gets a sight draft from his bank, gives it to me, I give it to my bank, my bank takes the title, puts the title inside the draft, seals it up, sends it to his bank; when they get the title, they forward my bank the money.

Senator NUNN. Did you transfer the title?

Mr. BOWDACH. I gave it to my bank. They sent it to his bank, it came back, stopped payment.

Senator NUNN. So the sight draft that he gave you for \$5,000, the payment was stopped on that?

Mr. BOWDACH. Yes.

Senator NUNN. How many miles did he put on the automobile?

Mr. BOWDACH. A few thousand miles.

Senator NUNN. Did you ever threaten Mr. Gale?

Mr. BOWDACH. I sent him a message.

Senator NUNN. By whom?

Mr. BOWDACH. By Klinger.

Senator NUNN. What was the message?

Mr. BOWDACH. If I don't get my money, he will be seeing me.

Senator NUNN. Did you threaten him physically?

Mr. BOWDACH. I am sure Klinger told him what I meant, sir. Mr. Klinger knew me very well. He was the recipient of a few beatings.

Senator NUNN. Mr. Klinger was a recipient of a few beatings, you had beaten Mr. Klinger yourself?

Mr. BOWDACH. Yes.

Senator NUNN. How do you spell his name?

Mr. BOWDACH. K-l-i-n-g-e-r.

Senator NUNN. He knew what you meant when you said Mr. Gale would be seeing you?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Could that have been reasonably interpreted by Mr. Gale as a physical threat?

Mr. BOWDACH. I believe it would.

Senator NUNN. That is what you intended?

Mr. BOWDACH. Yes.

Senator NUNN. That is the message that was delivered to Mr. Gale?

Mr. BOWDACH. Yes.

Senator NUNN. Mr. Gale was not a judge at that time?

Mr. BOWDACH. No.

Senator NUNN. Did Mr. Gale do anything illegal?

Mr. BOWDACH. Not to my knowledge.

Senator NUNN. You are not charging Mr. Gale with any crime?

Mr. BOWDACH. No, sir.

Senator NUNN. You don't know of any crime Mr. Gale has committed?

Mr. BOWDACH. No.

Senator NUNN. You are not saying he committed a crime?

Mr. BOWDACH. No.

Senator NUNN. You say he took your automobile, wore out your tires, and stopped payment on the check?

Mr. BOWDACH. Yes.

Senator NUNN. You are also saying he called in for help when you sent someone to basically physically threaten him?

Mr. BOWDACH. Yes.

Senator NUNN. How do you describe what took place? I think you have a particular word?

Mr. BOWDACH. The sitdown.

Senator NUNN. What is a sitdown?

Mr. BOWDACH. A sitdown is when there is a dispute between two people in organized crime and you have a mediator, who determines who is right and wrong, and issues instructions.

Senator NUNN. Who participated in the sitdown?

Mr. BOWDACH. Myself and Mr. Gagliardi.

Senator NUNN. Who was representing you?

Mr. BOWDACH. At that time I was, myself.

Senator NUNN. Who was representing Mr. Gale?

Mr. BOWDACH. Mr. Gagliardi.

Senator NUNN. That was when he told you that he was "with us"?

Mr. BOWDACH. Yes.

Senator NUNN. Did you ask anyone to intervene on your behalf?

Mr. BOWDACH. After a certain statement was made.

Senator NUNN. What statement?

Mr. BOWDACH. Verbatim?

Senator NUNN. Not knowing what it was, I suppose I do.

Mr. BOWDACH. What happened was Gagliardi came on strong with me and told me in no uncertain terms I wouldn't get my money. I was not going to get my money.

Senator NUNN. Were not?

Mr. BOWDACH. That is correct. I told him, "I will just go see Kovolick, and he will be seeing you."

Senator NUNN. Kovolick?

Mr. BOWDACH. Yes. Mr. Gagliardi replied, "You give him a message for me. You tell him to go ——— himself."

Senator NUNN. At that stage you felt that there was definitely someone intervening on behalf of Mr. Gale as a part of organized crime?

Mr. BOWDACH. That is right.

Senator NUNN. What did you interpret that message to mean? Did that mean you were to cease any kind of efforts to collect money from Mr. Gale?

Mr. BOWDACH. I felt at that time it was necessary.

Senator NUNN. Did you think that was a threat?

Mr. BOWDACH. I think it was challenge.

Senator NUNN. You decided it was better to let the matter go; is that right?

Mr. BOWDACH. I didn't let it go.

Senator NUNN. At what stage did that take place, before the sitdown or after the sitdown?

Mr. BOWDACH. That was the sitdown.

Senator NUNN. That was the first one? What happened after that?

Mr. BOWDACH. I delivered the message.

Senator NUNN. To whom?

Mr. BOWDACH. Phil Kovolick.

Senator NUNN. What did he say?

Mr. BOWDACH. His attitude was, after I explained the whole situation, that don't worry about the money. This is no big deal. Gale may be in a position to help these people and they need him, and don't worry about it.

Senator NUNN. He advised you to let the matter drop?

Mr. BOWDACH. Yes.

Senator NUNN. What did you do then?

Mr. BOWDACH. I got upset about it because it wasn't his money, it was my money. I made a trip to New York to see Mr. Serowitz, filled him in on the whole situation, and his attitude was the same, listen, don't worry about it, no big deal, we are talking about a minor amount of money and I just felt it was the principle involved here.

Senator NUNN. What did you do after that conversation with Mr. Serowitz?

Mr. BOWDACH. Went back to Miami, continued my business.

Senator NUNN. Did you ever take any further action?

Mr. BOWDACH. I never did.

Senator NUNN. Did anybody else take further action on that matter?

Mr. BOWDACH. Not to my knowledge. I don't know.

Senator NUNN. Did you contact Mr. Gale again?

Mr. BOWDACH. No.

Senator NUNN. Did you ever have any further relation with him?

Mr. BOWDACH. No.

Mr. GALLINARO. Mr. Chairman, for the purpose of keeping the record straight, Frank Gagliardi, alias "Stone," alias "Frank the Wop," was identified in 1963-64 subcommittee hearings as a member of the late Carlo Gambino crime family.

Also, Mr. Chairman, we have an official police report given to us by the public safety department, Dade County. This report is about Alo, and refers to Vincent James Alo aka "Jimmy Blue Eyes" as having previously been identified before a U.S. senate subcommittee, this subcommittee, as a member of the former Vito Genovese organized crime family of New York.

Mr. Chairman, this report goes on to say that when Alo is in south Florida, he consorts with Meyer Lansky on a daily basis. Alo is one of a few identified organized crime figures that Lansky openly associates with.

It is reported in this report that Alo made a visit to south Florida in May 1970, to settle a dispute involving Gary Bowdach, which arose over the sale of a car during February 1970.

Senator NUNN. Where was this report obtained from?

Mr. GALLINARO. This is from the public safety department of Dade County, sir, and at this meeting there was Vincent Alo, the late Patsy Erra, Joseph Rosato, who has been identified, Senator, by this subcommittee as a partner of the Campisi family, and an individual by the name of Dom Ciaffone, also identified by this subcommittee as a member of organized crime.

Senator NUNN. What was the source of their information? How did they know about the sitdown?

Mr. GALLINARO. This was a surveillance.

Senator NUNN. Physical surveillance, wiretapping?

Mr. GALLINARO. Yes.

Senator NUNN. Not a wiretap?

Mr. GALLINARO. No. Also another source concerning why this was taking place is a police officer that I interviewed who wrote this report and certified it.

According to this officer's statement he got information from three separate sources who told him that this meeting was being held over a dispute which occurred over a sale of an automobile involving Gary Bowdach, but it wasn't the automobile that was the problem, it was what Frank Gagliardi had told Bowdach to tell Phil Kovolick. Kovolick went to Meyer Lansky with this and Meyer Lansky contacted Gagliardi and this sitdown was called.

Senator NUNN. So what you are describing here is a business transaction that escalated into a sitdown to avoid physical violence between members of organized crime?

Mr. GALLINARO. Yes. We have here a member of one organized crime group insulting and having no respect for a member of another organized crime group.

Senator NUNN. The sitdown cooled things off at least in the final analysis?

Mr. GALLINARO. Yes, sir.

Senator NUNN. That was the reason for the surveillance, because the police officers knew there was about to be a confrontation?

Mr. GALLINARO. That is true.

Senator NUNN. Even though it was over a very minor matter?

Mr. GALLINARO. Yes, Senator. This report was dated April 7, 1970, and refers to Alo, Meyer Lansky and Phil Kovolick in a meeting in Hollywood.

So, evidently there was a second meeting. I would like to enter this as a sealed exhibit.

Senator NUNN. That will be a sealed exhibit No. 16.

[The document referred to was marked "Exhibit No. 16" for reference and is contained in the confidential files of the subcommittee.]

Senator PERCY. Just to establish an understanding of the relationships in organized crime, I would like to go back to two instances; one with Anson Klinger and one with John Manarite.

If I understood you correctly, you indicated that you had administered a beating to Anson Klinger. Is that right?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What was that for?

Mr. BOWDACH. I gave him a beating because he was giving me checks in payment of his loan and the checks kept bouncing.

Senator PERCY. So he gave you a bad check?

Mr. BOWDACH. Quite a few, sir.

Senator PERCY. Could you describe how severe a beating you gave to him for passing a bad check?

Mr. BOWDACH. I gave him the beating in a new car show room of Bill Austin Ford in Miami, Fla., on Saturday morning, with a blackjack.

Senator PERCY. With a blackjack?

Mr. BOWDACH. Yes.

Senator PERCY. How badly injured was he?

Mr. BOWDACH. When I left he was laying on the floor.

Senator PERCY. Unconscious?

Mr. BOWDACH. Pretty close to it. He was dazed. He couldn't get up.

Senator PERCY. Did you ever get your money from him?

Mr. BOWDACH. Oh; yes, sir.

Senator PERCY. In other words, he got the message then?

Mr. BOWDACH. Clearly.

Senator PERCY. Would you mind if I read back to you part of the transcript of what you said to us when you were describing your relationship with John Manarite?

I found this a very revealing relationship between people who have bonded together to engage in crime. You said:

First thing we did together—speaking of John Manarite—was the Chiccini murder. I think this is what established the bond between us, the magic, so to speak. I was married to him and he was married to me. When you kill somebody with somebody else you develop a love affair, so to speak, in crime because this is the epitome of what you can do with somebody else.

From there we went into a few things. We went to Tampa; did an arson job in Tampa; we did one, two, three arson jobs in Miami.

Do you want to expand on that? That is a true reflection of your feeling; expand on that, that relationship that does exist between members of crime when they do things together? What is it, the thrill, the sensation of doing something that is difficult to do?

Would you describe what goes through your mind? I think it is an unusual opportunity for us to understand somewhat better the criminal mind as you engage in these acts.

Mr. BOWDACH. I found John Manarite to be a very cool and calculating individual, very cautious, very closed-mouthed. When we did the Chiccini murder, we sealed a bond between us, like I said in my interview. You have an extreme amount of trust in each other to go out and commit a murder with each other. It is not something that the everyday person on the street does. From one thing you go to another thing, you go to another thing. Your partner becomes closer to you than your wife, because your partner knows the things that your wife never knows about you. You couldn't trust your wife with this information, but you trust your partner. This is the relationship that exists.

Senator PERCY. As you well know, we have had a history of street gangs that terrorized Chicago through the years. A lot have gone to prison together. They have developed bonds and friend-



ships. Is this the same sort of kinship that develops among young people in their teens when they pull jobs together? They escalate, getting higher and higher in the thrill, the skill required for it, the danger involved. Is part of it that as well as just the desire to acquire something, to benefit financially from the escapade?

Mr. BOWDACH. It depends on if you are talking about youngsters, Senator. It would depend really on how they carry themselves, how they are observed in the eyes of the elders, because the elders are constantly watching these up-and-coming young fellows, to recruit them. Do they drink? Do they get loud and boisterous? Do they like to brag to women? Things of that nature. And they are constantly under observation and reports are constantly filtering back to them and as they get older and more mature, and their discipline is established, and their obedience is established, then they rise into the organization.

Senator PERCY. Would you say one of the great strengths of organized crime is this hierarchy? With the boss at the top, there are those down below, down to the soldier level, down to the associate level, trying to achieve the esteem, and the respect of those above you? You saw in John Manarite a cool person, cold, calculating, in control of himself? In other words, if he had been a boisterous, heavy drinker, undependable, you wouldn't have had that same degree of respect, and wouldn't have developed the bond which you did?

Mr. BOWDACH. That is correct, sir.

Senator CHILES. Just trying to go back over this sitdown. In my own mind I am trying to understand. You sold a car through Klinger, who was a middleman. The car went to Gale. You didn't get your money for the car. The draft was stopped. You sent a threat through Klinger, and it looks like Gale went out and got some help to try to counter your threat.

Mr. BOWDACH. That is correct.

Senator CHILES. You had an arrangement for a meeting and then you found out that he had gone and gotten some help. Then, on the basis of that and what was said about Kovolick, you went back and reported to Kovolick that you didn't get your money, and what this guy said you can do. You don't know that the second sitdown took place. You just know that you were told by Kovolick to cool it, there wasn't any big deal, and just to kind of forget about it. And then you were also told the same thing by Serowitz in New York?

Mr. BOWDACH. There was no big deal to Kovolick.

Senator CHILES. I say that is what—

Mr. BOWDACH. As far as the money, because it wasn't his money. If it had been his money, it would have been a major deal.

Senator CHILES. But each of them told you that?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Actually, Kovolick wanted you to kill a man, as you related yesterday, because of the theft of some jewelry at his home?

Mr. BOWDACH. This was Mr. Phil Kovolick. That was his nature.

Senator CHILES. You had been paying Mr. Kovolick a retainer fee up until this time?

Mr. BOWDACH. That is right.

Senator CHILES. He was your rabbi up to this time?

Mr. BOWDACH. That is right.

Senator NUNN. What was your attitude towards Phil Kovolick when he told you to cool it and not try to collect your money on this transaction?

Mr. BOWDACH. I was very upset. That is why I went to New York, put it on record.

Senator NUNN. To put it on record with Serowitz?

Mr. BOWDACH. Yes.

Senator NUNN. What did you want Serowitz to do about it?

Mr. BOWDACH. To intercede in my behalf, get my money.

Senator NUNN. You wanted him to instruct Kovolick?

Mr. BOWDACH. Pardon?

Senator NUNN. Did you want him to instruct Kovolick to help you, or go through his own channels to get your money?

Mr. BOWDACH. Go through his channels.

Senator NUNN. What was your relationship with Mr. Kovolick after this episode?

Mr. BOWDACH. It got a little bit distant for a while, then I was advised to keep up the weekly payments to him as a show of respect to him.

Senator NUNN. Did you?

Mr. BOWDACH. Yes, sir. I broke away for a while and then I continued payments.

Senator NUNN. What was the time frame involved here during this whole transaction about the automobile?

Mr. BOWDACH. I am not sure I quite understand the question.

Senator NUNN. In what year did this occur?

Mr. BOWDACH. Mr. Gallinaro just read a report that was, I think, February 1970. I say late 1969 or so.

Senator NUNN. So it was late 1969 or early 1970?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would it be fair to summarize this whole situation by saying you sold an automobile, and the buyer canceled the bank draft he paid you with, you sent him a threat, he sent you a counterthreat, then there was a sitdown and at that time you decided to drop it. Would that be a fair summary of what transpired?

Mr. BOWDACH. Mr. Chairman, after I was called in on the sit-down and the story was related to me, he is with us, and we need him, in my mind I drew the conclusion that they had plans for this individual and for a few dollars, for tires and mileage, they were not going to upset him.

Senator NUNN. I think for the record it should be stated that we had the staff interview John Gale and he acknowledged this transaction, but he denied that he requested or received any help or assistance from organized crime.

Mr. Bowdach, we have related this morning an episode concerning arson in Tampa, Fla., that you have stated under oath was carried out by you and Mr. Manarite at the request of Santo Trafficante.

Mr. BOWDACH. That is correct, sir.

Senator NUNN. You have identified a photograph of Mr. Trafficante—

Mr. BOWDACH. Yes, sir.

Senator NUNN [continuing]. As being the man who had conferred with Mr. Manarite before this arson occurred?

Mr. BOWDACH. Immediately before.

Senator NUNN. What do you know about Santo Trafficante?

Mr. BOWDACH. I know Santo Trafficante is the boss of his own crime family in Florida.

Senator NUNN. What type activities is that crime family engaged in, to the best of your knowledge?

Mr. BOWDACH. Arson, murder.

Senator NUNN. Do you know anything about any narcotics involvement by Mr. Trafficante?

Mr. BOWDACH. Not directly with Mr. Trafficante, no.

Senator NUNN. What position did Mr. Manarite have in the Trafficante organization?

Mr. BOWDACH. He would go and do, upon instructions from Mr. Trafficante, whatever he was instructed to do.

Senator NUNN. Was he a soldier? You have described the general hierarchy of crime family. Where was Mr. Manarite in this picture? Where was he in the chain of command? Was he a captain, a soldier; where did he fit in?

Mr. BOWDACH. I don't believe Mr. Manarite was a made man.

Senator NUNN. Was a made man?

Mr. BOWDACH. Yes.

Senator NUNN. You mean you don't think he was a member?

Mr. BOWDACH. I don't believe so, sir, no.

Senator NUNN. So he would be an associate?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, you said in response to a question by Senator Percy, that you felt very close to Mr. Manarite because you committed a murder together and that you had "sealed a bond between you." Is that what you said?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Is this the common, accepted practice in organized crime, or is this something that was unique to you and Mr. Manarite?

Mr. BOWDACH. Common practice, sir.

Senator NUNN. You have known other people to seal the bond between them by committing a murder?

Mr. BOWDACH. I would like to explain the answer to that, sir.

Senator NUNN. All right.

Mr. BOWDACH. If you and I, or Mr. Manarite, excuse me, would go and commit a murder, only the people that were involved in the murder would know about it. It is something that you don't talk about and discuss with anyone that was not directly involved in the actual murder, itself, for the simple reason that loose lips sink ships, and anybody that is outside of that, that knows it, can put a lot of people in the electric chair.

Senator NUNN. Senator Percy.

Senator PERCY. Thank you, Mr. Chairman.

I have just a few questions.

The first relates to the ongoing investigation we have of arson for profit which has been going on for some time. You have been personally involved in four arsons in south Florida, one of which was an arson for profit. I realize this is not your usual line of work.

Can you give us your observations as to how involved organized crime actually is, in the arson for profit?

Mr. BOWDACH. Mr. Senator, what is going on today is that people in organized crime are getting into businesses that deal basically in cash transactions for the simple reason they can enter into their books whatever they feel appropriate, skimming off the top, and there is really no way to determine if it is truthful or not truthful. They use the businesses for as long as they want and when they feel it is necessary to dispose of it, they burn them, if they cannot get their asking price.

It is a common practice. There were numerous arsons in the Tampa, Fla., area. They were committed by a gentleman by the name of Willie Noriega, also known as "The Torch." He was a professional arsonist for hire for profit.

Senator PERCY. What was his percentage generally?

Mr. BOWDACH. The usual figure is 10 percent, sir. But the work is so easy, you don't have to do any more than that. It is extremely easy.

Senator PERCY. Is the ease with which it can be done, and the incredibly low conviction rate—one out of 100—is that conducive to the spread of arson? Why it is such a rapidly growing phenomenon in America today?

Mr. BOWDACH. Yes, sir. I would say so. The chances of getting caught are almost nil.

Senator PERCY. In other words, relating it to street crime, mugging, relating it to murder for a fee, taking a contract, you would say the degree of risk here is so low that that is why more and more figures are moving into it, including organized crime?

Mr. BOWDACH. Yes, sir. It is very inviting.

Senator PERCY. Would you put this as a very high priority item for law enforcement, at the local and Federal and State level?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Are you aware of organized crime involvement in arson which goes beyond simply providing the torches to actually commit the crime?

Mr. BOWDACH. I would ask for clarification.

Senator PERCY. Is organized crime getting more deeply into it? Are they selecting properties? Are they buying properties and setting the torch to them?

Mr. BOWDACH. Basically, what they are doing, they are doing their own establishments in order to get rid of them.

Senator PERCY. Are there, for instance, traveling torches who work for organized crime?

Mr. BOWDACH. Willie Noriega would be a good example of that. He was an expert torchman and he was available at all times, whenever he was needed.

Senator PERCY. He has bag, will travel, to do a job anyplace?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What would you estimate the annual income for someone who is a real professional torch like that could possibly be?

Mr. BOWDACH. It would be astronomical. There is no telling. It would be astronomical. I can go through two or three a week, if I wanted to.

Senator PERCY. Could he make a million dollars a year?

Mr. BOWDACH. No problem.

Senator PERCY. No problem, tax-free, \$1 million a year?

Mr. BOWDACH. Absolutely.

Senator PERCY. This is a \$2 billion business now, and growing?

Mr. BOWDACH. Yes, sir.

Senator PERCY. And their potential is 10 percent of that. I presume as law enforcement cracks down, as we ourselves, become more sophisticated in how to handle and cope with this problem, the percentage goes up then?

Mr. BOWDACH. Yes, sir.

Senator PERCY. But the percentage is now low, simply because it is so easy.

Mr. BOWDACH. That is correct, sir.

Senator PERCY. This is such an unusual opportunity. Your candor, frankness, and recall of details, is so helpful.

Describe some of your own emotions and feelings as you went along.

When you commit a crime, a murder, a beating, or a torch job, what goes on inside your own mind? As you were in the midst of this, at the height of your activities, did any emotion occur to you as you killed someone, regret, remorse afterwards, or is it a part of the game? Is it the thrill of accomplishment when you have done a job well? Do you take satisfaction in it? Can you tell us a little bit about your feelings?

Mr. BOWDACH. It was just a job. Some of the things had to be done because your reputation was at stake. There is a little bit of apprehensiveness involved, especially when you are talking about disposing of a body. You always run that risk of running into a police officer, and if that comes to pass, you have got to put him with the body. You have no choice in the matter, because you get caught with one, you might as well get caught with two. There is always that little bit of apprehensiveness about that.

I have never gone out and killed anybody that wasn't involved in the same type of life that I was involved in, or hurt anybody that wasn't involved in the same type of life that I was involved in. So, in other words, we police our own.

Senator PERCY. Life is cheap in this business—880 murders in Chicago last year.

Mr. BOWDACH. I think cattle are more important than human lives, so to speak.

Senator PERCY. One last question. The narcotics problem is one of the most pervasive and vicious problems this nation faces because of the hundreds of thousands, the millions of lives ruined as a result of it. The amount of crime created and caused by it is estimated to be as much as one-half the street crime. Possibly the recent assaults of our distinguished colleagues in the Congress here in Washington recently are related to the need for narcotics by the muggers.

We have been trying to find out what can be done about this problem. I think this committee has done a great deal.

One thing we discovered very early in our analysis of it, under the leadership of Chairman Nunn, is that a tremendous amount of emphasis was being placed by the Federal Government in appre-

hending street peddlers. It showed up in the records. There were a lot of arrests, a lot of marihuana purchased, cocaine purchased, and heroin purchased. But what we discovered was there was no pyramid to the activity. Very seldom did it get to the top. You have referred to the motivation of people in crime as being, in part, respect of their elders, their boss, the family members, whoever it may be.

Is it your judgment that the primary focus of law enforcement has to really go at the top? You've got to destroy the network at the top. This is complicated by the difficulty of getting at them, because of their skill, the way they have evaded conviction in the past—the legitimate businesses—the cloak around which they surround themselves, and the unwillingness of people to testify against them. You are a rare case, which is why you are so unusually helpful. It is also why we want to express our appreciation to you. We know the risk you are taking, the way you have laid out on the table names, facts, dates, things that cannot be really subject to question, because of the way your testimony has been corroborated in the past.

Is it your feeling that the emphasis certainly at the Federal level must go to the top, that every resource this government can command has to go to putting away and making it difficult for those at the top to continue to operate? They can always get new people on the street. They can replace the soldiers down there with a thousand others. But, admittedly, it is hard to get them at the top. If you destroy the top, however you start to destroy the superstructure down below that is causing so much of the problem.

Mr. BOWDACH. You didn't give me too much to answer. [Laughter.]

Senator, this is the problem that has been going on for years and years and years. You get the soldier, you get the street corner guy, he is replaced. He is constantly replaced. He is expendable. If you don't get to the throne, you are kidding yourself, you are kidding the American people. You must go to the top.

If more people will come forward with information that would help you get to the top, I think this could be accomplished, in order to at least put a stop to it, because I don't think you can ever completely eradicate it, because there will always be a certain amount of permissiveness. The people do not really understand what it is all about. They smoke marihuana, not realizing where the profits are going. They bet on a horse with a bookmaker, not realizing where the profits are going, and all the time the money is filtering to the top.

I hope that my being here—and I have a commitment like another individual who is highly placed in organized crime, somebody that I have worked with over the past months, that has expressed a desire and a willingness to appear before the committee in public session, at a future hearing, and I hope—

Senator NUNN. Mr. Bowdach, at this point I would hope you—

Mr. BOWDACH. I will not name this informant.

Senator NUNN. I hope you won't go any further into that. We are well aware of the situation at this stage.

Mr. BOWDACH. I am going to keep the individual's name confidential at this time.

This is what is needed. This is what is needed. You have got to get those people at the top.

You need top people to get top people. The little guy cannot give up the big guy, because he is not privy to what is going on up there.

Senator PERCY. I think this is why Senator Chiles, Senator Nunn and I were extraordinarily critical a few years ago of the testimony we had from the Drug Enforcement Administration. We saw a desire to just build up a lot of figures they can come in and testify about before us. They made this many thousands of arrests, seized this many pounds of marijuana, cocaine, whatever it was. But, what were they doing in the international network, what were they doing at the national network to get at the source of the problem? The emphasis of DEA was shifted, I think, as a result of this committee's activities. We have had very good cooperation in the last few years. The thrust of the Federal activity should be, not down on the street, but up at the top of the crime network trying to destroy it in every way we can.

I hope the message that you have given sinks in. Anyone who sells pot, or sells cocaine is helping to finance and feed that organized crime. Those profits are going right up to the top and keep this thing going.

Senator NUNN. Thank you, Senator Percy. We are going to have a considerable amount of testimony on the question of organized crime, the makeup of it, the question of how law enforcement and the Justice Department and all levels of law enforcement can better deal with it. We are going to give Mr. Bowdach an opportunity to talk about that.

We are also going to get into the witness protection program which I happen to think is one of the key elements of successfully dealing with organized crime. We will do all of that next week, and, of course, I think that at that stage we will get into more questioning. So at this point I would like to get Senator Chiles to complete the questioning on the arsons, and so forth, that have taken place in south Florida.

Senator CHILES. Mr. Bowdach, you talked about the burning of the Italian Club in Hialeah twice. There were a couple of other arsons that you participated in with John Manarite. Would you tell us about those arsons?

Mr. BOWDACH. One other one.

Senator CHILES. And one you participated in yourself?

Mr. BOWDACH. No. Manarite and I.

Senator CHILES. Tell me about it.

Mr. BOWDACH. This was Club 79 in Hialeah. It was right in that same period of time with the Italian-American Civil Rights Club. My ex-wife worked at Club 79. She was having a problem with getting her money. Her checks were bouncing. I broke into the establishment, I think I had two 5-gallon cans of gasoline. I doused the whole place with gasoline. I got to the back door, there were no windows in this building at all. I didn't know too much about arson at that time. That was my first fire. I stood at the back door, I lit a match, and the next thing I know I woke up in the back seat of my car. I was blown through the door.

Senator CHILES. You were blown through the door?

Mr. BOWDACH. Yes, sir. I later found out that the reason why this happened is because fire looks for air. I happened to be standing in its way. It just about took the door off the hinges and they carried me, put me in the back seat of the car and drove me away.

Senator CHILES. Manarite and Olivero put you in the car?

Mr. BOWDACH. Yes.

Senator CHILES. You don't even remember that happening?

Mr. BOWDACH. I had gone into a concrete wall, I was all dazed, banged up and my eyebrows were all singed off. That was that.

Senator CHILES. That was your first—

Mr. BOWDACH. That was my first one.

Senator CHILES [continuing]. Participation. And the others, really the two fires—

Mr. BOWDACH. At the same establishment.

Senator CHILES. Have you been involved in any other arsons, additional ones you have discussed?

Mr. BOWDACH. No, sir.

Senator CHILES. Do you have any firsthand knowledge of any additional arsons performed by Manarite or Harry Olivero?

Mr. BOWDACH. No, sir.

Senator CHILES. I think the staff, Mr. Chairman, has some exhibits on the arson.

Mr. ADKINSON. Thank you, Senator Chiles.

With respect to the two arsons at the Italian-American Club, we have in our possession the reports from the Hialeah Fire Department confirming that the Italian-American Club in fact burned twice in fires of suspicious origin, 2 days intervening between the fires. I would suggest these be submitted as a sealed exhibit.

Senator NUNN. Without objection, that will be exhibit 17.

[The document referred to was marked "Exhibit No. 17" for reference and is contained in the confidential files of the subcommittee.]

Mr. ADKINSON. Additionally, Mr. Chairman, the subcommittee staff has documents in its possession from the Hialeah Fire Department referring to the fire at Patsy's Club 79, the date, December 28, 1970. These documents confirm Mr. Bowdach's recollection of an explosion. It states, in part, and I quote: "upon investigation found rear door sitting back away from rear entrance about 2 feet." I would suggest these be included as a sealed exhibit.

Senator NUNN. Without objection.

[The document referred to was marked "Exhibit No. 18" for reference and is retained in the confidential files of the subcommittee.]

Senator CHILES. I think, Mr. Chairman, the staff might have some more information in regard to the Tampa arson that they will want to put into the record as a sealed exhibit.

Mr. ADKINSON. Yes, Senator Chiles. We have evidence of what is already in the record regarding the arson in Tampa that Mr. Bowdach has described, and other arsons, including the falsification of insurance claims on the arson discussed today, and other arsons, which I offer as a sealed exhibit.

Senator NUNN. Without objection, that will be exhibit 19.



[The document referred to was marked "Exhibit No. 19" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Exhibit No. 19 is sealed.

Mr. Bowdach, that completes our questioning today.

As you know, we have divided these hearings into several different parts. Tomorrow we will deal with narcotics and illegal narcotic activity. Next Wednesday and Thursday we will be discussing many different matters, including primarily the Atlanta Penitentiary and then, as I stated earlier, we want to get your view of the witness protection program. I want to discuss with you the Freedom of Information Act, the Privacy Act, and your own personal experiences with those two acts.

I particularly want to find out from you what the modus operandi is of organized crime in using the Freedom of Information Act for the purpose of identifying informants. All of those matters will be discussed next week.

Again, we appreciate your cooperation with the subcommittee.

At this stage, I ask that all the cameras, in accordance with the previously established rule, be turned away from the front of the room, and away from the witness, so that he can depart the room.

I will ask the Marshals Service to let the Chair know when this rule has been adhered to.

Senator NUNN. We will continue this hearing.

We have two witnesses from the Dade County Department of Public Safety who will be testifying when Mr. Bowdach leaves.

Mr. Bowdach, the marshal has said that the cameras are turned. It includes all cameras in the audience.

[At this point Senator Percy and Senator Chiles withdrew from the hearing room.]

[The letter of authority follows:]

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,  
Washington, D.C.

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open hearings without a quorum of two members for the administration of oaths and taking testimony in connection with Organized Crime/Law Enforcement on Thursday, August 2, 1978.

HENRY M JACKSON,  
*Chairman.*

CHARLES H. PERCY,  
*Ranking Minority Member.*

Senator NUNN. The subcommittee will come to order.

We have two witnesses from the Dade County Department of Public Safety, Organized Crime Bureau, St. John Waymire and Detective Lloyd Hough.

If the witnesses will come forward, I will appreciate it.

[At this point Senator Chiles entered the hearing room.]

Senator NUNN. Sergeant Waymire, Detective Hough, if you will, before you take the seat, I would appreciate it if you would take the oath.

Do you swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WAYMIRE. I do.

Mr. HOUGH. I do.

Senator NUNN. Let the record show that both answered affirmatively.

**TESTIMONY OF SGT. JOHN WAYMIRE AND DET. LLOYD HOUGH, DADE COUNTY DEPARTMENT OF PUBLIC SAFETY, ORGANIZED CRIME BUREAU**

Senator NUNN. If you could start on my left and give us your name and birth date, and also your present position, we would appreciate it.

Mr. HOUGH. My name is Detective Lloyd F. Hough, H-o-u-g-h; employed by the Dade County Public Safety Department; have been for approximately a total of 11 years; presently assigned to the Dade County Organized Crime Bureau.

Senator NUNN. Thank you. Lieutenant?

Mr. HOUGH. If I may, please, I appreciate the promotion, but I am not a lieutenant. I am only a detective.

Senator NUNN. You should be, based on your excellent cooperation.

Sergeant Waymire, would you give your full name, and birth date? I will wait until the cameras have a chance to set up before they give their names and identification to accommodate the media.

Sergeant?

Mr. WAYMIRE. John L. Waymire; I am employed by the Dade County Public Safety Department, employed in the Organized Crime Bureau, heading up the cash flow unit.

Senator NUNN. Thank you, sir. We will take a 3-minute break to accommodate the members of the media. We appreciate your cooperation.

[Discussion off the record.]

Senator NUNN. The committee will come to order.

[At this point Senator Percy withdrew from the hearing room.]

Senator NUNN. I want to ask you both questions and if Mr. Hough will answer first and then Mr. Waymire, unless one of you has more knowledge about the subject. We will leave it up to you as to which one will answer under those circumstances.

You have both told us your name and your general background as far as what you are doing now. Are both of you working with the Organized Crime Bureau of the Department of Public Safety?

Mr. HOUGH. That is correct.

Senator NUNN. Are you here as individuals or do you also represent the Department of Public Safety of Miami?

Mr. HOUGH. We are here as representatives of the Dade County Public Safety Department.

Senator NUNN. Both are.

Who are your superiors?

Mr. WAYMIRE. The head of the Organized Crime Bureau is Maj. Steven Berticelli, Captain Gonzales, and Lieutenant Sommerhoff.

Senator CHILES. Mr. Chairman, I want to express my sincere appreciation to our two witnesses for appearing today, and also to Major Berticelli and the Dade County Department of Public Safety. I think they have done an outstanding job in trying to combat organized crime.

When the matters we are discussing now first came to my attention, I said that I would like to just go down to Florida and get a briefing. I did get a briefing from the different Federal agencies and the State agencies and everyone that I could get in touch with in south Florida.

I will have to say that the Dade County Department of Public Safety were very cooperative. They did an outstanding job in trying to apprise me of the seriousness of the problems in regard to organized crime and the tremendous problem that local law enforcement has in trying to cope with really what is an international conspiracy on the part of organized crime. In south Florida, we are having drugs come in from Latin America, Mexico, and some that come across from Europe. The police have a big job in tracing all of the intricacies of that, trying to trace the narcotics and then the money flow out.

I think with the resources they have, they have made an outstanding effort. Much of that is because of the dedication of the personnel who are working in the Department of Public Safety.

I just wanted to express my great appreciation for the work they have done and for their appearance here today.

Senator NUNN. I agree with you completely. I had the privilege of going down to Miami about 3 months ago and joining with DEA, Customs Bureau, and Coast Guard officials, and many others, in looking at the narcotics problem.

We had a seminar there. I had occasion to meet many of the officials of the Department of Public Safety, particularly the Organized Crime Bureau, and they have been most helpful in the area of narcotics involvement, which our subcommittee is also looking at very carefully.

I want to commend both Mr. Hough and Sgt. Waymire individually and their Department for the fine work they have done. We are grateful for all the help they have been to us and I can pledge to you we are going to continue to cooperate.

Of course, the executive branch of the Government has the basic responsibility to pursue organized crime, but this subcommittee is going to do everything we can to give proper oversight to our Federal executive branch efforts. We will be looking at any kind of corrective legislation that can assist both the Federal agents and also the State and local agents in dealing with this growing cancer that eats at our society.

I thank both of you for being here this morning.

Mr. HOUGH. We thank you for the invitation, Senator.

Senator NUNN. Both of you were here while we have been receiving testimony from Gary Bowdach over the past 2 days. He has told us about John Manarite; he has told us about other individuals; he told us this morning about John Manarite and arson being committed at the request of Santos Trafficante.

At the subcommittee's request and through your good assistance, subcommittee's investigators have interviewed an informant of the

Dade County Department of Public Safety. In these hearings we intend to protect the identity of that informant. We also intend to protect the substance of an affidavit that resulted from that interview. I will show you, for the purpose of identification, the affidavit and ask you if you would identify it without, of course, giving the name of the informant, and also without getting into the substance of the affidavit beyond answering questions which we will specifically direct to you.

Mr. WAYMIRE. Mr. Chairman, this is a true copy.

Senator NUNN. This is a copy of an affidavit?

Mr. HOUGH. It is the original copy.

Senator NUNN. This is the original copy?

Mr. HOUGH. That is right.

Senator NUNN. Were you there when the affidavit was signed?

Mr. HOUGH. Yes, both of us were there.

Senator NUNN. You saw the signature being affixed?

Mr. HOUGH. I did.

Mr. WAYMIRE. I did.

Senator NUNN. What is the date of the affidavit?

Mr. WAYMIRE. The date is July 10, 1978. We also had it certified at that time.

Mr. HOUGH. It is a notarized statement.

Senator NUNN. By a notary public?

Mr. HOUGH. Yes, of the State of Florida.

Senator NUNN. Attested to on the same date?

Mr. HOUGH. That is correct.

Senator NUNN. The notary was there when the affidavit was signed?

Mr. WAYMIRE. Yes.

Mr. HOUGH. And through the taking of the affidavit.

Senator NUNN. The notary signed in the presence of you and in the presence of the affiant?

Mr. HOUGH. That is correct.

Senator NUNN. The affiant signed in the presence of you and the notary?

Mr. HOUGH. That is correct.

Senator NUNN. Both of you.

Mr. Hough, to begin, do not answer any question that you think might in any way identify the informant. We realize the importance of that.

If I ask any question that you think in any way might reveal this, I hope you will inform the subcommittee. Do you understand that?

Mr. HOUGH. Yes, sir.

Senator NUNN. We will make that sealed exhibit No. 20.

[The document referred to was marked "Exhibit No. 20" for reference and is contained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Hough, what circumstances, when and under what circumstances did you meet the informant?

Mr. HOUGH. Approximately 4, 4½ years ago I was introduced to the source of information through the other police officer who had dealings with the source previously and had been highly successful.

Senator NUNN. You generally believe this informant to be credible?

Mr. HOUGH. I never had any doubt about the credibility of the source of this information.

Senator NUNN. This particular source?

Mr. HOUGH. That is correct.

Senator NUNN. In your opinion, was this informant in the position to know about the individual referenced in the affidavit?

Mr. HOUGH. Most definitely, sir.

Senator NUNN. Do you have any reason to believe that the informant is being otherwise than totally truthful in the affidavit?

Mr. HOUGH. No, sir; I do not.

Senator NUNN. In your professional opinion, does this affidavit corroborate Mr. Bowdach's description of the relationship between John Manarite and Santo Trafficante?

Mr. HOUGH. As best as I can determine, it does.

Senator NUNN. You say it does verify that relationship?

Mr. HOUGH. That is correct.

Senator NUNN. Do you have any reason to doubt this informant's statement that Santo Trafficante and John Manarite were engaged in certain illegal activities together?

Mr. HOUGH. I do not.

Senator NUNN. Based on your knowledge and your experience with the informant, is there any question in your mind that these two individuals would have felt comfortable enough to discuss such matters in the presence of the informant?

Mr. HOUGH. None whatsoever, Senator. At that time, the source goes back with the underworld and associates and, being accepted in the underworld, back to the latter years of Al Capone, when he was in Miami Beach.

Senator NUNN. As you know, we are going into various matters concerning organized crime in south Florida and elsewhere. We are looking at arson; we looked yesterday at the loan-sharking operations; we will look tomorrow into narcotics; next week we will be talking about the Atlanta Penitentiary.

We are going to need your continuing cooperation. We will get into details with you at a later time, both in interviews and perhaps, according to what Senator Chiles thinks, what you think, and what the people in Miami involved in law enforcement think, we might very well have hearings in Miami.

So we will be discussing some of these details with you. We want to ask you a few general questions this morning without getting into all of the details.

How large is the Dade County Department of Public Safety and how large is the organized crime bureau within that Department?

Mr. WAYMIRE. Senator, the Dade County Public Safety Department is about 2,400 personnel. The Dade County Organized Crime Bureau has over approximately 100 people, investigators, supervisors, and staff in that division.

Senator NUNN. Who is head of the Organized Crime Department of the Department of Public Safety?

Mr. WAYMIRE. Major Steven Berticelli.

Senator NUNN. How do you pronounce it?

Mr. WAYMIRE. Berticelli.

Senator NUNN. What is your position in that, each of you?

Mr. HOUGH. I am a detective assigned to the cash flow unit under the supervision of Sergeant Waymire.

Mr. WAYMIRE. I head up the cash flow unit, which is one of the units under the vice section of the Organized Crime Bureau.

Senator NUNN. Is the Dade County Department of Public Safety part of the State; is it State paid or is this a county department?

Mr. WAYMIRE. This is a county department.

Senator NUNN. Paid for by county funds?

Mr. WAYMIRE. Paid for by county funds.

Senator NUNN. How do you interrelate with the State crime bureau? Whatever the proper name is.

Mr. HOUGH. Florida Department of Criminal Law Enforcement.

Mr. WAYMIRE. We have very good relations with most all the State agencies that are active in the organized crime field.

Senator CHILES. Could you just give me a ballpark figure? You said you have 100 people in the Organized Crime Department. Can you give me a ballpark figure of how many organized crime figures there are in Dade County alone?

Mr. HOUGH. Major organized crime figures?

Senator CHILES. Yes.

Mr. HOUGH. I believe the last count was running somewhere between 90 and 100 major organized crime figures.

Senator CHILES. You say major. Tell me the cutoff where someone would be regarded as a major organized crime figure?

Mr. WAYMIRE. Actually that is a little hard to explain. Let me give you a little breakdown. Recently, with the permission of the people who put the 1976 organized crime control annual report together, I have updated that and you can see, it is supposed to have an exhibit.

I believe the staff has got that exhibit for you.

Senator CHILES. I think we have already put in the record the 1976 annual report. We will show you that. You say you are working with it; you have updated that now?

Mr. WAYMIRE. Yes, sir.

Senator CHILES. By deleting those that are deceased and adding any known additions?

Mr. WAYMIRE. Yes, sir. The ones that have deceased and a few of them that has moved into our area. When we talk about organized crime in Dade County or organized crime figures, we have 16 of the crime families identified in the subcommittee hearings in 1963 working in the State of Florida, whereas, for example, like New York only has five families in New York City.

Also, besides the 16 families we have in the organized crime activities in south Florida, we have a large Lansky group working there also.

Also, we have the Canadian Mafia that has been active in our area. We are plagued right now with the Cuban criminal element that is working in hand with the narcotics activities.

So when we say how many figures, I will identify for you, as Mr. Hough has already stated, it is possibly true that we know of. Unidentified runs into the hundreds.

Senator CHILES. Runs into the hundreds?

Mr. WAYMIRE. Yes.

Senator CHILES. So our army is smaller than their army?

Mr. HOUGH. Considerably.

Mr. WAYMIRE. Understatement.

Senator CHILES. Yesterday, Gary Bowdach testified about loan sharking and arson. Let me ask for your update of that. I think, Mr. Chairman, we should take that as a sealed exhibit.

Senator NUNN. Which is that?

Senator CHILES. Update to the organized crime annual report.

Senator NUNN. All right. Is this in the public domain now, or is this a confidential report?

Mr. WAYMIRE. At this report it is a confidential report.

Senator NUNN. When will it be published?

Mr. WAYMIRE. At this point we have not made plans to publish. I just updated it for the committee for these hearings.

Senator NUNN. We will put that in as a sealed exhibit. We will have the clerk check. If that report is not already in the record, we will put the public report in first. Then we will put the update in as a sealed exhibit; without objection.

[The document referred to was marked "Exhibit No. 21" for reference and is retained in the confidential files of the subcommittee.]

Senator CHILES. Yesterday and today, Gary Bowdach testified about loan-sharking and arson. Based on your experience, does his description of loan-sharking match what you found?

Mr. HOUGH. Absolutely.

Senator CHILES. How widespread is loan-sharking in your jurisdiction?

Mr. WAYMIRE. On loan-sharking, Senator, it is very hard to put your finger on it. You do not have any willing victims that come to you and say, hey, I am involved in loan-sharking. We never considered Gary Bowdach the largest loan-sharking operation, large scale.

Our intelligence has revealed he is at midlevel as we might say.

Senator CHILES. Midlevel? He was midlevel according to your intelligence?

Mr. WAYMIRE. If I said there was 10 big loan shark operations in Dade County, I could be totally wrong. It is probably more than that, going on at the same time.

Senator CHILES. What about the violence and intimidation that Bowdach talks about? Is that an accurate picture? Do you know of any examples of that?

Mr. HOUGH. Senator, if I may answer that, in reference to your loan shark operation, in this file here which I will not make public or anything, because it is still some value to us, it relates to the legitimate businesses that have been taken over through loan shark operation, because the people couldn't meet their payments.

They give up their business or give up their life. It is a very serious business in south Florida.

In reference to the violence that has been associated with the organized crime element in south Florida, in 1970, or approximately 5 years thereafter, I was assigned to the homicide division.

At that time, it was very seldom that we had what we considered a gangland slaying. We are at the point today that we are not only having them on a regular basis, but they are coming in multiples

of anywhere from one to three and in recent times down there we have had as many as six victims in one homicide.

We have got a severe problem in violent crimes now, not only in the homicide but the terrorists that are involved. We have enough of people living in fear of their lives, for their businesses and their personal property.

Senator CHILES. What about intimidation of witnesses or people who are coming forward and accusing people of crimes?

Mr. HOUGH. That is also a severe problem. In February 1974, a member of the Rick Cravero game, which Mr. Bowdach made reference to, fell out of graces and he was a victim of homicide in north Dade County.

We ran into severe problems with obtaining witnesses, because those people were in fear of their life. They were intimidated, badgered; they were just mortally afraid, even with an offer of police protection.

Some of them had sufficient information that we felt like we could go to the Government and put them into the marshal's protection program. The feeling was that the marshal's protection program has not really been developed to the point that they could feel safe.

They felt like they were even in more jeopardy or difficulty at that time of being in that program than being loose on the street.

Senator CHILES. What about arson? Is this a serious organized crime problem for you in Dade County? Can you give us some examples of it?

Mr. WAYMIRE. The arson is becoming more serious. There is profit to be made, as Gary Bowdach pointed out. Wherever there is profit, organized crime is going to prevail. It is a lucrative profit from the standpoint that insurance companies are paying off these businesses and so instead of going bankrupt in that type of situation, or you owe money to a loan shark, there is a way to get your money back to him or get your, have somebody torch your place, and that way you can collect your money, pay your debts off.

Mr. HOUGH. There are other major problems with the arson type crime also, in the past year I have traveled considerably throughout the State of Florida and I find that there is inadequate facilities and there is not enough trained investigators working with the State fire marshal office.

In some areas, in the larger metropolitan areas, where they have a large fire department, they do work on cases, but in the rural areas that happens to depend on a volunteer chief who might have a volunteer arson investigator.

I am not taking anything away from these people because they are doing the best they can with what they have to do with. They need more professional arson investigators.

Senator CHILES. Mr. Bowdach is going to be testifying about the narcotics problem in Florida tomorrow. Of course, Florida has a major problem with all the drugs being brought in from South America.

How much of the time of your department is spent in fighting drug trafficking?

Mr. WAYMIRE. For the whole department it would be hard to say.



Senator CHILES. Let's say of your unit. What percent of your resources?

Mr. WAYMIRE. In our unit, in our organized crime bureau, one of the biggest sections, we have four sections, that section is called the narcotics section; we have 24 men in there, plus three or four, plus the analyst unit that is working with them.

They are just overwhelmed with the cases.

Senator CHILES. Are we gaining on it? Are we holding our own? Where do we stand in regard to intercepting and stopping organized drugs?

Mr. WAYMIRE. Let me give you an example. We used to listen; I used to listen to all of the narcotics investigators and used to say, we are getting 10, between 15 and 10 percent of all the narcotics that is coming in and that is what they used to go around to the seminars and say about 3 years ago, 5 to 3 years ago.

Now they go around saying they are getting less than 5 percent. Yet we are getting more narcotics now than we did 5 years ago.

Senator CHILES. More narcotics are coming in. We are actually being able to stop or intercept less of it. You are saying it is less than 5 percent?

Mr. WAYMIRE. Yes. There is an example I would like to point out, too. Last week, or I think it was last week, gold went from—up to \$200 an ounce. It was a nationwide—everybody was speculating.

Senator CHILES. The national high?

Mr. WAYMIRE. The national high. Cocaine runs about \$1,400 an ounce. If you move it north to New York, or to Atlanta, to Chicago, it runs you almost double or triple in price.

Senator CHILES. This would be the street price of cocaine in Dade County, \$1,400 an ounce?

Mr. WAYMIRE. That was what was quoted to me. That is one-sixteenth of a pound, approximately \$1,400 an ounce.

Senator CHILES. It goes even higher as it moves out of south Florida?

Mr. WAYMIRE. It doubles and triples.

Senator NUNN. What are the main types of drugs coming into south Florida? Are they marihuana and cocaine, or do you also have a heroin problem?

Mr. HOUGH. Senator, the main problem is cocaine and marihuana. Heroin is down considerably. Most of the heroin coming in is low quality out of Mexico. Our major problem when we are successful in intercepting large shipments—when I say large shipments, I am talking about shiploads, tons, pounds—all of it is coming from one place, Colombia.

We are not getting any help from the State Department, apparently. They went down and they made a token inquiry. We got some momentary press coverage down there; they made two arrests in Colombia.

We are making more now on the high seas and it is originating out of their country. We need some help.

Senator NUNN. You are saying the State Department needs to take a very active role in trying to get the Colombia authorities to do more about marihuana and cocaine originating within their borders?

Mr. HOUGH. I am saying that the person in Washington who is charged or has the responsibility needs to give us some relief.

Senator NUNN. In the State Department?

Mr. HOUGH. Someplace.

Senator NUNN. What do you think the Colombia people ought to do about the problem?

Mr. HOUGH. If they are unable to handle the problem as it is, then maybe they need to pass some new laws down there or either hire some different people. We are not having any major problems with any other country.

Senator CHILES. You haven't seen any diminishing of the supply that is coming out?

Mr. HOUGH. Constantly increasing.

Senator CHILES. All of the marihuana you are intercepting and the cocaine are coming through the Colombian connection?

Mr. HOUGH. That is true.

Mr. WAYMIRE. This is what intelligence is telling us now.

Senator NUNN. Would that be true also in Georgia? Do you think that would be originating from Colombia?

Mr. HOUGH. Yes. The recent interceptions of the major shipments coming up the gulf stream up the Atlantic, they usually make drops in south Florida, along the east Florida coast, and come on up to Georgia, and the Carolinas; the same thing, coming up the gulf, it comes right on up around to Alabama.

Senator NUNN. The more shipments you intercept in south Florida, the more we seem to be getting in Georgia. Is that a correct statement?

Mr. WAYMIRE. That is true.

Senator CHILES. The same thing is happening on the west coast of Florida. It is now moving up the west coast and into the panhandle much more.

Mr. WAYMIRE. It is not unusual, when we talk about cocaine. We used to talk about cocaine. We used to talk about a \$100,000 deal in cocaine, you know, bringing it in through the border.

Now, if it is not over one-half million dollars, close to \$1 million, it is a very small deal.

Senator CHILES. How do you coordinate your efforts with the DEA and other Federal authorities? How is your working relationship?

Mr. HOUGH. Senator, first of all, I will respond to your question, but keep in mind that we are not here to embarrass any department, but we are here to present known problems that we have.

You have the problems in working with other agencies that are not common to a city, or county, or State, wherever. Sometimes the problems comes down to what is known as Washington policy.

The agents in the field sometimes are frustrated to the point that they just figure, what are we doing, but somehow or other the guys working in the street, they manage to get the job done and get around policy.

Senator CHILES. I take it your answer is that you are able to work cooperatively with the agents on the street but you are frustrated by some of the Washington policy?

Mr. HOUGH. They are.

Senator CHILES. That policy that handicaps them from working with you all?

Mr. HOUGH. I will go specifically with Internal Revenue. We have had on a number of occasions thousands and thousands of dollars coming through the International Airport, 18-, 19-, 20-year-old kids bringing it through.

On the record, you can find it related to narcotics. We will call IRS. We have \$150,000 in cash that this 18-year-old kid has. Is there anything we can do? Can you give us any help? Sorry.

Senator CHILES. When did you note a cooperation problem with IRS? Can you tell me any time frame or identification when that happened?

Mr. WAYMIRE. It seems like IRS, that problem started right after the Leprechaun investigation and the hearings they had, and from that point on they almost got completely out of any type of law enforcement work with intelligence or anything like this. I am not even sure who can even actually operate.

Senator CHILES. In the aftermath of operation Leprechaun, you are saying that IRS has gone completely in the other direction and now you are not getting any help out of them in regard to major cash dealings with narcotics or other matters?

Mr. WAYMIRE. It seemed like right after Leprechaun, the agents were scared for their job and they also got where, if they gave any type of information, at that point everything becomes a tax problem, according to their administration.

Regardless, if you say even John Jones, he says yes, then that becomes a tax-related problem. I don't see how any taxes relates to that. What is happening now is we have given the narcotics people; especially that deal in narcotics and organized crime activities, we have helped them out. We are cut with the communications in helping by the IRS.

Senator NUNN. We have had example after example given before this subcommittee in narcotics hearings of the difference between what IRS did formerly and what they do now. We have also had the head of IRS at least on one occasion appear at which time we asked him very strong questions about why they were not participating more and cooperating more with law enforcement officials and he, of course, cited a good bit of congressional pressure in the other direction, and also he cited some provisions of the Tax Reform Act of 1976.

I think some of those provisions of the Tax Reform Act of 1976 should be looked at again by Congress. I think there is somewhat of an overkill in the other direction now going on at IRS.

I would say in the last few months we have received certain information from both DEA and IRS that they are beginning to try to find common grounds of cooperation again.

The Internal Revenue Service is one of the tools that has been used to uncover and successfully prosecute organized crime figures. Many people in narcotics enforcement feel very strongly that unless IRS can bring tax evasion charges against the kingpins in narcotics traffic—they don't usually touch the narcotics—they can't be successfully prosecuted.

Senator CHILES. It also appears that in many instances, the IRS agent at the local level, because of what has happened, has just

decided "it is better just not to get involved or I may get in trouble." So they are going much further than the new law and/or the regulations would require. They don't seem to have the message that IRS is getting back in the game.

Do you find that to be true with local agents?

Mr. HOUGH. This particular case here relates to a loanshark case involving members of the Genovese family. The agent, I asked, I said I gave him certain information, and I said just give me an approximate number of years that it has been since this particular individual filed an income tax return.

I know from sources that it has been over 5. We are given everything and we don't mind giving, but sometimes if we can just get a crumb back—

Senator CHILES. They are not sharing any information with you?

Mr. HOUGH. Not in this particular case, no, sir. But if we can get a crumb back, then we can go back to our sources and maybe open up another avenue for them to explore. We are willing to give them anything that we have got. All we are asking is let us know if it is worth it.

Senator CHILES. Going into the killings that you have been talking about: how many of those killings would you estimate that are occurring now in south Florida are narcotics related?

Mr. HOUGH. I would say approximately 80 to 85 percent.

Senator CHILES. Based on your experience is the narcotics traffic dominated by any one organized crime group? Can we say that it is all dominated by the Mafia, or by others?

Mr. WAYMIRE. Sir, again, how high do you want to go on the ladder of traffic? For example, are we talking about now that they put out millions of dollars, or two of us get together and put out \$1 million, somebody goes down, gets it for us, brings it back, or gives us 2 percent on the million dollars?

Senator CHILES. Take cocaine and marihuana. How much of the traffic is by the Latino criminal element, how much is by a black criminal element, how much is by the Mafia criminal element?

How much is the Dixie Mafia involved in that? Are there still freelancers who are going off on their own and getting an airplane load to bring in, making a buy in Colombia and coming back on their own?

Mr. HOUGH. Senator, to be honest with you, we don't have accurate figures with us on this subject. In reference to the freelancers, there is a multitude of them, because it is high in profit, for a little guy that has got a small amount to invest.

Senator CHILES. It started off to be more of a freelance operation, didn't it?

Mr. HOUGH. That is correct. Anything that develops into high profit in criminal activities, usually you will find the organized crime element.

Senator CHILES. What you are seeing more of now, is that organized crime is moving in. They are starting to bank roll it?

Mr. HOUGH. If you can bring a 200-foot freighter out of Columbia packed with bales of marihuana and make certain stops along the way up the coast, that is organized crime.

Mr. WAYMIRE. Senator, there is one other thing you have got to look at, too. We have so many offshore banks in the Bahamas and

some of the smaller countries down in Central America. First of all, we see organized crime coming into narcotics a little bit stronger than what they were, starting off freelancing, as we said, but we see them kind of governing, keeping the price up there, so that you are making more profit for the risk you are taking. We also see a laundering of money.

The trouble of it is, say like in my cash flow unit, when I start to trace money, we get to the Bahamas, I get to Central America, I run into a very bad problem. That problem is no information coming out of there.

As a matter of fact, in the Bahamas, if you give any information on a bank, you can go to jail. If you have got some information on the bank, you give it to somebody else, you can go to jail. So that kind of curtails your tracing of money.

I remember the money that is raised over there, or the money that is in the foreign banks comes back as a loan or something like this to put into legitimate business.

Senator CHILES. No tax has ever been paid, but it comes back to compete with legitimate business?

Mr. WAYMIRE. That is very true.

Senator CHILES. By laundering, the money has lost its taint of being underworld or criminal money. It becomes money that is now used in some legitimate front operation and may be used in a perfectly legitimate business as a loan?

Mr. WAYMIRE. We are not only saying that is in narcotics, we are saying also it is skimming money, money derived from bookmaking and gambling.

Senator CHILES. So all of the money coming out of these illegal operations is in some way being laundered in order to bring it back and put it into legitimate endeavors. How much money would you say is involved in the drug traffic in south Florida? I know this is a ball park figure I am asking for.

Mr. HOUGH. Millions.

Mr. WAYMIRE. I would say it is in the billion dollar range. I would have to go higher.

Senator CHILES. The billion dollar range?

Mr. WAYMIRE. Has to be.

Mr. HOUGH. Senator, at one time, organized crime had a high respect for the Federal Government or the investigative agencies; the Government in general. Today, they are competing with the Federal Government. I won't put it into the record, but I have documentation here of where they are counterfeiting U.S. postage stamps which is costing the Postal Service millions of dollars across the country.

They have, I think, lost some respect for the Government when they start going into competition with you.

Senator CHILES. Counterfeiting postage stamps?

Mr. HOUGH. Absolutely, sir.

Senator CHILES. Do you see the cigarette bootlegging problem, is that—

Mr. HOUGH. We haven't been in direct contact with that, but we do have a problem in the State of Florida.

Senator CHILES. How about the pure extortion where you just go in and lean on a person and say, "We are going to take over your

business," or, "We are going to put somebody in there," as a pure takeover extortion? Is that prevalent?

Mr. WAYMIRE. We are seeing more of that in the Cuban criminal element happening, but we don't see it happening too much on the organized crime or the Mafia-type families at this point. There is some. Not as much as has been reported, say, like in other metropolitan areas. Again, it is hard to put your finger on it, because a guy gets a startout in business, they say, hey, you talk or you are gone. They don't like to talk.

Senator CHILES. Mr. Chairman, I think there is an awful lot more that we want to hear from our local law enforcement agencies, but I don't know how much further we can go today into this area. I think the witnesses have been very, very helpful to us. I personally want to request that, if we go to Florida for hearings, we consider using Florida as a laboratory for examining organized crime.

I think what we are talking about certainly is a national problem. The same things that we are seeing occurring in Miami are occurring in New York, Chicago, Philadelphia, and every other major city in this country. But in addition, I think that because Florida has been a free territory for organized crime, and the fact that you see 16 of the organized crime families operating there where only 5 operate in New York City itself, that there is an awful lot more happening in Florida than our witness today, Mr. Bowdach, has been able to touch on.

In the future, I would very much like to see us go to south Florida. I believe that major Berticelli has issued an invitation. Both of these witnesses today have told me that.

We have also heard from the law enforcement people in Broward County as well. I think that we could have some valuable hearings in Florida, going into some of these more specific details. I would like to make that request.

Senator NUNN. Certainly that is something we would consider doing. It is a question of when we can have the time, considering the session, and what kind of schedule we will have, will have to be determined in the future.

Would either of you like to make any comments in general on what you believe the legislative branch could do to assist in Florida beyond what we are doing?

Mr. WAYMIRE. At this point, we are very pleased to hear that you are looking to come down our way because organized crime in south Florida has been there, as Mr. Hough said, from the days of Al Capone and they took roots there. We had it really infested with organized crime, it is nice weather, as some people refer to it, it is the coke capital of the world, coke capital of the United States.

Right above us, Fort Lauderdale, one time was put into a book that it is the drug capital of the United States or maybe drug capital of the world. Organized crime is there. Wherever they get a chance to make a profit at low risk, they are going to do it.

We would like to see the committee come down and take south Florida, put it under the microscope, and look at organized crime. This is something that the people of Florida have really reached out and said, "Hey, let's do something about it."

Senator CHILES. Just to place this in a little historical context: Tell me if you agree with what I feel is the factual situation. The way south Florida got to be an open area, as I understand it, was that it was really a vacation land for the hoods. At the time Capone came, he had a retirement home and others would come down. It was open because it was supposed to be a territory that they could all go into. No one would hit anybody there. They wouldn't carry out any of their grudges there, it was sort of King's X or a free territory that they all could kind of enjoy.

At that time, they weren't really participating in the rackets in south Florida. But suddenly that changed. I can't tell you the date when—maybe you all know that better than I do—but then they began operations but kept the territory open. It is no longer vacation land.

It is a land in which they ply their trade across the board and that is what has been giving us all a tremendous problem. Is that kind of true?

Mr. WAYMIRE. I think it has been an open territory since 1932, I believe is when Lucky Luciano really up in New York set out and took over. Of course his good friend with him was Meyer Lansky and Meyer, as you know, is in Miami.

To us, he is the cashbox of organized crime. He is the money man. The territory is still open, but you don't change organized crime. If they come down for a vacation, they have been making 100 percent on their investment of the dollar, and they see an opportunity, they are going to reinvest. They are going to make money.

Truthfully, I wish we weren't an open territory. I wish we only had two or three families there. I think we could look at them a little bit better. The way it is now, it is wild.

Senator NUNN. Mr. Hough, do you want to add anything to Mr. Waymire's statement?

Mr. HOUGH. Yes, sir.

No, we have never had really a lot of success in fighting organized crime. I don't believe we are going to be successful until we take on the key to it and that is corruption. When we combat corruption, you are going to start seeing organized crime fall. But we have had our problems in Florida and other parts have had it. We have had corrupt politicians, we have had corrupt police officers, judges, right on down the line.

This has to be shared equally throughout the United States. But if we are going to make an everlasting impression in fighting organized crime, we will have to deal with the corruption up front.

Senator NUNN. Are you saying that organized crime can't successfully penetrate or continue to flourish in an area unless there is some corruption by people who are in prominent places, both public and private?

Mr. HOUGH. In my opinion, generally, that would be true, sir.

Mr. WAYMIRE. Senator, the vehicle for organized crime just grows; it is corruption. In the case that I have done in my 7½ years in the Organized Crime Bureau, I have worked on organized crime, if I go deeper, I find corruption. It is a bad scene.

We would like to put in the record a sealed document of a little history on organized crime, corruption, in south Florida. Back in

1970, our Governor at that time, Mr. Kirk, asked for a special report to be done. We would like to submit it for the record so that you may review it and maybe this will give you a little bit on organized crime in south Florida.

Senator NUNN. Thank you very much. That will be sealed exhibit No. 22.

[The (document referred to was marked "Exhibit No. 22" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Senator Chiles, do you have any more questions?

I want to thank both of you again for cooperating, for helping us so much. We ask you to pass that on to your entire department and also the fact that we intend to continue to do everything we can to give assistance to you both in exercising our oversight role and in trying to correct deficiencies in the Federal law. We will seriously consider your invitation to come at an appropriate time and have hearings in south Florida at which time we would expect to go into considerable detail with you and other members of your department about your problems and what the Federal Government can do to assist it.

Mr. WAYMIRE. We welcome you, Senator.

Senator NUNN. Thank you very much.

The subcommittee will reconvene tomorrow morning at 10 o'clock.

[Whereupon, at 1:05 p.m., Wednesday, August 2, 1978, the subcommittee was recessed, to reconvene at 10 a.m., Thursday, August 3, 1978.]

[Members present at time of recess: Senators Chiles and Nunn.]



## ORGANIZED CRIMINAL ACTIVITIES

### South Florida and U.S. Penitentiary, Atlanta, Ga.

THURSDAY, AUGUST 3, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10:05 a.m., pursuant to recess, in room 1202, Dirksen Senate Office Building, under the authority of S. Res. 370, agreed to March 6, 1978, Hon. Sam Nunn (acting chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; Senator Lawton Chiles, Democrat, Florida; Senator Charles H. Percy, Republican, Illinois; and Senator Jacob K. Javits, Republican, New York.

Members of the professional staff present: Owen J. Malone, chief counsel; F. Keith Adkinson, assistant counsel; William B. Gallinaro, investigator; David P. Vienna, investigator; Larry Finks, captain, U.S. Park Police; Joseph G. Block, general counsel to the minority; Ruth Y. Watt, chief clerk; and Mary Donohue, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of convening: Senators Nunn and Percy.]

#### OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. The hearings today will focus on the activities of an organized crime group headed by Richard Cravero, who is now in a Florida State prison serving three life sentences for multiple murders.

From the late sixties and into 1975 when he was finally jailed, Cravero built one of the largest marihuana and cocaine smuggling and distribution operations in south Florida.

Law enforcement authorities in Florida have reported that his operation was so big and so profitable that he could afford to buy 50-foot cabin cruisers to make one run to the Bahamas and back to Florida and then burn the boats to the waterline.

Because of its coastline, Florida was the main State that received the shipments of the Cravero gang. His illegal products were shipped to Atlantic coastal States, into the Midwest and South.

Gary Bowdach was considered an enforcer and ally of the Cravero group. He will tell us today of what he learned while working with Cravero. He will discuss murders, a bombing, and the incredible violence connected with the Cravero narcotics ring.

The marihuana and cocaine that Mr. Bowdach will talk about today are the same drugs that make their way into the Nation's black markets. Whether they realize it or not, the ultimate users of the marihuana and cocaine are the persons financing people like Richard Cravero who are in turn able to pay for the killings, the bombings, and the violence associated with narcotics trafficking. No matter how trendy this may be in high society circles, the message is clear. These funds are a major part of the funding of organized crime.

Senator Percy?

#### OPENING STATEMENT OF SENATOR PERCY

Senator PERCY. Mr. Chairman, we have heard 2 days of grisly testimony. We have heard of murder, of arson, of loan-sharking which can only operate through brute force, of minor transactions which escalate into major criminal confrontations. To put it mildly, it is the seamy side of life.

Today, the testimony will center on the drug trafficking of marihuana and cocaine in south Florida. We will hear direct testimony as to what cocaine usage can lead to. I hope that anyone who heard the testimony yesterday who feels that they could sell pot or cocaine without any damage to the country or to anyone other than themselves, should be disillusioned by now. It does feed the syndicate at the top.

Yesterday, Dade County detectives told the subcommittee that while a few years ago a drug smuggling operation of \$100,000 was considered a huge sum, that today, any transaction for under \$500,000 is considered peanuts.

Testimony taken in the Senate and the House and the published reports in the media indicate that armadas of ships and planes are engaged in bringing to this country from South America incredible amounts of narcotic drugs.

Some writers have talked about adventure and excitement involved in the process of trying to evade the Feds and get the drugs into the country. Gary Bowdach will make plain today the brutal and grisly nature of drug trafficking in south Florida.

He will discuss the murders that seem to have occurred on a daily basis. This subcommittee with its oversight responsibility for the Drug Enforcement Administration has been actively interested in the area of stopping drug abuse for several years. We must never forget that the violence that Gary Bowdach will describe today is acted out again and again as the drugs are passed from their source to their ultimate destination, that violence in south Florida leads to violence in New York, Chicago, Detroit, Philadelphia, that the drug traffickers who die in criminal rivalries in south Florida are just the beginning of the drug story.

Fifty percent of all crime and robberies in this country have been estimated to be drug related.

Senator NUNN. Before we call our first witness today, I want to make a statement to the members of the news media.

I would like to make note of the very careful and precise reporting of these hearings by the printed and the electronic media. I congratulate you on that. You are all to be commended for the care each of you has taken in communicating to the American people

what you have seen and heard in these hearings. On the other hand, some have published old photographs and broadcast live film of Mr. Bowdach. In addition, there was one broadcast yesterday, perhaps inadvertently, of Mr. Bowdach's profile when he leaned over to pick up his briefcase, that was taken from the hearings yesterday. To the extent that you use your resources to dig out old photographs and films, you increase the risk for him. You make our job more difficult.

Of course, Mr. Bowdach is known to organized crime figures. They don't need pictures of him, but his face is not known to the people throughout the country. The rule against directing cameras to his face was carefully constructed. It was intended to assure that he remains unknown to the American people so that when and if he finally becomes a free man and tries to take his place in the community, he can do so with a new identity and with some degree of security.

We rely upon your good judgment and your responsibility as journalists. This subcommittee cannot and does not seek to tell you what to publish or what to broadcast. I am only asking that you consider our request. I am only asking that you consider it very carefully. I am only asking that you weigh it very carefully.

I hope you will consider this. It is my view that if the media believes that the faces of men like Gary Bowdach are important for the American people to see under these circumstances, then this subcommittee and other congressional efforts in the future may be jeopardized as to our major purpose.

We intend to have other witnesses like Mr. Bowdach in the future. Through their testimony, we will be able to obtain firsthand information as to who actually runs organized crime in the United States. We will be able to determine the activities in which they are involved and measure the extent of these activities.

Against this information, we can make judgments as to the appropriateness of criminal statutes, the effectiveness of law enforcement, and the decisions of our courts. If witnesses like Mr. Bowdach believe that when they crawl out from the underworld into a public hearing of the Congress, that they believe that by doing this, they will lose all security of having their faces unknown to the people of America, we may all be denied the benefit of such public hearings in the future.

So I leave this, ladies and gentlemen of the media, to your good judgment, which I am certain that you will exercise. At this stage we will ask the marshals to enforce the rule regarding cameras.

I know that we have had some requests from the news media as to the size of the chair that is now placed in front of the witness. That is not being done because of anything that occurred yesterday. It is being done because the Marshals Service responsible for protecting Mr. Bowdach have received certain information which leads them to believe that additional security precautions are necessary.

This subcommittee cannot and should not overrule the Marshals Service in doing their job in protecting the witness. I can understand the inconvenience that this causes the camera crews. I regret it. But I will defer to the sound judgment of the people who are responsible for protecting the witness.

This subcommittee does not have that responsibility. We cannot assume it. We do not have the resources for it. As long as that is the case, which I am sure it will continue to be, we will have to defer to the executive branch in this request. I hope that all of you will understand.

Will the Marshals Service please indicate if you are ready to have him brought in?

Bring the witness in.

[At this point Senator Javits entered the hearing room.]

Senator NUNN. Is the marshal ready for the cameras to be in normal position?

All right, gentlemen.

Mr. Bowdach, before we begin this morning, I will repeat the statement I made to you yesterday. You realize that the oath that you took the first day you appeared here carries through to all of your testimony before this subcommittee?

Mr. BOWDACH. Yes, sir, I do.

Senator NUNN. You realize you still are under oath today?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You realize you are obligated to speak the truth, answer all questions and all statements before this subcommittee?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, we are going to talk about narcotics today. We have talked a little bit about this in the past, but we are going to get into more details today as to what you know about the overall narcotics operation in south Florida and elsewhere.

I understand you have a statement this morning. Rather than begin with questions, I will go ahead and let you lead off with your statement.

#### TESTIMONY OF GARY BOWDACH—Resumed

Mr. BOWDACH. Thank you.

Mr. Chairman and members of the subcommittee, I have been asked today to address myself to my association with major narcotics traffickers in south Florida. You will recall that I was in the Atlanta Penitentiary from 1971 through the end of 1973 when I was released on an appeal bond. Upon my release on an appeal bond I returned to the south Florida area and spent all of 1974 in south Florida. After a series of brief employments I was introduced to Rick Cravero, a major narcotics dealer in south Florida, by Ralph Broccoli. Broccoli was a soldier in the late Gambino organized crime family in New York. I met him years ago when I was serving time for the manslaughter in New York. In fact, I was working with DEA on a narcotics deal involving Broccoli when he was murdered.

I became very close to Rick Cravero and his associates and served for him as a strong-arm man and bodyguard. I accompanied him in the delivery of narcotics; I accompanied him in picking up money for the purchase of narcotics; and I accompanied him in picking up major shipments of narcotics for our resale. Additionally, I was present when we planned future homicides, such as the murder of Tom Stone and bombing of Stuart Goldman, and I was present when he and his associates discussed past homicides. I will

be happy to supply the details of these specific instances during the questioning.

Rick Cravero would often finance his narcotics purchases with money received from organized crime figures whom I can name for the subcommittee if you wish. They would put up the money and Cravero would obtain and sell the narcotics.

The downfall of Rick Cravero really came about because of his paranoia as a result of massive cocaine use, which is something that I did, as well, during my period of association with him. Such use creates an acute paranoia in the user and the end result in the case of our organization was numerous homicides of Cravero's lieutenants and others whom he suspected to be informers or potential informers. Additionally, others would be attempting to kill us and we would retaliate.

One particular instance which I can describe in detail, but which I will mention briefly here, had to do with our kidnaping of Richard Hock. Ronald Chandler, a close associate of Cravero was busted in Shipbottom, N.J., in 1974, and his bail was set at \$300,000. Cravero and I were trying to put together the money for his bail and we went to see Richard Hock who had an obligation to Chandler because Chandler had set him up in the cocaine business. Hock refused to meet our demands for assistance in raising money for Chandler and we ultimately kidnaped him at gunpoint when we learned that he and a Tony Ricci, aka Tony Gobles, in fact intended to kill us. After taking Hock out into the Everglades and forcing him to dig his own grave in hopes of getting him to produce something of value that we could use in raising bail for Chandler, we ultimately ransomed him to his partner for a pound of cocaine.

If the subcommittee wishes, I can supply the specific details of this particular incident which I think may be indicative to you of the nature of a major narcotics operation and the violence associated with it. I am at this point prepared to answer questions of the subcommittee and to identify the financial backers of the Cravero organization as well as its sources of narcotics.

Senator NUNN. Thank you, Mr. Bowdach.

When did you first become part of the Cravero operation?

Mr. BOWDACH. During the summer of 1974, Mr. Chairman.

Senator NUNN. The summer of 1974?

Mr. BOWDACH. Yes, sir.

Senator NUNN. This was when you were out of jail on an appeal bond?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. When did you first meet Rick Cravero?

Mr. BOWDACH. During the summer of 1974.

Senator NUNN. Who introduced you?

Mr. BOWDACH. Mr. Ralph Broccoli.

Senator NUNN. Where did you meet Cravero?

Mr. BOWDACH. The Club 270 in Hialeah, Fla.

Senator NUNN. Where is that?

Mr. BOWDACH. Hialeah, Fla., on north Hialeah.

Senator NUNN. Was this the normal meeting place?

Mr. BOWDACH. This was a late night hangout for narcotics dealers and narcotics users.

Senator NUNN. Were you ever present when money was exchanged in terms of financing narcotics operations?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Could you tell us who furnished the money for Cravero in the purchase of narcotics?

Mr. BOWDACH. There were different people on different occasions, Mr. Chairman.

Senator NUNN. Give us the instances that you recall and that you have knowledge of.

Mr. BOWDACH. On one occasion, I went with Mr. Cravero to Fort Lauderdale, Fla. He had an appointment to meet with Mr. Charles Alamo, also known as Charlie Wing, who is a member of the Gambino crime family of New York City. Mr. Cravero picked up money from Mr. Gambino for the purchase of narcotics from Columbia, South America.

Senator NUNN. Were you there when that transaction took place?

Mr. BOWDACH. I was waiting right outside. He went in, got the money, came out with the money.

Senator NUNN. He told you he was going to get the money?

Mr. BOWDACH. No, sir.

Senator NUNN. Give us the next instance.

Mr. BOWDACH. Another occasion was also in Fort Lauderdale, Fla., a gentleman by the name of Mr. Terry Zappe, who owned a major construction company in Fort Lauderdale, Fla. He had given Mr. Cravero a sum of money, the exact amount I am not sure of, sir, to finance a narcotics shipment.

Senator NUNN. How do you know he gave it?

Mr. BOWDACH. This was for the purpose of Cravero and myself going up there, to get this money because of the major load that came down to ship out of New Jersey, we were looking to put money together to finance another load.

Senator NUNN. You cited two individuals who gave money to finance narcotics operations. Do you believe they did so knowingly? Did they know the money was going for that purpose?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What did they get back for their money? What was the deal?

Mr. BOWDACH. They lost their money on that deal.

Senator NUNN. Why did they lose their money?

Mr. BOWDACH. Because they never got another loan after that. We got beat out of that one.

Senator NUNN. Both of those people lost that money?

Mr. BOWDACH. And another individual, sir.

Senator NUNN. Go ahead and give us the other incident.

Mr. BOWDACH. The other individual was a fellow who they called, the Count. I am not familiar with his last name. He lived in the Miami area. Cravero went over there. I parked outside. He had to give the Count his wife's ring, diamond ring. He came out with \$20,000. He went back the next day with a machinegun and got the ring back.

Senator NUNN. I don't understand. Who went in with a machinegun?

Mr. BOWDACH. Cravero.

Senator NUNN. He went back and got the money back?

Mr. BOWDACH. He got the ring back that the Count had taken from him to hold as a collateral for the \$20,000.

Senator NUNN. Cravero left the ring and got \$20,000?

Mr. BOWDACH. From the Count, yes, sir.

Senator NUNN. That was for collateral, is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who was holding the ring?

Mr. BOWDACH. The Count.

Senator NUNN. Cravero returned and got it back with a machine-gun?

Mr. BOWDACH. Yes, sir.

Senator NUNN. He robbed him, or how did he get it?

Mr. BOWDACH. He wanted the ring back and he had a machine-gun. The guy gave him the ring back.

Senator NUNN. It wasn't much of a deal, was it?

Mr. BOWDACH. No, sir.

Senator NUNN. How do you spell the man's name that had the ring?

Mr. BOWDACH. They call him the Count, C-o-u-n-t, a major——

Senator NUNN. They call him the Count?

Mr. BOWDACH. The Count.

Senator NUNN. What was his name?

Mr. BOWDACH. I am not familiar with his name, sir, it is an Italian name. He is a major bookmaker in Miami, Fla.

Senator NUNN. His nickname was the Count?

Mr. BOWDACH. Yes, sir.

Senator NUNN. He really lost his \$20,000?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What was supposed to be the deal in these exchanges? What incentive did these people have to put up money for narcotics? What were they supposed to get back?

Mr. BOWDACH. Part of the proceeds from the shipments of narcotics.

Senator NUNN. Did Cravero ever give it back or did he just take the money?

Mr. BOWDACH. He just took the money.

Senator NUNN. He was really just stealing money from these people, in effect?

Mr. BOWDACH. He didn't have to pay it back.

Senator NUNN. Why?

Mr. BOWDACH. The man was extremely feared by all those people down there that he was dealing with. The load did not come in. He couldn't pay it back. He never received any pressure for the money.

Senator NUNN. But on other occasions, I assume that he did give the money back, he gave an ample return on the money, otherwise people wouldn't have been willing to take that kind of risk, would they?

Mr. BOWDACH. I am going from the time that my association with Mr. Cravero started. I am not privy to what went on before that.

Senator NUNN. During what time frame were these three instances where you personally know about money transferring for the purpose of financing narcotics?

Mr. BOWDACH. It could have been the fall of 1974.

Mr. NUNN. The fall of 1974?

Mr. BOWDACH. Yes.

Senator NUNN. During the time you were associated with Cravero, where did he get his narcotics?

Mr. BOWDACH. It would come from Colombia, South America, from a group of individuals down there.

Senator NUNN. Do you know who was involved in that narcotics operation?

Mr. BOWDACH. Yes.

Senator NUNN. Could you give us the names?

Mr. BOWDACH. Yes, sir. Mr. Otlo Archibald, Alberto Ramirez, and Adolpho Gomez, and Mr. Gomez's father, who is known as the godfather in Colombia.

Senator NUNN. What is his name?

Mr. BOWDACH. I am not sure of his first name. His last name is Gomez. He is a fugitive from justice. He has been indicted in Fort Lauderdale, Fla., in 1975, an outstanding indictment.

Senator NUNN. How about the others you named? Are they Colombians?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Have they ever been indicted or arrested here in this country?

Mr. BOWDACH. They are all presently serving sentences for importation of narcotics in the United States.

Senator NUNN. Serving sentences in the United States?

Mr. BOWDACH. Yes.

Senator NUNN. Did they actually make the narcotics runs themselves, when they brought the stuff in?

Mr. BOWDACH. No, sir.

Senator NUNN. How did they bring it in? Who brought it?

Mr. BOWDACH. The narcotics would come in on a large ship, the transfer would be made off the Miami coastline to a smaller ship, a faster boat, and be run into different areas along the coastline.

Senator NUNN. Was this mainly marihuana or also cocaine?

Mr. BOWDACH. Marihuana and cocaine.

Senator NUNN. Mr. Bowdach, would you relate for us the instances where you personally were involved or assisted Mr. Cravero in deliveries of narcotics and tell us to whom they were delivered?

Mr. BOWDACH. On one occasion, a load of cocaine was delivered to a Mr. Earl Wilson, who was known in Miami as "Earl the Pearl." Narcotics were given to Mr. John Carmen Anderson.

[At this point Senator Chiles entered the hearing room.]

Mr. BOWDACH. Major loads of narcotics were going to New York; as a matter of fact, that is where Mr. Ronald Chandler was on the way to when he was apprehended in Shipbottom, N.J. Mr. Chairman, there were so many transactions.

Senator NUNN. Just tell us the ones that you remember, that you can give us the names and places on. If you are vague on it, don't give it to us.



Mr. BOWDACH. The reason that I was never indicted with the Cravero organization was because I was always behind them. That was my purpose. I never wanted to be right there, meet people. In case somebody turned, they could never point a finger at me.

When the indictment came down, I believe it was a 10-man indictment; I was not on it. I knew I did the right thing.

Senator NUNN. What was your role? What were you supposed to do?

Mr. BOWDACH. Backup man, shotgun.

Senator NUNN. Shotgun? That was your role?

Mr. BOWDACH. Yes, make sure no loads were—nobody tried to rob the loads—nobody tried to rob the money.

Senator NUNN. Were you supposed to protect against other people, other criminals, or protect against law enforcement agents, or both?

Mr. BOWDACH. Both.

Senator NUNN. Did you ever have occasion to have any shootouts with either criminals or law enforcement agents in your role as shotgun?

Mr. BOWDACH. No, sir.

Senator NUNN. Mr. Bowdach, we have heard a great deal about amounts of money involved in narcotics transactions and activities. How much did Mr. Cravero have available to him in general?

Mr. BOWDACH. As much as he needed, Mr. Chairman.

Senator NUNN. Could you give us an estimate as to the most you have ever seen at one time, the most you have known about at one time being in his possession or that he had access to?

Mr. BOWDACH. I was in Cravero's house on occasion. We were counting out money; it totaled up to about \$150,000.

Senator NUNN. Did he normally carry about this much with him or how did he handle this cash?

Mr. BOWDACH. This money was in a pillowcase.

Senator NUNN. How did he pay his suppliers?

Mr. BOWDACH. He would pay for the load by putting 50 percent up front and pay for the other 50 percent when he unloaded.

Senator NUNN. How did that cash move? Did it get transferred to the bank accounts at some point?

Mr. BOWDACH. No. It was taken down to either Barranquilla, Colombia, or Medellin, Colombia, and it was taken by courier.

Senator NUNN. You mentioned kidnaping Richard Hock in your opening statement.

Mr. BOWDACH. Yes.

Senator NUNN. How about giving us the details on that? First of all, who was Richard Hock?

Mr. BOWDACH. He was a former associate of the Cravero gang who was put into business for himself by Ronald Chandler. He was a cocaine mover, marihuana mover and he was kidnaped by myself and Mr. Cravero.

Senator NUNN. Why did you kidnap him?

Mr. BOWDACH. He made an attempt through somebody else to have us killed.

Senator NUNN. Why did he want to kill you?

Mr. BOWDACH. We were putting pressure on him because Chandler was in jail in New Jersey; we were trying to raise the \$300,000 money. Hock had an obligation to Chandler.

Senator NUNN. Why did he have an obligation to Chandler?

Mr. BOWDACH. For the reason being that Chandler had set up originally in the cocaine business, had fronted him quantities of narcotics.

Senator NUNN. Chandler was in jail and you were trying to get Hock to help get him out? Is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You put pressure on Hock. What kind of pressure did you put on him?

Mr. BOWDACH. We would go over to his house, whatever narcotics or money we would find, we would just take it.

Senator NUNN. You would take his narcotics?

Mr. BOWDACH. Or the money, whatever he had.

Senator NUNN. That is not pressure; that is stealing, isn't it?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you threaten him, threaten to kill him?

Mr. BOWDACH. Yes.

Senator NUNN. What happened after that? Did you find out he was threatening to kill you?

Mr. BOWDACH. He reached out to some individuals who contacted another individual to try to set us up in a compromising position where they could snuff us.

Senator CHILES. What?

Mr. BOWDACH. Where they could snuff us.

Senator NUNN. Who were the people involved at that stage?

Mr. BOWDACH. Tony Ricci, another individual who I am not aware of.

Senator NUNN. Who is Tony Ricci?

Mr. BOWDACH. Tony Ricci is an elderly gentleman who stayed at the Thunderbird Motel, in North Miami, Fla. Richard Hock I did not—I still don't—know the relationship between Hock and Ricci, but it was Ricci that contacted John Carmen Anderson; unbeknownst to him, Cravero and I were in the Anderson apartment when the call came in and we listened in on the extension to the plot going down.

Senator NUNN. You listened in on the telephone conversation between Ricci and Anderson?

Mr. BOWDACH. Yes.

Senator NUNN. What was that conversation?

Mr. BOWDACH. Ricci had asked Anderson to try to set me and Cravero up in a compromising position where they could take us out.

Senator NUNN. Where they could do what?

Mr. BOWDACH. Take us out, kill us.

Senator NUNN. You believe they were going to kill you?

Mr. BOWDACH. Had no doubt about it.

Senator NUNN. What did you do then?

Mr. BOWDACH. We took the initiative. We kidnaped Richard Hock.

Senator NUNN. You kidnaped Richard Hock?

Mr. BOWDACH. Yes.

Senator NUNN. Would you tell us how you went about that? Give us the description of what happened.

Mr. BOWDACH. John Carmen Anderson got hold of Richard Hock, set up a meeting with him to buy 5 ounces of cocaine. The sale took place on State Road 7 and Hollywood Boulevard, behind the Royal Castle. Cravero and I were in another car.

We saw Richard Hock pull into the parking lot. He got out of the car, went over the Carmen Anderson's car, spoke to him for 2 minutes, passed something to him. When he went back to his car, we got him at gunpoint, put him in the car and drove away.

Senator NUNN. Where did you take him?

Mr. BOWDACH. Out at the Everglades.

Senator NUNN. Where in the Everglades?

Mr. BOWDACH. Flamingo Road.

Senator NUNN. Which side of Miami is that on?

Mr. BOWDACH. West of Broward County.

Senator NUNN. What did you do then?

Mr. BOWDACH. After I pistol-whipped him, I made him start digging a hole.

Senator NUNN. Made him start digging a hole?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you tell him you were going to kill him?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What was the threat? What were you trying to get him to do?

Mr. BOWDACH. To break down, to come up with some money.

Senator NUNN. So you were trying to get money from him?

Mr. BOWDACH. Yes.

Senator NUNN. Did he give you any money?

Mr. BOWDACH. We couldn't get any money out of him, so we took him, ransomed him to his partner.

Senator NUNN. You did what?

Mr. BOWDACH. Ransomed him to his partner.

Senator NUNN. Did you go get on the phone and call his partner?

Mr. BOWDACH. We had him call his partner.

Senator NUNN. You decided not to kill him?

Mr. BOWDACH. Yes.

Senator NUNN. Why did you make that decision?

Mr. BOWDACH. We needed money.

Senator NUNN. Did he talk you out of it?

Mr. BOWDACH. No. He just kept digging.

Senator NUNN. So he didn't plead for his life or anything; he just dug his own grave?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did he volunteer to call his partner and try to get him to give you some money?

Mr. BOWDACH. Yes.

Senator NUNN. So he did make that statement? He said he would try to help you get some money?

Mr. BOWDACH. Yes.

Senator NUNN. What did he do? What did you get from that episode?

Mr. BOWDACH. We ended up getting about close to \$1,000, and 1 pound of cocaine and a whole bunch of gold and emeralds.

Senator NUNN. How much is 1 pound of cocaine worth?

Mr. BOWDACH. Then? Between \$15,000, \$18,000.

Senator CHILES. That would be the wholesale price? Would it be worth more than that once you broke it down?

Mr. BOWDACH. Definitely, sir; yes, sir.

Senator CHILES. That would be the dealer's price?

Mr. BOWDACH. Yes. That would be the price in the United States. We weren't paying that in South America. That would be the price over here.

Senator CHILES. In the United States at that time?

Mr. BOWDACH. Yes.

Senator CHILES. What would the street value have been at that time?

Mr. BOWDACH. At the time you got done cutting it, you could realize almost \$100,000 off a kilo of cocaine.

Senator NUNN. Did you take the money? How did you get the money? Did you convert the cocaine to money?

Mr. BOWDACH. We took the cocaine and we sold it to Earl Wilson. He gave us \$13,000.

Senator NUNN. Did you get Chandler out of jail with the money?

Mr. BOWDACH. He eventually was released; I believe it was in December 1974. Cravero had contacted the Miami City Commissioner, who had put up property with a value of approximately \$350,000 as collateral.

Senator NUNN. So the city commissioner helped bail Chandler out of jail?

Mr. BOWDACH. Yes.

Senator NUNN. Was the commissioner threatened?

Mr. BOWDACH. No, sir, not to my knowledge.

Senator NUNN. He was not threatened. Was he a friend of Chandler's?

Mr. BOWDACH. He was a friend of Cravero's. Subsequent to that, he was convicted for possession of cocaine.

Senator NUNN. Do you know that he put up the bond? You have personal knowledge he put up the bond?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you know it?

Mr. BOWDACH. Through Jack O'Connell, the bail bondsman and through Richard Cravero.

Senator NUNN. Was this city commissioner involved in narcotics trafficking? What do you know?

Mr. BOWDACH. He was convicted.

Senator NUNN. He was convicted later?

Mr. BOWDACH. Yes.

Senator NUNN. Was he involved at that time?

Mr. BOWDACH. Not to my knowledge.

Senator NUNN. You don't know whether he was involved, but you know he put up the bond?

Mr. BOWDACH. Yes.

Senator NUNN. What was his name?

Mr. BOWDACH. W-r-i-g-h-t, I believe.

Senator NUNN. Do you know his first name?

Mr. BOWDACH. He was a black reverend sitting on the Miami City Commission.

Senator NUNN. Mr. Bowdach, you have been associated with a rather large narcotics trafficking operation in Florida and you know something about the operation. Could you give us a general description about how narcotics traffickers, that you personally know about, what kind of equipment they have and what kind of operation they have?

Mr. BOWDACH. We are better equipped than law enforcement.

Senator NUNN. In what way?

Mr. BOWDACH. Sophisticated equipment, radios, monitoring, scanners, scramblers. We know every move they are making.

Senator NUNN. They have scramblers to scramble the radios of law enforcement officials?

Mr. BOWDACH. At times they would take, put out a certain device that would be transmitting DEA and Customs would be out looking on the ocean, they would home in on their devices and when they get there, they would find a small little boat with a device with a transmitter taped on the talk position. That is what they would find there. Meanwhile, the load would be picked up way down the ocean somewhere.

Senator NUNN. It was a decoy?

Mr. BOWDACH. Yes, sir.

Senator NUNN. So you say that narcotics dealers know almost every move that the law enforcement officials are making?

Mr. BOWDACH. We monitor them on the police radios.

Senator NUNN. You have sophisticated electronic and communications equipment?

Mr. BOWDACH. Yes.

Senator NUNN. You state that you believe that the Cravero organization was better equipped than the law enforcement officials who were trying to do something about it?

Mr. BOWDACH. Definitely.

Senator NUNN. Do you think that is still the case or do you have any knowledge of what is happening today?

Mr. BOWDACH. I believe it is still the case, sir. I don't believe there is enough manpower down there to prevent a load of narcotics.

Senator NUNN. Do you have any recommendations? If you were in the Government now and could get what you wanted, what would you do to try to curb narcotics flow into south Florida?

Mr. BOWDACH. More manpower, more equipment, more cooperation between the United States and South American governments.

Senator NUNN. Mr. Bowdach, you mentioned in your opening statement the Stuart Goldman bombing. Could you tell us the details of that? First of all, who is, or was, Stuart Goldman?

Mr. BOWDACH. Stuart Goldman was the owner of two nightclubs in Miami, Fla. He was involved with Cravero, Paul Jacobson, numerous other people in the Cravero organization. He was a book-maker. He was a cocaine dealer and he was blown up because of a dispute involving Jacobson.

Senator NUNN. Because of a dispute with Paul Jacobson?

Mr. BOWDACH. With Paul Jacobson.

Senator NUNN. Who was Paul Jacobson?

Mr. BOWDACH. Paul Jacobson was a high ranking member in the Richard Cravero gang.

Senator NUNN. Do you know this personally?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know Stuart Goldman personally?

Mr. BOWDACH. Yes.

Senator NUNN. What happened to Stuart Goldman? Give us the details.

Mr. BOWDACH. At the instruction of Paul Jacobson, Mr. Nathan Brooks Wood placed a bomb under the car of Stuart Goldman.

Senator NUNN. Who placed the bomb?

Mr. BOWDACH. Nathan Brooks Wood.

Senator NUNN. W-o-o-d?

Mr. BOWDACH. Yes, sir. Stuart Goldman got into his car, started backing up; the car blew up. He lost two legs, one arm and one eye.

Senator NUNN. When did this happen?

Mr. BOWDACH. Fall of 1974.

Senator NUNN. How did you know about it?

Mr. BOWDACH. I made it my point to get out of town with Mr. Cravero. We went to Palm Beach, so we had an alibi about where we were.

Senator NUNN. Did you help order the bombing?

Mr. BOWDACH. No, sir.

Senator NUNN. At whose instance was the bombing set up?

Mr. BOWDACH. Paul Jacobson.

Senator NUNN. Why did Paul Jacobson want to kill Stuart Goldman?

Mr. BOWDACH. Over an amount of narcotics, cocaine that Stu Goldman had beat him out of.

Senator NUNN. Was Stu Goldman killed?

Mr. BOWDACH. No. He is living.

Senator NUNN. He is still living?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did he live through that?

Mr. BOWDACH. He was saved by the sun roof in the automobile, major part of the concussion went through the sun roof which saved him.

Senator NUNN. Is Paul Jacobson related to Jake Jacobson?

Mr. BOWDACH. Paul Jacobson is also known as "Jake the Snake" Jacobson.

Senator NUNN. So "Jake the Snake" Jacobson and Paul Jacobson are one and the same?

Mr. BOWDACH. Yes.

Senator NUNN. Was he ever tried for that attempted murder?

Mr. BOWDACH. Yes.

Senator NUNN. Was anybody else ever tried for that attempted murder?

Mr. BOWDACH. Not that I know of, sir.

Senator NUNN. Was Cravero ever accused of the murder or attempted murder?

Mr. BOWDACH. No, sir.

Senator NUNN. Did Cravero order the murder?

Mr. BOWDACH. No, sir.

Senator NUNN. How is it that you and Cravero knew about the murder, the attempted murder?

Mr. BOWDACH. Jacobson had discussed his plans with us prior to the bombing. We tried to talk him out of it, but there was no talking him out of it. So the next best thing we figured to do was get away from the area and be able to show where we were at the time of the bombing.

Senator NUNN. Why did you try to talk him out of it?

Mr. BOWDACH. Because of the way he wanted to do it.

Senator NUNN. What do you mean the way he wanted to do it?

Mr. BOWDACH. We didn't know who else could possibly have gotten into that automobile.

Senator NUNN. You mean you felt somebody innocently might be killed?

Mr. BOWDACH. Yes, sir.

Senator NUNN. In other words, you didn't object to him killing Goldman; you were worried about someone else, some third party perhaps, getting killed by accident?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You didn't try to talk him out of it to protect Goldman?

Mr. BOWDACH. No, sir.

Senator NUNN. Was Jake Jacobson tried for this offense?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you testify?

Mr. BOWDACH. At two trials; yes, sir.

Senator NUNN. At two different trials?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Where did these trials take place?

Mr. BOWDACH. Dade County, Fla.

Senator NUNN. When?

Mr. BOWDACH. The latter part of 1977.

Senator NUNN. 1977?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What kind of sentence did he receive?

Mr. BOWDACH. Twenty-nine years, Florida State Pen.

Senator NUNN. Was Mr. Wood, the one who actually planted the bomb, was he ever tried?

Mr. BOWDACH. He testified for the State of Florida.

Senator NUNN. The law enforcement authorities know all about this?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was anyone else, besides Wood and Jacobson, involved in the actual planning or perpetration of the attempted murder?

Mr. BOWDACH. Mr. Robert Lowney, L-o-w-n-e-y.

Senator NUNN. What was his role?

Mr. BOWDACH. He was there the night the bomb was placed under the car. He testified for the Government.

Senator NUNN. He also testified for the Government?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Anyone else?

Mr. BOWDACH. Not that I have recollection of, sir; no.

Senator PERCY. A few moments ago—by the way, we are happy to have Senator Javits with us this morning, and Senator Chiles.

A few moments ago you mentioned Tony Ricci. When did you first meet Tony Ricci?

Mr. BOWDACH. I had met Tony Ricci on a prior occasion, Mr. Senator, for the purpose of purchasing stolen art that he had acquired, from where I don't know.

I had met him at the Thunder Bird Motel in North Miami, Fla.

Senator PERCY. From what I know of his background, that is a rather minor event for him. Is this the same Tony Ricci that was a former New York partner of Lucky Luciano?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Lucky Luciano was reputed to be the onetime head of the Mafia.

Mr. BOWDACH. Yes, sir.

Senator PERCY. Was Tony Ricci, whose primary contacts were in New York, closely affiliated with leaders of crime in Chicago? Did he at times come in to intervene in some of the gang wars that were going on in Chicago?

Mr. BOWDACH. That is correct, sir. Mr. Ricci is a very close associate of the Fischetti brothers, who were from the Chicago area.

Senator PERCY. He is closely associated with Tony Accardo, the reputed head of the Chicago crime syndicate; is that correct?

Mr. BOWDACH. That is my understanding.

Senator PERCY. Yesterday, when Senator Chiles questioned the Dade County detectives, they brought out the fact that originally organized crime was really not involved in narcotics trafficking. It was looked upon more or less as territory for independents.

When organized crime apparently discovered the huge profits that were available in this business, they became actively involved and moved in very heavily.

Could you tell us to what extent you are aware of the transition of organized crime into narcotics; can you describe instances in which organized crime would attempt to put out of business the independents that originally had looked upon this as open territory?

Mr. BOWDACH. Originally, organized crime was not involved on a large scale narcotic operation because of the convictions of high echelon figures being Mr. Vito Genovese, and people in that caliber, word had gone out to the street that there shall be no narcotics transaction because of the heavy amount of heat that was being applied by the authorities at that time.

So everybody in organized crime shied away from the narcotic action. What had happened as a result of shying away from it, various other groups got into it: Blacks, Latins, Jews, but the Italians were in the back; they were staying away.

But when they saw the money, the amount of money that was coming in that these people were making, that is when it was decided to go full steam into it.

Senator PERCY. What techniques or methods did they use to get into it? Did they look for new markets or did they try to take over existing markets operated by independents?

Mr. BOWDACH. They would take over an operation if they felt it was lucrative enough and worth their while.



Second, they had such resources available to them that they could purchase at such quantity and put the smaller guy right out of business. The merchandise they were getting was better. They were never out of it. They always had access to it. It was coming in from all over.

Senator PERCY. They had an established distribution system; they could impose upon almost any area?

Mr. BOWDACH. Yes, sir; I will give you an example, Mr. Senator. A load of marihuana would come into the Miami area, say 15 tons of marihuana. We would break that 15 tons up into 3 loads, 5 tons each; 5 tons would go headed toward New York; 5 tons would go headed toward Chicago; another 5 tons would go heading out West.

If two of the loads never got through, we were well compensated just for the one load getting through. We couldn't lose. If one-third of it got through, we got our money back and made a profit.

Senator PERCY. H & R Block Co., known for income tax advice, just recently commissioned a national poll to discover the frustrations of people on paying taxes. But they discovered in their survey that the second most important issue in the American mind today is street crime.

I spent a morning at breakfast with Bob Michel, my distinguished colleague, who was mugged and beaten just recently on Capitol Hill. It is reputed that about 50 percent of street crime is directly related to drug trafficking, the desire of people to get their hands on money at whatever risk in order to get drugs.

Could you describe to us, not only having dealt in drugs but having used drugs yourself, that compelling nature of the drive for drugs and how you relate the drug trafficking to street crime and the intimidation and fear it creates in the minds of the American public, particularly in urban areas?

Mr. BOWDACH. I believe today what is going on is the drug culture has gotten way out of hand. It starts with marihuana, pills, angel dust, PCB, THC with these kids. From there, it progresses until eventually they start using heroin; they have a habit; they have no means to support this habit.

They go out, mug, rob, burglarize, whatever they can do to feed their habit.

It starts with marihuana and works its way up. Because if this feels this good, then this really has got to feel better. This is the attitude of the kids on the street.

Senator PERCY. Do you think most of the problem is related to the hard drugs? Heroin addicts, for instance, have the most compelling insatiable appetite that must be satisfied by a given period of time. They have to get it no matter what.

Mr. BOWDACH. Yes, sir; you become addicted to heroin physically, while cocaine users become addicted to it psychologically.

Senator PERCY. As I understand your own personal history, you became involved in the use of drugs and drug trafficking in late 1973 or 1974. I just wonder why you had not become involved in this lucrative drug business before, during the period when you were loan-sharking.

Did you use drugs at all, of any kind? Let's start with alcohol and work up.

Mr. BOWDACH. I used to drink. Subsequently, I got hepatitis and I stopped drinking on the advice of my doctor. I had smoked marihuana a couple of times but didn't like it because of the feeling that it gave me of not being aware of what is going on around me all times.

When you are a paranoid person and you are in crime and you know there is always going to be somebody out there looking to take a shot at you, you want to be consciously aware at all times of all movements around you.

I had never used cocaine until December 1973. I used it all through the year 1974.

Senator PERCY. Could you describe the difference in feeling that you had using marihuana and cocaine?

Mr. BOWDACH. Yes, sir; Marihuana is a down type narcotic. It relaxes you, just mellows you out, so to speak. Whereas, cocaine is what we call an upper or speed type controlled substance. You always want more. You don't know where to stop.

You lose all your ability to rationalize. You lose all your conception of time. You have no more responsibilities. You become acutely paranoid.

If you are a paranoid person to start with, you magnify the situation with the use of cocaine. If you are a violent person to start with, you double the violence with the use of cocaine. It has caused numerous homicides by people who have tried to use the cocaine whenever involved in a homicide.

I really and truly believe without any reservation at all that cocaine was the main reason for all the homicides in the Cravero gang.

Senator PERCY. You described Rick Cravero to us as somewhat of a crazy man, totally paranoid from the use of cocaine, and a man who would murder anyone at the drop of a hat.

What were your feelings about him as you worked with him for 4 months? Did you feel a similar closeness with him that you did with John Manarite?

Mr. BOWDACH. No, sir.

Senator PERCY. Was that because of your concern about his use of cocaine?

Mr. BOWDACH. It had gotten to the point where the organization was dwindling at a rate faster than the American dollar.

On one occasion, I had gone out with Cravero, another individual named Paul Thompson. We had gone to an area on Hollywood Boulevard west on 441 late in the evening.

When we got out there, I asked him, "What are we doing out here? What are we going to do?" He said, "I am looking for a duffel bag." I said, "What is in the duffel bag?" He said, "bones."

We pulled into a cutoff, and there was a ravine. He got out of the car. I let Cravero go first. I stalled in the car until Cravero went out first, Thompson went second, and I stayed in the back.

As we were walking along in this ravine, I had my hand on my pistol. That is how bad the paranoia was. I made sure I was behind them.

Senator PERCY. One thing that I am puzzled about is this: You say that Mr. Cravero may have acted violently because of the

effects of cocaine. But you yourself were personally involved in much more violence before you started using cocaine.

Could you explain what seems to be an inconsistency?

Mr. BOWDACH. It is not an inconsistency, Mr. Senator. In 1974, I believe I was many times more violent than I was in 1971. In 1970, there was no occasion for a homicide. But we were out every single night and it never failed, every single night we were in a battle everywhere we went.

Every club we would go into, Big Daddy's Lounge, and different nightclubs down there, we wouldn't be there a half hour and we would be fighting; somebody was.

Senator PERCY. The last question I would like to ask in this round involves our responsibility.

Senator Nunn and I have gone on record urging and supporting substantially higher bail for major narcotics traffickers. In most cases, only 10 percent of the set bail has to be posted. So while a \$500,000 bail sounds like a very high bond to keep an indicted narcotics dealer in the country, only \$50,000 has to be posted.

As you know, \$50,000 is peanuts to a major narcotics trafficker.

Just recently, it came to my attention that up to 26 suspected bigtime cocaine dealers in New York City alone have skipped bail and fled the country. These fugitives forfeited as much as \$325,000 a person in some cases.

First, do these unrealistically low-bail rates make narcotics an especially attractive enterprise above and beyond the high profits involved simply because they know they can get out so easily?

Would you support the idea of much higher bail figures?

Mr. BOWDACH. You went into step 2; you just passed up step 1. Before you can get the man to court and give him a bail, you must first apprehend him.

Senator PERCY. That is true.

Mr. BOWDACH. The agencies that are working these narcotic things right now are not touching the tip of the iceberg. An example that I can give you, the downfall of the Cravero organization was a concerted effort on the part of the Miami Organized Crime Strike Force in concert with DEA, with Dade County Department of Public Safety, Florida Department of Criminal Law Enforcement, Customs, and Coast Guard.

It took all these agencies together for month after month after month of constant surveillance to finally bring the downfall of this organization.

You have more transit authority police right in the subways of New York than you have agents in the field working on narcotics. In the Miami area alone the drug enforcement administration has approximately 150 men that are working active narcotic cases. You have too much coastline. There is too many entry points.

Senator PERCY. Let's just assume there is not enough frontline work being done, not enough troops up in the front ranks. But even more discouraging is the fact that once you do apprehend some people and arrest them, they are able to get out so easily on bail.

Do you feel that by increasing the bail, and making it much more difficult for them, you would be able to hold them and make it much more difficult for them to skip, as the 26 did right out of New York and go out scot-free?

Mr. BOWDACH. I agree with you, Senator.

Senator PERCY. As a practice, do organized crime families post bond for arrested family members and associates? Is this a part of the unwritten code of ethics? Do the members expect the families to stand behind them?

Mr. BOWDACH. That is standard procedure, sir.

Senator PERCY. Do you know any narcotics dealers who have jumped bail and are now fugitives?

Mr. BOWDACH. I don't know the names, sir. I recall instances where people jumped million dollar bonds.

Senator PERCY. When they do jump bail, where do they generally go?

Mr. BOWDACH. They would usually flee the country.

Senator PERCY. Finally, are most narcotics fugitives associated with organized crime?

Mr. BOWDACH. In one form or another, yes, sir.

Senator PERCY. In other words, one way to keep trying to get to the top of the organized crime hierarchy is to make sure that when these top drug figures are arrested, the bail is put at a high enough figure so that we can be sure that he will appear for trial.

Mr. BOWDACH. Yes, sir.

Senator PERCY. And not let them just walk out the door.

Thank you very much, indeed.

Senator NUNN. Mr. Bowdach, just one question. You mentioned the use of cocaine and the paranoia that results from that and how that multiplies any previous tendencies. Would you describe yourself in 1974, when you were using cocaine, as being paranoid?

Mr. BOWDACH. Extremely, sir.

Senator NUNN. Would you describe yourself before you started using cocaine as having paranoid tendencies, or how would you categorize yourself before the use of cocaine?

Mr. BOWDACH. Paranoid to much less a degree, sir.

Senator NUNN. You feel you already have a tendency toward paranoia, even without the use of narcotics?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you analyze that, have you been to see a psychologist, or is that a self-analysis?

Mr. BOWDACH. The life that I have lived, you develop a position where you cannot be too much of a trusting person. When you are not paranoid, you are confident. When you become overconfident you are careless. When you become careless, you are dead.

Senator NUNN. You purposely developed a sense of paranoia?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You want a little bit of paranoia in the business you are in, is that what you are saying?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You feel cocaine multiplies that to the point it is dangerous?

Mr. BOWDACH. It blows it all out of proportion.

Senator NUNN. Dangerous not only to criminals but dangerous to those using cocaine?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Senator Chiles?

Senator CHILES. I understand that you worked with the Florida authorities on a number of homicides in which Cravero or his organization were involved, and in which you either had first hand knowledge or where Cravero shared information with you.

Would you give us as much detail as you can on each one of these cases?

Mr. BOWDACH. Yes, sir; December 1977, I had Mr. Philip Siegel indicted for the murder of Donnie Gould. Mr. Gould was previously arrested for sale of cocaine to a narcotics agent. He in turn cooperated with the agent, was going to testify against Philip Siegel. Mr. Gould was killed prior to him being able to testify, and the case was dismissed.

Senator CHILES. How did you know about that? How was he killed?

Mr. BOWDACH. Mr. Gould was killed at his drycleaning establishment in Miami Shores, Fla., in 1974, in the early hours of the morning, by Mr. Leslie Cochran in concert with Mr. Rick Cravero, and Mr. Philip Siegel. He was killed with a .22 automatic equipped with a silencer. I just got Siegel indicted on the Gould murder.

Cochran was killed by Cravero and he has plead guilty to that murder.

Senator CHILES. Cravero has plead guilty to that murder?

Mr. BOWDACH. To the murder of Leslie Cochran, yes, sir.

Another murder was the murder of Leonard Holt, killed by Mr. Cravero, for being an informant.

Senator CHILES. How do you spell that name?

Mr. BOWDACH. H-o-l-t.

I had made an appearance before the Dade County grand jury in regard to that case and no indictment has been handed down to date.

Senator CHILES. How did that murder take place?

Mr. BOWDACH. I don't know the particulars of the murder, sir. I was advised of this murder by Mr. Cravero.

Senator CHILES. What did he tell you about it?

Mr. BOWDACH. That he killed Mr. Holt and tortured him, I believe his testicles were squeezed with a pair of pliers. He was tortured before being murdered for being an informant for the authorities.

Senator CHILES. Cravero told you that he did that?

Mr. BOWDACH. Yes, sir.

Senator CHILES. All right.

Mr. BOWDACH. And the other case was not a murder, but the bombing of Stuart Goldman are the cases that I know of, sir.

Senator CHILES. Who is John Carmen Anderson?

Mr. BOWDACH. John Carmen Anderson is a major importer of narcotics who lives in the Miami area.

Senator CHILES. I understand that there is an exhibit. Would staff respond to that?

Mr. ADKINSON. Yes, Senator. We have in our possession a memorandum and a DEA report concerning narcotics activities of John Carmen Anderson that we would like to submit at this point as a sealed exhibit.

Senator CHILES. That will be admitted as sealed exhibit No. 23.

[The document referred to was marked "Exhibit No. 23" for reference and is retained in the confidential files of the subcommittee.]

[At this point, Senator Nunn withdrew from the hearing room.]

Senator CHILES. How would you characterize the magnitude of the Cravero narcotics operation at the peak? You told us about how much money he had on him, but how would you characterize the size of the operation?

Mr. BOWDACH. There were approximately 150 people involved in the organization.

Senator CHILES. How did that compare with the narcotics activities which you learned about while associating with this organization? How did that rank with the other organizations around?

Mr. BOWDACH. I would say that it kept a pretty even pace with other organizations that I know about, one that is still functioning down there in south Florida, a major organization; another one—

Senator CHILES. Which one is that?

Mr. BOWDACH. This is an organization that is run by two people that are known as the Smith brothers. Their names are Darryl and Tracy Boyd. Another organization that was able to function quite freely during the period of time that we were functioning is the organization that was run by John Charles Piazza. The reason this organization was able to function the way it was, there was such a heavy concentration of agents from all these other departments concentrating on us that they did not have the manpower to concentrate as much as they would have like to on the DiPietro organization.

His downfall came after the downfall of the Cravero organization.

[At this point, Senator Nunn entered the hearing room.]

Senator CHILES. While they were turning all of their attention and resources and trying to work on the Cravero organization, the other organization was flourishing during that time?

Mr. BOWDACH. Yes, sir.

Senator CHILES. You have indicated to staff that you were working with DEA on a narcotics operation involving Ralph Broccoli. Describe for us the circumstances leading up to the activity and the proposed activity with respect to Broccoli.

Mr. BOWDACH. I was working on a case with the Drug Enforcement Administration, on Ralph Broccoli, for the sale of cocaine. The case was in the investigative stages, ready to be presented to the grand jury early this year. The case was ultimately closed on January 1, 1978.

Senator CHILES. By the murder of Broccoli?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Do you have any information with respect to his murder or the events leading up to it?

Mr. BOWDACH. Mr. Senator, what I have, what I would be able to tell you would be sheer speculation and information that I have received from various people on the street that have been confiding in me about the Broccoli murder. But again, and I say in an abundance of caution, it would be sheer speculation on my part.

Senator CHILES. Mr. Bowdach, the staff has in its possession a copy of a picture which purports to be a photograph of you with

Broccoli. Can we have that presented to him? I wanted to see if you can identify this photograph for the record. And if you can, if you would share with us the circumstances of the photograph, when it was taken.

Mr. BOWDACH. Yes, sir; This picture is a copy of a photograph that was taken in December of 1973, in the picture are myself, Mr. Ralph Broccoli, my wife at that time, Marianne. It was taken in front of 1444 West Eighth Street, Brooklyn, N.Y.

Senator CHILES. I understand you were released on an appeal bond in late 1973 or early 1974 and you returned to Florida at that time. Is that correct?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Did you make a trip to New York shortly after being released from the Atlanta Penitentiary and, if so, would you give us the purpose and the details of that trip and who you met with?

Mr. BOWDACH. I went to New York in December 1973 with my wife, Marianne at that time. I stayed at the Golden Gate Motel on the parkway, Knapp Street, Brooklyn, N.Y. I met with Julie Sirowitz, I met with Mr. Ralph Broccoli. The purpose of my meeting with Mr. Sirowitz was to obtain money from him, sort of as coming out money which is the standard procedure for organized crime people when they go to jail and they keep their mouth shut, they come out, they are given a certain amount of money, automobiles, basically financing to get started again.

Senator CHILES. During that trip or any other trip to New York, did you have any contact with Carlo DiPietro or anyone related to him? If so, would you tell us what the purpose of that contact was?

Mr. BOWDACH. On one occasion, Mr. Senator, and my recollection at the time is in a grey area. I don't quite recall if it was prior to my going to Atlanta in 1971 or during my appeal bond, in 1974. I was with Mr. Sirowitz, we went to a home in Brooklyn where Mr. Sirowitz had to drop off an envelope of money to the wife of Carlo DiPietro, whose name was Marie.

Senator CHILES. Where was DiPietro at that time?

Mr. BOWDACH. DiPietro was residing in the U.S. penitentiary. Which one, I am not sure.

Senator CHILES. He was the partner of Sirowitz and this was his share of the money?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Did Sirowitz tell you what the money was for?

Mr. BOWDACH. This was a weekly ongoing thing. He was supporting the family of Carlo DiPietro while Mr. DiPietro was away, too.

Senator CHILES. You said you met Ralph Broccoli on this trip that you made to New York and you visited with him on some occasions.

Did you have occasion to use cocaine at that time?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Had you ever used cocaine prior to that?

Mr. BOWDACH. No, sir.

Senator CHILES. Did you know that Ralph Broccoli was engaged in the narcotics operation at that time?

Mr. BOWDACH. Not at that time, sir, no.

Senator CHILES. Did you have any discussion with Sirowitz or Broccoli with respect to your desire to become involved in illegal activities?

Mr. BOWDACH. Not at that time, no, sir.

Senator CHILES. Did you engage or plot in any illegal activities while you were in New York on this visit?

Mr. BOWDACH. No, sir.

Senator CHILES. Mr. Bowdach, other than Mr. Sirowitz or Mr. Broccoli, did you meet with any other individuals while you were in New York on that visit?

Mr. BOWDACH. No, sir.

Senator CHILES. You mentioned earlier the Polo Lounge.

When did you work at the Polo Lounge?

Mr. BOWDACH. From approximately 1974 until, I believe, it was August 1974, sir.

Senator CHILES. You indicated to the staff certain activities you, together with other bartenders, were engaged in involving cash receipts at the Polo Lounge. What was all that about?

Mr. BOWDACH. We were milking the business.

Senator CHILES. How did you do that? What was the purpose of that?

Mr. BOWDACH. The purpose of that is to give the owner of the establishment the impression that he has a losing proposition and for him to look for a buyer to try to bail out.

Senator CHILES. Did you have a proposed buyer?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Who was that?

Mr. BOWDACH. Carlo DiPietro.

Senator CHILES. Describe to me how you were trying to make this transaction work.

Mr. BOWDACH. In July 1974, when Mr. DiPietro was in Florida with his wife, I had him come over to the lounge to look at the operation. I told him what we were doing, told him that we could provide this place for a steal and that I thought it would be a good operation. He looked the place over.

Subsequent to that, I was given \$30,000 to buy the establishment. It was a managerial contract and the \$30,000 was for the contract.

Senator CHILES. Where did the \$30,000 come from?

Mr. BOWDACH. The \$30,000 was sent down to me from New York City in small denomination bills.

Senator CHILES. From DiPietro?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Did you do anything with it to launder it?

Mr. BOWDACH. Yes, sir.

Senator CHILES. How did you do that?

Mr. BOWDACH. Took the money home, I counted it, my wife counted it, and a friend of the family, Mr. G. R. Bruce Walker, counted the money. We all came up with a figure of \$30,000. The following day, I went to Miami National Bank on 31st Street and Biscayne Boulevard with my sister-in-law who was the assistant head cashier, her name is Ms. Helene Rydzewski, R-y-d-z-e-w-s-k-i. I gave her the \$30,000 in small old bills and she in turn gave me \$30,000 in \$100 bills.



Mr. GALLINARO. Mr. Chairman, at approximately 10:15 this morning, I contacted Mrs. Rydzewski. She does recall in the summer of 1974 Mr. Bowdach coming into the bank with a large amount of small bills which she cashed for \$100 bills. She doesn't know the exact amount, but she says it was an enormous amount of money in small bills.

Senator NUNN. Thank you, Mr. Gallinaro.

At this point, Senator Chiles, without objection, we will place the photograph of Mr. Bowdach and others, that was previously identified, in the record as a sealed exhibit. That will be No. 24.

[The document referred to was marked "Exhibit No. 24" for reference and is retained in the confidential files of the subcommittee.]

Senator CHILES. You said Carlo DiPietro came down to Miami and you took him by the lounge. Who was with Carlo DiPietro while he was staying? Was he staying at the Doral Hotel?

Mr. BOWDACH. The Doral Beach Hotel, with his wife.

Senator CHILES. Did you meet any of DiPietro's representatives in Florida at that time on any other occasion? If so, would you describe them for us?

Mr. BOWDACH. Yes, sir. A gentleman by the name of Mr. Tito Carinci. Mr. Carinci was given the bingo operation.

Senator CHILES. Spell that.

Mr. BOWDACH. C-a-r-i-n-c-i. He was given the bingo operations to run for Mr. DiPietro in partnership with another individual who was running their end for Mr. Eddie Coco.

Senator CHILES. Where were these bingo operations?

Mr. BOWDACH. In the Broward County, North Miami area. Mr. George Baker, who was a long-time friend of Mr. DiPietro was with us at the Doral Beach Hotel, an individual by the name of Joe "Doodles", that was his nickname, I don't know his real name. He is from New York City, N.Y.; an individual named, again the nickname Bo, B-o.

At that time, he lived at 2200 Monroe Street, Hollywood, Fla., and has since moved back to the New York City area. One other individual, named Ernest Infelice from the Chicago area, had come down to visit Mr. DiPietro during his stay at the Doral Beach Hotel.

Senator CHILES. What was DiPietro's interest in the Florida bingo operations?

Mr. BOWDACH. The operation was owned by a gentleman, I don't know his name, I met him on one occasion. He was a little old Jewish fellow who was moved in on by the organization run by Eddie Coco and the organization run by Carlo DiPietro. They had cut themselves into this operation.

Senator CHILES. Was he legitimate at the time he was running the organization and the mob moved in on him? How did that work?

Mr. BOWDACH. What had happened is that the Coco organization moved in on him first for a certain percentage of his receipts. They started getting a little bit out of hand. They wanted more and more and he went out to seek help, and ended up with the help of Carlo DiPietro, and ended up losing the bigger end of it, had he had given it to Eddie Coco.

Senator CHILES. When you say somebody moved in on him, do you mean they just kind of went to see him and said, "We would like to buy part of your business"? How does "moved in" work?

Mr. BOWDACH. You move in, you tell him you are going to protect his operation from anybody else moving in, the bingo operation in Florida has grown to a pretty good sized business today. So they offer protection. If they don't take, the place is burned down or bombed.

Senator CHILES. It is not exactly sort of an arm's length transaction where the fellow has much of a choice, then?

Mr. BOWDACH. No, sir, no.

Senator CHILES. No choice?

Mr. BOWDACH. No, sir.

Senator CHILES. You said they moved in just on a part of the receipts? So they didn't necessarily move in and share the running of the operation?

Mr. BOWDACH. No, sir.

Senator CHILES. They just shared the taking of the money?

Mr. BOWDACH. Yes, sir.

Senator CHILES. How big a piece of his operation did the two of them end up with, the Coco gang and DiPietro?

Mr. BOWDACH. My understanding is that one faction was getting 25 percent, the other faction was getting 25 percent. But the guy never got a roll count because what would happen is people from the two organizations would send their own men in as employees, put them on salary, and have them counting the money. So the guy never really got a straight count anyway.

Senator CHILES. He didn't know what he was getting?

Mr. BOWDACH. He got approximately 50 percent of 50 percent.

Senator CHILES. Were you hopeful of getting close enough to DiPietro to get a piece of that bingo operation?

Mr. BOWDACH. I had really had my heart set on it. I thought I was in line for it. And I was very upset over the fact that Carinci had got in instead of me and I was told that he had more experience in that field, so he had prior gambling experience in the Newport-Covington, Ky., area years ago when they had wide open gambling up there.

Senator CHILES. How would your piece have worked? You felt that you had done enough service, that you were coming up the ladder, and that you should have been cut in for a piece? How did you anticipate or hope that that would work? What kind of piece are we talking about?

Mr. BOWDACH. Payroll.

Senator CHILES. Five percent? What would you say?

Mr. BOWDACH. A set amount a week, \$300 a week, \$500 a week. What would happen, if you got \$300 a week from this place, you got 25, you got yourself a \$6,000 a week coming in just on the payroll.

Senator CHILES. I see. So it just would be a way of knowing you had a fixed income, \$300 a week from each one of the places?

Mr. BOWDACH. It also would be a way of not going to jail for spending more than you are showing, too. If I got \$6,000 a week coming in from an operation, I am going to pay the taxes on that.

Senator CHILES. So they would actually put you on salary?

Mr. BOWDACH. Yes.

Senator CHILES. You would show up on the payroll?

Mr. BOWDACH. Yes.

Senator CHILES. This would be a way of taking—

Mr. BOWDACH. This is standard procedure. All we would get into the legitimate business, get on somebody's payroll, so when an investigation does come down, you take down an enormous figure to cover up your illegal money.

Senator CHILES. This would be what the mob would normally do with their soldiers or with their enforcers, the guys out on the street. They would put them on some kind of salary like that?

Mr. BOWDACH. Yes.

Senator CHILES. But you ended up not even getting in on that?

Mr. BOWDACH. No, sir. Mr. DiPietro had other ideas.

Senator CHILES. I think one of your problems was all the time the law was after you, you were out on bail, bond, or appeal or something; you never were able to show an income that supposedly was legitimate?

Mr. BOWDACH. Except for that period of time at the Polo Lounge.

Senator CHILES. Did DiPietro have any other ideas for you?

Did he hold anything else out for you when you didn't get this?

Mr. BOWDACH. Yes, sir.

Senator CHILES. What was that?

Mr. BOWDACH. He wanted me to set up a large purchase of narcotics from the people that I had come to know through the Cravero organization in Colombia and South America.

Mr. DiPietro was reminding me of the sum of money that I owed to the organization from my shylocking business when I went away in 1971, and that that would be a good way to even the books.

Senator CHILES. He never forgot that money that you owed them?

Mr. BOWDACH. They never forget.

Senator CHILES. What happened in regard to that narcotics venture?

Mr. BOWDACH. I had reached out to different people that I knew, getting different prices on narcotics, either to be picked up in South America, or delivered to Miami. If you pick it up in South America, it is much cheaper than bringing it into the country, but the biggest risk is getting it into the country. So that is why the price tripled just upon entry into the United States.

Senator CHILES. What would be the price of cocaine in Colombia as opposed to buying it in Miami? Triple?

Mr. BOWDACH. We pay about \$8,000 a kilo in Colombia.

Senator CHILES. \$8,000 a kilo in Colombia?

Mr. BOWDACH. Yes, sir.

Senator CHILES. How much would it be in Miami?

Mr. BOWDACH. I have to go by 1975 figures, sir. We could pick it up at that time about \$22,000 or \$23,000 a kilo, depending on the quality, the purity.

Senator CHILES. Almost triple?

Mr. BOWDACH. Yes, sir.

Senator CHILES. What happened then?

Mr. BOWDACH. I got different prices from the people that I was talking to. I made telephone calls to a social club on Mulberry Street in New York.

I called Mr. DiPietro, who answered by his code name. I gave him the prices. When we talk about cocaine, if they were 10 pieces, we would say, listen, I got a deal to buy 10 shirts—shirts meaning kilos of cocaine.

I told him if I bought it from the outside source, it would cost \$8.50 a shirt, which was \$8,500, but if I had to buy it over here, it would cost me \$19 a shirt, meaning \$19,000.

He wanted it delivered here instead of going down there to get it. Just as I was making the deal, getting everything set up, he laid the game plan out to me, that when we made the buy, we wouldn't pay the money.

Senator CHILES. Would not pay the money?

Mr. BOWDACH. No, sir. But instead, we would kill the couriers who brought the merchandise in.

Senator CHILES. That reduced the price a little bit?

Mr. BOWDACH. Tremendously, sir. I wouldn't go for the deal and I told DiPietro something had happened on their end, the deal fell through, rather than tell him I wouldn't participate in that kind of activity.

Senator CHILES. Why didn't you want to participate in that?

Mr. BOWDACH. Two reasons, sir: No. 1, if you are dealing with people that are able to deliver kilo quantities of cocaine, 10 kilos, 20 kilos, you are dealing with an organization that you have got to believe has strength.

Just as easy as you can kill them. They can have a game plan set up for you, too, if they think anything is wrong. They are not going to send a man there with 10 kilos of cocaine without backup.

I wasn't too interested at that time in committing suicide. So I passed on that.

Senator CHILES. You said there were two reasons.

Mr. BOWDACH. OK. I got a feeling of honorability, certain scruples and ethics that I go by, that I live by. These people didn't do anything to me. And I just did not see the wasting of somebody else's life just for that kind of game. It is not my bag.

Senator CHILES. Why didn't you just tell DiPietro that?

Mr. BOWDACH. For fear of my life.

Senator CHILES. Fear for your life?

Mr. BOWDACH. Yes, sir.

Senator CHILES. So instead you just acted as if you couldn't set it up?

Mr. BOWDACH. That is correct, sir.

Senator CHILES. I want to clear up one thing. The \$30,000 that you got for the restaurant; you never ended up buying the restaurant, did you? Why did that fall through?

Mr. BOWDACH. Just prior to going into town for negotiations with the owner of the lounge, the business had taken a terrible drop for reasons I don't know why and I had, I made the decision not—

Senator CHILES. Not because you all were milking it? Some other legitimate reason?

Mr. BOWDACH. Yes, sir. I had made the decision since the responsibility was going to be on my back, I didn't want to increase the \$28,000 to \$58,000. So I returned the money.

Senator CHILES. After DiPietro left Florida, you had subsequent contacts with him; is that correct?

Mr. BOWDACH. Through other people, through couriers.

Senator CHILES. Did you have some telephone calls with him?

Mr. BOWDACH. Yes, sir.

Senator CHILES. How many telephone calls?

Mr. BOWDACH. At least half a dozen.

Senator CHILES. After that, you dealt by courier. Who were those couriers?

Mr. BOWDACH. The fellow I mentioned named Bo and Ralph Broccoli.

Senator CHILES. Give us the details with respect to the nature of the information conveyed to and from DiPietro by Broccoli. In other words, what was the relationship between DiPietro and Broccoli? What kind of information was going back and forth there?

Mr. BOWDACH. Broccoli had become a friend of DiPietro. They would be out socially on numerous occasions with another individual, the brother of Crazy Joey Gallo, Al Gallo, also known as Dick Betts. They would be going out together with their girl friends. Through that relationship, Broccoli and DiPietro were interested in bringing in narcotics into the country. DiPietro would bring messages to me, sending messages to me through Broccoli. I was sending messages to DiPietro. I was kind of restricted then. I couldn't leave because I was on appeal bond, and I was having a real bad time getting court orders to go to New York for the reason that if I did go and I did get a court order, I had to give them the time I was leaving, the flight I was leaving on, the place I would be staying, and the people I wanted to see up there.

If I gave them that information, it defeated my whole purpose in going.

So Broccoli was basically the one carrying the information between myself and DiPietro, between Miami and New York, as far as narcotics moves.

Senator CHILES. Do you have any firsthand information of DiPietro or Ralph Broccoli engaging in these transactions? You talked about this deal that didn't work. Can you give us any details of any transactions they were involved in?

Mr. BOWDACH. I know only that Broccoli told me he was dealing with DiPietro.

Senator CHILES. What was that?

Mr. BOWDACH. That he was dealing with DiPietro on heroin and cocaine, that Broccoli was getting through his associates, Charlie Alamo, Eddie Lino, and Carmine Consalvo, that they had a business relationship going with DiPietro, Alamo, Lino, and Consalvo.

Senator CHILES. Do you know how that was working and what the connection was?

Mr. BOWDACH. No, sir.

Senator CHILES. You don't know where the drugs were coming from, how they were handling it?

Mr. BOWDACH. I knew where they were coming from, I knew what country they were coming out of.

Senator CHILES. Colombia?

Mr. BOWDACH. Cocaine out of Colombia, the heroin out of Mexico.

Senator CHILES. Was this coming through south Florida, or Mexico; how was it coming?

Mr. BOWDACH. I don't know the movements.

Senator NUNN. Senator Javits?

Senator JAVITS. Mr. Bowdach, how does a kid from Brooklyn get into this business? What got you into it? What was the internal motivation that brought you into such a dangerous, unlawful business?

Mr. BOWDACH. Big money, small risk.

Senator JAVITS. When you were, I gather, 13 years old, you had your first brush with the police? Did you go to school? You sound like a very literate man, a very bright fellow. You have a marvelous recollection. Tell us, because in my judgment my colleagues have developed, detailed brilliantly, I think, your operations and those around you. I was deeply interested in two points that I would like to listen to from you.

One is, what can we learn from you about why bright, attractive youngsters in big city settings get into such deep crime.

Second, there are grave deficiencies in our law enforcement agencies. I think it would be extremely useful if we could get some assistance from you as to where they fall short.

You already testified lack of personnel and lack of sophistication and the means which they use compared with those who violate the law and whom they are up against. Anything on that would be very helpful.

Taking up the first point, try to search back in your memory, which seems excellent, and you can be helpful to a lot of other kids, young men. I hope you feel that is something you can do. What got you into this? Did you drop out? Did you go to school? Did you like school? Didn't you like school? What operated in your mind at the time?

Mr. BOWDACH. That is a loaded question, Mr. Senator.

My particular situation was because of, I believe, lack of supervision on the part of my parents, not because they didn't want to supervise, but because of the economical situation at home at that time, both my parents had to work, and I was pretty well free to roam and do what I wanted to do.

One thing just kept advancing from one thing to another thing and to another thing. It just keeps on going and going; absolute and total disrespect for the law, didn't really care; liking the thought I had money in my pocket. And it just kept going and going.

Senator JAVITS. Did you drop out of school?

Mr. BOWDACH. I did drop out of school and completed it later on, yes, sir.

Senator JAVITS. You dropped out at what age?

Mr. BOWDACH. Sixteen years old.

Senator JAVITS. But you had already embarked on a career of crime by that time, hadn't you, before you dropped out?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. You dropped out where, in high school?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Where did you go to high school?

Mr. BOWDACH. I went to Evander Childs High School, the Bronx, N.Y.

Senator JAVITS. Did you live in the Bronx at that time?

Mr. BOWDACH. At that time I did, yes, sir.

Senator JAVITS. You graduated from public school?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. At what stage of the high school did you drop out, what year?

Mr. BOWDACH. I believe it was the first year, sir.

Senator JAVITS. Were you a good student?

Mr. BOWDACH. No.

Senator JAVITS. Was that because you weren't interested or because you couldn't manage your studies?

Mr. BOWDACH. I didn't care for it.

Senator JAVITS. You didn't care for it?

Mr. BOWDACH. No, sir.

Senator JAVITS. The 3 years intervening—I gathered from the staff what you know from what you already testified—the 3 years between the age of 13 where apparently you embarked on this life, which you subsequently lived, and 16, what was the first thing you did in your judgment that was unlawful at 13? What did you do? How did you break into it? What is the first thing you can remember you did?

Mr. BOWDACH. At 13, I think it was automobile theft.

Senator JAVITS. You stole a car.

Mr. BOWDACH. Yes, sir.

Senator JAVITS. With confederates? Were you working with anybody? Did anybody get you into this, or was this all your own idea?

Mr. BOWDACH. We were a little gang.

Senator JAVITS. In the neighborhood?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Was that to show your bravery or courage, or was it really just to get some money?

Mr. BOWDACH. It started out originally for the excitement of doing it, and the pleasure of being able to drive around in a car.

Senator JAVITS. Did you engage in car stealing for some continuous period of time?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. From that you graduated to other crimes?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Why did you continue to go to school? Why didn't you just quit then and there, at 13 years of age?

Mr. BOWDACH. It is mandatory to remain in school until the age of 16.

Senator JAVITS. So you thought you would get into trouble if you didn't?

Mr. BOWDACH. I knew I would.

Senator JAVITS. You say there was no control in the family. Did you have any love for your mother and father?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Did they try to guide you? Did they remonstrate with you for what obviously to them was not very serious attention

to your studies or anything else? I suppose you stayed out late, and so on?

Mr. BOWDACH. I believe they tried to the best of their ability, sir.

Senator JAVITS. It really wasn't that they didn't try, it is just that you didn't respond?

Mr. BOWDACH. Basically, the things that I did I would do when they would be absent from the home, trying to make a living to support the family.

Senator JAVITS. How much of a family did you have?

Senator NUNN. Senator Javits, at this point, you weren't here the first day; because of security reasons the witness has requested in advance that we not discuss the details of the number of people in his family, where they are, et cetera.

Senator JAVITS. I agree with that, thoroughly.

Was it a large family?

Mr. BOWDACH. Not particularly, no, sir.

Senator JAVITS. Close in terms of affection with each other?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Do you think, analyzing yourself, that you were destined for this, or did you get into it for outside reasons? Do you think you were just a kid who was built and motivated to go this criminal route, or did you get into it for external influences and reasons, many of which you have described?

Mr. BOWDACH. I got into it because I wanted to be with the fellows on the block, so to speak.

Senator JAVITS. Companionship?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. And to excel, the top man, the top banana?

Mr. BOWDACH. If I could.

Senator JAVITS. Would you advise other kids to follow your route or not?

Mr. BOWDACH. No, sir.

Senator JAVITS. Why not?

Mr. BOWDACH. You never leave anything good in the end.

Senator JAVITS. You are 35 years of age?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. And you really have lived 8 or 10 lifetimes?

Mr. BOWDACH. I feel like it.

Senator JAVITS. Lastly, and I won't be long, what about this law enforcement? Is there anything else? You have told us the personnel of law enforcement agencies, especially DEA, is inadequate for the job, compared to your experience in the organization, as you call it, and the sophistication of their equipment. What else can you tell us about what law enforcement agencies might do? That is our job. We are in the business of legislating. Whatever you tell us—the money is deposited in an excellent bank. This is very important to us, even now—or as you know, perhaps I won't be here, my colleagues will, could you tell us what improvement in your judgment can be made, either in the administration of criminal justice, like you told Senator Percy about the bail bonds, and everything you did while you were out on the so-called appeal bond? I am sure the Judge who set the bail and the appeal bail never dreamed what you would be up to while you were out on that bond.



Also, any other techniques of either the direct authorities, police, FBI, et cetera, or of the administration of justice, what can you tell us about that?

Mr. BOWDACH. Mr. Javits, I believe that the committee has set aside one whole session for my assessment of the criminal justice system as I perceived it through my eyes, firsthand knowledge and information that I have.

If I get into that at this stage, with all due respect to the committee, I think we will be here for a very, very long day.

Senator JAVITS. I agree with you.

May I make this suggestion?

Mr. BOWDACH. Yes, sir.

Senator JAVITS. Because to me, as one Senator, this is the most important thing you are going to tell us; having myself been a prosecutor, I have lived through a lot of the stories that you have, gruesome as they are. Unhappily for all of us, they are very often repeated, not only in Miami, but in New York, and many other places. But what you can teach us about law enforcement can be irreplaceable. I would hope very much, Mr. Bowdach, you would show every desire to help us, to cooperate.

I would hope that you would write down, sit and think through, if you have some time, what you recommend, so that you would have before you your prepared recommendation. I think that that, in my judgment, would advance the matter very considerably, if you can, when this session takes place.

Senator NUNN. It will be next Thursday.

Senator JAVITS. Whenever our chairman sets it—that you come prepared with your recommendations just like it were a legal brief, and I will do my best to be here to hear you.

Thank you.

Senator NUNN. Thank you.

I have a few more questions.

I would like to get into the details of the narcotics operation to the extent that you can testify. As I understand it, you weren't usually directly involved in the exchange of narcotics or of cash. You more or less were riding shotgun over the transactions and guarding the flanks, is that right?

Mr. BOWDACH. That is right, sir.

Senator NUNN. You said Rick Cravero was the head of this particular narcotics operation?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you have any counterpart at the top level? Was he the only man at the top, or were there other people at the top?

Mr. BOWDACH. There was Rick Cravero, Ronald Chandler, and a gentleman that has been killed by the name of Stanley Harris.

Senator NUNN. What about Mr. Chandler and Mr. Harris, where did they fit into the hierarchy of this?

Mr. BOWDACH. They were the administration, so to speak, with the organization.

Senator NUNN. How would you describe Cravero, would you call him the boss of this organization?

Mr. BOWDACH. Yes, sir.

Senator NUNN. He was the boss?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you consider this a narcotics family, or how would you describe this? Just an operation?

Mr. BOWDACH. This was a narcotics smuggling and distribution operation.

Senator NUNN. Was this operation connected with any particular ethnic group in terms of organized crime, or was it an independent organization?

Mr. BOWDACH. This group consisted of everyone. We didn't have any ethnic boundaries. Mr. Cravero's allegiance was to individuals that I believe this committee had identified as being members of the former Carlo Gambino family out of New York.

Senator NUNN. Who would Mr. Cravero report to? Who was above him?

Mr. BOWDACH. There wasn't really anybody above him, per se. But he would deal basically with the Gambino family as far as getting money from them, giving proceeds to them.

Senator NUNN. Was Cravero a member of that family?

Mr. BOWDACH. He was a nonmember associate.

Senator NUNN. Why was he a nonmember associate?

Mr. BOWDACH. He was not a made man.

Senator NUNN. You say he was not a made man, can you tell us what you mean?

Mr. BOWDACH. He was not a member of the Mafia.

Senator NUNN. What was his nationality?

Mr. BOWDACH. Italian.

Senator NUNN. Do you know why he wasn't a member of the Mafia? Was it because he didn't want to be, or couldn't be?

Mr. BOWDACH. He really didn't want to be.

Senator NUNN. Did you ever talk to him about that?

Mr. BOWDACH. Briefly, different times.

Senator NUNN. Why didn't he want to be? I would think somebody in his business would be better protected if he was a member.

Mr. BOWDACH. You have got to know Rick Cravero. He is a man of independent spirit. He wants to be the boss and doesn't want any bosses above him.

Senator NUNN. But he got along with the Gambino family?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How many people would have been involved in the Cravero organization?

Mr. BOWDACH. I would say approximately 150 people.

Senator NUNN. How many of them would have been located in south Florida?

Mr. BOWDACH. I don't know that there are too many left of them.

Senator NUNN. I mean at that stage before the gang was broken up?

Mr. BOWDACH. 150.

Senator NUNN. You mean most of them were right there?

Mr. BOWDACH. That is where we operated from. That was our base of operations.

Senator NUNN. You weren't counting the people in Colombia as part of that 150?

Mr. BOWDACH. No.

Senator NUNN. They were just sellers, is that right?

Mr. BOWDACH. These people were not only supplying our group, these people were dealing with numerous other groups and sending in approximately 350 kilos a month into the United States.

Senator NUNN. You were just one of several different buyers from them?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know who headed up that organization, selling organization?

Mr. BOWDACH. The Colombian organization, the father of Adolfo Gomez, who was, as I said before, a fugitive from justice under indictment presently in Colombia.

Senator NUNN. Is he still trafficking in narcotics, if you know?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You think he is still operating out of Colombia?

Mr. BOWDACH. I know he is.

Senator NUNN. How does he get away with this in Colombia? Is he well known there; is he not well known?

Mr. BOWDACH. The man has about an equal amount of money that the Government does. He has a big import-export company operating out of Panama. He owns a big airline. He just bought a ranch down there for a price exceeding \$1 million.

Senator NUNN. He has got as much money as the Government?

Mr. BOWDACH. He has got his own army, pretty well.

Senator NUNN. Has the Government of Colombia ever tried to arrest him that you know anything about?

Mr. BOWDACH. No, sir, they haven't.

Senator NUNN. Would they have to know about his operation?

Mr. BOWDACH. Definitely. He was under suspicion; after someone was arrested, the head agent for the Drug Enforcement Administration in Bogota, Colombia, was murdered. He was under suspicion at that time for being the one who put the contract out for the death of the agent in retaliation for his son being apprehended by agents of the Drug Enforcement Administration.

Senator NUNN. He was under suspicion of that murder of a DEA agent?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know he was involved, or is that speculation on your part?

Mr. BOWDACH. It was word that floated back to me from my contacts on the street.

Senator NUNN. That was the word you got, but you don't know from firsthand knowledge of that?

Mr. BOWDACH. I know from conversations that I have had from his son at the U.S. penitentiary in Atlanta, Ga.

Senator NUNN. His son is still there?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What is his name?

Mr. BOWDACH. Adolfo Gomez.

Senator NUNN. What did he tell you about the murder of the DEA agent?

Mr. BOWDACH. He was reading an article to me from the Colombian paper. He had to read it to me, I don't read Spanish, that his father was being suspected of being the man behind the contract for the murder of the head agent in Bogota.

Senator NUNN. Did he comment, one way or the other, whether his father was really involved?

Mr. BOWDACH. He didn't say. He just smiled.

Senator NUNN. Did he tell you he was involved in his father's operation?

Mr. BOWDACH. He was the main, No. 1 mover for the father himself.

Senator NUNN. He still is in the penitentiary in Atlanta?

Mr. BOWDACH. To my knowledge he is, yes, sir.

Senator NUNN. The suspicion was his father had the DEA agent killed in retaliation for his son's arrest?

Mr. BOWDACH. That is correct.

Senator NUNN. How long is his son serving in the Atlanta Penitentiary?

Mr. BOWDACH. Twenty years.

Senator NUNN. Mr. Bowdach, what is a mule in terms of narcotics?

Mr. BOWDACH. A mule is a person that secretes contraband on their body for transporting from one place to another place.

Senator NUNN. Did you come in contact with mules carrying narcotics during your association with Cravero? Did you know who the mules were or where they came from?

Mr. BOWDACH. The narcotics would be transferred from used Colombian freighters on the open sea. That is where most of it did come in.

Senator NUNN. It came in by boat?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Most of it came in by boat. Did it land in or near south Florida?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would it land on the coast or in some area that was remote and not populated? Where would the boats land?

Mr. BOWDACH. Most landings were down at Cod Sound in Monroe County.

Senator NUNN. Is that a place that is not populated?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. In a remote area. You would actually send a small boat out to unload the big boats, the mother ships didn't come in, is that right?

Mr. BOWDACH. The mother ships would stay out at sea; we would send high-speed boats out, pick up loads and get it in.

Senator NUNN. Did you have to send several boats or did you send one boat several times? How did that operate?

Mr. BOWDACH. It depended on the size of the load we were expecting. We had numerous boats, all kinds of boats.

Senator NUNN. Did you unload at night?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Usually it was in darkness?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Where did Mr. Cravero get his boats?

Mr. BOWDACH. He would buy them.

Senator NUNN. Buy them from anybody?

Mr. BOWDACH. Go buy them.

Senator NUNN. He didn't have any suppliers involved in the narcotics business with him, boat supplier or boat seller?

Mr. BOWDACH. Not to my knowledge. On one occasion he used an individual to go purchase a boat, \$40,000, because he couldn't show where the money would come from if an investigation had come up.

Senator NUNN. What kind of boats did he buy?

Mr. BOWDACH. He would buy Magnums. Magnum was one, I believe it was a cruiser.

Senator NUNN. Were these ships freighters or were they passenger boats?

Mr. BOWDACH. These were boats that, after they were purchased, they were then gone over by another member of the organization who was an expert in mechanics and electronics, who would soup these boats up to astronomical speeds, outrun anything that law enforcement could provide on the ocean.

Senator NUNN. How fast would the boats go?

Mr. BOWDACH. Sixty knots.

Senator NUNN. Sixty knots?

Mr. BOWDACH. Yes, sir.

Senator NUNN. This special preparation was done by mechanics after the boats were purchased?

Mr. BOWDACH. Yes, sir.

Senator NUNN. In other words, the boats were souped up?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know how fast law enforcement boats are able to run in the Miami area?

Mr. BOWDACH. Not as fast as ours.

Senator NUNN. These boats were a lot faster?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Were these boats burned, on occasion?

Mr. BOWDACH. Pardon?

Senator NUNN. Did Cravero burn the boats?

Mr. BOWDACH. On one occasion, I know.

Senator NUNN. Why did he burn the boat?

Mr. BOWDACH. The boat ran aground.

Senator NUNN. So rather than take the time to go get it taken off by some help, he just burned the boat?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How much did the boat cost?

Mr. BOWDACH. \$40,000.

Senator NUNN. Were you there when the boat was burned?

Mr. BOWDACH. No, sir.

Senator NUNN. You just found out about it?

Mr. BOWDACH. I heard about it afterward.

[At this point Senator Javits withdrew from the hearing room.]

Senator NUNN. In addition to souping the boats up, what else is done to the boats in terms of sophisticated equipment?

Mr. BOWDACH. The boat would be equipped with radios that had channels that were able to pick up law enforcement, scanners.

Senator NUNN. What is a scanner?

Mr. BOWDACH. A scanner is a unit that could have anywhere from 1 channel up to 10 channels, depending on how many crystals

you put in it. Each agency operates on different frequencies and different crystals.

These crystals are sold in stores to anybody that wants to buy them.

Senator NUNN. What would the scanner do for a narcotics operation?

Mr. BOWDACH. It would give them the position of the enforcement agency, pick up their conversation, what they were saying and would give us an opportunity to subvert whatever their game plan was.

Senator NUNN. So, basically, while the boats were traveling back and forth from the land to the mother ship, the sophisticated scanners on them were able to let the narcotics gang know what was happening with law enforcement?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Have you ever been on the boats and heard the conversation or is this something they told you about?

Mr. BOWDACH. I stayed basically on land. I had my own scanner. I used to scan all police agencies, Florida Highway Patrol, Dade County, Fla.

Senator NUNN. You had a scanner in your automobile?

Mr. BOWDACH. Yes, sir.

Senator NUNN. And you from land were monitoring what police were doing?

Mr. BOWDACH. Yes, sir. We used the scanner the night that we committed the kidnaping of Richard Hock to determine if there was any police surveillance upon us before the commission of the crime itself, and also to determine after the crime had been committed if we were being followed.

Senator NUNN. What else was on the boats?

Mr. BOWDACH. Automatic weaponry.

Senator NUNN. What kind of automatic weaponry?

Mr. BOWDACH. M-16's.

Senator NUNN. M-16's?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Army surplus?

Mr. BOWDACH. I don't know if it was surplus. [Laughter.]

Senator NUNN. You don't know where the M-16's came from?

Mr. BOWDACH. No, sir.

Senator NUNN. What other kind of weapons?

Mr. BOWDACH. All kinds of handguns.

Senator NUNN. How about any kind of explosive; did you ever carry explosives on the boat?

Mr. BOWDACH. Not to my knowledge, sir.

Senator NUNN. How many men would be on the boat when it went out to the mother ship?

Mr. BOWDACH. Depending, again, sir on the size of the load, we would determine how many men would be needed to make the move as quickly as possible to get back in undercover in as brief the amount of time as possible; four men, five men, whatever it took to unload the boat.

Senator NUNN. How about scramblers, did you have scramblers on the boat?

Mr. BOWDACH. I was advised that they had a scrambling unit between two ships, between their two boats to scramble their conversations between each other so law enforcement could not pick up on their conversations had they been doing what we were doing to them.

Senator NUNN. How was the scrambler to work? Was it for the purpose of obscuring conversation between two boats or between the boat and land so law enforcement couldn't tell what you were talking about?

Mr. BOWDACH. That is correct, sir. All you would hear would be mumbling.

Senator NUNN. It would scramble for other parties but the people communicating in the narcotics gang could hear each other?

Mr. BOWDACH. In order to scramble you must have two scrambling units, on the person who is talking and the person who is listening. There has to be a scrambling unit on each end; both must be functioning at the same time and nobody could intercept any conversation between the two units.

Senator NUNN. Did you have people who were communications experts working for the narcotics gang?

Mr. BOWDACH. We did, sir.

Senator NUNN. To run all that equipment?

Mr. BOWDACH. We did.

Senator NUNN. Was it one man or several people doing the communications job?

Mr. BOWDACH. There was one man that was exceptionally good in communications and mechanics.

Senator NUNN. What was his name?

Mr. BOWDACH. His name was Bobby Eugene Miller.

Senator NUNN. What happened to him?

Mr. BOWDACH. He is a witness in the U.S. marshal witness protection program.

Senator NUNN. How many people were killed in the Cravero gang out of the 150 you described, during this period of narcotics trafficking and paranoia?

Mr. BOWDACH. I can't be quite sure, Mr. Chairman. There are so many that disappeared, make one-way trips out to sea and never returned. You can only speculate.

Senator NUNN. If you speculated, what would you guess the number of deaths were in this operation?

Mr. BOWDACH. About 40.

Senator NUNN. Out of 150?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Approximately how many were sent to prison?

Mr. BOWDACH. Another dozen.

Senator NUNN. Was there any other kind of sophisticated equipment on board other than the scramblers, scanners, and automatic rifles?

Mr. BOWDACH. Not that I can recall, sir.

Senator NUNN. Were the boats equipped with radar?

Mr. BOWDACH. No, sir.

Senator PERCY. Mr. Bowdach, if you had quit when you were ahead and just decided to walk out of the business, and I am not sure at what point in your career you were in the best net worth

position, how much would you have been able to walk away with at that time?

Mr. BOWDACH. At its peak?

Senator PERCY. At your peak. If you called in all your loans which you liquidated with no outstanding obligations to you.

Mr. BOWDACH. About a quarter of a million dollars.

Senator PERCY. That was at what stage in your life? Was it when you were a loanshark?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Would you mind stating your net worth now?

Mr. BOWDACH. Minus—I don't know; it is in the red.

Senator PERCY. You are in a negative position, are you not?

Mr. BOWDACH. Yes, sir.

Senator PERCY. I would like to ask you about a few other people. Are you acquainted with Ernest "Rocky" Infilece?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Where did you meet him and who introduced you to him?

Mr. BOWDACH. I was introduced to him in July 1974 at the Doral Hotel, by Carl DiPietro.

Senator PERCY. Did DiPietro tell you of any activities that Infilece was carrying on at the time? Infilece was about to go to jail, wasn't he? What was he trying to do at that time?

Mr. BOWDACH. He was trying to unload a load of stolen securities to Mr. DiPietro.

Senator PERCY. How had he gained those? This subcommittee spent a good deal of time investigating stolen securities. We have recommended legislation. We have adopted legislation to tighten up that business; it had become a large lucrative business for organized crime.

How had he acquired those securities, do you know?

Mr. BOWDACH. I was not told, sir.

Senator PERCY. How was he attempting to unload them, do you happen to know that?

Mr. BOWDACH. He wanted to sell them at a percentage of their value, through Mr. DiPietro.

Senator PERCY. What percentage of their value would he be able to realize on them?

Mr. BOWDACH. I don't know, sir. I have never been involved with securities.

[At this point Senator Nunn withdrew from the hearing room.]

Senator PERCY. Did Ernest Infilece—where is he now?

Mr. BOWDACH. The last time I saw him he was in the U.S. Penitentiary in Atlanta, Ga.

Senator PERCY. In Atlanta?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What was he convicted for?

Mr. BOWDACH. To my recollection, I believe it was interstate transportation of stolen securities. But I am not really sure about it. I was not really close to him where we talked about crime.

Senator PERCY. Are you familiar with the fact that he was convicted for selling \$100,000 worth of heroin to undercover agents?

Mr. BOWDACH. No, sir, I was not.



Senator PERCY. So that you are not familiar with who arranged that deal? I understand that Joseph Gagliano, allegedly a Chicago organized crime chieftian was also involved. You have no particular knowledge of that?

Mr. BOWDACH. No, sir; I don't.

Senator PERCY. Do you have any knowledge as to the investigation of Infilece by local authorities for heavy involvement in arson in Chicago in the 1960's?

Mr. BOWDACH. No, sir; I don't.

Senator PERCY. Do you have any knowledge that Infilece was considered a close associate, if not a protege, of Felix Alderisio, who is known as Milwaukee Phil?

Mr. BOWDACH. Yes, sir; I did know that.

Senator PERCY. He was also a powerful organized crime figure in Chicago. Do you have any knowledge of Infilece's involvement with five other organized crime figures who were on the payroll of Teamster Local 714?

Mr. BOWDACH. I don't know the names. If I knew their names I would be able to tell you, but I know nothing about that.

Senator PERCY. One other area of investigation of this subcommittee has been the laundering of narcotics money. We are trying to understand how it is laundered, what happens to it. I think here again possibly you could help us.

We have heard stories of some bank officials aiding organized crime narcotics traffickers. We have heard stories of millions of dollars of cash being laundered tax-free out of the country.

Could you tell us how Rick Cravero hid his tremendous profits from the Government?

Mr. BOWDACH. Cravero owned an establishment called Cravero Casuals which was a large denim company and the practice usually is to put the money into the business to make the business appear that it is doing much, much better than it is in order to take more money out of the business, put yourself on for an astronomical salary.

This is why the thing today that was going on, is they go into these cash transaction businesses, so this is one of the easiest ways to launder money on a local level without having to send it out of the country to numbered accounts and things of that nature.

Senator PERCY. So the laundry operation would be an essential ingredient of the criminal enterprise. It is important to have connections with some legitimate business?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Did the laundering operation differ from other laundering operations in south Florida?

Mr. BOWDACH. What other laundering operations are you speaking about?

Senator PERCY. Do you have any idea how much money Cravero actually laundered, say, on an annual basis?

Mr. BOWDACH. No, sir. I couldn't begin to estimate it. The money was so loose; it was just thrown around. If he lost baggage one night, lost over \$100,000 in one night and came back the next day all smiles and he just went out and was on the road again. It doesn't mean anything. It is just so much, coming so fast and so often, you can't spend it fast enough.

Senator PERCY. I would like now to go back for a moment to the mention you made of the rivalry between several groups in Florida. I am interested in the relationship between various drug trafficking organizations in Florida itself.

[At this point Senator Nunn entered the hearing room.]

Senator PERCY. Is it always the case that there were rivalries?

Mr. BOWDACH. There is so much narcotics coming in, there is so much room for everybody, that basically one group doesn't like to go after another group, so to speak. Everybody can make enormous sums of money.

I can give you an example of one situation I know about that happened in Fort Lauderdale, Fla. There was a ring of guys working up there that were shaking down drug dealers. Their ring was headed by a fellow by the name of James Capotorto, also known as Big Jimmy, another fellow involved was Mr. Vincent Lynch out of the New York area and numerous other people.

What they were doing was they were kidnapping these narcotics dealers and making them turn over part of their loads, part of their profits from their operations. Mr. Capotorto was killed when he went to shake up a guy. He went with three other individuals and the guy pulled out a gun and killed him.

He was doing it for quite awhile and I had run into Vincent Lynch in the U.S. penitentiary in Atlanta and I had asked him, how come you never came down to Dade County and tried to move in on Cravero?

He said, well, they didn't have enough men and machinery and equipment to take us on. So it is just like I explained to Mr. Chairman the other day; when you deal from strength, you will always continue to go on. It is the weak that get preyed on.

Senator PERCY. So there was some rivalry. However, there was a big enough market for everyone to make an effective living at it?

Mr. BOWDACH. There is a certain amount of rivalry.

Senator PERCY. Was there a sharing of information between these rival groups against their common enemies, law enforcement? Did they get together to swap information for the mutual survival?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Did certain groups pay for protection to other groups?

Mr. BOWDACH. Not that I would—I wouldn't call it protection, but we were not together with each other. If we were out of narcotics at a given time and somebody we knew that had a load in, and we needed a amount of narcotics to supply our people, it was like a transfer of funds from one account to the other account.

We would barter with each other and then replace it at a later date or pay cash for it at a wholesale price to supply our people.

Senator PERCY. You mentioned to Senator Nunn the use of the seas. Were you ever involved yourself in the use of aircraft for bringing in narcotics?

Mr. BOWDACH. No, sir.

Senator PERCY. How did you get information about what DEA, Customs, and other law enforcement officials were doing to try to stop you?

Mr. BOWDACH. There was surveillance that was totally obvious at times. There was one occasion when they were able to come up with the DEA crystal that was taken out of a DEA vehicle when it was put in for repair and it was put into our unit. We pretty well knew what they were doing at all times. We were policing them pretty good.

Senator PERCY. Could you tell us what your former associates might do now to adjust their operations to new efforts by law enforcement?

In other words, are they always anticipating what is going to come next?

Mr. BOWDACH. Yes, sir. I would like to comment, Senator. These police crystals are available to anyone who wishes to purchase them at any radio shop or electronics store and all a man would have to know is the basic codes that are used by the police agency, which are pretty standard.

And what it is really doing is hampering them. I don't know why these things are available. I don't know what use a person would have for them unless it is a hobby; they want to listen to police calls or they are going to use it for the purpose of outwitting the police, which is what I used to do on numerous occasions.

I had a monitor in my house, I had a monitor in my automobile and when they came to arrest me, I knew they were outside the house, because they were talking on the radio and I was monitoring the call.

So I, if I wanted to, I could have escaped. I had been listening to them all evening and knew they were surveilling me. I lost them on two or three occasions because they were calling ahead to intercept my vehicle at such and such an intersection and I would turn off prior to reaching that intersection. So it was a very simple thing and it really frustrates their efforts in coping with the crime problem.

Senator NUNN. Mr. Bowdach, if I could just ask you one question on that point, you said that the Cravero organization obtained a radio crystal from a DEA automobile that was being repaired.

Why would you need to steal that crystal if they are readily available in stores?

Mr. BOWDACH. DEA and FBI and the Federal agencies' crystals are not available for purchasing, but all the county, city, and State crystals are available to anybody that wants to buy them.

Senator NUNN. Was the DEA crystal that you got out of the automobile of great use to you?

Mr. BOWDACH. Very useful.

Senator NUNN. That meant you could listen in on DEA radios?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Before I ask my last question, I would like to just say that we have not yet gotten into your life in the Atlanta penitentiary. Next week, we will want to benefit as much as we can from your testimony about the penitentiary life, what it is like, what goes on, whether it is just a finishing school for crime. I would like to ask those questions to gain insight on our recent problems in Illinois.

We just had in Illinois a prison riot which left three persons dead. We have problems in Pontiac with the State penitentiary. We

are trying to determine what went on when the gangs were jailed, and how they operated in the prison.

We spend a huge amount of money incarcerating people. We would like to benefit as much as we can from your testimony so that the more you can reflect on that the better.

I want to express in advance our appreciation to you for the kind of help you can provide.

The last question simply relates to your own emotions as you conducted criminal activities. Obviously, you do have emotions. You told us Tuesday that one of the reasons you murdered your partner was the shocking remark he made to you about your wife who just passed away and about whom you cared very deeply.

How is it possible for you to totally separate the human emotions that you felt for your loved ones from the brutal and vicious way in which you approached business dealings? Did you just totally separate those lives from your feelings, figure they were in this business, and, therefore, they had to pay the consequences? How would you describe it in your own words?

Mr. BOWDACH. My family is a—my family is a very personal thing to me and it is something that I cherish very dearly; my children, my folks.

When a man makes a remark to me when my wife died in childbirth, listen, don't worry about it, you will find another one. It is no big deal. As far as I am concerned, I got no feeling for him. If that is the way he feels about my wife, that is the way he feels about me. I took the appropriate action.

Senator PERCY. Thank you very much, Mr. Chairman.

Senator NUNN. Senator Chiles?

Senator CHILES. I wonder if you would tell us about the bail bondsman system as you have experienced it. You mentioned today something about trying to get bail for someone. How did that system work, as you experienced it?

Mr. BOWDACH. Mr. Senator, can we take a break for a few minutes?

Senator NUNN. Yes.

Senator CHILES. I think we can go into this.

Senator NUNN. I think we can cover this at the next hearing. We know you are tired out. You have been here a long time. We won't ask you any more questions, Mr. Bowdach. I do have a very brief closing statement. Before I do that, though, I want to again express my appreciation to the news media for your cooperation. I want to assure you that we regret the fact that we had to place additional security in front of the witness this morning.

This was at the request of the Marshal Service based on information they received last night and again early this morning. They felt it was necessary and we have to leave that judgment up to them.

The record of the hearing thus far should make it painfully clear why there is a need for a Federal program to protect individuals who cooperate with efforts to detect, investigate, and prosecute those who break our laws.

In addition, it should also be quite clear why Mr. Bowdach is now a part of the witness protection program of the Department of Justice. The treatment of persons in this program is important to

the success of the Federal law enforcement efforts, particularly in the area of organized crime.

If there is mistreatment, if the identity of the witness is not closely held, if there are any gaps or shortcomings, others may be discouraged from coming forward.

The cooperation of individuals formerly involved in criminal activities is absolutely essential to the detection, investigation, and prosecution of organized crime figures.

Therefore, as part of our subcommittee inquiry, a very important part of it, the examination of the witness protection program will be part of this inquiry next week.

We will talk to Mr. Bowdach at length about his experiences in the witness protection program. In addition, we will ask him about his use or misuse, depending on your perspective, of the Freedom of Information Act and the Privacy Act.

In executive session, he has told us much about the details of the use of the Freedom of Information Act by people in the penitentiary.

Finally, next week we will take testimony from Mr. Bowdach on the contract murders and corruption at the Atlanta penitentiary, where he did serve time.

Mr. Bowdach, thank you very much for your cooperation, your candor and your frankness before this subcommittee, and we will again reconvene next Wednesday.

I will ask that all cameras be turned away from the front so that the witness can leave the room.

[Whereupon, at 12:30 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, August 9, 1978.]

[Members of the subcommittee present at time of recess: Senators Nunn and Chiles.]

## ORGANIZED CRIMINAL ACTIVITIES

### South Florida and U.S. Penitentiary, Atlanta, Ga.

WEDNESDAY, AUGUST 9, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to recess, in room 1202, Dirksen Senate Office Building, under the authority of S. Res. 370, agreed to March 6, 1978, Hon. Sam Nunn, acting chairman of the subcommittee, presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; Senator Lawton Chiles, Democrat, Florida; and Senator Charles H. Percy, Republican, Illinois.

Members of the professional staff present: Owen J. Malone, chief counsel; F. Keith Adkinson, assistant counsel; William B. Gallinaro, investigator; David P. Vienna, investigator; Larry Finks, captain, U.S. Park Police; Joseph G. Block, general counsel to the minority; Ruth Y. Watt, chief clerk; and Mary Donohue, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of reconvening: Senator Nunn.]

[The letter of authority follows:]

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,  
*Washington, D.C.*

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open hearings without a quorum of two members for the administration of oaths and taking testimony in connection with Organized Crime/Law Enforcement on Thursday, August 9, 1978.

HENRY M. JACKSON,  
*Chairman.*

CHARLES H. PERCY,  
*Ranking Minority Member.*

#### OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. The Permanent Subcommittee on Investigations today will receive testimony from Gary Bowdach on his firsthand knowledge of the events within the Atlanta Penitentiary during more than 5 years he spent there between 1971 and the fall of 1977.

Mr. Bowdach was incarcerated at the penitentiary because of his conviction and 15-year sentence for loan-sharking and a subsequent conviction and sentencing for possession of firearms by a convicted felon.

In the penitentiary, he associated with persons he had learned about in south Florida or with persons who had mutual relationships with individuals on the outside.

We will ask Mr. Bowdach about his knowledge of contract murders. We will ask him about the capability of organized crime figures within the institution to order the executions of certain men.

We will ask Mr. Bowdach to discuss his own involvement in narcotics trafficking within the penitentiary. We will ask him of other contraband operations in which he was engaged and which he knew about.

Finally, we will ask him to name the employees of the Atlanta Penitentiary who aided him and others in these operations.

I believe it will become clearer at the end of today's hearing as to the capabilities of organized crime within the prison society.

The purpose of our hearings today is to determine the nature and the extent to which illegal activities can take place within an institution maintained by the Bureau of Prisons. Given the type of persons that comprise an inmate population, it is no doubt impossible to maintain an atmosphere free from fear, retribution, and illegal activities.

On the other hand, we must seriously question whether the Bureau of Prisons is doing all that it can to assure that all of our Federal institutions are operated as efficiently as possible.

Before we begin today, I would like to state for the record that the subcommittee staff has been working with the Bureau of Prisons throughout this inquiry and we will continue to do so.

The Bureau of Prisons staff is cooperating completely with the subcommittee and has been made aware of the information on the U.S. penitentiary in Atlanta as we have developed it. We will continue to share any additional information we receive or develop with the Bureau of Prisons and the appropriate authorities in the executive branch.

At this stage, I think everybody in the news media that was here last week understands that the subcommittee, pursuant to the witness' request and also the advice of the Justice Department have asked that all cameras be removed from their normal position, and turned away from the witness as he enters the room.

So I will ask all of you to do that at this time. He will enter the room and then I will have another brief statement to make about the hearings this morning.

The Marshal's Service will please advise us when they want the witness to enter the room. The witness may enter the room.

Ready for the cameras? The cameras may resume their normal position.

I am going to make a brief statement about one of the particular murders that we had planned to discuss when these hearings opened. I want to give you some of the details of our reasoning on that particular planned testimony.

Mr. Bowdach, I would like for you to listen intently to this also because, if we get into any questions on this subject, I will certainly want you to respect and abide by the decision of the subcommittee in this regard.

[At this point Senator Percy entered the hearing room.]

Senator NUNN. In a recent executive session of the subcommittee, Gary Bowdach provided detailed testimony concerning events that led up to the murder of Vincent C. Papa at the U.S. penitentiary in Atlanta on July 26, 1977.

Mr. Papa was serving a 10-year sentence that resulted from his conviction on a narcotics conspiracy charge. He is alleged to have been a major figure involved in the theft of 398 pounds of heroin in 1972 from the property room of the New York City Police Department. The matter is better known as the "French Connection" case.

Mr. Bowdach was an inmate at Atlanta at the time and is personally knowledgeable of how certain inmates suspected Papa was an informant and how this eventually led to his murder. He has described in executive session how this murder was ordered and paid for by important organized crime figures inside the penitentiary.

He has described how the approval of a major organized crime figure had to be obtained before the contract could be put out. He has described his role in smuggling the money into the prison for payment to the contract killers, employing a prison guard who did not know how the money was to be used.

In other words, he has described the kind of role organized crime plays inside prison walls. They even approve and finance executions.

The Permanent Subcommittee on Investigations considered this case to be important, and to place it into the record of these hearings, because testimony relating to it demonstrates the role organized crime can play within an institution, even to the point of ordering and financing executions.

The Papa murder has been under investigation by the Justice Department and a Federal grand jury for many months now. We have had extensive discussions with the Department and the prosecutors in the case, and have been informed that they believe that indictments are imminent.

The Department feels that any public testimony now concerning the details of this killing could well impair the successful prosecution of the people involved.

[At this point Senator Chiles entered the hearing room.]

Senator NUNN. Given the imminence of the indictments in this case, in accordance with what we have been advised by the Department of Justice and the need to protect the Government's case and the rights of the prospective defendants, the subcommittee will not take up this matter at this time.

In other words, the subcommittee is deferring to the judgment of the Department of Justice at this time.

However, I do want to say this. The subcommittee has the authority to examine matters notwithstanding the fact that they might be the subject of investigations in the executive branch.



Historically, the subcommittee has felt free to move ahead with its own inquiries and we will also feel that way in the future. As a general rule, the subcommittee proceeds very cautiously after indictments are returned. On occasion, we have deferred to the executive branch in situations such as this one.

Again, I think the role of organized crime figures and organized crime families within our prisons is a matter the public has a right to know about. We will be following developments in this case very closely, and we reserve the right to recall Mr. Bowdach before the subcommittee again if the anticipated indictments of the individuals known to the subcommittee to have been involved in the murder itself and the conspiracy to kill Vincent Papa are not returned.

#### OPENING STATEMENT OF SENATOR PERCY

Senator PERCY. Mr. Chairman, I would like to indicate first that I have reviewed the facts involved in the situation which will not be brought before this subcommittee this morning.

I concur completely that the cooperation of the Justice Department with the subcommittee throughout the previous months has been complete, that taking into account assurances given to us that there will be swift action in this matter, it would be inappropriate at this time for the subcommittee to question Mr. Bowdach about that particular situation.

But I do feel that it would be advisable, and in the public interest, for those facts to be fully brought out, if they are not carried forward in the manner that we have a right to expect.

Last week, Gary Bowdach testified before this subcommittee about loan-sharking, arson, narcotics trafficking, and murder. He spoke of men organized to defy the laws of this Nation. He spoke of the violence and intimidation that is always the bottom line of organized crime's operations. He spoke of the war on crime we are fighting and losing, in which our front line troops are outmanned and often outsmarted.

I just returned from Chicago this morning. Chicago, a leading city in many respects, unfortunately, is leading also in its losing war on crime.

We simply have not been able to adequately respond to the onslaught of criminal activities. Certainly, the testimony is being given to us in this series of hearings will be valuable to us in learning what we can do about crime as it affects the average citizen, and also what can we do about crime as it affects our own prison system.

Mr. Bowdach, you will be testifying today about the Atlanta Federal Penitentiary. However, I am well aware of the problems that we have in Illinois in our own State penitentiary in Pontiac, and I will be looking to have as much guidance as I can about what we can do about that situation.

Today, your testimony, much of which has been heard in executive session, will make it clear that sending members of organized crime to prison does not put a halt to the crime, the violence, or the killings. Indeed, organized crime seems to function almost as efficiently inside prison walls as it does on the street—and the price for a "hit" on the inside is remarkably cheap.

After hearing from Mr. Bowdach, the idea of sending people to prison to "rehabilitate" them may seem little more than a cruel hoax.

The Atlanta Penitentiary is a mammoth and forbidding institution. It was built in 1902. In 1960, the Bureau of Prisons publicly announced that, due to overcrowding and antiquated facilities, Atlanta would be closed down by 1975. But instead it remains open for business.

If, as they have been characterized, prisons are nothing more than finishing schools for crime, the Federal penitentiary in Atlanta appears to offer a doctor of philosophy program second to none.

From November 1976 to April 1978, nine inmates were murdered in Atlanta. Mr. Bowdach will give us the grisly details of several of those killings. He will paint a startling picture of a thriving criminal community where whiskey, heroin, and weapons are plentiful, where some inmates are able to roam the institution almost at will, and where a few corrupt guards either join in the criminal activity or look the other way.

One out of every 500 Americans woke up this morning in a jail or prison. Every week 400 more persons enter our prisons than are discharged. Overcrowded and dilapidated facilities which are understaffed and underequipped are often the norm.

At Pontiac State Prison in Illinois, where just a few weeks ago a prison riot resulted in the deaths of 3 corrections officers and \$4 million in property damage; 2,000 men are jammed into cells designed to hold 600.

Conditions in prisons in Alabama, Arkansas, Rhode Island, and elsewhere are so bad that Federal judges have declared that putting a human being in those institutions is cruel and unusual punishment.

We don't owe convicted felons a resort or a country club. But we do owe them a safe, decent place where those who earnestly desire it can involve themselves in educational programs or vocational training which will give them a chance to make it when they are released.

As Chief Justice Warren Burger put it:

Playing cards, watching television, or an occasional movie with nothing more, is building up to an expensive accounting when these men are released—if not before.

Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to reenter.

And our inability to cope with this problem imposes a cost upon society today that is growing in proportions that are just totally unacceptable.

Gary Bowdach supplies us with an insider's view of the crime and corruption that is part of the daily life of one of our largest Federal penitentiaries. His testimony will not be reassuring, but it will alert us to the fact that there are no walls too high nor iron bars too strong to prevent organized crime from reaching in and working its violent ways.

Senator NUNN. Thank you, Senator Percy, for that excellent statement.

Mr. Bowdach, you realize that you are still under oath before this subcommittee, that your oath was to testify truthfully and

that you will so testify, that it is your obligation. Do you understand that?

**TESTIMONY OF GARY BOWDACH—Resumed**

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you understand clearly the chairman's instruction on the testimony relating to the Papa murder, which has been joined in by the ranking minority member.

Mr. BOWDACH. Yes, sir.

Senator NUNN. I would ask you, if we ask any questions, if any of the Senators ask any questions that would lead you to comment in detail about any of the facts regarding that particular murder, if you will simply inform us so that we could withdraw that question, we would appreciate it.

Mr. BOWDACH. Yes, sir.

Senator NUNN. At this stage, I think you have a short prepared statement this morning, do you not?

Mr. BOWDACH. Yes, Mr. Chairman, I do.

Before we commence this morning, I would like to respond to certain statements that were made by various individuals who I have named in my testimony. I would like first to say that it should be very clearly understood that when I refer to various ethnic groups I am talking only about the hoodlum element of these groups.

I can say with absolute certainty that the good, honest American citizens who are of the same ethnic background are more than happy to see these hoodlums exposed.

Second, Mr. Chairman, I would like just a moment to respond to certain articles which have appeared in the news media quoting various people that have been mentioned concerning my credibility.

All I would like to say in regard to that is why don't these same people address themselves before this panel under oath and subject themselves to be questioned in the same manner I have been under the penalties of perjury?

Thank you, Mr. Chairman. I will now continue with my statement in regard to the Atlanta Penitentiary.

Mr. Chairman, members of the subcommittee, I was incarcerated in the U.S. penitentiary in Atlanta on two separate occasions. The first was from June 1971 through November 1973, at which time I was released on an appeal bond and returned to Florida through the end of 1974.

In January 1975, after my appeal bond had been revoked, I was returned to Atlanta where I remained until I became a cooperating witness in the fall of 1977.

During my first period of incarceration in Atlanta, from June 1971 through November 1973, I was closely associated and aligned with Vincent Alo, "Jimmy Blue Eyes." Alo is a close associate of Meyer Lansky. I maintained my alliance with "Jimmy Blue Eyes" throughout the 2 years we were both at U.S. penitentiary in Atlanta.

In my second period of incarceration in Atlanta, from January 1975 until I became a cooperating witness in the fall of 1977, I was closely associated with and aligned with Herbert Sperling, an im-

portant nonmember associate of the New York Genovese crime family. While working for Mr. Sperling in the Atlanta penitentiary we would smuggle contraband into the institution on a regular basis, as well as narcotics, which I would give to others to distribute.

I am prepared today to share with you information with regard to how I was able to smuggle contraband and narcotics into the institution. I am also prepared to name the employees at the institution with respect to whom I have any knowledge of activities they performed for and on behalf of inmates.

Immediately prior to becoming a cooperating witness in the fall of 1977, I had a role in a contract murder of an inmate in the institution. This murder is the subject of an active investigation by the U.S. attorney's office in Atlanta, with whom I first began my cooperation.

In addition to this homicide, and as a result of my incarceration, I have information which I am willing to share with the subcommittee this morning on five additional homicides and one planned homicide which was not executed.

Senator NUNN. Thank you very much, Mr. Bowdach. I believe you said you were first incarcerated in Atlanta Penitentiary in June 1971?

Mr. BOWDACH. That is correct.

Senator NUNN. How long did you stay during that first incarceration?

Mr. BOWDACH. Until November 1973.

Senator NUNN. November 1973?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Then when did you return to the Atlanta Penitentiary?

Mr. BOWDACH. January 12, 1975.

Senator NUNN. And the events you related last week that took place in Florida in the 1970's were in this interim period between your two periods of incarceration in Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Last week we were discussing the disappearance of Phil Kovolick who at one time was your rabbi. Is that correct? We used the word "rabbi" as you used it last week.

Mr. BOWDACH. Yes, sir. That is correct.

Senator NUNN. You were associated with Phil Kovolick in loan-sharking operations in south Florida?

Mr. BOWDACH. Yes, sir. That is correct.

Senator NUNN. Were you concerned that your safety might be jeopardized in the Atlanta Penitentiary as a result of the suspicion that you murdered Phil Kovolick?

Mr. BOWDACH. Yes, sir. I was.

Senator NUNN. Did you contact anyone in the Atlanta Penitentiary in hopes of avoiding a confrontation over the issue?

Mr. BOWDACH. Yes. I contacted Mr. Vincent Alo.

Senator NUNN. Did you tell Mr. Alo that you did not kill Phil Kovolick?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Tell us about that. What was his reaction and what was your statement to him?

Mr. BOWDACH. I knew Mr. Alo to be a close associate of Meyer Lansky and since Mr. Kovolick was a close personal friend of Meyer Lansky, I felt that Mr. Alo would intercede on my behalf with Meyer because the newspapers had reported that I had been responsible for the disappearance of Kovolick.

Senator NUNN. What was Jimmy Blue Eyes' response to your statement to him?

Mr. BOWDACH. That he would intercede in my behalf.

Senator NUNN. Did he believe you that you had not murdered Phil Kovolick?

Mr. BOWDACH. Yes. He did.

Senator NUNN. How did you persuade him that you had not?

Mr. BOWDACH. He seemed to have had an intelligence report prior to my arriving in the Atlanta Penitentiary, so when I had come to him relating to him what had happened and what I believed may have happened, he seemed to be pretty well aware of the situation prior to my getting there.

Senator NUNN. Did you know of Jimmy Blue Eyes' association with organized crime?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When you went to the Atlanta Penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. What part of the organized crime family was he a member of?

Mr. BOWDACH. Mr. Alo was a captain in the late Genovese crime family.

Senator NUNN. Did he, in fact, intervene on your behalf in protecting you on the Phil Kovolick matter?

Mr. BOWDACH. Yes. He advised me that everything would be all right and he believed me when I told him I knew nothing about the Kovolick disappearance.

Senator NUNN. Did this give you a sense of belief?

Mr. BOWDACH. Partial.

Senator NUNN. Did you believe him?

Mr. BOWDACH. To a degree.

Senator NUNN. Not completely.

Mr. BOWDACH. No, sir.

Senator NUNN. Did you become associated with Jimmy Blue Eyes while you were in the Atlanta Penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. How would you describe that relationship?

Mr. BOWDACH. Since he was a captain in the same crime family that I was associated with, I was obligated to perform just about any task that he desired which included running errands for him, carrying messages to and from other organized crime figures.

Senator NUNN. Was this because of your association in the family or because he was acting sort of as your protector relating to the Kovolick murder?

Mr. BOWDACH. No, sir. He was the elder statesman in the same family that I was a nonmember associate of.

Senator NUNN. Where is Jimmy Blue Eyes now?

Mr. BOWDACH. As far as I know, he is on the street.

Senator NUNN. He is out of the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you perform any illegal activities with or on behalf of Jimmy Blue Eyes while you were in the Atlanta Penitentiary?

Mr. BOWDACH. No, sir.

Senator NUNN. Mr. Bowdach, when you were returned to the Atlanta Penitentiary in late 1974 or early 1975, did you become associated with an individual known as Herbert Sperling?

Mr. BOWDACH. Mr. Chairman, I had met Herbert Sperling just prior to my release in 1973 and knew that he was closely aligned with the late Genovese family.

Senator NUNN. Was this the same crime family that Jimmy Blue Eyes was associated with?

Mr. BOWDACH. That Jimmy Blue Eyes was a member of.

Senator NUNN. Were Sperling and Jimmy Blue Eyes associates, or friends, or how would you describe their relationship?

Mr. BOWDACH. They had about the same relationship that I had with Jimmy Blue Eyes.

Senator NUNN. When did you first meet Mr. Sperling? That was in 1973?

Mr. BOWDACH. Just prior to my release.

Senator NUNN. When did you next meet Sperling?

Mr. BOWDACH. Upon my return to the penitentiary in 1975.

Senator NUNN. Had he been there during that interim period of time?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, what was your relationship with Herbert Sperling in the penitentiary? Would you describe that relationship for us?

Mr. BOWDACH. It was a usual type relationship, Mr. Chairman. He knew who I was and I knew who he was, knew we had mutual ties through our associations on the street.

Senator NUNN. Did you work together?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was he in an employer relationship with you? Was he your boss, were you his boss; how would you describe that kind of relationship?

Mr. BOWDACH. He was a higher status than I was.

Senator NUNN. Mr. Bowdach, there had been a series of homicides in the Atlanta Penitentiary over the last several years. We have already heard some executive session testimony from you in regard to some of these homicides and you have discussed them also with the subcommittee staff.

I want to ask you a series of questions about these particular homicides. Did you know a man by the name of Bones Ratcliff?

Mr. BOWDACH. Yes, sir. I did.

Senator NUNN. When did you first meet him?

Mr. BOWDACH. During my first period of incarceration in Atlanta.

Senator NUNN. Did he get killed in the Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir. He did.

Senator NUNN. Were you there when he was killed?

Mr. BOWDACH. No, sir.

Senator NUNN. Where were you?

Mr. BOWDACH. I was on appeal bond.

Senator NUNN. Out of the penitentiary at that time?

Mr. BOWDACH. Yes.

Senator NUNN. What do you know about that particular murder?

Mr. BOWDACH. I know that Charles Roberts killed him under a contract from Harry Hall.

Senator NUNN. Charles Roberts?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Under a contract from Harry Hall?

Mr. BOWDACH. Yes.

Senator NUNN. Tell us who Charles Roberts is?

Mr. BOWDACH. Charles Roberts is known as "Jive." He is now in the U.S. penitentiary in Marion. I believe he is serving a 20-year sentence for bank robbery and has a detainer in the State of Texas upon release. He just did receive an additional 8-year consecutive sentence for possession of a knife.

Senator NUNN. He is the one who actually killed Bones Ratcliff?

Mr. BOWDACH. Yes, sir. He degutted him.

Senator NUNN. He did what?

Mr. BOWDACH. Degutted him.

Senator NUNN. Who ordered him to do so?

Mr. BOWDACH. Harry Hall.

Senator NUNN. Who is Harry Hall?

Mr. BOWDACH. Harry Hall was a bank robber serving 25 years in the U.S. penitentiary who was given parole by the U.S. Parole Commission the first time he was up for parole.

Senator NUNN. He is out on parole now?

Mr. BOWDACH. Yes, sir. He is.

Senator NUNN. When was he released on parole?

Mr. BOWDACH. To the best of my recollection, sir, I would say 1976, or early 1977.

Senator NUNN. Why did Harry Hall want to kill Bones Ratcliff?

Mr. BOWDACH. There was a narcotics transaction and Ratcliff beat Hall on the transaction.

Senator NUNN. Ratcliff?

Mr. BOWDACH. He beat him on the dope transaction.

Senator NUNN. What do you mean by beat him?

Mr. BOWDACH. There was narcotics involved and it was basically sugar.

Senator NUNN. In other words, Ratcliff had sold Harry Hall narcotics that turned out not to be good stuff. Is that right?

Mr. BOWDACH. That is correct.

Senator NUNN. How much was paid for this killing?

Mr. BOWDACH. \$500.

Senator NUNN. Who paid who?

Mr. BOWDACH. Harry Hall paid Charles Roberts.

Senator NUNN. How did Charles Roberts kill Bones Ratcliff?

Mr. BOWDACH. He degutted him with a knife in the prison industry building.

Senator NUNN. Was anybody else present?

Mr. BOWDACH. I don't know.

Senator NUNN. How do you know about this?

Mr. BOWDACH. Charles Roberts related the incident to me.

Senator NUNN. Charles Roberts directly told you?

Mr. BOWDACH. Yes.

Senator NUNN. Did he tell anyone else that you know of? Was anyone else present when he told you?

Mr. BOWDACH. He told a man named Roy Lacey.

Senator NUNN. Why did he tell you this?

Mr. BOWDACH. Roberts and I were pretty closely associated.

Senator NUNN. When did the killing supposedly occur? Do you know?

Mr. BOWDACH. Sometime during 1974.

Senator NUNN. When did Charles Roberts tell you about it?

Mr. BOWDACH. When I got back in 1975.

Senator NUNN. It was over a year later when you learned about it?

Mr. BOWDACH. Yes.

Senator NUNN. How much was Charles Roberts paid?

Mr. BOWDACH. \$500.

Senator NUNN. Do you know how he got the cash?

Mr. BOWDACH. Harry Hall.

Senator NUNN. Directly paid him?

Mr. BOWDACH. Yes.

Senator NUNN. Within the penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. How do you know that?

Mr. BOWDACH. Charles Roberts told me.

Senator NUNN. Has anyone else ever been indicted for this murder?

Mr. BOWDACH. No, sir.

Senator NUNN. Do you know or did you know a man by the name of Eddie Odum?

Mr. BOWDACH. Yes.

Senator NUNN. When did you first meet him?

Mr. BOWDACH. During my first period of incarceration.

Senator NUNN. In the 1971-73 time frame?

Mr. BOWDACH. Yes.

Senator NUNN. What happened to Eddie Odum?

Mr. BOWDACH. Eddie Odum is now on death row in Florida State Prison.

Senator NUNN. Do you know anything about a contract put out to murder Eddie Odum?

Mr. BOWDACH. Yes.

Senator NUNN. Who put out that contract?

Mr. BOWDACH. Harry Hall.

Senator NUNN. The same Harry Hall that put out the contract on Bones Ratcliff?

Mr. BOWDACH. That is right.

Senator NUNN. Why did he want to murder Eddie Odum?

Mr. BOWDACH. Eddie Odum owed him money for narcotics and he didn't want to pay him.

Senator NUNN. Same kind of transaction?

Mr. BOWDACH. No. This was different, Mr. Chairman. Eddie Odum was a dope addict who was purchasing narcotics on credit and couldn't pay the bills.

Senator NUNN. So Eddie Odum would not or could not pay the bill to Harry Hall and he put out a contract on him?

Mr. BOWDACH. Yes.



Senator NUNN. How much did he pay for this murder?

Mr. BOWDACH. The murder didn't happen.

Senator NUNN. I know it didn't happen, but how much did he pay for it?

Mr. BOWDACH. \$500.

Senator NUNN. Who did he pay it to?

Mr. BOWDACH. Charles Roberts.

Senator NUNN. How do you know this?

Mr. BOWDACH. Charles Roberts told me.

Senator NUNN. Was that during the same period of time he told you about the Ratcliff murder?

Mr. BOWDACH. I believe it was the same time or it was right after that, sir. I believe Mr. Roy Lacey was present when that conversation went down.

Senator NUNN. When both conversations were held?

Mr. BOWDACH. Yes. We all lived in the same block, in the same cell house. So we would all be sitting in the cell talking.

Senator NUNN. Why was Eddie Odum not killed?

Mr. BOWDACH. He got released before the murder could go down.

Senator NUNN. He got released from the penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. Where is he now?

Mr. BOWDACH. Death row, Florida State Prison.

Senator NUNN. For what kind of crime?

Mr. BOWDACH. Murder.

Senator NUNN. Did the murder occur after he left the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Has anybody ever been convicted or charged with the conspiracy to murder Eddie Odum?

Mr. BOWDACH. No, sir.

Senator NUNN. Was Harry Hall a major narcotics dealer in the Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know or did you know Frankie Klien?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When did you first meet Frankie Klien?

Mr. BOWDACH. My second period of incarceration.

Senator NUNN. What happened to Frankie Klien?

Mr. BOWDACH. He was decapitated.

Senator NUNN. He was decapitated?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When did this occur?

Mr. BOWDACH. In the fall of 1975.

Senator NUNN. Who killed Frankie Klien?

Mr. BOWDACH. Bobbie Meyers.

Senator NUNN. Bobbie Meyers?

Mr. BOWDACH. Bobbie Meyers is an inmate in the U.S. penitentiary at Atlanta, or was when I was there.

Senator NUNN. Do you know what has happened to him?

Mr. BOWDACH. He was placed in a hole for a short period of time on the suspicion for the murder and then was released for lack of evidence.

Senator NUNN. Under suspicion of this murder?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did he go about killing Frankie Klien?

Mr. BOWDACH. He lured Frankie Klien into the prison industries building on a weekend when the building was locked, got him into the elevator and he cut his head off.

Senator NUNN. Cut his head off with a knife?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why did he kill him?

Mr. BOWDACH. Klien had been a long-time associate of Meyers. As a matter of fact, years ago they did a sentence together in the State of New York. And they go back a long way. Klien sent him a note, a proposition of a homosexual love affair. And it took Meyers by surprise, because he had known the man for many, many years and never knew that he leaned toward that kind of sexual relationship. And he really flipped out over it and he killed him.

Senator NUNN. Did he kill him right after he got the note or was there a time gap?

Mr. BOWDACH. I believe it would have been some time soon after receiving the note. I can qualify that statement, Mr. Chairman. During the period when that murder went down, I was in the MCC in New York, Southern District of New York on a writ to appear in a trial up there.

There was no word of this in the penitentiary when I left. We came back about 5 weeks later and the murder had already gone down.

Senator NUNN. The murder had already what?

Mr. BOWDACH. Had gone down.

Senator NUNN. You mean by gone down, had occurred?

Mr. BOWDACH. Yes, sir. I use my own terminology. So when we left, there was no word about any problem between Klien and Meyers or Klien or anybody else. As a matter of fact, Klien was pretty well liked in the institution. He was jailhouse lawyer; he helped a lot of people in there. So I wasn't there when it happened and within a period of 5 weeks I knew of the murder.

Senator NUNN. How do you know about this murder?

Mr. BOWDACH. Told by Bobbie Meyers.

Senator NUNN. The man who did the killing?

Mr. BOWDACH. Yes.

Senator NUNN. He told you he did it?

Mr. BOWDACH. Yes.

Senator NUNN. What did he say about it?

Mr. BOWDACH. What happened, after the murder occurred. Three individuals were locked up for the murder: Bobbie Barefield, Charles Roberts, and Roy Lacey. They were locked up for the murder and the institution disciplinary committee found them guilty of the murder. They held them in segregation for a period of 9 months, after which time they released them.

When I had come back from New York on the writ, I was concerned because Lacey was a very good friend of mine and I was concerned because I didn't feel he could be involved in something like this. I made inquiries about it. The inquiries led me to Bobbie Meyers.

When I was talking to him, he broke down in tears, because he was really upset that he had to kill his friend, Frankie Klien, but he felt he had no other choice.

Senator NUNN. He had a sense of remorse about it?

Mr. BOWDACH. Yes, sir. He was going around telling everybody that he felt bad for those guys that were locked up and he was going to go to the authorities and tell them that it was not them, that it was him.

People talked him out of it, but he had told approximately a dozen inmates that he had killed Frankie Klien.

Senator NUNN. Did anybody ever get tried for this murder?

Mr. BOWDACH. No, sir.

Senator NUNN. What happened to the three that were locked up, charged with the murder?

Mr. BOWDACH. They were released.

Senator NUNN. Nobody was ever prosecuted?

Mr. BOWDACH. No.

Senator NUNN. Including Bobbie Meyers?

Mr. BOWDACH. That is correct.

Senator NUNN. Where is Bobbie Meyers now?

Mr. BOWDACH. When I left Atlanta, he was still there.

Senator NUNN. What was he serving the sentence for?

Mr. BOWDACH. I am not quite sure. I know he was eligible for parole. He was going up for parole.

Senator NUNN. Mr. Bowdach, did you know a man by the name of Ronald Bell?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What happened to Ronald Bell?

Mr. BOWDACH. He was burned to death in his cell.

Senator NUNN. Burned to death in his cell?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When did this occur?

Mr. BOWDACH. It was around the wintertime of 1976.

Senator NUNN. Winter of 1976?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Were you in the Atlanta Penitentiary at that time?

Mr. BOWDACH. Yes.

Senator NUNN. Who killed Ronald Bell?

Mr. BOWDACH. Inmate named Payton. The first name is unknown to me. The last name is P-a-y-t-o-n.

Senator NUNN. P-a-y-t-o-n?

Mr. BOWDACH. Yes.

Senator NUNN. Did you know Mr. Payton?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You knew him personally?

Mr. BOWDACH. I knew him to say hello to him.

Senator NUNN. Why did he kill Ronald Bell?

Mr. BOWDACH. Bell had committed an armed robbery on Payton, robbed him of his narcotics.

Senator NUNN. Outside the penitentiary or inside?

Mr. BOWDACH. No, sir, inside.

Senator NUNN. He had robbed him within the penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. You said armed robbery. What kind of weapon did he have?

Mr. BOWDACH. Knife.

Senator NUNN. How did Mr. Bell get killed?

[At this point Senator Percy withdrew from the hearing room.]

Mr. BOWDACH. Approximately 6:30 in the morning when the doors opened, he was doused with a paint thinner.

Senator NUNN. Paint thinner?

Mr. BOWDACH. Yes, sir. He was ignited. Prior to the dousing—let me back up a second and try to give you a picture.

Senator NUNN. Take your time.

Mr. BOWDACH. Every range in the cellblock has a lockbox at the end of it. This lockbox is opened and closed by the officer on duty in that block.

When they open that door in the morning, to pull the brake, which releases all the doors, they are supposed to lock that box back up so nobody can throw the brake back to lock any of the doors. Up until the Bell murder—

Senator NUNN. Let me ask you one question. Do they unlock all the doors at one time or are they done block by block, individually?

Mr. BOWDACH. Range by range. At 6:30 in the morning, the officer would open the lockboxes, throw the brake. He is supposed to lock that lockbox back up, go to the next lockbox, open that, throw the brake, lock that back up, work his way up and down.

The standard procedure in the penitentiary to lock these boxes, after the doors are opened, so no one may lock any other inmate in the cell; they started enforcing the locking of these boxes again after Ronald Bell was burned to death in his cell.

While he was locked in his cell, he was doused with this paint thinner and he was ignited. When he went to get out of his cell, apparently to, I assume, run to the shower, turn on water to douse the flames, he couldn't get out of his cell. The first officer on the scene that morning was Billie Hodges, who is now a correctional lieutenant in Terre Haute, Ind.

He tried to open the door, he couldn't get the door open. By the time he got down to the end to throw the brake and got back to get Bell out, Bell had just about melted.

Senator NUNN. How did Mr. Payton lock the door after it had been opened? I am not sure I followed you there. He doused him while he was still there, after the door had closed again. Is that right?

Mr. BOWDACH. When they throw that brake at the end of the range, the doors don't open first, but you can open it manually by yourself. You release the lock mechanism that holds the door shut.

Senator NUNN. Can it be opened from only the outside or can it be opened from the inside?

Mr. BOWDACH. No, just slide it open.

Senator NUNN. Either someone in the cell or outside of the cell could have opened the door?

Mr. BOWDACH. Yes.

Senator NUNN. Once that major release is taken off?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did Payton go about locking Bell in the cell?

Mr. BOWDACH. Because of the fact that the officer neglected to lock the box back up at the end of the range which controls the locking mechanism, all he had to do was walk down to the end of the range, throw the bar. That bar lowers all the locks, which grasps onto the door.

Now we walk down the range, that door is locked. He can't get out.

Senator NUNN. So what happened after the major release is made, Payton came out of his cell?

Mr. BOWDACH. Yes.

Senator NUNN. Bell was still in his cell?

Mr. BOWDACH. Bell was sleeping.

Senator NUNN. Payton walks down, throws the major lock, to lock them all again?

Mr. BOWDACH. When he does that, he locks all the doors that are not opened, all the doors that are closed on that range, automatically lock again. The ones that are open are not locked.

Senator NUNN. So he left his cell, went out and threw the switch, locked Bell back in his cell, threw paint thinner on him and ignited him?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What guard was it that neglected to put the safety lock on it?

[At this point Senator Percy entered the hearing room.]

Mr. BOWDACH. They weren't locking any boxes in that whole institution prior to that, even though it is in their post orders. Each post has orders that these officers have to comply with.

Senator NUNN. So nobody was doing that?

Mr. BOWDACH. No, sir.

Senator NUNN. Until Bell was ignited in his cell?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What has happened to Mr. Payton?

Mr. BOWDACH. Mr. Payton was subsequently piped because he killed Bell. He was piped by an individual named Jay Gould.

Senator NUNN. What do you mean by piped?

Mr. BOWDACH. With a pipe.

Senator NUNN. Was he killed?

Mr. BOWDACH. No, sir.

Senator NUNN. He was beaten?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who is Jay Gould?

Mr. BOWDACH. Jay Gould is a friend of Ronald Bell. So in retaliation, he got Payton, but Payton survived his wounds. Payton was subsequently tried for this murder in the U.S. District Court for the Northern District of Georgia and he was acquitted.

Senator NUNN. So he was tried for the Bell murder but acquitted?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you know Payton did this?

Mr. BOWDACH. I was told by Mr. Victor Panica and Mr. Vincent Pacelli, Jr., who live in their block and saw what went on.

Senator NUNN. You were told by people who directly saw it?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Are they still in the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, do you know John Widener?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Were you in the Atlanta Penitentiary when he was murdered?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What happened to him?

Mr. BOWDACH. He was hatcheted to death.

Senator NUNN. By who?

Mr. BOWDACH. A fellow by the name of, I know him by his nickname, Butch.

Senator NUNN. Is that all you know, his name was Butch?

Mr. BOWDACH. Butch is locked up right now for that murder. He was out of the District of Columbia, serving a 5-year sentence.

Senator NUNN. When did this murder occur?

Mr. BOWDACH. 1977.

Senator NUNN. Why did Butch kill John Widener?

Mr. BOWDACH. Also over narcotic transaction.

Senator NUNN. Was it similar to the ones that you have already related, that Butch thinks he has been cheated, or something of that nature?

Mr. BOWDACH. He had bought dope from J.C. That was Widener's nickname, J.C., and the dope was bad dope.

Senator NUNN. So Butch killed him?

Mr. BOWDACH. Yes.

Senator NUNN. How did he kill him?

Mr. BOWDACH. Chopped him to death with a hatchet.

Senator NUNN. Where?

Mr. BOWDACH. On the ramp heading down to the recreational area.

Senator NUNN. Where would he have gotten a hatchet?

Mr. BOWDACH. Where would he have gotten it? In the prison.

Senator NUNN. Is this common for people in prison to carry around knives and hatchets and paint thinner and that kind of thing?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Pretty heavily armed population. Is that right?

Mr. BOWDACH. Everybody is armed there, except the guards. [Laughter.]

Senator NUNN. You mean everybody in the penitentiary has got some kind of weapon except the guards who are responsible for the order in the institution. Is that right?

Mr. BOWDACH. Mr. Chairman, you can get knives, hatchets, swords, guns, anything you want.

Senator NUNN. Anything you want in the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, the murder of William Zambito has received a good deal of notoriety since he was stabbed to death on March 28, 1978.

Did you know Mr. Zambito?

Mr. BOWDACH. No, sir.

Senator NUNN. You never met him?

Mr. BOWDACH. No, sir.

Senator NUNN. What do you know about Zambito?

Mr. BOWDACH. He was stabbed to death on the morning following his arrival at the U.S. penitentiary in Atlanta.

Senator NUNN. What is the source of your information? Reading the papers, reading about it? How do you know that?

Mr. BOWDACH. I had a conversation with the eyeball witness of the murder.

Senator NUNN. You had a conversation with the man who witnessed the murder?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I am not going to ask you to identify that person at this time.

Did Mr. Zambito have any enemies when he went to the Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know who they might have been?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who were his enemies?

Mr. BOWDACH. Mr. Allen Benton.

Senator NUNN. Why was Mr. Benton an enemy of Mr. Zambito?

Mr. BOWDACH. Mr. Zambito had testified against him and was the person responsible for Mr. Benton being in the Atlanta Penitentiary.

Senator NUNN. Was Mr. Benton in the penitentiary when Mr. Zambito was placed there?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know Mr. Benton?

Mr. BOWDACH. No.

Senator NUNN. You were not at the penitentiary when Zambito was murdered?

Mr. BOWDACH. That is correct.

Senator NUNN. You never met Mr. Benton?

Mr. BOWDACH. No, sir.

Senator NUNN. How do you know about this? Did you just know Benton was put in the prison because of Zambito's testimony? Is that common knowledge?

Mr. BOWDACH. I know the whole case, Mr. Chairman, who was involved in the case, how much time they got, what they got it for. I know the people; we are beginning to get into a sensitive area that I wouldn't want to enter.

Senator NUNN. This is still a pending case?

Mr. BOWDACH. Yes.

Senator NUNN. Do you know of anyone else who had any kind of motive for killing Mr. Zambito?

Mr. BOWDACH. Not clearcut motivation; no, sir, but it was common knowledge that Mr. Zambito had testified for the Government.

Senator NUNN. It was common knowledge that he had been an informer?

Mr. BOWDACH. Yes.

Senator NUNN. Why was he placed in the Atlanta Penitentiary under these conditions?

Mr. BOWDACH. To silence him.

Senator NUNN. You mean you think it was done intentionally?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you have any reason to believe this? Is this just a supposition?

Mr. BOWDACH. I got reason to believe it, sir.

Senator NUNN. What is that reason? If you think this—I will leave this up to you now.

Mr. BOWDACH. Mr. Chairman, there is pending an investigation right now of an extremely sensitive nature, that is being presented to the Florida statewide grand jury. To date, it has been, and the people that are involved, there has been one suicide and one resignation by the people involved in this. And I am not at liberty at this time to go into detail in that.

Senator NUNN. I will respect that and I will ask you no more questions on this.

Mr. Bowdach, I want to get into the contraband operations at the Atlanta Penitentiary, but first, let me ask you, do you know of any other homicide other than the Papa homicide that we have not discussed here today?

Do you have any firsthand knowledge of any others that occurred in the Atlanta Penitentiary?

Mr. BOWDACH. No, sir.

Senator NUNN. We have covered the extent of your knowledge about the homicides occurring there with the exception of the Papa case?

Mr. BOWDACH. Yes, sir.

Senator NUNN. And the details of the Zambito case?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, staff has advised me that as a result of the Ronald Bell murder in the penitentiary, Herbert Sperling and you became concerned about your exposure to a similar situation. Is that correct?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You were afraid you were going to also be killed?

Mr. BOWDACH. We didn't have any direct knowledge that would place us in the position where we would have taken offensive action, but as a precautionary measure, we did take some actions.

Senator NUNN. What kind of actions did you take to protect yourself and Mr. Sperling?

Mr. BOWDACH. First thing we did, we drove files through the wall of the cell into the door so that we can insert a steel pin which, when the brake was thrown to the open position, those doors were able to be opened by anybody that would come by. Our doors could not be opened because of that steel pin that was inserted through the wall into the door.

So we had a twofold thing there, that anybody coming in to try to attack us with a knife, they couldn't get in, and anybody trying to pull a burning job like Ronald Bell incident, we could get out very easily.

Senator NUNN. So you took steps to protect yourself?

Mr. BOWDACH. That was one incident, sir. We did more than that.

Senator NUNN. What else did you do?

Mr. BOWDACH. We had shelves made in the prison industries carpentry job, to replace the shelves that are standard in the cell. These are similar type shelves, the only difference being that the



insides of the shelves were hollowed out, in which we were able to secrete weapons.

Senator NUNN. What kind of weapons?

Mr. BOWDACH. Knives.

Senator NUNN. Where did you get the knives?

Mr. BOWDACH. Prison industries.

Senator NUNN. From the prison industries?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you work there?

Mr. BOWDACH. No, sir.

Senator NUNN. You just knew people who did. Is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, how is it that these kinds of murders would take place and all of these weapons can be placed in the penitentiary? What is it that could be done to prevent weapons from being all over the penitentiary and being possessed by everyone except guards?

Mr. BOWDACH. Mr. Chairman, the Atlanta Penitentiary is run like a country club. There is no accountability at all of the inmates there. A weapon is about as easy to get as a toothbrush.

Senator NUNN. As a what?

Mr. BOWDACH. As a toothbrush. You place your order, you pay the price, you get your weapons delivered to you. If you want handcuff keys, to facilitate an escape, they are as easy to get as the weapons.

The inmates are free to roam from 6:30 in the morning all the way into the evening hours.

Senator NUNN. Free to roam all over the prison you mean?

Mr. BOWDACH. Yes, sir. There is no accountability whatsoever.

Senator NUNN. Is that inevitable with that many prisoners in a prison? Could security be tightened even with the size prison you have in Atlanta?

Mr. BOWDACH. Mr. Chairman, I was in a prison in 1961 in New York, and I don't recall one problem, not a problem.

Senator NUNN. You don't recall?

Senator PERCY. Would you yield before we leave that very important question? It really wasn't answered. Is nothing done to protect against weapons in the prison? You can't go through an airport without going through a metal detecting system that is so sensitive that it can pick up car key rings.

Is there any effort made in the Atlanta prison to detect weapons knowing that there are lethal weapons of all kinds all over the prison? Do you know of any attempt by the prison authorities to go around with metal detectors to attempt to determine whether or not there are weapons hidden away in cells such as in the hollowed out wooden shelves?

Mr. BOWDACH. I don't believe you can do that in the cells in the Atlanta Penitentiary, because everything is metal, Senator Percy.

Senator PERCY. I understand that these are wooden shelves that are hollowed out and weapons secreted in them such as knives.

Mr. BOWDACH. But they are attached to metal brackets right on complete metal walls.

Senator PERCY. Technologically speaking, is there some way you can reduce weapons inside the prison cells, that might cut down the number of murders.

Is there any effort that you have seen to try to determine whether or not there are weapons secreted away in a way that would be perfectly logical as you have described?

Mr. BOWDACH. No, sir. I have never seen that. The administration is the last group of people to know where weapons are. They don't know. They don't know where they are located. They are not trained where to look.

Senator PERCY. You haven't seen the degree of vigilance that might be necessary to detect them inside the cells? Obviously, if they are on the person, if you have metal detectors around, and if you have to walk through a screening system such as we have at every airport then you could detect items such as a knife or fork taken from the dining room.

Mr. BOWDACH. That is not the kind of weapons these guys have. They have them this big.

Senator PERCY. Thank you, Mr. Chairman.

Senator NUNN. Mr. Bowdach, if you were the warden in the penitentiary in Atlanta, and if you could implement rules that were necessary, what could you do to prevent the kind of situation that you have described, the free flow of weapons throughout the penitentiary?

Mr. BOWDACH. Mr. Chairman, the first thing I would do is I would run the penitentiary like a penitentiary. It seems that from the pressure of civil rights groups, the administration has had a tendency to bow to this pressure and what has resulted has been they have gone too far and the inmates are running these penitentiaries now.

The guards are terrified of the inmates. There wouldn't be an occasion where a guard who chases an inmate when he has got a sword in his hand, because the inmate will turn around and kill the guard.

You catch a man with a knife, he is subject to 10 years additional time added to the sentence. But they don't get it. They don't prosecute.

Charles Roberts was the first man that I know of that was caught with a knife that received an additional 8 years sentence. I have seen numerous other people found with knives, placed in the hole, stayed there 2 weeks, 3 weeks, released.

Senator NUNN. So you are saying the first thing you would do, is, if any inmate is caught with a weapon, you would add time to the sentence?

Mr. BOWDACH. I couldn't add the time. I would certainly give the case to the U.S. attorney, because it would act as a deterrent, the man would think twice.

Senator NUNN. What else would you do?

Mr. BOWDACH. The major source of weaponry comes out of the shop areas, machine shops. In order to make weapons, you need grinders to sharpen these weapons. I would put an extremely heavy detail of officers in these areas and search all inmates thoroughly when they leave these areas.

They are still going to find ways of getting stuff out, because you have that constant flow in and out of the industry of merchandise. They can get it out that way.

Senator NUNN. What else would you suggest?

Mr. BOWDACH. I would close down prison industries.

Senator NUNN. You would close down prison industries?

Mr. BOWDACH. That is correct. I would close down the whole penitentiary. [Laughter.]

Senator NUNN. Because of the size of it?

Mr. BOWDACH. You can't control a place that big. You cannot control it.

Senator NUNN. You think there ought to be smaller prisons?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What about work in prisons? Do you think prisoners should be required to work?

Mr. BOWDACH. Definitely.

Senator NUNN. What kind of work if you don't have prison industries?

Mr. BOWDACH. We didn't have industries in New York.

Senator NUNN. What did you have in New York?

Mr. BOWDACH. A lot of shops, a lot of educational programs which we were required to participate in. It wasn't a voluntary type of thing. We were required. And we had a pass system. If you were assigned to the masonry shop, you had to be there 4 hours in the morning, and then in the afternoon you had to go to school for 4 hours. If you had to leave that shop area, to go upstairs for the hospital, the officer on duty in that shop would give you a pass. That pass would be dated, and the time you were leaving would be marked on that pass.

If it took you 4 minutes to get to that hospital and you got there in 10, you went to the hole and you didn't come out for 6 months. So when you came out, you walked a little faster.

Senator NUNN. So you are saying that the Atlanta Penitentiary is basically run like a country club?

Mr. BOWDACH. Definitely.

Senator NUNN. You are saying there is no deterrent for this kind of criminal behavior within the Atlanta Penitentiary?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. Mr. Bowdach, getting to the contraband operation, did you smuggle narcotics into the Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did you go about doing that?

Mr. BOWDACH. Through the visiting room.

Senator NUNN. Through the visiting room?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you describe how that operation worked for us?

Mr. BOWDACH. It could only be accomplished through the ignorance and the indifference of the officers that were on duty in the visiting room.

I would like to make it perfectly clear, Mr. Chairman, there are many dedicated men that work in that penitentiary. There are a few bad apples.

Senator NUNN. So the bad apples in terms of the prison guards and officials are the exception, not the rule?

Mr. BOWDACH. Yes, sir. I would get a visit, I would receive my narcotics in the visiting room. At the termination of my visit, I would be taken into what they call a shakedown room. I would have my narcotics in my pocket of my pants, with adhesive tape attached to it.

The officer that would be in there with me would usually have myself and one or two other inmates that he is going to shake all three of us down.

As soon as he turned his head, as soon as he blinks his eye, or gets distracted just momentarily, I take that dope and I tape it to the bottom of the chair that is in that room. I would strip myself completely naked. He checks my clothes thoroughly. He checks my body thoroughly. When he is done, he walks out of that room. We get dressed. As soon as I get dressed, I put my hand under the chair, take my dope, put it back in my pocket and I would walk out.

Senator NUNN. Did you do this very often?

Mr. BOWDACH. Yes.

Senator NUNN. How many times would you say you went through this transaction?

Mr. BOWDACH. It was a regular routine.

Senator NUNN. Once a week?

Mr. BOWDACH. Once a week, once every other week, depends on how business was going that week.

Senator NUNN. Did you sell narcotics in the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who bought the narcotics in from the outside? I am not necessarily asking for names, but what kind of individual? Is this somebody working for you? Is this a narcotics operation or just a friend?

Mr. BOWDACH. My wife.

Senator NUNN. Where was she getting the narcotics from?

Mr. BOWDACH. People on the outside.

Senator NUNN. How much did you get paid for the narcotics? Were you selling coke, selling marihuana, or were you selling heroin, or all of them?

Mr. BOWDACH. Heroin, pills, cocaine.

Senator NUNN. What was the price in the pen compared to on the street? Did you get a higher price in the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I suppose you basically were carrying on the narcotics operation within the penitentiary. Someone on the outside you were slipping money to. Is that right?

Mr. BOWDACH. Yes. I was selling narcotics. I never sold it personally. What I would do in order to keep the heat off myself, I would give it to another individual to sell, pay him 25 percent, he would give me the money, I would take the money out to the visiting room in my shoe, give it to my wife.

Senator NUNN. Was there any kind of check as to smuggling cash out of the penitentiary? Was there any way that they tried to prevent that?

Mr. BOWDACH. No, sir.

Senator NUNN. You would just hand it to her when she came to visit with you?

Mr. BOWDACH. Yes.

Senator NUNN. Did anyone share in the profits of your narcotics operation?

Mr. BOWDACH. Yes.

Senator NUNN. Who?

Mr. BOWDACH. Herbert Sperling.

Senator NUNN. What role did he play?

Mr. BOWDACH. I would give him the, depending on how much money my wife needed that week, I would give him a amount of dollars, out of my proceeds for his wife.

Senator NUNN. What did Sperling do to earn that money?

Mr. BOWDACH. Nothing.

Senator NUNN. Why did you give it to him?

Mr. BOWDACH. Because of the position that I stated before, he was superior to me, as far as status and we were under one roof. When one eats steak, we all eat steak. When one starves, all starved.

Senator NUNN. But basically he didn't work but he got part of the proceeds?

Mr. BOWDACH. Yes.

Senator NUNN. How much would he get?

Mr. BOWDACH. It would vary from week to week.

Senator NUNN. Say in a given week how much narcotics would you sell in an average week in the Atlanta Penitentiary in terms of dollars?

Mr. BOWDACH. \$1,000, \$2,000 worth.

Senator NUNN. \$2,000 worth per week? Did you smuggle any other kind of contraband into the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What?

Mr. BOWDACH. Did I smuggle or did I cause to be smuggled?

Senator NUNN. Either. Did you cause to be smuggled?

Mr. BOWDACH. Yes, sir. Liquor, groceries, toilet articles, money.

Senator NUNN. How did these kinds of contraband get into the penitentiary?

Mr. BOWDACH. They were brought to me by an officer.

Senator NUNN. An officer in the penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When did this take place?

Mr. BOWDACH. This was an ongoing thing, all during 1977, up until the end of July.

Senator NUNN. During 1977?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was there one officer involved in this particular operation?

Mr. BOWDACH. My officer. There was one involved with me.

Senator NUNN. There was one involved with you?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What did he help you smuggle into the penitentiary? What type of articles?

Mr. BOWDACH. He brought me in approximately 175 pounds of groceries that was sent down from New York. He would bring me

in liquor for \$25 a bottle. He would bring in any kind of article that I wanted or needed.

Senator NUNN. Why did you smuggle in groceries?

Mr. BOWDACH. I was under orders to take care of that.

Senator NUNN. From who?

Mr. BOWDACH. From Herbert Sperling.

Senator NUNN. What did he want with groceries?

Mr. BOWDACH. The groceries were sent down from New York by Carmine Persico. They were his people on the street sent it down. It was brought down to the Atlanta Penitentiary by Josephine Sperling and the wife of an inmate named Jimmie Burke. It was given to my wife who in turn gave it to the correctional officer, Mr. John Vincent Logan and paid him \$300 to bring it in to me. Because of the quantity of the groceries, he would have to bring in so much on a daily basis.

Senator NUNN. Why did they want the groceries? Did they have any place to prepare them? Did they just consume them?

Mr. BOWDACH. These were all Italian groceries and they were going to individuals who were Italian, and to them the biggest thing is their food. They like the Italian food.

Senator NUNN. You mean they brought in gourmet food is what you are saying?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How did they go about preparing this? Did they do it in the cells, have someone prepare it in the prison kitchen?

Mr. BOWDACH. Most of it was canned food, Mr. Chairman.

Senator NUNN. You named, who was the guard that was your guard, the man that helped you?

Mr. BOWDACH. Yes. John Vincent Logan.

Senator NUNN. L-o-g-a-n?

Mr. BOWDACH. Yes.

Senator NUNN. How many times did he help you smuggle in goods? Do you have any count?

Mr. BOWDACH. Thirty-five, thirty.

Senator NUNN. Happened over a couple of weeks, is that about right?

Mr. BOWDACH. When the food came down, it was on a daily basis.

Senator NUNN. Brought in food on a daily basis?

Mr. BOWDACH. Yes, sir. He would bring in whatever he can carry without drawing suspicion during the week. On the weekend he would bring in much larger quantities because high administration officials were not present on the weekend. So because of his status in the penitentiary, 18 years in on-the-job, he could walk through unquestioned.

Senator NUNN. What did Mr. Logan get out of this?

Mr. BOWDACH. \$300.

Senator NUNN. \$300 per trip?

Mr. BOWDACH. No. For the whole load.

Senator NUNN. You said he brought in, say 25 times over the course of your stay in prison. How many times did he get paid? What was the approximate amount?

Mr. BOWDACH. He was given \$300 one time in the beginning.

Senator NUNN. Just one time he was paid \$300?

Mr. BOWDACH. Yes, sir.

Senator NUNN. He did the rest of this 23 or 25 times without being paid anything else?

Mr. BOWDACH. That is correct.

Senator NUNN. What was his motivation?

Mr. BOWDACH. He wanted to be a nice fellow.

Senator NUNN. He was just helping you out?

Mr. BOWDACH. Yes.

Senator NUNN. So he really wasn't doing it except on one occasion for money. Is that right?

Mr. BOWDACH. On another occasion, he would bring in the liquor, he charged me \$25 a bottle. I don't think liquor went up that high yet.

Senator NUNN. So in other words he was getting paid because he was making a profit on the sale?

Mr. BOWDACH. Yes.

Senator NUNN. He was in effect selling groceries?

Mr. BOWDACH. Yes.

Senator NUNN. Did he ever bring in any narcotics?

Mr. BOWDACH. No, sir.

Senator NUNN. Why not?

Mr. BOWDACH. Because why should I have to pay him to bring me in narcotics. I could get it in for free and keep the money myself.

Senator NUNN. He brought in the larger items you couldn't bring in?

Mr. BOWDACH. Yes.

Senator NUNN. Did you ask him to help you in narcotics or no need to?

Mr. BOWDACH. I had to ask him.

Senator NUNN. What did he say?

Mr. BOWDACH. He said he was too close to retirement, didn't want to take the chance, said had I asked him years ago he would be more than happy to do it.

Senator NUNN. How did you first approach Mr. Logan?

Mr. BOWDACH. It was common around the institution.

Senator NUNN. How did you first approach Mr. Logan and how do you know that he might be willing to help?

Mr. BOWDACH. It was common knowledge around the institution that he was bringing in contraband for different individuals. And what I did, when he got assigned to my block where I was a clerk, I would have him in close proximity of me for 8 hours a day. So what I did, is cultivated him and gave him sandwiches and smuggled stuff out of the kitchen for him and everything else and in return I started out with small things like a couple of packs of gum, garlic, things like that, and just eased it on up.

Senator NUNN. Did anyone else work for you, any other prison official?

Mr. BOWDACH. No, sir.

Senator NUNN. Did you know any other guards or prison officials that were engaged in this kind of smuggling operation?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you name those individuals and tell us what they did?

Mr. BOWDACH. Yes, sir. One individual is Mr. Bynum, B-y-n-u-m. Mr. Bynum is the assistant food service administrator in the kitchen. He was smuggling in food items and he catered basically to the organized crime figures who worked in the officers' mess and had access to the stoves and their own private-like cooking area.

Senator NUNN. Did he ever bring in narcotics or was it mainly food?

Mr. BOWDACH. Not to my knowledge on the narcotics.

Senator NUNN. Is he still at the Atlanta Penitentiary?

Mr. BOWDACH. To the best of my knowledge, he is.

Senator NUNN. How do you know this? How do you know he brought in that kind of thing?

Mr. BOWDACH. I would be there when he would bring it in.

Senator NUNN. Did you see him?

Mr. BOWDACH. We used to hang out in the officers' mess. We used to cook stuff for ourselves, make us all kinds of steaks, things like that, whatever we wanted. We would make a little clam sauce, anything we wanted. He would bring us in the things that we couldn't get, cheeses and garlic, things like that. He would supply us with the clams for the clam sauce.

Senator NUNN. So you actually were there when he brought it in?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did he get paid for this or was he just being a nice guy?

Mr. BOWDACH. I don't know.

Senator NUNN. You don't know that Mr. Bynum ever got paid?

Mr. BOWDACH. No, sir.

Senator NUNN. So far as you know he might have been doing it to just help out. Is that right?

Mr. BOWDACH. Is there a difference, sir?

Senator NUNN. I don't know. We will have to leave that to the prison officials and the Justice Department. I am just trying to establish the fact. You don't know of any kind of money he received for this?

Mr. BOWDACH. No, sir.

Senator NUNN. Tell us if there is anyone else you know in the Atlanta Penitentiary who engaged in the contraband operation?

Mr. BOWDACH. A gentleman named Mr. Thomas, who is a correctional officer. He was the mule for an inmate named Patty King.

Senator NUNN. What do you mean by mule?

Mr. BOWDACH. Mule, he would be the carrier of contraband for this inmate.

Senator NUNN. What kind of contraband?

Mr. BOWDACH. Narcotics.

Senator NUNN. What kind of narcotics?

Mr. BOWDACH. Pills.

Senator NUNN. How about heroin?

Mr. BOWDACH. Not that I know of.

Senator NUNN. How do you know that Mr. Thomas brought in contraband?

Mr. BOWDACH. Patty King had made parole, was leaving the institution and he asked me if I wanted to be introduced to his man so I can take him over.



Senator NUNN. Did you ever use him yourself?

Mr. BOWDACH. I didn't have to.

Senator NUNN. You already had one?

Mr. BOWDACH. He was basically narcotics and I had the cheapest way of bringing it in.

Senator NUNN. Did Mr. Thomas get paid for bringing in narcotics to your knowledge?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you know this?

Mr. BOWDACH. From Patty King.

Senator NUNN. Patty King told you that Thomas was being paid?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know how much and how often this occurred?

Mr. BOWDACH. He told me depending on what he brought in, how much of it they were bringing in, morphine pills, he would be paid more than had he been bringing in desoxin or speed, those type of things, because the morphine and Demerol bring a amount of dollars more than the others would bring.

Senator NUNN. When did Patty King tell you this?

Mr. BOWDACH. The time period?

Senator NUNN. General time frame.

Mr. BOWDACH. Early 1977.

Senator NUNN. Early 1977?

Mr. BOWDACH. To the best of my recollection, yes, sir.

Senator NUNN. Mr. Bowdach, do you know anyone else who was engaged, any other prison official, who was engaged in bringing in contraband?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who else?

Mr. BOWDACH. A steward working in the kitchen named Mr. Carroll. He was bringing in packages of marihuana, packages of pills for \$500 a package.

Senator NUNN. \$500 a package?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you know who he was bringing this in for?

Mr. BOWDACH. I don't know the name of the inmate. He is a cook in the officers' mess.

Senator NUNN. An inmate who was a cook in the officers' mess?

Mr. BOWDACH. Yes, sir.

Senator NUNN. How do you know this?

Mr. BOWDACH. This cook would take the stuff from Carroll and give it to the same guy that was dealing from me. They were dealing mostly with marihuana and I wouldn't fool around with marihuana because it is too bulky and takes too long to dispose of it. But the fellow dealing from me, John Charles Bryan, who was locked next door to me, he was dealing with him on the marihuana part and dealing with me on everything else. So he told me if I ever wanted to use Carroll, just let him know, if I wanted to bring in pot or anything big that I couldn't get into the visitors' room.

Senator NUNN. Did you ever personally witness either Mr. Thomas or Mr. Carroll bringing in narcotics? Did you ever personally witness this?

Mr. BOWDACH. On one occasion, sir, I went to the dining room area where Mr. Charles Bryan had been requested. He had to pick up a package of marihuana from Mr. Carroll and he wanted me to act as backup man to him. When I say backup man, I mean not in a bodyguard or a strong-arm man sense of the word, but in case Mr. Bryan was seen and he was subject to a shakedown, I was to operate myself like a crash vehicle and in time to get away and dispose of the merchandise.

Senator NUNN. You were supposed to run into him?

Mr. BOWDACH. Run into the officer.

Senator NUNN. You were supposed to cause some kind of disruption if he was going to be subject to a shakedown?

Mr. BOWDACH. Trip up the officer; something like that.

Senator NUNN. So you actually saw Mr. Carroll bring in a package?

Mr. BOWDACH. I didn't see him bring it in. I seen him give it to Bryan. I didn't see him enter the institution with it; no.

Senator NUNN. You saw him give it to the prisoners?

Mr. BOWDACH. To Bryan.

Senator NUNN. Bryan was the prisoner?

Mr. BOWDACH. Yes, sir.

Senator NUNN. When did this occur?

Mr. BOWDACH. In 1977.

Senator NUNN. Did you ever personally see Mr. Thomas bring anything in?

Mr. BOWDACH. No.

Senator NUNN. You never saw him given anything at the prison?

Mr. BOWDACH. No, sir.

Senator NUNN. Do you have any other guard or official that you know about?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Who else?

Mr. BOWDACH. Mr. Elswick.

Senator NUNN. Elswick?

Mr. BOWDACH. Yes, sir. He is also known as Blue, the assistant recreational supervisor, who was a major smuggler for inmate Harry Hall, and in 1 year Mr. Elswick made \$70,000 from the smuggling operation.

Senator NUNN. What did he bring in?

Mr. BOWDACH. He would bring in anything.

Senator NUNN. Anything—narcotics, food, liquor; anything?

Mr. BOWDACH. Anything.

Senator NUNN. How do you know this?

Mr. BOWDACH. This also was common knowledge around the institution. Mr. Elswick works—he handled the inmate shows, musical shows, and on many occasions he would take an amplifier out of the institution under the ruse that it was in need of repair and 3 days later, he could come back in with that amplifier, with all kinds of narcotics secreted in the amplifier system itself.

Senator NUNN. Did you witness this yourself? Or do you know about it from other people?

Mr. BOWDACH. I know about it from the man who he was bringing it in for.

Senator NUNN. Harry Hall?

Mr. BOWDACH. Yes, sir.

Senator NUNN. He told you about it?

Mr. BOWDACH. And another official.

Senator NUNN. I believe you already named Mr. Logan as the man who really helped you the most; is that right?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, is Mr. Bynum still at the penitentiary?

Mr. BOWDACH. To the best of my knowledge.

Senator NUNN. Is Mr. Thomas still at the penitentiary?

Mr. BOWDACH. To the best of my knowledge.

Senator NUNN. Is Mr. Carroll still at the penitentiary?

Mr. BOWDACH. To the best of my knowledge.

Senator NUNN. Is Mr. Ellswick still at the penitentiary?

Mr. BOWDACH. To the best of my knowledge.

Senator NUNN. How about Mr. Logan?

Mr. BOWDACH. Mr. Logan has been dismissed from the Bureau of Prisons and my information tells me he is cooperating with law enforcement right now.

Senator NUNN. Mr. Bowdach, have you brought the names of these individuals to the attention of any law enforcement or regulatory authority?

Mr. BOWDACH. I sure have.

Senator NUNN. Who?

Mr. BOWDACH. The associate warden, Mr. Dwight Amstutz, and the investigative lieutenant, Mr. Morgan.

Senator NUNN. Where are they located?

Mr. BOWDACH. I believe Mr. Amstutz is still at the U.S. penitentiary in Atlanta and I believe Mr. Morgan was transferred to another institution.

Senator NUNN. When did you notify them?

Mr. BOWDACH. In the fall of 1977.

Senator NUNN. I think at this point staff has—I would like for you to cite, if staff has questioned these people.

Mr. ADKINSON. Yes, sir, Mr. Chairman, Mr. Gallinaro and Mr. Larry Finks of the subcommittee staff interviewed Mr. Carroll, Mr. Elswick, Mr. Bynum, and Mr. Thomas.

I would like at this point to recite the results of those interviews. Mr. Carroll is Mr. John Carroll; he was interviewed by the subcommittee staff on July 20, 1978. He denied ever taking contraband into the prison except for a few valium tablets, which he took into the prison and gave to a food service employee, because Mr. Carroll didn't want them around the house.

Mr. Elswick was interviewed by the subcommittee staff on July 20, 1978. His name is Edwin Elswick. He was interviewed concerning the allegations of Mr. Bowdach. Mr. Elswick denied ever taking any contraband into the prison. He did, however, admit to receiving packages through the prison mail for inmates in care of himself.

Mr. Jay L. Bynum was interviewed by the subcommittee staff on July 21, 1978. He denied ever taking contraband into the prison, but did state that he permitted a group of Italians called the high rollers to fix themselves special dinners on the weekends.

Mr. Thomas referred to by Mr. Bowdach—this should be clear in the record since there is more than one Thomas—according to the prison systems, is Mr. Ralph S. Thomas. He was interviewed by subcommittee staff on July 31, 1978, concerning Mr. Bowdach's allegations.

Mr. Thomas denied having any knowledge of contraband being taken into the penitentiary or any personal involvement. He has been employed as a guard for 5 years and stated he was basically unfamiliar with the appearance of narcotics, but admitted to conducting daily shakedowns in which narcotics were seized.

He also denied knowing inmate Patty King, who is well known by other employees who have been interviewed by the subcommittee staff. All four individuals are currently employed at the U.S. penitentiary in Atlanta, and all four individuals were afforded the opportunity to appear at this hearing today.

Senator NUNN. Mr. Bowdach, I have one more question at this stage. Who is Mr. Persico you named a little while ago?

Mr. Bowdach. That would be Mr. Carmine Persico.

Senator NUNN. Have you met him personally?

Mr. BOWDACH. I was associated with him in the U.S. penitentiary, Mr. Chairman. He is going to be the future boss of the late Joe Colombo crime family upon his release.

Senator NUNN. How do you know this?

Mr. BOWDACH. From the street.

Senator NUNN. You associated with him in the Atlanta Penitentiary?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Senator Percy.

Senator PERCY. Mr. Bowdach, do you want to take a 5-minute recess or are you all right?

Mr. BOWDACH. I am all right.

Senator PERCY. I would like to cover three areas with you. First, the prison administration and prison reform; second, the role of organized crime inside of the prison wall area; and third, to pursue the question of narcotics inside of the prison, already well covered by the chairman.

From the standpoint of the Atlanta Penitentiary, you were there from 1971 to 1973 and, as I understand your record there, you did not engage in any illegal activities at that time. Is that correct?

Mr. BOWDACH. That is correct, sir.

[At this point Senator Chiles withdrew from the hearing room.]

Senator PERCY. The second time, however, you became deeply involved in narcotics distribution and other serious wrongdoings.

Would you tell the subcommittee why? Was there, for instance, something different about you, or was there something different in the way the prison was being run that caused this change?

Mr. BOWDACH. Basically, it was the result of the people that I was associated with in the first period, the difference of the people I was associated with in the second period. People in the first period were adamantly against anything to do with narcotics within the penitentiary; Did not want to know about anything in that regard?

So, since my allegiance was to them, particularly Mr. Vincent Alo, I abided by his decisions. During the second period, there was

a completely different ball game. Money was the name of the game, whatever it took to make it, that is what it was.

Senator PERCY. Was there a difference in prison administration?

Mr. BOWDACH. Yes, sir; there was.

Senator PERCY. There was?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Mr. Chairman, I would like to ask unanimous consent to insert in the record at this point a recent article that appeared in *People* magazine, entitled "Up Front, Death Inside the Walls, Nine Murders Shake Atlanta Federal Prison."

Senator NUNN. Without objection, that will be made a part of the record.

[The document referred to was marked "Exhibit No. 25" for reference and follows:]

[From *People Weekly*, June 12, 1978, copyright, 1978, Time Inc.]

#### UP FRONT—DEATH INSIDE THE WALLS: NINE MURDERS SHAKE ATLANTA FEDERAL PRISON

(By Joyce Leviton)

*The pressures at the Atlanta pen are like those in no other prison. A lot of my friends won't touch banks, post offices, anything federal, because they're afraid of being sent there. A person can get murdered just having an argument. Not because somebody wants to murder, but because of the pressures, the boredom. Month after month, year after year, it starts grating away. You just go berserk. I'll never go back to Atlanta.—Ed Lonis, a five-time loser and veteran of 4½ years in that U.S. penitentiary.*

In the past 18 months there have been nine murders inside the prison on Atlanta's southeast side: nine apparently unconnected acts of homicide motivated by homosexual jealousy, mob revenge, personal feuding. Each was a fresh rebuke to the notion of "maximum security." After the eighth slaying, a contract hit on a Mafia informant, U.S. Representative Wyche Fowler of Georgia condemned the slaughter as an "alarming commentary on the Bureau of Prisons' ability to protect human life within the penitentiary." He demanded an investigation. Unfortunately, the presence of federal investigators did nothing to stanch the bloodshed inside the walls. On the very day the five-man team began its work, the prison's ninth victim was found stabbed to death in a stairwell. He was Dominique Orsini, a convicted drug importer suspected of being a key figure in the notorious "French Connection" narcotics case. In a prison population of some 2,200 inmates, maintained by a staff of 477 guards and administrators, only one of the killings has led to a conviction.

Why Atlanta? The problem stems in part from the nature of the facility itself: a huge, outmoded 76-year-old compound that is overcrowded by at least 600 inmates. The prisoners, moreover, are among the nation's hardest cases; two-thirds have been arrested at least seven times and more than half are in for 10 years or more. Nearly one in three has been convicted of bank robbery. Even by penitentiary standards, says Dr. Jack Hanberry, a former prison chaplain who took over as warden last July, "we have a high concentration of violent, uncaring people. Instead of asking why there are murders in prison, I would ask why people kill each other outside. They don't change just because they're committed to an institution. They still have the same problems, and here they can't escape their situation."

Contributing to the endemic violence is the illicit produce of the penitentiary's machine shop. There inmates have easy access to grinders, lathes and shearpresses designed for the manufacture of mail carts and traffic signs—but available to fashion the crude weapons used in eight of the killings. Bureau investigators also believe the prison is understaffed. Hanberry insists, "if a fellow wants to do his time and be left alone, he can be," but the warden also admits the difficulty of preventing violence. "A person can be killed with bare hands, a baseball bat, a fist or a bar of soap in a sock," he says. "Homemade knives are silent and faster, and there are many men working in the shop every day. We don't have a staff member to watch each inmate's every move. As much as is humanly possible, we are trying to prevent weapons from being made."

Such measures do not reach the heart of the crisis: incarceration itself. "On the outside," says one former inmate, "you have an argument and walk away from the

other person. You see him a month or so later and you say, 'That's all forgotten.' But in the pen there's no way to get away. Things have to be settled then and there." Ed Lonis, 47, a habitual criminal, agrees. "There's no escape from a feud in Atlanta," he says. "You're going to be confronted by it daily. All you can do is go to the authorities and ask for a transfer, and that's a no-no, verboten. It affects your reputation." The urge to violence, he says, is bred by "institutional trauma—a daily existence so boring and so lacking in empathy that any confrontation releases all kinds of frustrations. All arguments are magnified into a murderous state. Sometimes I really wanted to hurt people. If I stopped and thought about it, there was no reason except for a little loss of face or something I could laugh off on the outside."

Ominously, a reputation as a killer is of value in prison. "Murderers are very respected," says Lonis. "They're not thought of as transgressors—just as people not to fool with." At 19, Lonis himself tried to kill a fellow prisoner who made an unwelcome sexual overture. "I stuck a knife into him," Lonis says. "The man didn't die, but no one else approached me after that." Killers in prison are protected not only by the inmates' code of silence, claims Lonis ("You mind your own business," he says), but by the guards' instinct for self-preservation. Regardless of what you've heard, the guards don't interfere in a murder," he insists. "They're afraid of getting stuck themselves. Anyway, how are they going to deter a killer who's got 24 hours a day to plot it out? The guards can't protect the inmates—it's as simple as that. The Mafia takes a young convict and says, 'Listen, I got word from the outside that this guy needs to be taken care of. If you do it, we'll make sure no one testifies against you and we'll see that your wife gets \$10,000, \$20,000.' It's a very tempting little situation."

Despite the obstacles, Atlanta prison officials are pushing ahead with ways to reduce the carnage. Inmates will be searched more frequently, additional metal detectors will be installed, and a pass system will monitor prisoners' movements around the compound. Ninety-three potential troublemakers have been transferred to other institutions. In the long run, however, most observers agree, stringent security can only increase the frustrations that breed prison violence.

Ultimately, the Bureau of Prisons investigators concluded, Atlanta's outdated physical plant makes it "extremely difficult for staff to adequately supervise the inmate population and provide for their safety." Their recommendation is that "the Atlanta Penitentiary be closed as soon as adequate and modern facilities are authorized and constructed." But that won't happen soon. "This institution," concedes Warden Hanberry, "is large and hard to supervise. Present-day institutions are small—not more than 500 inmates in single cells. Four and a half institutions would be needed to replace this one, and other prisons should probably close before ours."

Meanwhile the threat of continued bloodshed hangs over Atlanta. "We are still a maximum security institution," the warden says, "and we're still in the business of housing prisoners, and some of them are going to be dangerous."

Senator PERCY. The article starts off with a photograph and a short summary of the nine murders including the three you testified about this morning.

The fourth you have not testified about at our request. I would like to ask you about some of the statements that are made to corroborate, or in one case it somewhat contradicts testimony that you have given.

The magazine interviewed extensively Ed Lonis, a five-time loser, perpetual criminal, who spent 4½ years in the U.S. penitentiary. He is quoted as saying the following:

The pressures at the Atlanta Penitentiary are like those in no other prison. A lot of my friends won't touch banks, post offices, anything Federal because they're afraid of being sent there.

Is that correct? In other words, it is the reputation of the Atlanta Penitentiary as a very tough place to be put. He testified, as evidenced in this interview, that its very presence discourages people from committing Federal crimes in a district where they would be sent to the Atlanta Penitentiary.

To your knowledge, is that correct? Does it have that general reputation?

Mr. BOWDACH. Mr. Senator, let me comment on that. I think if you see a pattern that has developed with these murders, most of them are dope related. So I would have to say that dope is your basic cause of these murders.

The amount of money involved in a penitentiary is astronomical. These people commit murders for \$500; we are talking about a million dollar a year drug operation, in that penitentiary, that would be a higher priority in your narcotics.

Your second serious matter is gambling. Gambling is being operated in that penitentiary, the use of the mails and the use of the telephones is being used to transmit money from one part of the country to the other in settlement of these gambling debts.

The third problem is the condoning by the penitentiary officials of homosexual acts between the inmates.

Senator PERCY. Is this by consent or with force, condoning both?

Mr. BOWDACH. Basically, it is with consent. I have seen inmates come into that penitentiary that are not involved in narcotics, that are not involved in gambling, that are not involved with jailhouse love affairs, have no problem at all.

But you can go about your business and do your time without a problem, if you happen to be a person that walks very, very lightly and stays out of these other people's way.

[At this point Senator Chiles entered the hearing room.]

If you get in their way, they will kill you.

Senator PERCY. Is the representation of the Atlanta Penitentiary as being a tough prison such, that criminals will avoid actually committing Federal offenses in an area covered by the Atlanta prison, a correct one?

Mr. BOWDACH. Yes, if he had knowledge of it, yes, sir. There is no way possible for the administration to protect an individual.

Senator PERCY. Is this true, as Mr. Lonis says:

A person can get murdered just having an argument. Not because somebody wants to murder, but because of the pressures, the boredom. Month after month, year after year, it starts grating away. You just go berserk.

Then he ends by saying, "I will never go back to Atlanta." Is that a fair statement of a lot of the impressions of the people who have been incarcerated there?

Mr. BOWDACH. I agree with that, sir.

Senator PERCY. Also in this article, there are a number of pictures that we can't print in the record, but there is a statement quoting a former inmate as saying that to an outsider, Atlanta might look like a country club but it is not. The magazine shows pictures of inmates playing miniature golf on a miniature golf course in the Atlanta Penitentiary. Have you seen that?

Mr. BOWDACH. Yes, sir.

Senator PERCY. So that there are recreational facilities there?

Mr. BOWDACH. Yes, sir.

Senator PERCY. There is another picture of the prison industries, which employs 900 men, including one of the largest cotton mills in the South. There is an industrial work program at Atlanta. Is that correct?

Mr. BOWDACH. That is correct.

Senator PERCY. Where a trade can be developed? Are there training programs for inmates, so that they can develop a skill?

Mr. BOWDACH. A very limited skill, yes.

Senator PERCY. Pardon?

Mr. BOWDACH. Very limited skill.

Senator PERCY. Limited educationally. In other words, if you have a skill, you are put on the job, but not an extensive training program?

Mr. BOWDACH. If a man is going to go to work in the textile mill when he leaves the penitentiary, then he may be able to benefit something from the industry.

Senator PERCY. On behalf of those who feel that prisons should be escape proof, particularly for dangerous criminals, and because there have been so many negative comments about Atlanta, I would like to quote Ed Lonis: "Atlanta was frustrating, I can never get a good escape plan."

Were there many escapes from Atlanta? Is it difficult to escape from Atlanta?

Mr. BOWDACH. You have to have the determination. I have seen people walk right out the front door, through the negligence of the correctional officers. I have seen people go right over the wall.

This seems to be the major concern of the administration, keeping these people confined within those walls to protect society. I get the impression that they condone the violence that goes on in there in order that they can justify to the public of why they have got that penitentiary there, because I have heard the warden get on the radio, and put down the whole prison population.

That is why we have these animals in there, to protect the society from them. So it almost seems like they like to have something periodically to justify their existence, and it is a very poor excuse.

Senator PERCY. Does the large number of people, two to three times the number that it was designed for, cause problems? Who is Mr. Hanberry?

Senator NUNN. I think he is the warden.

Senator PERCY. He is the warden. Warden Hanberry says, "We need to reduce our population. The typical four-man cell now holds six to eight men."

Reduction of the prison population seems beyond the control of the warden himself. Does the density of the population, the number of people per cell increase the pressures inside the prison and therefore increase a lot of the tension and some of the problems that the prison has?

Mr. BOWDACH. Senator, I don't particularly agree with your statement, where you said that the decreasing of the population is beyond the control of the warden, because I specifically remember during my first period of incarceration there, we had a warden, and I won't hesitate to say it, one of the best penologists I have ever seen in the prison system, his name is Mr. James B. Henderson, who happens to be in your area right now in Illinois, from Kansas City, that he came in there, he had a population of close to 2,400 people. When he left there, he had that population down to about 1,700.

The next warden came in, Mr. Marvin Hogan, the population eased its way right on back up. When I left, it was close to 2,300 people.



So the transfer of inmates from one institution to another are warden-to-warden transfers. Unless the man is classified as a special offender, then the jurisdiction comes from Washington's central office, but when the warden of Atlanta wants to send 40 inmates to Lewisburg, he contacts the warden in Lewisburg. And if the warden in Lewisburg has room, he just sends them up because it does not have to be approved from the central office.

Senator PERCY. Thank you.

I would like to ask you about, because of your responses to Senator Nunn's questions, the ease with which you could secrete things in your clothes or even through a physical examination stripped and still walk out with the secreted object.

Generally, how would you categorize the personnel in the Federal penitentiary, from the standpoint of, let's say, IQ or alertness? Do the inmates generally figure that their IQ is higher than the people holding them there, that they are able to outwit them?

Do they look down on them intellectually? You haven't finished an awful lot of formal schooling, but it is obvious to all of us that you have a fairly high IQ and your handling of the entire situation has been on a very high intellectual level in a sense.

You have been a cooperative, helpful, and intelligent witness really. It has been helpful to us. But how do you generally look upon those people who are supervising you for long periods, sometimes years? Is there anything we need to do to upgrade the quality of the personnel in the penitentiaries?

Mr. BOWDACH. Let me respond to that question, Senator. I have noticed of late, just prior to my leaving the penitentiary, there was a heavy influx of men with bachelor of arts degrees, master's degrees, various types of degrees, and I have also been able to make a determination that the more school, education that they have, the dumber they are. [Laughter.]

As far as it relates to coping with the convict, because they don't have the intelligence from the street and a convict can always get over on the guard, because the thing that he knows about, you can't read about in books.

You can't learn from books. You have to have a degree in hard knocks.

Senator PERCY. In a life of crime you really get an upgrading of training and education in organized crime and it moves you from one echelon to another, based on skill, ability, and experience?

Mr. BOWDACH. That is correct.

Senator PERCY. And the finishing school, many times, is the penitentiary?

Mr. BOWDACH. Yes, sir.

Another aspect that I would like to answer your question on is, you have got to remember a convict in a penitentiary has 24 hours a day to scheme and come up with ideas on how to beat the system.

So he is always going to be many steps ahead of the officer. The officers have developed an attitude of indifference. They don't care. They know what is going to happen is going to happen. They are not there to get themselves killed.

You are dealing with people that are doing 70, 80, 90 years. They know they are never going to see the street again. So you let them go about it and do their thing.

That basically sums it up. Another thing I would like to state, I find it very strange that to be an officer in a Federal Bureau of Prison Institution, you don't have to take any test whatsoever.

If you go to work for the post office, you do. I don't understand that. You need no written examination at all.

Senator NUNN. I will have the staff check on that with the Bureau of Prisons for the record and we will insert the answer from the Bureau at this point in the record.

[The document to be furnished follows:]

U.S. DEPARTMENT OF JUSTICE,  
BUREAU OF PRISONS,  
Washington, August 31, 1978.

Hon. SAM NUNN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR NUNN: This is in response to the request of August 9, 1978, during the hearings of the Senate Permanent Subcommittee on Investigations, for information regarding the methods used by the Federal Prison Service for hiring correctional officers.

Most correctional officer positions are filled from a group of candidates furnished by the U.S. Civil Service Commission. These candidates are certified as qualified and are ranked numerically by the Commission on the basis of education and experience. This ranking also includes extra points for veterans. Correctional officer positions are also, in a small number of instances, filled by the use of our internal Merit Promotion Plan and by the use of the Veterans Readjustment Act authority.

Applicants must have a minimum of 3½ years of experience in areas such as corrections, law enforcement, supervision, teaching or counseling. Three years of this experience can be met by a college degree in a related academic area. Further points are given for experience and/or education exceeding the minimum requirements.

The Federal Prison Service, prior to 1969, employed a written test administered by the U.S. Civil Service Commission, but it was discontinued in favor of the present method when it was determined that the test did not provide consistently high quality candidates. Experience with the test indicated that it was culturally biased and appeared to exclude minorities from these positions. Many quality candidates who possess the ability to supervise inmates and operate effectively in the stressful environment of a prison, were being eliminated solely on their inability to score well on a written test when, in many cases, candidates possessing none of these desirable traits passes the test with high marks.

Under the present system, all candidates referred to us by the U.S. Civil Service Commission are required to appear before an interview panel consisting, usually, of a Chief Correctional Supervisor, Personnel Officer and either an Associate Warden or one other department head.

Many times the institution psychologist is a member of the panel. Through a series of situational questions the panel attempts to determine if the candidate possesses the personal qualities necessary to perform the duties and responsibilities of a correctional officer. If the panel does not feel the candidate is suited for the position, an objection is made to the Civil Service Commission and the candidate's name is removed from the register.

As an added assessment tool, we have requested authority from the U.S. Civil Service Commission to administer a short written test at the time of the interview in order to assess the ability of the potential employee to complete the documentation requirements imposed on us by court decisions.

I hope this information is satisfactory. If I can be of any further assistance, please call on me.

Sincerely,

NORMAN A. CARLSON,  
Director.

Senator PERCY. Did you actually learn in prison criminal activities with which you were unfamiliar before you entered? And when you left prison, were you better equipped to continue to engage in criminal activities?

Mr. BOWDACH. Yes, sir. I went into the Atlanta Penitentiary with the knowledge of shylocking and arson, I came out with a degree in safecracking and demolition, use of machine shop equipment to make various keys and stuff, to get into doors and things like that.

Senator PERCY. At any time you were in prison, was anything constructive offered to you in the way of rehabilitation that would cause you to want to change your way of life as you have now decided? Were attempts made at least?

Mr. BOWDACH. I went to college for awhile. I went to a couple of vocational shops for awhile. I went because they would be on extra good time with which I could have shortened my sentence. The programs are available to anybody that wants to use them. And they are basically used by the people to get the extra good time.

You go into a shop, you enroll in that class. You stay there for the duration of that class, 3 months, 4 months, you get an extra 8 days for time. We sit there, play gin rummy, shoot crap, and stuff like that.

Senator PERCY. I just had a reporter follow me recently on a typical day in the life of a U.S. Senator. Could you take us through a typical day in the prison, from the time you get up until you go to bed? Capsulize it if you can. What kind of day would that be day after day?

Mr. BOWDACH. I would get up in the morning about 7, 7:30, go report to my job. Then I go out to the recreational yard. I would run a few miles, come on in, take a nap, get up, go to lunch, go back to my job, tell my boss, here I am, go back out to the recreational yard, play handball, shoot the breeze, smoke a couple of joints. That was it.

Senator PERCY. Evenings?

Mr. BOWDACH. Evenings? Sit around, shoot the breeze, scheme things, check on the dope, check your money, see how much came in that day.

Senator PERCY. How easy is it for an inmate to move wherever he is working in another part of the prison without being checked?

Mr. BOWDACH. No problem.

Senator PERCY. No problem whatsoever?

Mr. BOWDACH. Absolutely not.

Senator PERCY. Did that freedom of movement attribute to your ability to carry on illicit activities in prison?

Mr. BOWDACH. Definitely.

Senator PERCY. What kind of system has been established so that the guards are aware of where an inmate is at any given time? If they had to locate you any particular time—

Mr. BOWDACH. They page you on the PA system.

Senator PERCY. There is a prisonwide PA system and they could locate you immediately and you would be required to check in immediately?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Did that happen occasionally?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Inmates then would check in very promptly?

Mr. BOWDACH. The PA system is used to notify an inmate in a population that he has a visitor, to report to the visiting room or

report to the chaplain's office or report to the lieutenant's office, wherever they may want him to report.

Senator PERCY. As I indicated in my opening statement, some Federal prisons, some prisons, are labeled as cruel and unusual punishment themselves and therefore unconstitutional. In your experience is the Atlanta Penitentiary overcrowded? Did you share your quarters with other inmates during the time you were in the prison? How were living arrangements determined?

Mr. BOWDACH. They would have an A and B block, a big block where everyone goes upon first arriving in the institution. Those blocks contain basically six-man cells. I believe there were a few eight-man cells when I left. C and D blocks are for the more hardened criminal or the longer term offender. Because he was more of a danger to the population or because he was serving more time, he is an escape risk. He was given better quarters. He had a private cell all for himself.

You move on into the E block, the dormitories; these are honor quarters where you have freedom of movement. Your doors are not locked at night. You can move all around as you please.

I was locked in D, which is a single-man cell.

Senator PERCY. I would like to ask you about the functions of prisons. Some say prisons should only keep criminals away from society, but also there are those who believe that the prison should be an opportunity for rehabilitation. In your opinion, does sending people to prison increase the likelihood of rehabilitating them?

Mr. BOWDACH. I like to use the word of Mr. Norman Carlson. He made a statement a couple of years ago stating there was no such thing as rehabilitation. So since he is the expert penologist, I have to go along with his professional view.

Senator PERCY. I have discussed with the directors of our Federal prison system over a period of years the possibility of differentiating between the habitual criminal and those who are either first offenders or who for other reasons we feel should go seriously into rehabilitation programs. Because of your association inside of the prison, do you think it would be desirable to work out a system whereby those who could be rehabilitated would be on a work release program? They would work in genuine industries, not just the type of prison industries that we now look upon. Even organized labor has proposed that these industries be competitive. The plants could be established near a State prison or Federal penitentiary, so that the work they perform is real work, they are paid wages, they can belong to a union and pay union dues. As a matter of fact, they should have an opportunity to get away from the prison atmosphere especially if they are not dangerous to society. These would include white-collar criminals more than violent criminals. They would have a chance to separate themselves from the habitual criminal that have to be maintained in absolute security.

Do you think there is any sense in trying to pursue that idea and develop it and develop prison industries to a better degree than we now have them organized?

Mr. BOWDACH. You said it right when you said white-collar crimes. If you are going to talk about doing this, where people are being declared to be incorrigibles, you are fooling yourselves. It is

not going to work. You are going to invest a lot of money. This is my opinion, Senator, and I am not an expert in the field, but I have seen things from firsthand knowledge. I would like to comment on the system that was set up in the Federal institution that opened not too long ago, 2 years ago, in Butner, N.C.

It is basically a behavioral, vocational type of program that they have instituted there. And I believe they are going to be successful with it. A man goes there, he is offered the choice of the program, what would he like to do.

He has no choice but participate in certain programs. There is the incentive in it for him which gives him the drive to complete it successfully. After he is there, I believe it is 90-day period, he is analyzed by a committee of experts at which time they give him what they call an outdate, a date when he will leave.

This outdate will be at the completion of his participation in these programs which is something I believe like transactional analysis for the man to get a better understanding of what he thinks and does the things that he does, plus a vocation so he can go out and make a decent living without posing a burden on society.

I don't know how many people they have released as of yet. But from my understanding, these people will be monitored for a long time to come to see if the program is working or not working. And people that I have spoken to that are in the field of penology, they feel this program will be successful, and I think it should be looked into further.

Senator PERCY. I would like to ask you a few more questions about organized crime.

Inside the prison, what is the relationship of the organized crime figures to the other inmates? Do they mix with them or do they keep themselves separate?

In organized crime, how do the members of the different families from the different cities get along with each other?

Mr. BOWDACH. Inside the prison, the people in organized crime stay with each other and they group together for strength against any outside opposition from the other inmates. They do get quite a bit of respect and they have very little problems in the institution.

Senator PERCY. So the society is well organized inside the prison, just as in the Pontiac, Ill. prison the Black P Stone Nation is organized. Members work together and engage in gang warfare right inside the prison against their rivals out on the street. The same thing then goes on in the Federal penitentiary, you would say, between the members of the various families in organized crime?

Mr. BOWDACH. That is correct.

Senator PERCY. Do these members of organized crime have a certain amount of prestige and respect from the inmates who are not part of the organized crime?

Mr. BOWDACH. Absolutely.

Senator PERCY. There is a cast system or class system inside the prison. Is there a standard fee for paying someone to commit a murder in prison?

Mr. BOWDACH. The going rate is usually about \$500.

Senator PERCY. Is how much?

Mr. BOWDACH. \$500.

Senator PERCY. Didn't you mention the figure of \$2,000 in one case?

Mr. BOWDACH. He was an important person.

Senator PERCY. The price was higher. Why is the price so much cheaper inside prison than it is outside?

Mr. BOWDACH. The people that do the murders inside the prison are basically dope addicts and \$500 to them is about a 10-day high. The chances of getting caught are very, very slim.

Senator PERCY. You mean if you are caught murdering someone inside prison, the increased length of time you might have to spend in prison is no deterrent.

Mr. BOWDACH. These people don't really care. They are doing such a large amount of time as it is, they don't ever plan on getting out anyway. So what can you do?

I am doing life, how much more can you give me?

Senator PERCY. Could you explain then the phenomena of drugs being more expensive in prison than on the street and yet murder for hire cheaper inside prison than outside?

Mr. BOWDACH. The people that distribute the narcotics have the control. They have the control. In Leavenworth, a fix of heroin goes for \$10. In Atlanta, it goes for \$20. On 1 ounce of heroin, a man can make himself \$14,000 on 1 ounce. It costs him approximately \$1,500, \$1,800.

Senator PERCY. I would like to ask you about the people who kill. How they are selected. Who determines what person is going to be asked to commit a murder? How is that person selected? What is the hierarchy? Who gives the word as to which person is to be selected to commit a murder?

Mr. BOWDACH. Who picks the person?

Senator PERCY. Yes.

Mr. BOWDACH. The person that wants the murder committed.

Senator PERCY. In other words, is it organized well enough within the families of organized crime inside so that the decision would be made by the senior member of that particular group?

Mr. BOWDACH. Depending on who the victim is going to be. If the victim happens to be in some way connected, or has somebody, a partner or somebody that is connected with him, that is a member, and it is determined that that person should get killed, the person that wants the killing done must reach out to the top people in the penitentiary, and get an OK on it before the murder can go down.

Senator PERCY. Would you say that there are many people out in the street now that have committed murder for pay and done so in prisons and have been released now and are out on the street? What portion of those people would you say are still engaged in crime? Most of them?

Mr. BOWDACH. On the street?

Senator PERCY. Yes. In other words, do most go right back to crime? Is there a high incidence of recidivism?

Mr. BOWDACH. Yes, sir. It appears to me that the parole board seems to give these people a parole more quickly than the inmate that minds his own business and gets along in there. I don't know if it is to get rid of them. It is a hell of a way to get rid of them, to put them out back in society.

Senator PERCY. In the area of narcotics, are there any ways that you have not already described to go about hiding narcotics, money, or weapons from prison guards?

Do you want to add to your testimony already given?

Mr. BOWDACH. Aside from the hollowed out shelves in the cell, we have access to the machine shops. We can take the regular can of Planter's peanuts in the commissary, bring it down there to the fellow in the machine shop, and without opening the can from the top, he opens it from the bottom, empties out about three-quarters of the contents, makes a false bottom in there, you can put your dope and your money in there. Just put it right on the shelf in your locker and when they have a shakedown, the man picks up the can of peanuts, he just shakes it and he hears the peanuts. He thinks it is a full can of peanuts.

Meanwhile, you could have \$10,000 in there, 2 or 3 ounces of heroin, and he will never know it.

Powder cans issued by the institution, very easily, hollow them out in the bottom, put your stash in there, put it right down by your toilet or sink and they never even bother to look in there.

The major places of hiding weapons, dope, money, guns is in the Federal prison industries because it is so huge and they just hide it right in the machinery and they take out what they need for that night and then when Friday comes along, they take out a little bit more for the weekend, that will carry them through until Monday morning.

Senator PERCY. Do organized crime figures go beyond trafficking in narcotics inside the prison? You have described the ease with which you could conduct your business inside the prison, but were they actually able to conduct their narcotics trafficking on the street from inside the prison walls?

Mr. BOWDACH. Yes.

Senator PERCY. How is this possible?

Mr. BOWDACH. Through contact visits, through the use of the telephones. There was a case that I testified in 1975 involving an inmate named Joseph Stassi who was indicted and tried in the southern district of New York for running a major heroin importation ring from France into the United States. He had been in the penitentiary over 9 years.

Senator PERCY. From your own first-hand knowledge, what has happened to people who have been caught by prison officials using or selling narcotics?

Mr. BOWDACH. No. 1, it is very hard to catch a man with the evidence on his person. If you find it in a man's cell, it is almost a case where you can't prosecute him because his defense is, I don't know how it got there. It is not mine.

Unless you catch it right on his person, it is almost impossible to indict and convict.

Senator PERCY. How many times were you aware of there being criminal prosecution for the sale of or use of narcotics in a prison?

Mr. BOWDACH. Very few, sir.

Senator PERCY. Very few times?

Mr. BOWDACH. Yes.

Senator PERCY. Matters are handled internally? It is generally known to the inmates that narcotics are used inside a prison? It is

generally known also to prison officials that narcotics are available inside prisons?

Mr. BOWDACH. Yes, sir. I can give you an example of that. In D cellhouse, on one side of the block is what is known as "Needle Park," which is junkies' heaven. I had occasion on one morning in that cellhouse to be close to the office which is right near the front door to the block when the associate warden walked in, happened to look down that side of the block, everybody was laying there, nodding out.

The associate warden made a statement. "Well," he says, "I am glad to see things are nice and calm today." So it is almost like, it is peaceful when they are all high. When they are high, they are happy; they don't cause no problems.

Senator PERCY. There are no problems? In other words, that might be looked on as the same kind of testimony we had on the nursing homes, where sedatives are given heavily at nighttime to people in nursing homes because they are no problem then; they are sleeping, they are not eating so much, they are not in trouble.

The same sort of attitude might prevail in the inside of a prison; rather than a crackdown when narcotics are used, in a concerted effort to stop the flow, you feel the officials' attitude has been, at least lower levels—does it go to higher levels as well—that this is condoned because it really makes the inmates more passive in a sense?

Mr. BOWDACH. The inmates know. The administration takes the attitude, we don't catch you, we don't care. Don't throw it up in our face. That goes the same way with the condoning of homosexuality.

I have seen where an inmate deserving of a single cell had a situation, cannot get it, and right behind him, a homosexual would walk right into the associate warden and tell him, I want to go to C block and be with my daddy and he would be there that night because the associate warden has the attitude, well, I put the two of them together, that would at least alleviate the problem of this one being caught at it in this one's cell and this one being caught at it in that one's cell. So I put them both together and they can have their marriage.

Senator PERCY. Most of us assume that when, after a tremendous amount of effort and a horrendous cost, a major crime figure using narcotics is caught, indicted, convicted, sent to prison, that that takes care of that, at least for the number of years he is away.

Could you describe how a major crime figure engaged in narcotics, once he comes into prison, sets up his operation so that his business on the street continues?

Mr. BOWDACH. Again, a classic example of that is the case that is under investigation right now, and I believe indictments will be handed down shortly, is Mr. Lesley Atkinson was running his dope operation from the Atlanta Penitentiary, through the use of attorneys and people in prison that would carry his messages and word to the street, on what to do, who to see, where to go, and this type of thing through the visitors.

Senator PERCY. Where would they put their profits? How would they bank their profits from prison? Do they just have them deposited in their regular account?



Mr. BOWDACH. They wouldn't have the money in their hand. They would leave instructions what to do with the money. I was not totally familiar with where these people kept their money. I am sure they used foreign banks and things of that nature.

Senator PERCY. How would a major crime figure get the use of a phone to conduct their normal business? Aren't telephone calls monitored?

Mr. BOWDACH. We were allowed one phone call every 5 weeks.

Senator PERCY. One phone call every 5 weeks?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Is that frequency broken on some occasions for some influential people? Can you buy the privilege of using the phones more frequently?

Mr. BOWDACH. Yes, sir.

Senator PERCY. How much does that—how do you go about doing that and is it more frequent that major crime figures, those with real clout, are able to have those privileges such as the use of phones more frequently than lower levels?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Why does that occur? You would think it would be the opposite, that greater security would be placed on the major criminals, major efforts would be made to prevent them from carrying on activities that they had been carrying on outside?

Mr. BOWDACH. Mr. Senator, I related this information to staff just yesterday, something that had come to my mind recently. Staff has asked me to allow them to investigate these allegations and I was in total agreement with them and because of the sensitive nature of this situation, I would like at this time with the committee's permission to defer this issue.

Senator NUNN. Mr. Bowdach is correct in that. Staff has been advised of certain instances and we do desire time to check them out before we have formal testimony.

Senator PERCY. Fine. Thank you.

I have just a few more questions and that will finish my questioning.

In selling drugs in prison, did you ever have disputes with other drug dealers, with the competition? If so, how do you go about settling these disputes?

Mr. BOWDACH. I didn't have any disputes.

Senator PERCY. Were you aware of any disputes? How do they divide up the customers? Was it the competition inside that established price setting by the seller?

Mr. BOWDACH. The only kind of dispute there would be was if the narcotics were of bad quality, but there would never be, to my knowledge, any dispute between dealers of narcotics because there are so many people in the institution demanding narcotics that everybody made a tremendous living out of it.

I know of numerous people who come into that institution that have never used drugs in their whole life and because of the abundance of it in the institution, and the boredom of the institution, these people have become dope addicts.

Senator PERCY. So the compulsion for crime on their part is even greater after they have been in prison than before?

Mr. BOWDACH. Yes, sir.

Senator PERCY. You have described to Senator Nunn the volume of business you were able to do in narcotics in a week which was \$2,000 a week, something like that.

Mr. BOWDACH. Yes. I didn't push my business too hard.

Senator PERCY. What was your net profit on that kind of volume?

Mr. BOWDACH. An ounce of heroin would, like I say, cost me approximately \$1,500. I would make approximately between \$12,000 and \$14,000. I paid my salesman 25 percent and the rest was mine.

Senator PERCY. Your net profit then was a percentage of what you had to pay for the drug—which would be about what?

Mr. BOWDACH. Yes, sir.

Senator PERCY. About what percentage?

Mr. BOWDACH. Yes, sir; 25 percent. I would pay the person that was distributing narcotics for me 25 percent; take off the 25 percent that I paid him, take off the cost of the narcotics and the rest is all net profit.

Senator PERCY. Sales inside the prison required a transaction of money?

Mr. BOWDACH. Yes, sir.

Senator PERCY. Where did you put the money? When you left prison, did someone ask you—were you able to take the money out without the prison officials knowing that you were taking that money out?

Mr. BOWDACH. I had gotten all my money out prior to that.

Senator PERCY. You had gotten money out prior to that?

Mr. BOWDACH. Yes. I had known of money being sent out through the recreation department who are the people responsible for sending out art supplies, knitwear and stuff like that made by the inmates and Mr. Elswick was in charge of sending that stuff out. I know one occasion where an inmate named Charles Wingo put \$6,000 in cash right in the package and mailed it right out.

Senator PERCY. You indicated last Thursday that while you were on the street in 1974 you became associated with Rick Cravero, a heavy user of cocaine. Was cocaine prevalent in the prison? Did you continue to use it?

Mr. BOWDACH. No; cocaine in the prison was not in great demand, for the reason being that the price was so high, the amount of time that the high lasted was so short, and as long as the heroin was there, you couldn't move cocaine.

Senator PERCY. Can you describe to us the circumstances under which guns were either made or smuggled into the prison? Could you estimate how many inmates actually possessed guns?

Mr. BOWDACH. The last part of your question I can't answer, how they got in I can tell you.

Numerous supplies come into the institution through what is known as the east gate. That is the area for the delivery of supplies entering the institution to the Federal prison industries and also for all vehicles coming in delivering foodstuffs for the kitchen and the warehouse, and things of that nature.

You have a constant flow of trafficking in and out of there all day long. Inmates that work outside come in through that east

gate, bring in large quantities of narcotics that are dropped on the reservation by their people on the outside.

The items come in in boxes that are loaded down with steel for the Federal prison industries. Prior to these crates of steel coming into the institution, they are stored downtown in a railroad shipyard, clearly marked, "Deliver to U.S. Penitentiary, Federal Bureau of Prisons, Atlanta."

The man that wants something put in one of those boxes has it arranged through the fellow that works in the warehouse with the Federal prison industries where the boxes come in, the move is made to place whatever you want in that box, the box is identified in a certain manner.

So when this shipment does come in, he knows what box his stuff is in and he gives it to the person that pays for it.

Senator PERCY. You have testified that practically every inmate in the Atlanta Penitentiary has some kind of weapon.

Have there been actual cases that you know of where guards were not armed but the prisoners were?

Mr. BOWDACH. That is a daily occurrence.

Senator PERCY. A daily occurrence?

Mr. BOWDACH. The guards have no weapons at all within the walls of the penitentiary.

Senator PERCY. Inside prison, for the most part, prisoners have more weapons available to them than the guards?

Mr. BOWDACH. Definitely.

Senator PERCY. Obviously guards could get weapons very quickly, but day by day the inmates are better able to protect themselves, or take offensive action.

Finally, I would like to ask you about your own personal reflections now because you did indicate last week the general circumstances under which you came to the authorities and began to cooperate with them.

As you look back now, do you think it was inevitable that you are now on the right side of the law, or do you believe if a few things had happened differently, you would still be a part of the crew in Atlanta, still waiting for return to criminal life?

Mr. BOWDACH. I believe I am on the right side of the law now.

Senator PERCY. What caused you, though, to get on the right side of the law? Had it been different, would you have been back there waiting out your time, reasonably assured you were just going right back to a life of crime?

Mr. BOWDACH. It took me 35 years to open my eyes and wake up to see what was really going on. I started getting a little bit sick and tired of the senseless murders, talk about a man's life, \$500, and say what is life all about?

My heroes turned out not to be my heroes. I felt that I was being used and manipulated. I was asked to perform my homicides within the penitentiary. I felt it was ridiculous. The reasoning behind it was ridiculous.

I refused to do it. By my refusal to do it, these people took the position that I was getting weak, taking that position; they wanted to insure that I would not be able to inform on them.

The problem was that they sent an amateur to do a man's work; I picked up on it right away and then I made a decision; I could

have either eliminated the intended assassin or take the step in which I took and I decided that this was the proper step to take.

Senator PERCY. If you would have not had this change of heart then, when do you estimate you would have gotten out of the prison and what would have been the likely activity once outside prison?

Mr. BOWDACH. I believe I would have gotten out in the same amount of time that I really believe I am going to get out now.

Senator PERCY. When will that be?

Mr. BOWDACH. The expiration of my sentence.

Senator PERCY. When is that?

Mr. BOWDACH. Right now, it is 24 months.

Senator PERCY. Twenty-four months from now?

Mr. BOWDACH. Yes, sir.

Senator PERCY. What would it have been if you hadn't decided to change the course of your life and these other events had not intervened? What would the likelihood have been of your activities just as soon as you got outside?

Mr. BOWDACH. I believe I would have been earmarked for bigger and better things in crime.

Senator PERCY. What do you mean by that?

Mr. BOWDACH. I was very well respected on the vote, Mr. Percy. People who are on top liked me, trusted me, and I believe, unless I am wrong, that they would have set me up in some kind of an operation where I could have made a good living at it and eventually ended up back in the penitentiary.

Senator PERCY. Could you tell who you would have gone back to and what kind of proposition you think they might have made to you? What kind of arrangement might they have made for you for bigger and better things, as you call it?

Mr. BOWDACH. In all probability, I would have gone back with Carlo DiPietro, Mr. Julie Sirowitz.

Senator PERCY. Where would you have operated? In Miami?

Mr. BOWDACH. Miami.

Senator PERCY. What specifically would these bigger and better things be?

Mr. BOWDACH. Major narcotic importations, major legitimate businesses, or bingo operations; things of that nature. I would have a percentage from different businesses. I would have been like an oversight person in their behalf.

Senator PERCY. Thank you very much.

Senator NUNN. Thank you very much, Mr. Bowdach. I know it has been a long, almost 2½ hours for you this morning.

Tomorrow morning, in wrapping up and concluding these hearings, we are going to hear testimony once again from Mr. Bowdach. We will be asking him about the Freedom of Information Act, filing of writs of habeas corpus, and other things that he did, his associates did, to tie up the criminal justice system.

We will also be talking to him about the Bail Reform Act and some of the advantages it gives to the criminals in organized crime.

We will also be talking to him at some length about the witness protection program, his experiences in that program, and some of the deficiencies that he sees in the program.

So we will be getting his views on these subjects and also his general views towards what the authorities can do to improve their capabilities and what we in Congress can do based on his knowledge and his background.

In addition to Mr. Bowdach, we are going to have some testimony tomorrow from the President's Reorganization Project on Law Enforcement. The people who head that up are F. Tread Davis, Jr., Director, General Government Division, Office of Management and Budget; Mr. Lloyd Bastian, Director of the Law Enforcement Study Team, who will testify.

They will testify not necessarily about the solutions and about the reorganization that they may propose at a later date, but rather about the finding they made about the capability of the law enforcement to really cope with organized criminal activity, and with other types of criminal activity.

So we will hear from them tomorrow and we will hear from Mr. Bowdach.

Senator Percy, do you have any other statements?

Mr. Bowdach, thank you very much. We appreciate your continued cooperation with the subcommittee. We look forward to your testimony tomorrow, which we think will be extremely important in helping us cope with some of the problems you have outlined.

At this point, again, let me thank the news media for your continued cooperation, and I will ask the media please to turn the cameras so the witness can exit the room.

I will ask the Marshals Service to again notify me when all the cameras have been turned from the front and this applies also to the audience.

The witness will exit the room. Are the marshals ready?

The subcommittee will convene again tomorrow morning.

[Whereupon, at 12:25 p.m., the subcommittee recessed, to reconvene at 10 a.m., Thursday, August 10, 1978.]

[Members of the subcommittee present at time of recess: Senators Nunn and Percy.]

## ORGANIZED CRIMINAL ACTIVITIES

### South Florida and U.S. Penitentiary, Atlanta, Ga.

THURSDAY, AUGUST 10, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to recess, in room 1202, Dirksen Senate Office Building, under the authority of S. Res. 370, agreed to March 6, 1978, Hon. Sam Nunn (acting chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; Senator Lawton Chiles, Democrat, Florida; and Senator Charles H. Percy, Republican, Illinois.

Members of the professional staff present: Owen J. Malone, chief counsel; F. Keith Adkinson, assistant counsel; David P. Vienna, investigator; Larry Finks, captain, U.S. Park Police; Joseph G. Block, general counsel to the minority; Ruth Y. Watt, chief clerk; and Mary Donohue, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of reconvening: Senators Nunn and Percy.]

#### OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. This is the final day of this round of hearings into organized crime in south Florida and corruption in the Atlanta Penitentiary.

Today we will hear how skillful and intelligent middle level organized crime associates manipulate laws aimed at protecting the rights of individuals. We will hear how laws can be turned against society and how laws aimed at curtailing the excesses of law enforcement are used to tie up the criminal justice system. We will not hear this from a lawyer or prosecutor. We will hear it from Gary Bowdach who passed the bar on the street and opened his law practice in the jailhouse.

We will hear testimony about the Freedom of Information Act, intended to provide public access to Government files. We will hear testimony about the Bail Reform Act. This law was intended to protect the rights of persons accused of crime.

We will hear testimony about how Mr. Bowdach prepared writs of habeas corpus for himself and others, tying up the system and burdening prosecutors with legally necessary but, nonetheless, in many cases, meaningless work.

Finally, we will hear testimony on the witness protection program which was established by the crime bill of 1970. The program was assigned by Congress to the U.S. Marshals Service.

The primary purpose of the program is to keep witnesses and their families secure from retaliation resulting from their testimony in cooperation with law enforcement. Under the program, witnesses and their families are provided new identities. They are relocated. The Government also provides assistance in retraining individuals and even in finding new employment. Today there are approximately 2,600 witnesses in the program which last year cost \$11 million. In addition to Mr. Bowdach's testimony this morning, we will also have testimony from F. Tread Davis, Jr., the Director of the General Government Division of the Office of Management and Budget. With him will be Lloyd Bastian, Director of the Law Enforcement Study of the President's Reorganization Project.

They will talk not about the solutions to all of the problems, but about some of their findings in the reorganization study—findings regarding Federal law enforcement organization and Federal law enforcement capability to deal with organized crime and with other types of criminal activity.

Senator Percy?

Senator PERCY. I have no further comments, Mr. Chairman. Thank you.

Senator NUNN. Senator Chiles has got two other important meetings this morning. He is going to be here as soon as he can. When he comes, Senator Percy, I will defer to him. I will try to divide the time before his anticipated arrival with you.

At this stage, we will prepare the cameras so that the witness can enter the room. Will the marshals let me know when they are ready, so that the witness can be brought into the room?

The cameras can resume their normal position.

Before we begin our testimony today, I would like to take this opportunity to thank Mr. William Hall, Director of the U.S. Marshals Service, for the dedicated assistance of his men in providing security for Mr. Bowdach under very difficult circumstances, to say the least.

The staff of the subcommittee has worked closely with the inspectors and deputies of the U.S. Marshals Service, as well as other officials in the Justice Department, throughout the development of this investigation.

Their experience in this matter, as well as in others, confirms a continuous spirit of cooperation with the subcommittee. We are grateful for that. Also, the same is true with respect to the Capitol policemen who have been so dedicated in fulfilling their duties and obligations.

I also want to say just a brief word regarding the testimony yesterday concerning the Atlanta Penitentiary. Warden Jack Hanberry became the warden of the Atlanta Penitentiary in July 1977, not long before Gary Bowdach left the institution.

From what Mr. Bowdach said yesterday about the overcrowding of the institution and other matters, Mr. Hanberry, as warden, certainly has a major task confronting him. I want to make it clear that regarding the charges made by Mr. Bowdach relating to certain specific individuals in the Atlanta Penitentiary he made it

very clear that he believed that these individuals were the exceptions to the rule.

There were no charges made against Warden Hanberry. Mr. Bowdach himself said that most of the people at the Atlanta Penitentiary, working in the administration and as guards and civilian employees are men who tried to do a very good job under very difficult conditions.

So the testimony yesterday about the Atlanta Penitentiary, although certain individuals were named, should not be taken as an indictment of the administration of the penitentiary or of the individuals who try to do the best they can under the circumstances.

Also, Mr. Hanberry's staff has been cooperating with the subcommittee as we look into these allegations and other serious matters confronting the Atlanta Penitentiary in the future. We look forward to continuing to work with them.

Mr. Bowdach, as I have said each morning, you realize you are still under oath as a witness before this subcommittee and that oath is a continuing obligation on you to tell, as a witness, the truth, the whole truth, and nothing but the truth?

#### TESTIMONY OF GARY BOWDACH--Resumed

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, you have a reputation of being a reasonably effective jailhouse lawyer. Is that a term you would accept? Or if you have another term for it, give it to me.

Mr. BOWDACH. I think that is correct. I thank you for the compliment.

Senator NUNN. You have never been to law school, have you?

Mr. BOWDACH. No, sir.

Senator NUNN. You have, I guess, during the course of your incarceration, done a good bit of study about the legal procedure and legal rights, have you not?

Mr. BOWDACH. That is correct.

Senator NUNN. Do you have access to lawbooks in the prison; is that the way you have done your study?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What kind of books have you read on the legal system of our country?

Mr. BOWDACH. United States Code Annotated, Corpus Juris Secundum, Jurisprudence; I think I have read them all.

Senator NUNN. You have read most of the legal books that were available to you?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Have you done extensive reading of the laws of the Federal system?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Relating to procedure?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Relating to legal rights?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Relating to court cases? Have you read actual court cases—studied decisions handed down by courts?

Mr. BOWDACH. That was my primary reading, sir.



Senator NUNN. What kind of books were those court decisions contained in? Were they Federal Appeals?

Mr. BOWDACH. Fed Second, Supreme Court, Federal Supplement.

Senator NUNN. Are all of those books contained in a library?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Is it a legal library?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. Where is the legal library located?

Mr. BOWDACH. On the third floor of the penitentiary.

Senator NUNN. Of the Atlanta Penitentiary?

Mr. BOWDACH. Yes.

Senator NUNN. Do many prisoners spend much time in that room? Were you the exception or were there a lot of people that availed themselves of that opportunity?

Mr. BOWDACH. I believe I was the exception because a lot of people would initially start out reading the books, but to them, they were so hard to interpret the laws or the courts' opinions, that they gave up on it.

So they would come to me and ask me or other jailhouse lawyers, how do you do this, how do you do that?

Senator NUNN. Have you had any kind of college education?

Mr. BOWDACH. In the penitentiary I took a few courses.

Senator NUNN. What kind of courses?

Mr. BOWDACH. Western civilization, English, and mathematics.

Senator NUNN. You must have done a great deal of reading in your lifetime, have you not?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Has that been something you acquired in high school or something you acquired after you went into the penitentiary or is this something you have done all your life?

Mr. BOWDACH. Something I enjoy doing, sir.

Senator NUNN. How many hours, roughly, would you say you spent studying law?

Mr. BOWDACH. Years.

Senator NUNN. In terms of maybe 3 or 4 hours a day, 2 or 3 hours a day?

Mr. BOWDACH. I would take a book down from the law library into my cell and at nighttime, when everything was real quiet, I would read the latest court decisions and research and keep quite large indexes on search and seizure laws, habeas corpus laws, and how they pertained to different situations.

Senator NUNN. You primarily focused on the criminal aspects of the legal system?

Mr. BOWDACH. Yes.

Senator NUNN. How many writs have you filed on your own behalf?

Mr. BOWDACH. I lost count after a couple of dozen, Mr. Chairman.

Senator NUNN. Couple of dozen?

Mr. BOWDACH. At least.

Senator NUNN. Would you say between 20 and 50 would be the range then?

Mr. BOWDACH. Twenty to twenty-five.

Senator NUNN. What kind of writs? How would you categorize those?

Mr. BOWDACH. They would be habeas corpus type writs, writs against the U.S. Parole Commission.

Senator NUNN. How many Freedom of Information Act requests did you file on your own behalf?

Mr. BOWDACH. I believe I filed to every Federal agency that I believed may have a file on me.

Senator NUNN. Could you name a few of them?

Mr. BOWDACH. FBI, DEA, ATF, IRS, U.S. attorney. There may have been a few more.

Senator NUNN. Would you say the range of those Freedom of Information requests was 10 to 20?

Mr. BOWDACH. Close to 10.

Senator NUNN. How many writs of habeas corpus and other types of writs have you prepared on behalf of other inmates?

Mr. BOWDACH. About 100.

Senator NUNN. About 100?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was this during your first incarceration in the penitentiary or was this during your last year in the penitentiary?

Mr. BOWDACH. Both times, sir. The writs were the first period and the second period, and the Freedom of Information Act, I believe, was the second period.

Senator NUNN. Let me ask you, first of all, regarding the writs and the Freedom of Information requests you filed on behalf of yourself, were these filed because you felt you had a realistic legal ground for seeking legal relief? Was that your motive?

Mr. BOWDACH. On a few of the issues that I presented, I felt I had merit. Some of them were totally frivolous and just to aggravate Mr. Betz.

Senator NUNN. Gary Betz?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Is he the one who testified here earlier?

Mr. BOWDACH. I believe he did.

Senator NUNN. Why would it aggravate him? Did you figure he had to answer the requests?

Mr. BOWDACH. He had to answer all of my writs.

Senator NUNN. They weren't directed to him as an individual?

Mr. BOWDACH. I would send him his copy directly.

Senator NUNN. You mean whenever you filed that writ within the Department of Justice, he would be the one who had to answer it?

Mr. BOWDACH. I was kind of hoping that somebody else would be given the chore to answer it because they wouldn't be fully aware of my case as he was and there would be a tendency for them to make an error that I could capitalize on.

Senator NUNN. Was this in the case of writs of habeas corpus?

Mr. BOWDACH. Post-Conviction Release, section 2255. Yes, sir.

Senator NUNN. How about the Freedom of Information requests? Was that the same motivation?

Mr. BOWDACH. The request?

Senator NUNN. Freedom of Information requests.

Mr. BOWDACH. It would go to all the different agencies.

Senator NUNN. They didn't relate specifically to Mr. Betz?

Mr. BOWDACH. Yes.

Senator NUNN. You felt he would have to answer most of those, also?

Mr. BOWDACH. He would have to search his files and things of that nature, refer it to the Miami office of the FBI.

Senator NUNN. Let's take, first of all, the writs of habeas corpus. You said you filed approximately 10 requests on your own behalf?

Mr. BOWDACH. Approximately, yes, sir.

Senator NUNN. Out of those 10, and with your considerable amount of legal reading, how many of the requests were legitimate in terms of really seeking legal relief?

Mr. BOWDACH. About half.

Senator NUNN. About half?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What was the motivation for the others?

Mr. BOWDACH. We basically tried to bog down the system, tie up law enforcement personnel, prosecutors. They would be issued show-cause orders so they would have to respond by order of the court. By doing that, they would have to drop the cases they have, they would have to put them on the side to answer the writs and it would just create total turmoil for them.

Senator NUNN. Would you say that the writs you filed on behalf of the other inmates were in the same category, approximately 50-50 in terms of legitimate versus frivolous?

Mr. BOWDACH. I recall—to my recollection, sir, most of those writs, I have had people come to me, bring me their transcript, I would read their transcripts, I would tell them that, "I see nothing in here, nothing has merit." "See what you can do, do something, just file something." I filed them. I prepared a writ that I know myself to be totally frivolous, without merit at all.

Senator NUNN. What percent of the writs you filed on behalf of others would you say were frivolous, without merit?

Mr. BOWDACH. About 75 percent.

Senator NUNN. About 75 percent?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Turning to the Freedom of Information Act, what was your motivation in filing the Freedom of Information requests on your own behalf?

Mr. BOWDACH. To try to identify the informants that revealed information to the agencies.

Senator NUNN. Informants who testified against you?

Mr. BOWDACH. The ones that testified against me, I knew. I was concerned about the ones that didn't testify, the ones that were supplying confidential information.

Senator NUNN. You were concerned about those who did not testify, but those who may have been of assistance to law enforcement officials?

Mr. BOWDACH. That is correct.

Senator NUNN. On a confidential basis?

Mr. BOWDACH. Yes, sir.

Senator NUNN. People that were never called as a witness?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Why did you want to get their names?

Mr. BOWDACH. To know who they were, to take care of business later on.

Senator NUNN. Take care of business later on? You mean by that to murder them?

Mr. BOWDACH. Yes, sir.

Senator NUNN. What about Freedom of Information requests filed on behalf of other people? What was the motivation you had in most of those Freedom of Information requests?

Mr. BOWDACH. Basically, with myself and with the other people that I filed the request for, Mr. Chairman, a twofold purpose. We used it as a discovery purpose to determine if that agency in particular had any pending investigations, anything that we can determine that was still within the statute of limitations, that they could possibly be brought to trial. By knowing that information, we used it properly, to prepare the writs and undermine their whole game plan.

Senator NUNN. So you were using these Freedom of Information requests as basically pretrial, preindictment discovery, is that right?

Mr. BOWDACH. Also to try to determine who the informants were.

Senator NUNN. Did you, on any occasion, ever find out the name of an informant by filing a Freedom of Information request?

Mr. BOWDACH. Not in my particular case, no, sir.

Senator NUNN. Did you in anyone else's cases?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Tell us about that.

Mr. BOWDACH. On behalf of Herbert Sperling, we sent a request to the Drug Enforcement Administration. We received back the package, that must have weighed about 5 pounds, of documents. We went through all of these documents. Deletions were made throughout the documents. In some instances, deletions were not totally complete. They would leave one letter, where it could be recognized, the people that were involved in that case, to take the amount of space that was deleted, the length of the deletion, take that letter, measure the letter, backspace, see what position that letter is placed in the name, and from that letter, they were able to determine the name of an informant in that case.

Senator NUNN. What happened to that informant?

Mr. BOWDACH. I can only speculate, sir.

Senator NUNN. What was the purpose of them trying so hard to obtain this information?

Mr. BOWDACH. To eradicate the informant.

Senator NUNN. Do you think the informant was eradicated or do you have any way of knowing?

Mr. BOWDACH. I have no way of knowing, but knowing the people that we are talking about, I don't think the man is among the living any more.

Senator NUNN. So this is the case that you personally observed where an informant was identified by request filed under the Freedom of Information Act?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, what does FOIA-exempt mean?

Mr. BOWDACH. Freedom of Information Act-exempt.

Senator NUNN. What does that mean? You have studied this, I am sure, a lot more than I have. What does it mean, that the information is exempt from the Freedom of Information Act?

Mr. BOWDACH. The laws of the Freedom of Information Act have certain exemptions to protect people, particularly interagency memorandums, things of confidential nature, opinions of the different agencies, and these things are exempt from disclosure to the requesting party. There are only a few portions that are exempt, and these would be some of them.

Senator NUNN. Did you, in filing Freedom of Information requests on your behalf and on behalf of others, have occasion to secure information that was supposedly FOIA-exempt?

Mr. BOWDACH. Yes, sir, I did.

Senator NUNN. How many times did that occur?

Mr. BOWDACH. Maybe four or five times. The last time, it was pretty comical. It was a request for what they called a report on convicted prisoners by the U.S. attorney, which is a 792 form. I requested this memorandum from the U.S. attorney's office. I received a letter back saying that it was exempt, and that I would not be getting it from him because of that, that if I wanted to appeal that decision, I could appeal it. A week later I got a letter from the U.S. attorney's office in the mail and there was the form that they just told me a week prior was exempt.

Senator NUNN. Did it have "FOIA-exempt" on it?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Would you take a look at this document, if the clerk would hand it to him?

Take a look at that, Mr. Bowdach, and tell us if that is the document you are referring to?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I don't believe that has "FOI-exempt" on it, though, does it?

Mr. BOWDACH. I had thought it did, sir. I am sorry. It is definitely a form that should not be distributed.

Senator NUNN. That was the document they said they weren't going to send you and a week later you got it in the mail?

Mr. BOWDACH. I was in the process of typing up an appeal when this came in the mail.

Senator NUNN. What information does that have in it?

Mr. BOWDACH. This is an opinion by the prosecutor in my case and it is very—let me say this, Mr. Chairman: This document in my hand could have very well placed the life of Mr. Betz in serious jeopardy.

Senator NUNN. Mr. Betz being who?

Mr. BOWDACH. The prosecutor that prosecuted me.

Senator NUNN. Why is that?

Mr. BOWDACH. Because of the fact I take serious offense to his opinions. This had been the major document that has kept me incarcerated all these years, and he could have, he is, he had the—excuse me. He had the option of submitting this or not submitting this. He is not compelled to submit this statement. It is the option that he has. He elected to do so. I took serious offense to it. I thought he was really shooting at me, so to speak. He was trying to keep me in for as long as he could.

Senator NUNN. So if you had been of a mind to, that document in your hands could have led you to being very angry at Mr. Betz. Is that what you are saying?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Do you think he had the option under the Freedom of Information Act to refrain from sending you that document? Is that what you are saying, too?

Mr. BOWDACH. This document here would definitely be exempt from the Freedom of Information Act, for distribution because it is an internal Government memorandum. It goes from one agency to another agency and those documents are exempt.

Senator NUNN. What is in that document that would cause you to take offense towards Mr. Betz?

Mr. BOWDACH. "There is little doubt that in addition to being a shylock, he was a hit man. He is extremely dangerous and completely without feelings." I take offense to that.

Senator PERCY. Wasn't that true?

Mr. BOWDACH. I do have feelings, sir.

Senator NUNN. I will ask the clerk to hand Mr. Bowdach a copy of these. If you could just give us a general description of these documents, Mr. Bowdach. Tell us what is on them. I believe these are documents that have FOIA-exempt on each of them. Is that correct?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Did you obtain those documents yourself by filing Freedom of Information Act requests?

Mr. BOWDACH. Yes, sir.

Senator NUNN. They sent you documents exempt from the Freedom of Information Act?

Mr. BOWDACH. That is correct.

Senator NUNN. How do you explain that?

Mr. BOWDACH. Inadvertence on their part, so bogged down with requests. We have had occasion to send to the same agency two or three times for the same information for each time they delete it.

Another person would be the one to delete it. They left out one letter this time. The next person may read another letter. I would like to make it very clear that if they had deleted all the names where you couldn't see anything about it, just details of the report could also reveal the identity of the informant.

Senator NUNN. How is that?

Mr. BOWDACH. If I know that I had a meeting with you on such and such a date, and in a certain restaurant in Miami, and I got a report a year later and it said a confidential informant who met with Bowdach at such and such restaurant on such and such a date, revealed to us that such and such happened, I don't have to know your name.

I've just got to try to think, remember who I had a meeting with at that time and that place and I come up with you.

So they could delete it, the way they are supposed to, but just details of the report itself can reveal to me the name of the informant.

Senator NUNN. Is this kind of motivation prevalent with organized crime figures in the penitentiary?

Mr. BOWDACH. Absolutely.

Senator NUNN. In other words, you are not the only one that was filing these kinds of requests to seek the identity of the informants?

Mr. BOWDACH. No, sir.

Senator NUNN. Would you say it is something that goes on all the time?

Mr. BOWDACH. I was doing most of them for the other fellows.

Senator NUNN. Do you think it is very successful? Do you think there are many informants identified by this method?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, we have had many law enforcement officials in private conversations, some of whom may testify, speculate that these kinds of Freedom of Information Act requests by organized crime have had a chilling effect on informants so that fewer informants are coming forward out of fear the information they provide will end up in the hands of people who, like you at one point in your life, would take their life by murder if you had secured their identity.

Do you agree with this overall assessment, or how would you word it in your own words?

Mr. BOWDACH. I believe that is a fact, Mr. Chairman, plus endangering the lives of those that are trying to help law enforcement. Basically, what you are doing there, is this act is causing these people to be reluctant to come forward and help for information of expulsion, through either inadvertence or through malice.

Senator NUNN. Do you know of cases from your own personal knowledge where this kind of chilling effect has come about because of fear of identification by people who might otherwise be informants?

Mr. BOWDACH. I know of people who have expressed a willingness to me to come forward but they are afraid. They are afraid of this act, that they could be revealed at a later date and they are also afraid of the improper witness protection program—the way it has been run in the past.

Senator NUNN. So you are basically saying that your experience indicates that the Freedom of Information Act is being used by people involved in organized crime, both as pretrial discovery and also as a way of identifying informants?

Mr. BOWDACH. Definitely, sir.

Senator NUNN. Senator Percy, at this stage, I think I will defer to you and then when Senator Chiles comes in, we will defer to him.

Senator PERCY. I think the point you have made is a very good one. It is the problem we face in intelligence, also. We want to lay out proper supervision for intelligence activities but in the process it unhappily dries up.

So the suggestion, that we probably have gone overboard in some of these things, would have to be taken given consideration. We have to take another look at it to see whether the overall interests of society are being served.

Just finishing up a few questions on the Freedom of Information Act, can you recollect the first time that you decided to file a Freedom of Information Act request? What was it for, and why did you decide to file it?

Mr. BOWDACH. To determine what the agency had in their file as it came to me.

Senator PERCY. Why did you decide to file that?

Mr. BOWDACH. Why did I decide to file it? To determine what they have on me. I wanted to see if they have had anything on me.

Senator PERCY. At what point in making your request did your purpose cease to become a legitimate one and become a desire solely to tie up the system itself?

Mr. BOWDACH. On the Freedom of Information, or on the writ?

Senator PERCY. Pardon?

Mr. BOWDACH. On the writ process or on the Freedom of Information?

Senator PERCY. Freedom of Information?

Mr. BOWDACH. When they started sending FOIA exempt material, I would just keep on filing them back to the agency and each time they would send the requested material back, almost all the time, you can count on one or two documents being in there and eventually you would end up with everything that was FOIA exempt.

Senator PERCY. Just to sum up your own conclusions, so that we don't draw the wrong impression, what is your personal opinion on the concept behind the Freedom of Information Act?

Is it basically a good idea? Should we come away from your testimony thinking that we should wipe this law off our books, or do you see ways to keep the overall purpose and objectives of the Freedom of Information Act, so as to continue to protect society and protect informants who have cooperated with law enforcement? After all, you are in that position yourself today.

Mr. BOWDACH. Yes. I believe the act is a very good act. I believe the American people are entitled to know what the Government has as it pertains to them, but when it gets to the point where it is going to be used to subvert the criminal justice system, when it is going to be used to assassinate people that are cooperating with the Government, then I believe that certain safeguards must be instituted.

Senator PERCY. Finally, is there anyone that you could name, besides those that you have already mentioned, who was ever actually injured or killed because an organized crime figure was able to obtain the identity of that person through the Freedom of Information request?

Mr. BOWDACH. I have no first-hand knowledge of anybody that was killed. But with these people, people tend to "disappear"—and I will put a quote in front and behind that. So you really never know if they are dead, if they have run away, or what have you.

Senator PERCY. Last January, the Senate passed a criminal code reform bill, S. 1437, after years of deliberation and debate in the Judiciary Committee and lengthy discussion on the floor.

I would like to ask you about sentencing. Penologists say that much of the dissatisfaction that prisoners have is they see in prison people who have committed similar crimes under similar circumstances and have similar background, but receive very different sentences from their own. Is this a serious problem?

Mr. BOWDACH. The disparity in sentencing?

Senator PERCY. Yes.



Mr. BOWDACH. I would like to state that I have read the bill that has been proposed. I believe Senator Kennedy is one of the people that has introduced this bill to set up the sentencing commission. I think it would alleviate a lot of the problems that exist right now, because there is a lot of business between the inmates, where one fellow should get 5 years for one crime in one part of the country and another fellow gets 25 years for the same crime, and they both have similar backgrounds. If you leave it up to the U.S. Parole Commission to reduce disparity, it doesn't happen.

Senator NUNN. One of the changes made in the criminal code reform bill that passed the Senate is to establish sentencing guidelines for the judges, rather than giving a person an indeterminate sentence and leaving it up to the Parole Board to decide when someone ought to be released. Judges would then give a specific sentence to a person which would mean what it says.

May we have your judgment as to whether this is a step in the right direction?

Mr. BOWDACH. I definitely believe it is.

Senator PERCY. With respect to narcotics, and going over the interviews you have had with the staff, I find that you are very much in favor of increased penalties and increased efforts in law enforcement against hard narcotic drugs, such as cocaine. Certainly, most of us would agree with you on that. But you told staff members you actually favor legalization of marihuana, which I do not. I favor decriminalization of it, but not the legalization of it.

Could you tell us why you differentiate between marihuana and other drugs, and why you favor legalizing it, rather than just decriminalizing it?

Mr. BOWDACH. I go both ways on that subject, Mr. Senator. It has its good points and it has its bad points. The good points, if you did legalize marihuana, you would take the profits out of organized crime and the profits runs into hundreds of millions of dollars, from which no revenue is paid on to the Government.

The adverse effect it could have, the children of today, the drug culture, what we are experiencing today, the PCP, angel dust, and these kids are actually freaking out and jumping off buildings, and things like that, they start out with marihuana. Their attitude is, if this feels this good, then this has got to feel better. So you are caught between the devil and the deep blue sea, and I don't want to be the one to say yes or no, because I have children, and I don't want to see my children smoking marihuana.

Senator NUNN. In other words, even though you can see a case for legalizing it, you don't want your own children smoking it, is that right?

Mr. BOWDACH. Absolutely not.

Senator PERCY. I think that is the way many of us have felt. Certainly there is no question that alcohol has known bad effects—just on the highway alone. Cigarette smoking, despite the report in this morning's paper that one person's research has shown that some cigarettes could be used without excessive danger, has very bad effects. Marihuana may lead to things that we all know are extraordinarily dangerous and extraordinarily bad for society. On balance, I come down on the side that it is best not to legalize it and put our stamp of approval on it. However, I presume you

would agree with me that branding a person who is a user of marihuana as a criminal is perhaps excessive.

Mr. BOWDACH. I believe that. I don't believe they should be labeled a criminal, but you have got to look at this situation realistically. If you legalize marihuana today, 5 years from now they will be screaming for the legalization of cocaine. Where are you going to go from there?

Senator PERCY. Mr. Bowdach, with respect to prisoners' rights, over the past several years, numerous prisoners' rights groups, including the national prison project, which has brought many of the cases in which overcrowded prisons were declared cruel and unusual punishment, have been working to expand the rights of a person who is placed in prison. Yesterday you indicated that these civil rights advocates, as you call them, were partially responsible for the deteriorating condition in our prisons. What rights do you think a person in prison should have? What, in your opinion, are a prisoner's civil rights?

Mr. BOWDACH. The national prison project, I happen to know the man, Alvin Bronstein, who heads that project, I have a lot of respect for that gentleman, he has fought diligently for the right of prisoners for years now. I don't believe that Mr. Bronstein has the total picture himself of what is actually going on. He sees what the prisoners want him to see. They are constantly writing to him, this is no good, that is no good, and he exerts his influence and his pressure to the group on legislation. Prisoners have a right to be treated humanely. He has a right to maintain his contact with his family. He has a right to be treated like a human being, but in giving him these rights, he has an obligation and a responsibility.

He committed a crime, just like I did. He must pay his debt to society. If he can't do the time, don't do the crime. But when you take these penitentiaries, these penal institutions, and you give these inmates free run of the whole place, they are not doing time, they are not paying their debt to society because they are coming back out into society with the attitude, that was nothing. It will serve no useful deterrent purpose.

Senator NUNN. Senator Percy, could I ask one question at this point? I think it is extremely important because we are getting such inconsistent descriptions, not from you, but from people from the Atlanta Penitentiary. On the one hand, we have people saying, "Don't send us to that place." I even had a man tell me a week ago, "If I get there, I will commit suicide." He was a first offender. On the other hand, you are describing it as a country club kind of atmosphere. I have been thinking about this and it may be that the two things are compatible. Could it be that it is a country club atmosphere for those who are big, tough, and organized with strong powerful friends, but a place of sheer terror for those who may be on their first offense and incarcerated without having organized crime contacts, and without being mean enough to protect themselves? Is that possible?

Mr. BOWDACH. Mr. Chairman, you said it all when you thought of the question, when you said "first offender." He didn't know. He knows from what he was told. He was scared. I have seen fellows come in there scared and can't believe it when they got there.

Senator PERCY. In your judgment, should first offenders not be sent to the Atlanta Penitentiary?

Mr. BOWDACH. Definitely not.

Senator PERCY. That is your feeling?

Mr. BOWDACH. Yes, sir.

Senator PERCY. It is really a prison designed for maximum security prisoners. The concern of the prison administration is to prevent escapes, which I agree with. That is why I read into the record yesterday the statements about Atlanta, which tried to put in balance, I think, the conditions there, and what their objective and purpose is. But you would keep first offenders out?

Mr. BOWDACH. The policy for the Atlanta Penitentiary is that they will not take first offenders. Basically from what you have heard, and from what I have seen, they are not supposed to take first-time losers in that penitentiary.

Senator PERCY. The question of grand juries is subject to a lot of debate. Very prominent people in the country have challenged aspects of the grand jury system, and have called public attention to it. You have very strong opinions about keeping lawyers out of the grand jury room. Many are taking the position that they belong in the grand jury room beside their client to protect the rights of the individual. It is your belief that if an organized crime figure had ideas about cooperating with the grand jury, he would be prevented from doing so if the syndicate-supplied lawyer were sitting next to him. It seems to me a legitimate concern. Would you expand on your belief that allowing a lawyer to represent his client inside the grand jury room would necessarily result in organized crime obtaining the names and addresses of witnesses before trial?

Mr. BOWDACH. Can I comment before I answer that question, Mr. Senator?

Senator PERCY. Pardon?

Mr. BOWDACH. Can I comment before I answer that question?

Senator PERCY. Please.

Mr. BOWDACH. The purpose of the grand jury is to establish probable cause, to determine if the Government has enough evidence to go to trial. It is not for a mini-trial, which it will probably end up being—it is not an adversary proceeding. It is only to determine if there is enough probable cause for the Government to hand down an indictment. It does not determine guilt or innocence. That is up to the trial. If you were going to pass this bill, if this legislation was to pass—I am only sorry that it didn't pass 8 years ago, because if it did, I would not be here today.

Senator PERCY. Mr. Bowdach, in executive session, you told us that you wouldn't be here today—

Mr. BOWDACH. That is correct.

Senator PERCY [continuing.] If that bill had passed 8 years ago. Does this mean that if you had a lawyer 8 years ago, when you were a criminal defendant if he had been permitted in the grand jury room, he would have told you who the witnesses were?

Mr. BOWDACH. I would have made it my business to retain a lawyer, instead of the lawyer that I did retain, who I could have used to give me this information, yes.

Senator NUNN. What would you have done with it?

Mr. BOWDACH. There would have been no witnesses to testify against me.

Senator NUNN. In other words, you would have murdered the witnesses?

Mr. BOWDACH. Definitely.

Senator NUNN. Are there others like you who will do the same thing?

Mr. BOWDACH. To us, the name of the game is staying on the street. Life is expendable. It doesn't matter. It just has no meaning.

Senator PERCY. You took offense at Mr. Betz' characterization of you as having no feelings. I felt that there was a logical basis for his coming to that conclusion. Could you express yourself with respect to the feelings you had for those witnesses, those people who are cooperating, who were trying to help establish the case against you, your feelings for them and their families? You seem to have no particular feelings about them now. They are simply persons to get rid of if they get in your way.

Mr. BOWDACH. I am facing 60, 70, 80 years, in the penitentiary. I am thinking about my family. They come before their family.

Senator PERCY. I would like to have your comments on the witness protection program, because that is of extraordinary importance to us and extraordinary importance to you now. Can you explain to us what you understand to be the basic provisions of the witness protection program? When you are released from prison, what help do you legally expect from the Government through the witness protection program?

Mr. BOWDACH. Senator Percy, I have, because of the "depth" of the program, and the problems that are in it, I have prepared a statement as it pertains to me, first-hand experiences, that I would like the opportunity to read to the committee, if I may.

Senator PERCY. Go right ahead now.

Senator NUNN. Go ahead. I think it is a good time to read that.

Mr. BOWDACH. Mr. Chairman, I don't even know where to begin. I would like to start by saying that this program is absolutely necessary if we are to win the war against organized crime. There are many serious problems that exist within this program that can be alleviated by an act of Congress or by Executive order within the Department of Justice.

The first problem that I see is that although the U.S. Marshals Service has all the responsibility for the protection of the witness, they have no control over the funding to protect the witness.

From my experiences during the past year as a cooperating witness, I can literally say that I have lived the life of an animal. Everywhere that I have been transported to I have been placed in isolated segregation in one county jail after another, unable to even take a shower or shave for days.

Even up until the day, Mr. Chairman, that I was brought to the office of Mr. William Gallinaro, I was led through the Senate Office Building in leg irons, belly chains and handcuffs, unshaven and unbatched for 4 days prior.

When Mr. Gallinaro requested that the Deputy Marshal remove the leg irons and uncuff me, there was a reluctance on their part to do so. It wasn't until Mr. Gallinaro insisted and advised them that I was a cooperating witness, that they unleashed me. They

politely informed Mr. Gallinaro that this was the procedure to transport a prisoner, witness or not.

Mr. Chairman, after I was debriefed by Mr. Gallinaro and Mr. Adkinson, I was taken once again and placed in isolated segregation in a county jail. It wasn't until Mr. Gallinaro and Mr. Adkinson came to the county jail and saw the conditions for themselves that they began to take steps to remove me to a better facility, only to end up in a situation three times worse.

Mr. Chairman, all during my stay in the Washington area up until shortly before I appeared to testify, it was one deplorable situation after another. In fact, Mr. Chairman, the day I testified in executive session for approximately 7 hours, as you are well aware, I went without sleep for 48 hours prior.

I know that all during this period of time Mr. Gallinaro and Mr. Adkinson were constantly trying to have me placed in a decent, humane, clean facility. It was obvious that they were experiencing opposition not only with the Marshals Service but also with the Bureau of Prisons and the Department of Justice.

It seemed that every time your staff would locate a decent facility to place me in, they would run into a twofold reply: One, that they were concerned about my security, and two, that I was a prisoner.

Mr. Chairman, I would like to take these two issues one at a time. I know that my security in the county jail was really no security at all. There were no Marshals present with me and I was served food prepared in the institution with no safety precautions instituted. For example, Mr. Chairman, when I was in the MCC in San Diego, Calif., prior to being brought to Washington, there was an occasion for me to be transported to a hospital in convulsions soon after eating my dinner. Addressing myself to the second issue, I am a prisoner with only 24 months left to serve on my sentence and taking into consideration all of the cooperation I have given to the authorities and the trials I have testified in against organized crime figures, I ask you, where was I going to run?

Senator NUNN. You say when you were in the San Diego, Calif., prior to being brought to Washington: "there was an occasion for me"—these are your words—"to be transported to a hospital in convulsions soon after eating my dinner." What are you telling us there? Are you telling us someone attempted to poison you?

Mr. BOWDACH. That is what I am saying.

Senator NUNN. Did the doctors say this?

Mr. BOWDACH. They couldn't come to a conclusion or determination.

Senator NUNN. Did you ever have that kind of convulsion before?

Mr. BOWDACH. Not in my life.

Senator NUNN. Right after dinner?

Mr. BOWDACH. Right after dinner.

Senator NUNN. What was the diagnosis the doctors gave?

Mr. BOWDACH. They did not know. They took me to College Park—I believe it is College Park Hospital, or something like that. I have the location, if you would like. I can get it out to you.

Senator NUNN. Go ahead.

Senator PERCY. Did you happen to know of someone in San Diego who might know of your presence there, and who might want to poison you?

Mr. BOWDACH. I was put in San Diego under my real name, with no safety precautions instituted to protect my identity. Anybody that wants to call can call and get, is Mr. Gary Bowdach an inmate there? Yes, sir; he is.

Senator PERCY. Did you have a feeling there was a contract out for you at that time?

Mr. BOWDACH. I certainly did.

Senator PERCY. For what reason?

Mr. BOWDACH. For my cooperation with the Government.

Senator PERCY. By whom, do you know?

Mr. BOWDACH. Organized crime figures.

Senator PERCY. Do you want to name anyone that might have authorized that contract?

Mr. BOWDACH. I am not definite on who it was. I have my ideas because I am not definite; I don't want to purposely say something about somebody that I am not sure of.

Senator PERCY. Fine; continue.

Senator NUNN. There might be a number of people who would have motives based on your cooperation so far?

Mr. BOWDACH. Yes.

Senator NUNN. It wouldn't be one person that had that kind of motive?

Mr. BOWDACH. No.

Senator NUNN. This is after you had already testified in court?

Mr. BOWDACH. Yes.

Senator NUNN. You had already been a Government witness?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Was this after our staff had been in touch with you or before?

Mr. BOWDACH. After.

Senator NUNN. So even after we had been interviewing you and you had indicated a willingness to cooperate, you were placed in San Diego and this poisoning attempt took place?

Mr. BOWDACH. Yes, sir.

Senator NUNN. At that stage your identity was not even kept secret?

Mr. BOWDACH. No, sir.

Senator NUNN. You were placed in prison under your real name?

Mr. BOWDACH. Yes, sir. I can give you an example, sir, not on me, but on another individual, they put him into the San Diego Metropolitan Correctional Center (MCC) and the headline in the San Diego Union states, "reputed Mafia figure in protective custody here," that I will submit into the record.

Senator NUNN. We will place that into the record at this point.

We have had the Freedom of Information exhibits that we never put in the record formally. Do you have a number for those? They will be 26 and 27; the newspaper article will be 28.

Without objection, they will be placed in the record prior to this document and there is no need to have a sealed exhibit, is there, at this stage?

Mr. BOWDACH. No, sir.

[The documents referred to were marked exhibit Nos. 26, 27, and 28 for reference and follow.]

EXHIBIT No. 26

94979-131

RECEIVED OCT 23 1975

RECEIVED  
DEPARTMENT OF JUSTICE  
JUN 11 8 35 AM '71  
UNITED STATES MARSHAL  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI FLORIDA

REPORT ON CONVICTED PRISONER BY UNITED STATES ATTORNEY

SOUTHERN District of FLORIDA  
Prisoner's Name Gary Bowdach

1. U.S. Attorney's comment relative to present offense,  
prior criminal background and future parole:

see attachment

RECEIVED

AUG 24 1971

2. Judge's comment relative to present offense and future parole:

see attachment

RECORD OFFICE  
SOUTHERN DISTRICT OF FLORIDA  
ATLANTA, GEORGIA

Signed: Gary L. Betz Gary L. Betz  
U.S. Attorney  
for James H. Walsh  
U.S. Department of Justice

Date: June 10, 1971

To: U.S. Marshal - Miami (2) ✓  
U. S. Probation - Miami (1)  
U. S. Attorney - Miami (1)

REPORT ON CONVICTED PRISONER BY UNITED STATES ATTORNEY  
(continued)

Attachment

Page 2

(Gary Bowdach)

Item: 1. Gary Bowdach is a repetitive felon, who uses violence as a means of intimidation. During his trial for violations of Title 18, U.S.C. §§892 and 894, he was responsible for threats to witnesses. Bowdach, literally, had an arsenal in his possession at times of arrest, machine gun, sawed-off shotgun, various handguns, silencer, etc. There is little doubt, but in addition to being a shylock, he was a "hit man". He is extremely dangerous and completely without feelings. Bowdach is well connected in organized crime elements and is an organized crime subject. His superior was Phil Kovolick, a lieutenant of Lansky and closely associated with members of the old Lansky-Siegal-Murder, Inc. crowd. Bowdach has displayed vengeful attitude towards FBI agents, witnesses and all others connected with his convictions.

Item: 2. Judge C. Clyde Atkins - Refused to permit Bowdach to be admitted to bail pending appeal. When the jury returned its verdict, the Judge revoked his bond and after a hearing at the time Bowdach was sentenced again refused bail. The Judge considered that he posed a danger to others and the community.



EXHIBIT No. 27

PAROLE FORM 2-91  
STOCK NO. 15-S-2-91

*Doc. Ac mi*

UNITED STATES DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS  
UNITED STATES PENITENTIARY  
ATLANTA 15, GEORGIA

F.O.I. EXEMPT

June 16, 1971

Mrs. Isabella Broccoli  
1444 W 8th Street  
Brooklyn, New York 11204

Inmate's Name
BOWDACH, Gary
Registration Number
94979-131

The above named man has requested permission to correspond with you. Please answer the following questions so that we may consider his request. You will not be considered as a correspondent unless you answer at once. The enclosed envelope requires no postage.

Sincerely yours,

*J. K. Boen (off)*  
J. K. BOEN  
Chief, Classification and Parole

JUN 23 1971

U. S. PENITENTIARY  
ATLANTA, GA.

NOTE: THIS FORM REQUIRES THE SIGNATURE OF HUSBAND AND WIFE IN ORDER TO BE PROCESSED. *temporarily separated from husband*

What is your relationship to him? <i>Cousin</i>		What is your occupation? <i>Housewife</i>	
How long have you known him? <i>since childhood</i>		How did you get acquainted?	
Have you ever committed a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Do you wish to correspond with him? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Would anyone object to this correspondence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", give names and addresses:			
Your age <i>28</i>	Your signature <i>Isabella Broccoli</i>		
IF YOU ARE UNDER 21 YEARS OF AGE, YOUR PARENT OR GUARDIAN MUST APPROVE THIS CORRESPONDENCE.			
APPROVED: Signature of parent or guardian		Relationship to you	

Parole Form 2-9L (Rev. 9/74)  
 Stock No. 15-S-2-9L

**FOL EXEMPT**

UNITED STATES DEPARTMENT OF JUSTICE  
 BUREAU OF PRISONS  
 UNITED STATES PENITENTIARY  
 ATLANTA, GEORGIA 30315

Date	3-18-75
Inmate's Name	BOHDAQH Gary
Register Number	94979

Mr. & Mrs. Charles Davy  
 1700 NE 133 St, Apt 313  
 Miami, FL 33161

The above named inmate has requested permission to receive visits from you. Please answer the following questions so that we may consider his request. Answer this inquiry promptly and you will be advised if and when you are approved. The enclosed envelope requires no postage.

RECEIVED  
 CLASS. & PAROLE

Sincerely yours,

*J. K. Doen*

J. K. DOEN  
 Chief, Classification and Parole

MAR 31 1975

U. S. PENITENTIARY  
 Atlanta, Ga.

Enc.

What is your relationship to inmate?		What is your occupation?	
Friend		Charles - unemployed Connie - waitress	
How long have you known him?		How did you get acquainted?	
Approx 8 months			
Have you ever committed a felony?	If yes, give date of felony.	Do you wish to visit with inmate?	
( ) YES (X) NO		(X) YES ( ) NO	
Would anyone object to this visitation?	If yes, give names and addresses:		
( ) YES (X) NO			
THIS FORM REQUIRES THE SIGNATURE OF BOTH HUSBAND AND WIFE IN ORDER TO BE PROCESSED.			
Your Age	Your Signature	Signature of Spouse	
24	Connie Davy	Charles Davy	
IF YOU ARE UNDER 21 YEARS OF AGE, YOUR PARENT OR GUARDIAN MUST APPROVE THIS CORRESPONDENCE			
APPROVED: Signature of parent or guardian		Relationship to you	

**FOL EXEMPT**

Form 2-62 (Rev. 9/74)  
No. 15-S-2-92

UNITED STATES DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS  
UNITED STATES PENITENTIARY  
ATLANTA, GEORGIA 30315

POLICE DEPT  
MIAMI FL 33101

Date
3-18-75
Inmate's Name
BOWDACH Gary
Register Number
94979

The above named inmate of this institution has requested permission to receive visits from Mr & Mrs Charles Davy, 1700 NE 133 St, Apt 313, Miami, FL 33161.  
RELATIONSHIP: friends

To consider this request, please furnish us the below listed information. If this address is incorrect, please correct it above. The reverse side of this letter may be used for additional information, if necessary. An envelope, which requires no postage, is enclosed for your reply. Your assistance is appreciated.

TO K. K. DOEN, CHIEF, THIS NAME  
MIAMI POLICE DEPARTMENT  
IDENTIFICATION & RECORDS SECTION

Enc.

RE: *D. K. Doen*

Sincerely yours,

*J. K. Doen*  
J. K. DOEN

Chief, Classification and Parole

What relationship to inmate?	What is this Person's reputation?
If there is a criminal record, give specific offenses and disposition.	
What other information can you give us about this person?	

RECEIVED  
CLASS. & PAROLE

MAR 24 1975

U. S. PENITENTIARY  
Atlanta, Ga.

FD-10  
1011

UNITED STATES DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS  
INMATE REQUEST TO STAFF MEMBER

*Baltimore*  
T-133-18  
T-14  
MCH

Date

3/3/75

To: MR. W.C. Lennor

(Name and title of officer)

SUBJECT: State completely but briefly the problem on which you desire assistance. (Give details.)

PLEASE PLACE THE FOLLOWING PERSONS ON  
MY VISITING LIST. THEY ARE NEIGHBORS &  
FRIENDS OF MY FAMILY:

MR & MRS. CHARLES DAVY  
1700 NE 133 ST  
MIAMI, FLA 33161  
APT 313

Thank you

(Use other side of page if more space is needed)

ACTION REQUESTED: (State exactly how you believe your request may be handled; that is, exactly what you think should be done, and how.)

PLACE ABOVE PERSONS ON VISITING LIST.

NAME: GARY BOWDACH

No.: 94979

Work assignment: LABOR-2

Living Quarters: 9-14

Grade standing: (1st, 2nd, 3rd):

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

DISPOSITION: (Do not write in this space)

Date

Officer

CLASS & PAROLE  
OCT 4 - 1971

worker

U. S. PENITENTIARY  
Atlanta, Ga.

Dear Sir:

I would like to request of  
you, to let my husband, Gary  
Boudsch (94979), to write to my  
uncle Bruce Walker

We were married a short  
time before Gary went away,  
and he never really got to know  
my uncle Bruce, and I would  
like Gary to write my Uncle. Also  
I would like my Uncle to be put  
on Gary's visiting list, because  
from time to time my Uncle will  
travel with me to Atlanta.

His address is:	He works at:
G. R. BRUCE WALKER	GENERAL SALES Manager
Post Office Box 602	Peppered Division
ERATIGNY BRANCH	ENNIS Bus. FORMS
Miami, FLORIDA 33168	

Thank you for your time and  
trouble in this matter  
Yours Truly  
Mrs Gary Boudsch

DROP IN THE  
CLOSE IN LETTER  
INDEPENDENTS ARE AP-

YES ( ) NO

VISITING

R. DO NOT  
HURT OUR INDUSTRY

APPROVED  
PAROLE OFFICER

Room A-17-A  
**F.O.I. EXEMPT**

CLASS. & PAROLE  
OCT 4 - 1971

U. S. PENITENTIARY  
Atlanta, Ga.

part of  
I, Gary  
to be my  
a short  
out away  
got to know

my Uncle Bruce, and I would  
like Gary to write my Uncle. Also  
I would like my Uncle to be put  
on Gary's visiting list, because  
from time to time my Uncle will  
travel with me to Atlanta.

His address is:	He works at:
G.R. Bruce Walker Post Office Box 602 BRATTONVILLE MICHIGAN, FLORIDA 33168	GENERAL SALES Manager PERSONNEL Division ENNIS Bus. FORMS

Thank you for your time and  
trouble in this matter.  
Yours truly  
Miss Mary Rowland

WORKER

Mr  
10-4-71

DROP IN THE  
LOSE IN LETTER  
IDENTS ARE AP-

YES ( ) NO

\*\*\*\*\*

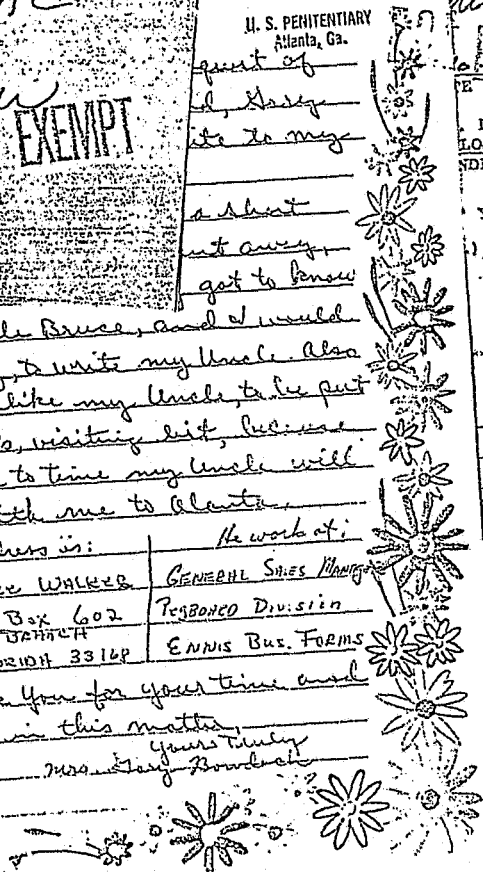
\*\*\*\*\*

\*\*\*\*\*  
SITING

DO NOT  
OUR INDUSTRY

APPROVED

[Signature]  
CHARGE OFFICER





REPLY TO  
CORRESPONDENCE UNIT  
CA 63212 - CA 62096  
TWX 212-571-1120

POLICE DEPARTMENT  
CITY OF NEW YORK  
NEW YORK 13, N. Y.

F.O.I. EXEMPT

In Reply, Please Refer to  
3868/wh  
71 Sqd.

July 29, 1971

RECEIVED  
PAROLE OFFICE

AUG 4 - 1971

U. S. PENITENTIARY  
Atlanta, Ga.

J.K. Boen  
Classification/Parole  
U.S. Penitentiary  
Atlanta, Ga. 30315

Re: G. Bowdach  
#94979-131

Dear Sir:

Mrs. Julie W. Sirowitz resides at 810 Midwood St., Bklyn., N.Y. and when interviewed stated that the inmate had worked for her husband at one time. She further stated that she did not wish to correspond.

Very truly yours,

*Michael G. Codd*

MICHAEL G. CODD  
Chief Inspector

Deny Correspondence

Adm

*mm*

F.O.I. EXEMPT

## EXHIBIT No. 28

[From the San Diego Union, Jan. 20, 1978]

## MAFIA FIGURE IN 'CUSTODY' HEPA

(By Jon Standefer and Mitch Hiraka)

James Fratianno, reputed West Coast Mafia figure, has been in protective custody in the Metropolitan Correctional Center for more than a month, The San Diego Union has learned.

Reliable sources said Fratianno and Raymond Ferritto of Erie, Pa., were brought here Dec. 17. Both were indicted earlier in Cleveland in connection with an Ohio bomb slaying of a rackets figure.

One source said Fratianno was transferred here after he indicated he would cooperate with the FBI, but the source said Fratianno had not, in fact, been cooperating.

The sources said both were signed into the MCC under assumed names. Ferritto has since returned to Cleveland and pleaded guilty in the bombing case, and is expected to be transferred to the Metropolitan Correctional Center in New York. A spokesman for the FBI here would neither confirm nor deny the report. Protected witnesses are normally under the in the custody of U.S. marshals, but Marshal J. Robert Laffoon could not be reached for comment.

The 64-year-old Fratianno failed to appear at a pretrial hearing Tuesday in Cleveland for alleged mob bosses indicted in December in the bomb murder.

Assistant Cuyahoga County prosecutor Carmen Marino gave the judge a waiver, signed by Fratianno, saying Fratianno had given up his right to be present during pretrial motion arguments.

Marino was quoted in news reports as saying Fratianno was "under the protective custody" of federal agents who are transporting him around the country as a security measure.

Fratianno, also known as "Jimmy the Weasel," was indicted along with eight others in December in Cleveland on charges of conspiracy to commit murder, aggravated murder for hire, aggravated arson and engaging in organized crime.

Among the nine was James T. Licavoli, 73, described by the FBI as the Cosa Nostra boss in Cleveland, who was accused of ordering the assassination of former mob member John Nardi and Nardi's associate Daniel J. Greene.

Nardi was killed in a car-bomb blast last May 17 and Greene died similarly Oct. 6. The pretrial hearing Fratianno missed was for the Greene slaying.

Ferritto last week pleaded guilty to aggravated murder and aggravated arson in the Greene case. The prosecution agreed to let Ferritto change his plea later to guilty of manslaughter in return for helping to prosecute the other defendants.

Fratianno was once listed by the California attorney general as among the top 10 Mafia figures in the state.

He was indicted in Los Angeles last November for trying to extort \$20,000 from pornographers. Among those he allegedly tried to squeeze was an FBI dummy operation. The case is pending.

In 1968, Fratianno, of Moss Beach near San Francisco, was convicted in federal court here in connection with a trucking company scandal in the Imperial Valley. He was fined \$10,000 and placed on three years probation.

Two years later, he was convicted on several charges in state court and sentenced to one to three years in prison.

[From the San Diego Union, Jan. 22, 1978]

## WITNESSES IN HIDING—AN OLD PROBLEM WITH NEW NAMES?

(By Jon Standefer)

There's Vincent "Big Vinnie" Teresa, ex-Mafia boss, whose charges were dismissed after being arrested at the border.

And Joseph Stein, wheeler-dealer, now deceased, who allegedly conned investors out of millions using a government-supplied name.

And John Doe, financial expert, currently unemployed, whose good credit record vanished along with his real name.

These three men have at least one thing in common. They have been government-protected witnesses, whose exile under the threat of death have brought them all, at one time or another, to San Diego. Add to the list, tentatively, the name of one



James Fratianno, also known as "Jimmy the Weasel," reputed West Coast Mafia leader now in protective custody.

The list is growing—estimates of the number of protected witnesses in the San Diego area range from 50 to 150. In fact, there have been so many witnesses relocated to Southern California that the Department of Justice recently issued a moratorium on seven counties. That ban does not include San Diego. The arrival of more witnesses here is a certainty.

And with witnesses come problems.

New witnesses mean new evidence and new testimony—and presumably more convictions of organized crime figures; it also often means an influx of hoods, con men and informants who are relocated as far from their stomping grounds as possible.

That is a major concern to local law enforcement agencies; some view with alarm what they see as a flood of unsavory types who exchanged testimony for a new, government-sanctioned identity in a different locale, who are as a rule generally unsupervised and who may very well find crime a difficult habit to break.

As one officer said, "They've always said we don't have Mafia types in California. Hell, now the FBI's importing 'em."

It is not the FBI, but the U.S. Marshals Service that is responsible for running the witness security program. And it is this service that has borne increasing criticism for the program.

That criticism comes not only from local law enforcement agencies but from federal agents, from witnesses who complain that assurances of new jobs and financial aid are often empty promises, and from those victims of relocated witnesses who slip back into bad habits.

There are philosophical questions that still linger seven years after the program was initiated. It has been widely praised as the single most effective weapon in the fight against organized crime. Yet it has been argued that the government has no business providing a crook with a new identity and location—with no warning to the local authorities—just because the crook "fingered" other crooks.

Major investigations of the witness program are being undertaken by the Department of Justice and by a Senate subcommittee. Though neither agency has released a report, the most sensational charges to leak out have been allegations that organized crime families bribed some marshals and deputies for information on the whereabouts of protected witnesses. That has sent shock waves throughout the marshals service and among the more than 2,300 witnesses who have entered the program.

There are serious but far more widespread problems. And those encountered by—or caused by—San Diego's protected witnesses appear to be not uncommon around the country. They include:

Joseph Stone was a smooth-talking young man, who showed up in San Diego about five years ago, and built a lavish lifestyle that included Rolls-Royces, diamond rings, rare paintings and big-money deals put together as fast as his fertile mind could manufacture them.

A motorcycle accident in Escondido, April 1973, left him paralyzed below the waist but failed to dampen his enthusiasm for wheeling and dealing. Stone gained the confidence of a group of doctors who lent him considerable sums of money for such investments as a tungsten mine, a feedlot operation and interest-bearing certificates of deposit.

When he failed to repay the investors, Stone's empire began to crumble. He was indicted on bad check and grand theft charges in February 1976. But before he could be brought to trial, he died, in January 1977, from complications following amputation of his leg.

Stone's real identity was Joseph Stein, who had testified for the government against 19 persons in the 1972 fraud case in Illinois that gained national attention as the Church of Christ Manors case.

Stone thereby became a government-protected witness.

Shortly after Stone's death, one of the doctor investors sued the U.S. government, claiming the government has a duty to protect the public from its own protected witnesses.

Attorney David Moon, who filed the suit on behalf of the doctor, estimates that Stone "ripped-off" as much as \$3.7 million from investors.

"The government obviously couldn't change this guy's personality," Moon said. "But the government should supervise these people and it has a duty to warn the general public about them."

Tim Cook, the assistant U.S. attorney who is defending the government in the suit, said that at the time Stone was in San Diego, "he was not in any contact with,

nor receiving any benefits from the marshals service. He was not 'placed' in San Diego by the marshals, and the marshals didn't get him a job."

Cook said, however, that the marshals were aware of Stone's presence here. The government's position, he said, is that it is not responsible for the actions of its protected witnesses, any more than it is responsible when a parolee commits another crime.

Some critics think hardcore criminals on the program should be monitored closely, but under the present law there is no such provision. And not everyone agrees that "supervision" is viable.

"Supervision means regular contact," said attorney Warren Williamson of Federal Defenders Inc. "And one of the most dangerous things for a protected witness would be regular contact, such as going to the marshals' office every month or so."

"I don't see how anyone can take the position that they can let these (hardcore) guys loose in another state and expect them to go straight," said an investigator for the district attorney. "For those kinds of guys—the same for (Mafiosi-turned-informant Joseph) Valachi—if you don't want them committing crimes, isolate them, lock 'em up and put a chain around them."

One of the more famous protected witnesses is Vinnie Teresa, former member of the New England crime family and the author of two books on life in the Mafia.

In November of 1976, Teresa was arrested for illegally bringing into the U.S. exotic birds from Mexico. He promptly called the U.S. marshal's office here; the U.S. attorney's office here "declined" to prosecute.

Teresa said he was framed. But Local law enforcement officers think Teresa received special treatment because of his status as a protected witness.

"What gripes me about it," said one officer, "is that they sell this program by telling us, 'We're going to protect our witnesses, but if one gets in trouble with the law, he's all yours.'"

An FBI agent here counters that by pointing out cases where protected witnesses have been successfully prosecuted. But at the same time, he said, "a great percentage of these guys will get into trouble again."

Published estimates indicate that only 2 to 3 percent of the witnesses have been charged with a serious crime after entering the program. But there is no way to verify such a statistic, because once subsistence-payments—that average \$900 a month for nine months—end many witnesses drop out of sight for good.

When investigators for the district attorney first approached federal agencies trying to get information about Joseph Stone, according to attorney Moon, "they were told, 'We don't know him'."

The suit he filed against the government alleges that the government concealed Stone's true identity from the district attorney and the public.

The information was later given to investigators "in strictest confidence," according to court records.

The official policy, according to Assistant U.S. Attorney Cook, is that while marshals do not advertise the presence of witnesses, they will provide true names and criminal records upon written request by law enforcement agencies. The Department of Justice must determine that the request is for a legitimate reason.

That policy has apparently not filtered way down; numerous local lawmen spoke of "running into a blank wall" when trying to trace a suspect, and getting nowhere when they asked federal agencies for help.

"The marshal's service," said John Doe, "doesn't want to go out on the hook for these people."

The promised new jobs don't come through, or don't amount to much, he said. Employers are reluctant to hire persons whose past only goes back a few months or years. For Doe, the experience has been particularly painful. He was not an organized crime figure. He was not under investigation and in fact volunteered his financial acumen to help the government convict some big-name criminals. Doe is one of very few witnesses under the program in that category. He no longer receives subsistence payments, has not been able to find a job and says the marshals have given him no help in trying.

For Doe, the vaunted false documentation turned out to be nothing more than a new driver's license and Social Security card. That is not enough, he said, to get credit or a good job. Regulations specifically preclude the marshals from providing phony bank references and credit histories. "That is the single most vexing problem," said Irene Margolis, staff director for the Senate subcommittee studying the witness program. "The government doesn't want to provide references and then have somebody run up a big debt and leave town."

Doe had other problems. His children, without school records, initially were not accepted into the public school system; they were only admitted after taking batteries of tests. Doe said the marshals didn't help there, either.

"That's all part of the administrative problems," said Ms. Margolis. "Unfortunately, the bureaucracy always manages to gum up things."

Several lawsuits have been initiated by witnesses claiming the government reneged on promises; in at least one a compromise was reached and the case dismissed.

Doe does not blame the marshals for all his problems. "Look, it's the Department of Justice. You've got the FBI, wanting to make cases and 'turn' informants; you've got the U.S. attorneys who want to chalk up convictions. They're liable to make all kinds of promises to a potential witness in return for testimony. Then they turn around and dump him on the marshals, and the marshals are stuck with him. And in many cases, there's no way they can live up to what the guy thinks he's got coming."

An FBI agent who has been involved in cases where witnesses entered the program says, "You're very careful about making any promises; that's between him and the U.S. attorney. Then you walk away without knowing what the U.S. attorney committed himself to. There have been cases where some of these guys got promised more than they got."

And, in any relatively new program, the unexpected has a way of surfacing.

Frank Vecchionne, an attorney with Federal Defenders Inc., defended a parolee who agreed to testify and become a protected witness in exchange for a probated sentence for another crime.

The judge went along, Vecchionne said. As soon as the witness entered a plea, however, the federal Parole Board revoked his earlier parole.

"The parole board is completely autonomous," he said. "Even the U.S. attorney couldn't do anything."

"The marshals mean well," said a FBI agent, "but they're short-handed, ill-trained and probably underfinanced."

"What are marshals?" said John Doe. "They transport prisoners deliver warrants. They don't have the street savvy to handle the people they're dealing with."

Robert Ripley, a local attorney who has represented witnesses in the program, said, "You can't expect these marshals to set these guys up and find them jobs. They're not trained to do it. I think they ought to have people trained in helping people get jobs."

Statistics indicate the marshals are being spread thinner all the time.

A spokesman in the marshals service in Washington said 986 witnesses entered the program in 1977, an increase of 6 percent over 1976.

Despite the increase, the fiscal 1978 budget remains at the 1977 level of \$13.7 million.

At any one time, there are only an average of about 500 witnesses being subsidized; they will remain on the program an average of nine months, the spokesman said.

Likewise, less than 200 of the 2,100 marshals and deputies are involved in the witness program at any given time.

Despite the problems, most persons familiar with the program say its goal—to put organized crime figures behind bars—is commendable.

The marshals get generally high marks for witness security; what problems arise in that area are usually beyond the marshals' control.

Many of the protected witnesses know each other; thrown together in "safe" houses or in maximum security wings of jails. Brag-prone witnesses often try to one-up each other.

"There's a whole fraternity within the system," said one FBI agent.

"The program needs some work," conceded federal lawyer Cook. "But it's getting some attention in Washington. What you're seeing now are the initial . . . mistakes (that are bound to occur) in a new program."

Mr. BOWDACH. I believe, Mr. Chairman, that in order for a man even like myself, who has turned informer, he must be able to retain some amount of dignity and self-respect. I feel and know the quickest way to break a man's spirit is to take away his self-respect. And the way to do that is to keep him chained up and locked in a hole, deprived of even the basic necessities of life, like taking a shower once a day.

Mr. Chairman, I can sit here until tomorrow morning and relate to you my horrible experiences in this program, such as how I was drugged time and time again in order to keep my sanity.

Senator PERCY. Against your consent? Did they ask you for your consent to inject drugs into you?

Mr. BOWDACH. In the witness protection, the facility in San Diego, the psychiatrist comes up once a week and distributes narcotics to keep a man kind of down because there is absolutely nothing to do there. It is a very confined place, and the biggest thing you look forward to all day is making your bed.

Senator PERCY. What were you drugged with?

Mr. BOWDACH. I was drugged with Valium, Dalmane, Sinequan.

Senator PERCY. Were any of these drugs that you were voluntarily taking before?

Mr. BOWDACH. No, sir. No.

Senator NUNN. But Mr. Bowdach, weren't these drugs at your request? The doctor didn't impose them on you, did he?

Mr. BOWDACH. The doctor felt that after speaking with me, he made a diagnosis that I had extreme antidepressiveness; I was extremely depressive, and these would combat the depressiveness, and I have never been depressive before. During my whole stay in the Atlanta Penitentiary, I was never taking anything more than an aspirin.

Senator PERCY. But if you had said to the psychiatrist, I don't want these, I would rather be depressed than be subjected to these drugs, would they have forced you to take them?

Mr. BOWDACH. No.

Senator PERCY. So it was done with your consent?

Mr. BOWDACH. Yes, sir.

Senator NUNN. You are basically describing by that drug experience the conditions of the prison rather than any kind of allegation that the drugs shouldn't have been given? Is that your basic point?

Mr. BOWDACH. You would almost have to take some form of tranquilizer to maintain your sanity under those conditions of confinement out there.

Senator NUNN. But your basic criticism is the type of facility in which you were confined, rather than the administering of drugs?

Mr. BOWDACH. Most definitely, yes, sir.

Senator PERCY. Are you saying you were unnecessarily deprived of the right to take a shower once a day when a shower was available?

Mr. BOWDACH. I am talking about the county jail situation when you are in transport. When you are in the MCC, you have access to the shower anytime you want. But when you are transported to an area where they don't have a facility like that—I am thankful that they don't have too many of them—the county jails, you cannot be put in the regular population of the county jail for security purposes.

So, for being a witness, you are penalized because you must be placed in total isolation where they put the people who have had infraction of the rules; they put those people in there. So you are being punished for being a witness.

Senator PERCY. Why don't you continue with these other broken promises?

Senator NUNN. Let me ask one more question. Aren't you basically saying that the Marshals Service and the Justice Department don't have any safe houses to put cooperating witnesses in?

Mr. BOWDACH. That is correct, sir.

How promise after promise was broken, for example, how I was promised that I would be kept in close proximity to my wife, but instead I was shipped 3,000 miles away, where it made it not only physically impossible, but financially impossible to see her or my children.

There were numerous representations made to me by representatives of the Department of Justice, which to this day have not been fulfilled. Mr. Chairman, to date, the Department of Justice owes my wife approximately \$6,629.84, which money my wife has been put into debt for to protect herself and children in order to help the U.S. Government. I can substantiate this figure in documentation form, which your staff is aware of. I have in my possession, Mr. Chairman, a document in the form of a statement signed by a representative of the Department of Justice where it outlines the promises that were made to me and to this day have not been complied with.

Mr. Chairman, I would like to make some suggestions, what I feel from firsthand experiences should be done if this program is to succeed at all.

Senator PERCY. Before you make those suggestions, could you answer this question? Have there been any other times while under the witness protection program that you actually feared for your life?

Senator NUNN. You can get to that later.

Mr. BOWDACH. I think I can answer that question on the next page.

Senator PERCY. All right.

Mr. BOWDACH. My first suggestion is that a separate unit either within the U.S. Marshals Service or within the Department of Justice be created and staffed by personnel who are trained with the sole responsibility to handle witnesses.

A good example of what I am speaking of is the inspectors of the U.S. Marshals Service. This elite group has the sole responsibility of witness security and protection. These men are specially trained for this task whereas regular deputies are not.

The only problem is, is that there are too few of these men for the amount of witnesses on the program, and until there is an increase in inspectors, the problems of the program will continue. The way it is today, Mr. Chairman, when a person like myself is placed in the program, it appears to me that they reach into a pool much as you would for a Kelly girl for a deputy marshal to be assigned to protect you.

I can say from my own experiences that some of these deputies leave a lot to be desired when it comes to protecting a witness. For example, when I testified in a case involving one Paul Jacobson, which was the result of my picture being placed in the newspapers and on television the following day, I was placed in a van with nine other prisoners who were not witnesses.

Another example, Mr. Chairman, when I was taken to Miami to testify in another trial for the Government, after the conclusion of

my testimony, the deputy that was assigned to me realized, after we drove about a mile from the marshals office, that he had forgotten his gun.

Mr. Chairman, if this program is to be successful, then not only the training, but the funding as well, must be kept under one unit. I don't believe that money should be a factor when it involves the life of a witness for the Government.

Organized crime has unlimited funds and resources available to gain information on the location of witnesses and to pay assassins to kill them. The death of one single witness through government negligence or ineffectiveness will certainly cause the doors to close on informant information. If money is a factor, Mr. Chairman, then I would like to know from this subcommittee, what is the price that the Government places on the life of a person like me in my situation.

I would like at this time, Mr. Chairman, to place into the record various news articles that have appeared on the witness protection program and its shortcomings and ask this subcommittee to take notice that each incident referred to involves a deputy, not an inspector, within the Witness Security Unit.

Senator NUNN. So you are saying the inspectors are an elite, highly trained group that are really professional. Is that right?

Mr. BOWDACH. Absolutely, sir.

Senator NUNN. Within the Marshals Service?

Mr. BOWDACH. Yes, sir.

Mr. Chairman, once again, I want to state that we really need this program if we are to gain an inroad in the fight against organized crime and I am not trying to be so critical as to deface the U.S. Marshals Service, as there are many dedicated men and women in that organization who are prepared to give their life in the execution of their duties, as can be witnessed by this detail of inspectors that have been assigned to protect me throughout these hearings.

Before I close, Mr. Chairman, I was looking through these articles this morning. I didn't put it in this statement I prepared, because I just noticed it and I would like to comment on one thing and then close this statement up.

Since the inception of this program, which was, I believe, 8 years ago, in 1970, the U.S. Marshals Service has paid out \$50 million for the implementation of this program. Take that \$50 million over the 8-year period, you are talking about a little bit over \$6 million a year.

You are fighting a superstructure who has over \$200 million in assets, that increases those assets at the rate of 10 to 20 percent a year. If you are going to run a Pentagon operation, you cannot succeed on a Robert Hall budget. It just can't be done. I just wanted to give you my thoughts on that, Mr. Chairman.

In closing on this issue, Mr. Chairman, I hope I have succeeded in giving this subcommittee some insight into some of the problems that exist with the hopes that this program can be operated on a professional level.

Senator PERCY. You certainly have given us insights on this matter, I just have two remaining questions.

In the light of the problem that you have encountered over the past year in the witness protection program, if you had to do it over again, would you make the decision you made to cooperate with the authorities?

[At this point, Senator Chiles entered the hearing room.]

Mr. BOWDACH. I would never do it over again.

Senator PERCY. You would not?

Mr. BOWDACH. Never.

Senator NUNN. We will put that in the record without objection, all of those as exhibits, open exhibits.

[The documents referred to were marked "Exhibit No. 29," for reference and follow:]

#### EXHIBIT No. 29

[From the New York Post, May 15, 1978]

#### COVER BLOWN, HE WAITS FOR HIT

(By Steve Dunleavy)

Johnny Russo has spent so much time looking over his shoulder that he has a permanently stiff neck.

And he believes the next time his name appears in print it could easily be a neat, block lettered entry on a square, brown card, attached to his unsocked toe in the morgue.

Johnny is something wise guys in Brooklyn hate more than cops or cancer. The authorities call him a federal witness, I call him an informer, the wise guys call him "a rat."

Johnny is one of the 1060 organized crime informers who were so heatedly defended by FBI Director William H. Webster. Johnny Russo wishes Willie Webster would stop defending him.

Every time Jimmy (The Giant) and Benny and Rocky hear the word "informer" they go out and buy someone a lot of drinks who can give them Johnny's address.

To get out of the can nine months early on credit card and check beefs, Johnny decided to go along with the federal witness program. In 1976, his testimony put Jimmy and Rocky inside for five years on extortion. Benny went lamster, which means he became invisible.

Now I wished to hell I just did my bit, shut my mouth and had nothing to do with the Feds," says Johnny. So disgusted with the promises broken by the Federal Witness Program, that Johnny gave them back the phony Social Security number he had been given, gave them back the phony name "John Scott" and returned to Brooklyn, the neighborhood from which he sent Jimmy, Rocky and Benny in a very bad mood.

The other day on Union Square he came eyeball to eyeball with Jimmy the Giant, as he was getting into a taxi. Jimmy was supposed to be doing five years for shylocking. So was Rocky. After two years they are back on the street and meaner than tigers. Jimmy chased the taxi, swishing the air in anger. "Don't know how they got out so soon," says John.

"Oh, yeah, they'll kill me if they get the chance. No question. Jimmy, he don't even need a gun. His hands will do," said Johnny.

Johnny doesn't act stupid, but giving up a Social Security number and a fake name given to him by the Feds seems like the act of a lunatic.

"It don't mean a thing. First of all they blew my name, John Scott, when they made me appear in open court and give evidence against the guys. Second, the cops and the federal attorneys were so anxious to get their names in the paper that they actually telephoned the newspapers and revealed my alias. Third, when a pair of cops wanted me on an old beef, the attorneys wanted to put me back in the same can as Jimmy and Rocky. They might as well had fed me arsenic."

Although one sympathetic FBI agent put a stop to that, the life of a federal witness is impossible, says Johnny. In nine months, he was moved to Rhode Island, Farmington, Denver, Colo. and Cambridge, Mass. "They gave me a total of \$6200 to live on. I said to them, don't give me money, let me get a job."

Johnny is 32. When he showed up for a job, he gave his SS number, then the prospective employer asked where he had been for the last 31 years.

"The federal marshals told me that whenever that happened, tell the employer to get in touch with them. The Feds told them who I was and what it was all about. They might as well taken an ad out on the to hire a guy who is in a Federal Witness Johnny Carson show. No employer wants Program. Who wants blood on their floor? I told the Feds, just give me a phony background. They looked at me, like I was singing an opera. Thought I was mad. I want to work."

Now a Senate committee has asked the FBI to give more assurance to federal witnesses, more safety, and a better chance of a job. You have to be very frustrated, like Johnny, to come back to the scene of your crime against the mob.

"At least here I have friends. Jimmy and Benny and Rocky are about as bad guys as you can ever cross. But at least I'm back in the streets I love, and if I get hit there will be guys to come to my funeral. This worry has given me ulcers. I chain smoke."

Moral is, says John, don't become an informer. But at the same time, "don't do nuthin' wrong in the first place. Be a good boy. But remember, some of them Feds lie worse than the wise guys."

[From the Atlanta Constitution]

### DEATH INSTEAD OF PROTECTION

(By Hal Gulliver)

Two prison murders in Georgia in these last few days raise serious questions, unhappy questions.

One occurred in the Atlanta federal penitentiary, one at the main Georgia State Prison at Reidsville.

Both deaths raise issues not likely to be solved next week or the week after, or maybe in the months or even years to follow. The issues are too serious to sweep under any rug, federal or state, and still must be addressed. It is hard. There are any number of people with either friends or family members in prison; those people often care about prison conditions in a deep and terrible and personal way. The majority of people, including the members of Congress and of state legislatures who appropriate funds for prisons, do not routinely give much of a damn about the conditions existing.

The federal front first.

An inmate was murdered in the Atlanta penitentiary within one day of arriving there. One day. That could happen presumably to any new prison inmate, coincidentally; people do get killed, violently, in state and federal prisons.

But this case has other dimensions. The prisoner just transferred to Atlanta was one who had given information leading to indictments of 10 members of the so-called "Piazza drug ring" in Miami. He was not reportedly a fellow of the higher character himself but he had turned evidence in exchange of a guarantee of personal protection. An officer in the Dade County Organized Crime Bureau described the man killed as a "cold-blooded killer" but he added, "I'm concerned because we put it on the line that he'd be guaranteed a degree of protection . . . and he didn't get it."

What are we talking about exactly? We are talking about a man who turned state's evidence in a serious narcotics case. He was promised protection and for fully a year he was kept in various jails under an assumed name. He was transferred to the federal pen in Atlanta. No security precautions were taken, none at all. Prison officials say they did not know anything about his record. He was killed within 24 hours.

It is absurd. It is either a case of the most colossal incompetence, the positive view, or a case of deliberate failure to provide warranted security precautions. Neither choice is happy.

On the Georgia front, earlier this month black and white inmates fought each other in a series of brawls. One man was dead when the violence ended, 16 were wounded.

This case is even tougher, more potentially difficult. Court orders have mandated the integration of white and black prisoners in Reidsville and other state jails. That might create tensions in any event, but couple that with overcrowded conditions and a lack of genuine training and rehabilitation programs and you have a sure formula for violence and death.

The crisis relating to Reidsville is not over. Neither Gov. George Busbee nor the Georgia General Assembly have been willing to treat such social dynamite as an immediate crisis. Filling highway potholes, no doubt a commendable social aim, has



a higher priority with the Georgia legislature than providing adequate prison facilities.

[From Newsweek, Nov. 28, 1977]

### YOUR COVER IS SHOWING

(By Richard Boeth, with David C. Martin in Washington and Martin Kasindorf in Los Angeles)

Informers are to criminal justice what uranium is to a nuclear reactor—they make the system go, but they're an awful lot of trouble to dispose of afterward. In 1970, Congress tried to deal with the problem by authorizing funds that were used to establish new and secret lives for criminal witnesses who feared retaliation by organized crime. Since then, the "alias program," as it is known, has grown like a weed into a \$12 million-a-year operation that has given at least partial assistance to 2,333 endangered witnesses and more than 5,000 of their kin. Along the way, the program has garnered so many citations for irresponsibility, mismanagement and outright corruption that it has become the subject of an eighteen-month Justice Department investigation—and a separate review of the whole program's efficacy.

The most shocking allegation against the U.S. marshals and deputies who run the program is that some have been blowing the covers of their charges—at a reputed fee of \$5,000 per name—and diverting funds intended for their maintenance and protection. One U.S. marshal goes on trial for embezzlement next month in Grand Rapids, Mich., and four others have resigned, two "for reasons of health." Four ex-stoolies have been murdered in six years, and six others died from such ambiguous causes as drug overdoses, suicides and an auto accident. On the other side of the ledger, the marshals have been accused of doing their job almost too well—that is, of providing ex-hoods with such effective cover stories—and grouping so many of them in one place—that many are able to return to their criminal trades with some impunity.

In Orange County, Calif., just south of Los Angeles, for example, two ex-witnesses, apparently graduates of the New York-New Jersey mobs, are under indictment, accused of murdering Steven J. Bovan, 36, last month—the climax of a woolly, Runyonesque adventure involving the Hare Krishna sect, kidnaping, extortion and possibly a little narcotics trafficking on the side.

#### PROTECTION

Police weaved together this account of the shadowy story: several Hare Krishnas have been pumping millions of dollars—obtained from dope-smuggling—into small California businesses through a holding company called Prasadam Distributors, Inc. But so many of Prasadam's investments were leaking away that company officers called in some free-lance auditing help—five tough-talking easterners with phony Italian names, who did little to staunch the hemorrhage of funds but did cut themselves in for increasing shares of Prasadam's revenues in the name of "protection." When a major Prasadam "investor" was kidnapped last August, the Italians took over the ransom operation. After cryptic negotiations with the kidnapers, the Italians got \$100,000 from the office safe—paying \$30,000 for the victim's return, keeping \$70,000 for themselves and collecting a \$15,000 fee on top of that.

In the process, they recognized one of the kidnapers—the klutzy Steven Bovan, who had worked in a low-level job for one of Prasadam's companies. When the Prasadam officers allegedly put out a contract on Bovan and four suspected accomplices, the Italian fix-its took on that job too, the police say. Now police have murder indictments (and a confession) against three of the Italians, whose credentials identify them as Jerry Peter Fiori, 41, Anthony (Little Tony) Marone, 23, and Raymond Resco, 28. Though the U.S. marshals won't reveal who they really are, Newsweek has learned that Little Tony is Anthony Manfredonia Jr., son of a relocated East Coast mobster who was involved in another Orange County drug racket a year ago.

Other relocated witnesses are also suspected of returning to thuggery—including Benjamin Rosado, a New York robber with a 23-year record who has been charged with murdering an auxiliary policeman in his new hometown of St. Charles, Mo. If this sort of recidivism were the only embarrassment in the alias program, it would have to be written off as part of the risk of using and protecting informers. But the other charges against the marshals—corruption, betrayal and extraordinary bureaucratic sloppiness—are not so easily dismissed.

James Baskin, a deputy marshal in Grand Rapids, has been charged with embezzling \$5,500 in funds designated for five protected witnesses. He is the only official

to be indicted so far, though four others have resigned under pressure in Miami, Phoenix and Newark in the past year. "The word was you could buy the location of a witness for \$5,000 in Jersey," one marshal reports. One Jersey stoolie, Gerald (Chicken Delight) Festa, whose testimony led to the conviction of more than 40 mob figures, was set up to be killed as he entered a courthouse in Dunmore, Pa. Alert marshals prevented the murder, but the hit man—who became a witness himself—told officials that the tip had come from deputy marshals in the Newark office.

An internal audit of the program by the Justice Department found case files in dangerous disarray and accessible to too many people. Daniel Joseph, a stool pigeon with the alias of Jay Chapman, died last June in Richmond, Va., of a drug overdose after being in the program only two months. Newsweek has been told that at least five people knew of Joseph's cover and his whereabouts. "I wouldn't go into the program myself and I would be hesitant to put someone else in it," an assistant U.S. attorney said last week. "I wouldn't feel safe."

According to a Federal source, a deputy marshal on the East Coast became involved in the cocaine trade with another deputy (both have since resigned). They enlisted four relocated stoolies in Orange County, including Manfredonia Sr., to help them expand drug operations to the West Coast. When one potential buyer—who was actually a middleman for the Drug Enforcement Administration—arrived without money, the partners subjected him to gross sexual indignities, later kidnapped him and tried to extort money from his father. After the victim told his story to the DEA, the original deputy confessed and became a protected witness himself when he agreed to help trap his partner; no charges have been brought against either man.

Agency officials in Washington insist that they are cleaning house as fast as they can—that the current Justice Department investigation, in fact, was requested eighteen months ago by Arthur Daniels, the program's eleventh chief in six years. Daniels argues that some of the agency's shortcomings, such as the lack of security in personnel files, have already been cleared up. But he says that he considers his real problem to be not corruption but "lack of sufficient trained people." Until recently, for example, one overworked credentials expert was supposed to supply new documents for about 50 persons a month. The program has had only seven specialists in witness security, though Daniels expects this force to quadruple in three months. Still, Daniels does not dare predict when the agency's scandals will end. "When I was talking to the FBI two weeks ago," he sighed, "they said that every time they think they have it wrapped up, something new crops up and they go off in a different direction."

Senator NUNN. Could you expand on your statement as to why you would not cooperate, so there is no question about it on the record?

Mr. BOWDACH. I would be happy to, sir. Prior to becoming a cooperating witness for the Government, I had available to me educational programs, I was able to go to services, religious services, I was able to get my exercise, I was able to have my family visit me once a week.

Since becoming a cooperating witness, I have no vocational training, I have no educational training available to me, I cannot practice my religious beliefs, I went for over half a year without being able to see my wife. It has been one hardship after another and had I known this was going to be a year ago, I would never be here.

Senator PERCY. You are not saying you would look forward with anticipation to going back to Atlanta?

Mr. BOWDACH. Pardon me?

Senator PERCY. You would not look forward to going back to Atlanta?

Mr. BOWDACH. Not hardly.

Senator PERCY. But this program leaves a great deal to be desired.

Senator Chiles, this is my last question. I very much appreciated your cooperation yesterday with my schedule problems. We will yield immediately to you.

I would like to say, Mr. Chairman, before I finish my last question, how impressed I have been with the work of our staff. I think it has been extraordinary. I think that our witness has been extraordinarily cooperative in every respect. He has been forthright and an exceedingly fine witness. We have gained a great deal of information from him.

I think we have an obligation and duty to do whatever we can to see that the protection provided to you is adequate, and strengthened if need be.

I would like to also express appreciation to Senator Chiles for his devotion to these hearings. His initiative in calling for these hearings has been most worthwhile.

My last question is probably on the minds of a great many people.

Do you feel at this very moment that there is a contract out on your life? Do you think that the Government's effort to protect you as you see it will be good enough?

Mr. BOWDACH. No, sir.

Senator PERCY. You think there is a contract out on your life?

Mr. BOWDACH. Definitely.

Senator PERCY. What degree of protection do you feel is needed? What can be done to provide adequate protection to you and your family?

Mr. BOWDACH. I don't believe that the Government can adequately protect me in any facility in this country. The marshals would not have control over me. The Bureau of Prisons would have control over me. I testified against the hoodlums and I gave testimony against individuals within the Bureau of Prisons.

So basically I have testified against both sides. I don't believe that I can be adequately protected anywhere except if I am placed in a hole and under what I would call a death watch. I would be back in the same situation that I was before.

Senator PERCY. Are you saying that protective service should be provided to you so you can leave the country?

Senator NUNN. I don't think we should get into the possible future location of Mr. Bowdach at this stage. I would rather for you not to answer that, if Senator Percy would defer that.

Senator PERCY. In effect, haven't you really answered it by saying you don't know of anyplace in this country that you can be fully protected?

Senator NUNN. He is talking about institutions. Of course, his parole is something to be considered. We won't make any determinations on that. That will be considered. He has just 2 years left on the sentence and, obviously, he will have to be relocated, but I don't think we ought to have him even speculate on where he would like to be relocated or anything about that at this stage.

Senator PERCY. I want to thank you again for your cooperation.

Mr. BOWDACH. You are welcome.

Senator NUNN. Thank you very much, Senator Percy.

Senator Chiles?

Senator CHILES. Mr. Chairman, I thank you very much. I want to say I am sorry. I wasn't here at the opening of the proceedings today. I find myself running back and forth from markup in the Defense Appropriations Subcommittee. Also, the Budget Committee

is working on the second resolution. So I am running back and forth between three committees today.

Senator NUNN. If you would like, we will defer to you right now as long as you would want. If you would like 5 minutes to get filled in by staff on what we have covered, we can do that.

Senator CHILES. I think I understand where you are. I will have to be leaving again to go back to those markups. So maybe if I can ask a few questions now—

Senator NUNN. Go right ahead.

Senator CHILES. Mr. Bowdach, I was interested to hear—I did miss your testimony, but I wanted to cover the future. You were talking about filing. Mr. Chairman, I have an opening statement I would like to file for the record.

Senator NUNN. Without objection.

[The statement follows:]

#### OPENING STATEMENT BY SENATOR CHILES

Senator CHILES. Today we are going to hear a more familiar tale than what we have heard previously. Then we heard of muggings and murders, of arson and drug peddling and shylocking and kidnappings. Now we are going to hear a more familiar theme: We are going to hear about bungled opportunities to combat organized crime and lost chances to fight back against an enemy whose soldiers appear to be better organized than our own.

Specifically, we will hear about:

#### THE WITNESS PROTECTION PROGRAM

The program is designed to protect and reward those who come forward to identify and assist in the prosecution of organized crime figures. Today, we expect Mr. Bowdach to repeat his assertions that, if he had it to do over again, he would take his chances out on the street with a price on his head. Among other things, he did not appreciate being brought before this subcommittee in chains.

#### THE BAIL REFORM ACT

Mr. Bowdach, a confessed organized crime figure and murderer, used the relaxed provisions of the Bail Reform Act to obtain bail, so that he would be outside and free to hunt down those witnesses who were prepared to testify against him.

#### WRITS OF HABEAS CORPUS

Mr. Bowdach used the provisions of Federal law which administers one of the oldest rights under the English common law, the right to seek a writ of habeas corpus, to tie the U.S. Attorney's Office and the Federal courts in procedural knots.

#### FREEDOM OF INFORMATION ACT

Similarly, Mr. Bowdach used the Freedom of Information Act's provisions to deluge his prosecutor with an ocean of paperwork. As the U.S. attorney sought to respond to Mr. Bowdach's requirements, the sheer volume led to errors in disclosure which, in some instances, allowed Mr. Bowdach to discover what the U.S. attorney

was rightfully trying to conceal: The identity of those who might testify against him.

All of these are areas where we can, and must, seek administrative reforms. We will never penetrate the veil of organized crime and identify and prosecute its members if we mistreat and endanger the very witnesses who alone can provide that evidence. Today, the witness protection program is being treated as a bureaucratic backwater. It is being run in a fashion which, incredibly, is simultaneously both overly rigid in enforcing minor rules and overly sloppy in providing basic care and protection.

Far more difficult are the problems of how we can deal with the misuse of laws for the benefits of organized crime figures. Obviously, we must be exceedingly careful in examining possible reforms. We fought a revolution to protect rights like release from unlawful detention. Someone who is unlawfully imprisoned is the one who most needs the Freedom of Information Act. At the same time, we must seek ways to prevent organized crime figures from using Federal prisons like motels, to be entered and left more or less at will.

Let us hope we can obtain some clues from today's testimony.

Mr. Bowdach, you specifically had filed freedom of information reports, and you received some information in regard to Attorney Betz, who is prosecuting attorney for the strike force, assistant U.S. attorney. The information had something to do with how he had characterized you, and had you had it at the time when you might have been on the street, it might have affected your feelings toward Mr. Betz. Is that correct?

Mr. BOWDACH. Yes, sir.

Senator CHILES. That information should have been covered by some of the exemptions in the Freedom of Information Act, but in fact, you still received that information, from filing the return. Is that correct?

Mr. BOWDACH. It was denied to me originally because they determined it to be an interagency memorandum and I was in the process of filing an appeal and it came in the mail within about a week after they denied it.

Senator CHILES. So it was after you were denied your appeal?

Mr. BOWDACH. Denied the request.

Senator CHILES. He denied the request for appeal, which, if anything, gave you more reason to have a grievance against Mr. Betz, and certainly give you reason to feel that he had something personally to do with your being denied the appeal?

Mr. BOWDACH. Yes, sir.

Senator CHILES. If information like that is going to be granted on the basis of the freedom of information request, what kind of protection program do you think we are going to need for our strike attorneys and law enforcement officials?

Mr. BOWDACH. What is going to happen, Senator Chiles, is prosecutors, law enforcement agents, judges, if this practice is going to continue the way it has, these people are going to become reluctant to express their opinions and fully carry out the duties of their office because of information that is going to be exposed to the people that they are talking about and subject them to maybe bodily harm or death at a later time.

Senator CHILES. I think that is absolutely correct. It seems to me that for a basis of trying to determine sentencing where incarceration should be made, one has to consider what kind of custody arrangement should be made. Problems get started if you can't hear frankly from the FBI agents, the strike force people, and other law enforcement agents who can help a judge determine the type of offender appearing before him by giving him the necessary information. It would also seem to me that with this information a judge could better determine both custody procedures and sentence. Isn't that correct?

Mr. BOWDACH. Definitely, sir.

[At this point Senator Percy withdrew from the hearing room.]

Senator CHILES. Do you know of other instances in which you received information in freedom of information requests that you thought should not have been given or that turned out to be very helpful to you?

Mr. BOWDACH. Yes, sir. The Chairman, showed me some documents that are clearly marked "Freedom of Information Act exempt" that was sent to me, that I believe have been put into the exhibit now.

I looked at them and I did receive them through my request for freedom of information material. This information exposed to me a party who I thought had been a very, very close friend of mine and it was from the commissioner of the city of New York Police Department, stating that this person did not wish to correspond with me while I was in the penitentiary. When I received that, it came as a terrible shock to me because I thought I had a friend.

Senator CHILES. That would have affected how you would treat that person on the outside or when you got a chance to come in contact with him again?

Mr. BOWDACH. Definitely, sir.

Senator CHILES. How often when you were incarcerated in Atlanta, did you file freedom of information requests on behalf of yourself and other people?

Mr. BOWDACH. I would say there were over 100 requests filed.

Senator CHILES. Did they take you very long to draft or to file? How much time did you have to spend in getting up those 100 requests?

Mr. BOWDACH. About 3 minutes.

Senator CHILES. What was your attitude, frame of mind, when you were filing those requests as to what they were going to cause law enforcement people or other people trying to comply with the requests to do?

Mr. BOWDACH. The request on the Freedom of Information Act was basically to determine who confidential informants were in the case and also to discover what possible future prosecutions they were working on and give us an opportunity, give me an opportunity at that time to determine who the witnesses may be and also to prepare a defense prior to anything coming to my attention.

Senator CHILES. You testified earlier that you determined to kill one individual because you felt that he was a confidential informer. I think that was Louie Nash?

Mr. BOWDACH. Yes.

Senator CHILES. You testified that you attempted to kill him on two different occasions. So you were seeking this information to find other confidential informants so that you or others could take care of them?

Mr. BOWDACH. Yes, sir.

Senator CHILES. As well as potential witnesses that could be against you or others in future cases?

Mr. BOWDACH. Yes, sir.

Senator CHILES. What would you do if you found out the names of those witnesses?

Mr. BOWDACH. Have them killed.

Senator CHILES. Were you able to discover any potential witnesses based on this information that you filed?

Mr. BOWDACH. Not from the information that I received, but from the information that I had sent for in behalf of Mr. Herbert Sperling; yes, sir.

Senator CHILES. What was that information and how was that helpful? What did you do with it?

Mr. BOWDACH. It was names of people that were deleted, but not properly deleted; in one instance, a letter was very clearly obvious. We only used the measurement system to measure the amount of letters in the name and we were able to come up with a name based on that one letter; that coupled with the details of the report of when this informant revealed this information.

Senator CHILES. So even when they sent you information in which they censored out the name, it was done so poorly that you were able, by telling the length of the name and then determining the information in the report, you were able to determine who that informant had to be?

Mr. BOWDACH. Yes, sir. And also, when you make repeated requests of the same information, the second set, the third set usually reveals a little more.

Senator CHILES. When you would make repeated information requests, they wouldn't just send you back the information that you requested the first time; they would give you a little more?

Mr. BOWDACH. They would give you the same documents, deleted by different people.

Senator CHILES. I see.

Mr. BOWDACH. Somebody is in a hurry to get to lunch and doesn't properly do their job. Yes, sir.

Senator CHILES. By taking those and looking at the different ways that they deleted, you would put that together? Did they ever say, "You filed an information request on this before, so therefore we are denying a new request on this," or did they just always comply?

Mr. BOWDACH. No, sir. I don't believe there is any reference to that in the statute. I think if you take the copy work that has to be done or the time it takes for the clerk to look this stuff up, you are entitled to as many as you want.

Senator NUNN. We have got about 3 minutes to get over there for a vote, Senator. I think we had better ask all cameras to turn your lights off, turn the cameras to the back of the room. We will take about a 7- or 8-minute recess and I will leave it up to the

marshals as to whether to have the witness leave the room or whether to have him sit here.

We will be back in about 8 or 9 minutes.

[Brief recess.]

[Recess taken with the following members of the subcommittee present: Senators Nunn and Chiles.]

Senator NUNN. The subcommittee will come to order.

[Members present at time of reconvening after a brief recess: Senators Nunn and Chiles.]

Senator NUNN. Are the marshals ready for the cameras to be turned back? The cameras will be replaced in the normal position.

Senator Chiles?

Senator CHILES. Mr. Bowdach, you were telling me before we broke for the vote what your feelings were in regard to Gary Betz when you got this freedom of information request, in which he had said that he considered you to be a "hit" man, extremely dangerous, completely without feelings.

We have also had testimony from several FBI agents since you have been here and, of course, they both reiterated earlier statements that they had made at different hearings in connection with you in that regard.

You were telling me what your feelings were about Mr. Betz when you received that freedom of information release, and you were also telling me about what would happen if you had received names of confidential informants or names of protection witnesses against you in other cases.

Would your answers of what you would do to these witnesses—in fact you said you would kill them—would that hold true today?

Mr. BOWDACH. No, sir, for the simple reason that I have no plans of going back into the life of crime. That is all behind me now. I have always in my lifetime been very loyal to any side that I have been on.

I was loyal to the hoodlum element for almost 20 years. Now I feel I want to be loyal to this side. And that is all behind me.

Senator CHILES. What you are saying is that you have tried to fully and frankly answer the questions that we asked you about what you would have done with this information, and what other people in your same status, hoodlums, how they would use this information, but that is not how you would view that today?

Mr. BOWDACH. No, sir. I don't believe you can be candid and be humble at the same time. I don't think it is possible. I am trying to get a message across to this subcommittee. In order for me to do this, I have to come on and show you, shock you sometimes into reality, to show you how bad this thing is, what kind of situation you have at hand right now that you have to cope with, and I can't do that and be humble at the same time because I wouldn't be telling you from my heart. I would be thinking of myself. Right now, I am not thinking of myself. If I was, I wouldn't be here.

Senator CHILES. I want to go into another line of questioning now. Would you describe your experience with bail bondsmen, particularly describe the amount of your appeal bonds and what collateral that you had posted?

Mr. BOWDACH. I had at the high figure almost \$300,000 in bonds posted on me. I had no collateral posted at all.



Senator CHILES. How would you get those \$300,000 of bonds? What would you have to put up to get that?

Mr. BOWDACH. My good name and the people I was connected with.

Senator CHILES. Would there be a premium, though, to be paid for that bond?

Mr. BOWDACH. Yes, sir. The standard premium on Federal bonds is 15 percent, but we never paid that amount.

Senator CHILES. You did not pay that?

Mr. BOWDACH. We paid approximately 6 or 7 percent.

Senator CHILES. When you say we, who is "we" in that instance?

Mr. BOWDACH. When I say we, I am talking about me and my colleagues in the past tense. We would not pay that amount.

Senator CHILES. The group to which you belong would help you in getting that bond?

Mr. BOWDACH. Yes, sir.

Senator CHILES. The Genovese family?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Would you be required to get that 6 or 7 percent? Would that be on your ledger, that you owed that premium?

Mr. BOWDACH. It would be put up by me or my colleagues, either at that time or at a later date. There was no worry. These people weren't worried about us.

Senator CHILES. How would you get that premium?

Mr. BOWDACH. If I didn't have it, we would go out and commit whatever crimes were necessary to pay these premiums.

Senator CHILES. Once you got the bond, you would go out and commit crimes, stealing or whatever else was necessary, drug trafficking, anything to get the premium. Is that right?

Mr. BOWDACH. Yes, sir.

Senator CHILES. Can you give us any instances in which you did go out and commit some crime to get the premium?

Mr. BOWDACH. There were times when I had, I was being arrested for a period there, almost on a weekly basis and what I would have to do is apply pressure to some of my customers for them to pay off their loans so I could have the money to pay the premiums.

If I didn't have the money to pay the premiums, the bondsman would accept stolen jewelry, things of that nature, in lieu of the premiums.

These people are, in my opinion, bloodsuckers, in every sense of the word. And I would like to take this opportunity to say that I think the State of Illinois has done a remarkable thing by doing away with the bail bond system and using the courts for the posting of bonds.

Senator CHILES. Do you think that is a better system? The courts don't take stolen goods, but premium on the bond?

Mr. BOWDACH. I don't believe they do that, sir. I would like not to believe it.

Senator CHILES. In one instance you related to us stealing back the collateral that was posted. Would you describe that for us?

Mr. BOWDACH. Yes, sir. After Chiccini disappeared, he was on a \$20,000 surety bond, and we had to place with his bondsman title to automobiles that we had on the lot of Sonny Brock Motors.

After Chiccini disappeared, we had the bondsman bring down the title to the carlot for the reason we told him that we were going to exchange different titles for those titles so we can take those cars and sell them.

When he came down, he went into the office and we got the titles that he had left in the car and took off with the titles. So now he has no collateral on Chiccini's bond.

Senator CHILES. You didn't care whether there was any collateral on that bond or not any longer? You just wanted those titles? So you stole them from the bondsman?

Mr. BOWDACH. Yes, sir. I had the cars stolen the following day.

Senator CHILES. There have been complaints about the lack of uniformity in bail bond matters. Do you have any observations on that subject?

Mr. BOWDACH. Lack of what?

Senator CHILES. Uniformity, there being some kind of standard or uniform way, premium, of what a bond should be. Did you find different bonds required, different bails required, and did you find bondsmen that did things in a completely different way?

Mr. BOWDACH. I think the courts would make determinations based on the evidence presented to them by the investigative agent or the prosecuting agency about the individual.

I believe the bail bonds must be predicated on each individual themselves. I don't think you can set  $x$  amount of bonds for certain crimes because you have different individuals that pose different threats, to flee, or danger to the community, which I would like to comment on that because I believe the Bail Reform Act was written with good intentions, but I don't believe that somebody has the insight to see a serious problem that they overlooked.

If I may, Senator Chiles? The Bail Reform Act—which is title 18, United States Code 3146—has absolutely no provision in it for the court to take into consideration the fact that a defendant, prior to conviction, may pose a danger to the community.

The judge cannot consider this, and a classic example is my case. I was repeatedly arrested and brought before the court to try to get the court to revoke my bail bond.

I intimidated a lot of witnesses. This was brought to the attention of the judge. The judge was without power to remand me, pending my trial, because I took the position that, your Honor, I have always appeared when I was supposed to. That is the only consideration that the court—

Senator CHILES. The only consideration is whether you would appear or not, or whether you would flee the jurisdiction? You had a history of always appearing?

Mr. BOWDACH. That is why I was able to reduce the amount of witnesses from 20-some-odd witnesses down to about 3 or 4. They were powerless to do anything about it.

Senator CHILES. You are saying the very act itself, the way that language prohibits the judge from taking into consideration those acts that you might be taking to intimidate witnesses to do any other acts, as long as you could show a history or make a record that you would appear?

Mr. BOWDACH. That is absolutely correct.

Senator CHILES. Are you aware of any crimes that are committed to satisfy bail bond demands, specifically? Do you know any specific ones associates or people that you knew committed to satisfy bail bonds?

Mr. BOWDACH. Not with any specifics, Mr. Chiles. But constant robberies—different bail bondsmen that I know, Mr. Jerry Yanks, Mr. Jack O'Connell, these people, from me, personally, were accepting large quantities of stolen jewelry and things of that nature to satisfy the premiums, and in my case alone.

Senator CHILES. In addition to what you just described, in the provisions of the Bail Reform Act, what else could you tell us that should be done to improve the bail bond situation? Do you know of anything else?

Mr. BOWDACH. No, sir. I haven't really looked into that much. It was always to my agreement, at that time.

Senator CHILES. Some professionals have cited the reluctance of U.S. attorneys to prosecute certain crimes. Is that a factor in the minds of professional criminals?

Mr. BOWDACH. Reluctant to prosecute certain crimes?

Senator CHILES. That is right. In other words, they tell us that to try to prosecute some of these crimes is so complex that it is easier to go prosecute a bank robbery case, easier to get a conviction of a stolen car, cases like that, rather than go under the RICO statutes and try to go into these conspiracy cases, trying to go into tracing money or currency. Is that something that you all consider, or that professional criminals consider?

Mr. BOWDACH. To go back to something that Senator Percy said to me yesterday when he was talking about the type of facility, would it be feasible to take white collar criminals and allow them to be on work release, and things of that nature, I was really under the impression for a long time that they weren't prosecuting white collar crimes. You don't hear about it. You don't read about it. You don't see these people. I don't know if they are in a jail somewhere. But is it too complex for them? I don't know. The RICO statute, Racketeering and Influence Corrupt Organizations, is something that has come into being about 8 years ago. It was successfully used in a very major case in the State of Florida, for the United States, successful in the prosecution. I believe it was the first one down there. The statute—and I have read it maybe 2 dozen times already—is so complex and so hard to understand, and I believe there are prosecutors that can't understand it. I know defense attorneys can't. I don't know how a jury can possibly ever understand it. It is a good statute because it gives you the avenues to get to the major people that you haven't been able to get at for years. But it is so complex you have to be a professor of law to understand it.

Senator CHILES. Did you find any reluctance on the part of law enforcement people or prosecutors to make or prosecute cases dealing with, say, marihuana?

Mr. BOWDACH. Yes, sir, for the reason the courts have been extremely lenient on marihuana offenses. The Parole Board turns around, the first time they come up for parole, you have got a 5-year sentence. They bring in hundreds of tons—5-year sentence. They do 2 years on the 5-year sentence, go back out there again,

bring in another 100 tons. They are not really concerned about it, because the man on the street, the investigative agent, is taking the attitude, if the courts are not going to look at this thing with any sense of seriousness, if the Parole Board is not going to look at it that way, then I am not going to look at it that way. That is what is happening.

Senator CHILES. In other words, it really pays, or has paid, to engage in that kind of trafficking, and there really isn't much of a downhill side? There weren't going to be really stiff sentences. Chances are he might not get prosecuted. He might be able to cop some kind of plea, or take a plea. You know that out on the street?

Mr. BOWDACH. If you measure the profit against the risk and against the amount of time you are going to get, it is very well worth it.

Senator CHILES. Explain to me how you see, or what is the RICO statute? I think a lot of people might not understand that statute. How is it supposed to work?

Mr. BOWDACH. You are asking for a legal interpretation.

Senator CHILES. I want to know how you see it.

Mr. BOWDACH. I see it as a very devastating weapon against organized crime figures. It is very broad in scope. It covers a very, very wide area, and I think if the prosecutors that are handling these cases were fully trained in the use of this statute, and how to present it to the court, how to present it to the juries, I think the Government had been very successful in reaching high echelon organized crime figures that have been getting away for years.

Senator NUNN. Mr. Bowdach, if Senator Chiles would just yield to me for 1 minute on that question, you are saying that you think the RICO statute could be used to really get at organized crime?

Mr. BOWDACH. Yes, sir. I think it is one of the best statutes that are on the books right now to combat organized crime.

Senator CHILES. Doesn't that statute allow you, through the basis of establishing a conspiracy, to get at some of the top figures in organized crime who always do insulate themselves, who never actually commit the crime in the field, but only give the orders for it, or finance the money? By using that statute, you can try to involve them in a conspiracy involving two or more persons with an intent to commit, and then we have the list of crimes covering many felonies, and by doing that, it gives you a chance to get at the top people?

Mr. BOWDACH. Yes, sir, it does.

Senator CHILES. As I understand, the other benefit is that the statute of limitations does not run?

Mr. BOWDACH. Until 10 years.

Senator CHILES. It gives you a 10-year statute. So that is a major difference, is it not, from the statute that runs on most of your other crimes?

Mr. BOWDACH. Yes, sir. And the reason for that being that organized crime is so sophisticated, and people are so reluctant to talk about these people, that you most definitely need more time to make your case. Many times in a situation with an organized crime case, the statute runs out by the time you have put your case together.

Senator CHILES. Do you feel that the parole system is adequate?

Senator NUNN. Before we get to that, if I could ask one other question on this point, I think that your observations on the RICO statute is very interesting. Another area that I have been particularly concerned about is the lack of vigorous Internal Revenue Service tax evasion charges against organized crime figures, and also the infrequency with which IRS now seizes cash, such as they did, in the past.

Do you have any knowledge of cases where the Internal Revenue Service has brought successful prosecutions for tax evasion against people affiliated or in organized crime?

Mr. BOWDACH. Mr. Chairman, I have seen, through my observation, anyway—we had a big to-do down in Miami with IRS in an operation—I believe it was called Operation Leprechaun. Since that period of time, I don't know what has happened within the administration of IRS, but for some reason or another you don't hear about them any more. They seem to ease out the back door and I believe because, in my opinion, they are afraid of another new outbreak on them in their actions, or something in that area. But as of late, since that Operation Leprechaun, you don't hear about them. I haven't heard about them at all.

Senator NUNN. I feel one of the best potential ways to really put organized crime figures behind bars—and it has been used in the past, but not in recent years—is to bring tax evasion charges against them, because some of the people at the top can never be proven guilty of actual criminal violations.

Mr. BOWDACH. Yes, sir. I believe there is a statute on the book, Internal Revenue Service statute, I am not too familiar with it because I always seem to live within what I would declare, but there is a statute that would give them the authority to bring charges if a man could not show how he was living, if he was declaring an income of \$40,000 a year and he was making purchases of \$100,000 a year, the burden of proof would shift to him as to how he was getting this money, where he was getting it from.

Senator NUNN. That is the statute they have used successfully in the past, but they have not been using it in recent years.

Mr. BOWDACH. There was a statute that everybody was in fear of, in total fear of, because when you go into court, the Government has the burden to prove you guilty, but under that statute the burden shifted to you to prove where you got this money from.

Senator NUNN. Wouldn't that be one of the most successful tools which could be used against organized crime, by bringing that kind of charge, making them show where they got their money—making them show where they got their investment they placed in legitimate businesses?

Mr. BOWDACH. Absolutely, sir.

Senator NUNN. Your basic statement to the committee is that that is not being used today?

Mr. BOWDACH. No, sir.

Senator NUNN. You are also saying that that is one of the statutes that the organized crime fears the most?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Thank you.

Senator CHILES. Do you feel the parole system is adequate?

Mr. BOWDACH. No, sir.

Senator CHILES. Would you enlarge on that? Why don't you feel it is?

Mr. BOWDACH. Yes, sir. I would be happy to, Mr. Chiles. I prepared a very short, 1-page statement. I believe I left quite a lot out of it because I don't think you people want to go into the weekend. But basically, I think a very important aspect of the criminal justice system is the U.S. Parole Commission and its function. This agency has been an enigma to me for many years. What criteria is used by the Parole Commission in determining when a man is fit to return to society? They wield unbridled power and are totally inconsistent in their decisions and the courts have been reluctant to review their actions.

I have had occasion to see where an individual who is a member of the Dixie Mafia, serving a 30-year sentence, was given parole after only 3 years, an individual who has never cooperated with any law enforcement authority. Not only has this man served 3 years on a 30-year sentence, but within a month after he was released from the penitentiary, he was supplying my wife with narcotics to be smuggled into the penitentiary for me. I have reported this incident to the authorities in the northern district of Georgia and would be happy to supply the details to this subcommittee.

Mr. Chairman, I have served almost 7 years on a 15-year sentence and have been denied parole on four occasions already even though I have rendered extensive cooperation to any law enforcement agency requesting it. In February 1978, the U.S. Attorney for the Northern District of Georgia requested the U.S. Parole Commission to review my case based on the detailed letters of my cooperation which were submitted to them. The reply from the Parole Commission stated that they would not review my case until the normal routine date which is February 1979.

I would like to add just one question to this committee: How much time must a man serve, and what must he do to pay his debt to society?

Senator CHILES. Do you think inmates have equal access to the system? You don't, obviously, from that.

Mr. BOWDACH. Obviously, they don't. I don't know, Mr. Chairman, Mr. Chiles, the case of the individual that I made reference to here, he was denied a parole in the southeast regional office of the U.S. Parole Commission. He had his attorney go to Washington. I don't know who he saw in Washington. I don't know what transpired, because he came back from Washington with a parole.

Senator NUNN. On that individual, you are saying that you have firsthand knowledge that he was engaged in narcotics activities since he was released on parole?

Mr. BOWDACH. My wife would pick up the narcotics from him and bring it to me.

Senator NUNN. Has there been any investigation of him?

Mr. BOWDACH. I reported it, sir.

Senator NUNN. You reported it? To whom did you report it?

Mr. BOWDACH. I reported it to the Assistant U.S. Attorney for the Northern District of Georgia.

Senator NUNN. When?

Mr. BOWDACH. Last summer.

Senator NUNN. 1977?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Have there been any indictments?

Mr. BOWDACH. No, sir.

Senator NUNN. Who was the individual?

Mr. BOWDACH. Mr. Joseph D'Mour.

Senator NUNN. How do you spell his last name?

Mr. BOWDACH. D'M-o-u-r.

Senator NUNN. Where does he live?

Mr. BOWDACH. Atlanta, Ga.

Senator NUNN. Is he still out in the street?

Mr. BOWDACH. Yes.

Senator NUNN. Is he still engaged in narcotics activity?

Mr. BOWDACH. I don't know if he is now, but he was right after his release.

Senator NUNN. What kind of narcotics did he supply to your wife?

Mr. BOWDACH. Demerol and Desoxyn, which are pills.

Senator NUNN. Dangerous substances?

Mr. BOWDACH. Controlled substances, yes, sir.

Senator NUNN. Mr. Bowdach, we have another vote on. I think rather than going into a line of questioning I have, I will ask you to think about this a minute. We had not discussed this previously in executive session. Since you have testified here before this subcommittee regarding murders in which you have participated and about murders in the Atlanta Penitentiary, I want to get your views about the desirability of capital punishment. I particularly want your views about whether that would be a deterrent to prison killings. If you could think about that, we will take a break right now and come back, and I will ask you about it.

All cameras, please turn.

[Brief recess.]

[Members present at time of recess: Senators Nunn and Chiles.]

[Members present at time of reconvening after a brief recess:

Senator Nunn.]

[The letter of authority follows:]

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,  
Washington, D.C.

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open hearings without a quorum of two members for the administration of oaths and taking testimony in connection with Organized Crime/Law Enforcement on Thursday, August 10, 1978.

HENRY M. JACKSON,  
*Chairman.*

CHARLES H. PERCY,  
*Ranking Minority Member.*

Senator NUNN. The subcommittee will come to order.

The cameras can be returned to normal.

Mr. Bowdach, you have testified here that you actually participated yourself, in a murder, and I believe that was during what year, the Chic/ini murder?

Mr. BOWDACH. 1970.

Senator NUNN. During 1970?

Mr. BOWDACH. That is right.

Senator NUNN. At that time, did the State of Florida have a capital punishment law for murder, or do you know?

Mr. BOWDACH. I believe they did, and I believe it was eventually ruled unconstitutional.

Senator NUNN. Had there been any executions for murder that you knew of in Florida immediately prior to 1970, or within a reasonable time frame?

Mr. BOWDACH. Not for quite a while.

Senator NUNN. Without getting into your philosophy on capital punishment, what was your attitude toward the capital punishment statute in Florida at the time of the Chiccini murder? Did you think about it? Was it something that came into your mind?

Mr. BOWDACH. Mr. Chairman, I believe that, No. 1, I wouldn't have gotten the electric chair; No. 2, that I would have been out in 6 or 7 years anyway, had I gotten in court; because that was all you were doing to prisoners, was light sentences.

Senator NUNN. Why do you think you would not have gotten the electric chair?

Mr. BOWDACH. Money, influence.

Senator NUNN. What influence?

Mr. BOWDACH. Money and influence.

Senator NUNN. With whom? Money and influence with whom?

Mr. BOWDACH. Politicians.

Senator NUNN. In other words, you feel—you felt at that time, looking back on it, that if you had been caught, prosecuted, and convicted of the Chiccini murder, you would have not been sent to the electric chair?

Mr. BOWDACH. No, sir.

Senator NUNN. That is because you had powerful friends whom you believe could have brought influence to bear and prevented that?

Mr. BOWDACH. Yes, sir.

Senator NUNN. So when you committed that, or participated in that event, did the question of electrocution ever enter into your mind?

Mr. BOWDACH. There was always that possibility; yes, sir.

Senator NUNN. Did it have any deterrent effect upon you? Did you even pause and think about it?

Mr. BOWDACH. I had given it thought; yes, sir.

Senator NUNN. Before the murder, I am speaking of, before 1970, before the Chiccini murder?

Mr. BOWDACH. Yes, sir.

Senator NUNN. It had some deterrent? It obviously didn't have much deterrent because the murder was carried out. Did it have any influence on you at all?

Mr. BOWDACH. Yes, sir. It did. It made me be a little more careful.

Senator NUNN. What about the prison murders? Do you have any observation on killings in prison and how they can be prevented? I am also asking you whether capital punishment for murders that take place in a penitentiary would have any deterrent? Give us your own attitude and view on that.



Mr. BOWDACH. The attitude in the penitentiary is most of the people that are doing these murders are never going to see the street again anyway. So it is just another murder. It is just, "What can you do, give me a life sentence on top of the life sentence that I already have? I only have one life to give anyway." So that is why it will always continue. There is no deterrent to it. The same way, to get caught with a knife, what are they going to do? They are not doing anything. The same way with the guards. All they are asked is to resign. If they were to be prosecuted, it would act as a deterrent to others. So as long as they are able to keep getting away with these types of things, murder, smuggling, possession of weapons, they are going to keep on doing it.

Senator NUNN. Are you saying the capital punishment, or the possibility of capital punishment for murder in the penitentiary does not have an effect at this stage?

Mr. BOWDACH. There is none.

Senator NUNN. There is no deterrent because of that?

Mr. BOWDACH. There is no penalty in the Federal penitentiary, there is no provision for the death penalty in the penitentiary.

Senator NUNN. What would be the case, hypothetically, if there was a capital punishment law for killing a prison guard; for killing a fellow inmate, other than in self-defense? If there was a capital punishment law that would be really carried out in a prompt fashion under these circumstances, would it have any deterrent?

Mr. BOWDACH. I think it would drastically reduce the amount of homicides that you are experiencing now.

Senator NUNN. In other words, you believe capital punishment for killings in the penitentiary would be a deterrent?

Mr. BOWDACH. Yes, sir. I would like to comment, Mr. Chairman. We had a lot of experiences of people who are against the electric chair or capital punishment in any form, and they speak out quite loudly about it, and I would only like to say, I always wondered, would they take this position if their mother had gotten killed, if their child had gotten killed, if their wife had gotten killed, would they feel the same way, if it struck home? I venture to say not.

Senator NUNN. You believe capital punishment for prison murders would have a very substantial deterrent, or would you say a moderate deterrent? Don't have me categorize it. You tell me how the deterrent would be.

Mr. BOWDACH. Substantial.

Senator NUNN. Substantial deterrent?

Mr. BOWDACH. Yes.

Senator NUNN. What about capital punishment for murders like the Chicini murder? If there had been a vigorous capital punishment law on the books, being enforced, if executions were occurring before 1970, on a frequent basis for that kind of crime, would it have had any effect in your case?

Mr. BOWDACH. I thought about it. I knew the risk I was taking, and I still went ahead and did it, knowing the risk I was taking. I knew that it would be years and years and years before they would ever execute me anyway, and by that time, everything would have cooled down and be forgotten about it. And we would have moved for clemency and there wouldn't have been any public outcry.

The problem that you have today, the guys sit so long, and appeal after appeal after appeal. It goes all the way up to the High Court, it comes back down again, makes that whole cycle again.

I believe the appeal process should be a one-shot thing, you raise it all in the beginning, take it all the way up, that is the end of it when it hits the top.

Senator NUNN. In other words, if capital punishment is going to be effective as a deterrent, it has got to be done quickly.

Mr. BOWDACH. Yes, sir.

Senator NUNN. There has to be some connection between the crime and punishment in terms of public perception?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Something has to be done about the endless appeals? They have to be accelerated?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Mr. Bowdach, lets get back to what you testified to earlier this morning with respect to the filing of numerous writs for harassment purposes, frivolous reasons and so forth. You have been an insider in the penitentiary. You have used this process to harass law enforcement.

You have also testified, and I think people who have listened to you for 5 days would agree, that you have a pretty good working knowledge of the criminal legal system.

Do you know of any way, or do you suggest any way, to limit the writ process? I will ask you in a minute about the Freedom of Information Act, but at this point address the writ for habeas corpus purposes. Is there any way to do away with some of the frivolous writs and do away with some of the harassment and some of the time-consuming problems with writs?

Do you know of any way this could be done within the constitutional framework we have?

Mr. BOWDACH. I have given that idea much thought, Mr. Chairman. I believe that the writ process can be reduced by twofold process and still be consistent with the constitutional right of prisoners. Please keep in mind I am not an attorney, nor do I have any legal training in this field.

If title 28, United States Code, section 2255, which is the postconviction relief statute were to read like title 28, United States Code, 2243, the writ of habeas corpus statute, that would give the judge the authority to dismiss a motion for a writ if he determined that the motion is frivolous or without merit, rather than issue a show cause order and tie up law enforcement personnel.

Another way that I feel the writ process can be reduced and still be consistent with the constitutional rights of prisoners—

Senator NUNN. What you are saying is, instead of having show cause notice go out, setting in motion all the paperwork, you would propose that the law permit a judge to take a look at the writ, determine if it is frivolous on its face, and, if so, dismiss it without any further action?

Mr. BOWDACH. Yes, sir. I believe the judge sitting on a bench today has the expertise to make a determination whether a writ has merit or is frivolous.

Senator NUNN. Go ahead and give us your second.

Mr. BOWDACH. Another way I feel the writ process can be reduced and still be consistent with the constitutional rights of prisoners is that each writ that is filed, have attached to it a sworn affidavit attesting to the allegations made under the penalty of perjury. This would at least reduce the number of writs being filed that are solely for the purpose of tying up the system while not infringing on the rights of prisoners with access to the courts.

Senator NUNN. In other words, make the writ appear under oath of the person who is actually making the allegations in the writ?

Mr. BOWDACH. Yes, sir. This way, the man will not make false allegations, just to tie up the court, because if he does that, under a sworn affidavit, he then subjects himself to a perjury charge and he will think twice before filing such a writ to tie up the court and tie up law enforcement personnel.

Senator NUNN. If you had to sign a written affidavit under penalties of perjury, would you have filed as many writs?

Mr. BOWDACH. Not as many as I did; no.

Senator NUNN. You would have been more careful about your facts?

Mr. BOWDACH. Yes.

Senator NUNN. Under the current situation, you are saying you can submit any kind of allegations you want to without any fear of sanction?

Mr. BOWDACH. That is correct, sir.

Senator NUNN. Any other suggestions?

Mr. BOWDACH. Not in that area; no, sir.

Senator NUNN. On the Freedom of Information Act, do you have any suggestions about any changes in the law that can be made without jeopardizing the access of the public to legitimate information in the hands of the Government?

Mr. BOWDACH. I have got some views, Mr. Chairman. I tend to lean a little bit toward the right, because that is the way I think. The Freedom of Information Act gives the public access to Government files as it pertains to them. The only people that should really be concerned with what the Government has in their files about them are people that are concerned with what they have done.

Innocent people that know they have never done anything illegal should not show any concern about what the Government has on them. This is my view. That also applies to wiretapping. If a man is innocent, never committed a crime, not concerned about the Government listening in on the conversation, he shouldn't worry about his phone being tapped or not tapped unless he has some sort of motive or criminal action that he planned to beat the Government or to do something.

Senator NUNN. That is your view?

Mr. BOWDACH. That is my view.

Senator NUNN. A lot of people would strongly take exception to your view on that. I couldn't agree with that. But you go ahead.

Mr. BOWDACH. That is their privilege. We live in a free democracy.

Senator NUNN. Give us your view. That is what we want.

Mr. BOWDACH. I did, sir.

Senator NUNN. On the Freedom of Information Act, you are saying unless someone is concerned that the Government may have something on them in the Government file, that they really shouldn't be concerned about making the request. Is that right?

Mr. BOWDACH. That is correct.

Senator NUNN. So I guess you would suggest severe restrictions on the Freedom of Information Act as far as access?

Mr. BOWDACH. I believe the basic users of the Freedom of Information Act are people of the criminal element. These are the people that have the most concern with what the Government knows about them.

Senator NUNN. You don't include the news media in that, do you?

Mr. BOWDACH. No, sir. [Laughter.]

Senator NUNN. Let me ask you, Mr. Bowdach, your opinion regarding Federal law enforcement efforts. You, of course, have been on the inside of a lot of different criminal activities. Do you have any specific kind of suggestions you could make about what the Federal Government, or for that matter, the other law enforcement agencies could do in the area of loan-sharking to curb the abuse you have described that takes place in that area.

Mr. BOWDACH. I didn't limit my thinking only to loan-sharking because if you want to separate each and every crime that organized crime is involved in, we can go on and on and on, Mr. Chairman.

Senator NUNN. Would you rather just give us your opinion, then, about what the Federal Government can do in terms of improving its overall law enforcement effort?

Mr. BOWDACH. Yes, sir.

Senator NUNN. I will just pose that question to you, then.

Mr. BOWDACH. Mr. Chairman, when you deal with an organization as sophisticated as organized crime is, you must have access to informant information. Many times this informant must be of a confidential nature, and the informant's identity must be protected at all costs.

When you have a situation where a court wants an agency to reveal the identity of the confidential informant, what you are doing is handcuffing the agency because if they receive information in confidence, they cannot breach this confidence. By the way, I would say that this also applies to the news media.

To do so would cause the flow of information to cease. And without information, many of your investigative agencies could not function. A good example of this is what the court is trying to do to the Attorney General of the United States in Federal District Court in New York at the present time. If they are allowed to succeed in this matter, it will establish a precedent that will certainly hamper law enforcement for a long time to come.

Another area where law enforcement is hurting is the Federal wiretap statute. The application to the court for a wiretap authorization should be less stringent as it pertains to probable cause when it involves an organized crime investigation, since probable cause is part of the problem where organized crime is involved solely because people are reluctant to speak about these people. Another area, I have noticed firsthand the lack of cooperation

between Federal and State agencies and if the efforts against organized crime are going to be advanced, then there must be more cooperation between Federal and State agencies. A good example of what can be done when Federal and State agencies work in concert with each other is clearly shown in the case of the *United States of America v. Frank "The Under Boss" Decidue, et al.* It was because of the total cooperation of special agent Larry Campbell of the Florida Department of Criminal Law Enforcement and special agent Dave Malarney of the Federal Bureau of Investigation that resulted in the successful prosecution of this case for the United States.

What we have, Mr. Chairman, and I have noticed firsthand with the Drug Enforcement Administration, they seem to compete rather than work in concert with other agencies. As long as this is going to continue, and they are not going to pool their resources together, you are never going to beat organized crime.

Senator NUNN. So your observation is the Federal law enforcement effort is widely diffused, in many cases they are competing with each other rather than working with each other?

Mr. BOWDACH. Yes. I believe the street people want to work with each other. This is my perception of what I have seen and what I have heard, but it is because of Washington policy that they are unable to do so.

Senator NUNN. In other words, you separate the bureaucrats in Washington from the street people?

Mr. BOWDACH. Yes, sir.

Senator NUNN. Is this observation true as to Federal agencies working together? Are you saying that about Federal agencies not working together in law enforcement, or are you saying it about Federal agencies versus local, State, and Federal agencies?

Mr. BOWDACH. I am saying Federal agencies aren't working with Federal agencies, and Federal agencies don't want to work with State agencies. There is competition going on.

Senator NUNN. A bureaucratic competition that prevents cooperation?

Mr. BOWDACH. That is correct.

Senator NUNN. If you are going to have any kind of successful law enforcement, particularly against organized crime, it has to be a broad cooperative effort between Federal agencies themselves and between Federal, State, and local agencies?

Mr. BOWDACH. Absolutely, sir.

Senator NUNN. What about the situation in south Florida on narcotics? Is there anything you can suggest as to how the Federal Government can be more effective in the narcotics law enforcement effort in south Florida?

Mr. BOWDACH. The narcotics problem is international, but before you can curb it on an international level, you must first work on the national level. You are tremendously shorthanded in Drug Enforcement Administration, for the amount of drugs that are flowing into this country.

There are more police riding the subway in New York than there are DEA agents working combating the narcotics problem. People are under the impression when they read of a sensational drug bust, the narcotics problem is being solved, but that is so far from

the truth. You are not even touching the tip of the iceberg in the field of narcotics. A big problem that exists is the one that I just stated to you, that the DEA competes with other agencies rather than working in concert with them.

On the international level, I can only say that if the State Department were to apply the same amount of pressure to the South American countries that allow narcotics to be exported from their borders as they have applied to the Government of South Korea in the House investigation, we may then see a decrease of importation of narcotics into the United States. As long as the State Department continues to bury their heads in the sand like an Ostrich, hoping the problem will go away, you are facing an effort in futility.

Senator NUNN. Is there going to have to be some very strong pressure from the State Department on foreign governments if anything is going to be done on an international basis?

Mr. BOWDACH. That I believe is the initial step that must be taken. Yes, sir.

Senator NUNN. Is it hopeless? If you look at the Federal law enforcement effort involved in narcotics, we have had one increase after another. We have had a tremendous increase in the number of dollars, the number of people, the general manpower commitment and so forth, over the last 10 or 12 years and it seems the problem continues to get worse, not better. Do you think the cause is hopeless?

Mr. BOWDACH. At the rate you are going right now, yes, it is.

Senator NUNN. How many men will it take? How many people would it take compared to what we have now? Do we need to double the number?

Mr. BOWDACH. I think you have to go a lot further than that, Mr. Chairman. There are so many people involved in narcotics importation and the reason they are involved in it is because the risk of them getting caught is so small. They know how big your army is. And with that kind of intelligence, they are not concerned about it.

Senator NUNN. So the number of people being caught and successfully prosecuted and punished for narcotics importation is so low today that the risk is well worth taking. Is that what you are trying to say?

Mr. BOWDACH. I don't believe you are getting 10 percent of the narcotics coming into this country. If you take an estimate of what you are getting, multiply that 10 times, that is what is coming in, in my estimation.

Senator NUNN. I have asked you about various areas of law enforcement. Do you have any other suggestions about what the Federal Government or the Congress can do about law enforcement efforts, particularly as it pertains to organized criminal activity?

Mr. BOWDACH. Yes, sir. I have focused myself to the south Florida area right now and I do so because of the significance involved there. The situation in south Florida has gotten worse since I was last on the streets in Miami, the major fact being south Florida is considered in organized crime circles as being wide-open territory for all to operate in. This has caused a major influx of organized crime figures to open shop there, while the manpower supplied to enforce the laws and to prosecute them has remained at a stand-

still without any increase proportionate to the amount of people coming down there in organized crime circles.

You are being overrun down there and unless you take the necessary steps to stop this problem and soon, organized crime in south Florida will be so deeply entrenched you will never wipe it out.

Another very important point, Mr. Chairman, and it is something that touches on the very sensitive nerve, but I think it is something that deserves to be stated. You cannot treat corrupt public officials with leniency, for they are the backbone of organized crime. Without public officials on organized crime payrolls, the problem would be cut in half. When the public sees corrupt officials get off lightly, they tend to lose faith in our system of justice and when this happens, we will definitely see total moral decay.

Senator NUNN. You are basically saying organized crime cannot flourish and exist without corrupt public officials?

Mr. BOWDACH. That is correct, sir. I would like to comment on that. I believe there should be some legislation brought before the Congress for consideration that will give the U.S. Government jurisdiction in the handling of corrupt public officials on the local level, take control of the situation because it is one of the problems of organized crime flourishing, is presented to you on the Federal level. Then the jurisdiction of why it flourishes should also be in your control.

Senator NUNN. Are you saying the Federal Government ought to have authority to step in and prosecute local officials who are allegedly involved in corruption and paid off from organized crime?

Mr. BOWDACH. There is no one else that is going to prosecute them.

Senator NUNN. What about State government?

Mr. BOWDACH. No, sir. I don't think they can handle the situation.

Senator NUNN. Mr. Bowdach, is there anything else you want to suggest before we close?

Mr. BOWDACH. No, sir. I think I have bared my soul to you. I want to thank the committee for the opportunity of being here. I have had a splendid opportunity to work with some of the most dedicated men that I have ever met in my life, Mr. Adkinson, Mr. Gallinaro, Mr. Block, men that have been an inspiration to me and I want to thank you, sir.

Senator NUNN. Mr. Bowdach, I agree with your closing comments. You have bared your soul before this subcommittee. You have discussed matters in public that, without any doubt, places you at some considerable risk. Whatever your reasons for coming forward, and you have given them to us in the last 3 or 4 days, I know this has been a time of great tension for you. I know this has been a time of real ordeal for you. But I assure you that your testimony does not end here today as far as its effect is concerned. I believe the Senate and Congress of the United States, and the people that we represent, will benefit in years to come from the sacrifice and the risk and the ordeal you have been through in the last couple of weeks, and really for that matter in the last couple of

years since you have been under the witness protection program. I can assure you that you have helped a great deal.

In a democracy, you don't solve all the problems overnight. You have made a lot of suggestions that we will be strongly considering. We will be having law enforcement officials testify about these suggestions. We will in all likelihood go to south Florida and talk to some people there and we will go to Atlanta and talk to some of the officials about the Atlanta Penitentiary situation.

We can never fully appreciate or understand the jeopardy that your cooperation, not just with this committee, but with the Justice Department and law enforcement agencies, has placed you in. Only you have been there.

Only you know the risk and only you know the details of how organized crime will put out contracts on your life. We can't comprehend it like you can. But I do want to say on behalf of this subcommittee and I think on behalf of the full committee on Governmental Affairs, and on behalf of my colleagues in the U.S. Senate, that we thank you very much for your frank and your candid and, in my opinion, honest testimony.

Mr. BOWDACH. Thank you, sir.

Senator NUNN. At this stage I will ask the cameras to turn. We are going to have testimony from the President's reorganization team before we break for lunch. I think it will take about 20 or 30 minutes. They are going to be talking about some of the problems that they have identified. They are not going to be talking about solutions, but some of the mammoth problems they have identified in Federal law enforcement.

If the marshals will let me know when the witness is to leave the room.

Mr. Davis, if you and your associate will stand. We swear all of our witnesses in before this subcommittee. Both of you will be testifying. Do you swear the testimony you will give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DAVIS. I do.

Mr. BASTIAN. I do.

**TESTIMONY OF F. T. DAVIS, JR., GENERAL COUNSEL AND DIRECTOR OF THE GENERAL GOVERNMENT DIVISION OF THE PRESIDENT'S REORGANIZATION PROJECT, OFFICE OF MANAGEMENT AND BUDGET; LLOYD BASTIAN, STAFF DIRECTOR FOR THE FEDERAL LAW ENFORCEMENT STUDY OF THE PRESIDENT'S REORGANIZATION PROJECT**

Senator NUNN. We are delighted to have Mr. F. T. Davis, Jr., General Counsel and Director of the General Government Division of the President's reorganization project, Office of Management and Budget, before our subcommittee today, particularly after hearing about some of the problems of organized crime facing this country and facing this Federal and State and local level.

Mr. Davis, if you would introduce your associate, who I have met on many occasions, but for the record, and give us your exact title and give us his exact title.

Mr. DAVIS. Mr. Chairman, I have with me today Mr. Lloyd A. Bastian, who is staff director for the Federal Law Enforcement Study of the President's reorganization project.



I am F. T. Davis, Jr., General Counsel and Director of the General Government Division of the President's reorganization project.

Senator NUNN. Mr. Davis, we have been through quite a series of hearings here on the problems facing Federal law enforcement. We have had quite a number of suggestions and I am sure you have monitored some of those.

I know that you and your team have been working on the problems facing our Federal law enforcement agencies for some time. I know that you are not here today to tell us what the answers are. That would be more appropriate before another committee or subcommittee.

I would like for you to share with us this morning your views of some of the problems you have encountered because I think it is timely, particularly as we look at the future as to what can be done.

I know you have a prepared statement, if you would like to go ahead with that, we will be delighted to receive it.

Mr. DAVIS. Thank you, Mr. Chairman. We appreciate the opportunity to appear before this distinguished subcommittee this morning to describe for you the preliminary findings of the President's reorganization project with respect to Federal law enforcement, police, and investigative activities.

In June 1977, President Carter instructed OMB to conduct a comprehensive review of all Federal law enforcement missions, tasks, and priorities. Because no comprehensive study of Federal law enforcement had been made in some 40 years, we first surveyed all Federal organizations performing Federal law enforcement activities.

That survey identified 113 different Federal law enforcement organizations which stated they were conducting law enforcement, police, and investigative work.

The focus of the survey and study is to determine what organizations were performing Federal law enforcement, what their activities were, what their resources were, what the policies for Federal law enforcement reflected by these activities were, and what areas of Federal law enforcement could be better performed by State and local governments or in cooperation with State and local governments.

We are now in the process of analyzing the findings of that survey. Since our findings are still preliminary and at staff level, we are, of course, not in a position today to state or suggest, on behalf of the administration, particular solutions to problems which have been identified.

Senator NUNN. When you make your report available to the President, when will it be appropriate to transmit it to the Congress, I would like for it to be made available to the subcommittee.

Mr. DAVIS. We hope that by describing some of our findings to the subcommittee, we may find areas of mutual interest in improving Federal law enforcement activities and, working together, create a framework for the protection of human rights and the better management of Federal law enforcement resources. Let me detail for you some of the findings of the survey. Perhaps the outstanding finding is the almost total lack of coordination of Federal law enforcement today. Undoubtedly, a number of factors

contribute to this situation. There has been a meteoric growth in the number of Federal law enforcement agencies, apart from the traditional agencies such as the FBI and the Secret Service. Perhaps the growth is a result of the benefits which have been specially created by the Congress for law enforcement personnel because of the hazardous nature of much of the work.

Perhaps this growth has been a result of the increasing tendency to have separate bureaucratic units that provide complete and comprehensive service to a particular clientele, from regulation through implementation of programs, hearings and adjudications, and assessment of penalties, rather than relying on other parts of the executive branch, the other branches of the Federal Government and the States for assistance.

Some of this lack of coordination, which Mr. Bowdach referred to in his testimony before this committee, may result from measures to insure that Federal police activities are not overly concentrated.

Whatever the cause, it is clear from our survey that Federal law enforcement policy and investigative activities are today often uncoordinated.

A second finding of the survey is the magnitude and distribution of resources devoted to Federal law enforcement today. As I indicated to the committee earlier, prior to our effort, there had been no comprehensive survey of Federal law enforcement since 1937.

We identified more than 200,000 civilian employees of the executive who are today involved in law enforcement activity.

Senator NUNN. 200,000 that you would designate as law enforcement officials?

Mr. DAVIS. These were designated by the agencies as law enforcement officials and that includes, Mr. Chairman, police and investigative personnel.

Senator NUNN. Does this include agencies like OSHA that have a regulatory function?

Mr. DAVIS. Yes; this includes their criminal and other investigators.

Senator NUNN. It is civil and criminal, but under the broad heading of law enforcement?

Mr. DAVIS. Yes, sir. I might indicate to the committee that we find increasing tendency in these civil agencies to designate their investigators as criminal investigators.

More than \$5 billion will be devoted directly to these efforts in the current fiscal year. Interestingly enough, over one-third of the 113 agencies which were identified did not even exist in 1970.

Senator NUNN. How about people? Have you made a comparison? You say one-third of the agencies didn't exist in 1970, but you identified 200,000 people. Do you have any estimate how many of those 200,000 people existed in 1970 in terms of their slots?

Mr. DAVIS. Mr. Chairman, unfortunately, we do not.

Senator NUNN. I think that would be interesting. The question is whether we have proliferated agencies and people, whether we have just proliferated agencies with the same number of people being split in different directions.

So if you have anything later on that, I would like to have it.

Mr. DAVIS. Our survey does show that the larger traditional law enforcement organizations are growing at a much slower rate than

the newer organizations. The 12 organizations which were designated as "primary law enforcement organizations" saw budget increases for fiscal 1978 of 7 percent, while the 101 other organizations with law enforcement activities saw budget increases double that amount.

Federal law enforcement policy making is now fragmented or sometimes nonexistent. For instance, there does not seem to be a consistent Federal policy defining the proper role of Federal law enforcement in dealing with the State and local law enforcement agencies.

Questions of Federal priorities also emerge. The President has set organized crime, white collar crime, public corruption and narcotics trafficking as the four main Federal law enforcement priorities.

Each of these areas is of vital concern also to this committee and to other Members of the Congress. The President, Attorney General Bell, the major Federal law enforcement agencies, and Director McIntyre of OMB, are in the process of focusing Federal law enforcement on these activities, but there is still much to be done.

As you indicated, Mr. Chairman, in your statement and in Mr. Bowdach's discussion, this tends to be a gradual process in dealing with the Federal law enforcement.

Also, in order to allow Federal resources to be focused on the priority areas, more thought needs to be given to coordination of Federal enforcement efforts with State and local efforts in these areas, especially in those areas in which the States can do the job as effectively, or more effectively, than the Federal Government.

Our survey also raises certain specific questions concerning structural or organizational problems. An example of a longstanding structural problem is the duplication which now exists in the inspection at ports of entry into the United States and patrol between ports of entry along the border of the United States.

These functions are substantially duplicated by the Immigration and Naturalization Service and the Department of Justice and the Customs Service and the Department of Treasury. Another example involves explosives, arson, and firearms enforcement which is now fragmented between agencies including those in the Department of Treasury and the Department of Justice.

President Carter has directed us to work with the Congress to develop reorganization plans to deal with these and other structural and organizational problems.

In addition to structural problems, our study raises certain questions about particular Federal programs that are being carried on at great costs without any recent definition of Federal purpose.

One example is guards. We found that more than 30 separate units were performing police and preventive patrol activities in fiscal 1978, at a total cost of almost \$1 billion. These facts raise certain questions—not whether some personnel and property of the Federal Government should be protected by Federal resources over and above the State and local resources devoted to protection of all persons and property in the United States—but rather how, when, and where we should use such Federal resources and under what policy guidelines.

Finally, let me bring to your attention another example of an area seemingly in need of new policy direction. This is the area of personnel security investigations.

We found 33 separate organizations that indicated that they conducted these investigations. The direct cost in 1978 will exceed \$100 million for the investigations alone, excluding the cost of responding to these investigative requests by agencies by personnel of the Federal Government and private industry.

The policy for these investigations grows out of a 1954 Executive order that was designed to meet the needs at that time. Perhaps some policy change might be considered for the seventies and eighties to better focus the Federal efforts in these investigations. We are considering options for change and improvement.

Again, let me emphasize that we are in the process of analyzing the survey findings. We will be pleased to make these findings available to you and your staffs as they are placed in final form.

President Carter and the administration are addressing these questions and will, working with this subcommittee and others in Congress, develop specific policy guidelines, and organizational changes where required, to provide a Federal law enforcement structure that is both protective of constitutional rights and effective in enforcing our laws.

We appreciate the opportunity to appear before this subcommittee today, and I and Mr. Lloyd Bastian, staff director of this project, will be pleased to respond to any questions concerning the survey which you may have.

Thank you.

Senator NUNN. Thank you very much, Mr. Davis.

Mr. Bastian, do you have anything you want to add as a statement, or do you want to just respond to questions?

Mr. BASTIAN. Mr. Chairman, we do have two schedules which are completed and ought to be entered into the record. They do identify the 113 agencies and the activities and the budgetary figures, as well as the number of positions.

Senator NUNN. Is this the first time this information has been put in a congressional hearing?

Mr. BASTIAN. Yes.

Senator NUNN. So you have all 113 agencies here and also their budget allocations?

Mr. BASTIAN. Yes, sir, that is correct.

Senator NUNN. Those schedules will be exhibits 30 and 31, without objection.

[The documents referred to were marked "Exhibits No. 30 and 31" for reference and follow:]

## EXHIBIT No. 30

## FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT

Funding and Positions of the Organizations—Fiscal Years 1977 and 1978

[In thousands of dollars]

Organizations	Funding			Positions		
	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease
Executive and nonexecutive branches, total ..	\$4,637,362	\$5,148,390	11.0	217,739	222,627	2.2
Executive branch, total .....	4,619,800	5,128,920	11.0	216,515	221,402	2.3
Department of Agriculture, total .....	376,172	404,843	7.6	15,929	16,484	3.5
1. Agricultural Marketing Service .....	32,409	33,614	3.7	1,136	1,152	1.4
2. Agricultural Stabilization and Conservation Service .....	2,367	4,233	78.8	172	255	48.3
3. Animal and Plant Health Inspection Service .....	14,222	15,154	6.6	979	979	NC
4. Federal Crop Insurance Corporation .....	8,810	11,100	26.0	1,584	2,000	26.3
5. Federal Grain Inspection Service .....	386	1,934	401.0	27	74	174.1
6. Food and Nutrition Service .....	1,398	1,748	25.0	81	84	3.7
7. Food Safety and Quality Service .....	273,453	293,048	7.2	9,999	9,957	-4.4
8. Foreign Agricultural Service .....	622	639	2.7	15	15	NC
9. Forest Service .....	7,620	7,865	3.2	741	750	1.2
10. Office of Equal Opportunity .....	624	687	10.1	40	40	NC
11. Office of Inspector General .....	27,966	28,522	2.0	918	942	2.6
12. Office of Personnel .....	216	253	17.1	12	12	NC
13. Packers and Stockyards Administration .....	6,079	6,046	-5	225	224	-4
Department of Commerce, total .....	8,979	9,567	6.5	298	307	3.0
14. Economic Development Administration ..	245	337	37.6	14	18	28.6
15. Industry and Trade Administration .....	1,906	1,930	1.3	37	37	NC
16. Maritime Administration .....	598	598	NC	30	30	NC
17. National Bureau of Standards .....	1,780	2,252	26.5	65	70	7.7
18. National Marine Fisheries Service .....	3,803	3,803	NC	117	117	NC
19. Office of Investigations and Security .....	647	647	NC	35	35	NC
Department of Defense, total .....	920,406	1,107,087	20.3	78,734	80,706	2.5
20. Defense Intelligence Agency .....	693	536	-22.7	59	43	-27.1
21. Defense Investigative Service .....	39,611	37,306	-5.8	1,805	1,757	-2.7
22. Defense Logistics Agency .....	6,481	6,781	4.6	378	372	-1.6
23. Defense Mapping Agency .....	1,374	1,402	2.0	107	107	NC
24. U.S. Air Force .....	363,099	402,368	10.8	35,487	38,806	9.4
25. U.S. Army .....	405,152	548,196	35.3	32,341	31,078	-3.9
26. U.S. Marine Corps .....	43,226	46,432	7.4	4,073	4,073	NC
27. U.S. Navy .....	60,770	64,066	5.4	4,484	4,470	-3
Department of Energy, total .....	85,471	89,597	4.8	2,203	2,229	1.2
28. Energy Research and Development Administration .....	40,550	41,629	2.7	396	416	5.0
29. Federal Energy Administration .....	34,202	36,934	8.0	1,426	1,432	.4
30. Federal Energy Regulatory Commission .....	10,719	11,034	2.9	381	381	NC
Department of Health, Education, and Welfare, total .....	261,520	313,884	20.0	8,130	8,404	3.4
31. Alcohol, Drug Abuse and Mental Health Administration .....	554	637	15.0	39	39	NC
32. Center for Disease Control .....	118	130	10.2	9	9	NC
33. Food and Drug Administration .....	250,019	288,710	15.5	7,340	7,470	2.3
34. Health Care Financing Administration ..	3,066	13,312	334.2	384	384	NC
35. Health Services Administration .....	200	205	2.5	23	23	NC
36. National Institutes of Health .....	2,022	1,987	-1.7	109	106	-2.8
37. Office of Inspector General .....	2,486	5,699	129.2	114	214	87.7
38. Social Security Administration .....	3,055	3,204	4.9	152	159	4.6
Department of Housing and Urban Development, total .....	20,669	23,814	15.2	864	938	8.6

## FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT—Continued

Funding and Positions of the Organizations—Fiscal Years 1977 and 1978

[In thousands of dollars]

Organizations	Funding			Positions		
	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease
39. Inspector General .....	7,866	7,931	.8	340	324	-4.7
40. Office of Fair Housing and Equal Opportunity <sup>a</sup> .....	12,353	15,408	24.7	433	525	21.2
41. Office of Neighborhoods, Voluntary Associations, and Consumer Protection <sup>b</sup> .....	450	475	5.6	91	89	-2.2
Department of the Interior, total.....	43,344	49,159	10.9	2,630	2,591	2.3
42. Bureau of Indian Affairs .....	11,612	12,726	9.6	511	525	2.7
43. Bureau of Land Management .....	350	560	60.0	11	25	127.3
44. Bureau of Mines .....	114	125	9.6	6	6	NC
45. Bureau of Reclamation .....	205	189	-7.8	16	16	NC
46. Fish and Wildlife Service .....	9,080	10,830	19.9	447	476	6.5
47. Geological Survey .....	152	169	11.2	5	5	NC
48. National Park Service .....	22,831	24,500	7.3	1,634	1,638	.2
Department of Justice, total.....	986,304	1,079,303	9.4	35,426	36,312	2.5
49. Drug Enforcement Administration .....	168,244	188,495	12.0	4,365	4,365	NC
50. Executive Office for U.S. Attorneys .....	210	300	42.9	7	7	NC
51. Federal Bureau of Investigation .....	513,377	529,455	3.1	19,357	19,559	1.0
52. Immigration and Naturalization Service .....	244,615	279,337	14.2	9,473	10,071	6.3
53. Law Enforcement Assistance Administration .....	2,475	2,680	8.3	92	104	13.0
54. U.S. Marshals Service .....	57,383	79,036	37.7	2,132	2,206	3.5
Department of Labor, total.....	272,676	282,364	3.6	7,744	7,859	1.5
55. Directorate of Audit and Investigations .....	197	207	5.1	8	8	NC
56. Employment and Training Administration .....	1,148	1,285	11.9	36	39	8.3
57. Employment Standards Administration .....	46,454	48,649	4.7	1,565	1,565	NC
58. Labor Management Services Administration .....	21,272	17,874	-16.0	685	710	3.6
59. Mine Safety and Health Administration <sup>7</sup> .....	72,180	78,147	8.3	2,707	2,794	3.2
60. Occupational Safety and Health Administration .....	130,333	134,640	3.3	2,717	2,717	NC
61. Special Investigations Staff .....	1,092	1,562	43.0	26	26	NC
Department of State, total.....	59,990	66,109	10.2	658	700	6.4
62. Agency for International Development .....	1,662	1,665	.2	33	33	NC
63. International Boundary and Water Commission .....	110	113	2.7	13	13	NC
64. Office of Security .....	58,218	64,331	10.5	612	654	6.9
Department of Transportation, total.....	214,812	221,779	3.2	10,400	10,454	0.5
65. Federal Aviation Administration .....	11,344	11,519	1.5	513	513	NC
66. Federal Highway Administration .....	7,168	8,625	20.3	239	247	3.3
67. Federal Railroad Administration .....	207	217	4.8	5	5	NC
68. National Highway Traffic Safety Administration .....	8,054	8,564	6.3	82	85	3.7
69. Office of Investigations and Security .....	103	109	5.8	5	6	20.0
70. St. Lawrence Seaway Development Corporation .....	45	45	NC	3	3	NC
71. U.S. Coast Guard .....	187,891	192,700	2.6	9,553	9,595	.4
Department of the Treasury, total.....	747,747	788,374	5.4	27,050	27,204	.6
72. Bureau of Alcohol, Tobacco and Firearms .....	118,664	122,600	3.3	4,376	4,140	-5.4
73. Bureau of Engraving and Printing .....	8,516	7,998	-6.0	334	334	NC

## FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT—Continued

Funding and Positions of the Organizations—Fiscal Years 1977 and 1978

[In thousands of dollars]

Organizations	Funding			Positions		
	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease	Fiscal year 1977	Fiscal year 1978	Percent increase or decrease
74. Bureau of the Mint .....	4,758	4,775	.4	235	236	.4
75. Federal Law Enforcement Training Center .....	184	211	14.7	14	15	7.1
76. Internal Revenue Service .....	138,535	145,090	4.7	4,723	4,873	3.2
77. U.S. Customs Service .....	359,090	384,700	7.1	13,700	13,938	1.7
78. U.S. Secret Service .....	118,007	123,000	4.2	3,668	3,668	NC
Independent agencies, total .....	620,711	693,040	11.7	26,449	27,114	2.5
79. ACTION .....	222	243	9.5	11	10	-9.1
80. Canal Zone Government .....	11,193	12,000	7.2	545	551	1.1
81. Civil Aeronautics Board .....	3,030	3,100	2.3	100	100	NC
82. Commodity Futures Trading Commission .....	1,992	2,125	6.7	82	85	3.7
83. Community Services Administration .....	380	568	49.5	13	17	30.8
84. Consumer Product Safety Commission .....	11,720	11,510	-1.8	351	342	-2.6
85. Environmental Protection Agency .....	44,085	57,634	30.7	1,564	1,594	1.9
86. Farm Credit Administration .....	83	83	NC	2	2	NC
87. Federal Communications Commission .....	13,447	14,848	10.4	519	519	NC
88. Federal Deposit Insurance Corporation .....	61,373	70,116	14.2	2,533	2,564	1.2
89. Federal Elections Commission .....	669	990	48.0	33	54	63.6
90. Federal Home Loan Bank Board .....	24,500	26,200	6.9	841	935	11.2
91. Federal Maritime Commission .....	1,155	1,721	49.0	48	71	47.9
92. Federal Reserve Board .....	754	826	9.5	50	50	NC
93. Federal Trade Commission .....	23,340	24,309	4.2	999	1,008	0.9
General Services Administration .....	48,967	49,533	1.2	3,711	3,660	-1.4
94. Office of Investigations .....	3,320	3,746	12.8	130	125	-3.8
95. Federal Protective Service .....	45,647	45,785	0.3	3,581	3,535	-1.3
96. International Communication Agency <sup>a</sup> .....	1,167	1,165	-0.2	56	54	-3.6
97. Interstate Commerce Commission .....	9,072	9,301	2.5	341	341	NC
98. National Aeronautics and Space Administration .....	11,508	11,690	1.6	88	88	NC
99. National Credit Union Administration .....	19,207	21,742	13.2	588	591	0.5
100. National Gallery of Art .....	2,531	2,988	18.1	182	263	44.5
101. National Labor Relations Board .....	80,237	92,508	15.3	2,750	2,934	6.7
102. Nuclear Regulatory Commission .....	34,726	44,902	29.3	644	806	25.2
103. Securities and Exchange Commission .....	19,772	20,312	2.7	660	660	NC
104. Small Business Administration .....	545	696	27.7	20	21	5.0
105. Smithsonian Institution .....	7,706	8,218	6.6	546	566	3.7
106. Tennessee Valley Authority .....	7,000	8,600	22.9	420	450	7.1
107. U.S. Arms Control and Disarmament Agency .....	40	45	12.5	2	2	NC
108. U.S. Civil Service Commission .....	24,542	25,403	3.5	1,142	1,048	-8.2
109. U.S. International Trade Commission .....	1,694	1,707	0.8	51	51	NC
110. U.S. Postal Service .....	134,725	146,758	8.9	5,772	5,881	1.9
111. Veterans Administration .....	19,328	21,199	9.7	1,785	1,796	0.6
Nonexecutive branches, total <sup>b</sup> .....	17,562	19,470	10.9	1,224	1,225	0.1
112. Government Printing Office .....	1,928	1,978	2.6	128	128	NC
113. U.S. Capitol Police .....	15,634	17,492	11.9	1,096	1,097	0.1

NC = No change.

<sup>1</sup> Effective Aug. 19, 1977, the Office of Audit and the Office of Investigations merged to form Office of Inspector General.<sup>2</sup> Effective December 1977, name changed from Domestic and International Business Administration to Industry and Trade Administration.<sup>3</sup> Fiscal year 1978 funding amount includes \$111 million increase for upgrading and new construction of chemical and nuclear storage facilities.<sup>4</sup> Agency internal reorganization not completed at time of this report. Organizational components shown may not be current.<sup>5</sup> Name changed from Office of Investigations to Office of Inspector General on advice of organization.<sup>6</sup> New organization added to this report.<sup>7</sup> Effective Mar. 9, 1978, organization transferred from Department of the Interior to the Department of Labor and name changed from Mining Enforcement and Safety Administration to Mine Safety and Health Administration.<sup>8</sup> Effective Apr. 1, 1978, name changed from U.S. Information Agency to International Communication Agency.<sup>9</sup> Library of Congress and Supreme Court not included.

EXHIBIT No. 31

FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT

Law Enforcement, Police and Investigative Activities By Organizations

Organization	Activities									
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
	Police and preventive patrol	Property or facilities security protection	Employment and personnel security investigations	Other employee-related investigations	Personal protection or security	Criminal investigation/enforcement	Revenue or tax investigation/enforcement	Regulatory investigation/enforcement	Other civil investigation/enforcement	Other
Executive and nonexecutive branches, total	37	51	32	59	32	66	5	67	39	32
Executive branch, total	35	49	31	57	31	64	5	66	39	31
Department of Agriculture, total	1	0	1	1	1	3	0	11	1	2
1. Agricultural Marketing Service										
2. Agricultural Stabilization and Conservation Service										
3. Animal and Plant Health Inspection Service										
4. Federal Crop Insurance Corporation										
5. Federal Grain Inspection Service										
6. Food and Nutrition Service										
7. Food Safety and Quality Service										
8. Foreign Agricultural Service										
9. Forest Service										
10. Office of Equal Opportunity										
11. Office of Inspector General <sup>1</sup>										
12. Office of Personnel										
13. Packers and Stockyards Administration										
Department of Commerce, total	3	3	1	1	3	4	0	3	2	1
14. Economic Development Administration										
15. Industry and Trade Administration <sup>2</sup>										
16. Maritime Administration										
17. National Bureau of Standards										
18. National Marine Fisheries Service										
19. Office of Investigations and Security										
Department of Defense, total	6	8	2	5	4	5	0	3	1	4



FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT—Continued  
 Law Enforcement, Police and Investigative Activities By Organizations

Organization	Activities									
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
	Police and preventive patrol	Property or facilities protection	Employment and security investigations	Other employees related investigations	Personal protection or security	Criminal investigation/enforcement	Revenue or tax enforcement	Regulatory investigation/enforcement	Other civil investigation/enforcement	Other
20. Defense Intelligence Agency	•	•	•	•	•	•	•	•	•	•
21. Defense Investigative Service	•	•	•	•	•	•	•	•	•	•
22. Defense Logistics Agency	•	•	•	•	•	•	•	•	•	•
23. Defense Mapping Agency	•	•	•	•	•	•	•	•	•	•
24. U.S. Air Force	•	•	•	•	•	•	•	•	•	•
25. U.S. Army	•	•	•	•	•	•	•	•	•	•
26. U.S. Marine Corps	•	•	•	•	•	•	•	•	•	•
27. U.S. Navy	•	•	•	•	•	•	•	•	•	•
Department of Energy, total *	0	2	1	3	1	2	0	2	1	0
28. Energy Research and Development Administration	•	•	•	•	•	•	•	•	•	•
29. Federal Energy Administration	•	•	•	•	•	•	•	•	•	•
30. Federal Energy Regulatory Commission	•	•	•	•	•	•	•	•	•	•
Department of Health, Education, and Welfare, total	2	3	1	2	1	4	0	1	1	1
31. Alcohol, Drug Abuse and Mental Health Administration	•	•	•	•	•	•	•	•	•	•
32. Center for Disease Control	•	•	•	•	•	•	•	•	•	•
33. Food and Drug Administration	•	•	•	•	•	•	•	•	•	•
34. Health Care Financing Administration	•	•	•	•	•	•	•	•	•	•
35. Health Services Administration	•	•	•	•	•	•	•	•	•	•
36. National Institutes of Health	•	•	•	•	•	•	•	•	•	•
37. Office of Inspector General *	•	•	•	•	•	•	•	•	•	•
38. Social Security Administration	•	•	•	•	•	•	•	•	•	•
Department of Housing and Urban Development, total	0	0	1	1	1	2	0	3	2	2
39. Inspector General	•	•	•	•	•	•	•	•	•	•
40. Office of Fair Housing and Equal Opportunity *	•	•	•	•	•	•	•	•	•	•
41. Office of Neighborhoods, Voluntary Associations, and Consumer Protection *	•	•	•	•	•	•	•	•	•	•
Department of the Interior, total	5	6	3	2	1	5	0	2	1	2







Senator NUNN. You stated in your testimony that the priorities of the Federal organization are organized crime, white collar crime, public corruption, and narcotics trafficking. Have you identified any other areas of criminal activity that should be in the priority area?

Mr. DAVIS. Mr. Chairman, there are certain additional areas which I think merit priority attention. One of these areas is the area of terrorism and the means of combating the terrorist threat, the need for, and proper role for developing intelligence to deal with terrorist organizations. Another area which is sometimes related to that is the area of managing the Federal frontiers, the borders. Often frontiers are a point of intersection, not only for terrorists, as was recently the case, but also for narcotics trafficking, most obviously of opium-related narcotics coming across the border, and for organized alien smuggling rings. In addition, there is growing concern over arson, especially arson-for-profit, and organized arson. The Bureau of Alcohol, Tobacco, and Firearms has recently started a special program to address this particular problem. Those are all areas, sometimes related to the four priorities, which do merit special attention.

Senator NUNN. So your testimony here is that after how many months of investigation, how many—how long have you been working?

Mr. DAVIS. More than a year.

Senator NUNN. After a year of investigation, you are saying you have found there is almost a total lack of coordination of Federal law enforcement agencies. Is that basically your testimony?

Mr. DAVIS. That is correct, Mr. Chairman. Let me amplify that, if I may. The lack of coordination is not total as it may relate to specific investigations. For instance, the Barnes investigation is a good example of coordination—both between Federal agencies—the Drug Enforcement Administration and the Federal Bureau of Investigation—and the State and local agencies. But institutionally there is no mechanism at the present time for addressing and coordinating at the Federal level and between the Federal level and State and local agencies.

Senator NUNN. So coordination takes place in investigations, coordination takes place at the street level in many instances, but there is no mechanism at the top for coordination; is that right?

Mr. DAVIS. That is correct. We are working very hard to suggest ways in which that might be remedied.

Senator NUNN. Gary Bowdach testified that he believed that a lot of the street agents in law enforcement did want to cooperate, but that they ran into bureaucratic problems in Washington. Do you agree or disagree with that assessment?

Mr. DAVIS. I agree.

Senator NUNN. I have several other very important questions I want to ask you, but I have to run and vote at this time. We will take a 5-minute break and I will be right back.

[Brief recess.]

[Member present at time of recess: Senator Nunn.]

Senator NUNN. The committee will come to order.

[Members of the subcommittee present at time of reconvening: Senator Nunn.]

Senator NUNN. We were talking about the lack of coordination at the Federal level, Mr. Davis. How would you categorize another dimension of that coordination problem; that is, the coordination between Federal, State, and local law enforcement? How would you describe that?

Mr. DAVIS. I think inadequate, Mr. Chairman. At the present time, institutionally, there is too little concern with relationship between the Federal law enforcement and State and local law enforcement.

Interestingly enough, through programs such as the Law Enforcement Assistance Administration and other expenditures at the Federal level, we have insisted that each State coordinate its own law enforcement policy, that it develop plans, and that it implement these plans. At the Federal level, and between the Federal level and the States, we do not impose such a policy planning requirement.

Senator NUNN. Pull that mike up, if you would, just a little closer.

What amount of cooperation is there between Federal, State, and local law enforcement agencies in the exchange of information? Is the Federal Government sharing better with the State and local governments, than the State government is sharing with the local government or the other way around?

Mr. DAVIS. Mr. Chairman, I cannot say, I cannot quantify it. I know the perception of State and local law enforcement is that it is a one-way street. I think in many instances that is the case. I think one of the encouraging things which we have seen recently is increasing attempts at the Federal level to make it a two-way street; for instance, in the narcotics field, to make available to State and local law enforcement information available at the Federal level.

Senator NUNN. Are you saying in the narcotics area the situation is improving?

Mr. DAVIS. We have found instances in which it was, but we don't have an overall way to quantify it.

Senator NUNN. We have heard testimony in recent days about the lack of resources for law enforcement, not having enough people, not having enough prosecutors, et cetera, and yet you have identified in your study 200,000 at the Federal level that are called law enforcement officials. Do you think these two findings are inconsistent?

Mr. DAVIS. No, sir. I don't think that they are inconsistent. The question is: Are the resources applied at the right place; are the resources applied to the right priorities? There is always the tendency to think the problem can be solved by throwing money at it, by applying more resources overall. Sometimes that is necessary. But I think that in the Federal law enforcement area, in many cases, the resources are there—they simply are not focused on the problem as well as they could be. Let's take a specific example. One of the problems which we identified is the question of managing the borders of the United States. The U.S. Coast Guard has approximately 45,000 people. Earlier, they were not indicating as one of their top priorities the enforcement of narcotics laws, except in a few geographic areas. We talked with them. I think that those

priorities have changed, and I think it has been a great help at our marine borders. There were 45,000 people who were largely not employed on a priority basis in an area in which they had great expertise.

Senator NUNN. They were out there, but they weren't working in narcotics at all?

Mr. DAVIS. Only in certain areas. There was one area, Miami, in which they were getting into it, but in many other areas they considered that way down in priority.

Senator NUNN. I have been to Miami and talked to the Coast Guard people there. We had a whole day with them, Customs, and DEA. I think that is an example of the Federal agencies beginning to work together. They have had some rather astounding results in terms of cocaine, marijuana, as you know.

I will also say to you we need some Coast Guard assistance off the coast of Georgia now. The more successful they are in Florida, the more we are seeing marijuana and cocaine smuggling take place along the coast of Georgia. So I would direct that to your attention, and I have, of course, already brought it to the attention of the Customs, DEA, and the Coast Guard. But I think this is a prime example of where agencies can work together much better.

You are saying what you are trying to do is take the south Florida example and see if that cannot be projected over the whole country as far as the Coast Guard is concerned?

Mr. DAVIS. That is right. I am not picking on the Coast Guard. I am just pointing out that there are large Federal resources in Federal law enforcement, as you stated, 200,000 people, more than \$5 billion. I don't think we can solve the problem by simply throwing money at it. We solve the problem by developing clear priorities and by addressing the priorities. That is what this administration is trying to do.

Senator NUNN. You talked about inconsistent Federal policy in defining the proper role of Federal law enforcement. Have you identified other areas lacking Federal policies such as jurisdiction, training, salaries, and so forth?

Mr. DAVIS. Mr. Chairman, in all of those areas we have identified some problems. I would like to ask Mr. Bastian to respond further to that question.

Mr. BASTIAN. Yes, Senator. I think it all begins to tie together. For example, in the area of training, we found considerable disparities in the training programs, in the quality of training, not only for the training of the investigator, but for the guard forces, and the police forces.

We talk about 200,000 people; we have to break that down. That 200,000 really only represents about 20,000 criminal investigators, what we would call 1811's. There are 083's, which are police, 085's, which are guards. So we have to get into the specifics in order to understand these numbers. We have some of our forces, for example, that have less than 2 hours of training, yet they are carrying firearms.

These problems carry over into salaries and retirement benefits.

Senator NUNN. You would agree with what Gary Bowdach testified to earlier this week, then, that the people who are the least trained of all sometimes are the prison guards?

Mr. BASTIAN. We did not survey the corrections facilities, and the Bureau of Prisons guards are not contained in our study. We tried to limit our survey to the law enforcement side and did not include corrections.

Senator NUNN. He basically said the people working in the Post Office Department require a lot more training and a lot more testing than the people working in the Federal correctional institutions.

Mr. BASTIAN. That is probably the case. We have a number of Federal guards, police, and the difference between who is a guard and who is a policeman is not always clear. But we have a number of them who have what has got to be considered inadequate training, inadequate training programs.

The disparities are not only in the salaries, but in the retirement programs as well. You have people trying to become law enforcement officers, so they can take advantage of the better retirement and other benefit packages. We have problems in jurisdiction where agencies are trying to develop a small piece of jurisdiction into a program so that they can be a part of an area that has high attention.

We have differences, for example, in lack of policy in all of these areas, in the control of informants and the use of information obtained from informants. We have no clear Federal firearms policy, for example. So everywhere you touch in this whole mass of Federal law enforcement, police and investigative activities, you find these disparities.

Senator NUNN. What about arson? Are you satisfied with the Federal efforts in the area of arson? Have you looked at that?

Mr. DAVIS. Mr. Chairman, we have looked at it. We are not satisfied. It is obviously an increasing threat. We are interested in the fact that the Bureau of Alcohol, Tobacco and Firearms recently started working with the strike force in Philadelphia to develop a new program to deal with the arson for profit. We think that program in Philadelphia has been successful in many ways. We think that there are ways in which the Federal Government ought to better address those problems.

One of the problems is that while the Bureau of Alcohol, Tobacco and Firearms is located in the Department of the Treasury, the FBI is in the Department of Justice. In many cases, arson involves racketeering. They are often interrelated, and enforcement against organized arson is hampered by that departmental split.

Senator NUNN. We have heard testimony in the last 4 or 5 days—really before this we have heard a lot of other testimony in other hearings—about the various impediments of law enforcement caused by some of the well-meaning acts passed in recent years; for instance, the Freedom of Information Act; the Right of Privacy Act; the Bail Reform Act; the Tax Reform Act of 1976; the Bank Secrecy Act, and others.

Have you run into any kind of criticism of these acts in terms of your contacts with the Federal law enforcement agencies in the course of your examination, and if so, which acts are causing the most problem?

Mr. DAVIS. Mr. Chairman, it might be helpful to the committee if I relate to you some of the comments of the law enforcement



agencies which we surveyed with respect to some of these acts. I might say that we recognize the delicate balance of policy here. The Freedom of Information Act obviously was intended to encourage an open government, and to discourage bureaucratic abuses. On the other hand, it appears there are now abuses of another kind which have grown out of these corrective measures.

Nine law enforcement organizations responded that they now have problems as a direct result of the Freedom of Information Act. For instance, they reported experiencing difficulty in obtaining criminal history information due to the provisions of this act. They reported drain on their resources, both in funds and personnel in handling the request. I don't know the precise number, but a tremendous number of personnel involved in the Federal Bureau of Investigation deal solely with these types of requests.

There is an increasing reluctance, noted by the Federal law enforcement agencies who reported to us, for witnesses to be candid with investigators, as a result of the Freedom of Information Act, at least as the agencies perceive it. They think in fact there is a substantial question as to whether or not the information can be given adequate protection. Generally, there is an indication from the agencies that the act has caused difficulties in obtaining needed intelligence information.

Another act which was often cited by the law enforcement agencies was the Privacy Act. The Internal Revenue Service, for instance, noted that many of the Privacy Act requests for information addressed to IRS were merely attempts by individuals to stall their investigations.

The Civil Service Commission advised us that problems exist between organizations with regard to uniform interpretation of the Privacy Act. I might say here that there is a separate reorganization study dealing with the use of Federal attorneys, which is trying to address the means with which we may encourage uniformity throughout the Government in interpreting these acts.

The Tax Reform Act, Mr. Chairman, is another act—I won't go into specifics—which was cited by the agencies as having provisions considered detrimental to law enforcement.

Senator NUNN. We have had testimony about cases where the Internal Revenue Service, for instance, would be conducting a tax audit and come across an illegal narcotics operation, and because of a certain provision of the Tax Reform Act of 1976, as interpreted by the IRS, they are not able to share that information with any other agency. Do you run into that problem?

Mr. DAVIS. Yes, sir.

Senator NUNN. You said there were 12 primary law enforcement agencies and 101 others. I don't want you to name 101. You have all 113 on your list that we have made part of the record. But what do you consider the 12 primary law enforcement agencies?

Mr. DAVIS. Mr. Chairman, we originally identified 11 agencies for intensive study because of what we called their primary law enforcement missions. The Bureau of Indian Affairs also asked to be included in that group because of the particularly critical nature of many of the problems of law enforcement involving its clients.

The 12 agencies were: Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Indian Affairs; National

Park Service; Immigration and Nationalization Service; U.S. Marshals Service; U.S. Coast Guard; Bureau of Alcohol, Tobacco and Firearms; Internal Revenue Service; U.S. Customs Service; U.S. Postal Service; and the U.S. Secret Service.

Senator NUNN. Thank you. Have you run into any problem with the lack of uniformity in bail bonds? We have had some testimony on that in recent days.

Mr. DAVIS. Mr. Chairman, we are aware of the problem, but we have not addressed that.

Senator NUNN. You haven't addressed that problem specifically. You say that one of the President's top priorities is the prosecution of white-collar criminals. We have had testimony here from Mr. Bowdach that there is very little activity that he can detect in that area, very few white-collar criminals are in the penitentiary that he has been around. In other words, if they are caught, if they are prosecuted, they usually aren't sent to jail. Have you found any problem in that particular area? Have you found a reluctance on the part of prosecutors to prosecute white-collar criminals?

Mr. DAVIS. Mr. Chairman, to some extent we have found that to be the case. It is fairly obvious if you go back to the historical records that there have been relatively few prosecutions. This administration is making an earnest attempt, working closely with the strike forces, U.S. Attorneys, and the primary law enforcement agencies, to focus on white-collar crime. It is difficult, because white-collar crime is often very difficult to investigate.

There are impediments—as this committee has pointed out, statutory impediments—for instance the use of tax information. Often, frankly, at budget time, it is very difficult for law enforcement agencies to show the results which the agencies feel they need to show in fighting white-collar crime, because of the tremendous resources which often have to be devoted to making these cases.

Senator NUNN. One of the things I think is very important, that I would certainly hope you would focus on, concerns testimony about the Internal Revenue Service and their lack of vigorous involvement in tax evasion charges. They have had some rather unique powers that historically have been very effective against organized crime. It is my impression, not just in this administration, but really, it started in the last administration with the enemies' list, with the investigations into Florida, and so forth, that IRS has backed off.

Correcting past abuses by IRS is important, but if that correction goes so far as to block effective utilization of IRS in the legitimate tax evasion cases, then we have a very serious problem. I hope you take a look at that. Have you looked at that?

Mr. DAVIS. We are looking at that, Mr. Chairman. There are at least four organizations in Federal law enforcement that have investigators trained in these very sophisticated types of investigations. The Internal Revenue Service is clearly one. The Federal Bureau of Investigation is another, as are U.S. Postal Service, and the U.S. Secret Service. One of the questions and one of the problems raised by our study is how to coordinate these.

Senator NUNN. One of the big advantages IRS has is that they can prove tax evasion on organized criminals at the top that are indirectly participating in crime.

I think it is extremely important to get IRS involved in prosecuting the top people in organized crime and in narcotics traffic, where there is a tax violation.

Of course, the other thing that is very obvious, that those people will know, and we have found out even more about in the last few days, is that organized criminals, particularly those at the top, take the proceeds of their businesses that are illegal and put them in legal businesses.

The question of how to convict those people when they are conducting legal businesses is extremely difficult, unless you require them to prove where they got the money to invest into those businesses, which only IRS can address.

So I am asking you to take a real good look at this particular area. We don't want enemies' lists, but I think we do want effective law enforcement by IRS where appropriate.

Mr. DAVIS. Mr. Chairman, we are looking at that. If I might make one other comment on that. There are two aspects of that type of investigation. One, largely sealed off under the Tax Reform Act is tax information itself. The other is the capability of following a paper investigative trail. This investigative capability is not necessarily related directly to tax information. It is true that the Internal Revenue Service has particular expertise in those investigations. But there are two separate aspects of that problem. One of the difficulties is having trained agents who know how to follow the accounting trail back into organized crime.

Senator NUNN. I don't think Congress anticipated some of the problems that would grow out of that Tax Reform Act of 1976. If you find the laws are blocking the way, I think you ought to make that fact known, even if the administration doesn't propose a change in the law. I think that is something you ought to make available, to make public, in my view, it is a question Congress should refocus on. I may be in the minority, but at least I think the people ought to have an idea of what that Tax Reform Act has done to hinder law enforcement.

How would you summarize, Mr. Davis, in closing, the capability of the Federal Government to effectively combat organized crime to date? If you would rather rephrase the question, you rephrase it.

Mr. DAVIS. No, I was just thinking, Mr. Chairman. First, let's start with the people. We have dedicated, very professional people in Federal law enforcement. That is clear.

In many cases the laws really are adequate. The problem is one of focusing the resources and providing the coordination and the attention to deal with those problems.

I think that by providing clear direction as to where we want Federal law enforcement focused, by perhaps shifting some of the duties now taken on by Federal law enforcement to State and local law enforcement, we can focus Federal law enforcement on areas like organized crime, its cousins—white-collar crime, public corruption, and narcotics trafficking.

Senator NUNN. That is all in the future. I hope that your vision is accurate. How would you categorize that type of thing today? In your testimony you said Federal law enforcement is uncoordinated. How would you describe it as it exists right now?

Mr. DAVIS. I think you have to say it is too uncoordinated, too unfocused to deal with organized crime today. Federal law enforcement is too uncoordinated today to deal with organized crime and white-collar crime.

Senator NUNN. In an effective and efficient way?

Mr. DAVIS. That is correct.

Senator NUNN. We appreciate your testimony. Is there anything else you would like to add?

I will ask you another question. When will your report be available—to, first of all, the President, and second, to the public?

Mr. DAVIS. Mr. Chairman, we are not totally certain, but I think within a month or so.

Senator NUNN. In the next month or so?

Mr. DAVIS. Yes, I believe so.

Senator NUNN. It will be available to the President and has he had a chance to look at it yet?

Mr. DAVIS. He has not had a chance to review the findings.

Senator NUNN. Without objection, when that report is made available to the subcommittee, it will be made exhibit 32.

[The report referred was marked "Exhibit No. 32" for reference and may be found in the files of the subcommittee.]

Senator NUNN. When will your recommendations for the future be available to the President and to the Congress?

Mr. DAVIS. I hope, Mr. Chairman, that the recommendations—concrete recommendations—will be developed throughout the rest of this year and that any organizational changes will be recommended to Congress in the start of the next session.

Senator NUNN. Early next year?

Mr. DAVIS. Yes, sir.

Mr. BASTIAN. I think to put our findings in context, Mr. Chairman, we mentioned when we started that there had not been a review of the Federal law enforcement since 1937. That was a review that was done for the U.S. Senate.

In preparing our findings, we went back and looked at that review, some of the problems that we have focused on and are focusing on are the same problems that more or less existed in 1937.

The crime picture, the law enforcement picture, the relationship between the units of the State and local government and the Federal Government continues to change, it is a very dynamic process. But we have found some areas where Federal law enforcement has just not kept abreast.

Senator NUNN. You mean it has been 41 years since that report has been issued and you are still finding many of the same problems?

Mr. BASTIAN. That is correct; yes, sir. I am sure they are in a sense problems that will continue to be with us because in some ways conflicting values are involved. The appropriate checks and balances which our form of Government requires must be retained, of course, but this has to be put into perspective.

It doesn't mean that we, by any means, think you can walk away from it, ignore it, and the ship will automatically right itself. We think that we should emphasize focusing attention on the problems and issues by retraining people to be prepared to deal with the

priority crimes of today as opposed to what the priority crimes may have been in the 1930's and 1940's. We think that we should refocus existing resources, protective forces, and complete a "bottom up" review of what our requirements are, how society has changed, how problems may have changed, what other alternatives may or may not be available. Each one of these problems, of course, requires a lot of study and analysis. We are trying to zero in on those problems that are most important and we hope, over the next months, and perhaps even years, working with this committee and with the Congress, to continue to try and develop these issues into meaningful changes, meaningful approaches and alternatives to complex problems.

Senator NUNN. Thank you very much. I appreciate both of you testifying today. We look forward to continuing to hear from you and working with you.

At this stage, I would like to say that Mr. Bowdach, in the course of 5 days of testimony, mentioned a good many names, both involved in organized crime on the street, and involved in organized crime in illegal activities in the Atlanta Penitentiary. He also testified that he had turned these names over to authorities in the Justice Department.

Nevertheless, I want to direct the staff to make available this transcript and any other information that we have to the Justice Department regarding names of people that Mr. Bowdach has talked about during the course of this hearing, that he has alleged were involved in illegal activities.

Of course, it is up to the Justice Department to determine whether they have a prosecutable offense.

Second, last week we heard testimony about alleged activities of Santo Trafficante in Florida. Based on investigations conducted by the subcommittee staff in support of Mr. Bowdach's allegations, we would like to enter into the record certain confidential intelligence reports of law enforcement regarding some of these allegations. Those will be entered in the record as exhibit No. 33, as a sealed exhibit, without objection.

[The document referred to was marked "Exhibit No. 33" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. At this stage I have a very brief closing statement I will make regarding these hearings. Mr. Davis, neither one of you are compelled to listen. If you want to, you can.

Today concludes 5 days of hearings on organized crime in south Florida and corruption in the Atlanta Penitentiary. Investigative hearings frequently result in developing more serious questions than answers and I realize that. Everyone who has heard the startling and depressing testimony will agree that many questions have been raised regarding the ability of our legal system to cope with the organized crime activities.

These hearings, in my opinion, represent a start, not a conclusion.

Gary Bowdach testified about characters with colorful names. We have heard about "Jimmy Blue Eyes," "Johnny Popcorn," "Jake the Snake," "Chinky," and "Johnny Peanuts."

But the storybook sound of these names and some of the humor involved from time to time was converted to reality by his accounts of horrible murders, terrifying bombings, brutal shylock-collecting tactics, kidnaping at gunpoint, arson for profit and revenge, massive narcotics smuggling, and one-way trips to sea for scores of narcotics gang members.

Mr. Bowdach has been candid and brutally frank in describing terrible crimes he committed and participated in.

It is clear he did commit violent crimes. It is equally clear that he has been fully and completely cooperative with this subcommittee. We have had the unusual benefit of his intelligence and his perceptions as an organized crime associate and jailhouse lawyer. There is little question that Gary Bowdach is intelligent, that he is smart, and he is articulate.

The irony is that we have testimony from an insider whose analysis of the problems facing law enforcement is startlingly similar to the testimony of law enforcement agencies and the testimony of representatives of the President's Reorganization Project's Law Enforcement Study that have appeared here this morning.

Just a few examples. Mr. Bowdach and law enforcement officials and analysts generally agree on a few very important items:

No. 1, arson is one of the easiest crimes to commit without prosecution;

No. 2, corruption of public officials is a cornerstone of organized crime's success;

No. 3, witness intimidation is the insurance policy of organized crime against prosecution;

No. 4, the Freedom of Information Act can and is being used to hamper law enforcement efforts;

No. 5, the bail process is far from adequate;

No. 6, the Tax Reform Act of 1976 is hampering law enforcement efforts against organized crime;

No. 7, the penal system needs much improvement; and

Last, Mr. Bowdach raised very serious questions about his own treatment in the Federal witness protection program and he had certain observations about that program.

We must consider his charges and observations. Some of the charges result from incidents witnessed by subcommittee staff. His comments will be taken quite seriously. Of course, there is another side of this and we realize it.

The subcommittee and its staff know of other situations in which protected witnesses have made excessive demands of the U.S. Marshals Service and the Justice Department and when these demands were not met, they have been very bitter, very frustrated, and they file complaints.

Since this program is an important element in the Federal effort against organized crime, I think we should do all we can to see that this program, by reputation as well as performance, meets its promises and commitments to the people who entrust themselves to it.

Finally, I want to express my personal appreciation and appreciation on behalf of the subcommittee for the cooperation of the U.S. Marshals Service in assisting us in this hearing. The men who have been sitting in front of Mr. Bowdach and others during this

ordeal and this set of hearings, the men who have assembled from offices here and around the country to protect this witness. They are committed to giving their lives in order to protect this witness and others in the program.

We are indebted to these individuals and we are indebted to the Marshals Service and we are indebted to the Justice Department for their cooperation.

In addition, I would like to express my appreciation on behalf of the subcommittee for the support provided by the U.S. Capitol Police under the direction of Chief James Powell.

Detective James Blackston has been in charge of this detail. Working closely with the marshals, Inspector Blackston's unit handled in a courteous and professional manner the large numbers of spectators and also the news media who came in and out of this hearing room during the past several days.

Finally, I would like to express my appreciation to the news media for their understanding and patience in cooperating with the rules of this subcommittee, particularly in the handling of the witness. Your cooperation was absolutely necessary and I certainly thank you for that.

I would like to commend Keith Adkinson, assistant counsel to the subcommittee, and Bill Gallinaro, one of our senior investigators, for their fine work on this case. And I also add the name of David Vienna, and I also want to express my appreciation to Jerry Block, and the entire minority staff for their splendid work and their splendid cooperation, also certainly Owen Malone, who heads up our subcommittee and who does a consistent very fine job.

Thank you very much, gentlemen.

As I said, this is the start and not the conclusion of what I think will inevitably be a long-term interest on behalf of this subcommittee in the overall capability of the Federal Government to deal with organized crime and to deal with other types of criminal activities.

The subcommittee will be adjourned.

[Whereupon, at 2 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

[Member of the subcommittee present at time of recess: Senator Nunn.]