

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

ARTICLES OF IMPEACHMENT

REPORTED BY THE

SPECIAL COMMITTEE OF THE HOUSE OF REPRESENTATIVES APPOINTED UNDER THE PROVISIONS OF AN ORDER (ADOPTED BY THE HOUSE ON JUNE 18, 1941) "TO PREPARE AND REPORT ARTICLES OF IMPEACHMENT AGAINST DANIEL H. COAKLEY, COUNCILLOR FROM THE FOURTH COUNCILLOR DISTRICT"

JUNE 20, 1941

PRESENTED BY

BENJAMIN B. PRIEST, *Chairman*

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES.

WHEREAS the undersigned Special Committee was appointed pursuant to an order adopted by the House of Representatives of the Commonwealth of Massachusetts on the eighteenth day of June, 1941; and

WHEREAS said order directed the said committee to prepare and report articles of impeachment against Daniel H. Coakley, Governor's Councillor from the Fourth Councillor District; and

WHEREAS the said committee has proceeded to discharge and perform the duties so assigned to and imposed upon it by said order,

It does hereby and herewith and in obedience to said order submit and report to the House of Representatives articles of impeachment preferred against Daniel H. Coakley, Governor's Councillor from the Fourth Councillor District of the Commonwealth of Massachusetts, which said articles of impeachment have been prepared by said committee pursuant to said order and are reported herewith.

Respectfully submitted,

BENJAMIN B. PRIEST.
H. EDWARD SNOW.
GEORGE A. PARKER.
JOSEPH H. DOWNEY.
WILLIAM M. HYDE.

The Commonwealth of Massachusetts

ARTICLES OF IMPEACHMENT PREFERRED AGAINST DANIEL H. COAKLEY, GOVERNOR'S COUNCILLOR FROM THE FOURTH DISTRICT OF THE COMMONWEALTH OF MASSACHUSETTS, BY THE HOUSE OF REPRESENTATIVES OF SAID COMMONWEALTH, IN ITS OWN NAME, AND IN THE NAME OF ALL THE PEOPLE OF MASSACHUSETTS.

ARTICLE 1.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, in the latter part of December of 1936, in violation of his said obligations and duties and for his own private profit and gain, or for the profit and gain of a member of his immediate family, actively interest himself in seeking to procure a pardon for one Frank W. Potter, under life sentence for second-degree murder, and thereby wilfully, wrongfully and corruptly abused his official power and influence.

ARTICLE 2.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while Councillor as aforesaid and subject to the obligations and duties of said office, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, in the latter part of December of 1936, in violation of his said obligations and duties and for his own private profit and gain, or for the profit and gain of a member of his immediate family, enter into illegal agreements, arrangements and understandings with one Francis E. Ryan for the purpose of procuring a pardon for one Frank W. Potter, under life sentence for second-degree murder, and thereby wilfully, wrongfully and corruptly abused his official power and influence.

ARTICLE 3.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, did, on or about December 5, 1935, for his own financial gain, and in violation of his said obligations and duties, solicit of one Maurice Limon, a prisoner pardoned on parole conditions, the sum of \$2,500 to be paid by said Limon to said Coakley, in consideration of which payment the said Coakley, while Councillor as aforesaid, would arrange with the Parole Board for said Limon to leave the Commonwealth, whereby the said Coakley, while Councillor as aforesaid, did wilfully, wrongfully and corruptly abuse his official power and influence, and the authority of his said office in an effort to secure private benefits to himself.

ARTICLE 4.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, did, on or about December 5, 1935, for his own profit and gain and in violation of his oath of office and of the obligations and duties pertaining thereto, state to one Maurice Limon, a prisoner pardoned on parole conditions who was interested in obtaining permission from the Parole Board to leave the Commonwealth for business reasons, that he, Coakley, could arrange it at a cost of \$2,500, intending thereby to imply and to cause said Limon to believe that said permission could be obtained only through the services, efforts and influence of said Coakley, whereas said Coakley then well knew that his services, efforts and influence in that regard were unnecessary, whereby the said Coakley did intend to defraud the said Limon of the sum of \$2,500 and did thereby wilfully, wrongfully and corruptly prostitute his official power and influence and the authority of his said office.

ARTICLE 5.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, in the early part of December of 1938, at the instance of one Francis Joseph Patriarca, a brother of Raymond L. S. Patriarca, actively interest himself in seeking to procure a pardon for said Raymond L. S. Patriarca, a notorious and dangerous criminal with a long criminal record who was then serving three concurrent sentences at State Prison for the crimes of breaking and entering, armed robbery and larceny; and

In that the said Daniel H. Coakley did, on or about December 14, 1938, in violation of the obligations and

duties of his said office, wilfully, wrongfully and corruptly prepare a petition with a statement appended thereto, seeking the said Raymond L. S. Patriarca's pardon of the crime of breaking and entering, containing many misrepresentations of fact and worded with a purpose to deceive the Governor and members of the Council; and

In that the said Daniel H. Coakley, personally interested in having said pardon petition granted regardless of the merits thereof, in violation and disregard of his said obligations and duties as Councillor, did, on or about December 21, 1938, file the said pardon petition and appended statement with the Governor, urge that the pardon be granted and improperly solicit other members of the Governor's Council to vote in favor thereof; and

In that the said Daniel H. Coakley, while Councillor as aforesaid, did thereby wilfully, wrongfully and corruptly use his official power and influence, and the authority of his said office, to procure the pardon and release of a notorious and dangerous criminal, in direct opposition to the interests, welfare and safety of the public.

ARTICLE 6.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, on or about December 14, 1938, in violation of the obligations and duties of his said office, wilfully, wrongfully and corruptly prepare a petition with an appended statement, seeking the pardon of one Raymond L. S. Patriarca, a dangerous and notorious criminal, of the crime of breaking and entering, the said statement containing the intentionally false and mis-

leading representation that "In the Dedham Court, Wallbank and his secretary positively said that he [Patriarca] was not one of the men in that hold-up," although the said Coakley then knew that the said Wallbank, who had twice identified the said Patriarca, once under oath in the Brookline Court, as one of the persons implicated in the aforesaid hold-up, had never testified in the Dedham Court, and had merely said to the district attorney that he could not identify the said Patriarca, the said false and misleading representation having been inserted by said Coakley for the purpose of deceiving the Governor and members of the Council as to the merits of the petition, whereby a pardon was unjustifiably obtained on December 21, 1938.

ARTICLE 7.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while Councillor as aforesaid and subject to the obligations and duties of said office, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, on or about December 14, 1938, in violation of his said obligations and duties, wilfully, wrongfully and corruptly prepare a pardon petition with an appended statement, on behalf of one Raymond L. S. Patriarca, a dangerous and notorious criminal, containing the intentionally false and fraudulent statement that "Rev. Father Garení of Quincy is also anxious to express his opinion to the Governor, as well as Father Fagen of Providence, his [Patriarca's] pastor," when, in fact, the said Father Garení knew nothing about the said pardon petition, and there was no such person as Father Fagen, all of which was known to the said Coakley, for the purpose of deceiving the Governor and members of the Council, whereby a pardon was granted on December 21, 1938.

ARTICLE 8.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while Councillor as aforesaid and subject to the obligations and duties of his office, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, on or about December 14, 1938, in violation of the obligations and duties of his said office, wilfully, wrongfully and corruptly prepare a petition with an appended statement, seeking the pardon of one Raymond L. S. Patriarca, a dangerous and notorious criminal, of the crime of breaking and entering, the said statement containing the intentionally false and fraudulent representation that ". . . it is admitted by all that he, Patriarca, was wholly guiltless of the more serious offence of armed robbery," when, in fact, there was no such general admission and said Patriarca had pleaded guilty to said offence, all of which facts were known to the said Coakley when he prepared said petition and appended statement, for the purpose of deceiving the Governor and members of the Council as to the merits of the petition, whereby a pardon was unjustifiably obtained on December 21, 1938.

ARTICLE 9.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while Councillor as aforesaid and subject to the obligations and duties of his office, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, on December 21, 1938, in violation of his oath of office and of the said duties

and obligations pertaining thereto, cast a vote in the Council in favor of granting the pardon petition of one Raymond L. S. Patriarca, a dangerous and notorious criminal, without which vote the said pardon could not have been granted, notwithstanding that he, the said Coakley, had actively interested himself in seeking to obtain such a pardon regardless of the merits thereof and had prepared the pardon petition and appended statement containing misrepresentations of fact, some of which were known to the said Coakley to be false and others which, upon brief investigation, he could have determined to have been false and which were made by him with a reckless disregard for the truth.

ARTICLE 10.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, on or about December 20, 1938, obtain through Francis Joseph Patriarca and Jere Gardner, persons engaged with him in seeking to obtain a pardon for one Raymond L. S. Patriarca, the signature of one Rev. Sixtus Brambilla to the statement appended to the pardon petition of said Raymond L. S. Patriarca, by the false and fraudulent representations contained in said petition and appended statement which he, the said Coakley, had wilfully, wrongfully and corruptly prepared, which signature was procured for the purpose of deceiving the Governor and members of the Council and to induce the granting of the pardon.

ARTICLE 11.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Gov-

ernor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did, in the early part of December of 1938, conspire and contrive with Francis Joseph Patriarca, Clarence H. Wallbank and Jere Gardner, to obtain by fraud, corruption and deceit, a pardon for one Raymond L. S. Patriarca, a notorious and dangerous criminal with a long criminal record, who was then serving three concurrent sentences at State Prison for the crimes of breaking and entering, armed robbery and larceny; and

In that the said Daniel H. Coakley, in furtherance of said conspiracy, did, on or about December 14, 1938, in violation of the obligations and duties of his said office, wilfully, wrongfully and corruptly prepare a petition, with an appended statement, seeking the said Raymond L. S. Patriarca's pardon of the crime of breaking and entering, containing many intentional misrepresentations of fact and worded with a purpose to deceive the Governor and members of the Council; and

In that the said Daniel H. Coakley, in further prosecution of his said corrupt purpose, did, on or about December 20, 1938, with the aid of his co-conspirators, obtain the signature of one Rev. Sixtus Brambilla to the statement appended to said pardon petition by the false and fraudulent statements contained therein; and

In that the said Daniel H. Coakley, while Councillor as aforesaid, did thereby unlawfully use his official power and influence, and the authority of his said office, to secure the pardon and release of a notorious and dangerous criminal, contrary to the interests, welfare and safety of the public, whereby public confidence in the execution of the pardoning power was impaired, the proper administration of the penal institutions in the Commonwealth was impeded and the morale of prisoners in such institutions was seriously and adversely affected.

ARTICLE 12.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, did, on divers days and times between the third day of June, 1939, and the twenty-third day of November, 1939, wilfully, wrongfully and corruptly handicap and impede the Commission duly established under the provisions of chapters 12 and 37 of the Resolves of 1939, to investigate the granting of certain pardons and paroles, by his interviewing and advising witnesses known to him to be under summons from said Commission, or to have testified before it, or who were likely to be called before it, and, in at least one instance, by his urging a witness to testify falsely before said Commission, whereby the dignity and authority of the General Court and of the said Commission were offended and impugned, and the administration of justice and of the laws in this Commonwealth was impeded and obstructed.

ARTICLE 13.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while holding the said office and subject to the obligations and duties thereof, did, on divers days and times between the third day of June, 1939, and the twenty-third day of November, 1939, wilfully, wrongfully and corruptly attempt to thwart and defeat the purposes of the General Court and the Commission duly established under the provisions of chapters 12 and 37 of the Resolves of 1939, to investigate the granting of certain pardons and paroles, by stating to certain witnesses called or to be called to testify before the Com-

mission that it was acting beyond its powers and that it had no right to summons witnesses or put them under oath, whereby the dignity, integrity and authority of the General Court and of the said Commission were offended and impugned, and the administration of justice and of the laws in this Commonwealth was impeded and obstructed.

ARTICLE 14.

That the said Daniel H. Coakley was and is guilty of misconduct and maladministration in his office as Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts:

In that the said Daniel H. Coakley, while Councillor as aforesaid and subject to the obligations and duties of said office, including the obligation and duty faithfully and impartially to advise the Governor in connection with the granting of pardons, did wilfully, wrongfully and corruptly participate in and bring about the pardons of certain criminals by the abuse of the powers of his said office, without due regard for the rights and safety of the public and in direct violation of his oath of office and of the obligations and duties pertaining thereto, and did conduct himself in a manner unbecoming and unworthy of the position of trust imposed in him, whereby public confidence in the execution of the pardoning power was impaired, the proper administration of the penal institutions in this Commonwealth was impeded, prison morale was adversely affected, and the administration of justice and of the laws in this Commonwealth was brought into discredit and disrepute.

And the said House of Representatives, saving to itself, by protestation, the liberty of exhibiting, at any time hereafter, any other articles of accusation or impeachment, against the said Daniel H. Coakley, Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts; and also of replying to the

answers which he may make to the impeachment aforesaid; and of offering proof of the premises and of every part thereof, and to any other accusation or impeachment which may be exhibited by the said House of Representatives, as the case may require; do demand that the said Daniel H. Coakley, Governor's Councillor from the Fourth District of the Commonwealth of Massachusetts, as aforesaid, be put to answer all and every of the premises, and that such proceedings, examination, trial and judgment may be thereupon had and given as are conformable to the Constitution and the laws of this Commonwealth; and the said House of Representatives is ready to offer proof of the premises at such time as the Senate of the Commonwealth of Massachusetts may order and appoint.

