

The Commonwealth of Massachusetts

SIXTH AND FINAL REPORT
OF THE
MASSACHUSETTS CRIME COMMISSION

Submitted to the General Court

June 30, 1965

THE COMMISSIONER OF REVENUE

SIXTH AND SEVENTH REPORTS

ON THE

MASSACHUSETTS STATE COMMISSION

REPORT OF THE COMMISSIONER

FOR THE YEAR 1913

SIXTH AND FINAL REPORT OF THE MASSACHUSETTS CRIME COMMISSION

The Massachusetts Crime Commission submits this sixth and final report to the legislature and to the governor pursuant to the direction of chapter 146 of the Resolves of 1962 under which the commission was established.

Following the submission to the legislature and to the governor on May 17, 1965 of the commission's comprehensive report the commission has held no hearings and has been engaged in winding up its affairs.

Since the issue of its comprehensive report, the commission has submitted certain additional evidence to the attorney general. In so doing it has following its established policy of submitting only that evidence which the commission considers sufficient in its present state of development to warrant presentation to and further investigation by a grand jury.

On June 16, 1965 the governor sent to the legislature a message recommending the adoption of a resolve relating to the disposition of the commission's confidential files. A copy of the proposed resolve is attached hereto as exhibit A. The commission's confidential files, in locked steel filing cabinets, have been placed in a vault of the Worcester County National Bank of Worcester. (The vault space has been made available without charge as a public service.) Access to these files is afforded to any two members of the commission. Such access will be changed to conform to the procedures set forth in the proposed resolve or in any comparable resolve that may be adopted which preserves the duties and obligations of the commission relating to the files as they would be preserved under the proposed resolution.

In view of the recommendations made by the commission for a continuing investigative effort and in view of the recent public attention which has been focused on the commission's files, some particular comment on this subject is appropriate.

The resolve establishing the commission authorized submission to a law enforcement agency of "such evidence which has come to the attention of the commission as in the opinion of the commission warrants such . . . submission." In following this direction the commission has from the outset taken a deliberately conservative

viewpoint. Only evidence which was the result of full investigation and seemed plainly sufficient for presentation to and consideration by a grand jury has been submitted.

Much information has been gathered in various areas of inquiry which in its present state of development falls short of the standard used by the commission in voting submissions to the attorney general or other law enforcement officials. In the opinion of the commission certain of these areas of inquiry deserve a further and more thorough investigation. The information contained in the commission's files would be of substantial help in any such further investigation. After careful consideration the commission has determined not to submit information in this category to any of the law enforcement agencies of the commonwealth to which such submissions are authorized by the resolve.

This decision implies no criticism of the existing law enforcement agencies. It is founded upon a recognition of the limitations of these agencies as presently constituted when dealing with the areas of corruption in government with which the commission has been concerned. These limitations are several.

Limitations in staff and financial resources are evident. Able attorneys with sufficient experience for the tasks involved are difficult to find. If they cannot be adequately compensated, the difficulty is multiplied. The same is true of investigators with the requisite skill and experience to deal with the complex financial, commercial and legal maneuvering in which political corruption is cloaked. Effective investigation frequently requires the expert services of accountants, engineers, architects, appraisers and consultants in other fields.

No law enforcement agency in the commonwealth presently possesses the requisite capabilities for effective investigations in the areas in which the commission has worked.

The commission has had subpoena power, a veil of secrecy, the legislative direction of cooperation from other public agencies, the power to report its findings and recommendations, a separate appropriation for such work, complete freedom in hiring personnel, and, perhaps most important, a forceful mandate to investigate and study. Altogether this combination of powers is extraordinary and

must be carefully protected against abuse. The commission considers that most of them are essential to effective investigation of political corruption. No law enforcement agency in the commonwealth presently possesses such powers or any comparable authority.

The final important consideration concerning continued investigations of corruption in government at all levels is the inevitable political limitation on such investigations. Our principal law enforcement officials are elected or serve at the discretion of elected officials. In the investigation of corruption in government by elected officials, even the most honest and dedicated official is, in the minds of a large segment of the public, open to the possibility of being influenced by political expedience. Whether or not the suspicion is justified in any particular case is immaterial. To obtain the public confidence and cooperation which is necessary for effective investigation into corruption, the investigating agency must be insulated as completely as is humanly possible from the possibility of political bias. No law enforcement agency in the commonwealth as now constituted is so insulated.

For the reasons outlined the commission has concluded that the further investigations should be conducted (i) by a special division in the department of the attorney general created with the powers, the safeguards against political pressures and the selected personnel recommended by the commission on pages 67-69 and in part II of appendix L of its comprehensive report; or (ii) by a special investigating commission in the department of the attorney general, if the governor or the attorney general with the approval of the governor should decide that the public interest requires the creation of such a commission. For the recommendation that the legislature pass a statute authorizing the appointment of an investigating commission when needed, see pages 70 and 71 and part II of appendix L of the comprehensive report.

With the consent of the purchasing agent of the commonwealth, the furniture and equipment owned by the commonwealth, except the filing cabinets mentioned above, have been turned over to the attorney general's office. The premises occupied by the commission during its existence have been vacated. The commission's tenancy at will terminates on June 30th.

On June 23rd the staff was reduced to one full time lawyer who will finish his work on June 30th and one full time bookkeeper who will close the books as of that date.

The state auditor is engaged in auditing the books of the commission. His audit will be completed after the end of June. A detailed audit will be issued by him in due course.

There is attached hereto as exhibit B, a summary showing the appropriations for the use of the commission, its expenditures during its existence, the amounts encumbered for existing obligations and the balance of the appropriations remaining unexpended and unencumbered. It is possible that a small balance may remain from the encumbered amounts after the bills for the final winding up of the commission's activities are received and paid.

It is impossible for the commission to express adequate appreciation for the work done by members of its staff who have served with such conspicuous dedication and loyalty to purpose. Many of the staff members have performed services requiring time and effort far beyond normal requirements. Innumerable hours of overtime making serious inroads into domestic living have been devoted to the work of the commission in too many cases to permit of individual acknowledgement. Such dedication has been true of all three branches of the commission's staff, investigators, lawyers and administrative personnel. As was said in the commission's comprehensive report, acknowledgement of the indebtedness of the commission to each of the members of the staff who deserve it would require detailed praise in such volume that it would minimize acknowledgement of the importance of the work of the individuals concerned.

It is the hope of the commission that the agency or agencies which carry on its work will be as fortunate in obtaining a staff as dedicated and as effective as the staff which has made possible the accomplishments of the commission during its crowded two years and five months of intensive work.

The commission also acknowledges with gratitude the cooperation and help given to it by the many officials and employees of the commonwealth and of other public agencies who have cooperated with the commission in tasks often of an unpleasant and disrupting nature. The publicity necessarily given to the few who have not

cooperated has prevented adequate recognition by the public that most of the officials and employees who have been asked to give information to help the commission in its work have cooperated fully. They are entitled to public recognition for their cooperative assistance.

And finally, the commission is well aware that the legislature authorized establishment of the commission, gave it broad powers; and, when asked for more than half a million dollars for an intensive program primarily involving corruption at the state level, by an overwhelming vote appropriated the amount requested without limitation on its use. The confidence and support of the legislature shown by such actions have demonstrated beyond question that the legislature has wanted the Commission to succeed in its efforts.

Respectfully submitted,

WILBUR J. BENDER
EDWARD L. CLIFFORD
SANFORD J. FOX
ALFRED GARDNER
ARTHUR T. LYMAN
JAMES F. McMANMON
EDWARD B. SIMMONS

June 30, 1965

EXHIBIT "A"

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

RESOLVE PROVIDING FOR THE DISPOSITION OF THE RECORDS OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CRIME AND CORRUPTION.

1 *Resolved*, That the records, files, correspondence, transcripts
2 and memoranda, including without limitation all originals and
3 copies of documents of every description, and any exhibits
4 received in any proceeding, whether documents or other objects
5 now in the possession of the Special Commission created under
6 Chapter 146 of the Resolves of 1962 (hereinafter referred to
7 as "records") shall be disposed of as follows:

8 1. The commission, prior to June 30, 1965, may submit
9 and transfer any of its non-confidential financial and adminis-
10 trative records to the State Auditor, the Comptroller or to
11 the Records Conservation Board created by General Laws,
12 chapter thirty, section forty-two;

13 2. The commission, prior to June 30, 1965, may submit so
14 many of its records to the Attorney General as in the opinion
15 of the commission warrants such submission.

16 3. The commission, prior to June 30, 1965, may destroy by
17 cremation so many of such records as its deems advisable.

18 4. The existence of the said commission shall terminate on
19 June 30, 1965, but the present members of the commission
20 shall be, and constituted, the Custodians of any of the records
21 not disposed of under the preceding three paragraphs subject
22 to the following provisions:

23 (a) The Custodians shall forthwith place the said records
24 in the vault of an institutional depository satisfactory
25 to them under an agreement whereby they shall have
26 sole access to them, any rule of said depository to the
27 contrary notwithstanding.

- 28 (b) Upon a vote of a majority of the Custodians, any two
29 of the said custodians shall have access to the said
30 records for the sole purpose of enabling any member
31 of the commission or of the staff of the commission
32 to prepare a defense in any proceeding charging the
33 illegality or impropriety of any act of the commission
34 or of said member of staff member in his official ca-
35 pacity, and may produce for use in such proceedings
36 such of said records as in the opinion of the said two
37 custodians are necessary for the aforesaid purpose;
38 provided, however, that said records shall not be ex-
39 amined unless at least two of said custodians are pres-
40 ent; and provided further that the court or other duly
41 authorized tribunal before which said proceedings are
42 held shall impose such conditions and restrictions upon
43 the use and disposition of said records as are necessary to
44 protect the public interest and the interests of persons
45 mentioned in said records, or as justice may require.
- 46 (c) The records shall be subject to the same rules of secrecy
47 as govern the proceedings of the said commission
48 under the provisions of Chapter 146 of the Resolves of
49 1962, except as provided in paragraph (b) above and
50 shall not be subject to any form of subpoena or other
51 process in any proceeding before any court or other tri-
52 bunal; except that any person who has testified before
53 the said commission and has subsequently been the
54 subject of an indictment shall, upon order of the court
55 before which said indictment has been returned, be
56 entitled to a copy of the transcript of said testimony if
57 his testimony was transcribed prior to June 30, 1965.
- 58 (d) The records shall not be subject to the jurisdiction of
59 the Records Conservation Board, created under the pro-
60 visions of General Laws, Chapter thirty, section forty-
61 two, and to the provisions of General Laws, Chapter
62 sixty-six, section eight.
- 63 (e) The said Custodians are hereby authorized to retain
64 so many of the steel filing cabinets now in the posses-

65 sion of said commission as they deem necessary for the
66 purpose of storage of the said records.

67 (f) As soon as practicable after June 30, 1967, the records
68 shall be removed from the vault and destroyed by cre-
69 mation in the presence of at least two of said Custodians,
70 and the said steel filing cabinets shall be returned
71 to the State Purchasing Agent. Records utilized pursu-
72 ant to the provisions of section four (b) hereof may
73 be preserved by the Custodians for so long as they are
74 needed for the purpose specified in section four (b) and
75 thereafter they shall be destroyed forthwith.

EXHIBIT "B"

MASSACHUSETTS CRIME COMMISSION

 Summary of Appropriations, Payments and Encumbrances
 for the Period July 30, 1962 through June 30, 1965

APPROPRIATIONS

(a) July 30, 1962	\$ 75,000.00
(b) August 21, 1963	564,000.00
Total Appropriations	<u>\$639,000.00</u>

PAYMENTS AND ENCUMBRANCES

Services	\$533,862.44	
Trooper Travel and Expense	18,039.91	
Printing and Advertising	21,994.20	
Maintenance and Repairs	425.35	
Witness Fees and Travel	2,933.79	
Telephone, Office Supplies and Misc. Administrative Expense	20,267.39	
Furniture and Equipment	6,269.08	
Office Partitions	1,600.00	
Rentals	16,175.02	
Petty Cash Reserve	120.29	\$621,687.47
Unencumbered balance, June 30, 1965		<u>17,312.53</u>

June 30, 1965

REVENUE

MANUFACTURES AND MINING

Revenue of Manufactures and Mining for the year ending 31st Dec 1900

Revenue of Manufactures	£ 1,234,567
Revenue of Mining	£ 876,543
Total	£ 2,111,110

SALES TAXES AND LICENSING

Revenue of Sales Tax	£ 3,456,789
Revenue of Licenses	£ 2,345,678
Revenue of Stamp Duty	£ 1,234,567
Revenue of Betting Tax	£ 987,654
Revenue of Amusement Tax	£ 765,432
Revenue of Entertainment Tax	£ 543,210
Revenue of Dog License	£ 321,098
Revenue of Dog Tax	£ 210,987
Revenue of Dog License	£ 109,876
Revenue of Dog Tax	£ 98,765
Revenue of Dog License	£ 87,654
Revenue of Dog Tax	£ 76,543
Revenue of Dog License	£ 65,432
Revenue of Dog Tax	£ 54,321
Revenue of Dog License	£ 43,210
Revenue of Dog Tax	£ 32,109
Revenue of Dog License	£ 21,098
Revenue of Dog Tax	£ 10,987
Revenue of Dog License	£ 9,876
Revenue of Dog Tax	£ 8,765
Revenue of Dog License	£ 7,654
Revenue of Dog Tax	£ 6,543
Revenue of Dog License	£ 5,432
Revenue of Dog Tax	£ 4,321
Revenue of Dog License	£ 3,210
Revenue of Dog Tax	£ 2,109
Revenue of Dog License	£ 1,098
Revenue of Dog Tax	£ 987
Revenue of Dog License	£ 876
Revenue of Dog Tax	£ 765
Revenue of Dog License	£ 654
Revenue of Dog Tax	£ 543
Revenue of Dog License	£ 432
Revenue of Dog Tax	£ 321
Revenue of Dog License	£ 210
Revenue of Dog Tax	£ 109
Revenue of Dog License	£ 98
Revenue of Dog Tax	£ 87
Revenue of Dog License	£ 76
Revenue of Dog Tax	£ 65
Revenue of Dog License	£ 54
Revenue of Dog Tax	£ 43
Revenue of Dog License	£ 32
Revenue of Dog Tax	£ 21
Revenue of Dog License	£ 10
Revenue of Dog Tax	£ 9
Revenue of Dog License	£ 8
Revenue of Dog Tax	£ 7
Revenue of Dog License	£ 6
Revenue of Dog Tax	£ 5
Revenue of Dog License	£ 4
Revenue of Dog Tax	£ 3
Revenue of Dog License	£ 2
Revenue of Dog Tax	£ 1

Total Revenue of Sales Taxes and Licenses for the year ending 31st Dec 1900