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Airtel

1 - Mr. Kieffer

To: SACs, Newark (92-732) (Enclosures 4)
New York (92-2376) (Enclosures 4)

From: Director, FBI (122-2557)

REC-111 - 236

ANTHONY PROVENZANO
WALTER A. DORN -
VICTIM
AR; LMRA-IM
OO: NK

DM
TJB
①

Enclosed for Newark and New York are two copies each and for Philadelphia one copy of an undated anonymous note received by the Bureau and the same number of copies of the front of the envelope in which it was transmitted. This envelope is postmarked on 6/28/65 at New York, New York, and bears the purported return address of "234#s. fourth St. New York, N.Y."

This note alleges that there is a rumor that a "Judge Boxer" of New York City has \$250,000 to "buy" three Federal appeal judges in Philadelphia and a Federal judge in New Jersey to get a new trial for subject Provenzano.

For the information of New York and Philadelphia which are not completely familiar with all prosecutive developments in this case, Provenzano was convicted in USDC, Newark, on 6/11/63 of violating the Anti-Racketeering Statute. He was sentenced on 7/12/63 to serve seven years in jail and fined \$10,000. This conviction was appealed to the Third Circuit Court of Appeals at Philadelphia and Provenzano was permitted to remain free on bail. The Third Circuit affirmed this conviction on 6/30/64 in an opinion written by Chief Judge John Biggs, Jr. and concurred in by Judges William H. Hastie and William F. Smith.

1 - Philadelphia (122-252) (Enclosures 2)

- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

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JFK: b21 1995

MAIL ROOM TELETYPE UNIT

Airtel to SACs, Newark
New York

RE: ANTHONY PROVENZANO

The Supreme Court denied certiorari on 12/14/64.

On 1/4/65, in USDC, Newark, Provenzano filed a motion for a stay of operation of the mandate of the Circuit Court of Appeals, a new trial and other relief. Following hearings thereon this motion was denied by USDJ Robert Shaw on 3/30/65 at which time he also vacated the stay of mandate which had been granted. Provenzano applied for a further stay of mandate and at a hearing on 4/1/65 Judge Shaw denied this application as well as Provenzano's application for continuance of bail.

At another hearing held later on 4/1/65 Judge William F. Smith, Third Circuit Court of Appeals, ruled that Provenzano's application for continuance of bail and stay of mandate should be argued before the full panel of the circuit court at Philadelphia on 4/5/65. At a hearing held that dated in Philadelphia Provenzano's bail was continued until his appeal from Judge Shaw's denial of his motion for a new trial could be heard by the Court of Appeals. The U. S. Attorney's Office in Newark estimated this petition will not be heard before September, 1965.

For the further information of New York, in June, 1964, while Provenzano's appeal was pending in the Third Circuit, NK 2381-C-TE advised the Newark Office that this appeal had been "fixed" by Frank J. V. Gimino and Quirinus Ricciardelli, Jersey City, New Jersey, attorneys. It was stated that these individuals were in contact with an unnamed Philadelphia attorney who is the son of one of the Circuit Court judges and who acts as liaison with the judge. This judge allegedly was a close friend of one of the other judges and felt he could bring this other judge over to his side. The alleged plan was to keep the Provenzano case on the "bottom of the pile" until the time was right.

No active investigation was conducted concerning this information. After the Circuit Court affirmed Provenzano's conviction NK 2381-C-TE advised this was the fault of Henry G. Singer (then Provenzano's attorney). Singer reportedly was to ask for a postponement because "their judge" would

Airtel to SACs, Newark
New York

RE: ANTHONY PROVENZANO

not be on the bench as he was off attending a college affair involving his son who was becoming a lawyer. Singer allegedly did not listen and went ahead anyway.

While it is not desired that any investigation which might interfere with the appeal action which is now pending be conducted as regards the enclosed anonymous note, it is felt that certain discreet inquiries are in order at this time. New York should ascertain whether there is such an address as "234#s.fourth St. New York, N.Y." and, if so, discreet inquiries should be made in an effort to identify and interview in detail the writer of the anonymous communication. In addition, New York should attempt, through examination of appropriate public source material, to identify the individual referred to in the anonymous communication as "Judge Boxer."

In submitting its report in this case, New York should predicate its inquiries, in the first paragraph of the details, on the enclosed anonymous note. This note should be quoted in its entirety and pertinent information concerning the transmittal envelope also should be reported.

It is not desired that the U. S. Attorney's Office at Newark, be advised at this time of the receipt of the mentioned anonymous note or the inquiries made pursuant thereto. A copy of New York's report should not be designated for the U. S. Attorney at Newark;; however, an extra copy should be forwarded to Newark so it will be available for transmittal to the U. S. Attorney at a later date should the Bureau so direct.

Newark should contact NK 2381-C-TE and any other appropriate confidential sources to determine whether they have received any information concerning this alleged "fix" of Provenzano's appeal. The Bureau should be advised of the results of such inquiries by return mail.

Copies of all future communications concerning this aspect of instant case should be designated for Philadelphia for information in view of the pending appeal in the Third Circuit Court of Appeals.