

September 16, 1969

The Honorable John Mitchell
Attorney General of the United States
Department of Justice
Washington, D.C.

Dear Mr. Mitchell:

I am a professor of criminal law who has been diverted from his normal academic pursuits for more than three years during which I have spent virtually all my time, without compensation, attempting to correct a miscarriage of justice in the case of United States v. James Miller. A re-trial of the case is scheduled for October 13, 1969. At that trial, I am virtually certain that Miller will be vindicated and the identity of the guilty persons will be established beyond all reasonable doubt.

During most of the past three years, I have entertained hopes that someone in the Department of Justice would grant the defense a hearing, listen to its evidence, investigate the evidence, and then go after the guilty. Efforts to bring this about have been repeatedly rebuffed.

I am writing to you in one final effort to avoid the grinding injustice of putting Mr. Miller through a second trial and the grave damage to the Department's law enforcement efforts that is bound to flow from the exposures in court.

I know that you are extremely busy and I would not expect you personally to concern yourself with claims that the Department is prosecuting the wrong man. But that is only one of my claims. The main reason why you should be interested is that in refusing even to hear the evidence, in blithely ignoring proffers of full disclosure and full cooperation, and in stubbornly pressing the Miller case for trial, the Department of Justice has not only passed up an opportunity to gather potent evidence against the nation's largest heroin smugglers, it has virtually allied itself with them. It is in this respect that the Miller prosecution is unique and it is for this reason that it deserves your full attention.

The Honorable John Mitchell

September 16, 1969

A sketch of the evidence which has already been disclosed appears in my letter to Mr. Kleindienst of April 2, 1969. The refusal of his office even to respond to my pleas is documented in the subsequent letters to Mr. George Revercomb, which are also attached. To make more graphic some of our claims, I am including an illustrated sketch of the evidence, together with some questions which cry out for answers.

I hope to hear from you very soon.

Sincerely,

Steven Duke

SD/jnf

The James Miller Case: Some Facts and Some Questions

On August 22 and September 21, 1963, Mike Caron, a courier for the Cotroni heroin smuggling organization headquartered in Montreal, delivered approximately 160 pounds of pure heroin to persons whom he did not know at the Bridgeport Motor Inn, in Connecticut. On the second trip, Caron had a cup of coffee with two of the recipients of the shipment. Three weeks thereafter, he was arrested, promptly confessed, and gave descriptions of the two men.

Caron described the taller of the two men as between thirty-eight and forty-two, of Italian or Jewish extraction, with dark curly hair, dark complexion, Roman nose and a pointed chin. He estimated the height at 5'10" - 5'11" and the weight at 200 lbs.

On October 21, 1963, thirty days after his last meeting in Bridgeport, Caron looked at a photograph of Anthony "Big Nose" Mancuso and said he was "fairly certain" that Mancuso was the taller man, although he doubted that the man he met had been as heavy as depicted in the photograph.

Authorities soon discovered, however, that Mancuso was most unlikely to have been in Bridgeport in August and September, as he had been in jail on a gambling charge until July 29th, then had been under bail restrictions which confined him to New York until October 11th, when his gambling charge was disposed of. Federal agents told Caron to look at some more photographs. This time, Caron saw a resemblance to the culprit in the photograph of James Miller (although Caron had earlier passed over photos of Miller without recognition).

Caron was shown several more photographs of Miller while being interrogated and while negotiating for his guilty plea, sentence, and hoped-for pardon. Despite the repeated exhibition of Miller photographs, some of them shown very suggestively by agents, Caron remained unwilling to make a positive identification of Miller. Five months after his arrest, Caron was finally taken to view Miller surreptitiously, while Miller was engaged in business. He watched Miller from a short distance for several hours, but still failed to make positive identification. He was then "interrogated" at length and taken back to view Miller again, the next day. This time, Miller was his man.

Later, a former resident of Bridgeport, Mario "The Hawk" Natalizio, confessed several times to several persons that he, not James Miller, was the guilty man. Natalizio's photograph had not been exhibited to Caron during the identification process.

Here are some photographs of the three men above, from the front:

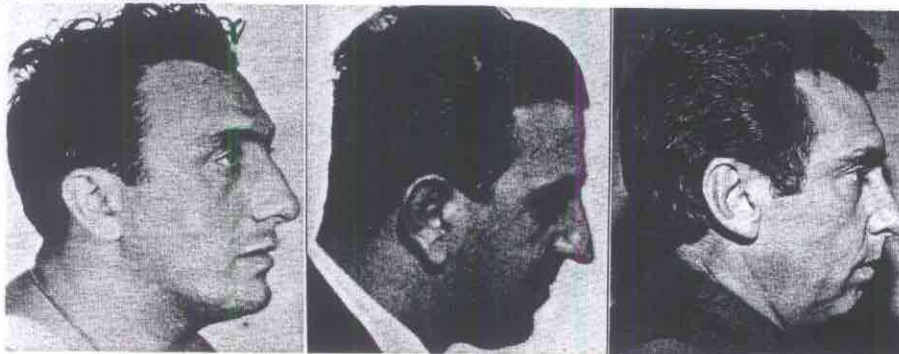


Anthony "Big Nose" Mancuso
5'8", 200 lbs, curly black
hair, dark complexion,
Roman nose, pointed chin,
Italian

Mario "The Hawk" Natalizio
6', 200 lbs, curly black
hair, dark complexion,
Roman nose, pointed chin,
Italian

James Miller
6', 175 lbs, curly
black hair, light
complexion, non-
descript nose, receding
chin, Irish

and from the side:



Which man or men fit the description Caron gave before any influences were brought to bear upon him, i.e. 5'10" - 5'11" tall, 200 lbs, dark complexion, Roman nose, pointed chin, and Italian? Natalizio.

As between Natalizio and Miller, which man more closely resembles Mancuso, the man whom Caron was "fairly certain" was the culprit before authorities changed his mind? Note the eyes, the nose, and the chin. Natalizio.

Here are some other troublesome facts:

1. James Miller, not Natalizio, was arrested and prosecuted for the crime. Miller now faces a second trial, more than six years after the crime was committed.

2. James Miller has protested his innocence from the day of his arrest and has offered to take any tests the Government wishes to administer. The Government has declined his repeated offers.

3. At the behest of his attorneys, James Miller took truth serum and a lie detector test, both administered by competent experts. He passed both tests and the experts are convinced that he is innocent.

4. Customers and business records place Miller at work in his beauty shop, fifteen miles from the crime, during the several hours in which each transfer of heroin occurred.

5. Natalizio has confessed to Miller, which confession was tape recorded, has confessed in writing, and has confessed orally to two private investigators. Though he later repudiated the confessions, he refused to take a lie detector test.

6. Subpoenaed to appear before a federal grand jury in February, 1969, Natalizio, after learning that he was to be questioned about the Miller case, failed to appear and became a fugitive.

7. Included in his confessions to private investigators was the fact that Natalizio drove a Buick from Miami, Florida to Bridgeport to commit the crime, and that he committed the crime with two other men from Miami who were "on the lam". Witnesses have testified that Natalizio lived in Miami with two fugitives, Rosario ("Harry") Ippolito and Anthony DiPasqua; that he and Ippolito drove north in a Buick "for a score" in late July and returned in late August, flush with money, and reporting that they had been in Bridgeport. Natalizio, Ippolito and DiPasqua then returned a week later to Bridgeport and were there on September 21, 1963, when Caron's second shipment was delivered. On the evening of September 21, after the delivery of the shipment, Natalizio and Ippolito went to New York for a celebration party.

8. Natalizio's two companions were known narcotics smugglers. All three were close associates of Salvatore Giglio, high ranking member of the Cotroni smuggling organization and conceded by the Government to have been a participant in the conspiracy. DiPasqua has five narcotics convictions and was, from 1960 until 1967, a fugitive from a federal indictment of several fellow members of the Cotroni organization, charging them with smuggling heroin. DiPasqua, along with Angie Tuminaro, was

described by Government officials in the McClellan Committee Hearings in 1963, as one of the largest heroin smugglers in New York City. Ippolito was a parole violator and fugitive from a life term for murder. Until Angie Tuminaro's arrest in 1962, Ippolito was his roommate. Ippolito then moved in with DiPasqua and Natalizio.

9. Ippolito, Natalizio, and Tuminaro were all seen at the Fairfield Motor Inn near Bridgeport on the day of the crime, September 21, 1963. Ippolito was a guest in the motel.

10. In November, 1963, a few weeks after Caron confessed, Natalizio returned to Bridgeport and hired a man to remove registration records from the Bridgeport and Fairfield Motor Inns, for dates in August and September, 1963. This man testified that one of the names "sounded like 'tini' and could well have been 'Sabbatini.'" Ippolito's alias during the period was Harry Sabbatini.

11. Caron described the second man he saw in Bridgeport, as about 5'8", 140-150 lbs, 45-50 years of age, a sloppy dresser, and a cigarette smoker with heavy nicotine stains on the fingers of his left hand. He described the man's eyes as light blue, his complexion "flush" or "bumish". Prison records show Ippolito's height to be 5' 7 3/4, his age 52 at the time of the crime. Witnesses describe him as having a light to medium, bumish complexion, weighing about 150 lbs. They also state that he smoked three to four packs of cigarettes daily and made frequent unsuccessful efforts to remove the tobacco stains from his fingers.

Caron wasn't shown a photograph of Ippolito, however. Instead, Government agents who believed the second man at Bridgeport was Salvatore Giglio succeeded in getting Caron to identify the photograph of Giglio. Giglio, however, is only 5'4", is very dark complexioned, an immaculate dresser, carefully groomed with no stains of any kind on his fingers.

12. Caron also assisted a Government artist in creating a sketch of the second man at Bridgeport. It is reproduced below, alongside photographs of Ippolito and Giglio:



Rosario Ippolito, alias Harry Sabbatini, age in 1963, 52, 5' 7 3/4", 150 lbs., dark brown graying hair, light to medium complexion, flush face, sloppy dresser, heavy cigarette smoker, chronic nicotine stains on fingers (photo taken in 1952).

Second culprit at Bridgeport, as described by Caron. Age 45-50, 5'8", 140-150 lbs., black/gray hair, blue eyes, flush face, sloppy dresser, heavy nicotine stains on left hand.

Salvatore Giglio, age in 1963, app. 58, 5'4", 130-140 lbs, black hair, dark complexion, cigar smoker, immaculate dresser, immaculately groomed, face unblemished (photo taken in 1958).

Giglio is conceded by all to have been a participant in the conspiracy, but was he the second man at Bridgeport, or was it Rosario "Harry" Ippolito? The description is quite close to Ippolito, bears no resemblance to Giglio. How about the drawing? Note carefully the shape and texture of the eyebrows, the shape of the eyes, the nose, the ears, the lips, the shape of the head. The facts strongly suggest that the man seen with Natalizio in Bridgeport was Ippolito rather than Giglio. Caron made two mistakes, not just one.

In view of this evidence, most of which is in court records, all of which is available to the Government, a number of questions would seem to be raised, including:

1. Why has the Department of Justice declined even to respond to letters from the defense, letters which offer full cooperation, disclosure of all evidence, and lie detectors of all witnesses?
2. Why is the Department of Justice proceeding to retry James Miller in the face of overwhelming evidence of his innocence?
3. Why is no serious effort being made by the Government to locate and arrest Natalizio?
4. Why has DiPasqua never been questioned about this case? Why has his indictment in New York never come to trial?
5. Why and how was Ippolito released in August, 1969, after being arrested as a parole violator from a life term?
6. Why does the Department of Justice persist in denying that any of these men -- Natalizio, Ippolito, DiPasqua -- were involved in the crime? How does it account for the evidence?
7. Why did the Department of Justice never follow up defense leads, supplied more than five years ago, that the crime was committed by Natalizio and a companion from Miami named Harry?
8. Why was there no investigation of defense leads, provided in 1967, that linked DiPasqua, along with Natalizio and "Harry", to the crime?
9. Why weren't the photos of Natalizio and Ippolito shown to Caron early in the identification process?
10. What is being covered up? by whom? why?
11. How much heroin has been imported into this country since 1963 by Natalizio, DiPasqua, and Ippolito, who have been and still are at large? If they were importing half the nation's supply in 1963, has their share increased or diminished since Caron, with Government help, identified others as the smugglers?

March 28, 1969

The Honorable Richard G. Kleindienst
Deputy Attorney General of the United States
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst:

I attempted to get an appointment with you this week and shall try again next week to discuss with you personally a matter of great importance to the Justice Department's efforts to combat organized crime. What I hope to discuss with you arises primarily out of my experience as unpaid defense counsel in the case of United States v. James Miller.

A few weeks ago, the Court of Appeals for the Second Circuit reversed Miller's conviction. I have just been informed that a decision whether to retry Mr. Miller is likely to be made next week. Since I have already produced in open court a mountain of evidence proving Miller's innocence, I am confident that the Department will decide to dismiss the case. My confidence in the good sense of the Department has frequently been disappointed in the past, however, and I cannot be certain that it will meet a different fate this time.

I will not go into detail in this letter. I merely offer the firm prediction that if the Department of Justice announces an intention to re-prosecute Mr. Miller, it will have acted irresponsibly, will have made a decision which it will later wish to reverse, and will be embarrassed in the public forum when the facts are revealed. Some members of the previous administration were greatly embarrassed by their shockingly inadequate investigation of the Miller case and tried desperately to cover up their mistakes. The consequence was not merely that an innocent man was practically ruined, but that the guilty parties -- some of them acknowledged by the Department itself to be among the most important narcotics traffickers in the country -- have been defended and protected by the United States Government while pursuing their grisly business.

An uncommitted Department of Justice will want to dismiss the Miller case after an unbiased review of the facts and will pursue rather than protect Mario Natalizio, Anthony DiPasqua, Rosario Ippolito and the other smugglers who committed the crime.

I implore you to request that no decision to go forward in a retrial of James Miller is made before I get a chance to explore the details and the

The Honorable Richard G. Kleindienst

March 28, 1969

implications of the case (including the guilt of the persons named above) with you personally.

Sincerely,

Steven Duke

SD/jnf
Enclosures

April 2, 1969

The Honorable Richard G. Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst:

Yesterday, I was informed that the Department of Justice had decided to proceed with a new trial of James Miller. This was a tragic error which I am confident will be corrected if someone in the Department whose career is not involved in the prosecution takes a hard look at the facts.

On June 19, 1964, federal and state officials, accompanied by the press, arrested James Miller in his beauty shop in Milford, Connecticut. The charge was conspiracy to smuggle narcotics. The press reported that Miller was a "key cog in the New York Underworld," principal in the largest international narcotics smuggling ring ever "broken up." The announcement was attributed to Attorney General Robert Kennedy.

In fact, as the Government well knew, Miller was a legitimate businessman and was not and never had been a "key cog" in the New York or any other underworld. Four and a half years of negotiation and litigation followed, culminating most recently in the Second Circuit's reversal of Miller's 1966 conviction.

I have earlier stated, in a motion to the Court of Appeals, that the Miller case is the most inexcusable perversion of Justice in the recent history of the federal criminal process. I have not modified that view. Leaving aside all questions of fairness which have been raised in the past four and one-half years, I will sketch below the particulars of my proofs that (1) James Miller is innocent and numerous persons in the Department of Justice should know it; (2) The pursuit of an initial hunch has hardened over the years into total incapacity to think and has prevented responsible officials from investigating the guilt of those who actually committed the crime; (3) The crime was actually perpetrated by Mario Natalizio, Anthony DiPasqua, Rosario Ippolito and others. DiPasqua and Ippolito were well known to the Department as high level narcotics smugglers before 1963, yet during the period when this crime should have been investigated, they were apparently removed from the minds or the records of the Organized Crime Section.

In a letter to your predecessor, Mr. Warren Christopher, I requested an audience and urged a full scale review of the case, suggesting that the Department might want to clean out its closets before your administration took

The Honorable Richard G. Kleindienst

April 2, 1969

over. My request was denied, my suggestion disregarded. I now request a dismissal because the evidence of Miller's innocence and the incompetent investigation of the case is now so clear that a retrial will be (a) an inhumane imposition on Miller and his family, (b) a source of embarrassment to the Department, (c) a perpetuation of the present immunity of the racketeers who committed the crime, (d) a pointless proceeding, since there will almost certainly be an acquittal and, if not, further appeals until justice is finally found. If the evidence outlined below does not persuade you, I urgently request the assignment of an unbiased investigator, to whom I will in return for a modicum of cooperation, disclose virtually all the evidence in my files -- much of which has not yet been produced in court.

The story begins with the arrest, on October 10, 1963, on the Texas border, of Joseph Michael Caron, who confessed that three weeks before (September 21) he had delivered a cargo of heroin to an unknown man in Bridgeport, Connecticut; and that four weeks before that (August 22) he had delivered another load to the same man at the same place. Caron thought the man's name was "Frank." He described the transferee as weighing about 200 hundred pounds, about forty, five feet ten, and "Italian or Jewish . . . Roman nose, curly black hair, dark complexioned." Miller, six feet, weighs about 170, is neither Italian nor Jewish, does not have a Roman nose, and is light complexioned. Caron then selected the photo of a man named Frank Mancuso. -A few days later, he said of Miller's photos (having been shown three shots of Miller in a stack of eight or ten), they "look like him, but I can't be sure. I would like to see him in person." Four months later, Caron was shown Miller and told "When you see him let me know." He made no positive identification. Not until the next day, when shown Miller again, did Caron "identify" him.

After first swearing she had not seen the man in Bridgeport and couldn't identify him, and fully aware that her husband's freedom depended on his testifying against Miller, Mrs. Caron at trial pointed her finger at Miller.

There was virtually no other evidence at trial, except Caron's statement, made after twenty-three months of incarceration and during an intensive three day interrogation, that his boss, Rivard, had said "Frank" is a "hairdresser." Apart from this statement, the case against Miller was purely and simply an eye-witness identification case -- the kind of case which puts more innocent people in prison than all others combined, as the Government agents should have known.

Against the Caron identification of Miller, there are business records and sworn testimony of customers that he was working in his beauty shop at all times when Caron was transferring his cargo to the guilty man, both in August and September, 1963. The transfers, which took considerable time, both occurred in early afternoon, on normal working days, a twenty minute drive from Miller's place of business.

The Honorable Richard G. Kleindienst

April 2, 1969

Miller took a truth serum test from a prominent psychiatrist, Dr. G.H. Gerow, of Westport, Connecticut. Dr. Gerow is convinced, as a result of the test, that Miller is innocent.

Miller also took a polygraph test from Dr. Thomas McShane, head of the Department of Psychology, Pace College, formerly in charge of polygraphs for the FBI. Miller passed the test and convinced Dr. McShane that he is innocent.

According to the testimony of respected psychiatrists, Caron's identification testimony was worthless, his testimony attributing to Rivard the statement about "Frank" being a "hairdresser" was a fabrication "to a certainty," and Caron's misidentification of Miller was cemented into his mind by the incompetent administration of hypnosis, three months before trial, by none other than the federal prosecutor, Mr. William Butler.

In addition to quoting Rivard as saying "Frank" is a "hairdresser," Caron said, that Rivard had remarked that he had eaten steak in "Frank's" backyard. Testimony in court was uncontradicted that the Millers had never served steak in their yard and had never had a Canadian as a guest.

Lucien Rivard, now in prison, swore that he had never met nor heard of James Miller and had never said anything to Caron about a hairdresser. He offered to submit to a polygraph on these sworn statements.

Even if the above were not enough to establish Miller's probable innocence, there is much more, to-wit, proof beyond reasonable doubt that the crime was committed not by Miller but by one Mario Natalizio and his confederates.

Natalizio confessed to Miller in a tape recorded conversation in 1965 (which Mr. Henry Peterson, head of the Organized Crime Section, claimed as late as January, 1968, contained nothing which incriminated Natalizio -- proving either that Mr. Peterson can't hear, can't read, or can't be bothered). He also confessed in writing in July, 1967, and orally, in great detail, to two private investigators, in August, 1967. He since has repeatedly admitted that he committed the crime, and his underworld associates are well aware that he, not Miller, is the guilty party.

Natalizio perfectly fits the description Caron gave of the culprit three weeks after the event. He gave Government agents a written statement denying he had been in Bridgeport in August and September, 1963, and told numerous other witnesses to lie for him and say that he had not left Miami. He explained that he needed a false alibi because he had "been smuggling gold." He has since admitted under oath that he lied to the Government and that he was in Bridgeport in the summer of 1963.

The Honorable Richard G. Kleindienst

April 2, 1969

There is ample other evidence corroborating Natalizio's guilt and implicating other narcotics smugglers:

(1) Roger Beauchemin, Rivard's courier on a delivery to Flint, Michigan, three weeks before Caron's first delivery in Bridgeport, testified that the man in charge of receiving his cargo in Flint was referred to by Rivard as "Frank" and answered to the name "Frank". This man he positively identified as Salvatore Giglio, (high level narcotics trafficker). Beauchemin also testified that he helped load the narcotics into a 1958 Buick bearing Florida license plates.

(2) Assistant U.S. Attorney William Butler admitted in Court that one of the participants in Bridgeport was believed to have been Salvatore Giglio.

(3) Natalizio's landlord during 1963, and the landlord's wife, testified that Natalizio, who had confessed to two private detectives that he had done the job with "two men on the lam", had in fact lived with two fugitives in Miami, one of whom was Anthony DiPasqua (a high ranking narcotics smuggler associated with Rivard and Giglio). Giglio had made visits to Natalizio and the other two men and had held secret conferences with them, after which Natalizio and one of the others would make trips. In mid July, 1963, after a visit from Giglio, Natalizio and the other fugitive, who went under the name "Sabbatini" (later identified as Rosario Ippolito), borrowed money to go "north on a score", which they said would take them, among other places, to Bridgeport, Connecticut. They made the trip in Sabbatini's green 1958 Buick bearing Florida license plates. They returned toward the end of August, and repaid the loan. Natalizio said that they had been both to Flint, Michigan and to Bridgeport, Connecticut. About a week later, another trip was made to Bridgeport. This time, both fugitives ended up, along with Natalizio, in Bridgeport, where they stayed for about two weeks. Near the end of September they returned to Miami. Before they came back, however, Natalizio asked his landlord to carry back for him an eight-inch stack of cash. A month or so after they returned to Miami (not long after Caron had been arrested on the Mexican border and had confessed), Natalizio told his fugitive friends to "screw" and they moved out immediately, leaving some of their belongings. Natalizio then induced several people to lie for him and to state that he had never left Miami in the summer or fall of 1963. His explanation was that he and the fugitives had been "smuggling gold" on their trips north.

(4) Charles Schnee submitted affidavits relating that he had seen Natalizio in Bridgeport in August and September, 1963, and that in November, 1963, Natalizio had offered him \$500 to extract registration cards from the Bridgeport and Fairfield Motor Inns (Sabbatini, according to Natalizio's former landlord, had stayed in the Fairfield during the September "score"). One of the names, Schnee recalled, "sounded like 'tini'", was an Italian name, and "could very well have been" Sabbatini. Natalizio later threatened that he "would get" Schnee if he revealed Natalizio's role in the registration removal attempt, and told Schnee to "take the fifth" if called before a grand jury.

The Honorable Richard G. Kleindienst

April 2, 1969

(6) Louis Schnee and Joseph Scala, both of Bridgeport, corroborated much of Charles Schnee's affidavit.

That is the merest sketch of the evidence corroborating Natalizio's guilt. Details are contained in Appellant's most recently filed appellate briefs, which are enclosed.

In August, 1967, I informed the United States Attorney in Connecticut, Mr. Jon Newman, that my sources indicated that Anthony DiPasqua (who had recently been arrested after being a fugitive for seven years on an old narcotics indictment) had been involved in the Bridgeport transfers with Natalizio. I repeated this in a letter to the Solicitor General and again, in January, 1968, in a conference in Washington with Mr. Peterson. Mr. Peterson did not know who DiPasqua was, despite the fact that he is listed, in the Department's submission to the McClellan Committee in 1963, as one of New York's largest narcotics traffickers, dealing, through Salvatore Giglio, with the Cotroni (Rivard) organization in Canada.

In September, 1968, I revealed, through testimony of an investigator for the Committee for Justice (a group of concerned citizens), extensive evidence regarding the identity and whereabouts of Harry Sabbatini (since identified as Rosario Ippolito, a parole violator, since 1961, from a New York murder charge, and a close associate, in narcotics smuggling, of DiPasqua and Angie Tuminaro). No one in the Government seemed to know or care anything about Sabbatini or his past or present criminal activities. Indeed, the Government has not yet seemed willing to concede that Sabbatini-Ippolito exists.

The evidence already produced in court is more than enough to convict Natalizio of the crime for which Miller was convicted. It is more than enough to convince any rational person that Miller was the victim of a fantastic miscarriage of justice. What is plain is that the persons responsible for the prosecution and conviction of Miller -- who were told about Natalizio's guilt in 1964 -- are desperately trying to avoid a confrontation with the truth and their own laziness or stupidity. They not only wouldn't investigate -- and won't now -- they won't even examine and consider the evidence produced by the defense.

I assert categorically and without the slightest fear of disproof that no person in the employ of the United States Government, has so much as a working familiarity with the facts of this case. I challenge the Government to produce any agent or any attorney who can relate with substantial accuracy and completeness the evidence which has been produced in open court in this case. I could recount proof after proof of the abysmal ignorance of the agents and attorneys in the Government of these facts. I referred above to Mr. Peterson's ignorance of the existence of one of the most significant narcotics traffickers in the northern hemisphere, despite several references in letters to the Department, to this very same man and his role in this case. United States Attorney Jon O. Newman, who is probably more knowledgeable about the case than anyone else

The Honorable Richard G. Kleindienst

April 2, 1969

in the Government, has repeatedly shown that he has not examined or considered evidence proferred by the defense. Just yesterday, when he informed me of the decision of some nameless persons in the Department to go forward with a re-trial, I suggested that he ought to listen to the taped conversations between Richard Lane and Mario Natalizio. He said that he had never heard that any such tapes existed. I pointed out that these very same tapes had been offered in evidence in a post-trial motion for new trial, excluded over his objection and made part of the record as an offer of proof. He still replied that he had been unaware that there had been any tapes.

Several knowledgeable people have expressed the opinion that the only way to explain the Miller case is the existence of an agent who is on DiPasqua's payroll. There is much precedent for this plausible theory. However, I am convinced, on the evidence which literally abounds, that there is a far more mundane proximate cause of the Miller monster -- namely, the sheer unwillingness of anybody in the Government to spend two weeks studying the case. Where the stakes are as high as they are here, such laziness is every bit as culpable as overt corruption, and equally destructive of the rule of law.

I became involved in this case because of its crude and simple injustice. As the evidence accumulated, however, I became equally concerned about the apparent inability of the Government -- in this case if not in others -- to conduct a decent investigation and to come up with proof against the guilty parties. It is shocking enough that the Government, with all its resources, prosecutes the wrong man; it is positively revolting to realize that in doing so the Government has been actively defending the mafia. It is time for the Department to get back in the business of prosecuting criminals, not persecuting hairdressers.

I am willing and anxious to explain or otherwise rebut any evidence or innuendo in Government files which might tend to corroborate Caron's identification of Miller. I have made this offer repeatedly. I have always been told that there is no such evidence or innuendo. If it now appears that I was misled, and there really is some undisclosed theory or rumor tending to cast doubt on Miller's claim of innocence, fundamental fairness, long denied in this case, requires an opportunity to be heard before a firm decision on retrial is made.

In closing, I repeat my request for a session with you personally, and with a capable subordinate who is willing to get on top of the facts in this case, and who owes no allegiance to anyone responsible for bringing it to its present shabby sate. Such a session will save the Government both money and respect. It will also help to stop the trafficking in narocites now carried on by DiPasqua, Sabbatini and Natalizio right in front of the glazed eyes of the Government.

Sincerely,

Steven Duke

SD/jnf
Enc.

April 7, 1969

Mr. George Revercomb
Assistant Deputy Attorney General
Department of Justice
Washington, D.C.

Re: United States v. Miller

Dear Mr. Revercomb:

I wish to thank you for the time and attention you gave me on April 3rd, and for your agreement to look into the Miller case personally. I was particularly heartened to hear that you have had some personal experiences with eyewitness identifications.

I do not expect you or anyone else to believe any of my assertions merely because I make them. On the other hand, I hope that they will not be disregarded as the hysterical rantings of an overzealous advocate. I have spent three years on this case, virtually full time, travelling at least fifty thousand miles in the course of my personal investigations, and having talked with every important witness. No one in the Department has spent a twentieth of this time on the case. I would hope, therefore, that in deciding whether the case deserves the review I ask, unsupported repetitions of third and fourth hand hearsay from members of the Department are not given substantially more weight than my claims, based upon first hand knowledge.

I have no doubt that if a responsible, uncommitted member of your staff were to spend two weeks on the case, listening to tapes, studying transcripts, and talking to witnesses, he would agree with most of the allegations in my letter of April 2nd. He would, in any event, certainly agree that the Miller case should be dismissed and new investigators assigned to prepare cases against the smugglers who committed the crime.

In the event that the materials which I submitted, together with information you obtain from the Narcotics Section, do not persuade you that a review of the kind I suggest is warranted, I urge you to grant me another interview and an opportunity to respond to the considerations that led you to reject my request. I would specifically like to reply to any suggestions that James Miller ever engaged in narcotics or other major

Mr. George Revercomb

April 7, 1969

criminal activities prior to the Bridgeport matter, which, of course, I categorically deny.

I repeat my offer to cooperate fully and candidly with an objective official assigned to investigate and review the case.

Again, I am grateful for the time and the intelligence you have already devoted to this matter.

Sincerely,

Steven Duke

SD/jnf

May 12, 1969

Mr. George Revercomb
Assistant Deputy Attorney General
Department of Justice
Washington, D.C.

Re: United States v. Miller

Dear Mr. Revercomb:

Since my letter to you of April 7, 1969, a number of things have happened in the Miller case which may be of interest.

About April 6, a Customs agent who has had some investigative duties in the case, a Mr. Lattimer, took my Miami investigator, Mr. William Marshall, to see half a dozen agents. Mr. Marshall identified three of them as Fenelon Richards, Fred Rody, and John Fallon. Without informing me, or requesting my permission, the agents proceeded to question Marshall extensively about everything he had done in the Miller case and everything he had heard. He cooperated completely, inasmuch as I had earlier told him that we had nothing to hide other than the identity of one confidential informant who is concerned for her safety.

Among the investigations which Marshall had conducted was a search for, and an attempt to identify, one Harry Sabbatini, a roommate of Anthony DiPasqua who, according to testimony we produced in September, participated with DiPasqua and Natalizio in the narcotics transfers in Bridgeport. Marshall had gathered extensive evidence corroborating our witnesses and had identified Sabbatini as Rosario Ippolito, a fugitive parole violator (for murder) from New York, and a former roommate of Angie Tuminaro's (former partner in narcotics importing with DiPasqua), and a person who is listed as a narcotics trafficker in the McClellan hearings on narcotics and organized crime (1963) at p. 957 (associate of Angie Tuminaro's). Most of this information had been brought out in court testimony eight months ago, in one of Miller's new trial hearings. At that time, we offered Mr. Newman any information he wanted on the matter but he never asked for it.

According to Marshall's report to me, none of the agents present at the conference with him last month believed that Harry Sabbatini existed, and knew virtually nothing of Rosario Ippolito. John Fallon, the

Mr. George Revercomb

May 12, 1969

Customs agent who is largely responsible for the mistaken identification of Miller and much of the subsequent cover-up, was in good form. He said that Sabbatini was another "red herring" and implied that the defense was putting together a manufactured case. He also proceeded to question my integrity, along with everybody else's who has had anything to do with the case. He expressed disbelief that I was working without compensation and suggested that I associate with undesirables (friends of my client's, presumably) which meant, apparently, that I too was an undesirable (one of his expressions was, "He was with people New Year's Eve that you wouldn't shit on."). Mr. Fallon also said that I had written the stories myself that appeared in the New York Times, Time Magazine, and the New York Post. "They are full of lies," he added.

Despite their continued unwillingness to acknowledge the possibility that Miller's case is anything but a gigantic concoction of lies Marshall apparently made them believe that they had better go out and see if they could discredit it. The result, apparently, has been disappointing. Mr. Lattimer, at least, seems now to believe the overwhelming evidence that Rosario Ippolito did indeed live with Anthony DiPasqua and Mario Natalizio, and that the three of them took some trips to Bridgeport in the summer of 1963 (contrary to the results of Mr. Fallon's "investigation" in 1965).

As the trial approaches, an innocent man is compelled to go further into debt and he and his family continue to suffer. There is no apparent evidence that any objective investigation will ever be conducted in this case, and the Justice Department continues to commit its resources and much of its prestige to the self-destructive service of a wildly prejudiced, hot tempered, arrogant, filthy-tongued ex traffic cop, who may owe all his venom to the fact that Miller once embarrassed him by challenging him to a fist fight.

I again urge the procedures suggested in my letter of April 7 and repeat the offers of cooperation there made.

Sincerely,

Steven Duke

SD/jnf

June 5, 1969

Mr. George Revercomb
Assistant Deputy Attorney General
Department of Justice
Washington, D.C.

Re: United States v. Miller

Dear Mr. Revercomb:

As I noted in my letter to you of May 12, 1969, federal agents assigned to the Miller case expressed doubt as late as April 6, 1969, that Rosario Ippolito, alias Harry Sabbatini, existed. On May 29, 1969, however, aided by detailed information provided them by the defense (which cost the defense \$6,000 to \$8,000 to acquire and was offered to the Government almost a year ago) federal agents arrested Ippolito in Corpus Christi, Texas, and thus put out of commission one of this country's top narcotics smugglers. I am pleased at this result. I only note that had the Government taken seriously Miller's claim of innocence and investigated the information provided it by Miller's defense counsel in July, 1964, Ippolito would have been stopped about four years ago.

I enclose a recent memorandum which I filed in court. It attempts to set forth, as comprehensively yet as succinctly as possible, all relevant aspects of the Miller case, including a history of the investigation. You will note at pp. 2 and 3 that a detailed description and the first name of Ippolito were provided the Government in July, 1964. This can be corroborated by detailed correspondence.

Sincerely,

Steven Duke

SD/jnf
Enclosure

June 24, 1969

Mr. George Revercomb
Assistant Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Revercomb:

When we had our brief visit on the Miller case on April 3rd and you agreed to look into the matter personally, I had the impression that you would have some response within a matter of weeks to my request for an opportunity to present my case to unbiased attorneys or investigators. Almost three months have now passed without any word from your office.

I have no desire to contribute to a precipitous or superficial review of the matter and I realize that you are extremely busy. On the other hand, the trial date (October 13th) is rapidly approaching. As each day passes, anxieties increase and commitments harden. Moreover, I have held in abeyance all other efforts to get a hearing, pending your review of the matter, and I cannot in conscience continue to do so indefinitely without some indication that my letters are being read and that some review is underway.

Experience in this case leads me to suspect that doubts have been cast on my integrity, veracity, or judgment by the same people who passed on the case in the previous administration. This leads me to fear that once again my requests for an opportunity to prove my assertions will be rejected on undisclosed grounds. If this is to be your ultimate decision, then I would like to have it now, so that I may quit wasting your time and mine. I urge you to consider a few things, however, before you permit yourself to be persuaded that such is the proper course. First, no one has ever disproved any assertion of fact which I have made in the course of this case. Many of my claims have been scoffed at, only to become undisputable later on. One of my claims is that the crime was committed not by James Miller but by Salvatore Giglio, Anthony DiPasqua, Rosario Ippolito, and Mario Natalizio. I can prove that claim to the satisfaction of any reasonably unbiased and intelligent person who will devote the time and effort to consider the evidence. If I am right, what does this mean, apart from the fact that an innocent man has been put through five years of torture? It means that had the Government properly investigated this case, and taken seriously the claims and the evidence proffered in Miller's behalf in 1961, the men who were importing approximately half of the nation's heroin supply in 1963, and presumably for quite a long time thereafter, would have been arrested and their smuggling stopped. If I am right, then there is,

* An announcement in the New York Times of June 16, relative to a new federal-state-city strike force on narcotics, states that the nation's heroin addicts consume 2000 kilos of heroin annually -- roughly 4000 pounds. The Cotroni

Mr. George Revercomb

June 24, 1969

as I have claimed, something seriously wrong with the law enforcement machinery which investigates and prosecutes smuggling cases in this country. It is precisely because the implications of my claims are so painful, I believe, that I have never had a hearing and that the Miller case proceeds to trial with the Government in the embarrassing position of virtually defending the country's major heroin importers.

The offer of full disclosure and full cooperation which I made in previous letters still stands. I will also submit to a polygraph examination conducted by Government experts, Mr. Miller and all other defense witnesses, with or without a prior agreement on the admissibility of the results. All I ask is the opportunity to take an uncommitted, competent lawyer through all the evidence in the case, at a pace which assures comprehension. I am unable to see how any Department of Government which is interested either in law enforcement or justice, much less both, can regard my tender as one which should be passed up.

Sincerely,

Steven Duke

SD/jnf

* (continued)

group involved in the Miller case imported about 310 pounds in a period of ten weeks, as shown in the record of the first Miller trial. That is an annual rate of approximately 1600 pounds. Assuming that a country which consumed 4000 pounds of heroin in 1969 consumed only 3200 in 1963, Giglio, DiPasqua, et al. were importing at a rate sufficient to supply half the nation's addicts.