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## Book Reviews: The Alias Program

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THE ALIAS PROGRAM. By Fred Graham. Little, Brown and Company, Boston. 1976. Pp. 239.

In July, 1965, a blue-ribbon panel was created by President Lyndon B. Johnson to investigate crime in American society. Titled the President's Commission on Law Enforcement and the Administration of Justice, the group issued a report in 1967 focusing on organized crime. Among other recommendations made by the Commission was this: "The Federal Government should establish regular procedures to help Federal and local witnesses who fear organized crime reprisal, to find jobs and places to live in other parts of the country, and to preserve their anonymity from organized crime groups."<sup>1</sup>

Pursuant to statutory authorization, such a witness protection program was established by the Justice Department in 1970. Title V of the Organized Crime Control Act<sup>2</sup> authorized the Attorney General of the United States to, among other things, "provide for the health, safety and welfare of witnesses and [their families, when that witness' testimony] would place his life or person, or [his family's] in jeopardy."<sup>3</sup>

Although some have argued that the statutory language authorizes protection only for the duration of the period in which the witness testifies, officials at the Justice Department believe differently. They have interpreted the statutory language as broad authority for the establishment of a program that not only protects witnesses while they testify, but also changes their identities, and their families', *after* they have outlived their usefulness to the government.

CBS Supreme Court correspondent Fred Graham questions the concept of witness relocation in *The Alias Program*. His book is essentially a narrative of the trials (three) and tribulations (innumerable) of Paul J. Maris, *nee* Gerald Martin Zelmanowitz.

The latter character was a Brooklyn high school dropout who earned his living by "hanging paper;" in layman's terms, Zelmanowitz was nonpareil at fencing stolen securities. He had always, however, harbored a deep distrust of his fellow thugs and thought of himself as a more refined swindler.

After witnessing the brutal beating of a loan-shark victim by mobsters, and after being indicted for his participation in a complex securities fraud case, Zelmanowitz decided to testify against several New Jersey mob figures. His testimony put some of these mobsters, including Jersey loan-shark king Angelo "Gyp" DeCarlo, behind bars.

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1. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* 204 (1968).

2. Pub. L. No. 91-452, 84 Stat. 922 (1970).

3. Pub. L. No. 91-452, 84 Stat. 933 (1970).

Although Zelmanowitz hoped to be relocated in Paris, France, the government sent him to the San Francisco area, along with several members of his family, as Paul J. Maris. Zelmanowitz/Maris eventually became a prosperous businessman. But ultimately, owing to the government's inability or unwillingness to provide him with an alias that could withstand even routine inquiry, Maris' cover was blown and he and his family were forced to flee for their lives.

Sandwiched between episodes of the Zelmanowitz story are tales of other government witnesses who were relocated under the alias program and what happened to them, their families and unsuspecting fellow citizens.

Take the case of Pasquale Calabrese. He was one of the first witnesses relocated under Title V. He, his wife, and his children by another marriage disappeared from their home soon after Calabrese began informing on several local mob figures. When the children's real father sought to learn their new home, the Justice Department refused to divulge the information. The father carried the fight to see his children to the United States Supreme Court, which refused to overturn the Justice Department's decision.<sup>4</sup> Similar difficulties have been experienced by other separated or divorced parents confronted with the same dilemma.

Another recurring problem is presented by relocated witnesses who resort to their former ways, defrauding unsuspecting citizens by incurring extensive debts under their alias. When the debts run up too high, the witness will abscond, adopt a new alias and repeat the process.

Graham scores the Justice Department for allowing such schemes to succeed, and traces the problems that plague the alias program to three main causes:

- 1) a decision by the Justice Department to go only "half-way" in its approach to the program;
- 2) the complexity of modern life, which renders the creation of a foolproof alias a virtual impossibility;
- 3) bureaucratic bungling by the Justice Department.

Graham's arguments are persuasive when he demonstrates the administrative deficiencies in the program. He is not as convincing in other areas. His insistence that it is questionable whether Congress intended to create an alias program by enacting Title V is, at best, debatable. Although the statutory language might appear to be vague, pre-Title V experience of the Justice Department in protecting witnesses, coupled with the remarks of several House

4. *Leonhard v. Mitchell*, 473 F.2d 709 (2d Cir. 1973), *cert. denied sub nom.*, *Leonhard v. Richardson*, 412 U.S. 949 (1973). For a book detailing Mr. Leonhard's fight to see his children, see L. WALLER, *HIDE IN PLAIN SIGHT* (1976).

members during debate on the enactment of the Organized Crime Control Act, points up the likelihood that Congress intended to leave the details of witness protection to the discretion of responsible officials in the Justice Department.

Graham is probably correct, however, in asserting that the Justice Department's "half-way" attitude and the bungling of middle-level bureaucrats are hampering the effectiveness of the program. There is a tension between the Justice Department's acknowledged duty to protect witnesses from harm after they have concluded their service to the government, and its duty to protect society from recycled criminals who would prey upon innocent and unsuspecting citizens. In fact, high officials in the program frankly admit their unwillingness to furnish an alias so thorough that it cannot be broken.

The Justice Department's bungling takes a number of forms. A common instance occurs where — as in the Zelmanowitz case — the government issues new social security cards to the witness and his family, *consecutively numbered*. Other times, the government provides witnesses with elaborate resumés, but neglects to notify businesses and references (there are a large number who have agreed to aid the Justice Department in this deception) listed on the resumé, so that they can "adjust" their records accordingly. Consequently, a simple phone call to check on a reference named in a resumé is often, by itself, sufficient to demolish an alias. Zelmanowitz was provided with a resumé listing the high school from which he had graduated as John Bertram High, in Philadelphia. No attempt was made to notify the school of their new alumnus. The name of the school, turned out to be John Bartram, and anyone from the Philadelphia area would likely have discovered the falsity of Maris' resumé without further inquiry.

Naturally, the Justice Department has been under siege by irate victims of the program. Several suits have been filed against the government, including one by Zelmanowitz, alleging negligence on the part of Justice Department officials for failing to foolproof the Maris alias. That suit, and a similar one by another relocatee, is working its way up through the federal courts.

Graham's book is fast-paced, well-written and informative. But the author seems to have started with the conclusion that the alias program is ill-conceived and mismanaged, and then worked backwards, groping for his factual premises along the way. Ostensibly because the impetus behind the witness protection program was provided by former Attorney General John Mitchell, Graham also manages to lay part of the blame on the doorstep of Richard Nixon, and his administration's penchant for secrecy and deception.

It is disturbing to many people that the government has become a principal in a scheme to mislead its citizens by creating aliases for

criminals. Others say the threat that organized crime poses justifies such a program. Perhaps it is this disagreement that makes *The Alias Program* a book difficult to cast aside.

*Robert A. Greenberg*