

By Susan Saiter

**E**nigma"—that's what U.S. District Judge Prentice H. Marshall called Joseph "Joey the Clown" Lombardo following his conviction in December in the Teamsters trial. The reputed Mafia street boss used to stand in the hallway during recesses, smoking skinny cigars and telling jokes that were unrepeatable—not because they were dirty, which they usually were, but because they were the kind that all your friends told when they were snapping towels at each other after gym class in seventh grade.

But if you chuckled with him, he'd usually be waiting for you next morning before court began, dressed up in his slick suit and pointy-toed shoes, with a joke he'd just remembered last night, and then some advice on how to raise your daughter or a comment on how the newspapers were covering the trial.

After he was convicted, along with Teamsters Union president Roy L. Williams and insurance executive Allen M. Dorfman, of conspiring to bribe U.S. Senator Howard Cannon of Nevada, he did not meet his \$2.5 million bond and sat out the time before sentencing in the Metropolitan Correctional Center. Dorfman was murdered and Williams grew increasingly ill with emphysema, and the two minor defendants in the trial were busy with other things. So Lombardo alone showed up every day for the four-week presentencing hearings in February and March.

The slick suits and pointy shoes were gone, replaced by a yellow, blue, or green prison jump suit and sneakers. And there were no more jokes with reporters. Each day, he rocked in his chair in the courtroom, his face like the palm of an old leather glove, listening as a parade of FBI agents, mobsters turned informants, and his neighbors testified as to whether Joey was or was not a member of the Mafia.

During these proceedings, the FBI played tapes of several wiretaps in which Lombardo and the others discussed the business of Chicago's and other cities' "families." His feisty lawyer, Frank Oliver, then set out to prove that not only is Lombardo not a Mafia member, but that the Mafia is a figment of the FBI's, Hollywood's, and *Godfather* author Mario Puzo's imaginations. Anyone who believes in the existence of the Mafia, said Oliver, is as likely to "believe in unicorns." While the FBI presented a calm, competent case, Oliver was sarcastic and scrappy, at times brilliant, as he stormed about the courtroom, asking the FBI to produce organization charts, membership lists, or other proof of the existence of this "specter."

None of them did.

The FBI used the same "conspiracy" peg to chase communists in the 1950s, hippies in the 1960s, Oliver would mutter, then launch into his neo-Cartesian arguments, the stuff of debates on the existence of a chair, or God.

While he said he was open to learning "the legerdemain of mobology," in the end the judge didn't buy Oliver's side, slapping a 15-year prison term on Lombardo and 55 years on Williams (reduced to nothing in the wake of a medical report and his resignation from his union post) and a \$29,000 fine from each.

You and I are nice people. The FBI doesn't tap our telephones or hide microphones in our homes. We may swear sometimes, we may discuss



photo/Perry C. Riddle—Chicago Sun-Times

*Joey Lombardo was facing a long prison term for one reason: he belonged to the Mafia. But the Mafia, argued his lawyer, doesn't exist.*

marginally or actually illegal activities—buying or smoking pot, beating traffic tickets, or how someone paid off a cop, how we'd like to get our hands on so and so...but we don't do anything everyone else doesn't do. Right?

The FBI can wiretap people they suspect as members of organized crime. Selecting from among the 2,000 reels of tape recorded mostly in 1979, they got Williams and Lombardo sentenced to long prison terms, even though they never did most of the things they talked about on the tapes.

The FBI's case in the three-month trial depended largely on these wiretaps, many from Dorfman's Amalgamated Insurance office on West Bryn Mawr, where the conspiracy—to offer Cannon a piece of Las Vegas land in

exchange for stalling a trucking deregulation bill—took place for the most part. The fact that the bribe didn't go through and that the bill passed didn't matter. In the unusual presentencing hearings, Judge Marshall allowed for the second time in federal court history evidence on Mafia connections to prove the defendants deserved long sentences. The FBI played wiretaps revealing them discussing Mafia and Teamster business, most of which never transpired.

Dorfman's role in all this, according to the FBI, was to be the link between Lombardo's mob and Williams's union, whose pension fund regularly lent money at low interest rates for shady Las Vegas real estate deals. Dorfman met his maker in the parking lot, the police theorize, because he

knew too many Mob secrets.

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Frank Oliver strode toward the witness he had subpoenaed, past the mahogany tables piled with the half dozen lawyers' documents and sprinkled with the yellow headsets for listening to the wiretaps (reporters and the public heard them through loudspeakers). He asked veteran FBI agent Edward D. Hegarty to "scientifically" define organized crime.

Hegarty balked at offering a "scientific" definition, but did his best at a generic one. "Organized crime is a series of groups of people engaged in criminal activity. It has existed for many years, is tightly controlled and disciplined internally. It is sometimes called 'La Cosa Nostra.'"

Another subpoenaed witness, U.S. Attorney Dan Webb, was asked whether he believes it exists. "There is a structured entity within the city of Chicago, commonly referred to as the Mob, the Mafia, the Outfit, which definitely does exist."

FBI Special Agent Peter Wacks, who headed the wiretap operations, when asked if he believes the Mafia exists, replied that he didn't just believe it, "I know it." Oliver rubbed his forehead angrily. "Now, Mr. Witness, about this underworld that you don't believe exists but which you know exists..."

Oliver's surprise witness, Irwin Weiner, the man who had been with Dorfman when he was killed, at first said of the Mafia, "There really is no such thing."

But later the former bail bondsman gave his knowledge of criminal operations he said were less grand than the Mafia's are reputed to be and described a "street tax."

He turned to the judge: "OK, let's say you were a bookie, and I brought you a customer..." Judge Marshall peered through his wire-rimmed bifocals as Weiner explained. Oliver ran his hand through his hair and mumbled mostly to himself, "I'm only glad you didn't use a house of prostitution as an example."

Weiner said crime is organized more in small networks, and that there is no highly structured ring of Italians and Sicilians.

Oliver continued, attempting to show that the FBI's definition is based on fantasy and questionable sources—primarily convicted felons turned informant. He also hoped to show that the FBI persecutes members of this "alleged Mafia" much as it has "peace protesters, unions, and whatever else the government doesn't like at the time."

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Oliver portrayed his client, the "enigma" who supplied only a minimal description of his finances, even though it meant an astronomical bail figure, as nothing more than an average working stiff.

He waved two photographs at witnesses. One shows Lombardo wearing goggles and work clothes covered with fiberglass fragments; it was taken at his job in the mid-1960s at International Fiberglass, owned by Irwin Weiner.

When it was suggested that Lombardo was set up in that job as the protege of a higher-up mobster, Oliver cried, "This is someone's protege? Working under conditions that would have been condemned on a Roman galley ship?"

The other is the famous restaurant photo of the top echelon of the Chicago Mob, introduced by the FBI as