

Donati wasn't informer, court told

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ABSTRACT (ABSTRACT)

Responding to yet another deadline by US District Judge Mark L. Wolf, Acting Deputy Attorney General Seth P. Waxman -- who had been threatened with contempt and jail for twice refusing to disclose whether Robert Donati was ever a government informant -- finally said yesterday that he was not.

In a two-paragraph affidavit filed yesterday afternoon in US District Court, Waxman said Donati was never an informant for the FBI or any other Justice Department agency. Donati was murdered in 1991.

FULL TEXT

Ending a standoff that threatened to jeopardize crucial evidence in the prosecution of top mobsters, federal prosecutors yesterday relented and revealed that a dead man with Mob ties was never an informant for the government.

Responding to yet another deadline by US District Judge Mark L. Wolf, Acting Deputy Attorney General Seth P. Waxman -- who had been threatened with contempt and jail for twice refusing to disclose whether Robert Donati was ever a government informant -- finally said yesterday that he was not.

In a two-paragraph affidavit filed yesterday afternoon in US District Court, Waxman said Donati was never an informant for the FBI or any other Justice Department agency. Donati was murdered in 1991.

Wolf had threatened to immediately suppress wiretap evidence -- including the bugging of a Mafia induction ceremony in 1989 -- unless Waxman complied with his order to disclose the informant status of four men, including Donati.

Earlier this week, convicted mobster Angelo "Sonny" Mercurio admitted under oath that he was acting as an FBI informant when prosecutors were seeking court permission to bug a Mafia induction ceremony in Medford in October 1989.

The attorney for another suspected informant, Kenneth F. Guarino of Rhode Island, told Wolf that Guarino was never an informant. The fourth suspected informant, Anthony St. Laurent, also of Rhode Island, denied outside the courtroom that he was an informant, but his attorney told the court that St. Laurent would invoke the Fifth Amendment if asked the question under oath.

Both men are expected to be called to testify at a later date.

The identification of informants is critical to claims by lawyers for indicted Mafia boss Francis P. "Cadillac Frank"

Salemme, Winter Hill Gang leader Stephen J. "The Rifleman" Flemmi, and two associates that FBI bugging – including the Mafia induction ceremony – was illegal because the judges who approved it were not told that the agency had cultivated informants who might have been able to provide the same information.

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