

Use of Bulger raises questions for FBI

Cullen, Kevin . Boston Globe ; Boston, Mass. [Boston, Mass]. 08 June 1997: A, 1:5.

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ABSTRACT (ABSTRACT)

While suggestions that someone in the FBI had been tipping off James J. "Whitey" Bulger to keep him a step ahead of other law enforcement agencies had long been dismissed by the FBI as sour grapes, the admission by the FBI about its 20-year relationship with Bulger gives weight to those allegations, including one that Bulger was tipped off so he could flee in 1995 before his arrest on racketeering charges. If Bulger were arrested, his likely defense would have been to say he was working for the FBI.

At the request of defense attorneys for Bulger's longtime associate, Stephen J. "The Rifleman" Flemmi, and reputed Mafia boss Francis P. "Cadillac Frank" Salemme, who sit in jail while Bulger remains at large, US District Judge Mark L. Wolf has forced the FBI to explain how and why it used some gangsters to prosecute others. As a result, the FBI will be on the defensive for years, and some of its former agents could become the targets of probes into allegations that the bureau compromised other investigations in an effort to protect Bulger.

When Spotlight Team reporters confronted the FBI with information that they said confirmed Bulger's role as an informant, the FBI denied it. The FBI's special agent in charge at the time, James Ahearn, was vehement in his denial and suggested that the reporters who worked on the story would never be trusted by law enforcement officials again. Retired FBI agent John Connolly, who was the last of a series of agents who worked as Bulger's handler, scoffed at the Globe's contention. Shortly before the Spotlight series was published, another FBI agent called one of the reporters and warned him that Bulger would kill him if the Globe printed that Bulger was an informant. The agent, who insisted Bulger was not an informant, said Bulger knew where the reporter lived in South Boston, a section of the city that Bulger controlled.

FULL TEXT

NEWS ANALYSIS

{A PUBLISHED CORRECTION HAS BEEN ADDED TO THIS STORY.}

Now that the FBI has publicly admitted it used fugitive gangland leader James J. "Whitey" Bulger as an informant, the questions become why and, even more important, why for so long?

While suggestions that someone in the FBI had been tipping off Bulger to keep him a step ahead of other law enforcement agencies had long been dismissed by the FBI as sour grapes, the admission by the FBI about its 20-year relationship with Bulger gives weight to those allegations, including one that Bulger was tipped off so he could flee in 1995 before his arrest on racketeering charges. If Bulger were arrested, his likely defense would have been to say he was working for the FBI.

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reputed Mafia boss Francis P. "Cadillac Frank" Salemme, who sit in jail while Bulger remains at large, US District Judge Mark L. Wolf has forced the FBI to explain how and why it used some gangsters to prosecute others. As a result, the FBI will be on the defensive for years, and some of its former agents could become the targets of probes into allegations that the bureau compromised other investigations in an effort to protect Bulger.

In the short term, Wolf's ruling could get the pending racketeering charges against Flemmi, Salemme and, ironically, Bulger dismissed. In the long term, defense lawyers will seize upon the disclosure that the FBI used Bulger, Flemmi and several Mafia members as informants in attempts to overturn the convictions of other gangsters. Nationally, the scandal feeds a perception of the FBI as a troubled agency, its integrity under attack as never before in its history.

Even the most bitter critics of the FBI, law enforcement officials who believe their investigations of Bulger were compromised, were shocked to learn on Friday that the FBI had kept Bulger, the city's most storied and reputedly violent gangster, as a snitch until 1990.

"It is the height of irresponsibility," said one federal drug agent, "and it is the height of arrogance."

Perhaps most stunning is the disclosure that the FBI retained Bulger as an informant even after the Boston Globe Spotlight Team reported in 1988 that one of the reasons he had escaped prosecution despite his reputation as a drug trafficker and killer was because of his relationship with the FBI.

When Spotlight Team reporters confronted the FBI with information that they said confirmed Bulger's role as an informant, the FBI denied it. The FBI's special agent in charge at the time, James Ahearn, was vehement in his denial and suggested that the reporters who worked on the story would never be trusted by law enforcement officials again. Retired FBI agent John Connolly, who was the last of a series of agents who worked as Bulger's handler, scoffed at the Globe's contention. Shortly before the Spotlight series was published, another FBI agent called one of the reporters and warned him that Bulger would kill him if the Globe printed that Bulger was an informant. The agent, who insisted Bulger was not an informant, said Bulger knew where the reporter lived in South Boston, a section of the city that Bulger controlled.

What Ahearn, Connolly and other agents who made their careers as streetwise investigators who could pry information from wiseguys could not or would not comprehend, however, was that many in law enforcement, including in the FBI, thought it was morally, ethically and perhaps legally wrong to keep Bulger as an informant when he had become as powerful, if not more so, as any of the gangsters he helped take down.

By 1983, when the Angiulo brothers who ran the Boston Mafia were carted off to prison, in part, the FBI says, because of information supplied by Bulger, Bulger was arguably the most powerful gangster in Boston. And yet, the FBI retained him as an informant for another seven years.

Keeping Bulger as an informant even after his cover was blown strikes other law enforcement officials as indefensible, because other criminals would have been wary of him.

"What could he give them after it's plastered all over the newspaper that he's a rat?" asked a State Police detective who still polices the underworld. "But, hey, these guys {FBI} saw no problem in buying booze for their Christmas party from Whitey's liquor store, so are you really surprised by all this?"

In 1990, the Globe reported that the FBI bought liquor at a discount at a South Boston store controlled by Bulger.

The booze was used as gifts at the FBI's annual Christmas party in 1989, when the bureau was still using Bulger as an informant.

When looking for an explanation of why Bulger would be protected for so long, many in law enforcement point to South Boston. They do not believe it is coincidence, for example, that John Connolly, Bulger's last handler for the FBI, grew up on the same streets as the Bulgers and that Connolly is friendly with the gangster's brother, former Senate President William M. Bulger.

When Connolly retired from the FBI, he got a job as head of security at Boston Edison. And after Connolly was promoted at Edison, he was replaced by his close friend and retired FBI agent Nick Gianturco, who had worked with Connolly on the FBI's organized crime squad throughout the 1980s, also no coincidence, according to some law enforcement officials.

Some in law enforcement, however, say it is unfair to blame Connolly alone for holding onto Whitey Bulger too long. They say Connolly's supervisors should not have allowed him to work as Bulger's handler because of their common backgrounds. Connolly, they say, was too close to be objective, shared the widespread perception in South Boston that Whitey Bulger kept the streets safe by ruling with an iron fist, and was too sympathetic toward Bulger's family to want Whitey Bulger and his family humiliated by his arrest.

"You don't let the hometown boy work the hometown wiseguy," said one State Police detective. "You're asking for conflicts of interest." Connolly has refused to comment on Whitey Bulger to the Globe.

When the Spotlight Team report was published, the FBI vehemently denied it, and some agents used friendly contacts in other media to disparage the report and the reporters who worked on it. But last week, as other news media began asking embarrassing questions, some stories sought to put a positive spin on Whitey Bulger's relationship with the FBI. Whitey Bulger, the story went, was so valued by the FBI because he saved the lives of two undercover agents in the 1970s.

There are problems with those stories, however, according to other law enforcement officials. Besides being self-serving, the claims are unverifiable. Secondly, while those stories might explain why the FBI felt indebted to Bulger, they don't provide an objective justification under Justice Department guidelines that govern the use of informants for why Bulger was allowed to remain above prosecution after he had become the city's preeminent gangster.

Law enforcement officials who believe their investigations into Bulger were compromised were incredulous when they found out that one of the lives Bulger supposedly saved was that of Nick Gianturco, Connolly's colleague on the FBI's organized crime squad and the man who replaced him as chief of security at Boston Edison.

Those who coordinated the investigation in which Bulger allegedly tipped off agents to a threat on Gianturco's life said they never knew his life was in danger, and the investigation was not altered in any way because of any supposed threat. Bob Long, a retired State Police detective, who with FBI agent David Brady supervised a joint investigation dubbed "Operation Lobster," said he was never made aware of any threat to Gianturco, who as an undercover agent bought stolen goods from the probe's targets.

If the stories about Whitey Bulger saving the lives of agents are true, they raise other questions. Last fall, when the FBI believed Bulger was in New York City, the bureau launched what it called a major operation to trap the fugitive. That operation was headed by FBI agent Charles Gianturco, Nick Gianturco's brother. Law enforcement officials say it is beyond comprehension that the FBI would allow someone who presumably would view Bulger as the

person who saved his brother's life be responsible for locking up Bulger.

"It's such a blatant conflict, you wouldn't do it," said one federal agent.

Aside from the prosecutions that could crumble because the FBI may have misled federal judges about how it obtained incriminating information against gangsters, and because the FBI allegedly authorized Bulger and Flemmi to engage in criminal activity to enhance their covers as informants, perhaps the most corrosive effect of the FBI's use of Whitey Bulger is the divisiveness it has created among law enforcement agencies.

For years, law enforcement officials have complained there were two sets of rules: one for the FBI, and one for the rest of them. That perception, fed perhaps more than anything by the FBI's handling of Whitey Bulger, has created mistrust, bad blood that has aided Bulger and other gangsters in avoiding prosecution.

Coming on the heels of the FBI's other problems, from Waco to Ruby Ridge to the beleaguered FBI laboratory, the Whitey Bulger scandal threatens the credibility of the FBI locally like no other episode in Boston's history.

Meanwhile members of the FBI's Office of Professional Responsibility were expected in the Boston office from Washington this week to question agents and scrutinize documents in Bulger's case, the sources said.

According to sources, the FBI has launched an internal probe into whether some agents had been warning Bulger when other agents got close amid suspicions he was tipped off last year that agents were looking for him in New York.

As was the FBI's response to the Spotlight report nine years ago, the FBI's tactic has been to deny, deny, deny. Even now, it is refusing comment. But with a federal judge showing he will not shrink at the FBI's demand for secrecy, the FBI and the Justice Department can no longer just say no.

Bob Long, whose efforts to take down Whitey Bulger were repeatedly compromised, said those who took a swing at Bulger are encouraged by Judge Wolf's resolve, if disappointed that the truth may set gangsters free.

"All we want to know," he said, "is the truth."

Illustration

PHOTO; CAPTION:1. The FBI's admission about its relationship with James J. "Whitey" Bulger gives weight to allegations that the FBI has tipped him off. / GLOBE FILE PHOTO 2. The FBI's revelation could get racketeering charges against Bulger and his associates Stephen J. "The Rifleman" Flemmi (above) and Francis P. "Cadillac Frank" Salemme, dismissed. / GLOBE FILE PHOTO {CORRECTION - DATE: Monday, June 9, 1997: CORRECTION : Because of an editing error, a photo caption with a story yesterday about James J. (Whitey) Bulger's role as an FBI informant misidentified one of his associates. Francis P. (Cadillac Frank) Salemme was pictured.}

DETAILS

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