

Alleged Boston Mob Chief's Work as FBI

By Roberto Suro
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For more than 20 years, James J. "Whitey" Bulger allegedly ran rackets, dealt drugs and ordered murders as a chieftain of South Boston's Winter Hill Gang, perhaps the last of the great Irish mobs.

Repeatedly evading snares set by state lawmen and vanishing altogether after a federal indictment landed on him two years ago, Bulger developed a reputation as a bulletproof kind of guy.

Last week, the tale of Whitey Bulger took a potentially significant turn when a furious federal judge forced FBI agents to admit that, for much of his criminal career, the aging, white-haired mobster was actually a government snitch.

The revelation that Bulger was working for the government while orchestrating criminal plots has jeopardized his prosecution and those against other reputed mobsters going back to the mid-1980s. Now the Justice Department is fighting charges of wrong-doing, and a whole crew of reputed mobsters convicted earlier is hoping to go free, as defense lawyers argue the implications of Bulger's double-dealing.

At issue in the proceeding is the proper relationship between law enforcement officers and the criminals they often rely on for information, especially in organized crime cases. It is a relationship governed by rules, some explicit and some implied, some clear and some deliberately fuzzy.

"This whole case is about the credibility of what the U.S. government tells federal judges," said U.S. District Judge Mark L. Wolf during a hearing last week in the trial of Bulger and five associates on a variety of organized crime charges.

Bulger allegedly formed an alliance with several prominent Italian mobsters, including several featured prominently in an FBI surveillance tape of what prosecutors depict as a Mafia induction ceremony at which would-be wise guys draw blood from

Informant Puts Cases in Doubt

their trigger fingers and swear loyalty oaths. The tape, made in October 1989, has been presented at several trials as evidence that the Mafia is a real organization with a hierarchy and membership rolls.

While burning a Roman Catholic holy card, each of four new mob soldiers uttered this oath: "As burns this saint, so will burn my soul. I enter alive into this organization, and I will have to get out dead," according to the FBI tape.

Attorneys for Bulger's five co-defendants contend that the FBI deliberately misled judges when it sought their authorization for electronic surveillance of some suspected mob figures because it did not reveal that Bulger and other informants would take part in the conversations to be bugged. Although it is now used increasingly often in organized crime and drug-trafficking cases, electronic surveillance is still considered an intrusion on civil liberties by the courts, and law enforcement agencies are supposed to disclose whether they have less intrusive means of getting the same evidence—informants, for example.

A former prosecutor, Wolf has faulted the government for a "pattern of abuse" in not revealing the existence of informants when it sought court authorization for wiretaps, and he is now demanding full disclosure of the identities of all the informants who might have been involved with the defendants before he will allow the case to proceed. Otherwise, he has

threatened to throw out the electronic surveillance evidence that is the guts of the government case.

Prosecutors gave up Bulger's name. He is a fugitive after all. But they have insisted on protecting others. In a bizarre compromise struck last week, the government and the judge agreed that, for the moment, prosecutors would not have to identify any other informants; instead, the judge would put suspected snitches on the stand and question them under the threat of contempt of court citations.

One of the alleged informants has already promised to go to jail rather than answer questions from the judge. Anthony "the Saint" St. Laurant said flatly, "Guys like me don't talk," a bit of an irony, since, in this case, he was promising to defend the government's secrets, not the Mafia's.

Others have proved less resolute. So far, two of Bulger's close associates have admitted they were snitches too. "It was a giant step," said an exultant defense attorney, Anthony Cardinale, after one of Bulger's confederates admitted his FBI work to the judge at a hearing last week.

Lawyers for several of the defendants insisted that the government's

SUNDAY, JUNE 22, 1997 A11

case is on the verge of collapse, and they have predicted that if this prosecution goes down, numerous defendants in other organized crime cases will seek to have convictions reversed on the basis that electronic surveillance evidence against them was obtained improperly.

But more is at stake than a debate over rules of evidence, according to legal experts. In the current trial, at least two of the six defendants, Bulger and one of his lieutenants, are admitted informants, and yet some of the key charges in the case involve the contention that all the defendants together formed a criminal conspiracy.

"The advantage to the prosecution of a conspiracy charge is that it allows statements of criminal intent by one

member of the conspiracy to be used as evidence of what was in the minds of all the co-conspirators," said Stephen J. Schulhofer, director of the Center for Studies in Criminal Justice at the University of Chicago Law School. "If it turns out that the guy proclaiming the lurid purposes of the conspiracy is a government plant, then the whole theory may break down."

The fact that Bulger was an under-world boss creates additional problems. According to a former FBI supervisor familiar with Bulger's case, an informant is allowed to commit minor crimes, like running a gambling operation, in order to maintain his cover. If the informant gets involved in serious crimes, a murder, for

example, he loses his protection and becomes a suspect.

"The whole time Whitey was an informant, he was being watched very carefully, and as soon as there was evidence he had crossed the line, bam, they made a case on him," the former agent said.

Defending this activity, the former agent, who asked not to be named, said, "This is really the only way to conduct these investigations, and the judges know that. Even if it is not all down in writing, there are lots of sessions in chambers where they are advised about informants when we seek warrants."

But the fact that Bulger was directing others in criminal activities while working for the government has

raised questions about the prosecution's case against the men who allegedly worked as his underlings.

"If the FBI tacitly approved certain crimes by Mr. Bulger ... that information is exculpatory" for his co-defendants, said Judge Wolf.

Beyond the courtroom, Bulger's alleged prominence in the underworld and his admitted role as a government informant has raised questions about the appearance of collusion between the FBI and the mob. When a customer at his liquor store hit a lottery jackpot, Bulger convinced skeptical state officials that he owned a one-third share of the ticket. In a conversation taped by federal agents that was played during a mob trial, an envious gangster was heard to say, "Whitey's

got the whole of Southie." Until recently, Bulger's brother, William, served for 16 years as president of the Massachusetts Senate, further adding to the legend.

"What shocks me about the Boston case is that this was no mere peasant giving information about the higher-ups, but here we have a high-level person working extensively in a criminal fashion with the knowledge of the FBI," said Albert Krieger, a prominent defense attorney based in Miami who has handled several major organized crime cases.

Prosecutors have already indicated they will appeal any adverse ruling by Judge Wolf.

*Suro reported from Washington,
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