An Officer and A Gentleman...and A Fugitive

Narrative

Intro

They grew up together, all three of them, in the same South Boston housing project, with the same Irish-Catholic working-class roots. Yet each of their lives followed a radically different arc. Smart, loyal, and very capable, John Connolly went on to become a highly decorated agent for the Federal Bureau of Investigation. Remembered as "always having his nose in a book", William Bulger rose to become president of the Massachusetts Senate, and later, President of the University of Massachusetts. Yet despite reaching such heights, he still could not match the notoriety of his older brother. After a stint in the Air Force, James "Whitey" Bulger returned to Boston in the early fifties and began a life of crime. He eventually joined the infamous "Winter Hill Gang" and went on to become a powerful mob boss in the 60's, 70's and 80's. Considered a modern-day Robin Hood by some, and a ruthless killer by others, he was a legend in his old neighborhood, if nothing more. But there was indeed much more. Whitey was later the center of one of the most famous F.B.I. scandals in history. The focus of a massive manhunt, he landed on the F.B.I.'s Ten Most Wanted list, sharing top billing with Osama Bin Laden, and drawing a \$2,000,000 reward – the most ever offered for a domestic fugitive. He has been, and continues to be, the subject of numerous books. And as if this were not enough, he was the inspiration for the Irish mob boss portrayed by Jack Nicholson in the Martin Scorsese film "The Departed." Along the way, he managed to entangle many in his schemes. And in the end, though these childhood friends rose to follow very divergent paths, they would never completely escape one another or the neighborhood of their youths.

Let's Make A Deal

It all began in the 1960's and 1970's, when Federal authorities saw the Mafia as a central threat to national security, and Boston was caught in gangland warfare that killed dozens. The word came down to Boston F.B.I. agents that the No. 1 priority was to close down the New England branch of La Cosa Nostra, and with that directive came a new tool: the Top Echelon Informant program, a special effort to recruit informers highly placed inside crime groups, and thus, by definition, criminals themselves. To get at the Mafia, F.B.I. agents, including John Connolly, decided to enlist the aid of Whitey Bulger, who was then considered a criminal leader in Irish-dominated South Boston and elsewhere, and his associate, Stephen Flemmi, who had useful ties to the Mafia but was not a member.

The two men were mostly their own little gang, the kind of territorial bosses who would demand protection money, or "rent," from bookmakers, loan sharks and other petty criminals, and who were also involved in illegal gambling enterprises and loan sharking themselves. The F.B.I. let them keep doing it in order to glean

information about the Mafia. And some of the information was spectacular, including a tip that helped lead to the first tape-recording the authorities ever obtained of a Mafia induction ceremony, replete with finger-cutting and the oath, "I enter alive into this organization and I will have to get out dead."

Dennis O'Callaghan, former assistant special agent in charge of the Boston F.B.I. office, said dealing with criminals was naturally a significant part of the bureau's job. "You don't go to the local church pastor for information," Mr. O'Callaghan said, "We use criminals." And in general, the men helped the F.B.I. trounce the Italian Mafia in the Boston area, putting away dozens of members. "It was a business decision, pure and simple," said Mr. Connolly, who retired a highly commended agent. "We were going to use a gang of 2 to get rid of a gang of 42." He did say, however, that "it was always understood they could not commit violent acts." But, said O'Callaghan, "Do we think at certain times they do certain things they don't tell us about? Yes."

The Name of The Game

O'Callaghan's comment came after it emerged that their prize informers may have been involved in more than just the racketeering crimes "authorized" by the F.B.I.. This would include as many as 21 murders. Additionally, there was some doubt as to whether the F.B.I. was as in the dark as O'Callaghan claims. Bulger and Flemmi were suspected in the killing of an Oklahoma City jai alai team owner, and after F.B.I. agents told them that another informer had fingered them for that death, that informer was killed as well. During the course of their cooperation with the F.B.I., the two men became the targets of investigations by the Drug Enforcement Agency and the Massachusetts State Police. But it appears, according to testimony and court documents, that they were repeatedly tipped off or protected by their F.B.I. allies.

"Does anyone in their right mind really believe Jimmy Bulger and Steve Flemmi survived the most powerful law-enforcement agency on earth unless we fully intended them to survive us?" asked Mr. Connolly. Good question. One of many. Such as, what is the cost of turning a blind eve, and who will have to pay it? What if you were the victim of Mr. Flemmi or Mr. Bulger, criminals given virtual carte blanche by the government? According to Mr. Connolly, to answer that question you only have to do the math. "The point of the matter is, what if you're one of the *Mafia's* victims?" "The 42 people we put away were probably responsible for 200 murders over 30 years, maybe more." "It's the name of the game," he said. Perhaps, yet even that seems to be in question. In a telling comment made after he was recruited by the F.B.I., Bulger said, "They want to play checkers; we'll play chess." Indeed, from the beginning it wasn't clear what game was being played or who was playing whom. Bulger's Winter Hill Gang, with help from the F.B.I., knocked out the main Mafia organization in Boston, the Angiulo family, and became the city's dominant underworld group in the 1980's, controlling much of Boston's loansharking, gambling and drug business. And in the end, John Connolly was himself convicted of racketeering.

Mr. Connolly's trial attracted enormous attention in Boston, as testimony by several gangland figures revealed that while Mr. Connolly was supposed to be recruiting mobsters to help in the F.B.I.'s war against the Mafia, he was instead co-opted by other gangland leaders and became part of their "enterprise," in the words of a sentencing memorandum by the United States attorney's office. For years, the testimony showed, Mr. Connolly took bribes from James Bulger, the head of the Winter Hill gang, tipped him off to government investigations and provided information that led to the killings of rival gangsters.

In 1976, the same year that he recruited Bulger to be an informant, Connolly accepted a two-carat diamond ring worth more than \$5,000 from Mr. Bulger. It was a stolen man's ring obtained by John Martorano, who has confessed to murdering more than 20 people, and Mr. Bulger had it converted into a woman's ring for Mr. Connolly's first wife. A few months later, Mr. Connolly tipped Mr. Bulger that Richard Castucci, a bookmaker, was providing information to the F.B.I. on the whereabouts of two members of Mr. Bulger's gang, according to testimony by Mr. Martorano, who said he then killed Mr. Castucci on Mr. Bulger's order. "The defendant knew from the get go what this was about," Prosecutor John Durham said. "John Connolly knew what the name of the game was," that as soon as he took an expensive gift from Mr. Bulger, he had to pay off.

Over time, Mr. Bulger and his gang and Mr. Connolly and some F.B.I. agents began socializing at one another's houses and exchanging presents. Several witnesses testified that Mr. Bulger had often given Mr. Connolly \$5,000 in cash. Connolly's F.B.I. supervisor, John Morris has admitted to acts of outright corruption: taking several thousand dollars and cases of the wine he was so fond of that the criminals nicknamed him Vino. "John Connelly became a Winter Hill gang operative masquerading as an F.B.I. agent," said U.S. Attorney Michael Sullivan.

Not surprisingly, Connolly sees it differently. "It all depends on what your investigative priorities are. A decision was made by the Department of Justice and F.B.I. to go after the Mafia and that's what I did. My only crime is doing my job and doing it too well." His attorney, Tracy Miner, asserts that Connolly was was a loyal agent following orders in cultivating good relations with Mr. Bulger and Mr. Flemmi and that the F.B.I. was using him as scapegoat after its handling of informants had been criticized.

Am I My Brother's Keeper?

In the background of Connolly's trial was William "Billy" Bulger, Whitey's younger brother. The two grew up sharing a room in the Old Harbor housing project in South Boston, a part of the city that has long been of a proud and defiant state of mind, as well as one of the most insular parts of Boston. A peninsula that juts into the Atlantic, it is separated from downtown Boston by a narrow waterway, Fort Point Channel, that might as well be an ocean. In the years the Bulger brothers were

growing up, it divided South Boston's 30,000 residents, mostly working-class Irish, from Boston's Brahmins.

From a young age the two boys chose different paths. Billy, five years younger, was the studious one, heading off to school each weekday morning with his book bag and going to church on Sunday. He was an altar boy and had thoughts of becoming a Catholic priest. But Whitey got in trouble early, running off with stolen property or a car. He was 13 when first arrested, on larceny charges, and soon on charges of assault and battery. With his quick temper and readiness to use his fists, he got wide berth from the neighborhood boys. A probation report said that his parents were unable to control him, and that he was "surly, lazy, and generally uninterested in school." At the age of 14, Whitey vanished. It turned out later that he literally ran off with the circus. "He always loved adventure," Billy said in a rare interview about his brother with *George* magazine in 1999. In the ensuing few years, Whitey went on the road again, robbing banks in Massachusetts, Rhode Island and Indiana before being convicted and going to federal prison for almost a decade. His brother remembers the good parts about him. "He was a tough kid," Mr. Bulger said in the George interview. "And perhaps he was a bit of a wise guy. But he was a good kid, a kind guy. He never smoked or drank. He was always ready to run an errand for some infirm older person in the neighborhood."

In 1948, when Billy was 14, he made a crucial decision not to follow his friends to South Boston High School, where few of them would go on to college. Instead, he took the trolley to Boston College High School, a Jesuit-run college preparatory school. He studied hard and won admission to Boston College and later to Boston College Law School. From time to time during those years, Billy flew or drove to Atlanta to see his brother, who was in the federal penitentiary there. "It was always difficult," Mr. Bulger told George magazine. "It was such a terrible waste."

Then in 1960 Billy Bulger was married and entered politics, running successfully for state representative from South Boston. Mr. Bulger began raising a family that eventually numbered nine children, in a modest house in South Boston, and rose to be president of the Senate for 17 years, the longest anyone has held the position.

When Whitey finally got out of prison, he moved in with their mother in the old housing project. The law enforcement authorities say he also began his own ambitious plan -- to take control of gambling, loan sharking and drug dealing in Boston from the Italian-led Mafia. Court testimony has shown that the key to his success was becoming an informer for the F.B.I., feeding the bureau tips about the Mafia to help take it down, and, as it worked out, gaining government protection for his own gang activities. According to testimony at Mr. Connolly's trial, it was William Bulger who first came up with the idea, telling John Connolly, their boyhood friend and now an F.B.I. agent, "Just keep my brother out of trouble."

In 2002, in response to the John Connolly/Whitey Bulger/Winter Hill case, the House Committee on government reform began investigating how F.B.I. agents in

Boston became corrupted by their relationship with underworld informers. Committee Chairman, Representative Dan Burton, asked William Bulger, then president of the University of Massachusetts, to testify. The hearing had been much anticipated in Boston, since it was the first time that William Bulger, an immensely powerful yet intensely private self-made political figure from South Boston, had been asked to talk publicly about his brother, then a face on the F.B.I.'s Most Wanted posters. He promptly invoked the 5th Amendment.

William Bulger long maintained that he knew nothing about his brother's criminal career. But over the last few years, testimony in several legal proceedings suggested that he had had continuing contact with his brother. Earlier this week, *The Boston Globe* printed excerpts of previously secret federal grand jury testimony last year by Mr. Bulger in which he acknowledged he had talked by telephone with his brother in January 1995 shortly after his brother went into hiding. The phone call was arranged by Whitey Bulger's most trusted lieutenant, Kevin Weeks, and held at the home of William Bulger's driver, to avoid detection, he said. Mr. Bulger said he had offered his brother legal advice. "I do have an honest loyalty to my brother and I care about him," Mr. Bulger was quoted as saying to the grand jury. "I don't feel an obligation to help everyone to catch him."

Then Gov.-elect Mitt Romney said, "I was disappointed that University of Massachusetts President Bulger could not find a way to answer the questions." But the trustees of the university, who have authority over hiring and firing the president, rallied around him. Grace Fey, then chairman of the trustees, said, "I express my complete confidence in President Bulger on behalf of the University of Massachusetts board of trustees." "President Bulger invoked constitutional rights available to every citizen," Ms. Fey said. "That is a reasonable and prudent decision in light of the circumstances. My respect and admiration for President Bulger are stronger than ever." Nevertheless, Mr. Bulger received very loud criticism from within his own party. The top elected Democrat in Massachusetts called for Bulger to resign because of his refusal to help track down his fugitive brother. "When you will not lift a finger to help or assist in an investigation -- everything has to be forced -- you have made a choice," the official, Attorney General Thomas F. Reilly, said in response to questions at a news conference after making similar remarks to a columnist for The Boston Herald. "He has made the decision not to help the investigation and, as a result, I believe he should no longer be president of the University of Massachusetts," Mr. Reilly added.

Mr. Reilly insisted that the issue was one of ethics, not politics, saying the university was dedicated to "truth and knowledge." Mr. Bulger's decision, he said, is "not a message consistent with being president." Mr. Bulger, though, cast it, as he has before, as a personal matter. "Changing the course of my brother's life is something I tried to effectuate for many years," he said. "That I was not successful is a matter of great personal pain. I have done everything one could possibly do to influence the course of another person's life. For Mr. Reilly to somehow represent my efforts, and

the painful results, as the 'wrong choice' is irresponsible and a gross distortion of the facts."

One person who had hoped Mr. Bulger would testify today was Michelle Davis. Mr. Flemmi had taken a shine to her sister, Debra Davis, in the mid-1970's, when she was a beautiful teenager and had set her up in an apartment. But when Debra Davis said she was going to leave Mr. Flemmi for another man, he killed her in the basement of his mother's house, a few feet from William Bulger's house. Then Mr. Flemmi and Whitey Bulger buried her in a sandy grave in Boston Harbor, according to testimony by gang members. Her body was unearthed in 2000. "She died right next door to Billy," Ms. Davis said. "But he didn't see nothing? He didn't hear nothing?"

William Bulger was eventually forced out as president of the University of Massachusetts.

The Fugitive

Mr. Morris said he once asked Mr. Connolly what Whitey Bulger wanted in exchange for information, and Mr. Connolly replied, "A head start." In other words, warning in time to run if an indictment against them was about to come down. It appears this is exactly what he got. In his trial, the jury found Mr. Connolly guilty of alerting Mr. Bulger about a secret grand jury indictment against them in 1994 before it became public, enabling Mr. Bulger to flee. He was then on the lam with nose-thumbing success until 2011, when he was arrested without incident in his private residence in Santa Monica, California.

Honor Among Thieves (and Murderers)

After helping boyhood friend John Connolly along a path that landed eventually landed him in prison, and after scuttling the career his brother had labored to build over decades, James "Whitey" Bulger himself now stands trial. His 32-count indictment brims with charges of racketeering, extortion, money laundering, drug dealing, gun stockpiling and, of course, murder. His own lawyer acknowledges he is guilty of most of these charges. So what is this trial about? To "get my name cleared" he said in letters obtained by *The Boston Globe*. Whitey Bulger wants an opportunity to show that he never violated his code of honor.

On the opening day of his much-anticipated trial, Mr. Bulger's lead lawyer, J. W. Carney Jr., took the unusual tack of immediately acknowledging that his client was guilty of several charges against him, including drug dealing, illegal bookmaking and loansharking, and said he had made "millions upon millions" of dollars through his criminal enterprises. But, the lawyer insisted, Mr. Bulger, 83, was never an F.B.I. informer, as the prosecution alleges.

In the long list of charges against Mr. Bulger, being an inside source for the law is not, in and of itself, a crime. But his lawyer's prominent rebuttal of the notion at the outset of Mr. Bulger's trial showed just how much Mr. Bulger wanted it discredited. "James Bulger is of Irish descent," J. W. Carney Jr., the lawyer, declared in his opening argument. "And the worst thing an Irish person could consider doing is becoming an informant. That was the first and foremost reason why James Bulger was never an informant against people." Being an informer is totally unacceptable — something that Mr. Carney said was deeply ingrained in the Irish, who for so long had to protect one another from their British overlords. "The worst thing that an Irish person could consider doing was becoming an informant because of the history of the Troubles in Ireland," he told the jury in his opening statement. Though nothing was more despicable in his insular Irish enclave of South Boston than a rat, mountains of evidence, including his 700-page informant file, show that Mr. Bulger was a longtime informer for the Federal Bureau of Investigation.

Some legal observers of the trial have quickly concluded that the show going on in the federal courthouse is an exercise in self-delusion, all for the purpose of allowing Mr. Bulger — who sought the trial when he pleaded not guilty to all charges against him — to profess to the world that he abided by his personal code. Michael D. Kendall, a former federal prosecutor who investigated some aspects of Mr. Bulger's activities, said he expected him to use what he called the "Irish Alzheimer's defense." "That's where you forget everything but the names of your enemies," Mr. Kendall said. "The point of the trial is not to defeat the charges and emerge a free man, but to get back at as many people as he can."

Well, as long as he stays true to his own set of values...

An Officer and A Gentleman...and A Fugitive

Discussion Guide

Let's Make A Deal

In his book, <u>The Five Most Important Questions You Will Ever Ask About Your Organization</u>, Peter Drucker challenges leaders to answer the following:

- 1. What is our mission?
- 2. Who is our customer?
- 3. What does the customer value?
- 4. What are our results?
- 5. What is our plan?
- How does it appear that the F.B.I. answered these questions for themselves as they approached the Mafia in Boston?
- How did the F.B.I. measure performance in this scenario?
- What outcomes did they seek?
- In what way (if at all), should they have answered any of these questions differently? Why?
- How would those different answers change the F.B.I.'s actions in this case?
- How would those different answers have changed the outcomes?

Edward Hess and Kim Cameron open their book, <u>Leading with Values</u>, by stating that "Values-Based Leadership is based upon honesty, respect, trust and dignity". They go on to say that the fundamental message of their book is: "acting ethically and virtuously, and treating all stakeholders with respect and dignity, can create extraordinary outcomes without sacrificing performance".

Values and Context

- What relevance do Hess and Cameron's statements have for the F.B.I. and the type of work they were asked to do in this story?
- What place do honesty, respect, trust and dignity have in this scenario?
- In light of the task the F.B.I. was given, was it possible to act ethically and virtuously without sacrificing performance?
- If so, what form would these ethics and virtues take?
- If not, does this mean that one must sacrifice virtues and ethics in order to be successful in this context?
- What justification might one give for making this sacrifice?
- What values would that justification be based on?
- What does that justification reveal about one's hierarchy of values?
- What did the choices made by the F.B.I. leadership in this case reveal about their hierarchy of values?

Values and Stakeholders

- Who are the stakeholders in this scenario?
- In what way were the different stakeholders shown or not shown respect and dignity?
- Who benefitted and who suffered as a result of the choices made by the F.B.I. leadership?
- As one of the citizens the F.B.I. is charged to protect, how would you like the F.B.I. to measure performance?
- As one of the citizens the F.B.I. is charged to protect, how do you feel about the values choices the F.B.I. made in this case?
- If you were the decision-maker for the F.B.I. in this case, how would you have approached this task differently?
- In what way would you have approached things more ethically or virtuously, if at all?

The Name of The Game

- Assuming we accept John Connolly's contention that by allowing 2 criminals to survive, they were able to stop 200, do you believe this was a wise tradeoff? Was it consistent with the mission of the F.B.I.?
- Could the same results have been accomplished without this tradeoff?
- Is John Connolly guilty of a crime?
- If so, what crime?
- What made him susceptible to being compromised in this way?
- Setting aside for the moment that Connolly's direct supervisor, John Morris, was also guilty of taking bribes, in what way did the decisions of the higher F.B.I. leadership contribute to John Connolly's situation, if at all?
- How could they have approached things differently in order to avoid this situation?
- How did the misjudgment of the F.B.I. leadership allow Whitey Bulger to turn the tables on them the way he did?
- How could this have been avoided?

Am I My Brother's Keeper?

- As stated in the case narrative, the House Committee on government reform investigated how F.B.I. agents in Boston became corrupted in order to avoid more instances of this in the future. What could F.B.I. leadership do to help their agents become less vulnerable to such corruption in the future?
- As Attorney General Thomas F. Reilly stated, William Bulger was confronted with a choice when asked to testify before the House Committee on government reform. What did he have to choose between?
- What values were in play as he faced this choice?
- Who were the stakeholders/ constituencies he needed to consider as he made this decision?
- As a leader, what did he owe to each set of stakeholders/constituency?

- In this circumstance, could he properly represent the interests and values of the University of Massachusetts (and by extension, the citizens of Massachusetts) at the same time he protected himself and/or his brother?
- What was his obligation in this circumstance?
- Ultimately, he chose not to testify. What did this decision reveal about his values?
- Did he make the right choice?
- What was Trustee Grace Fey's obligation in this circumstance?
- *Did she handle it properly? Why or why not?*
- In what way was this conflict about politics? In what way was it about ethics? In what way was it about family? Of the three, what should take priority as a public servant decides how to respond to this conflict? Why?
- William Bulger followed his values, and it cost him. Should we expect to be able to stay true to our own values without personal sacrifice?
- To what extent is this sacrifice a test of what we truly value?

Honor Among Thieves (and Murderers)

Much is made of leading with values, leadership ethics, and virtuous leadership. In this case, all parties claim to be following some set of values, ethics and virtues. However, there is not much clarity as to what values, ethics and virtues each party is following. More importantly, there is disagreement between the parties as to what is the proper set of values. When they do agree, there seems to be disagreement as to how these values are to be interpreted and applied.

- What is the difference between values, ethics and virtues?
- Who should define what is the proper set of values, what is ethical, and/or what is virtuous? On what basis?
- When the ethics, values or virtues of the leader and follower are in conflict, who should prevail?
- How should the conflict be resolved?
- How is it usually resolved?
- Is it ever appropriate for one person to impose their set of values, ethics or virtues on another?
- If so, when?
- As a leader, how would you respond to someone in your charge who does not share your same values, ethics or virtues, or the basis on which you have defined them?
- Whitey Bulger clearly has a set of values. What are they?
- To what extent do you share his values?
- *In what ways do you not share his values?*
- Whose set of values is superior, yours or his? On what basis do you make this judgment?
- To what extent can one rely on the law, or the sentiment of the majority to help us determine what values to adopt or determine what is ethical or virtuous? What is the danger in doing so?

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