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THE NEXT STEP IN THE INVESTIGATION OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE: THE TESTIMONY OF WILLIAM BULGER

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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THE NEXT STEP IN THE INVESTIGATION OF THE USE OF INFORMANTS BY THE DEPARTMENT OF JUSTICE: THE TESTIMONY OF WILLIAM BULGER

THURSDAY, JUNE 19, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 9:56 a.m., in room 2154, Rayburn House Office Building, Hon. Tom Davis (chairman of the committee) presiding.

Present: Representatives Tom Davis of Virginia, Shays, Burton, LaTourette, Mrs. Davis of Virginia, Platts, Schrock, Duncan, Murphy, Mr. Turner of Ohio, Carter, Janklow, Blackburn, Waxman, Maloney, Cummings, Kucinich, Tierney, Clay, Watson, Lynch, Van Hollen, Sanchez, Norton, Bell, Delahunt and Meehan.

Staff present: Peter Sirh, staff director; Melissa Wojciak, deputy staff director; Keith Ausbrook, chief counsel; Ellen Brown, legislative director and senior policy counsel; Robert Borden, counsel/parliamentarian; Anne Marie Turner, counsel; David Marin, director of communications; Scott Kopple, deputy director of communications; Teresa Austin, chief clerk; Joshua E. Gillespie, deputy clerk; Corinne Zaccagnini, chief information officer; Brien Beattie, staff assistant; Phil Barnett, minority chief counsel; Kristin Amerling and Michael Yeager, minority deputy chief counsels; Karen Lightfoot, minority senior policy advisor and communications director; Anna Laitin, minority communications and policy assistant; Tony Haywood and Althea Gregory, minority counsels; David McMillen and Denise Wilson, minority professional staff members; Earley Green, minority chief clerk; Cecelia Morton, minority office manager; and Christopher Davis, minority staff assistant.

Chairman TOM DAVIS. The Committee on Government Reform will come to order.

We are here today to receive testimony from William Bulger. During the 107th Congress, the committee conducted an investigation of the FBI's misuse of informants in New England from 1964 until the present. The committee held a number of hearings and conducted hundreds of interviews under the leadership of then Chairman Dan Burton. Mr. Bulger's testimony is the next step in the committee's investigation into the use of informants by the Department of Justice.

James Whitey Bulger was an informant for the FBI in Boston. Whitey Bulger was repeatedly able to avoid arrest due to informa-

tion illegally leaked to him by his FBI handler, John Connolly. When Whitey Bulger was finally indicated in 1995, he received advance warning from Connolly and fled. Federal and State authorities continued to look for him. Whitey Bulger is currently wanted on 18 counts of murder, as well as other racketeering offenses, some of which were committed during his tenure as an FBI informant. He is currently listed on the FBI's 10 most wanted list. As a result of John Connolly's improper relationship with James Bulger, Connolly was convicted of racketeering and obstruction of Justice and is now serving a 10-year prison sentence.

I don't believe it is a coincidence that current FBI Director, Bob Mueller, recently asked former Attorney General Griffin Bell to conduct a review of the FBI's Office of Professional Responsibility. The revelations about John Connolly's conduct call into serious question the deterrent value of the FBI's internal review process.

Connolly grew up in the same south Boston neighborhood as the Bulger family. As an adult, John Connolly was a friend of James Bulger's brother, William. William Bulger served as president of the Massachusetts Senate from 1978 to 1996 and is currently the president of the University of Massachusetts.

Pursuant to subpoena, William Bulger appeared before this committee on December 6, 2002. At that time, Mr. Bulger exercised his fifth amendment privilege and refused to testify. On April 9, 2003, this committee voted to grant William Bulger immunity to obtain information concerning Whitey's whereabouts and the FBI's misuse of informants.

The purpose of this hearing is to get to the truth about the impact the misconduct of John Connolly had on the proper functioning of State government in Massachusetts. The record of this committee's investigation plainly establishes that the FBI's improper relationship with its informants corrupted and distorted the efforts of State law enforcement. Joseph Salvati went to prison for 30 years for the Deegan murder when the FBI had evidence that Salvati was not the killer.

This hearing, however, will focus on whether the relationship between John Connolly and Whitey Bulger benefited Whitey Bulger's brother William Bulger while he was a high ranking, elected official in Massachusetts. The issues include; whether as a result of that relationship the FBI improperly protected or advanced Mr. Bulger's career during his tenure in the Massachusetts legislature; whether Mr. Bulger used his position of power to retaliate against those who investigated Whitey's crimes; whether Mr. Bulger knew of the relationship and sought or at least knew that he received favorable treatment as a result of the relationship; and finally, whether Mr. Bulger has knowledge of James' whereabouts and the efforts of the FBI to locate his brother.

Getting to the truth about these issues will reassure the public that these matters have been thoroughly and fairly investigated and contribute to the restoration of public confidence in government. The disclosure of the improper relationship between John Connolly and James Bulger has cast a new light on events involving William Bulger. The committee will examine whether the investigation and prosecution of former Massachusetts State Senate majority leader, Joseph DeCarlo, on Federal corruption charges

was intended to benefit Mr. Bulger who became Senate president following that scandal.

The committee will also examine whether Mr. Bulger has any information regarding allegations that John Connolly sought to terminate prematurely an investigation of possible corruption in connection with the 75 State Street matter, a real estate development project in the 1980's.

The committee will ask whether Mr. William Bulger had any connection in the demotion of a Massachusetts State police officer who in September 1987 filed an incident report regarding an attempt to stop Whitey Bulger at Logan Airport after $500,000 was discovered in his bag. The officer, Billy Johnson, later committed suicide. Mr. Johnson claimed his superior requested a copy of this incident report regarding James Bulger on behalf of William Bulger.

The committee will also examine whether Mr. Bulger was aware of an amendment to the State budget that would have required State police officers 50 or older to take a reduction in pay, rank or to retire. The amendment, which was later vetoed by the Governor, would only have affected five officers in Boston. Two of the five officers participated in the Lancaster Street garage investigation involving Whitey Bulger and other leaders of the Boston mob.

The misuse of informants in Boston has left an indelible mark on the public's perception of the FBI. The Department of Justice was supposed to enlist the use of informants to apprehend and prosecute high ranking members of the mob. Instead, certain FBI special agent handlers in Boston, including John Connolly, chose to break the law by participating in corrupt relationships with their informants. The agents turned a blind eye to the crimes committed by their informants and participated in dismantling State and Federal investigations of the New England mob by tipping off their informants to wiretaps, surveillance and pending indictments. The agents chose personal gain over ethics by forming social relationships with their informants that exceeded the boundaries established by FBI guidelines. The agents accepted personal and monetary gifts from their informants.

This committee will examine all of these issues to gain a full understanding of the serious impact of FBI's misconduct in the case. Only by having a full understanding can we take steps to make sure that it never happens.

I would now recognize our ranking member, Mr. Waxman, for his opening statement.

[The prepared statement of Chairman Tom Davis follows:]

Statement of Chairman Tom Davis
Government Reform Committee Hearing
"The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger"
June 19, 2003

We are here today to receive testimony from William Bulger. During the 107th Congress, the Committee conducted an investigation of the FBI's misuse of informants in the New England region from 1964 until the present. The Committee held a number of hearings and conducted hundreds of interviews. Mr. Bulger's testimony is the next step of the Committee's investigation into the use of informants by the Department of Justice.

James "Whitey" Bulger was an informant for the FBI in Boston. Whitey Bulger was repeatedly able to avoid arrest due to information illegally leaked to him by his FBI handler, John Connolly. When Whitey Bulger was finally indicted in 1995, he received advance warning from Connolly and fled. Federal and state authorities continue to look for him. Whitey Bulger is currently wanted on eighteen counts of murder, as well as other racketeering offenses, some of which were committed during his tenure as an FBI informant. He is currently listed on the FBI's Ten Most Wanted List. As a result of John Connolly's improper relationship with James Bulger, Connolly was convicted of racketeering and obstruction of justice and is now serving a ten-year prison term.

I do not believe it is a coincidence that current FBI Director Bob Mueller recently asked former Attorney General Griffin Bell to conduct a review of the FBI's Office of Professional Responsibility. The revelations about John Connolly's conduct call into serious question the deterrent value of the FBI's internal review process.

Connolly grew up in the same South Boston neighborhood as the Bulger family. As an adult, John Connolly was a friend of James Bulger's brother, William. William Bulger served as the President of the Massachusetts State Senate from 1978 to 1996 and is currently the President of the University of Massachusetts.

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This hearing, however, will focus on whether the relationship between John Connolly and Whitey Bulger benefited Whitey Bulger's brother, William Bulger, while he was a high ranking elected official in Massachusetts. The issues include: whether as a result of that relationship, the FBI improperly protected or advanced Mr. Bulger's career during his tenure in the Massachusetts legislature; whether Mr. Bulger used his position of power to retaliate against those who investigated Whitey's crimes; whether Mr. Bulger knew of the relationship and sought, or at least knew that he received, favorable treatment as a result of the relationship; and finally, whether Mr. Bulger has knowledge as to James's whereabouts and the efforts by the FBI to locate James. Getting to the truth about these issues will reassure the public that these matters have been thoroughly and fairly investigated and contribute to the restoration of public confidence in government.

The disclosure of the improper relationship between John Connolly and Whitey Bulger has cast a new light on events involving William Bulger. The Committee will examine whether the investigation and prosecution of former Senate Majority Leader Joseph DiCarlo on federal corruption charges was intended to benefit Mr. Bulger, who became Senate President following that scandal. The Committee will also examine whether Mr. Bulger has any information regarding allegations that John Connolly sought to terminate prematurely an investigation of possible corruption in connection with the 75 State Street matter, a real estate development project in the 1980s.

The Committee will ask whether William Bulger had any connection to the demotion of a Massachusetts State Police officer who, in September of 1987, filed an incident report regarding an attempt to stop Whitey Bulger Logan Airport after $500,000 was discovered in his bag. The officer, Billy Johnson, later committed suicide. Mr. Johnson claimed his superior requested a copy of his incident report regarding James Bulger on behalf of William Bulger.

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The misuse of informants in Boston has left an indelible mark on the public's perception of the FBI. The Department of Justice was supposed to enlist the use of informants to apprehend and prosecute high ranking members of the mob. Instead, certain FBI Special Agent handlers in Boston, including John Connolly, chose to break the law by participating in corrupt relationships with their informants. The agents turned a blind eye to the crimes committed by their informants and participated in dismantling state and federal investigations of the New England mob by tipping off their informants to wiretaps, surveillance, and pending indictments. The agents chose personal gain over ethics by forming social relationships with their informants that exceeded the boundaries established by FBI guidelines. The agent handlers accepted personal and monetary gifts from their informants.

This Committee will examine all of these issues to gain a full understanding of the serious impact of the FBI's misconduct in the case. Only by having a full understanding can we take steps to make sure that it never happens again.

Mr. WAXMAN. Thank you, Mr. Chairman.

I welcome this opportunity to hear from William Bulger and to give him a chance to answer the committee's questions in a public session.

This is the 10th day of hearings on law enforcement abuses related to the Boston office of the FBI. During the committee's hearings, we have learned that the FBI profoundly abused the public trust. It is now beyond dispute that agents in the Boston office of the FBI protected organized crime figures who committed murders and other violent crimes, helped send innocent people to jail, warned suspected criminals of pending indictments, accepted bribes and committed other illegal acts.

The person alleged to be at the center of much of this illegal conduct is James Whitey Bulger, who is now 1 of the 10 most wanted fugitives in the United States. Whitey Bulger is accused of committing multiple murders and running a brutal, criminal organization in New England. Almost like the biblical parable of Cain and Abel, his brother, William Bulger, took a completely different path. He became a major political figure in Massachusetts and the president of its public university. William Bulger is here today to answer questions about whether he has information on the whereabouts of his brother, Whitey; whether he was involved in or knew about the corrupt relationship between his brother, Whitey, and the former FBI special agent, John Connolly; and whether he used his public office to protect his brother or to protect himself from various law enforcement investigations.

I welcome the opportunity to explore these questions with Mr. Bulger, but I would add one final point before we proceed. When the committee considered granting Mr. Bulger immunity in April, I gave my support reluctantly because I was concerned that Mr. Bulger not be singled out for political purposes. I still have some of those concerns given the ongoing political disputes brewing in Massachusetts, but I am guided by Justice Brandeis' oft quoted statement, "Sunshine is the best disinfectant."

Questions have been raised about what Mr. Bulger knows. It is in everyone's interest, even Mr. Bulger's, for these questions to be answered in public. And perhaps most important, the families of the victims of Whitey Bulger need to know that no effort has been spared to find the truth.

I look forward to hearing Mr. Bulger's testimony today.

[The prepared statement of Hon. Henry A. Waxman follows:]

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Statement of Rep. Henry Waxman, Ranking Minority Member
Committee on Government Reform
Hearing on
The Next Step to the Investigation of the Use of Informants by the Department of Justice:
The Testimony of William Bulger

June 19, 2003

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But I'm guided by Justice Brandeis's oft-quoted statement: "Sunshine is . . . the best of disinfectants." Questions have been raised about what Mr. Bulger knows. It is in everyone's interest – even Mr. Bulger's – for these questions to be answered in public. And perhaps most important, the families of the victims of Whitey Bulger need to know that no effort has been spared to find the truth.

I look forward to hearing Mr. Bulger's testimony today.

Chairman TOM DAVIS. Thank you very much.

The gentleman from Indiana who started these investigations and has played a very active role, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I am glad we finally are able to get on with this.

Two years ago, Joe Salvati and his wife sat at that table and he spent 30 some years in prison for a crime he didn't commit. We found that all the way up to J. Edgar Hoover, it was pretty apparent he was innocent and they were protecting informants. That is because our government let them down. The FBI was protecting a killer named Jimmy Flemmi and it didn't matter to even the people at the highest levels of the FBI that innocent people were going to prison and possibly going to die in prison.

We have learned a lot since Joe and Marie Salvati were here. When we started, we had a suspicion that terrible things had happened; now we have some more facts, facts about innocent men who were left to die in prison so that government informants could go free; facts about Joe "the Animal" Barboza who lied for the government and who was protected while he committed crimes including murder, after he went into the witness protection program; facts about Paul Rico and his sordid conduct as an FBI agent and his subsequent career as an organized crime facilitator at World Jai Alai where some have testified he helped murder Roger Wheeler; facts about John Connolly and some of his corrupt FBI cronies in Boston who didn't seem to care that their informants were out killing people; and finally, facts about Steven "The Rifleman" Flemmi and James Whitey Bulger who were allowed to murder with impunity.

The story is so sickening it is easy to lose sight of the forest for the trees. Today, however, we have an opportunity to step back and look at the big picture. It is my sincere hope this will be a positive step in the committee's investigation. I have called what happened in Boston one of the greatest failures or the great failure in the history of Federal law enforcement. In 2 years, no one has come up with an example that is half as bad as what happened in Boston. I think the Government owes the people of New England an apology.

The fault cannot be put exclusively on the Federal Government. Perhaps as important, there was a climate in Boston that permitted Joe Barboza, Jimmy and Stevie Flemmi and Whitey Bulger to get away with murder, multiple murders literally. To understand this climate, we have to talk to people like Whitey Bulger's brother, Billy who was president of the Senate.

For over 30 years, Boston was living the fable of the Emperor's New Clothes. I am sure we all know that fable. Remember the story about an arrogant leader who spent his money on new clothes and then 1 day, two rogues came to him and commissioned a new suit. He was told that the clothes would be invisible to all who were unfit for his office or simple of character.

When the Emperor finally was presented with nothing, he could not admit that he could not see the suit and his followers were too scared to admit they saw nothing, so the Emperor paraded through the streets wearing no clothes. Finally a little child said, but the Emperor has nothing on at all.

In Boston, two of the rogues were Stevie Flemmi and Whitey Bulger. The appearance of being the Emperor was William Bulger and the question is, did he know what the rogues were doing? Was he protecting in any way what the rogues were doing? It is hard to conclude after the investigations we have conducted over the last couple of years that he did not. People knew that Bulger and Flemmi were criminals. They knew about the bookmaking and the loan sharking. They knew about drug dealing and gun running and some even knew about the murders. For some reason, nothing seemed to happen. People could not bring themselves to speak the truth.

Now we know why. They were scared, they were terrified and many still are. They were terrified because the local establishment tolerated Whitey Bulger and Stevie Flemmi. It facilitated their conduct, it enabled them and no one seems to doubt that William Bulger, through the example he set, played a major role in helping his brother stay on the streets.

William Bulger did not describe his brother in front of hundreds of people at his cherished St. Patrick's Day festivities as "The Reverend" because he thought he was a good man. He did it because he knew that no one would question him. He knew they would laugh with him. Everyone was in on the joke but it wasn't a joke.

Ask Debbie Davis's family. Ask Joe and Marie Salvati. Ask David Wheeler, who told this committee about how his Dad was killed. Making light of "The Reverend" speaks volumes about why we are here today. Now people are coming forward and years of silence is being broken but we are far from finished. We have a lot of work to do and I hope that Chairman Davis will devote the time and energy to going forward with this investigation. We still have not seen the Bulger or Flemmi informant files and we need the chairman's help to get that done.

It has taken several months but we have Mr. Bulger with us and I, as well as my colleagues, look forward to asking him about many things today, I hope Mr. Bulger will be concise with his answers and not ramble on because we have a lot of questions and we would like to get them answered. We would like them to be as concise and direct to the questions posed as possible.

With that, Mr. Chairman, I yield back the balance of my time.

[The prepared statement of Hon. Dan Burton follows:]

BILLY BULGER HEARING/OPENING STATEMENT

Two years ago, Joe Salvati and his wife Marie sat where Mr. Bulger is now sitting. Salvati – and others – spent their lives in prison for a crime they did not commit. Why? Because their government let them down. The FBI was protecting a killer named Jimmy Flemmi, and it didn't matter to the likes of J. Edgar Hoover that innocent men would probably die in prison.

We have learned a lot since Joe and Marie Salvati were here. When we started, we had a suspicion that terrible things had happened. Now we have some more facts.

- Facts about innocent men who were left to die in prison so that government informants could be free.

- Facts about Joe "The Animal" Barboza, who lied for the government, and who was protected BY THE FBI while he committed crimes, including murder, after he went into the witness protection program.

- Facts about Paul Rico, his sordid conduct as an FBI agent, and his subsequent career as an organized crime facilitator at World Jai Alai, where some have testified he helped murder Roger Wheeler.

- Facts about John Connolly and some of his corrupt FBI cronies who didn't seem to care that their informants were killing people.

- And finally, facts about Stephen "The Rifleman" Flemmi and James "Whitey" Bulger, who were allowed to murder with impunity.

The story is so sickening it is easy to lose sight of the forest for the trees. Today however, we have an opportunity to step back and look at the big picture. It is my sincere hope that this will be a positive step in the Committee's investigation.

I have called what happened in Boston the greatest failure in the history of federal law enforcement. In two years, no one has come up with an example that is half as bad as what happened in Boston. I think that the government

owes the people of New England an apology. But the fault cannot be put exclusively on the federal government.

Perhaps as important, there was a climate in Boston that permitted Joe Barboza, Jimmy and Stevie Flemmi, and Whitey Bulger to get away with murder. Literally. And to understand this climate, we have to talk to people like William Bulger.

For over thirty years, Boston was living the fable of The Emperor's New Clothes. Mr. Bulger, I'm sure you remember the story about an arrogant leader who spent his money on new clothes. And then one day, two rogues came to him and he commissioned a new suit. And he was told that the clothes would be invisible to all who were unfit for his office or simple of character. And when the

Emperor finally was presented with nothing, he could not admit that he could not see the suit, and his followers were too scared to admit that they saw nothing. So the Emperor paraded through the streets wearing no clothes. Finally, a little child said "But the Emperor has nothing at all on."

In Boston, the two rogues were Stevie Flemmi and Whitey Bulger. The Emperor was William Bulger. And the question is: Did he know what the rogues were doing. It is hard to conclude that he did not. People knew that Bulger and Flemmi were criminals. They knew about the bookmaking and the loan sharking. They knew about drug dealing and the gun running. Some even knew about the murders. But for some reason, nothing seemed to happen. People couldn't bring themselves to speak the truth. Now we know why. People were scared. They were terrified.

They still are. They were terrified because the local establishment tolerated Bulger and Flemmi. It facilitated their conduct. It enabled them. And no one seems to doubt that William Bulger, through the example he set, played a major role in helping his brother stay on the streets.

William Bulger did not describe his brother in front of hundreds of people at his cherished St. Patrick's Day festivities as "The Reverend" because he thought he was a good man. He did it because he knew that no one would question him. He knew they would laugh with him. Everyone was in on the joke. But it wasn't a joke. Ask Debbie Davis's family. Ask Joe and Marie Salvati. Ask David Wheeler, who told this Committee about how his Dad was killed. Making light of "The Reverend" speaks volumes about why we are here today.

And now people are coming forward and years of silence is being broken. But we are far from finished. We have a lot of work to do, and I hope that Chairman Davis will devote the time and energy to going forward with this investigation. We still haven't seen the Bulger or Flemmi informant files, and we need the Chairman's leadership to continue.

It took seven months, but we have Mr. Bulger with us. I look forward to asking him about many things.

Chairman TOM DAVIS. Thank you very much.

Do any other Members wish to give opening statements? Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

I want to thank you and the preceding Chairman, Mr. Burton, for having these hearings on the FBI misconduct.

For nearly 40 years, the FBI agents in Boston recruited members of organized crime to act as Bureau informants. Some of the same agents may have been recruited by organized crime or in some odd zealousness pursued information from criminal informants against other criminals, some law enforcement FBI agents appear to have ignored or covered up criminal conduct of their informants to preserve cases against other targets.

The result has been a corrupt system where FBI agents protected informants at the expense of innocent citizens. The FBI and possibly other Department of Justice people are now alleged to have been complicit in miscarriages of justice where some went to jail on tainted evidence, where discretion about whether or not to investigate and prosecute certain cases was improperly exercised.

This oversight committee has particular responsibility to determine the exact nature of these corrupt relationships to identify all participants however wide or deep or high up the chain it went, to ensure that victims see justice done and to implement any necessary guidelines at the Department of Justice or laws or rules and regulations that will be necessary to prevent any repeat in Boston or elsewhere.

We are confronted with the new security dynamic where many are pressing for expanded law enforcement powers and less Constitutional constraint on trespass against individual rights. Many people are concerned and the facts such as those in this investigation give rise and voice to that concern. Is the FBI reliable enough to properly use any large powers? Is the Department of Justice and ultimately Congress acting to ensure citizens' Constitutional rights are protected? People need to know that the FBI agents will enforce the law and not undermine it.

Already we have had hearings disclosing outrageous injustices and law enforcement's transgressions. We heard expert testimony about possible recourse to prevent future transgressions from U.S. Attorney General Reno's Task Force Guidelines for Prosecutors and Law Enforcement Personnel to expert witnesses recommending a broadening of the obstruction of justice law to include suppression of evidence as a punishable act and extend beyond 5 years the statute of limitations relative to such offenses. One witness provoked thought with the recommendation that Congress should Federalize far fewer criminal laws.

This committee is charged with evaluating the effectiveness of current standards of determining which of the above recommendations or others, if any, should be incorporated into new standards and issuing a full report on the extent and exact nature of the conduct forming the basis of this investigation. The latter aspect is where today's witness testimony may be relevant.

To the extent that this witness has information bearing on the FBI or other law enforcement personnel misconduct, especially concerning the handling of confidential informants or information of

other misconduct including cover-ups or inappropriate exercise of discretion in present cases, the testimony will be of interest and helpful to this investigation.

Insofar as the witness now testifies under a grant of immunity, we have every right to expect that he will share any and all relevant information, that he will be direct, forthright and honest and if he does that, then we can all perform our responsibilities.

I yield the balance of my time.

Chairman TOM DAVIS. Thank you very much.

Let me just say, every Member's statement will be include in the record. I also ask unanimous consent that Mr. Meehan and Mr. Delahunt who are not members of the committee be allowed to participate in today's hearing. Hearing no objection, so ordered.

Do other Members wish to make opening statements? Everything will be included in the record. Mr. Lynch.

Mr. DELAHUNT. Mr. Chairman.

Chairman TOM DAVIS. Yes, Mr. Delahunt.

Mr. DELAHUNT. If I may, first, I have a need to disclose the fact that Mr. Bulger's counsel, Mr. Kiley, has represented myself on a variety of election issues and is currently the treasurer of my own campaign committee. I have not heard from Mr. Kiley on the subject and I clearly have not had any conversations with Mr. Bulger, but if there is any objection to me participating in this hearing on behalf of Mr. Bulger, I would like to know that now.

Mr. LYNCH. If I may, Mr. Davis, proceed with a statement.

Chairman TOM DAVIS. You may. I was going to get Mr. Lynch first because he is a member of the committee but there is no objection to you participating. We are happy to have you and you are here at our invitation.

Mr. LYNCH. Thank you, Mr. Chairman.

Chairman Davis, Mr. Waxman and my colleagues on this committee, and invited members, Mr. Delahunt and Mr. Meehan of the Judiciary Committee, I would like to begin by offering my thanks to the leadership of this committee both past and present for the enormous effort that has been put forward to investigate and address what must be described as one of the most shameful and troubling chapters in the history of the U.S. Justice Department and the FBI.

As a result of the good work of Federal District Judge Mark Wolfe, which this committee has continued under the able leadership of Chairman Burton and also Jim Wilson, our able counsel who served this committee very well, and also now Chairman Davis and able counsel, Keith Ausbrook and Mike Yeager, we have elicited and cataloged a 40 year history of unspeakable crimes and atrocities which were condoned, conducted or materially assisted by the Boston office of the FBI. These atrocities include the murders of at least 19 individuals, 17 men and 2 women, some of whom have been retrieved from hastily dug graves, others who have yet to be found.

The trial of law enforcement misconduct also includes the wrongful imprisonment of innocent men who spent 30 or more years in prison for crimes they did not commit. While the Government had evidence that would exonerate them, they were allowed to remain in prison because to expose the false testimony of government in-

formants like Joe Barboza and others would have jeopardized the convictions of La Cosa Nostra in New England but I think more importantly, it would have jeopardized the careers of those law enforcement officials who advanced themselves as a result of the prosecution of La Cosa Nostra to the use of these same informants.

The FBI, in league with their Government informants, set forth a chain of events that spans 40 years. This crime spree saw the case of Brian Halloran who had turned to the FBI for protection in fear of his own life. He was turned away by the FBI and only a short time later, he and his friend, Michael Donohue who as an innocent bystander and had merely given Mr. Halloran a ride, were gunned down in cold blood in my own neighborhood of south Boston. Two other victims, Debra Davis and Debra Hussey, were only 26 years old when they were murdered by the very men the FBI had chosen to protect.

The record is replete with examples, documented, to obtain evidence against Whitey Bulger by law enforcement officials and also against Stephen Flemmi and their cohorts but time and again wire tap locations and surveillance attempts were thwarted by Agent John Connolly and other agents of the FBI who gave notice to their Government informants of these attempts to bring them to justice and so the killings continued.

The reach of this group was extensive reaching to Florida and Oklahoma where businessman Roger Wheeler was shot in the face at point blank range in a parking lot leaving behind a wife and young children.

The families of these victims have come to these hearings regularly. Seeking justice where justice can be done. Others are merely hoping for the chance to give their loved ones a decent burial. For most of these families, especially for those members who were merely children when their family members were taken, justice under any fair description of that term is simply beyond reach. Lives have been destroyed and in some cases, stolen. This is especially true for Mr. Joseph Salvati and his wife, Marie, and their children, as well as the Limone and the Greco family and the Tameleo family. These families had to look on while their loved ones were sent to jail for a crime the FBI knew they did not commit.

I would be remiss if I did not note the good work of Vincent Garo, legal counsel to the Salvati family who for these many years has maintained the highest standards of professionalism and vigilant legal advocacy on behalf of a man who was wrongly convicted.

In the reams and reams of testimony that we have received over the past 2 years, there is one conversation that sticks out in my mind and it sort of captures the scope and the depth of the wrongdoing that we investigate here. It is a conversation between Mr. Garo and Joseph Salvati's youngest son who I think was 2 years old when his dad went to prison. Some 30 years later when Joseph Salvati was a young man, Mr. Garo had a conversation with Mr. Salvati's son and he said, "You know you were only 2 years old when your dad went to prison and you have sort of been the man in the family for all these years. Now it looks as though your dad is going to get out of jail and when he gets out, he is going to want to be the man of this house." It was a light moment in a history

of darkness. And Joseph's reply was this, "Mr. Garo, I want you to know that I have never sat down and had breakfast with my father, I have never gone for a walk with my father, I have never gone to a baseball game with my father. If when my father gets out of prison, he wishes to exercise his right to be the man of this house, then I will be happy to allow him to do that."

That conversation probably for me solidified the sense of wrongness that has been done here as well as the special nature of the FBI wrongdoing that has gone on here. The American public I think is probably just beginning to grasp the breadth and depth of what really went on during the course of FBI misconduct. In fact, it is perhaps hard to grasp because the facts are so unbelievable.

I was disappointed recently to read a court decision that prevented the Wheeler family from bringing suit against the FBI and law enforcement officials that law enforcement was culpable in the death of their father. They were told by the court that they should have brought their claims previously, that they should have known. They should have known that the FBI was in league with organized crime? That is unbelievable. That defies the wildest imagination and yet these people are being precluded from justice, precluded from any recovery because they did not know the FBI was in league with organized crime. Yet we in Government have empowered the FBI through our laws and through Government regulations to operate in secrecy. I hope at some point we will revisit the cases of these victims.

Nevertheless, we only compound injustice when we seek to avoid the conflict of these offenses with the highest expectations of American democracy when we simply wish it all to go away, to be over with because some of these events happened so long ago and have been concealed for so long.

It remains essential to the highest ideals of our system of justice and to the fabric of Constitutional democracy that the Congress and this committee fulfill its responsibility to the victims in this case and also to the institutions of government that have been so maligned. We must continue to address this outrage honestly and in a spirit of justice that has been for so long denied.

It is an admitted fact that certain agents and supervisors of the FBI recruited and employed criminal informants in order to undermine the New England La Cosa Nostra and that in the course of cultivating and employing these informants, these FBI agents became corrupted themselves. This corruption included agents who took cash, bribes totaling thousands of dollars from the same criminals who have been indicted in at least 19 murders.

I think it is very important for the members of this committee to be mindful that the Justice Department itself is charged with upholding and enforcing the laws and that we as lawmakers have passed those laws and supported regulations which give the FBI an enhanced ability to operate in secrecy. Moreover, we have so empowered the FBI and the Justice Department that local and State law enforcement authorities have been and can be in the future intimidated and obstructed in the pursuit of justice when, as in this case, the FBI asserts jurisdiction.

In the course of this investigation, we have seen citizens murdered because they turned to the FBI for protection. If we were ex-

amining actions of the KGB in the Soviet Union during the cold war or if we were condemning the butchery of secret police in some struggling Third World country, we would instinctively, when we read about those atrocities, take comfort in the protections of our Constitutional government.

I think it is generally the case when we read about things like that, we say to ourselves, thank God that couldn't happen here. Well, it happened here. It happened here. We have to wake up to that fact. The American public has yet to wake up to the fact but we have witnessed in these committee hearings a collapse of certain Constitutional protections. In Constitutional terms, this is like a 40 year sink hole, a period where the underpinnings of democracy were allowed to decay in which the individual protections guaranteed by our Constitution were subverted in the interest of pursuing La Cosa Nostra.

Ultimately, this investigation is about the actions taken by the Justice Department and the FBI. It is not about the particular witness before us.

By way of my own disclosure, today's witness and I each have the pleasure and honor of living in south Boston, a solid, patriotic, close knit community where we all know each other. Mr. Bulger and I each shared the high honor of representing the good people of south Boston and Dorchester in the Massachusetts House of Representatives. Similarly, we both served in the Senate and actually briefly served together in the Massachusetts Legislature. I have had the unique opportunity to witness Mr. Bulger's distinguished career of public service, one that in my opinion has met the highest professional standards of excellence.

At the same time, growing up in the housing projects of south Boston, I also had an opportunity, ample opportunity, to see families that were greatly harmed by the influence of organized crime and indirectly by the effects of the misdeeds by the FBI agents who protected those criminals.

In the end we have an overriding responsibility and a sacred task to protect those families and answer to those families as well. It may very well be in the end that this hearing is only marginally productive. Indeed some of the areas of inquiry that we will hear about today occurred some 35 or 40 years ago. However, it is the abiding principle of justice that now compels this committee to exercise due diligence and requires us to ask for every assistance in exploring to the fullest extent the FBI wrongdoing that is the core focus of these hearings.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. Thank you.

The gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman.

Not a long statement but just to say that I am truly stunned that the president of a major university system would feel it necessary to exercise his fifth amendment rights and say he is only going to tell the truth if he is able to come before us with immunity.

Also, to thank Chairman Burton for his extraordinary work previous to your very fine work, Mr. Chairman, and to thank you for following up. To thank Mr. Waxman and the Democratic colleagues for our work on this committee on a very bipartisan basis and to

welcome our colleagues from Massachusetts who are not on this committee.

To say to you that I have still not gotten over how Mr. Salvati and his beautiful wife and family had to deal with this issue and the failure of our Government to right this wrong and to say in conclusion that I am going to defer questions of Mr. Bulger to others and listen to what he says to them under oath and with immunity but I believe without any hesitation to say to you that this is a story about corrupt law enforcement on the Federal, State and local level but particularly the FBI. It is a story of political corruption, deep and serious and it is a story of organized crime and they are all mixed together in this incredible cocktail that resulted in the Salvatis spending 30 years of their lives without each other.

I am grateful you had this hearing, Mr. Chairman, and thank you for the opportunity to make that statement.

Chairman TOM DAVIS. Thank you very much.

Again, members will have 5 legislative days to get their remarks in the record but Members who feel compelled to speak will be allowed to speak.

Mr. Clay.

Mr. CLAY. A very short statement. I welcome the continuation of this hearing from the 107th Congress. I would also like to applaud the committee for its in-depth work in helping to uncover important facts concerning the FBI's tactics and its previous use of informants in the Boston area.

The use of informants by law enforcement is as old as law enforcement itself. Today's hearing hopefully will play a part in the restoration of public confidence in law enforcement matters. We know a few facts surrounding the investigation of Whitey Bulger and one of them is that John Connolly, Whitey Bulger and today's witness, William Bulger, lived close to each other as children in south Boston. On April 9, 2003, this committee voted to grant today's witness, William Bulger, immunity to obtain information concerning the whereabouts of his brother, Whitey.

Mr. Chairman, this is some of what we know so far. However, after we have had an opportunity to formally question today's witness, I am certain this committee will learn much more and move closer to uncovering the rest of the truth about Whitey Bulger.

Finally, I would encourage this committee to remember that William Bulger is not on trial and should not be treated as such. He is only guilty of being the brother of a man that does not have the same respect for the law as he does. Hopefully, he will share with us what he knows about his brother's former associates' illegal activities and whereabouts.

I ask unanimous consent to submit my entire statement in its entirety in the record.

Chairman TOM DAVIS. Without objection, so ordered.

[The prepared statement of Hon. Wm. Lacy Clay follows:]

Statement of the
Honorable William Lacy Clay
Before the
Government Reform Committee
Thursday, June 19, 2003

"The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger"

Mr. Chairman. I welcome the continuation of this hearing from the 107th Congress. I would also like to applaud the Committee for it's in-depth work in helping to uncover important facts concerning the Federal Bureau of Investigation (F.B.I.) tactics, and it's previous use of informants in the Boston area. The use of informants by law enforcement is as old as law enforcement itself. Today's hearing hopefully, will play a part in the restoration of public confidence in law enforcement matters.

Here's what we know so far. Fact one James "Whitey" Bulger was an informant for the F.B.I. in the Boston area. Fact two John Connolly, a former F.B.I. representative who is currently serving a ten-year prison sentence for racketeering and obstruction of justice was the contact person for Whitney Bulger.

Fact three Whitey Bulger is currently wanted on eighteen counts of murder and other racketeering offenses, and he is listed on the F.B.I.'s Ten Most Wanted List. Whitey Bulger was repeatedly able to avoid arrest due to information illegally leaked to him by his F.B.I. handler, John Connolly. Fact four John Connolly, Whitey Bulger, and today's witness William Bulger lived close to each other as children in South Boston.

On April 9, 2003, this Committee voted to grant today's witness William Bulger immunity to obtain information concerning the whereabouts

of his brother Whitey. Mr. Chairman, this is some of what we know so far. However, after we have had an opportunity to formally question today's witness I am certain this Committee will learn much more and move closer to uncovering the rest of the truth about Whitey Bulger. Finally, I would encourage this Committee to remember that William Bulger is not on trail and should not be treated as such. He is only guilty of being the brother of a man that does not have the same respect for the law as he does. Hopefully, he will share with us what he knows about his brother's former associates, illegal activities, and whereabouts.

I ask unanimous consent to submit my statement into the record.

Chairman TOM DAVIS. Do any other members of the committee wish to be recognized? If not, let me get to Mr. Delahunt and then to Mr. Meehan. I know this is of great concern to both of you.

Mr. DELAHUNT. Thank you for the invitation.

As others have indicated, the committee has focused now for many months on the operation of the Boston office of the FBI. As others have indicated, there have been a number of profoundly disturbing revelations as to the misconduct and questionable practices that span decades in that particular office.

It has been established clearly that information in the possession of the FBI could have exonerated innocent men who did serve more than 30 years each for crimes that the FBI knew they did not commit. Yet, the Bureau never felt the need to come forward with that information.

As important, information was withheld from State and local law enforcement as well as other Federal agencies that put individuals and communities at risk from some of the most violent criminals in this country's history. Some murders might not have occurred if the Bureau had fulfilled its responsibilities to be more forthcoming.

It is important to remember that Joe Barboza was relocated to California and there was testimony taken by this committee from State and local authorities that established that they had never received any notification of Mr. Barboza's presence in their community. While there, Mr. Barboza committed a murder and then while serving time for that particular homicide, Federal authorities intervened in his behalf before the parole board. I think we can all agree that is unacceptable and unconscionable.

That is why the work of this committee over the course of 10 public hearings now has been so essential. I really want to commend the former Chair, Mr. Burton. He has been accused in the past of being a partisan but it was Dan Burton that took on his own administration, that threatened the Attorney General of the United States with contempt unless the documents that this particular committee was seeking were provided to the committee. I know he can speak for himself but again, I don't believe we have received the kind of cooperation from the Department of Justice that this committee should have and the American people deserve.

My concern isn't limited to the conduct of the FBI simply in Boston. It goes beyond that. As Senator Grassley of Iowa has said a culture of concealment that has eroded the confidence of the American people in the FBI and in the Department of Justice reflects what the FBI is about. Unfortunately at the moment in history when the American people yearn for confidence in their justice department given the events of September 11, it does go far beyond just the office in Boston.

All we have to do is remember that back in the 1960's, information that would have assisted in the prosecution of those responsible for the church bombings in Alabama was not disclosed. Questions surrounding the work done in the FBI laboratory, the so-called Jewel matter where individuals identified as responsible for the bombing during the course of the Atlanta Olympics and the case was never moved forward and to the recent prosecution of Win Ho Lee where a Federal District Court judge apologized to Mr. Lee

on behalf of the American people because of the work of the FBI. So this is not just about the Boston office of the FBI.

In the four terms that I have been here, the most astounding testimony I have heard from any witness was presented last December in Boston during the course of a field hearing and in response to a question from my friend and colleague to my left, Mr. Meehan, Jeremiah O'Sullivan, former U.S. Attorney, former head of the Organized Crime Strike Force, who knows the FBI well, made this statement, "If you go against the FBI, they will try to get you. They will wage war on you." Please reflect on that statement, my colleagues. This is a culture that requires radical surgery. It can't stand and what is necessary, as others have suggested, is transparency where appropriate and accountability.

With that, I yield and I thank the Chair for the invitation.

Chairman TOM DAVIS. Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman.

I too want to thank the Chair and the former Chair for their work in this matter. Congressman Delahunt and I way back as early as 1998 had requested that the House Judiciary Committee conduct hearings given our jurisdiction over the Justice Department. Frankly, it took courage and perseverance to hold these hearings. No one likes to have a hearing on the FBI, knowing the FBI is not going to be too happy about the outcome of it but I am going to tell you something. The results of this hearing and the misconduct at the Boston FBI office is just absolutely incredible.

I know as a former prosecutor from personal experience that informants make a significant and indeed an essential contribution to Federal, State and local law enforcement efforts. Informants have been extremely useful in organized crime cases in that it is a way to infiltrate, a way you get rats within the organization to provide information.

That having been said, the events in Boston certainly demand that this Congress needs greater scrutiny. The Attorney General of the United States testified before the Judiciary Committee 10 days or so ago looking for broader powers under the Patriot II Act, more secrecy under the guise that we have to protect the United States from terrorism.

We had better not give anymore authority to the FBI or any law enforcement agency until we clear up the culture that is so evident in the case before us. Whitey Bulger was a government informant and is alleged to have committed eight murders while a government informant, and there is evidence to suggest that the FBI either knew about it or looked the other way. If anybody needs more evidence of why we need to make sure we keep a focus on the FBI, just look at this morning's Boston Herald where apparently there are two individual employees of a hotel in the Caribbean who say they have seen Whitey Bulger. No one in St. Vincent has been interviewed by the FBI, none of the witnesses have been interviewed by the FBI. I have no idea why they haven't but it makes me wonder how aggressive this pursuit is in the case.

I don't know if the witness before us has any information or can shed any light on this but I just want to thank the chairman and the former chairman because the work we are doing in terms of oversight of the FBI is important. Remember, J. Edgar Hoover was

bugging Martin Luther King, not because he thought he may have committed a crime but he wanted to embarrass him. There is all kinds of evidence to demonstrate that this Congress has a responsibility to make sure this never happens again.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. I thank the gentleman.

If there are no further statements, I would remind Members they will have until the end of the day to submit any statements for the record.

Mr. Bulger, it is the policy of the committee that all witnesses be sworn before they testify.

[Witness sworn.]

Chairman TOM DAVIS. I would note for the record that Mr. Bulger is appearing before the committee pursuant to a subpoena issued by this committee and duly served by agreement by facsimile on Mr. Bulger's lawyer on Tuesday. A copy of that subpoena will be placed in the record.

Mr. Kiley, would you please introduce yourself?

Mr. KILEY. I am Thomas Kiley.

Chairman TOM DAVIS. Thank you for being with us.

In order to allow more time for questions and discussions, Mr. Bulger, we are going to give you an opportunity to make your opening statement. We won't hold you to any time limit. I think this is an important statement for you and for the committee.

Thank you for being here.

[The information referred to follows:]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMMITTEE ON GOVERNMENT REFORM United States House of Representatives Washington, D.C. 20515 Applicant.	)	Misc. No. 03-132

FILED

APR - 9 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

UPON CONSIDERATION of the Application of the Committee on Government Reform of the U.S. House of Representatives ("the Committee") for an Order Immunizing the Testimony of, and Other Information Provided by, William Bulger, and the Memorandum of Points and Authorities in Support thereof, and having determined that the requirements of 18 U.S.C. § 6005 have been satisfied, it is by the Court this 9th day of April, 2003, ORDERED

That William Bulger may not refuse to testify, and may not refuse to provide other information, at proceedings before or ancillary to the Committee or its Subcommittees on the basis of his constitutional privilege against self-incrimination, and it is FURTHER ORDERED

That no testimony or other information compelled under this Order (or any information directly or indirectly derived from such testimony or other information) may be used against William Bulger in any criminal proceeding, except prosecutions for perjury, giving a false statement, or otherwise failing to comply with this Order.

Thomas F. Hogan
Chief U.S. District Judge

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By Deputy Clerk

Subpoena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To William M. Bulger

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Tom Davis is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on June 19, 2003, at the hour of 9:30 A.M., then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To any staff member

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 16th day of June, 2003

Tom Davis

Chairman.

Attest:

Jeff Trandh

Clerk.

Subpoena for

William M. Bulger

c/o Thomas R. Kiley,

Attorney for Mr. Bulger

before the Committee on the

Government Reform

Served by facsimile to (617) 330-8774 to the offices of Thomas R. Kiley, Esq. 6/17/2003, 1:10 pm

108th Congress House of Representatives

GPO: 2001 73-908 (mac)

STATEMENT OF WILLIAM BULGER, PRESIDENT, UNIVERSITY OF MASSACHUSETTS

Mr. BULGER. Thank you, Mr. Chairman. I appreciate the courtesies that you, the members of this committee and the committee staff have extended to me. I know this committee seeks to ensure that our law enforcement and criminal justice system functions in an effective and appropriate manner and I certainly applaud this effort.

One of the most basic duties government faces is to provide for the public safety. Government's efforts must be unwavering. Public confidence when it is shaken must be restored. People must feel secure about their lives and people must be able to trust their government.

I understand that you have a specific interest in the activities of Federal law enforcement officials in Massachusetts and I will be happy to assist in any way. I know you have questions about my brother, James Bulger, and I will answer those questions. With the chairman's indulgence, I would like to offer a few words about my brother. Many words have been written about him but few have been spoken by me.

There are reasons why I have maintained a reticence on what for me is a difficult and painful subject. I realize my reluctance to comment has been vexing for some and I also believe it is responsible for some significant misunderstandings and misperceptions. So please allow me to speak plainly. I do not know where my brother is. I do not know where he has been over the past 8 years. I have not aided James Bulger in any way while he has been a fugitive. Do I possess information that could lead to my brother's arrest? The honest answer is no.

I had one very brief telephone conversation with my brother. It occurred in 1995 and has long since been disclosed to law enforcement officials. Truth to tell, over the years I was unable to penetrate the secretive life of my older brother. He marched to his own drummer and traveled a path very different from mine. Jim had his own ways I could not possibly influence. The realities of the situation were such that his activities were in fact shrouded in secrecy. They were never shared with me. It would be unfair to impute to me knowledge of my brother's associations, knowledge that I did not have, do not have.

Much has been made of that brief telephone call that I have mentioned, a call that has become a topic of discussion because my grand jury testimony was released to a Boston newspaper in violation of Federal law. Many people, including elected public officials, have offered opinions about what was said and what was not said but few if any have spoken about the illegal leaking that underlies the discussion. Very few have questioned a system that allows a transcript of my grand jury testimony to be released to the Boston Globe but not to me.

This call occurred in 1995, 6 years before my grand jury appearance. The subject of my brother turning himself in never came up in that conversation. I never recommended that my brother remain at large. In 1995 and in subsequent years, I believed the FBI wanted James Bulger killed. It has been established that an FBI agent, John Morris, in 1988 met with Boston Globe Spotlight Team editor

Gerard O'Neill and told him that my brother was an informant, information that was summarily published in the Boston Globe. Morris' leak had one purpose, pure and simple, bringing about the death of James Bulger. This is not just my hunch. This is the finding of U.S. District Court Judge Mark Wolfe after extensive hearings.

I know my brother stands accused of many things, serious crimes, brutal crimes. I do still live in the hope that the worst of the charges against him will prove groundless. It is my hope. I am particularly sorry to think that he may have been guilty of some of the horrible things of which he is accused. He has heard me speak often enough of society's right to protect itself and to impose severe penalties on anyone guilty of such deeds.

I am mindful of the victims in this matter and I do not have the words that are adequate to let them know of my own sympathy and anguish but I am ever mindful of the Good Shepherd story and its lesson that no one is to be abandoned. I care deeply for my brother but no one should construe my expression of concern as in any way condoning any illegal acts. Nor should anyone ever think that I take lightly this entire matter.

One political foe has made the claim that I have somehow made a choice of my brother over my civic duties and my public responsibilities. There is no basis in fact for such an assertion. I had in fact been concerned about the direction of my brother's life for many years. In truth, my efforts with Jim span the decades. My attempts to change my brother's life were unsuccessful. I wish that I could have achieved success but I must tell you that reforming Jim Bulger was not my sole, 24-hour a day focus during the 30 year period spanning his release from prison during the 1960's through his departure in 1995. During that entire period, I served in the Massachusetts Legislature, I was honored to serve in the Massachusetts House of Representatives for 10 years, and subsequently in the Senate for 25 years, elected by my Senate colleagues for nine terms as president of the Senate.

Legislative duties as the members of this committee can fully appreciate exact heavy demands. I met those demands. I made contributions during 35 years of legislative service, authoring the first bill to require the reporting of child abuse, championing the cause of public education, public libraries, and advocating the health and safety of my urban constituents. I kept faith with my constituents and with my colleagues.

My wife and I were blessed with nine children and early on I recognized this was a place where my energies must be focused. It was a responsibility I embraced. Our efforts have had a happy result. Those nine children have successfully completed and graduated from college and six of them also completed graduate studies in the law and business and education. Our children are the parents of 24 grandchildren, some of whom are in my house on a daily basis.

While I never abandoned hope or abandoned my efforts with respect to my brother, the truth is that other important things were happening in my life. I never wrote off my brother, or walled him off, but public service and my own immediate family placed very large claims on me. It is natural to focus our efforts on those mat-

ters that we can affect and while I worried about my brother, I now recognize that I didn't fully grasp the dimensions of his life. Few people probably did. By definition, his was a secretive life. His actions were covert, hidden even from or perhaps especially from those who loved and cared about him.

The subject that interests so many, the life and activities of my brother, James, is painful and difficult for me but it is a subject I have lived with for a long time. For years, my political opponents, my detractors in the press and my adversaries in public debate have tried to use my brother in a cynical and calculated way in order to gain advantage. I first sought political office in the year 1960. Be assured the subject of my brother was contentious from the start. On the occasion of my first speech, a political foe told me that I "should be in jail" with my brother and it has been a refrain for 40 years. Among the constituents in my legislative district and in the Massachusetts Senate there was always an awareness of my brother. It was never a secret but people understood that we were different people who lived different lives and should be judged separately.

When I was elected president of the educational institution I am privileged to lead, the University of Massachusetts, the members of the board of trustees knew of this circumstance in my life, yet they judged me on my own merits and they have my lasting gratitude. Now I am in a much larger arena where the audience is so vast that I cannot rely on its members having personal impressions of me as a basis for their judgments. I know that in some quarters I will no longer be seen or judged as an individual. I doubt that happier times will ever return for me but there is reason to believe that a fairer perspective will surface again for those other family members who have shown great strength in the face of the onslaught by the media and by overzealous government authority.

Thank you.

[The prepared statement of Mr. Bulger follows:]

Opening Statement
President William M. Bulger
June 19, 2003

EMBARGOED

Good morning, Mr. Chairman. I appreciate the courtesies that you, the members of this Committee and Committee staff have extended to me.

I know this Committee seeks to ensure that our law enforcement and criminal justice system functions in an effective and appropriate manner, and I applaud its effort.

One of the most basic duties government faces is to provide for the public safety. Government's efforts must be unwavering. Public confidence, when it is shaken, must be restored. People must feel secure as they go about their lives. People must be able to trust the government.

I understand that you have a specific interest in the activities of federal law enforcement officials in Massachusetts, and I will be happy to assist in any way.

I know that you have questions about my brother, James Bulger, and I will answer those questions.

With the Chairman's indulgence, I would like to offer a few words about my brother. Many words have been written about him but few have been spoken by me.

There are reasons why I have maintained a reticence on what for me is a difficult and painful subject. I recognize that my reluctance to comment has been vexing for some -- and I also believe that it is responsible for some significant misunderstandings and misperceptions.

So please allow me to speak plainly:

I do not know where my brother is. I do not know where he has been over the past eight years. I have not aided James Bulger in any way while he has been a fugitive. Do I possess information that could lead to my brother's arrest? The honest answer is ... No.

I had one very brief telephone conversation with my brother. It occurred in 1995 and has long since been disclosed to law enforcement officials.

Truth to tell, I was unable to penetrate the secretive life of my older brother. He marched to his own drummer and traveled a path very different from mine. Jim had his own ways I could not possibly influence. The realities of the situation were such that his activities were shrouded in secrecy. They were never shared with me. It would be unfair to impute to me knowledge of my brother's associations – knowledge that I did not have, do not have.

Much has been made of the brief telephone call I have mentioned -- a call that has become a topic of discussion because my grand jury testimony was released to a Boston newspaper, in violation of federal law. Many people -- including elected public officials -- have offered opinions about what was said, or what was not said, but few, if any, have spoken out about the illegal leaking that underlies the discussion.

Very few have questioned a system that allows a transcript of my grand jury testimony to be released to the Boston Globe -- but not to me.

The call occurred in 1995 -- six years before my grand jury appearance. The subject of my brother turning himself in never came up. I never recommended that my brother remain at large.

In 1995, and in subsequent years, I believed that the FBI wanted James Bulger killed.

It has been established that an FBI agent, John Morris, in 1988 met with Boston Globe Spotlight Team editor Gerard O'Neill and told him that my brother was an informant -- information that was summarily published in the Globe. Morris's leak had one purpose, pure and simple: bringing about the death of James Bulger. And this is not just my hunch, this is the finding of U.S. District Court Judge Mark Wolf, after extensive hearings.

I know my brother stands accused of many things ... serious crimes, brutal crimes.

I do still live in the hope that the worst of the charges against him will prove groundless. It is my hope.

I am particularly sorry to think that he may have been guilty of some of the horrible things of which he is accused. He has heard me often enough speak of society's right to protect itself, and to impose severe penalties on anyone guilty of such deeds.

I am mindful of the victims in this matter, and I do not have the words that are adequate to let them know of my anguish.

But I am ever mindful of the Good Shepherd story and its lesson that no one is to be abandoned. I care deeply for my brother. But no one should construe my expression of concern as in any way condoning any illegal acts. Nor should anyone think that I ever take lightly this entire matter.

One political foe has made the claim that I have somehow made a choice of my brother over my civic duties and my public responsibilities. There is no basis in fact for such an assertion.

I had, in fact, been concerned about the direction of my brother's life for many years. In truth, my effort with Jim spanned the decades. My attempts to change my brother's life were unsuccessful – I wish that I could have achieved success.

But I must tell you that "reforming Jim Bulger" was not my sole, 24-hour-a-day focus during the 30-year period spanning his release from prison during the mid-1960s through his departure in 1995.

During that entire period, I served in the Massachusetts Legislature. I was honored to serve in the Massachusetts House of Representatives for 10 years and subsequently in the Senate for 25 years -- elected by my Senate colleagues for 9 terms as President of the Senate.

Legislative duties, as the members of this Committee can fully appreciate, exact heavy demands.

I met those demands. I made contributions during 35 years of legislative service -- authoring the first bill to require the reporting of child abuse, championing the cause of public education and public libraries, and advocating for the health and safety of my urban constituents. I kept faith with my constituents and my colleagues.

My wife and I were blessed with nine children and early on, I recognized that this was a place where my energies must be focused. It was a responsibility I embraced. Our efforts have had a happy result. Those nine children have successfully completed and have been graduated from college – five of them also completed graduate studies in the law and business. Our children are the parents of 24 grandchildren, some of whom are in my house on a daily basis.

So, while I never abandoned hope or abandoned my efforts with respect to my brother, the truth is that other important things were happening in my life. I never wrote my brother off or walled him off, but public service – and my own immediate family – placed very large claims on me. It is natural to focus our efforts on those matters that we can affect.

And while I worried about my brother, I now recognize that I didn't fully grasp the dimensions of his life. Few people probably did. By definition, his was a secretive life. His actions were covert, hidden even from – or perhaps hidden especially from – those who loved and cared about him.

The subject that interests so many -- the life and activities of my brother, James Bulger -- is painful and difficult for me. But it is a subject that I've lived with for a long time.

For years, my political opponents, my detractors in the press and my adversaries in public debate have tried to use my brother in a cynical and calculated way -- in order to gain advantage.

I first sought political office in the year 1960. Be assured that the subject of my brother was contentious from the start. On the occasion of my first speech, a political foe told me that I "should be in jail" with my brother. It has been a refrain for 40 years.

Among the constituents in my legislative district and in the Massachusetts Senate, there was always an awareness of my brother. It was never a secret. But people understood that we were different people, who lived different lives and should be judged separately.

When I was elected President of the educational institution I am privileged to lead, the University of Massachusetts, the members of the Board of Trustees knew of this circumstance in my life. Yet, they judged me on my own merits. They have my lasting gratitude.

Now, I am in a much larger arena where the audience is so vast that I can not rely on its members having personal impressions of me as a basis for their judgments.

I know that in some quarters I will no longer be seen or judged as an individual. I doubt that that happier time will ever return for me. But there is reason to believe that a fairer perspective will surface again for those other family members who have shown great strength in the face of the onslaught by the media and by overzealous government authority.

Thank you.

Chairman TOM DAVIS. Thank you, Mr. Bulger.

With concurrence of the ranking minority member and pursuant to committee Rule 14, I will recognize the ranking minority and myself to control 30 minutes each. After this time, the committee will proceed under the 5-minute rule. I recognize myself for 30 minutes.

Mr. Bulger, your brother is accused of more than 20 murders. He led a life of crime for 30 years without being caught. One murder may have occurred at the house next door to yours. FBI agents apparently sat down for dinner there with mobsters, including one dinner at which you allegedly appeared. When Stevie "the Rifleman" Flemmi was arrested and a shed next door was searched, a large stash of weapons was discovered.

You became Senate president following the Federal prosecution of other Senate leaders. Former FBI agent John Morris, one of Whitey's handlers, had admitted that he took money from Whitey during the 75 State Street investigation. A former Assistant U.S. Attorney has testified that John Connolly, now serving 10 years in jail for protecting Whitey tried to terminate that investigation prematurely.

My question is, did there come a time when you came to believe that the FBI had protected your brother and that John Connolly may have used his authority to protect you or advance your political career?

Mr. BULGER. My counsel informs me that I am supposed to make a statement at this time, Mr. Chairman. I understand from your staff that your procedures require me to reassert my privilege under the fifth amendment in order to effectuate the order of Chief Judge Hogan and I do so at this time.

Chairman TOM DAVIS. Because you have refused to answer, under your statement, we have to communicate to you an order issued by the court for the District of Columbia. The order provides in substance, you may not refuse to provide evidence to this committee on the basis of your privilege against self incrimination. It provides that evidence obtained from you under the order may not be used against you in any criminal proceeding. A copy of the order is at the witness table and without objection, will be placed in the record.

Pursuant to the order, now you are directed to answer the questions put to you. We have previously scripted this. Mr. Bulger, the immunity procedure is complete.

I will repeat my question. Did there come a time when you came to believe that the FBI had protected your brother and that John Connolly may have used his authority to protect you or to advance your political career?

Mr. BULGER. There are a couple of questions, Mr. Chairman. On the question of whether I came to a conclusion that there was in fact a relationship between the FBI and my brother. That is so. I already alluded to the time that first came to my attention. It was when Mr. Morris told the newspaper and the newspaper printed it. That was later construed by Judge Wolfe as an attempt by Mr. Morris to have my brother killed.

On the second question of John Connolly seeking to help me, I don't know of it, especially the instance that you referenced but

John was a friend of mine and I assure you I never asked him to interfere in any such procedures. Never.

Chairman TOM DAVIS. Were you aware at the time that he may have done that even though you didn't ask him?

Mr. BULGER. No.

Chairman TOM DAVIS. You became president of the Massachusetts State Senate following the prosecution of former Senate majority leader, Joseph DiCarlo on Federal corruption charges. Did you have any knowledge of the DiCarlo investigation before it became public?

Mr. BULGER. No. I knew there was an investigation going on because it was in the press and in the general rumor mill.

Chairman TOM DAVIS. Did you ever discuss the DiCarlo investigation with John Connolly?

Mr. BULGER. I don't believe I ever did. I have no recollection of ever speaking to John Connolly about that matter.

Chairman TOM DAVIS. But he was your friend at the time that was going on?

Mr. BULGER. He was.

Chairman TOM DAVIS. In 1985, you received $240,000 from a trust fund established by Tom Finnerty, your law associate. The money came out of the same account into which Tom Finnerty had deposited $500,000 he received from Harold Brown, a Boston real estate developer. Brown alleged that Finnerty extorted the $500,000 as part of the real estate venture for 75 State Street. As you are aware, we are here today to uncover as much information as possible about FBI misconduct in Boston and the effect it may have had on State politics. You were cleared by both the Federal and Massachusetts State Government of any wrongdoing concerning 75 State Street. If you did not participate in extorting money from Harold Brown, there is still the underlying question of how the FBI agents who were your brothers handlers influenced the 75 State Street matter.

Boston FBI Special Agent John Morris was the supervisor of the Public Corruption Crimes Unit during the time of the 75 State Street investigation. Morris formerly served as the supervisor of the Boston Organized Crime Squad. Morris testified under oath of taking gifts and money from your brother, Whitey, including $5,000 in 1985. What did you know of that relationship between your brother, Whitey, and Special Agent Morris?

Mr. BULGER. I knew nothing of that relationship.

Chairman TOM DAVIS. Did you know Special Agent Morris?

Mr. BULGER. I don't think I ever met him but I have seen someplace that he claims I met him but I do not recall such a meeting. May I make one further reference?

Chairman TOM DAVIS. Certainly.

Mr. BULGER. John Morris was disciplined back in 1988 or 1989 because I had volunteered to speak to the U.S. Attorney about this whole matter of that investigation. I was anxious to tell them my side of the story. My attorney at the time asked the U.S. Attorney people to please treat this with great confidentiality because I am a public figure and it would be harmful to me. It was the U.S. Attorney's Office, a couple of counsel from that office, and also an FBI agent was seated at the table as I told my story.

The next morning my phone rang and it was the Boston Globe and they wanted to know how the interview had gone. My attorney was indignant about that and so he called for some kind of an investigation of this episode at the FBI. The FBI did exactly that and the conclusion was that John Morris had called the Globe about my interview and John Morris was then disciplined for this behavior. I have written about that myself in some little political writings about the idea that I had gone through all this with these people and the only one who seems to be in trouble as a result of it is an FBI agent and he was suspended for several weeks for his behavior.

Unless I met him at some point, which could be true, that is my experience with John Morris.

Chairman TOM DAVIS. Did you ever discuss the 75 State Street investigation with Whitey?

Mr. BULGER. I don't think so.

Chairman TOM DAVIS. What about with John Connolly? A former Assistant U.S. Attorney testified at John Connolly's trial that Connolly sought to prematurely terminate that investigation of 75 State Street. Did you ever discuss that with him?

Mr. BULGER. I don't think I ever spoke on that subject to John. I was very confident about my position with respect to that. I didn't feel as though there was anything for me to answer for and I hoped for it to end. It went through three I think Federal investigations and two State investigations, all of which concluded by saying there was no accuser for me, No. 1, and this was not a close call. That was the State Attorney General also. I have an affidavit which my attorney has provided for the staff.

Chairman TOM DAVIS. Without objection, we will enter that into the record.

[The information referred to follows:]

AFFIDAVIT OF HAROLD BROWN

I, Harold Brown, on oath depose and say as follows:

1. I am currently engaged as the Chairman of the Hamilton Realty Companies and have been involved in real estate development and rentals in the Greater Boston marketplace for forty-seven years. During the 1980's, I gained a measure of notoriety in connection with the development of a particular parcel of real estate that is known as 75 State Street.

2. I am aware that there is a lingering question, fueled by the misperception of Mr. Bulger's involvement, that investigations into the development of 75 State Street were prematurely stopped. I believe the implications of that question to be false. In May of 2002, the long-since closed chapter in my life was re-opened following the federal conviction of former FBI agent John J. Connolly, Jr. At that time, I was asked by Cosmo Macero, Jr., of the Boston Herald about the role either Mr. Bulger or Mr. Connolly played in the matter. I told him, truthfully, that neither played any role to my knowledge. Mr. Macero wrote a column based on our interview, which appeared in the Boston Herald on May 29, 2002, in which I am accurately quoted. It is attached to this affidavit as Exhibit A. I reaffirm and adopt the statements I made to Mr. Macero at that time.

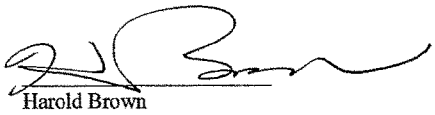
3. Rather than being prematurely closed, the investigative activity concerning the development of the 75 State Street project spanned a period of many years. It was fully investigated by the FBI and then the United States Attorney via an investigative grand jury before the head of the New England Organized Crime Strike Force, Jeremiah O'Sullivan, took over as United States Attorney and conducted what was then labeled a "tertiary" or third review. When Mr. O'Sullivan publicly closed that tertiary review on March 31, 1989, he stated "no witness has even alleged that State Senator Bulger was criminally involved in this matter through his relationship with Mr. Finnerty and any inferences that he was are not supported by the weight of the evidence" and he told the press his decision "was not a close call." Mr. O'Sullivan's decision with respect to the Senate President was clearly correct. The federal investigations and media glare both grew out of a civil lawsuit between Mr. Finnerty and me and neither in that suit nor at any subsequent time have I indicated that Senator Bulger had any involvement in my project. That is because he had none. That simple fact did not stop the media snow ball.

4. Following the third federal closure, Massachusetts Attorney General James Shannon and the Chief of his criminal bureau looked at the matter from a state perspective and decided there was no basis to proceed. In the 1990 campaign for Attorney General, Scott Harshbarger committed to undertaking a thorough investigation of the matter, if elected. Mr. Harshbarger defeated Mr. Shannon in the primary election and was elected in November and followed through on his promise.

5. A year after Scott Harshbarger took office, he closed his investigation of the 75 State Street Project. I attach his statement from the time of the closure as Exhibit B. He concluded there was no credible evidence to support the allegations of improper action by any individual, specifically mentioning Mr. Bulger by name, in connection with the 75 State Street development. He too said it was "not a close call."

6. Despite these five levels of federal and state review, a small group within the journalistic ranks in Boston refuse to let go of their story. I was pleased to be approached by Cosmo Macero, Jr., following Mr. Connolly's conviction to say once again there was nothing to the story and equally pleased to be asked to provide this affidavit. I am sorry the lawsuit caused others to speculate about Senator Bulger's conduct concerning me and pleased to help him dispel the myth. The truth is simple: Mr. Bulger played no role in connection with my project.

Signed under the pains and penalties of perjury this 16th day of June, 2003.



Harold Brown

Mr. KILEY. It will be the Brown affidavit.

Chairman TOM DAVIS. Without objection that will be put in the record.

Let me ask another question. In September 1987, your brother, Whitey, was stopped by Logan Airport personnel for attempting to carry $500,000 onto an airplane. State Police Trooper Billy Johnson detained and questioned Whitey at the airport with regard to that incident. Billy Johnson later wrote an incident report. Johnson claimed that soon after the incident, David Davis, the executive director of the Massachusetts Port Authority came to Johnson's office and requested a copy of his report. Johnson stated Dave Davis told him that you had asked Davis to obtain a copy of the incident report. Johnson was demoted after this incident and he later committed suicide.

Mr. Bulger, when did you first learn of the incident between Whitey and Billy Johnson at Logan Airport?

Mr. BULGER. I think the first I ever saw of it was when it was reported in the newspaper. I wish to assure you, Mr. Chairman, although you haven't asked, that I have never made any call, I never sought to seek sanctions against that State trooper who was doing his job. I have another affidavit which my counsel has provided for your committee and that affidavit is a recent one from David W. Davis, himself. He was and is a very respected individual in Massachusetts and he was head of the Massachusetts Port Authority and he maintains exactly what I am saying, that there was no such communication from me. It has been reported 100 times that there was but there is no truth to it, none.

Chairman TOM DAVIS. Mr. Davis' affidavit only says that no one interceded with him for Bulger and no one else at Mass Port told him that Bulger had contacted them. We didn't ask all the staff at Mass Port and does Mr. Davis know whether Mr. Bulger ever received an incident report from another source within Mass Port? We will verify that.

Mr. BULGER. Excuse me, sir?

Chairman TOM DAVIS. I said we will go back and try to verify the affidavit we have just been presented today. Yes?

Mr. KILEY. Will that affidavit be placed on the record, please?

Chairman TOM DAVIS. Without objection, it will be put in the record.

[The information referred to follows:]

Affidavit of David Davis

I David Davis on oath depose and say as follows:

1. From 1975 through 1989 (with a two or three month break in service that is irrelevant to this statement) I was the Executive Director of the Massachusetts Port Authority, the body politic and corporate created by law in 1956 which owned and operated Logan Airport at all times relevant to the matter discussed in this affidavit.

2. As a result of my official duties at the time, I am aware of an incident described in a September 1988 Boston Globe article (copy attached) describing a contact between James "Whitey" Bulger and State Trooper William Johnson at Logan Airport. I am also aware that members of the media in Massachusetts have questioned whether Mr. Bulger's brother, William M. Bulger, interceded with me or my office with respect to our handling of the incident and/or the dissemination of information about it.

3. At the time of both the 1988 article and the incident described in it, William M.Bulger was the President of the Massachusetts Senate. He and I had a professional relationship which caused us and our offices to interact on a periodic basis.

4. At no time did William M. Bulger or any person purporting to act on his behalf intercede with me to affect our handling of the incident or how we dealt with information about it. I never provided copies of reports written by Trooper Johnson to Senate President Bulger. No one at the Massachusetts Port Authority ever indicated to me they were contacted on those matters by William M. Bulger or any person purporting to act on his behalf. No form of sanction was ever imposed on Trooper Johnson concerning this incident or any other at the behest of Senate President Bulger.

5. Whenever I have been asked about what I have described as the incident, which did occur, or William M. Bulger interceding in any way in connection with it or Trooper Johnson, which did not occur, I have attempted to make clear that the former Senate President did not, to my knowledge, involve himself in the matter in any way. Nevertheless, the insinuation that he did persists among some circles. The insinuation is false.

Signed under the pains and penalties of perjury this 16th day of June, 2003.

David Davis

Chairman TOM DAVIS. Did you have a professional relationship with David Davis?

Mr. BULGER. Only that I was president of the Senate and he would be in touch from the Port Authority, almost the same relationship I had with most agencies in the Commonwealth.

Chairman TOM DAVIS. Was it a close personal relationship?

Mr. BULGER. No, we were not close.

Chairman TOM DAVIS. Not a social relationship?

Mr. BULGER. No, not at all.

Chairman TOM DAVIS. Did you tell David Davis to acquire Billy Johnson's incident report?

Mr. BULGER. Never.

Chairman TOM DAVIS. Did you tell anyone else who worked for Mass Port to acquire Billy Johnson's incident report regarding Whitey?

Mr. BULGER. No.

Chairman TOM DAVIS. Finally, my last question before I yield to Mr. Burton, and we have a vote going so we may end up at this point, Mr. Burton, after this line and then turn it over to you when we get back.

The Lancaster Street investigation was conducted by the Massachusetts State Police and targeted the leaders of the Boston mob which would have included your brother, Whitey. After the investigation was closed, an amendment was added to the State budget for fiscal year 1982 which would have required officers aged 50 or older to take a reduction in pay and rank or retire. The amendment only affected five officers, two of which, John O'Donovan and John Regan, were involved in investigating Whitey. Were you aware of the Lancaster Street investigation before it was revealed to the public?

Mr. BULGER. No, I was not.

Chairman TOM DAVIS. Did you ever discuss the Lancaster Street investigation with John Connolly?

Mr. BULGER. I don't think so. In fact, I just recently started to ask where the Lancaster Street site is. I don't know for certain where it is.

Chairman TOM DAVIS. Did you ever discuss the Lancaster Street investigation with your brother, Whitey?

Mr. BULGER. Never.

Chairman TOM DAVIS. Did you know John O'Donovan?

Mr. BULGER. Pardon me?

Chairman TOM DAVIS. Did you know John O'Donovan, one of the officers?

Mr. BULGER. Oh, yes.

Chairman TOM DAVIS. Did you know John Regan?

Mr. BULGER. I don't think I knew John Regan.

Chairman TOM DAVIS. Did you sponsor the amendment in question?

Mr. BULGER. No, I can tell you I have no memory of the amendment, none whatsoever.

Chairman TOM DAVIS. You don't remember discussing the amendment with anyone?

Mr. BULGER. Never.

Chairman TOM DAVIS. Never before? How about after the fact because there was press on it later on?

Mr. BULGER. I don't recall. The press came much later from what I understand. I have two affidavits from State police.

Chairman TOM DAVIS. Would you like those entered into the record?

Mr. BULGER. If I may.

[The information referred to follows:]

AFFIDAVIT

I, Peter W. Agnes of Massachusetts on oath depose and say as follows:

1. I am a retired Lieutenant Colonel in the Massachusetts State Police Department and am one of five former senior officers who would have been adversely affected by an outside section of the FY 1982 state operating budget that never took effect because Governor Edward King vetoed it. The other potentially affected officers and the ranks they then held were Lieutenant Colonel John O'Donovan, Major John Regan (now deceased) and Captains William Nally and Robert Zoulas.

2. I am aware of news stories and columns written some time later attributing the outside section which would have affected me to former Senate President William Bulger and suggesting that its insertion in the state budget was some form of retribution for the work of the state police in a surveillance effort related to his brother James "Whitey" Bulger that focused on a Lancaster Street garage. I believe that this is inaccurate.

3. First, the claim was made after the fact. Attached to this affidavit is a copy of a news article from the Boston Globe written when the budget was before the Governor for his review. There was no suggestion in it or any contemporaneous news accounts that I recall of any connection between the State Police interest in James "Whitey" Bulger, nor that Senate President William Bulger played any sponsorship role in the matter.

4. Second, I was generally aware that certain members of the uniformed branch of the State Police favored limitations on career advancement opportunities and retirement benefits for officers like me who entered the State Police as Detective Lieutenants. The proposed outside section would impose such limitations on officers like me.

5. Third, I was not involved in the investigation of the Lancaster Street Garage in any capacity.

6. Finally, I have never believed William Bulger to be unfavorably disposed to me personally.

Signed under the pains and penalties of perjury this 14th day of June, 2003.

Peter W. Agnes

Peter W. Agnes

AFFIDAVIT

I, William C. Nally of South Yarmouth depose and say as follows:

1. I am retired from the Massachusetts State Police, where I attained the rank of Major prior to my retirement.

2. I have known retired Colonel Peter W. Agnes longer than either of us would care to recount. We have retired to the same community and see one another frequently.

3. Like Colonel Agnes, I was one of five senior Massachusetts Police officers who would have been affected by an outside section of the FY '82 state budget. Like Captain Agnes, and for the reasons set forth in his Affidavit, which I have read, I know of no facts which support the comparatively recent allegations that the budget item was payback for an investigation of "Whitey" Bulger.

4. In particular, I assert that (a) I had no contemporaneous knowledge of the Lancaster Street Garage investigation and played no role in it; (b) that there was no payback message ever delivered to me by the Senate President; and (c) Senate President Bulger never appeared to me to be either a friend or foe on matters involving the state police or me. I could not have been punished for a role in the Lancaster Street Garage matter as I played no role in it.

Signed under the pains and penalties of perjury this 14 day of June, 2003.

William C. Nally

William C. Nally

Mr. KILEY. Those are the affidavits of Messrs. Agnes and Nally, two of the other affected officers.

Chairman TOM DAVIS. Those will be entered in the record without objection.

Mr. BULGER. They offer a different take on the amendment.

Chairman TOM DAVIS. Mr. Kiley, I wonder if you can take a second to tell us what the affidavits say that are going to be entered into the record.

Mr. KILEY. Both affidavits state that the individuals were among the five affected officers. Both offer the observation that they do not believe that Mr. Bulger was the sponsor and offer the observation that they had nothing to do with Lancaster Street and there were other things going on in law enforcement in Massachusetts that may well have contributed to the filing of this particular amendment. That is a paraphrase, Mr. Chairman.

Chairman TOM DAVIS. They wouldn't necessarily have known who put it in though, isn't that fair to say?

Mr. KILEY. Yes.

Chairman TOM DAVIS. Do you remember if you voted for the amendment, Mr. Bulger?

Mr. BULGER. I don't.

Chairman TOM DAVIS. Were you aware of the specific individuals that would be affected by the amendment? You are now obviously.

Mr. BULGER. Oh, no. It was, I think, one of hundreds of amendments at budget time and I never knew of it until long afterwards.

Chairman TOM DAVIS. I think this would be a good time for the committee to break. We have 10 minutes left on a vote on the floor. We will probably reconvene in about 15 minutes.

Mr. BURTON. Mr. Chairman, before we leave, can I ask one real quick question?

Chairman TOM DAVIS. The gentleman is recognized.

Mr. BURTON. You said you don't recall talking to Connolly or anybody about the Lancaster Street investigation. Is that what you said?

Mr. BULGER. I don't believe I ever spoke to John Connolly about Lancaster Street.

Mr. BURTON. Did you talk to anybody about that investigation?

Mr. BULGER. I don't think so.

Mr. BURTON. I know but the point is you are saying I don't think so and we have had a lot of people testify before the committee who had what I call convenient memory loss. What I want to know is can you categorically say you did not talk to anybody about that investigation? Can you categorically say you did not talk to anybody about that?

Mr. BULGER. Mr. Congressman can I just ask when this Lancaster Street event occurred?

Mr. BURTON. 1982.

Mr. BULGER. 1982. My preference is to say that I categorically cannot recall ever talking with anyone but I think it is hazardous over 20 years, something that seems to have appeared in the newspaper from time to time, to suggest that is absolutely so.

Mr. BURTON. The reason I asked the question is it is pretty significant because only five people were affected. They were people causing your brother some heartburn. You were the president of

the Senate and now you are saying you can't remember. That would be pretty significant if you were trying to punish these people who were after your brother. You say you can't recall?

Mr. BULGER. I have never sought to punish anyone who was in law enforcement and was in pursuit of my brother.

Mr. BURTON. But you can't categorically say that you didn't talk to anybody about that?

Mr. BULGER. During these 20 years?

Mr. BURTON. No, during the time the amendment was going to be pending and it was going to be passed.

Mr. BULGER. No, I don't believe so.

Mr. BURTON. You don't believe so. Categorically, can you say you didn't?

Mr. BULGER. Again may I explain the reason for my caution with my answer? It is this. There was some kind of struggle between the uniformed police and, this I think is the basis for the amendment, and the people in this category of officers who had officer status. The uniformed people thought it was against their interests that people would be frozen into their jobs after having become the officers because then they could no longer aspire to those offices. I don't recall any conversations with any of the State police at that time, but it could very well be that someone or some of them may have talked to me and I thought the amendment had a different purpose. I don't remember it. I just don't remember it. It was of no great significance to me. I am confident people who are in the legislature, you must know that amendments and measures that are coming before you by the hundreds or dozens are things that the tendency is to forget.

Mr. BURTON. I know we have to go but this affected people that were after your brother and you don't remember these people being demoted?

Mr. BULGER. The amendment? Never. I never asked anyone to do any such thing.

Mr. BURTON. I know you said that but you don't remember.

Chairman TOM DAVIS. He said that categorically, right?

Mr. BULGER. Never. No.

Chairman TOM DAVIS. Mr. Burton, we will recognize you when we come back.

Mr. Bulger, we will break for probably close to a half hour.

[Recess.]

Chairman TOM DAVIS. The meeting will come back to order.

The gentleman from Massachusetts, Mr. Meehan, you have a followup question?

Mr. MEEHAN. I just wanted to ask Mr. Bulger on the amendment, my understanding was it wasn't an amendment but rather was an outside section of the budget and was actually in the Senate Ways and Means proposal which presumably would mean it was approved by the leadership.

Mr. BULGER. It could very well be the case.

Mr. MEEHAN. My point is that if an outside section is proposed and included in the Senate Ways and Means budget, it is not like it was just some amendment, there were hundreds of amendments that are filed during the budget process. This was actually in the

Senate Ways and Means budget proposal presented to the Senate. At least that was my understanding.

Mr. BULGER. It could very well be the case.

Mr. MEEHAN. Thanks, Mr. Chairman.

Chairman TOM DAVIS. We can do subsequent research to see if there is any other.

The gentleman from Indiana is recognized.

Mr. BURTON. Thank you.

The bottom line is you just don't remember?

Mr. BULGER. That is right.

Mr. BURTON. Five people that were after your brother were penalized financially when you were president of the Senate, you had nothing to do with it and you don't remember?

Mr. BULGER. The premise is not true that such people were penalized.

Mr. BURTON. What did the amendment do?

Mr. BULGER. The amendment only becomes effective when it is signed by the Governor.

Mr. BURTON. What did the amendment do?

Mr. BULGER. I am uncertain of that.

Mr. BURTON. To say it wasn't penalizing them, you must know what it did.

Mr. BULGER. But it never became law, Congressman.

Mr. BURTON. But you just said it didn't penalize them.

Mr. BULGER. Because it never became law. There are proposals, we have about 5,000 proposals a year at the legislative level. They only achieve their purpose, whatever it might be, when they are passed into law.

Mr. BURTON. The thing that is very interesting is you said you didn't remember anything about it but now you are saying it didn't become law. How do you recall that?

Mr. BULGER. I don't think it is inconsistent.

Mr. BURTON. Tell me why it is not inconsistent?

Mr. BULGER. I am trying to tell you that if it doesn't become law, it doesn't achieve its purpose, whatever the purpose might be. Let us say we have an amendment or measure which would.

Mr. BURTON. You are thinking. I am a legislator too. You said you didn't recall the amendment, that you had thousands of amendments going on and you were the leader of the Senate, but you just said, it didn't become law. How do you know that if you don't remember?

Mr. BULGER. Because subsequent to that, it has been written about.

Mr. BURTON. I see, you picked it up from the newspapers? Did you check to see if it became law when you read it in the newspapers?

Mr. BULGER. I don't believe so. May I just acquaint you with what Mr. Agnes says of it and he is one of those people who was affected. If you will give me a chance, I would like to give you his affidavit.

Mr. BURTON. I am only concerned about the amendment.

Mr. BULGER. And he is speaking to the amendment. Mr. Agnes is a retired Lieutenant Colonel in the Massachusetts State Police. He says, "I am one of five former senior officers."

Mr. BURTON. Mr. Bulger, I simply don't have the time for you to read that into the record. You can submit it for the record.

Mr. BULGER. It would be enlightening, I think.

Mr. BURTON. I would rather your answers be as concise as possible.

Chairman TOM DAVIS. The gentleman controls the time.

Mr. BURTON. You grew up with John Connolly, didn't you?

Mr. BULGER. I did.

Mr. BURTON. And you and your brothers were buddies of John Connolly throughout your childhood and into adulthood?

Mr. BULGER. I didn't know that. That is news.

Mr. BURTON. Were you or weren't you?

Mr. BULGER. No. I know when I went into the Army when I was 19 years of age, John Connolly was 12 years of age, so it is highly unlikely in the course of normal relationships.

Mr. BURTON. He was very close to Whitey, though? He was closer to Whitey?

Mr. BULGER. I don't think so.

Mr. BURTON. How did he and Whitey get to know each other?

Mr. BULGER. I think it all came years later.

Mr. BURTON. But they came from the same neighborhood?

Mr. BULGER. Yes.

Mr. BURTON. Did Mr. Connolly assist you in any of your political endeavors?

Mr. BULGER. I believe so.

Mr. BURTON. In what endeavors did he help you?

Mr. BULGER. When I would be involved in campaigns in the district.

Mr. BURTON. Did he help you in your campaign to become president of the Senate?

Mr. BULGER. No, that was within the body and he did not.

Mr. BURTON. One of your opponents was indicted, wasn't he, and convicted?

Mr. BULGER. No.

Mr. BURTON. You didn't have a potential opponent?

Mr. BULGER. The majority leader was indicted and that paved the way for upward mobility.

Mr. BURTON. That was one of your potential opponents. Wasn't he indicted about that time?

Mr. BULGER. He is still, I hope, a friend of mine and he was indicted, yes.

Mr. BURTON. And that paved the way for you to become the president of the Senate?

Mr. BULGER. It was still within the power of the president to decide who would be named majority leader, so it was nothing definite about my ascendancy into that position.

Mr. BURTON. Do you know of any threats made by your brother, Whitey, to people that were giving you political difficulty, creating difficulty for you?

Mr. BULGER. I don't know. I don't know but nothing authorized by me, I assure you, Congressman.

Mr. BURTON. There are people who said that Whitey came up to them and said, hey, you know who I am, you SOB. If you don't

leave my brother alone, you are going to regret it. You don't know anything about that?

Mr. BULGER. I don't know much about it, no.

Mr. BURTON. Do you know who the people were who were threatened?

Mr. BULGER. No.

Mr. BURTON. You had no connection?

Mr. BULGER. I assure you, I would never ask for or authorize such a madcap kind of conduct on his part or on anyone's part.

Mr. BURTON. Other than the property we talked about a while ago, did you ever use any of your authority to chastise or threaten people that were after your brother?

Mr. BULGER. No, never.

Mr. BURTON. Never did. Did you talk to your brother about rumors that he was an informant?

Mr. BULGER. I don't recall such conversation, but I might have asked the question, what is this all about. I am speculating, but his answer would be very swiftly, oh, that is just not true.

Mr. BURTON. Did you talk to Connolly about whether or not your brother was a Government informant?

Mr. BULGER. No. I don't believe so. I have to say I don't believe so because these things are 15 years ago.

Mr. BURTON. But that is pretty significant. You cannot categorically say you didn't talk to Connolly?

Mr. BULGER. No, I cannot categorically say I did not talk to Connolly.

Mr. BURTON. So you might have talked to Connolly about it?

Mr. BULGER. Of course.

Mr. BURTON. In retrospect given your power and prestige, did you ever discourage law enforcement from doing everything it could to go after your brother?

Mr. BULGER. Never.

Mr. BURTON. Never. You referred to your brother as Reverend at a St. Patrick's Day function. Just as an aside, I would like to know why you did that?

Mr. BULGER. I would like to know myself. I don't believe I ever did but I can assure you those things are on tapes all over the place and we could find out. I never, in my experience, used that expression to describe my brother.

Mr. BURTON. You had a long-time aide, Mr. Joyce. I believe he was working at the Convention Center?

Mr. BULGER. Right.

Mr. BURTON. He hired people like Theresa Stanley who was one of the people that fled with your brother when she came back. Did you have anything to do with that?

Mr. BULGER. No. I am reminded by counsel that it may turn out that he, Mr. Joyce, never did hire Theresa Stanley.

Mr. BURTON. He did not hire her?

Mr. BULGER. That is what I believe.

Mr. BURTON. Then we have an error in the information we have. We will check that out but you say she was not hired by him?

Mr. BULGER. Right.

Mr. BURTON. Was anybody else hired by him that had a connection with you and your brother?

Mr. BULGER. I don't know. I am sure there were people in south Boston. My problem with the question, if I may, is that if I recommended someone, and it was rare that I did because when Joyce got the job, I said, please just do the very best job and you won't be imposed upon by me. If I recommended someone, Congressman, it might very well be that he or she is known by both of us but that is not because of it.

Mr. BURTON. Did you have anything to do with the efforts to get the Billy Johnson police report? I think you answered that to some degree earlier.

Mr. BULGER. Did I what?

Mr. BURTON. Were you involved in the efforts to get the Billy Johnson police report?

Mr. BULGER. No.

Mr. BURTON. What about the money at the airport?

Mr. BULGER. Never. It comes from the tabloid, talk show stuff in Boston and it was concocted there and there is not even an accusation that I can fight on that. When Mr. David Davis who is the one named by them as having been asked by me, his affidavit says, "At no time did William Bulger or any person purporting to act on his behalf intercede with me to effect our handling of the incident or how we dealt with information about it. I never provided copies of reports written by Trooper Johnson to Senate president Bulger. No one at Mass Port Authority ever indicated to me they were contacted in those matters by William Bulger." This is I think important.

Mr. BURTON. I think you have made the point. You don't need to read it.

Mr. BULGER. There is a larger point to be made. May I respectfully, it is just one sentence?

Mr. BURTON. All right.

Mr. BULGER. "Whenever I have been asked about what I have described as the incident, which did occur, of William Bulger interceding in any way in connection with it or Trooper Johnson, which did not occur, I have attempted to make clear that the former Senate president did not, to my knowledge, involve himself in the matter in any way. Nevertheless, the insinuation that he did persists in some circles. The insinuation is false."

Mr. BURTON. You indicated in your opening statement that you knew your brother was involved in some nefarious activities but you didn't know a great deal about it. Is that correct?

Mr. BULGER. That is correct.

Mr. BURTON. Did you know he was involved in murder?

Mr. BULGER. No, I do not. I did not.

Mr. BURTON. Did you know he was involved in narcotics trafficking?

Mr. BULGER. No.

Mr. BURTON. You didn't know anything about that. Did you know anything about the Winter Hill Mob?

Mr. BULGER. The what?

Mr. BURTON. The gang he was connected to?

Mr. BULGER. No, I didn't. I don't think I met anybody from that.

Mr. BURTON. You didn't know Flemmi?

Mr. BULGER. I did know Steve Flemmi, yes.

Mr. BURTON. He was part of that gang. You didn't know he was part of that gang?

Mr. BULGER. No.

Mr. BURTON. Or his brother?

Mr. BULGER. I didn't know his brother.

Mr. BURTON. Do you know a gentleman named Martorano?

Mr. BULGER. No, I don't. I have read of him.

Mr. BURTON. Let me see what Mr. Martorano said here. Mr. Martorano, who was a hit man for the Mafia testified at Connolly's Federal racketeering trial that Connolly protected James at your urging. Did you ask Connolly to protect James saying something like, keep my brother out of trouble?

Mr. BULGER. Whatever was done by Connolly would not have been done at my urging and there was no urging on my part along those lines. There was something about the quote itself which seemed to be kind of innocent, depending on the circumstances and if I ever said such a thing, it would mean I am saying please steer him clear of getting into trouble or keeping his nose clean or following the straight and narrow, the kind of thing we might be inclined to say.

Mr. BURTON. Did you ever ask any law enforcement officer, State, local, Federal, Mr. Connolly, anybody, to assist your brother in any way?

Mr. BULGER. Never.

Mr. BURTON. None?

Mr. BULGER. I don't believe ever in my life, never.

Mr. BURTON. I don't want you to say "I don't believe."

Mr. BULGER. I have to say that because I have some mileage on me, so who knows but I don't believe there is anything anywhere that was done nefariously or any kind of request for anyone not to do his duty, ever.

Mr. BURTON. Did you ever express gratitude for law enforcement efforts to keep your brother out of jail?

Mr. BULGER. No.

Mr. BURTON. Never did?

Mr. BULGER. No, I don't believe so, ever. I have to say I don't believe so because who knows what you might have said in jest or whatever, and you know that, Mr. Congressman. I have never expressed gratitude to anyone on any serious note for their having failed to do their job, ever.

Mr. BURTON. You are a very good attorney and you qualify your statements very well.

Chairman TOM DAVIS. The gentleman's time has expired. If he would ask for an additional 10 minutes.

Mr. BURTON. I believe my colleagues have some questions.

Chairman TOM DAVIS. I think we would be willing to do that and then break.

Mr. WAXMAN. Mr. Chairman.

Chairman TOM DAVIS. Yes?

Mr. WAXMAN. Our side has 30 minutes to inquire of this witness and many of us have conflicts. I have another committee hearing going on and I wondered if we could start off with 5 minutes on our side.

Chairman TOM DAVIS. That is fine.

Mr. BURTON. I think these colleagues of ours deserve the same amount of time so that is fine with me.

Chairman TOM DAVIS. We will flip it to your side.

Mr. TIERNEY. That is fine.

Chairman TOM DAVIS. Mr. Waxman for 5 minutes.

Mr. WAXMAN. Mr. Bulger, you have just stated unequivocally that you have never used your office, you have never intervened in any way to aid your brother in any of his activities or to aid him in avoiding arrest, is that your testimony?

Mr. BULGER. That is my testimony, yes, sir.

Mr. WAXMAN. Then it comes down really to a question about a conversation you had with your brother. I want to ask you about that last contact with your brother. You testified you spoke with him by telephone in January 1995?

Mr. BULGER. Right.

Mr. WAXMAN. Is that the only contact you have had with him?

Mr. BULGER. That was the contact.

Mr. WAXMAN. For how long a period of time? Since he fled?

Mr. BULGER. Yes, since he fled.

Mr. WAXMAN. What was the substance of your conversation?

Mr. BULGER. It was a conversation of about 3 or 4 minutes duration. It was he calling me, like the first 4 or 5 weeks after his indictment, and I never thought there would not have been a resolution of it. So the tone of it was something like, he told me don't believe everything that is being said about me, it is not true. I think he was trying to give me some comfort on that level. I think he asked me to tell everybody he is OK and then I told him, we care very much for you and we are very hopeful. I think I said I hope this will have a happy ending. At that time, there was no talk of the more terrible crimes.

Mr. WAXMAN. Did he ask you to do anything other than to tell people he was OK?

Mr. BULGER. No.

Mr. WAXMAN. Did you ask that he do anything?

Mr. BULGER. No.

Mr. WAXMAN. Did you provide him with any advice such as advice to surrender to the authorities?

Mr. BULGER. No. I have said this before in my grand jury, "That subject never came up."

Mr. WAXMAN. It has been alleged that you and your brother made arrangements for the call to evade surveillance of your telephones by law enforcement authorities. Where were you when you received the telephone call from James Bulger?

Mr. BULGER. I was in a friend and employee's home. I was asked the question before. Did I have a desire to avoid electronic surveillance in connection with that call? I answered "no." I was asked where I would be and I received the call there.

Mr. WAXMAN. Who asked you where you would be?

Mr. BULGER. I don't have a specific recollection but the only person it possibly could have been would be his friend, Kevin Weeks.

Mr. WAXMAN. You have been criticized for not contacting law enforcement officials about your call with your brother. Did you contact the authorities before or after receiving the call?

Mr. BULGER. No. I told my lawyer immediately after it. In Massachusetts, we had the benefit of a statute which allows for a sibling to talk to a brother or sister under these circumstances and I think now that was somewhat protective.

Mr. WAXMAN. There was a law.

Mr. BULGER. Chapter 274, Section 4 is one that is protective of the family relationship. It seeks to encourage the family relationship and be protective of it.

Mr. WAXMAN. Many people have written about your actions and they said you had a basic choice. You had to choose between loyalty to your brother and your civic duty to assist in his arrest, and you chose your brother. How do you respond to that criticism?

Mr. BULGER. They are wrong on that. I am his brother, he called me or he sought to call me and I told his friend where I would be and I received the call. It seems to me that it is in no way inconsistent with my devotion to my own responsibilities, my public responsibilities as, at that time, president of the Senate. I believe I have always taken those as my first obligation.

Chairman TOM DAVIS. The gentleman's 5 minutes has expired.

Mr. WAXMAN. If I might ask for one clarification for the record. One of my colleagues made the statement that you requested immunity before testifying, implying that you were in essence fishing for an immunity deal. Was that the circumstance?

Mr. BULGER. No, it was not. The immunity request came on a couple of bases. This is the immunity I sought recently in December. At that time, my grand jury notes minutes had been leaked to the Boston Globe. I felt as though I was going to be involved in a huge memory test about what had been my testimony a couple of years before at the grand jury. I would like to have seen my grand jury minutes but they were denied to me. The judge had no problem apparently with the fact that the Globe had my grand jury minutes but he nevertheless denied them to me. So it made me concerned about it.

When you are going into a grand jury, others have written about this but innocent people are more likely to plead the privilege in secret proceedings. In a secret proceeding, you are all alone and the prosecutor knows and the prosecutors in this case, know what they are doing. It is a time I think for great caution.

It is an exercise, to my belief, of a Constitutional right that is for the innocent, so I exercised it and I thought there should be no punishment for it and no one should question it as it being something bad. That is my understanding of it as an attorney. In fact, the cases in the Supreme Court of the United States insist that it is a law for innocent men who find themselves in ambiguous circumstances and it should not be a method of punishment or persecution for anyone who exercises that right.

Mr. WAXMAN. Before you get into some of the details on the privilege, you took the privilege before this committee previously. This committee has granted you immunity which means we can compel you to testify because you will not be incriminating yourself since you have been granted immunity. Did that grant of immunity come at your request or the committee?

Mr. BULGER. The grant of immunity?

Mr. WAXMAN. Yes.

Mr. BULGER. The committee did what I would have expected, it would grant the immunity once I declined to testify but I guess it is not at my request so much as at the request of the committee with concurrence of the Justice Department.

Mr. WAXMAN. There was an offer by the committee. That clarifies it for the record because I think there was an impression that was not a fully thought out one. I appreciate your elaborating on it.

Chairman TOM DAVIS. I appreciate the gentleman clarifying that it came from the committee. This was the committee's reaction to his pleading.

Mr. WAXMAN. Mr. Chairman, I am compelled to go to another committee. Mr. Tierney is going to manage the time on our side and I appreciate the courtesy you and he have extended to me.

Chairman TOM DAVIS. The gentleman from Massachusetts.

Mr. TIERNEY. This is a difficult format for you, Mr. Bulger, as well as for the committee members. We have a limited time. I am going to do 5 minutes and then ask Mr. Lynch, followed by Mr. Meehan and Mr. Delahunt to do the same. Then we will collectively deal with whatever time we have left.

Mr. WAXMAN. Would the gentleman yield? Weren't other Members expecting a break at this point?

Mr. TIERNEY. They were.

Chairman TOM DAVIS. I think at this point if we recognize people in 5 minute intervals we can move through a little quicker because we have a vote expected at 1 p.m.

Mr. WAXMAN. I understood there was going to be a break and I had my opportunity now so others might have been expecting a break.

Mr. TIERNEY. That is what changed things.

Mr. WAXMAN. I would urge you to think through whether members have been relying on the expectation of a break and I interceded to change that. Whatever you two decide.

Mr. TIERNEY. We will take some time and then we will assess that. Thank you.

Mr. Bulger, at the close of your opening remarks, you made the statement that you think the fair perspective will surface again for those other family members who have shown great strength in the face of the onslaught by the media and by overzealous government authority. What were you referring to by the "overzealous government authority?"

Mr. BULGER. There has been a deep inquiry from various people. I am not sure, for example, I am not thinking even of the government in Boston when it released my grand jury minutes to the press and refused to give them to me.

Mr. TIERNEY. You believe the government did that?

Mr. BULGER. The government had control of it. I think it bears responsibility in some way for it.

Mr. TIERNEY. That was it?

Mr. BULGER. No, there are other things. As recently as a week ago, we received a visit at my home from two people who identified themselves as FBI people and they met my daughter and I asked her to give me a quick synopsis of it. May I read it to you?

Mr. TIERNEY. I think at the end of our time we will do that but if you want to enter your written synopsis on the record, we can

ask the chairman to do that with unanimous consent. I have some other questions I want to ask.

Mr. BULGER. May I just quote one of the paragraphs?

Mr. TIERNEY. Go ahead, we will extend some time.

Mr. BULGER. One of the gentlemen said, "Look, I am from Boston, we want to talk to your mother, she doesn't have to say a word, we just want her to listen to us. We want to explain things to her. Do you see what is going on in North Carolina with Rudolph? They are tearing that town apart. That is what will happen here but if we can get someone in the family, just one person, to say something that will help us arrest the fugitive, it will be over just like that. We will even help to rebuild your father's reputation."

Mr. TIERNEY. Do you have the names of those two individuals?

Mr. BULGER. Yes.

Mr. TIERNEY. Will you share those with the committee?

Mr. BULGER. Sure. State them right now?

Mr. TIERNEY. Fine.

Mr. BULGER. One's name is James Stover and the other is J. Michael Doyle.

Mr. TIERNEY. Thank you. We ask that document be submitted on the record by unanimous consent.

Chairman TOM DAVIS. Without objection, so ordered and we will resume the time.

[The information referred to follows:]

James Stover
J. Michael Doyle

Approximately 12:30 pm 6/10/03

Loud knock on front screen door [inside door was open]
I was on the phone and did not answer right away
They called hello
I called back 'just a minute' and came to and opened the screen door.

J. Michael Doyle [JMD} asked for Mary Bulger. I signaled for him to lower his voice a bit and explained that I had babies sleeping.

I said she was not in.

JMD - We are with the Federal Bureau of Investigation and we want to talk to her, are you her daughter?

Me – yes

JMS - Is she home?

Me – No

JMS – All this stuff going on with your family, your brothers, your father, your uncle, all the pressure your family is under, we just want it to stop so we want to talk to her.

Me – all this stuff?

JMS – [He sort of sneered as though I could have any question about what the subject would be] Yes, the search for the fugitive. We have been called in from out of town to stir things up, ask more questions.

JMD – Look I'm from Boston. She doesn't have to say a word, we just want her to listen to us. We want to explain things to her. Do you see what's going on in North Carolina with Rudolph? They are tearing that town apart. That's what will happen here. But if we can get someone in the family, just one person to drop – say something that will help us arrest the fugitive James Bulger, it will be over just like that [snap]. We will even help to re-build your father's reputation.

Me – This doesn't seem like the right way to be going about this. Shouldn't you be talking to a lawyer?

JMS – Do you want us to subpoena somebody for questioning before a jury? Look what's going on with your uncle. We are going to keep asking questions until we find James Bulger. That is the only way this is going to end.

Me – My uncle?

JMS – Jack

JMD – Your uncle Jack. We just want to talk to your mother.

Me – My mother? My mother? Think about that.

JMD – I do think about that, believe me.

JMD – Look here are our cards. You tell her to call us. And if she doesn't, we'll just keep coming back. We can talk to you and you can tell her, tell your father, whatever you want. Look at how shocked you are that we came by like this and woke up the baby.

Me – and is this what you wanted to tell my mother?

JMD – Yes.

Me- You said you were called in to work locally, how do these cards help?

JMD – Just call the cell phone numbers.

Me – Fine, good bye

Olsen vs. Ranier
" one of the Fifth Amendment's basic functions is to protect innocent men who might be ensnared by ambiguous circumstances."

Mr. TIERNEY. Mr. Bulger, you know this committee is investigating the conduct of the FBI and I want to get into one particular agent at the moment, Mr. Connolly. Did you encourage Mr. Connolly to attend Boston College?

Mr. BULGER. I may have. I honestly don't recall. I was a little older and Connolly would be around and I could very well have.

Mr. TIERNEY. Did you write a letter of recommendation for him to attend graduate school?

Mr. BULGER. I don't believe so. The Kennedy School of Government I am reminded is—I think I did send a letter over to the Kennedy School.

Mr. TIERNEY. Do you know whether or not he had a relationship with your brother, James?

Mr. BULGER. At some point, I became aware of it.

Mr. TIERNEY. When was that?

Mr. BULGER. I am uncertain there too but sometime in the 1980's.

Mr. TIERNEY. Mr. Connolly worked on some of your campaigns you testified earlier?

Mr. BULGER. I believe he probably did.

Mr. TIERNEY. Do you recall meeting with him or being in his company at your own office once you were elected?

Mr. BULGER. Yes.

Mr. TIERNEY. Is it a fact he used to bring in new FBI agents and bring them over to your office?

Mr. BULGER. He would bring people through.

Mr. TIERNEY. In that vein, did he ever introduce you to John Morris?

Mr. BULGER. I don't recall any meeting with John Morris, but I am told he is among those who came through.

Mr. TIERNEY. After Mr. Connolly left the FBI, did you in any way assist in his procurement of employment in the private sector?

Mr. BULGER. No, I did not. I could also tell you that I have an affidavit from the hiring authority of Boston Edison.

Mr. TIERNEY. Could we ask that be submitted on the record also?

Chairman TOM DAVIS. Without objection.

[The information referred to follows:]

AFFIDAVIT

I, Carl Gustin, on oath depose and say as follows:

1. I am presently engaged as the President of Clark & Company of Boston, Massachusetts, but the events set forth in this affidavit relate to the time period during which I was employed as Senior Vice President of Boston Edison Company. While so employed, I was aware of circumstances surrounding Edison's hiring of former FBI special agent John Connolly to head our security unit and was the company official who selected him to head the government affairs unit.

2. I am aware of the rumors, repeated in the press, that former Senate President William M. Bulger got Mr. Connolly his jobs at Edison. The rumors are false.

3. When John Connolly was initially hired, the senior Edison officer most involved with the matter was John Higgins, then a Vice President for Human Resources. I discussed the hiring with him then and have also discussed it with him since. Mr. Connolly did have an influential advocate when he sought the security job, but it was John Keough, who was retiring from the position, and not William Bulger. Mr. Keough was a retired public safety official before he joined Edison and was aware of John Connolly's reputation as a successful and highly decorated agent who was well qualified for the top security position at the company. John Connolly was recommended by John Keough and selected by John Higgins.

4. When I tapped John Connolly for the government affairs position, there was no intercession from William Bulger or anyone in his office. We were downsizing and consistent with that effort, made the decision to assign from within. Mr. Connolly was an obvious choice based on his experience in federal government, his contacts in state government, his master's degree in public administration from the John F. Kennedy School of Government at Harvard University and his performance at Edison. There were no external influences on his selection.

Signed under the pains and penalties of perjury this 12 day of June, 2003.

Carl Gustin

Mr. TIERNEY. Did you write any recommendations for him?

Mr. BULGER. To go to the Edison Co.?

Mr. TIERNEY. Yes?

Mr. BULGER. No, no.

Mr. TIERNEY. And allow your name to be used as a reference?

Mr. BULGER. No. I think it is against the law by the way in Massachusetts for us to intervene on the matter as legislators on the matter of employment at a utility.

Mr. TIERNEY. After Mr. Connolly left the FBI, it is a fact, isn't it, that he used to attend some of your political events?

Mr. BULGER. More than likely, yes.

Mr. TIERNEY. At those events, isn't it also that you used to ask him as a courtesy to you to take certain individuals around the room and introduce them to various people who were there.

Mr. BULGER. No, I don't remember that.

Mr. TIERNEY. Special Agent James Ring of the FBI, whom I believe you know.

Mr. BULGER. I think I know who he is.

Mr. TIERNEY. He testified that in 1983, you walked into the home of Steven Flemmi's mother while James Bulger, James Connolly, Mr. Ring and Steven Flemmi were there. Do you recall that event?

Mr. BULGER. I do not.

Mr. TIERNEY. Do you recall ever seeing Mr. Connolly and your brother, James, in the same company?

Mr. BULGER. I don't believe I ever saw them together ever.

Mr. TIERNEY. Do you ever remember Mr. Connolly telling you that he had conversations with your brother, James, or was in his company from time to time?

Mr. BULGER. I don't think he told me. I don't think he ever told me.

Mr. TIERNEY. On September 20, 1988, the Boston Globe article suggested that your brother, James, had a relationship with the law enforcement. Was that the first awareness you had of that circumstance?

Mr. BULGER. In 1988?

Mr. TIERNEY. Right.

Mr. BULGER. That was the first time I heard that term. By the way, the word informant had a different meaning then than it has for me now. I didn't know it meant that someone had on one occasion informed. Now I see it as some kind of special status or whatever but it was not the way I saw the meaning at that time.

Mr. TIERNEY. How did you see the meaning at that time?

Mr. BULGER. I didn't know what to make of it but I was very certain that at that time, and again it was my feeling, that the purpose of characterizing my brother as an informant was to put him in grave danger.

Mr. TIERNEY. Mr. Bulger, what is it you thought your brother did for a living in those years?

Mr. BULGER. I knew he was, for the most part, I had the feeling he was in the business of gaming and whatever. It was vague to me. For a long while, he did have some jobs but ultimately it was clear that he wasn't doing what I would like him to do.

Mr. TIERNEY. In your book, "While the Music Lasts," in chapter nine you write, "In the well publicized case against my brother, all

of the evidence has been purchased, inducements more precious than money, release from prison, the waiver of criminal charges have been offered time and time again. Some of those who insisted they had nothing to offer at the beginning of their incarceration have had second thoughts and suddenly remembered things they could barter for advantages. Without such purchased testimony, there would be no accusations." Do you still believe that to be the case?

Mr. BULGER. No, I have a different understanding of it now. I wrote that I think in 1995 and it was published in 1996. So much has gone on since then, I have a different understanding. I think at that time it was a fair description of what it appeared to me to be.

Mr. TIERNEY. Let me go back to 1985. We have all heard allegations that you accepted $240,000 from a trust fund and apparently your law associate, Mr. Finnerty, had deposited some $500,000 into that trust fund and that is the fund from which you withdrew $240,000?

Mr. BULGER. Right.

Mr. TIERNEY. What was the nature of that withdrawal? What was the payment for?

Mr. BULGER. First of all, why did I say I don't want the money from that source?

Mr. TIERNEY. No. I guess starting at the beginning, why did you take the $240,000?

Mr. BULGER. Because Finnerty and I were law associates and Finnerty's office, while I had left my partnership with him, was the base for my practicing law and there was a fee that exceeded $250,000 that was due me, was coming, and it was late and Finnerty was being accommodating to me by providing some money in advance.

Mr. TIERNEY. When did you disassociate from that law firm in terms of practicing regularly?

Mr. BULGER. I became president in 1978 and I realize I was a burden because of the conflicts, so some time in the 1980's, I am uncertain about when.

Mr. TIERNEY. What was the nature of the case for which the fee was owed?

Mr. BULGER. That I was working on? It was called the Quirk case and it was about property. The Quirk brothers, Bruce and Robert, were people who had a dispute with National Semiconductor about property. I went to court for them on many occasions and ultimately it boiled down to a settlement and the Quirks publicly praised the work that I had done for them. They were pleased by the settlement. I think Hale and Dorr might be the other side. They had said for the record that I had handled the case and had been the heavy on the case.

Mr. TIERNEY. What was the total recovery in that case?

Mr. BULGER. I don't recall but it could have been something like $350,000 or something like that.

Mr. TIERNEY. That is what your client recovered?

Mr. BULGER. No, that was our fee, $350,000 was my fee.

Mr. TIERNEY. And you were owed $240,000 of that?

Mr. BULGER. Pardon me?

Mr. TIERNEY. And you were owed $240,000 of that total fee?

Mr. BULGER. I was owed?

Mr. TIERNEY. You withdrew $240,000 on the basis of the fee?

Mr. BULGER. Oh, no, the $240,000, I would call that some kind of a loan or an advance and I gave it back to Tom.

Mr. TIERNEY. Do you remember when you took the $240,000?

Mr. BULGER. No. He put it into my account and it was, I don't know what year any longer. By the way, Congressman, it turns out because of the case, Finnerty had brought an action against Harold Brown. I never worried too much about the fact that Finnerty provided me money, because it was his money to give, so there was nothing sinister about it, I assure you.

Mr. TIERNEY. We are giving you an opportunity to delay that.

Mr. BULGER. Our friend, Harold Brown.

Mr. TIERNEY. We are going to get to that and get all that on the record but what I would like to know is when you had that $240,000 deposited in your account, did you spend any of that money?

Mr. BULGER. I think I took some and invested it, yes, a little bit.

Mr. TIERNEY. At some point in time, did you become aware that Mr. Brown alleged that Mr. Finnerty had extorted $500,000 from him?

Mr. BULGER. No. No, not during that period. Finnerty brought suit and that was part of some of his defense but Brown exonerates Finnerty now.

Mr. TIERNEY. At some time you put the $240,000 back or gave it back?

Mr. BULGER. I gave it back because I knew that Brown was the source of it.

Mr. TIERNEY. Why did that bother you so much you gave it back?

Mr. BULGER. I didn't know Harold Brown but he was in some kind of trouble and I am elected and that gave opportunity to anyone who would like to misconstrue it to claim there was some nefarious relationship between him and me.

Mr. TIERNEY. Did you ever talk to John Connolly about that situation?

Mr. BULGER. I don't believe I ever did.

Mr. TIERNEY. Did you ever talk to John Morris about that situation?

Mr. BULGER. I don't even remember John Morris.

Mr. TIERNEY. Did you ever discuss it with your brother, James, or any of his associates?

Mr. BULGER. I don't think so.

Mr. TIERNEY. Did you ever discuss it with anyone associated with law enforcement before the investigation started?

Mr. BULGER. I don't think so.

Mr. TIERNEY. Mr. Jeremiah O'Sullivan indicated he reviewed the case and thought it was a question of power brokering. Do you know what he would have been referring to in that?

Mr. BULGER. Yes, I do. O'Sullivan also said that there was no one who accused me of anything. He said it was not a close call. He gave me a very good result, the same result I received from the Attorney General in Massachusetts, but when he said that, that was at a press conference and it was in response to a Globe re-

porter. The Globe reporter was one of those who had a kind of a vested interest in this case. They had brought it, they had discovered it, and they had worked it to death for several months. I believe that Jeremiah O'Sullivan, who I didn't know, strayed from his mandate. When asked the question, he really should have stayed with what he found, but he was giving an opinion that it may be a power brokering situation. I don't think it was, myself, but nevertheless it gave the Globe people who have always insisted, despite what he said, that Bulger had no involvement. The simple fact is this did not stop the media snowball. That is what Harold Brown complains about.

Mr. TIERNEY. My time has expired, Mr. Bulger. Thank you for your responses.

Mr. Lynch.

Chairman TOM DAVIS. We will make sure everybody gets questions. We will use as much time as you use and then we will go back and forth after the time is up. You are set for 5 but if you need more, we will take it.

Mr. LYNCH. Thank you, Mr. Chairman.

Let us pick up right there with Jeremiah O'Sullivan. In his testimony before this committee not long ago, he described the relationship or the dynamic in dealing with the FBI who through various agents have been charged with a lot of wrongdoing in this matter. At one point, he said words to the effect that you don't mess with the FBI, you just cooperate. They can make life miserable for you.

Mr. BULGER. Right.

Mr. LYNCH. What I would like to do is look at the action of the FBI with respect to your office, the Senate presidency and probably go back to before you were Senate president to when you were in the Senate. There are a number of individuals I would like to ask you about and about your relationships with them. They are all special agents of the FBI and/or supervisors.

I would like to ask you about Dennis Condon. He is a special agent of the FBI and he had some role early on with handling your brother, James, in his relationship with the FBI. What was his relationship with you, sir?

Mr. BULGER. Dennis Condon became very friendly with me. I don't think I knew him before he retired from the FBI. I don't think I did.

Mr. LYNCH. When do you think you may have first become an acquaintance of Dennis Condon?

Mr. BULGER. I think it was when he became head of the Public Safety. He was appointed by Governor Dukakis and I came to know him there because both of our duties were related.

Mr. LYNCH. Let me ask you then, Dennis Condon, working for the FBI, comes out of the FBI after handling matters with your brother as an informant and then becomes I think Secretary for Public Safety for the Commonwealth?

Mr. BULGER. I think that is what it is. I am not certain of that.

Mr. DELAHUNT. For the record, Mr. Lynch, he was the commissioner of the State Police.

Mr. LYNCH. All right, I stand corrected. He was the commissioner of public safety?

Mr. DELAHUNT. State Police.

Mr. LYNCH. Do you recall at all then, did Dennis Condon ever come to you at that point when he was coming out of the FBI after handling your brother's relationship and then trying to get this position with the State Police as commissioner, did he ever come to you and use the fact of his relationship to try to get you to refer him for that position?

Mr. BULGER. I never was aware that he had any relationship at all with my brother.

Mr. LYNCH. And he never approached you for help in getting appointed as commissioner?

Mr. BULGER. I don't recall but he could very well have. We had many people who were friends in common. He came from Charlestown I think.

Mr. LYNCH. You were Senate president at this time, correct?

Mr. BULGER. There were 12 years of Michael Dukakis' and I think in the first term in the 1970's, I was not the president of the Senate but I think Dennis came along later while I was president. Is that true? I don't know the answer.

Mr. LYNCH. But you feel certain it was during the Dukakis administration?

Mr. BULGER. I am pretty sure.

Mr. LYNCH. You don't recall him ever coming to you and asking you for your help for that appointment. Is that your recollection?

Mr. BULGER. I don't recall it but if he asked, I would probably be favorably disposed to it, not based on any of the inferences that I draw from your question, I assure you.

Mr. LYNCH. Let me go on to another agent of the FBI, Nick Gianturco. Do you have any knowledge, acquaintance or relationship with Nick Gianturco?

Mr. BULGER. I don't know him, I don't think.

Mr. LYNCH. Nick Gianturco left the FBI similar to Dennis Condon and went to work for the Edison. Do you recall ever getting a request from Mr. Gianturco for a reference?

Mr. BULGER. I don't believe I ever did but I don't think so.

Mr. LYNCH. Let me go back then. Do you remember Mr. Gianturco?

Mr. BULGER. I don't think I do. I know the name Gianturco but I don't know the person.

Mr. LYNCH. OK. We have already covered in this questioning Special Agent John Connolly and just so we are certain. I do have on the record an affidavit from Mr. Davis who was first at the MASSPORT and then went over as CEO for the Edison.

He indicates in his affidavit that it is his knowledge and belief that it was others at the Edison who advocated on behalf of John Connolly.

Mr. BULGER. Right. It was Carl Gustin, not David Davis. Gustin says, "I am aware of the rumors repeated in the press that former Senate president William Bulger got Mr. Connolly his job at Edison. The rumors are false."

Mr. LYNCH. And he points to a gentleman named John Keough, correct?

Mr. BULGER. Yes, he does.

Mr. LYNCH. Let me ask you about John Keough. John Keough was also another FBI agent, a former agent that went to work for

the Edison. Can I ask you about your relationship with John Keough? Do you have any knowledge of him?

Mr. BULGER. I do know who John Keough was. He was a very quiet person. I don't think I ever had a conversation with John Keough other than in the 1970's, around 1974, there were helicopters flying over the community during the turmoil and I called him and complained about it. I thought angrily and somehow I remember him because I thought he was very fair with an elected official who was advocating for the community angrily that he never exploited it, never said how tough I was on him or any of that.

Mr. LYNCH. Do you recall if John Keough, he was also involved with this whole matter with the FBI and the Boston office?

Mr. BULGER. Right.

Mr. LYNCH. Came out of there, went to work for the Edison. Do you recall John Keough quietly or otherwise lobbying you or asking for your support in getting his job at the Edison?

Mr. BULGER. I don't think he ever did. I have no recollection, I don't think I ever knew that John Keough had gone to the Edison.

Mr. LYNCH. Let us go to Special Agent Robert Sheehan of the FBI. Left the FBI, I believe was involved with some of the informant operations at the FBI, actually I think preceding the relationship with your brother and Mr. Flemmi but also during that, he left the FBI and retired and went to work at the Hynes Convention Center. Do you have any knowledge of Mr. Sheehan?

Mr. BULGER. I think I came to know Sheehan toward the end of his days. I would see him at certain restaurants and he was hooked up with a breathing apparatus.

Mr. LYNCH. What time period do you have a recollection of?

Mr. BULGER. I don't remember exactly but he died shortly thereafter. Sheehan would have been friendly with the head of the Convention Center, Fran Joyce, so I don't know that I ever was asked.

Mr. LYNCH. Do you recall that Mr. Sheehan came to you or requested, given the backdrop here that your brother's and his relationship and at some point you were aware from your earlier testimony from things that were in the paper, I think Mr. H. Paul Rico had let slip the fact that your brother had an ongoing relationship with the FBI? Do you have any recollection that Mr. Sheehan might have capitalized on that fact to get you to help him in getting a job at the Hynes Convention Center?

Mr. BULGER. I don't think he did. I don't think he did but if you don't mind my mentioning that the State House is in our senatorial district. People came through that office by the hundreds and I would use my vast intercessory power for folks if I thought it was all right. I would always say to the person on the other end, if this is not something you should not do, just don't. I was always careful of that.

I just don't remember Sheehan coming through looking for help. I don't remember that. I have to say that. I knew him and used to see him and his wife at a little restaurant they frequented and I would go over and chat with him, but that was in the last year or so of his life.

Mr. LYNCH. What I am getting at is not the fact of your responsibility in trying to help constituents. That is quite normal in the course of your duties. What I am getting at is, Dennis Condon,

Nick Gianturco, John Connolly, John Keough, Robert Sheehan and others who leave the FBI and then perhaps try to exercise the leverage of their relationship with your brother to get you to help them. So I am looking at the wrong doing, the misconduct of the FBI agents in this case and I am trying to find out whether or not there is a system.

Mr. BULGER. Not to interrupt, but there was never a case that anybody came to me ever and said, I knew your brother, I befriended your brother, I therefore ask you to please befriend me. No one ever said that to me, ever. Those people would go to such jobs, I am sure they were finding similar berths before I ever arrived.

Mr. LYNCH. No doubt.

I know I have exhausted my 5 minutes.

Chairman TOM DAVIS. And then some.

Mr. Meehan.

Mr. MEEHAN. First, I guess I want to clear up the record. Mr. Bulger said few if anyone has condemned the leaking of grand jury minutes. When we had this hearing in Boston, I condemned the leaking of the grand jury minutes at that time, said that violations of the law relative to leaking of grand jury minutes was every bit as serious as the abuses in law enforcement that we are investigating and trying to correct today and I think they should be investigated. I think your rights in that instance were violated and I spoke out at the time.

The other point I wanted to mention was the outside section of the budget. I just think there is a difference between hundreds of amendments being put in and the Senate Chairman of the Ways and Means presenting a budget that has its provision. I just view it differently. At the time, it was a major issue because the commissioner of public safety, Frank Traboco, called on Governor King to veto that provision saying that if the investigators lost their jobs through reduction in rank or retirement we would lose our entire intelligence gathering management team. It would dismantle the operation and all intelligence gathering in this area would stop.

Obviously you have had a close relationship with John Connolly. Do you recall seeing John Connolly when he came back in 1975, when he returned to Boston as an FBI agent?

Mr. BULGER. Do I recall seeing him?

Mr. MEEHAN. Seeing him, talking to him when he came back in 1975?

Mr. BULGER. I am sure I must have but I don't have any specific recollection.

Mr. MEEHAN. Would you have regular contact with him, for example on the phone?

Mr. BULGER. No.

Mr. MEEHAN. Or in person?

Mr. BULGER. No.

Mr. MEEHAN. You were aware he was an FBI agent?

Mr. BULGER. Right.

Mr. MEEHAN. And he would bring certain people from the FBI by to see you, correct?

Mr. BULGER. Occasionally he did.

Mr. MEEHAN. I am not clear. Did you ever discuss your brother, James, with Connolly?

Mr. BULGER. I don't think I ever discussed my brother with John Connolly. I don't believe I ever did. During those times but later times, I did, in the 1990's, for example.

Mr. MEEHAN. So when did you first learn that your brother, James, had an ongoing relationship with Connolly?

Mr. BULGER. I am uncertain of that. It didn't come in a flash. It became known to me as time went on, in the late 1980's, I would say, or the early 1990's.

Mr. MEEHAN. When did you first learn he was an informant? Apparently when it was published in the Globe?

Mr. BULGER. Right, and I wasn't sure then.

Mr. MEEHAN. Did you ever discuss this relationship with your brother, James, with Connolly?

Mr. BULGER. No.

Mr. MEEHAN. Did you ever discuss this ongoing relationship with James with John Connolly?

Mr. BULGER. I don't think so.

Mr. MEEHAN. You have indicated you didn't help John Connolly get a job with Boston Edison. Were you on the board of New England Power in 1990?

Mr. BULGER. No.

Mr. MEEHAN. At any time, were you on the board?

Mr. BULGER. I went onto the board of New England Power after I left the Senate and became president of the University.

Mr. MEEHAN. That was after John Connolly had gotten a job?

Mr. BULGER. Yes, long after.

Mr. MEEHAN. Did you serve on the board of directors of south Boston Savings Bank?

Mr. BULGER. No.

Mr. MEEHAN. Did you ever assist John Connolly in ever securing a loan from south Boston Savings Bank?

Mr. BULGER. Not that I know of.

Mr. MEEHAN. Did John Connolly ever bring back Special Agent in Charge James Greenleaf?

Mr. BULGER. The name doesn't ring a bell. I don't know.

Mr. MEEHAN. The issue of 75 State Street, my recollection is it was actually investigated by two State Attorney Generals. You can understand why it would be an issue because and it is unfortunate but we are looking at the FBI and there is evidence now to suggest John Morris was Connolly's supervisor, he has admitted to taking bribes from Whitey Bulger. At the same time, he apparently was in charge of this investigation.

I don't think past investigations should be brought up, however, it is just a little funny how John Morris is in charge of the FBI portion and now we find not only was he Connolly's supervisor, but he has admitted to taking bribes. That is sort of the reason why one would ask questions on it. Otherwise, I don't think any Members would bring it up.

Mr. BULGER. May I just point out that John Morris clearly was no friend of mine.

Mr. MEEHAN. You have made that clear but he has admitted to taking I think $5,000 from James Bulger.

Mr. BULGER. I don't know what his function was but I don't think he was pivotal in this whole matter.

Mr. MEEHAN. In the 1995 telephone call that you had with your brother, why did you go to the home of an employee to accept the call?

Mr. BULGER. I have to reconstruct but I think that Kevin Weeks asked me where I would be and I think I told him that.

Mr. MEEHAN. You knew Kevin Weeks pretty well?

Mr. BULGER. Not very well, no, only through him.

Mr. MEEHAN. Did he mention that you would have to use a different phone?

Mr. BULGER. No. He just asked where.

Mr. MEEHAN. So you didn't go to the home of an employee for any reason other than, you weren't trying to avoid having a phone call tapped?

Mr. BULGER. I have been asked that question several times and I always said "no." I was just doing what I was asked, where will you be, answering the question.

Mr. MEEHAN. Do you know a Richard Schniederhan?

Mr. BULGER. I don't recall him but I have been told I know him, yes.

Mr. MEEHAN. But you don't know him?

Mr. BULGER. I don't remember him. I think he came to my office, according to press reports, one time because he was interested in a particular edifice, a church, which might qualify and did ultimately qualify for some kind of protection under architectural laws.

Mr. MEEHAN. In 1999, did anyone ever tell you that you should be careful using your phone because of law enforcement investigators?

Mr. BULGER. Prior to that, I had been told by my counsel who had been told by the U.S. Attorneys Office that my phone, my brother Jack's phones both had pen registers on them.

Mr. MEEHAN. After that, did anyone ever give you any reason to suspect any investigator was in any way monitoring your phone calls?

Mr. BULGER. No, I don't think so, other than that monitoring. Again, the meaning of the word monitoring. I don't think they are listening in but they were hard at the task of calling people who might call me from strange places like Connecticut or places like California, Florida, Virginia, everywhere. They would be visited and David Wilson lives in Stonington, CT and he liked to call from time to time.

Mr. MEEHAN. Did anyone tell or suggest to you that you should be careful using your phones other than your counsel after your brother fled, specifically did Kevin Weeks indicate that you should be careful of investigators?

Mr. BULGER. I don't think he ever said a word to me. He never spoke to me about that.

Mr. MEEHAN. When did you first meet Kevin Weeks?

Mr. BULGER. I know his brother, Jack. Jack was active in the national campaign. He was a lead person or something in the Dukakis campaign, so I know the family. They did not live too far from me. I don't think I knew Kevin very well until later. I would see him around occasionally.

Mr. MEEHAN. So the circumstance under which you might have a discussion with Kevin Weeks would be in person, on the phone or what was the nature of those communications?

Mr. BULGER. I don't think Kevin Weeks ever called me. Occasionally he would come by I think because there was absolutely no place else to go and he would chat with me.

Mr. MEEHAN. When did you become aware that Kevin Weeks was cooperating in the investigating regarding James?

Mr. BULGER. I am uncertain of that. It was hugely publicized so there was no mystery to it.

Mr. MEEHAN. When did you learn he had been arrested and charged? Is that the same time you learned he was cooperating? Did anyone tell you or do you remember becoming aware that Kevin Weeks was cooperating with the investigation?

Mr. BULGER. No, but I think I saw it in the paper. I don't think anyone ever told me that.

Mr. MEEHAN. So you learned of it through the newspaper?

Mr. BULGER. I think so.

Chairman TOM DAVIS. We have a vote pending and the time on this side has expired. Mr. Delahunt.

Mr. DELAHUNT. Yes, I will try to do these 5 minutes.

I was following Congressman Lynch's line of inquiry in terms of your relationship with a variety of Federal agents. I will give this to your counsel during the break. You can review it and we will inquire after we return.

I just want to be really clear that the first time you realized that your brother was an informant for the FBI was in 1997 when it appeared in the Boston Globe?

Mr. BULGER. We were referring to a 1987 story.

Mr. DELAHUNT. Right but let me ask you this question. When were you first aware or were you satisfied that in fact your brother was an informant?

Mr. BULGER. I think one of the moments when I was confident it must be so was during the preliminary proceedings in the Federal Court with Judge Wolfe and someone, I think it was Flemmi, used it as a defense.

Mr. DELAHUNT. So that would have been the late 1990's?

Mr. BULGER. I think so.

Mr. DELAHUNT. 1997 or 1998?

Mr. BULGER. Yes.

Mr. DELAHUNT. Were you aware or did you learn subsequently that in fact your brother had been an informant for the FBI since 1979?

Mr. BULGER. Since 1979?

Mr. DELAHUNT. Correct.

Mr. BULGER. I think it is the first time I ever heard about that.

Mr. DELAHUNT. Let me indicate to you that there has been evidence before this committee that John Connolly and John Morris cultivated James Bulger as an informant in a 1979 approach to Jeremiah O'Sullivan to inform him that your brother, James, was an informant for the FBI and that he should be given consideration in a particular case and that was done. There has been evidence before this committee.

I want to inquire as to the involvement of the Federal authorities as it relates to the so-called 75 State Street. I am not interested in the facts. I presume you were interviewed? I don't know whether you appeared before a grand jury but you were interviewed I understand by two Assistant U.S. Attorneys?

Mr. BULGER. Right.

Mr. DELAHUNT. As well as two FBI agents that were present?

Mr. BULGER. I am sure there were other people besides the two counsel.

Mr. DELAHUNT. The statements you made to them, you will testify here today, were to the best of your ability the truth?

Mr. BULGER. Oh, sure.

Mr. DELAHUNT. So that we can obviously refer to those if necessary?

Mr. BULGER. Sure.

Mr. DELAHUNT. Let me digress and go back. When you were called before the grand jury and you indicate your testimony was released. I share my colleagues' concern about that leak. The purpose of that grand jury, the purpose of those questions, was it to seek assistance in the whereabouts of your brother?

Mr. BULGER. I think so.

Mr. DELAHUNT. That was your understanding.

Mr. BULGER. Harboring and obstruction of justice were the two matters that brought us there.

Mr. DELAHUNT. Were you declared, was it indicated to you that you were either a subject or a target of that investigation?

Mr. BULGER. No.

Mr. DELAHUNT. Presuming that the purpose of the grand jury was to secure information as to the whereabouts of your brother, prior to your grand jury testimony, were you interviewed by the FBI?

Mr. BULGER. The grand jury was in 2001.

Mr. DELAHUNT. 2001?

Mr. BULGER. That is correct, yes.

Mr. DELAHUNT. If you have a memory, were you interviewed by the FBI prior to 2001 as to the whereabouts of your fugitive brother?

Mr. BULGER. I don't believe I was.

Mr. DELAHUNT. You were not?

Mr. BULGER. I don't think I was.

Mr. DELAHUNT. Are you aware that there is a task force that was created for the sole purpose of apprehending your fugitive brother?

Mr. BULGER. Yes, I am.

Mr. DELAHUNT. And you were never inquired of by that task force prior to your grand jury testimony?

Mr. BULGER. I don't believe so, no.

Mr. DELAHUNT. Was your brother, Jack, inquired of, if you know?

Mr. BULGER. I don't know.

Mr. DELAHUNT. You indicated that your wife was inquired of this week?

Mr. BULGER. Last week. They were looking for her.

Mr. DELAHUNT. For the purpose of determining the whereabouts of James Bulger?

Mr. BULGER. Correct.

Mr. DELAHUNT. What year did your brother flee the Commonwealth?

Mr. BULGER. 1995.

Mr. DELAHUNT. 1995. So 8 years later, the FBI gets around to inquiring of you and your wife, in your case some 6 years as to the whereabouts of your brother?

Mr. BULGER. That is the first direct effort, yes.

Mr. DELAHUNT. Do you have something prepared that you were about to read or submit to the committee regarding a conversation some Doyle had?

Mr. BULGER. Those were two FBI agents who came to the door last Wednesday a week ago.

Chairman TOM DAVIS. Can I just interrupt? We have to get over to a vote. This is a great time for us to take a break. Their time has expired and we have indulged them a little extra time so they could have some continuity. I would like to take a 40 minute break. If you like, we can make sure you have lunch in the back and have some privacy and allow you to read anything you would like to supplement at that point when you come back and read anything into the record. Then we will resume questioning a half hour on our side and then a half hour over on the Democratic side.

The hearing will be in recess.

[Recess.]

Chairman TOM DAVIS. The committee will return to order.

Before I refer questions to Mr. LaTourette, I have one issue that I wanted to get to the bottom of. We had asked earlier about the special legislation that was put in the budget amendments in 1981 following the Lancaster Street garage bugging incident. This was legislation, as I read it, aimed at about five officers, two of whom were involved in the bugging of Whitey Bulger and the Lancaster Street garage that some in the press have dubbed retaliatory.

I am trying to understand in my mind, other than singling out five officers who would have to retire early or lose other benefits, how this could have happened or what other public policy issue might have been at stake here. I just wonder, Mr. Bulger, if either you or your counsel, Mr. Kiley, could shed any light on that?

Mr. Kiley, can I swear you in?

[Witness sworn.]

Chairman TOM DAVIS. I say this because I understand you were around the State House at the time and at least were acquainted with the issues.

Mr. KILEY. I was in 1981, as I had been for the prior 6 years, the first Assistant Attorney General for the Commonwealth. I served in that position for 10 years.

We had a State Police contingent in the office at one point and I believe it included 1982, headed by Captain and later Lieutenant Colonel Agnes, one of the gentlemen who provided you an affidavit. In the affidavit and in the president's testimony, there is an allusion to, a reference to, a controversy that existed in Massachusetts following the U.S. Supreme Court's decision in *United States* v. *Murgia.* It related to the retirement ages in the uniformed branch and the detective lieutenants.

The uniformed branch people were required to retire at a very early age. The detective lieutenants and these five individuals were

among them were not. They had civil service status. They retired at 65. The controversy that existed for years was whether it was fair to the uniformed branch people to leave the senior staff on top of them so that there were not opportunities for promotion. There was the issue and if I may refer you again to the affidavit of Peter Agnes. He alludes to that problem.

I also want to suggest and I think it is an important point to the committee, that we have provided you news clips contemporaneous from 1981. In addition to these clips and to Congressman Meehan's point, one of those articles suggested the outside section actually emanated from the House and was in the House budget. I have not been able to nail down that with historic research but this amendment, the outside section that you were talking to, has an unclear provenance. It may have originated in the House, not the Senate, and there were certainly other issues on the table at the time.

One other quick point. The Lancaster Street garage surveillance by all accounts was conducted largely by uniformed branch personnel. The uniformed branch personnel would have benefited, not been harmed by the passage of the rider. That as I told your staff is argument, the last point, not fact.

Chairman TOM DAVIS. I am just trying to put it all together. We are going to go back and check the legislative record to the extent that we can 20 years later but at least from my perspective, that clears up what might have happened.

Mr. KILEY. Again, it is referenced in those Agnes and Nally affidavits that you have.

Chairman TOM DAVIS. Thank you.

Mr. MEEHAN. So we are clear on this issue, Mr. Kiley, you are saying this wasn't an outside section that was included in the Senate Ways and Means proposal?

Mr. KILEY. Congressman, I have gone back and done research in the journal and so forth and I have not been able to nail it down. I can't tell you where it came from and I have been trying to do that with committee staff.

Mr. MEEHAN. So you can't say it is or it isn't?

Mr. KILEY. I can't.

Mr. MEEHAN. OK.

Chairman TOM DAVIS. Thank you.

Under unanimous consent, each side will now be given 30 minutes. We will proceed with Mr. LaTourette.

Mr. LATOURETTE. Thank you. Mr. Bulger, it is nice to see you again.

The affidavits that you sporadically have put in the record during the course of the day, I received them last night and it looks like they were faxed from Mr. Kiley's office yesterday morning maybe about 10 a.m. While I appreciate them, the difficulties I have with affidavits like this is you can't ask questions. They are what they are.

I might ask the chairman since these folks have been kind enough to want to participate in our hearing, maybe we should chat with them a bit later if there are questions on the affidavits.

I just want to ask, I assume they came into existence because you and/or your lawyer reached out to these people? They didn't

know you were coming today and said, hey, I have something I want to say. You reached out to them?

Mr. BULGER. Yes, my counsel has done so.

Mr. LATOURETTE. I want to return to the 1995 phone conversation between you and your brother that took place at an employee's home. Again, it was set up by Kevin Weeks who wanted to know where you were and the phone call was made.

In your opening remarks, you referred to it as a short conversation, I think three or four times, and in response to Mr. Waxman's question, you indicated it was about a 3 or 4 minute conversation. When asked what the substance of the conversation was, to summarize what I heard you say, you said he said, don't believe everything you hear and tell everybody things are going to be OK and you expressed concern on behalf of your family that you all care about what happens to him.

That only takes about 30 seconds. I have learned folks in the south of New England speak slower than we do in Ohio but that is only 30 seconds, so was it a 30 second phone call or was there more you are not remembering today or were there variations on that theme about expressions of concern back and forth that then consumed another 2½ to 3½ minutes?

Mr. BULGER. I don't have a distinct recollection of the minute by minute conversation. I don't have that. That is the idea I came away with, that everything is not as it seems and I am OK, and in turn, I told him, you know, we care about you and I hope it is going to have a happy ending. I think what I probably provided you is not so much the words but the gist of the conversation.

Mr. LATOURETTE. During the course of the conversation when we spoke a couple of weeks ago, you did not advise your brother to turn himself in during that phone conversation?

Mr. BULGER. That is correct.

Mr. LATOURETTE. Likewise, he did not reveal to you where he was?

Mr. BULGER. That is true.

Mr. LATOURETTE. There has been some discussion about the leaking of grand jury evidence. I find that as abhorrant as my colleagues from Massachusetts do, but one of the newspapers is quoted as saying, alleging it was in receipt of those documents that indicate in fact when you were before the grand jury you testified you told him not to turn himself in.

Mr. BULGER. That is not true.

Mr. LATOURETTE. That is not an accurate statement.

Mr. BULGER. I believe the Globe may have reported that but it is absolutely not so. I never said such a thing to him.

Mr. LATOURETTE. Prior to your appearance at the grand jury or maybe during the course of your appearance at the grand jury, did you request immunity from the Commonwealth of Massachusetts before making that appearance?

Mr. BULGER. Did I request immunity from the Commonwealth?

Mr. LATOURETTE. Before your grand jury testimony?

Mr. BULGER. We never had occasion to do that, no, sir.

Mr. LATOURETTE. As I asked a couple of weeks ago, I don't have the same strong feelings that maybe Mr. Shays expressed but I think when you invoked the fifth amendment privilege on Decem-

ber 6 in Boston, that caught some of us by surprise. I have heard you explain today and the other day you were afraid it was going to be some sort of memory test. I also understand the idea of immunity was one that was generated by the committee, not you and your counsel calling up and saying I am only going to come see you if you give us immunity.

I guess my question is, between the date you invoked the fifth amendment when the committee was in Boston, I would assume there would come a time I would think when you would say I don't have anything to fear here and as I expressed to you a couple of weeks ago, as I listened to you and listened to you today, I am conversant with Massachusetts law and if you and your lawyer say there is a section where you can talk to your brother or sister and you don't get in trouble for that even if they happen to be killers, I will take that on face value.

I am wondering, there is nothing you said today that you have done anything wrong, so I am trying to figure out why there didn't come a time after you took the fifth in December and finally the negotiations, are free to show up here, that you didn't reach that conclusion as well?

Mr. BULGER. I became increasingly comfortable after the conversations. I do know that. I thought that the die I had been cast back in December by my invocation of my Constitutional right and at that time in December, I can tell you that I was very much concerned about the fact that just upon the arrival of the committee in Boston, the Government had released or leaked my grand jury minutes to the Boston Globe. I feared other people might have it and therefore, I would be at this huge disadvantage in my view where I would be required to remember exactly what I had said 2 years before and they would have all the advantage of being able to look at my notes. That was a matter of large concern to me.

Mr. LATOURETTE. That is a commonly used trick that prosecutors do to take formal testimony and try to trip you up. I certainly understand that.

When you received the subpoena in December to appear, did you hire a public relations firm to help you? Aside from legal counsel, did you hire a public relations firm to deal with the subpoena and your appearance before the committee?

Mr. BULGER. I hired counsel and we had people who do public relations work who were being helpful to us, yes. I did pay them myself.

Mr. LATOURETTE. Was the purpose to somehow get out your side, aside from the appearance, but was it also to help with the media in terms of spinning whatever it is you wanted the Boston area to believe about this?

Mr. BULGER. That is exactly right. I was trying to get some part of my point of view into the public domain.

Mr. LATOURETTE. Following that retention and around the time of your testimony, there were also some not so pleasant stories about our former chairman who I see now is in the chair today. Was there any strategy discussed that it is not an uncommon technique in politics to not only defend but to attack? Was there any suggestion of that?

Mr. BULGER. I never heard of it.

Mr. LATOURETTE. From that answer, that isn't a tactic you would approve of?

Mr. BULGER. No. I have been careful myself.

Mr. LATOURETTE. I want to now turn quickly to the pen registers for just a second. As I understand Kevin Weeks who recently testified in the Verizon case indicated that information was given to him by Mr. Schniederhan and he testified he gave that to your brother, Jack. Do you know that to be true, I just said it and Kevin Weeks testified to that fact under oath?

Mr. BULGER. I don't know that it is so.

Mr. LATOURETTE. Again, your story is that no one in law enforcement or no one outside of law enforcement ever indicated to you there were pen registers on your phone and that knowledge only came to you when pursuant to statute your lawyer was notified you had been the subject of electronic surveillance?

Mr. BULGER. That is right. It was back in 1998. By the way, Jack would have heard the same thing, so the two of us were well aware of it.

Mr. LATOURETTE. But I think that the allegation is the tip that came before the notification. You think it is after?

Mr. BULGER. Subsequent.

Mr. KILEY. If I may, our correspondence is dated October 9, 1998. The allegation with respect to Trooper Schniederhan is that the tip came in 1999, a year later.

Mr. LATOURETTE. Thank you for clearing that up.

Last, I want to talk a bit about the safe deposit boxes. Apparently your brother had or may still have safe deposit boxes around the world. One of them was in the United Kingdom. Today you are aware of that fact, is that right?

Mr. BULGER. Yes.

Mr. LATOURETTE. You are also aware that you were a contact name on at least one box today?

Mr. BULGER. Right.

Mr. LATOURETTE. How did you come into possession of that information?

Mr. BULGER. Through the newspaper. It was reported in the newspaper. That was the very first I ever heard of it.

Mr. LATOURETTE. I thought when we talked a couple of weeks ago, that one of the banking institutions had called your home?

Mr. BULGER. That is what I understand too. They claim to have done so.

Mr. LATOURETTE. But in checking with your family members, no one remembers receiving a telephone call from the bank about a safe deposit box?

Mr. BULGER. No one recalls such a call.

Mr. LATOURETTE. I would yield. I don't have anything else.

Mr. BURTON [presiding]. Mr. Shays.

Mr. SHAYS. Thank you, Mr. Bulger, for being here.

I have a different view of the fifth amendment than yours and maybe they are not all that different, but I believe a public official has a duty to cooperate when you have an official body that wants the truth. It blew me away when you exercised your fifth amendment right which you are allowed to do but you are a public official.

It bugs the heck out of me that we had to delay 6 months what you could have answered. I heard nothing you said today that you couldn't have said back then.

My view is the fifth amendment gives you the right not to incriminate yourself and you have the right to use it. The courts have made it very clear that you can't convict someone on it but it doesn't say what public opinion has a right to think or what a congressional hearing has a right to think about the exercise of anyone using that right.

So my natural instinct is to think what do you have to hide and I have listened to you and you have used as an excuse that your memory might not be good enough and that therefore, you don't want to do something where your memory isn't good enough. Whatever you say here has to be the truth and your immunity doesn't protect you from lying before us. You were sworn in. Everything you say here has to be the truth, correct?

Mr. BULGER. Exactly.

Mr. SHAYS. Or you can in fact be prosecuted, true?

Mr. BULGER. That is exactly right.

Mr. SHAYS. I am just mystified.

I want you to tell me what you think about Joseph and Marie Salvati?

Mr. BULGER. Joseph Salvati, the gentleman who spent time? I have the same sense of outrage, same sense of revulsion at the story of Mr. Salvati and the other two defendants who were wrongfully convicted and sent to jail for all those years. Mrs. Salvati, I have met her on occasion and she knows my feeling on that.

Mr. SHAYS. Does it bother you that you helped provide an environment in which it seemed difficult for law enforcement agencies to get at the truth? Does it bother you that the FBI was involved with sending this man to jail when he was innocent? Does it bother you that your brother was involved with sending this man to jail when he was innocent?

I want to know what you think about your brother's involvement in this outrageous, obscene, gross circumstance?

Mr. BULGER. This is the very first I have ever heard of my brother's involvement in that, the very first.

Mr. SHAYS. The very first?

Mr. BULGER. Yes.

Mr. SHAYS. So somehow he wasn't connected with this in any way?

Mr. BULGER. Somehow he was not connected with it?

Mr. SHAYS. Yes?

Mr. BULGER. No.

Mr. SHAYS. In any way with the Salvati case?

Mr. BULGER. I don't believe so. It is the very first I have ever heard of it.

Mr. SHAYS. You never heard anyone suggest that before?

Mr. BULGER. No.

Mr. SHAYS. Let me ask, when you received the phone call, your brother fled in December 1994 and you received the phone call in January 1995, correct?

Mr. BULGER. Correct.

Mr. SHAYS. OK, your brother broke the law and you are a public official. Did you go to the authorities to say that your brother had contacted you?

Mr. BULGER. I informed my attorney just about immediately.

Mr. SHAYS. Did you go to the officials?

Mr. BULGER. No.

Mr. SHAYS. Why not?

Mr. BULGER. I told my attorney.

Mr. SHAYS. Well, big deal.

Mr. BULGER. And he, in turn, told the officials.

Mr. SHAYS. OK. And who interviewed you after that? Just offhand, why did you have to tell the attorney? I think you are a senator, correct?

Mr. BULGER. Pardon me?

Mr. SHAYS. You were a State senator at the time.

Mr. BULGER. Yes.

Mr. SHAYS. Why wouldn't you have just gone to the officials? Why do you need to speak through your attorney to tell the authorities that you spoke to your brother?

Mr. BULGER. I have a right to do so. I exercised my right.

Mr. SHAYS. But why? You have a right to do it, but why would you do it? Why wouldn't you just pick up the phone and say, my brother, who has fled, contacted me? And by the way, I would like to know why you just didn't talk to the authorities directly. Why did you speak through an attorney?

Mr. BULGER. That was my preference.

Mr. SHAYS. OK. Let me ask you this. The individual who told you that you were to go to a house, his name was Kevin Weeks?

Mr. BULGER. Right.

Mr. SHAYS. Whose house did you go to?

Mr. BULGER. He didn't tell me to go to a house. He asked me where I would be.

Mr. SHAYS. And where were you?

Mr. BULGER. And I was in the course of my duties that day, I was at a home in Quincy.

Mr. SHAYS. What home? Whose home?

Mr. BULGER. Edward Phillips.

Mr. SHAYS. So you spoke to your brother at Edward Phillips' home.

Mr. BULGER. Right.

Mr. SHAYS. Did Mr. Phillips know you were going to receive that call?

Mr. BULGER. I can't remember whether he knew.

Mr. SHAYS. Why not?

Mr. BULGER. I don't know whether I informed him that I was receiving.

Mr. SHAYS. So you came to that home and you said, I'm going to receive a phone call from somebody, or I need to come to this home? Tell me how that is logical.

Mr. BULGER. No. Very frequently I am receiving phone calls wherever I am, and it would not be unusual at all for me to receive a phone call while at his home.

Mr. SHAYS. But you knew that when you went to that home you were going to receive a phone call from your brother.

Mr. BULGER. I expected that I might.

Mr. SHAYS. Right. Why did you think you would receive it there? Why was your brother calling that home?

Mr. BULGER. That was his request. I am sure he would like a private conversation.

Mr. SHAYS. Did the FBI ask you why you received the call there?

Mr. BULGER. I am reminded by counsel that the U.S. Attorney asked me in the grand jury.

Mr. SHAYS. When was the grand jury?

Mr. BULGER. When?

Mr. SHAYS. Yes.

Mr. BULGER. In 2001.

Mr. SHAYS. Isn't that amazing? You receive a call in 1995, and nobody wanted to have details of why you went there and whether or not that individual knew you were receiving the call, and so on? It didn't strike you as kind of interesting?

Mr. BULGER. I think the U.S. Attorney's Office knew about it far in advance.

Mr. SHAYS. Yes. The problem is that there is a suspicion, which you obviously don't agree with, that the FBI and others were intimidated in interacting with you because you were a powerful political person. And you know you were a powerful political person. Did the FBI ever try to question you, and did you refuse to talk to them or answer them? Did you ever shoo them away? Did you ever suggest that maybe they should go somewhere else? Did you ever do that, under oath? I am asking you under oath if you did that.

Mr. BULGER. I think whenever they have come I told them, if I am going to talk to them, I want to do so with counsel.

Mr. SHAYS. Did you ever suggest to them to get lost?

Mr. BULGER. No.

Mr. SHAYS. Did you ever suggest to them that you did not want to answer their questions?

Mr. BULGER. I don't recall.

Mr. SHAYS. So if we have someone from the FBI who comes up to us in a hearing and says we went to Mr. Bulger, we asked him and he told us to get lost?

Mr. BULGER. I don't think I used that expression ever.

Mr. SHAYS. Well, you get the gist. Maybe they don't say get lost up in Boston, but you get the idea of what I am suggesting. Not willing to cooperate. I am asking whether you gave a signal to the FBI that you did not want to answer their questions, and that they should not ask you and that they should leave.

Mr. BULGER. I don't recall meeting the FBI. I really don't recall it.

Mr. SHAYS. Did the FBI ever come to your home?

Mr. BULGER. I am told that they did, but I do not recall it.

Mr. SHAYS. Did the FBI ever come to your offices?

Mr. BULGER. No, I don't think so.

Mr. SHAYS. Did any other law enforcement people come to your home?

Mr. BULGER. I don't think so.

Mr. SHAYS. Did any law enforcement people come to your offices to ask you questions?

Mr. BULGER. I don't believe so.

Mr. SHAYS. Do you think the FBI felt that if they asked you questions about your brother, that you would cooperate?

Mr. BULGER. I have no idea what the FBI is thinking. They are not too friendly to me, Congressman.

Mr. SHAYS. I am not friendly, because I am outraged at this whole case.

Mr. BULGER. No, I am saying the FBI is not very friendly to me.

Mr. SHAYS. Yes. I don't blame them.

Let me ask you this question.

Mr. BULGER. Well, you can understand, then, if you don't mind, Congressman, why I would therefore be reluctant to be cooperative with them.

Mr. SHAYS. No, I don't understand that. The fact that someone may not like you doesn't mean you can't tell the truth. That is an absurdity.

Let me ask you, in the final area, did you have any knowledge of any organizations or people that were involved in gun-running to Northern Ireland?

Mr. BULGER. No.

Mr. SHAYS. Were you aware that your brother was involved in any way, in any way with providing some kind of munitions to Northern Ireland?

Mr. BULGER. I read that in the paper.

Mr. SHAYS. When did you read it in the paper?

Mr. BULGER. The year? I have no idea.

Mr. SHAYS. How did you react to that?

Mr. BULGER. It was in the 1990's.

Mr. SHAYS. When you read about it, were you proud of him?

Mr. BULGER. I didn't even know whether it was true or false, Congressman. I don't know how I felt. Is this the question that I am here for, to answer how I feel about things? At any given time, I don't know.

Mr. SHAYS. That is not an unusual question, because it gives me a sense of your attitude about a variety of things. I just want to know do you know anything relating to Valhalla?

Mr. BULGER. No, I know nothing about it.

Mr. SHAYS. Let me just conclude with these questions. You have a variety of children. Were any of your children interviewed by the FBI about anything to do with their uncle or anything to do with your brother or their uncle?

Mr. BULGER. Oh, yes, they have been.

Mr. SHAYS. OK, they have been interviewed but you haven't been?

Mr. BULGER. Well, I am trying to think. They have been approached, and then once counsel called them, that was, I think, the end of it each time.

Mr. SHAYS. So the bottom line is when anybody approaches you or your family, they are told to speak to counsel?

Mr. BULGER. That would be a sensible attitude, yes.

Mr. SHAYS. OK, thank you very much.

Thank you, Mr. Chairman.

Mr. BURTON. Before I ask questions, Mr. LaTourette, did you have some followups real quickly?

Mr. LATOURETTE. I just wanted to ask a couple questions.

From chatting with you the other day, and also listening to you today, I get the sense that your family is close, you and your nine children; you have a pretty close-knit family. Did that exist in terms of your relationship with your brother? And by that I mean over the course of years, like most families, did you get together for Thanksgiving, Christmas, Easter? Did you have family get togethers like that where your brother would be present?

Mr. BULGER. No, he would not be on hand for such.

Mr. LATOURETTE. And then whether or not those events occurred, what was your understanding that your brother did for a living? I mean, he had a lot of money. What was your understanding of how he got it?

Mr. BULGER. No, I answered, Congressman, earlier that I recognized that he was doing things that were extralegal, they were beyond the law, at some point.

Mr. LATOURETTE. All right, thank you.

Thanks, Mr. Chairman.

Mr. BURTON. Let me ask a few questions here. You indicated the first that you heard that your brother might have been aware of the killing of Deegan.

Mr. BULGER. Deegan?

Mr. BURTON. Deegan was the gentleman that was killed that they accused Mr. Salvati of being involved with, as well as the others. You indicated you didn't think your brother knew anything about that, or at least this is the first you have heard about it, if that is the case, is that right?

Mr. BULGER. That my brother did not know anything about it?

Mr. BURTON. Yes.

Mr. BULGER. It was not my intention to say that.

Mr. BURTON. Well, I just wanted to clarify one thing. The Winter Hill mob or gang, or whatever you want to call it, he was pretty much the head of it, and Barboza and Flemmi and those guys, they answered to Patriarcha up there, who was north of them, I believe in Connecticut, and when they gave the approval to kill Deegan, I am sure that they had to know that. I am sure he had to know that Deegan was going to get hit.

Mr. BULGER. Could I ask you what year that was, Congressman? 1965? I think it was the year my brother was released from prison, 1965.

Mr. BURTON. He, nevertheless, was very tightly involved with all these guys.

Mr. BULGER. He was?

Mr. BURTON. Well, he was the head of the Winter Hill mob, as far as I know. Isn't that correct? I know he was in Alcatraz.

Mr. BULGER. Right. And I don't think he could manage it from there. Excuse me for that. But, I mean, that is my problem with this.

Mr. BURTON. I understand.

Mr. BULGER. You see my problem?

Mr. BURTON. Earlier you said that Linda Reardon, who left with your brother, he came back, and you said that she did not get a job.

Mr. BULGER. I think it was Theresa Stanley, sir.

Mr. BURTON. Theresa Stanley. Excuse me, I have the wrong sheet here. Theresa Stanley, that she didn't get a job at the Convention Center from your friend.

Mr. BULGER. I don't know that she did. I didn't think she had worked there.

Mr. BURTON. No, it was her daughter.

Mr. BULGER. Her daughter.

Mr. BURTON. I just want to correct that for the record.

Do you know whether John Connolly ever tipped your brother off to the fact that a criminal investigation was underway?

Mr. BULGER. With respect to? No, I don't know of it, no.

Mr. BURTON. Did you consider writing a letter to Judge Tauro regarding Connolly's sentencing?

Mr. BULGER. Did I consider writing a letter?

Mr. BURTON. To Judge Tauro regarding the sentencing of Mr. Connolly.

Mr. BULGER. No.

Mr. BURTON. Did you encourage any others to write letters?

Mr. BULGER. I don't believe so.

Mr. BURTON. When you say you don't believe so, could you be more specific?

Mr. BULGER. Well, I know I never called anyone, Mr. Chairman, and said to him please write a letter. There was nothing of that nature.

Mr. BURTON. Did you ever talk to anybody on the street and say, you know, Connolly is a friend of mine, and I would appreciate it if you would write a letter to the judge?

Mr. BULGER. No, I don't think so, ever.

Mr. BURTON. You don't think so.

Mr. BULGER. No.

Mr. BURTON. So categorically you are saying you never did that.

Mr. BULGER. I am categorically telling you that I have no recollection of such a thing.

Mr. BURTON. I know you have no recollection, but you can't say for sure that you didn't ask somebody to write a letter to the judge on his behalf.

Mr. BULGER. I believe I never asked anyone to write a letter for Mr. Connolly, never.

Mr. BURTON. Did Connolly introduce you to John Morris and any other FBI agents?

Mr. BULGER. Yes. Along the way he did introduce me to FBI people. I don't recall an introduction to John Morris, but I hear it frequently that Mr. Morris claims that there was such an introduction.

Mr. BURTON. Now, I don't know if you answered this question; I was out of the room for part of the time. Did you ever take any steps to help Connolly get the police commissioner of Boston position? Did you ever refer him to anyone for that job?

Mr. BULGER. Can you give me an idea of the year of that?

Mr. BURTON. Well, I presume it was right after his retirement party, which would have been around 1990.

Mr. BULGER. 1990? And that was when he went to work, I think, for the Edison Co.

Mr. BURTON. But did you recommend him for that position, as police commissioner of Boston?

Mr. BULGER. Excuse me. Who was the mayor at that time? Well, maybe way back, many years before, there was a neighbor of ours that was mayor, and I heard that I may have suggested John to Raymond Flynn. He was the mayor some years back.

Mr. BURTON. Well, did you help Connolly get other jobs? Like at Edison I guess you did.

Mr. BULGER. No.

Mr. BURTON. You did not? That is the only time that you can recall?

Mr. BULGER. No, it was not even an effort, it wouldn't qualify as an effort to get the man a job. I may have suggested him as a possible candidate, somebody that might be looked at.

Mr. BURTON. When you got that phone call, did you know in advance how far in advance you were going to get that call?

Mr. BULGER. I answered that question before. I am not positive. It seems as though it was very close to the time that I would be in Quincy.

Mr. BURTON. Well, I just wondered if maybe you felt it might be better to get a call someplace besides either your office or your residence because your phone or something might be tapped.

Mr. BULGER. This request was one as to where I would be at a certain time of day, and I was quite certain I would be there, at that particular place.

Mr. BURTON. Well, if you knew you were getting a call from your brother, who was gone and fled, why would you go to somebody else's house, instead of your own, to get the call, or go to your office, because he was your brother, after all?

Mr. BULGER. Right.

Mr. BURTON. I mean, why would you just say, well, you know, I will be someplace; you can give me a call if you get a chance? I mean, if he was on the lam, you would know that he might not be able to make three or four phone calls chasing you down, if you were going to different places.

Mr. BULGER. No, I answered where I would be. I was pretty sure I would be down at Phillips' house that evening.

Mr. BURTON. And, of course, you knew that there wasn't any chance that anybody would be listening in on that phone conversation down there.

Mr. BULGER. Well, it was my brother's request that he wanted to talk to me.

Mr. BURTON. Going back to the State Street episode, you gave the $240,000 back because it came from Brown.

Mr. BULGER. Right.

Mr. BURTON. Did he get the $240,000 back when the money came? Did you get the money back when it came from other sources? You ended up getting a fee, right?

Mr. BULGER. No, no. I got the money to which I was entitled. And I had done other work in that office, and because I now was in a more difficult position as president of the Senate, I had to step away from the formal practice of law as a partner of Mr. Finnerty.

Mr. BURTON. But you had nothing to do with the first issue, the first case, the $240,000.

Mr. BULGER. No, but the money was something in the nature of an advance. Finnerty was working on a particular matter with Mr. Brown. Mr. Brown had a degree of notoriety which caused me to say to Finnerty, since the money is coming immediately from Mr. Brown, I should probably not receive it. It was more to do with appearances, I don't think there was anything substantively wrong. It turned out to be Tom Finnerty's money; he could do whatever he wanted with it.

Mr. BURTON. Nevertheless, the $240,000, you did receive $240,000 later.

Mr. BULGER. Later? Oh, much more than that, I hope. No, much more, because I was entitled to a fee. I think we may have covered this when you were out of the room.

Mr. BURTON. You did.

Mr. BULGER. What happened was I had a fee coming for about $350,000, and I was expecting that. Ultimately, that did come.

Mr. BURTON. But it had nothing to do with the $240,000 that you gave back.

Mr. BULGER. No. That is a totally different matter.

Mr. BURTON. I see my time has expired.

Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

Let me just try to round out on that subject. What was the name of the trust from which you took the $240,000?

Mr. BULGER. The St. Botolph Trust.

Mr. TIERNEY. OK. And for what purpose was that trust established?

Mr. BULGER. Well, Finnerty established the trust. I think he did it just for the sake of separating some assets in his office. He ran the office.

Mr. TIERNEY. Who were the trustees?

Mr. BULGER. I think just himself.

Mr. TIERNEY. And who were the beneficiaries?

Mr. BULGER. I think just himself. I don't know. I think it doesn't stand the test of a real trust, ultimately.

Mr. TIERNEY. Have you seen the documents?

Mr. BULGER. Well, way back I think I did, and it was the fact that he is the beneficiary as well as the trustee.

Mr. TIERNEY. He is the only beneficiary and the only trustee?

Mr. BULGER. He was everything in that trust, yes.

Mr. TIERNEY. And nobody else shared either of those positions, so in fact it wasn't a trust?

Mr. BULGER. I think I am remembering that.

Mr. TIERNEY. So when you took that money, you didn't take it as a beneficiary, it was some other form of transfer?

Mr. BULGER. He was free to pay it as he wished.

Mr. TIERNEY. And you didn't take it as a beneficiary?

Mr. BULGER. Oh, no. It was really because the other money was coming and it was slowed up. And I think he had some sense at the time that the slow-up on the other fee, which I had earned, was something which was the fault of the office; they had not been receiving the money on time due to some inaction of their own.

Mr. TIERNEY. But as you testified just a short while ago, when you received that money, you invested it.

Mr. BULGER. Yes, I did, some of it, yes.

Mr. TIERNEY. Were there immediate needs that you had to meet with that money? Were you putting pressure on Mr. Finnerty for it?

Mr. BULGER. I don't think I did.

Mr. TIERNEY. So I am trying to figure out why he felt compelled to have to give an advance, when everybody knew the fee was coming in eventually and you had no apparent need for it.

Mr. BULGER. My sense of it is now, so many years later, 15 years, maybe more, must be longer, my sense of it is he just wanted to do it. There were needs, nothing critical, I don't think, but it would be something he would be willing to do.

Mr. TIERNEY. Can you tell me how much of that money went to needs that you had and how much of it got invested?

Mr. BULGER. I didn't have it very long. I didn't put it toward needs, just a very little bit, about $10,000 or $15,000, I think, was invested.

Mr. TIERNEY. When that money was paid back, did you make the check out to Mr. Finnerty or to the trust?

Mr. BULGER. I assume it was to the trust. I assume.

Mr. TIERNEY. And did any of the money which you used to reimburse the trust come from James Bulger?

Mr. BULGER. Oh, no.

Mr. TIERNEY. Or any of his associates?

Mr. BULGER. No.

Mr. TIERNEY. Now, you had testified earlier that Mr. Connolly, from time to time, brought by various FBI personnel to your Senate office to introduce them to you.

Mr. BULGER. Sure.

Mr. TIERNEY. Do you know what the frequency of those visits were?

Mr. BULGER. It would be occasionally. I think if new people were coming to town he might come by and introduce them.

Mr. TIERNEY. Did he visit your office on other occasions?

Mr. BULGER. He may have. I have some sense that he was around a bit, but he knew nearly everyone who worked for me, and I think frequently that was the reason for his presence there.

Mr. TIERNEY. Was that he had associations with other people in your office?

Mr. BULGER. He was friendly with several people, yes.

Mr. TIERNEY. Did you have periodic telephone conversations with Mr. Connolly while you were in the State Senate?

Mr. BULGER. No.

Mr. TIERNEY. Would he call your office?

Mr. BULGER. Not very frequently, no.

Mr. TIERNEY. And when he would call, what were the topics that he would discuss with you?

Mr. BULGER. I don't know, he might ask me if I would be an emcee at something. That was always a request that I would receive. I think I visited every senatorial district in Massachusetts doing that, Democrat and Republican.

Mr. TIERNEY. And Mr. Connolly would ask you to do that?

Mr. BULGER. But he would do that too. If there were some event that he were interested in, if there were a charitable event or

something. And I think I recall him asking me on some such event, would you come and be the emcee.

Mr. TIERNEY. And is it your testimony that in none of those telephone conversations and in none of those personal visits between you and Mr. Connolly was the subject of James Bulger entertained?

Mr. BULGER. No, he didn't. He just didn't. There is an awareness on the part of people that my brother is there, Congressman.

Mr. TIERNEY. But this individual was somebody that you and your brother grew up in the same neighborhood with him, you had a long-standing relationship, he is in the FBI, he is running your brother as a confidential informant, and he never mentions anything of that to you?

Mr. BULGER. He doesn't tell me about it. He does not. I think years later, as he is leaving, maybe around 1990 or thereabouts, it is becoming clearer and clearer that they all know each other, he knows my brother. But I don't think I ever was even aware of it until much later.

Can I? An example. Governor Weld served for, I don't know, 7 years as Governor of Massachusetts, and we were very close during the 5-years in which I was still the president of the Senate. He never mentioned my brother, never once. And we had traveled together and had worked together to resolve some of the problems that confronted both the House and the Senate and the Governor, and I can only say he never mentioned it. And that is not an unusual way that the fact of my brother's presence was handled. Everyone knew about my brother, but it frequently was just something that didn't get referred to.

Mr. KILEY. Can I have one moment, Mr. Chairman?

Mr. TIERNEY. Sure.

Mr. BULGER. I am reminded by counsel that one time I did ask John Connolly about it was in the paper that my brother was involved in drugs, and I began, I think, asking people about that, because I didn't think it was something that could go on without a lot of people being aware of it, and I asked him, and I asked him, you know, if he could find out within his right to know, and he came back to me and gave me a negative on it, he said he didn't think that was so.

Mr. TIERNEY. Well, earlier, when we talked about what it is that you thought your brother did, you indicated you thought that he was involved with numbers and things of that nature.

Mr. BULGER. Yes.

Mr. TIERNEY. How come you never asked John Connolly then if your brother was engaged in those things?

Mr. BULGER. Well, because I thought there was validity to it. In the case of this drug business, I thought it was false, and it was a claim made against him that was false. I asked other people about it too.

Mr. TIERNEY. But you never asked Connolly the extent that your brother might be involved in gaming or anything of that nature?

Mr. BULGER. No, I didn't, no.

Mr. TIERNEY. You never asked him if your brother was in trouble with the FBI or other law enforcement officials, or should you talk to your brother about it?

Mr. BULGER. I don't believe I did. I don't believe I did. I didn't think it was within my right to inquire, or that it was within his right to tell me.

Mr. TIERNEY. You wrote a while back that your wife, at one time, called you and informed you that your brother and a group of people purchased a lottery ticket together, and that the ticket had been bought jointly, apparently a $1 ticket we are talking about here, had been bought jointly by Mike Linsky and his brother Patty, Kevin Weeks, and Jim. Half of the purchase price, I guess 50 cents, was paid by Mike, was thus entitled to half the proceeds of the $14.3 million prize; the remaining half was divided equally among Patty, Jim, and Kevin; and my brother's share amounted to about $1.6 million.

Do you have any idea what your brother, who had received $80,000 a year, I guess, over 20 years, do you have any idea where your brother may have invested or spent that money during the 5-years before his disappearance?

Mr. BULGER. No, I don't know where he spent that money, no.

Mr. TIERNEY. Do you know if he took it as a lump sum or if he did take it over the periodic payment period?

Mr. BULGER. I don't think he took the lump sum, because there was a squabble about whether it was a valid win.

Mr. TIERNEY. OK. You testified at one point there was information at one point that your brother had a safe deposit box in London with your name on it. What knowledge did you have about that box and when did you acquire knowledge about it?

Mr. BULGER. Whenever it appeared in the newspapers, the first I knew of it. I understand I am not a joint but, rather, somebody to whom they would go if there were no one else.

Mr. TIERNEY. In that phone conversation that you had with your brother, he never mentioned to you that this was the case in case something happened to him?

Mr. BULGER. No, he never told me that. He would know that I would tell him I don't want to be on it.

Mr. TIERNEY. Do you know of any other safe deposit box belonging to your brother James?

Mr. BULGER. I have heard of one in Florida, which has been involved in the case.

Mr. TIERNEY. And how did you hear about that?

Mr. BULGER. Pardon me?

Mr. TIERNEY. How did you hear about that?

Mr. BULGER. Because my brother Jack was paying the bill for it, whatever, the annual bill.

Mr. TIERNEY. OK. Was your name on that one also?

Mr. BULGER. Oh, no.

Mr. TIERNEY. OK. Do you have any financial interest in any money or property or business that is owned in part by your brother James?

Mr. BULGER. No, not at all.

Mr. TIERNEY. And do you have any awareness of any assets belonging to James and where they might be at this point in time?

Mr. BULGER. No.

Mr. TIERNEY. Have you ever received any large gifts, with the value of $1,000 or more, from your brother James?

Mr. BULGER. No.

Mr. TIERNEY. Thank you, Mr. Chairman.

Mr. Lynch.

Mr. LYNCH. I just have a few questions, but let me just continue on that line of questioning.

Based on earlier testimony by, I believe, Mr. Weeks, Mr. Martorano, and actually confirmed by Mr. Morris, for a certain period of time there was an awful lot of money flowing between the FBI agents themselves and other third parties, as well as your brother and Mr. Flemmi and their organization. Were you ever confronted with an offer of money either from the FBI or from any of your brother's associates like Kevin Weeks or any of those gentleman that are affiliated with your brother's organization?

Mr. BULGER. No.

Mr. LYNCH. Never?

Mr. BULGER. Never, no.

Mr. LYNCH. OK.

Mr. BULGER. An offer of money to me?

Mr. LYNCH. Correct.

Mr. BULGER. From?

Mr. LYNCH. From either an FBI agent.

Mr. BULGER. No. No.

Mr. LYNCH. All right, even an unexpected offer of money from an unknown third party.

Mr. BULGER. No.

Mr. LYNCH. OK.

That is all I have, Mr. Chairman.

Mr. TIERNEY. Mr. Meehan.

Mr. MEEHAN. This will be my final question on the 75 State Street. Before you paid back the money, had anyone suggested to you that Harold Brown was going to be indicted?

Mr. BULGER. No.

Mr. MEEHAN. So you never had a discussion with anyone relative to Harold Brown.

Mr. BULGER. No. I didn't know much about Harold Brown at all. But it became pretty clear that he was in some sort of difficulty. And I am not sure how I came to know it, but I thought it would be advisable that since the money source was from him, and Finnerty, by the way, was suing him, I think, by that time, that it would not be sensible for me to receive that money, since I already have the other money coming before long. I think Tom Finnerty was trying to be helpful to me; he had it and he thought that would be some help to me.

Mr. MEEHAN. Going back to the telephone conversation in 1995, when you went to your staff person's house, you knew that you were going to get a call? It is not clear to me. Did you know you were going to get a call from your brother?

Mr. BULGER. Well, you know, I still don't have a specific recollection, as I have indicated, about the conversation with Kevin Weeks.

Mr. MEEHAN. But you testified that the information came from Kevin Weeks.

Mr. BULGER. Right, I have. But I have also said, I hope, each time I don't remember exactly the conversation. I settle on Weeks

because I don't know anyone else. I didn't know anyone else then who ever seemed to be in touch with my brother.

Mr. MEEHAN. And this is the same Kevin Weeks who was involved in the Logan Airport incident in 1987 where he escaped, apparently, with the money. And this is the same Kevin Weeks, the issue of the lottery ticket, apparently he was involved, and this may be still in dispute, of extorting a $14 million winning ticket from the first person who won it. That was Kevin Weeks?

Mr. BULGER. I didn't know that was a claim.

Mr. MEEHAN. I think he has testified.

Mr. BULGER. He did?

Mr. MEEHAN. I think he testified to that.

Mr. BULGER. I didn't know that.

Mr. MEEHAN. And this is the same Kevin Weeks who, apparently, along with your brother and Steve Flemmi, at least according to his testimony, forced legitimate owners of a south Boston liquor store to sell him the business, apparently, according to Mr. Weeks, at gunpoint in 1984. And I think it is the same Kevin Weeks who, at least according to his testimony, has said that he participated in burying bodies apparently all over south Boston.

Is it fair to say John Connolly was a close friend?

Mr. BULGER. Of mine?

Mr. MEEHAN. Yes.

Mr. BULGER. Yes.

Mr. MEEHAN. And John Connolly and John Morris apparently were friends?

Mr. BULGER. I didn't think so.

Mr. MEEHAN. You don't know that? John Morris apparently was the agent in charge of Connolly. Are you aware of that?

Mr. BULGER. Pardon me?

Mr. MEEHAN. Are you aware that Morris was the agent?

Mr. BULGER. I think he was, yes. I think that I was aware of that, too.

Mr. MEEHAN. On the issue of the safe deposit box in 1997, you never ever got notification that your name was on the box?

Mr. BULGER. No.

Mr. MEEHAN. Is that correct?

Mr. BULGER. Never.

Mr. MEEHAN. And was your phone conversation, or not, a telephone conversation relative to that box? It is unclear to me.

Mr. BULGER. Well, I think there was some claim, I am remembering the newspaper reports, that at some place something was changed. I don't even know the name of the bank, but that was communicated, and my sense of it is that it was communicated by telephone. But no one seems to have heard that.

Mr. MEEHAN. So you never knew that he had put your name on this box in London.

Mr. BULGER. No.

Mr. MEEHAN. And your name wasn't on the one in Florida, and apparently you heard of the one in Florida only through your brother Jack.

Mr. BULGER. Right.

Mr. MEEHAN. After the phone call from your brother, you have testified that you notified your attorney.

Mr. BULGER. Well, I did tell my attorney that I received a phone call.

Mr. MEEHAN. You have stated that was your last conversation, in 1995. Have you received any other information from any source relative to your brother?

Mr. BULGER. Well, back in 1995 there were people who they all seem to claim to have received a phone call or were aware through someone else who had that he was doing fine, or something like that. I would hear it through third parties. And that seemed to be sort of a common bit of information.

Mr. MEEHAN. So information would get to you generally through third parties relative to how he was doing?

Mr. BULGER. Oh, I think so, yes.

Mr. MEEHAN. Do you recall the names of any of those third parties?

Mr. BULGER. Well, no. I remember the incidents, some of them, people. I mentioned that there was a young lady named Kathy McDonough. I did not know her at the time. I since have come to know her. And I understand that she had received such a call. And then there was someone named Heart. I don't know, it might be Caputo. And she was someone who was a friend of Theresa Stanley. She may have received a phone call. I am not sure of that. And then there were some folks who made large claims that were just the usual things you hear, you know, that were false.

Mr. MEEHAN. On a separate subject, do you know a man named Roger Concannon?

Mr. BULGER. Yes.

Mr. MEEHAN. How do you know him? What is your relationship with him?

Mr. BULGER. Well, Roger grew up in that community. I know his brother for the most part, James.

Mr. MEEHAN. Have you ever been to his home?

Mr. BULGER. Roger? No.

Mr. MEEHAN. Has he been to your home? Are you close friends?

Mr. BULGER. No. I don't think I have seen him in years and years.

Mr. MEEHAN. Are you familiar with a musical group called the Irish Volunteers?

Mr. BULGER. Musical group? Yes. It's very flattering.

Mr. MEEHAN. And you know that they would perform with the group, is that right?

Mr. BULGER. Roger did, yes.

Mr. MEEHAN. Did you ever hire them to perform at events?

Mr. BULGER. Oh, I am sure I did. Yes, I know who they are.

Mr. MEEHAN. Were they any good?

Mr. BULGER. No, I would not recommend them. Well, I used to try them. Do you want to hear that? I used to say it is a nice group. They hold themselves out as volunteers to troubles 3,000 miles away and they are here.

Mr. MEEHAN. Are you aware that Roger and Bill Driscoll own the Coconut Beach Inn?

Mr. BULGER. No. I don't know that place. I have never heard of it. Coconut Beach?

Mr. MEEHAN. Coconut Beach Inn. Have you been to St. Vincent?

Mr. BULGER. Pardon me?

Mr. MEEHAN. Have you ever been to St. Vincent in the Caribbean?

Mr. BULGER. No. I know another St. Vincent's.

Mr. MEEHAN. Thanks, Mr. Chairman. That is it for now.

Mr. TIERNEY. Mr. Delahunt.

Mr. DELAHUNT. Yes. Thank you, Mr. Chairman.

You mentioned Theresa Stanley. I am sure you are curious about the whereabouts of your brother. Have you ever had a conversation with Theresa Stanley since she returned to Boston, after your brother dropped her off?

Mr. BULGER. I saw her at a couple of events, and I have seen her a few times, but she becomes very silent, very quiet about things. I don't bring up those subjects, but even the chance meetings seem to be subdued. But she is very polite.

Mr. DELAHUNT. But you have had no conversation with her about your brother.

Mr. BULGER. No.

Mr. DELAHUNT. I just want to name some FBI officials and determine whether you know them, and, if you do, how you know them. A James Ring, Jim Ring.

Mr. BULGER. Jim Ring. I do know that name, and I think I have met him.

Mr. DELAHUNT. Do you remember where you met him?

Mr. BULGER. No. I don't remember meeting him at this alleged chance meeting at Mary Flemmi's home, but that is where I have seen his name. I don't remember that, I told you, but I think it is 20 years.

Mr. DELAHUNT. You are familiar, though, with his testimony regarding your appearance at the Flemmi household while he was there with John Connolly and your brother and Steven Flemmi?

Mr. BULGER. Yes.

Mr. DELAHUNT. And you have no memory.

Mr. BULGER. No. I could not have seen that. I never saw that.

Mr. DELAHUNT. Have you ever met a Dennis O'Callaghan?

Mr. BULGER. I don't know that I have. I know the name.

Mr. DELAHUNT. He was a former assistant special agent in charge.

Mr. BULGER. Yes. I know the name.

Mr. DELAHUNT. But you don't remember meeting him.

Mr. BULGER. I don't remember meeting him.

Mr. DELAHUNT. Are you aware that there is testimony that was given in the Federal court that it was Dennis O'Callaghan that provided John Connolly information relative to the indictment of your brother?

Mr. BULGER. I didn't know that, no.

Mr. DELAHUNT. Do you know this name, a Richard Baker? Would be a special agent.

Mr. BULGER. Richard Baker? No.

Mr. DELAHUNT. There were reports that pursuant to a recommendation or instructions from John Connolly, he purchased liquor from the south Boston Liquor Mart that purportedly was owned by your brother after the incident that was just related by Mr. Meehan. But you don't know a Richard Baker?

Mr. BULGER. No. And Richard Baker is an FBI agent?

Mr. DELAHUNT. Special agent.

Mr. BULGER. I don't know him, no.

Mr. DELAHUNT. James Ahearn?

Mr. BULGER. I know that name.

Mr. DELAHUNT. He was a former special agent in charge in Boston.

Mr. BULGER. Right. I am sure I must have met him at some point, but I don't recall him, or I don't recall ever having any conversation with him. But I think he was very much in the news.

Mr. DELAHUNT. Yes, he was very much in the news. Do you remember a John Clorrity, Jack Clorrity?

Mr. BULGER. Yes, I do. I think I know his sister.

Mr. DELAHUNT. You know his sister?

Mr. BULGER. Yes.

Mr. DELAHUNT. But you know Jack Clorrity?

Mr. BULGER. If he is from West Roxbury, then I think I know him.

Mr. DELAHUNT. Do you remember being, again, a master of ceremonies at his retirement party?

Mr. BULGER. Jack Clorrity's? No, I don't.

Mr. DELAHUNT. You don't?

Mr. BULGER. I could have done it, though. I did it all the time.

Mr. DELAHUNT. But you don't have a memory.

Mr. BULGER. I don't have a specific memory. If you told me when and where it took place, I might.

Mr. DELAHUNT. If you give me a moment.

Mr. BULGER. Sure.

Mr. DELAHUNT. I think it was June 1989.

Mr. BULGER. And the place?

Mr. DELAHUNT. I don't know the name of the place.

Mr. BULGER. I could very well have been. I know his sister, she worked at the State House.

Mr. DELAHUNT. Her name was Hagerty, as I remember.

Mr. BULGER. Yes. And she always mentioned her brother, as though we knew each other.

Mr. DELAHUNT. Others have indicated that on multiple occasions John Connolly would introduce you, either at your office or elsewhere, to members of the FBI?

Mr. BULGER. At his house?

Mr. DELAHUNT. Not at his house, no. I'm sorry, either at your office.

Mr. BULGER. That is how I remember him coming through; someone new was in town and would you like to say hello, and I saw them. But that is very common, lots of people did it; the place was open for traffic all of the time.

Mr. DELAHUNT. I understand. But, you know, others have asked the frequency. I am not asking you.

Mr. BULGER. It wasn't very frequent. I am sure there were a couple times a year. That would be the way I would think of it.

Mr. DELAHUNT. But one inference could be drawn that Mr. Connolly enhanced his own status by bringing FBI officials in to meet the president of the Massachusetts Senate. That is an inference that could be drawn. Would you agree?

Mr. BULGER. Sure. We assume that anyone who comes through is doing it either for a social purpose or a self-promotion purpose. But I think it happens to all of us in public office.

Mr. DELAHUNT. Again, I am not interested in the facts of the 75 State Street, because you have testified here that the statements that you provided to the Federal prosecutors were the truth. So I don't think there is any need for us, but by incorporation, you know, those statements could be made part of our record, and I would recommend to the Chair that they be made part of our record.

Mr. BULGER. I hope you will consider carefully, if I may, the affidavit that I submitted from Harold Brown. Harold Brown seeks to set the record straight, and he uses the word that I was totally innocent, that he doesn't ever intend to accuse me of anything.

Mr. DELAHUNT. I understand that, Mr. Bulger, and I am confident that this committee will consider that. But if the Chair would honor my request, if we can secure the statements of Mr. Bulger.

Mr. TIERNEY. Without objection.

Mr. DELAHUNT. Thank you.

Let me ask you this question, Mr. Bulger. Who represented you during the 75 State Street?

Mr. BULGER. Bob Popeo.

Mr. DELAHUNT. Bob Popeo represented you?

Mr. BULGER. Yes.

Mr. DELAHUNT. Did he ever raise with you an issue regarding a request or a suggestion by the Federal Government that would entail that investigation being conducted by another U.S. Attorney's Office or by a different office of the FBI?

Mr. BULGER. I never heard of that. By the way, it had been already investigated.

Mr. DELAHUNT. I understand that.

Mr. BULGER. And then it went to a grand jury and they said no.

Mr. DELAHUNT. I understand that all.

Mr. BULGER. And you know there are no accusers.

Mr. DELAHUNT. Well, let me explain the reason, again, why I am posing these questions, is that your brother was an informant for the FBI.

Mr. BULGER. Right.

Mr. DELAHUNT. The individuals that were either involved in the investigation of 75 State Street, or even were in the periphery, were fully aware of your brother's status as an informant.

I was doing some reading last night, and in a story that was dated December 9, 1988, it appeared in the Globe, indicating that the FBI had called off an investigation of some 2½ years into the matter involving 75 State Street. And I am quoting now: "FBI Agent John Clorrity yesterday confirmed that there was a formal investigation, started in March 1986. This investigation failed to develop any evidence of a violation within the jurisdiction of the FBI." In December 1988, as you have indicated, the investigation was closed.

Let me just interpose a question here. At that point in time, it has been reported that you had never been interviewed by the FBI.

Do you have a memory of being interviewed by the FBI as it related to 75 State Street?

Mr. BULGER. No, of course not.

Mr. DELAHUNT. Thank you. But they did go ahead and made an announcement closing the investigation.

Mr. BULGER. I think that is exactly the same time as the grand jury spoke. I think it is the same time.

Mr. DELAHUNT. Now, let me try to refresh your memory. The grand jury was subsequent to the announcement by the FBI, and obviously it was John Clorrity who made that particular announcement.

Mr. BULGER. I never knew there was any kind of an investigation going on. I didn't.

Mr. DELAHUNT. I am not in any way suggesting that you did. What I am saying, Mr. Bulger, is that the Federal Bureau of Investigation in Boston made an announcement that they were closing an investigation of some 2½ years that you were unaware of, and then made that announcement. That doesn't happen very often with the FBI. In fact, back in December I asked a question of the head of the Organized Crimes Strike Force and the U.S. Attorney, Mr. O'Sullivan, regarding his statement after the grand jury concluded its work, and he made the announcement that it was not even a close call. And I posed the question to Mr. O'Sullivan, in your 16 years as a Federal prosecutor, when did you ever make an announcement that it was not a close call or that someone was vindicated.

Now, I am not suggesting that is a policy that should be rejected out of hand, but what I am saying, it is very exceptional policy. And his response to me was that it was very rare, and he could only think of, his words were, maybe one other time. And I requested that he, as he left, to go reflect and submit to the committee a letter outlining that other time, and I don't think we have ever received that.

Have we, Mr. Chairman?

Mr. TIERNEY. Not that I know of.

Mr. DELAHUNT. No.

Mr. BURTON. Is the gentleman about to conclude his questions? Do you have more questions, sir?

Mr. DELAHUNT. I do.

Mr. BURTON. No, go ahead. If there is continuity of questions we want to make sure we get completed. Go ahead.

Mr. DELAHUNT. I will do whatever the Chair recommends.

And, again, it was Mr. O'Sullivan that reopened that case, supervised that investigation, and presented evidence to the grand jury which, in a public statement, he exonerated you. And I think his words were no close call.

But what I find interesting here is we have Morris, John Morris, whom you have made a serious allegation about here today, who is in charge of that investigation; Mr. Ahearn, who was the special agent in charge of the Boston office, who clearly was not only aware of the informant status of your brother, but would sign off on any statement that was made in the name of the FBI, and also would have supervised Mr. Morris; we have Mr. Clorrity, who was the former partner of John Connolly; and, in addition to that, we

have Mr. O'Sullivan, who exonerated you. And then we have testimony from Morris that he was approached by Connolly, and Connolly sought his advice as to whether you should testify in front of the grand jury.

Mr. BULGER. It was a meeting.

Mr. DELAHUNT. There was a meeting.

Mr. BULGER. That is what it was. It was my own request. I asked Popeo is there some way I could talk to these people. So it was not the grand jury, Congressman, it was a meeting with the prosecutors.

Mr. DELAHUNT. No, this is prior to that, Mr. Bulger. There was an approach made by John Connolly to John Morris, and this has been testimony, you know, in the Federal court.

Mr. BULGER. I wasn't aware of that, then.

Mr. DELAHUNT. And what I am trying to do is clarify the record, because one could draw an inference that you requested John Connolly to make the approach to Morris.

Mr. BULGER. Be absolutely certain. I never made such a request. Never.

Mr. DELAHUNT. But what I am trying to relate to you is the testimony of John Morris that was never refuted by Mr. Connolly. Now, many things are said in all of our names that we are unaware of.

Mr. BULGER. That is true.

Mr. DELAHUNT. But again, I guess the bottom line for me is that the Federal authorities, having knowledge that your brother was an informant, and that you were either the subject of a target of an investigation, concluded that it was fine for those that I mentioned to proceed with the investigation into 75 State Street, as opposed to referring the matter, like occurs frequently, to either another FBI office or to another U.S. Attorney's Office. What I am suggesting is that I have reservations as to whether that is a very good practice, particularly when, several months after you are cleared, that these same FBI officials invite you to be a master of ceremonies for a departing member of the FBI. And, again, I am not leveling criticism at you, Mr. Bulger. What I am suggesting is that in terms of appearances and the confidence of people in our justice system, that just doesn't, as the former Governor Weld I think once said, that doesn't pass the smell test.

Mr. BULGER. May I just say a couple of things? First of all, as to the publicity, it was a Boston Globe, I would call it a concoction, and it ran from that time, about December 8, 1988, and it ran right to March 31. I remember it well because it was a daily, daily drumbeat upon me. And ultimately Bob Popeo asked the people who were conducting this thing, please, there has never been so much publicity, if one were to go back and look at the publicity during that period, and he, therefore, asked if you would please just make a public announcement so that my own opportunity to be made whole would occur.

Another thing about being a master of ceremonies, I have to tell you I bet I was a master of ceremonies for more State police than I have been for any FBI. I just did it all the time. It seemed to go OK. I am just telling you it was a constant problem for me because people would so frequently ask me to do it, and it becomes difficult not to do so. Elliott Richardson, would you please, he said, do it,

and I did it with Art Buchwald, and we retired his debt, and he was ever grateful. But Elliott Richardson. I mean, it was everyone, and I didn't know how to turn it off, and I did it all of the time. It is one of the things in my opening statement I don't mention, but the fact is these offices, they keep you very, very busy. So there is nothing sinister about my having agreed to be.

Mr. DELAHUNT. Mr. Bulger, let me be really clear. I am not even suggesting sinister. What I am suggesting is responsibility of the office.

Mr. BULGER. My office.

Mr. DELAHUNT. No, not your office. The office of the FBI.

Mr. BULGER. Oh, OK.

Mr. DELAHUNT. Because they were aware of the informant status of your brother.

Mr. BULGER. Right.

Mr. DELAHUNT. They knew that your brother was an informant for the Federal Bureau of Investigation, and they proceeded to conduct an investigation into the matter involving 75 State Street. And I just say the appropriate action by the Government should have been to refer that matter to another U.S. Attorney's Office, to another office of the FBI.

And far be it from me, Mr. Bulger, to defend the Globe, but they were correct in the information they provided relative to the status of your brother as an informant. My understanding is it was Mr. Morris that was the source of that particular information. But that information did lead to, I dare say, the Wolfe hearings, the hearing of this particular committee that have really given us some insights into what was occurring with the Department of Justice, not just in Boston, but, by implication, elsewhere.

Mr. BULGER. No, I appreciate that, Congressman. I can't even be in disagreement with you on it, not at all.

Mr. MEEHAN. Mr Chairman, before we get off this round, can I ask one question on the subject? I want to get off this Coconut Grove Inn, and I didn't ask the last question, I got a little sidetracked with the evaluation of the Irish Volunteers and how they were. But I do want to ask this question.

You indicated that you knew Roger and James Concannon. There is a story in the Herald today. I don't suppose you have had an opportunity to read the Herald yet.

Mr. BULGER. I don't ever read it.

Mr. MEEHAN. I just want to ask you this. You had indicated you knew Roger and James. Have you ever spoken to them about your brother?

Mr. BULGER. To whom?

Mr. MEEHAN. Roger Concannon, James Concannon, or Bill Driscoll.

Mr. BULGER. I don't think I have ever spoken to Roger Concannon about my brother. I see Jim Concannon so frequently that I could very well have.

Mr. MEEHAN. So you could have. Any idea what the content would have been with James?

Mr. BULGER. Jim is a contemporary, and I see him once a week, and he is usually very supportive and that sort of thing, so I would probably be just giving him some assurance that we are doing OK.

And I can't remember discussing my brother with him, though, Jim. Jim is the probation officer.

Mr. MEEHAN. So you never had a conversation with them about your brother potentially being at the Coconut Grove Inn, or anything of that nature.

Mr. BULGER. The Coconut Grove Inn? I don't know where that is. Where is that? Do you mind me asking that?

Mr. MEEHAN. Well, yes. It is in St. Vincent, the Caribbean, apparently. But I just asked the question because there was a piece today, and I just thought I would finish that off.

Thank you, Mr. Chairman.

Chairman TOM DAVIS [presiding]. Thank you very much. Time on this side has expired.

The gentleman from Indiana is recognized.

Mr. BURTON. I just have a few questions, Mr. Chairman, to kind of wrap up.

Stevie Flemmi, were you aware that he had extensive real estate holdings?

Mr. BULGER. I think only after he was in trouble, indicted. I read it in the paper. I was not aware of it before that.

Mr. BURTON. Did you ever talk to his mother about him and what he did for a living, or anything like that?

Mr. BULGER. No. His mother was just exactly next door to me, just a few feet away. She is a very fine lady, Congressman, and she was seldom visited. She didn't have anybody after her husband died, and she would be, I think, kind of waiting when I came home or when I was going out.

Mr. BURTON. I understand. That is laudable. Was he like your brother? I mean, did you have any idea what he did for a living?

Mr. BULGER. No. I thought he had a restaurant somewhere. And also I thought he had a club or something like that, some club.

Mr. BURTON. Did you ever hear any rumors or anything that would indicate your brother was involved in some murders?

Mr. BULGER. Someplace I saw it in the paper. I didn't believe it, but I did see it someplace, and it was in the 1980's.

Mr. BURTON. Now, you were called in January, I think, of 1995 and he left around Christmas in 1994.

Mr. BULGER. Right.

Mr. BURTON. Can you give us a list of all the people that passed along information to you about Whitey, and where he was and what he was doing?

Mr. BULGER. Well, I have done it for other authorities.

Mr. BURTON. Well, we would like to have it here for the record, if you could give it to us.

Mr. BULGER. OK.

Mr. BURTON. I think it is important to know how many times he contacted people.

Mr. BULGER. I think Theresa Stanley was the source of some communications, because she had been with him and then was dropped off.

Mr. BURTON. That is the one whose daughter got the job at the convention center.

Mr. BULGER. Right.

Mr. BURTON. Yes.

Mr. BULGER. I think, by the way, that youngster had worked at the convention center long before that. She is a very good employee, and she was savaged by the local press about being there and she left, she went someplace else.

Who else? I think Mrs. Caputo, who I haven't spoken to in years, but I think she may have received a call. There is a gentleman that I used to meet, and I told the police about this, he is a retired policeman and he told me that he had seen my brother in Maine and decided not to arrest him.

Mr. BURTON. Now, did they pass on to you anything specifically that Whitey said to them?

Mr. BULGER. No.

Mr. BURTON. He didn't say tell Billy I am fine.

Mr. BULGER. No.

Mr. BURTON. Or say Merry Christmas or anything?

Mr. BULGER. When I was in public office, I listened to everyone, frequently knew better than to take them very seriously. He would fall into that category. Very nice fellow, but he could tell a wonderful story. And that happens. And because I just didn't go about saying to people you are fibbing and you are telling the truth, because they are all voting.

Mr. BURTON. Were there any other people in that list?

Mr. BULGER. I don't know. Bear in mind, this ended some 8 years ago. It happened then and then nobody has said anything in years and years.

Mr. BURTON. So you don't recall anybody else other than those you have mentioned?

Mr. BULGER. No.

Mr. BURTON. OK. Now, I am going to be a little redundant, but I want to make sure we have got this for the record. When did the FBI first interview you after your brother fled Boston?

Mr. BULGER. Well, I am informed now that they said they came to my house or something, and if they say that, then they probably came.

Mr. BURTON. Well, the information we have on that is that about 4 days after he left there was a knock on your door, you answered the door, they asked you a question, and you were supposed to have said, I don't have anything to say, and you just shut the door. You don't recall that?

Mr. BULGER. I don't remember it, you know, but my sense is if I did speak to them, I would have handled it much more diplomatically and I would say I have a lawyer and I would give them his name.

Mr. BURTON. Well, what other interviews were there?

Mr. BULGER. With me or with other members of the family?

Mr. BURTON. With you.

Mr. BULGER. No, I don't think there were other interviews, no.

Mr. BURTON. OK. Were you concerned that your Senate office was bugged?

Mr. BULGER. No, I wasn't.

Mr. BURTON. Did you ever ask anyone to conduct a sweep of your office to determine whether it was bugged?

Mr. BULGER. I accepted the routine sweep of the office. There was someone from one of the police departments of the State.

Mr. BURTON. Suffolk County District Attorney's equipment was used?

Mr. BULGER. Something like that. I think they would go through all of the Constitutional offices, and if you wanted to do it, fine. I think I said yes to it.

Mr. BURTON. That was a common practice, for them to sweep your office?

Mr. BULGER. No. But it probably happened once or twice.

Mr. BURTON. Did you ask them to sweep your office?

Mr. BULGER. No. I never went looking for anyone to do that, never.

Mr. BURTON. You didn't say, you know, I would like to have my office swept?

Mr. BULGER. Oh, please, no. I didn't, no. I didn't say, oh, please come and do it, no. I didn't do that.

Mr. BURTON. Well, how did it happen?

Mr. BULGER. I think that they called, the people who were doing it.

Mr. BURTON. But they initiated the call.

Mr. BULGER. I believe so. I think so. Again, it is years and years.

Mr. BURTON. If you were concerned about your office being bugged, it would seem to me you would call and say, look, I would like for you to sweep my office.

Mr. BULGER. Sure.

Mr. BURTON. Of if they just said, you know, we would like to come by and check your office for bugs. You would know the difference.

Mr. BULGER. I don't think I ever felt that it was necessary.

Mr. BURTON. The only reason I ask that is you went to this other house to get that call from Whitey, and I just wondered if there was any correlation between that, having your office swept.

Mr. BULGER. No.

Mr. BURTON. There wasn't?

Mr. BULGER. No.

Mr. BURTON. And you did not ask them to sweep your office.

Mr. BULGER. I don't think so.

Mr. BURTON. No, no, you did not ask them to sweep your office. You didn't think so. Just a yes or no. Did you ask them to sweep your office?

Mr. BULGER. No.

Mr. BURTON. Thank you. OK, I just have a few more questions. In your book you showed a great deal of contempt for informants. And you have heard that your brother was an informant. Refresh my memory, how did you find out that he was an informant or alleged to be an informant?

Mr. BULGER. The very first was in this piece in the Globe in the late 1980's. That is the first time I think that, you know, my curiosity was piqued about this.

Mr. BURTON. What steps did you take to find out if it was true?

Mr. BULGER. I didn't take any steps.

Mr. BURTON. Did you talk to your brother about rumors that he was an informant?

Mr. BULGER. No, I don't think so. I don't think so. My brother is an older brother, Congressman. He didn't come to me looking for advice.

Mr. BURTON. Yes, but it seems to me you would remember if you said are you an informant. I mean, that is a pretty significant thing; I mean, are you talking to the cops. You don't remember doing that?

Mr. BULGER. I don't think so, no.

Mr. BURTON. But you can't say categorically you didn't.

Mr. BULGER. I may have said it if I saw him, but, you know, I doubt it.

Mr. BURTON. But you were curious about the truth of the Globe article.

Mr. BULGER. The truth of it was not as interesting to me as the other aspect that I have described.

Mr. BURTON. Did you talk to John Connolly about your brother and whether he was a Government informant?

Mr. BULGER. No.

Mr. BURTON. Did you talk to any friends or aides about the possibility that he was an informant?

Mr. BULGER. I don't think so.

Mr. BURTON. You didn't talk to anybody else that you recall.

Mr. BULGER. No. I know what I said about it.

Mr. BURTON. I just have one more thing, Mr. Chairman, and that is I am very troubled by this Boston Herald article, not because of you, Mr. Bulger, but because how can a newspaper find out all this information and the FBI hasn't done anything about it. It just mystifies me. It says, according to one policeman, these two guys didn't have two nickels to rub together, and yet they paid $135,000 at the outset, plus another $27,000 for that hotel to buy up controlling interest in it, and that Whitey Bulger allegedly was down there and had the top two floors, and they have talked to people down there that said that was the case. And if that is the case and the Herald can find out about it, why in the world can't the FBI? So I don't know if we have any U.S. Attorneys around, but, guys, that kind of throws a little mud on your ability to get 1 of the 10 most wanted criminals in the country, when a newspaper finds out about it and goes into great detail.

With that, I yield back my time, Mr. Chairman.

Chairman TOM DAVIS. Thank you very much.

Are you doing OK? I was going to recognize counsel. Do you need a break, Mr. Bulger, or are you OK?

Mr. BULGER. I am doing fine.

Chairman TOM DAVIS. All right.

Let me recognize counsel for questions.

Mr. AUSBROOK. Thank you, Mr. Chairman.

I just want to ask a few followup questions of some things that have been raised today. After your brother returned to Boston from Alcatraz, you tried to get him a job, isn't that right?

Mr. BULGER. Yes.

Mr. AUSBROOK. And what job was that?

Mr. BULGER. I got him a job in the Suffolk County Courthouse, janitorial.

Mr. AUSBROOK. And how long did he stay in that job?

Mr. BULGER. Some months, but not very long.

Mr. AUSBROOK. And do you know what he started to do after that?

Mr. BULGER. Do I know what?

Mr. AUSBROOK. After he left that job, do you know what he started to do?

Mr. BULGER. I think he was with a company that was doing billboard advertising. I think that is where he went next.

Mr. AUSBROOK. And how long was he there?

Mr. BULGER. Excuse me?

Mr. AUSBROOK. How long was he there?

Mr. BULGER. I don't know, several years.

Mr. AUSBROOK. Was that a legitimate job or was that something that he didn't really have to show up for?

Mr. BULGER. Well, I had assumed it was.

Mr. AUSBROOK. When did you come to realize that your brother was engaged in criminal activity?

Mr. BULGER. I am uncertain of that. Very uncertain of that.

Mr. AUSBROOK. Can you make a rough estimate of when you might have figured out that he was engaged in criminal activity, loan-sharking, numbers, other activities?

Mr. BULGER. Could I make a guess?

Mr. AUSBROOK. Yes.

Mr. BULGER. It must be in the 1970's sometime.

Mr. AUSBROOK. So I think you said that you certainly could have asked John Connolly to look after him at some point, isn't that true? Is that what you testified to?

Mr. BULGER. Excuse me. This comes from a newspaper story.

Mr. AUSBROOK. Well, it actually comes from John Martorano's testimony.

Mr. BULGER. Yes.

Mr. AUSBROOK. And so he testified that you asked John Connolly to look after my brother.

Mr. BULGER. He said that?

Mr. AUSBROOK. Yes. To keep an eye on him, keep him out of trouble, something like that.

Mr. BULGER. Yes. That I said that to whom, to John Connolly?

Mr. AUSBROOK. To John Connolly about your brother Whitey.

Mr. BULGER. And was Mr. Martorano there? Was he present?

Mr. AUSBROOK. No, I don't think he actually was there, but I think he understood that you had done that at some point.

Mr. BULGER. Well, if I ever said something like influence him to stay on the straight and narrow, if that is what is meant by it, I could well have said it. But the other construction of my words is wrong. I don't know anything about what Mr. Martorano has heard, and I forget who it was that told him of it.

Mr. AUSBROOK. But do you think you would have said that at a time when knowing that John Connolly was an FBI agent and that your brother was engaged in criminal activity?

Mr. BULGER. Oh, no. I mean, I didn't intend that at all. I think it is a pretty innocent comment, if in fact I made it. I have no recollection, but I don't want to quarrel with that source.

Mr. AUSBROOK. Maybe it is something you would say to a lot of people, you know, keep an eye on somebody, keep him out of trouble. It is not an unusual thing to say to somebody, is it?

Mr. BULGER. You think it is unusual?

Mr. AUSBROOK. No, I am asking you if you think it is unusual.

Mr. BULGER. I don't think it is so unusual.

Mr. AUSBROOK. But in the context of an FBI agent and a person involved in crime, that might be an unusual thing to say.

Mr. BULGER. I suppose it could be, but it is not intended as it is purported.

Mr. AUSBROOK. Let me ask you a few questions about Kevin Weeks. What is your relationship with Kevin Weeks?

Mr. BULGER. I just know him from seeing him around. His brother was a friend of mine, or at least I knew him from campaigning. He lives in Chicago.

Mr. AUSBROOK. Kevin Weeks seems to be a person who would come to you with information about your brother. Is that what he would do?

Mr. BULGER. On several occasions he would stop by I think at the end of a day he felt like talking and not going home or something, I guess.

Mr. AUSBROOK. Did you have any sort of special relationship with Kevin Weeks whereby you asked him to provide you with information about your brother?

Mr. BULGER. No.

Mr. AUSBROOK. Was there any special treatment that Kevin Weeks was afforded in getting access to you?

Mr. BULGER. No. I think I was inflicting my advice upon him. He seems very young to me. His brother was in Chicago, and I know I told him that he should go to Chicago and that he should take his wife and family and go to Chicago. That is what I would tell him.

Mr. AUSBROOK. So if he made a phone call to your office, would it automatically be put through?

Mr. BULGER. I don't think so. Somebody would talk to him. I don't think he ever made a phone call, ever, to my office.

Mr. AUSBROOK. What about visiting your office? If he visited your office, would he automatically see you?

Mr. BULGER. I don't recall ever seeing him there.

Mr. AUSBROOK. Where would you see him?

Mr. BULGER. He would stop by the house. And he would come through unannounced.

Mr. AUSBROOK. Let me ask you some questions about your relationship with John Connolly. Do you recall gatherings on Friday nights at something called the Bayside Club?

Mr. BULGER. No. I know the Bayside Club, but there were no big gatherings that I attended.

Mr. AUSBROOK. Any kind of gatherings? Did you have a regular gathering of some sort on Friday nights anywhere?

Mr. BULGER. No. What years is this?

Mr. AUSBROOK. In the early 1970's.

Mr. BULGER. In the early 1970's? I don't think so.

Mr. AUSBROOK. OK. In your last conversation with your brother, did you discuss at all any means of further communication with him?

Mr. BULGER. No.

Mr. AUSBROOK. Did he say he would call you again?

Mr. BULGER. No. There was no discussion of it. It was the first few weeks. I thought the situation was temporary.

Mr. AUSBROOK. Let me ask you about your role as Senate president and this outside budget item that keeps coming up. Have you been involved in other outside budget items?

Mr. BULGER. I don't know. I probably must have at different times.

Mr. AUSBROOK. Do you have any formal responsibility for outside budget items?

Mr. BULGER. No.

Mr. AUSBROOK. Is there a practice in the State legislature that the leadership, as Mr. Meehan has suggested, that the leadership has to sign off on outside budget items?

Mr. BULGER. No. The budget items come up as amendments outside section, and then there is an up or down vote on them by the body. But they come from all directions; they come from the committee on the judiciary, the committee on health, committee on insurance and taxation.

Mr. AUSBROOK. And can they be voted on without the approval of the leadership?

Mr. BULGER. Oh, sure.

Mr. AUSBROOK. Let us go to the Billy Johnson incident. Did you ever receive a copy of the incident report?

Mr. BULGER. No.

Mr. AUSBROOK. Now, you mentioned that you also had some contact with people who say they have heard from your brother, Kathy McDonough, Caputo maybe.

Mr. BULGER. Yes. I don't think I spoke to those people, but I think they were the source of it.

Mr. AUSBROOK. Did you tell this information to the grand jury, that you had contact with those people?

Mr. BULGER. I think I did. Well, I told them I was hearing it, and if it were attributed to someone, I think it might be such people as that.

Mr. AUSBROOK. And did you give them their names?

Mr. BULGER. Yes, I think so.

Mr. AUSBROOK. Did you ever tell the FBI that you had heard that these people might have had contact with your brother?

Mr. BULGER. No.

Mr. AUSBROOK. Do you have any information as to whether Federal investigators have contacted any of these people?

Mr. BULGER. Oh, yes, there is evidence of that.

Mr. AUSBROOK. And how do you know that the FBI has contacted them?

Mr. BULGER. Because the young lady, Kathy McDonough, ended up with a perjury charge against her, and, I don't know, Theresa, I have seen her picture in the paper and testifying at court. So they were all contacted.

Mr. AUSBROOK. And finally let me just ask you a little bit about whether you ever saw John Connolly in the company of your brother.

Mr. BULGER. Never. I don't believe I ever saw that. I just never saw that.

Mr. AUSBROOK. Would that have surprised you to see that?

Mr. BULGER. It would have.

Mr. AUSBROOK. Did you ever see your brother in the company of any other Federal law enforcement officials?

Mr. BULGER. No, not at all.

Mr. AUSBROOK. James Ring, John Morris?

Mr. BULGER. No.

Mr. AUSBROOK. How about did you ever see Federal law enforcement officials going to Stephen Flemmi's mother's house?

Mr. BULGER. No.

Mr. AUSBROOK. Those dinners were apparently more than just one.

Mr. BULGER. Right.

Mr. AUSBROOK. But you never saw anybody going in and out of that house?

Mr. BULGER. Well, of course I have seen many people going in and out.

Mr. AUSBROOK. But I mean the FBI agents with whom you might be familiar.

Mr. BULGER. No, never. I can recall her family coming, because she would be inviting everybody. They came from Lawrence, MA, and they would come. And she loved to cook for them, and that would be a big event.

Mr. AUSBROOK. So you have no knowledge of what was in that report.

Mr. BULGER. Absolutely no knowledge of it. I never knew his name until years later; only because the press was writing about his problems.

Mr. AUSBROOK. Was it your earlier testimony that people did suggest to you that they had been threatened by your brother?

Mr. BULGER. I have a sense that I would hear it not from the individual, but I would hear people say, you know, your brother frightened someone to death or something. Sometimes I wouldn't see him for 6, 7 months at a time, but if I did, I would say, please, I hope that is not true. That is all I could say, is I hope it is not true.

Mr. AUSBROOK. Were these people involved in politics, or were they also other people?

Mr. BULGER. I don't know. I don't know anyone who has been a candidate or anything.

Mr. AUSBROOK. I am not sure I understood you. When you did see your brother and you heard about these threats, did you ask him to try to stop that?

Mr. BULGER. I would say I hope that is not true. There is no sense in getting into an argument. He would say, I think, it is not true. But rather than argue about it, I would express my consternation with that kind of behavior.

Mr. AUSBROOK. So did he ever talk to you not just about the threats, but about any of his other activity that was illegal?

Mr. BULGER. No, he didn't.

Mr. BURTON. Would counsel yield to me?

Chairman TOM DAVIS. The gentleman from Indiana.

Mr. BURTON. These people who you had heard through the grapevine were threatened, do you know who any of them were?

Mr. BULGER. I suddenly remember one.

Mr. BURTON. How many were there, that you know of?

Mr. BULGER. I wouldn't hear it from them, but, as I say, indirectly.

Mr. BURTON. I understand. If somebody said a friend of mine was scared to death by Whitey, they obviously would tell you their names. So we would like to know the names of the people that were threatened.

Mr. BULGER. Oh, but not necessarily. He would say he is arguing with someone about you, me, taking my part, he thinks. I do recall one.

Mr. BURTON. You only recall one?

Mr. BULGER. This, by the way, happened many years ago; we are back to 25 years or something. And it was in 1970, and one of the people running against me, someone in his camp there called me and said, boy, you brother is angry and he is sounding off about things. And so I drove up the street and I found him, and I said, you know, this is madness, don't do that.

Mr. BURTON. Well, who was this person?

Mr. BULGER. The candidate was a fellow named Patrick Loftus.

Mr. BURTON. Patrick Loftus?

Mr. BULGER. Yes.

Mr. BURTON. OK, now, were there any others like that?

Mr. BULGER. No. That is the only one I pin down like that. I had forgotten about it; it was 30 years.

Mr. BURTON. Well, I mean, it was a political opponent, and you had a very long and, according to what I have heard, a pretty distinguished career.

Mr. BULGER. Right.

Mr. BURTON. You obviously had other political opponents. Did Whitey threaten any of the others that you know of?

Mr. BULGER. No.

Mr. BURTON. You said that from time to time you would hear this.

Mr. BULGER. I would hear of him arguing. I think he probably thought he was doing it for me. And I think ultimately I am sure around that time I made it very clear to him that I did not want that, and please don't do it.

Mr. BURTON. But you can't recall any other names of people that were threatened?

Mr. BULGER. No. I don't think they were big incidents. It was just his displeasure, and they were concerned about it. I know that night I went and found him, and I think at that time he said, I assure you I will never be near any of this again. The political thing, I suppose that is what was intended. I had forgotten about that incident, but it comes to mind now, and it was in 1970.

Mr. BURTON. But you don't recall any after that time?

Mr. BULGER. I don't think so. I am sure, you know, he would be willing to argue, but none ever comes to my mind at this moment.

Mr. BURTON. One last question. When the majority leader of the Senate, who was the heir apparent to becoming the pro tem, who was indicted and convicted, who you said was a friend of yours, and is a friend of yours, that happened just prior to you becoming president of the Senate, president pro tem, didn't it?

Mr. BULGER. No.

Mr. BURTON. Can you give me the timeframe on that?

Mr. BULGER. Well, it was in the 1970's that all of that occurred. And then I became the president in the middle of 1978. The president of the Senate at that time was the one who would decide who would be the majority leader, and he appointed me.

Mr. BURTON. So you were then in the line of succession, so to speak.

Mr. BULGER. Right.

Mr. BURTON. But you have no knowledge of anything that led up to that indictment or that investigation?

Mr. BULGER. No. And I am absolutely certain that I never would ask anyone or even indicate any way that I would want some harm to befall someone to further my ambition.

Mr. BURTON. Was Connolly involved in that?

Mr. BULGER. I don't know. I don't think so.

Mr. BURTON. So Connolly was not involved in that.

Mr. BULGER. I don't think he was.

Mr. BURTON. OK.

Thank you, Mr. Chairman.

Chairman TOM DAVIS. Well, I think we are close to the end here.

Let me just ask. You had weapons found next door. There were a lot of activities going on next door to you.

Mr. BULGER. Right.

Chairman TOM DAVIS. Were you aware of this?

Mr. BULGER. Sure. I was aware when they were discovered and picked up.

Chairman TOM DAVIS. I mean, what did you think?

Mr. BULGER. I didn't know. I mean, whoever, when they put them there, didn't tell me, by the way.

Chairman TOM DAVIS. Oh, no, I understand. But what did you think afterwards? I mean, were you concerned?

Mr. BULGER. I don't know. They were hidden away, and I think that the time when they were discovered, I didn't even realize that people had come and done it, that is to say, come and take them way. I just didn't know that. For all of those years that the Flemmi family lived there, it was two very, very fine people, old people; and for a long, long time the widow and the mother of Stephen Flemmi, the house would become vacant, and they were looking for someplace and they came there.

Chairman TOM DAVIS. These weren't big lots or anything, though, right?

Mr. BULGER. Pardon me?

Chairman TOM DAVIS. These were relatively small units and small lots?

Mr. BULGER. Oh, yes, very small.

Chairman TOM DAVIS. Very close to each other, right?

Mr. BULGER. Very, yes.

Chairman TOM DAVIS. OK.

Any other questions? Mr. Meehan, Mr. Delahunt.

Mr. MEEHAN. So the Flemmi house was right next door to your home.

Mr. BULGER. Right.

Mr. MEEHAN. How much distance is there between the two?

Mr. BULGER. Perhaps from here to the desk, the first desk.

Mr. MEEHAN. And you are aware that machine guns and the other ammunition was taken out of, I guess, the back shed.

Mr. BULGER. Yes.

Mr. MEEHAN. After the fact, I mean.

Mr. BULGER. Yes.

Mr. MEEHAN. And you never had any knowledge.

Mr. BULGER. None.

Mr. MEEHAN. Not of guns being there, but nothing ever looked suspicious over there?

Mr. BULGER. No.

Mr. MEEHAN. Did you know Debbie Davis?

Mr. BULGER. I don't think I ever met Debbie Davis, no.

Mr. MEEHAN. You are aware it is alleged that she was murdered next door?

Mr. BULGER. Yes.

Mr. MEEHAN. I realize the difficulty with this. I am curious, after all that has transpired, do you want your brother to give himself up now?

Mr. BULGER. Do I want him to? I hope he does what is the right thing.

Mr. MEEHAN. Do you want law enforcement, at this point, to effectively find him and bring him back to face charges?

Mr. BULGER. Do I want them to?

Mr. MEEHAN. Well, let me phrase it differently.

Mr. BULGER. I worry about the thing I told you in the first place, Congressman. I can't get away from that, my belief that the effort was made to kill him, and that it was done by an FBI agent, Mr. Morris. And I am mindful of the finding of the judge, Judge Wolfe. He said I believe, and he uses the verb in order to murder Bulger, that Morris went and met with O'Neil of the Globe to have that printed. And when the question is asked each time, they say, well, what did you think? I tell you, one thing I knew was this, that whether it were true or false, the fact is identifying him as such might result in his murder. And that was the judge's conclusion. And it was a chilling thing for me, with all of the talk about killings and the rest. Believe me, I know it may seem as though I am expressing all my sensitivity to this particular situation. It is only that it is under color of authority that it really disturbs me, that people would violate their office by doing that. I think it is the same sense of indignation that, well, I am aware of because I am here at your committee as you try to deal with the perennial question of who will police the police. So I have no quarrel with whatever you are thinking. In fact, I think if I were here, I would be similarly outraged.

But with respect to the original question, I don't know. I don't know exactly how to give the answer, just in view of my lack of confidence in these people.

Mr. MEEHAN. Let me ask you a question. Was that part of your rationale in 1995, when you got the phone call, not to go immediately to law enforcement in an effort to try to put a trace on the call?

Mr. BULGER. In 1995 I still hadn't seen the official kind of pronouncement by the judge. But I was always mindful of that fact, that some years before that had appeared. And the only people who would know it, you know, with any kind of degree of certitude would be the ones who were. To be an FBI informant is surely to be known for being that by the FBI.

Mr. MEEHAN. So do you question the ability of law enforcement to, if in fact they were able to capture James Bulger, do you question whether or not they could keep him from being murdered?

Mr. BULGER. I don't know. I am taken by the fact that I have to have the doubt. I do have a doubt.

Mr. DELAHUNT. Would my friend yield?

Mr. MEEHAN. Sure.

Mr. DELAHUNT. Mr. Bulger, today, as we sit here, in the year 2003, and there have been changes, obviously, in the Boston office of the FBI, as well as in the leadership of the FBI down here in Washington, you expressed a concern, you made it in your opening statement, that you believed partially, it is my understanding, on the finding by Judge Wolfe. But did you have any other evidence, as opposed to a feeling, that some wanted your brother killed?

Mr. BULGER. It was a strong feeling.

Mr. DELAHUNT. But it was a feeling.

Mr. BULGER. Based on reason.

Mr. DELAHUNT. Let me interrupt.

Mr. BULGER. Sure.

Mr. DELAHUNT. Would you provide this committee with what you would discern as the motive for the FBI wanting to kill your brother?

Mr. BULGER. I can tell you.

Mr. DELAHUNT. Tell us.

Mr. BULGER. It is the finding of Judge Wolfe, too, after extensive hearings. He said that Morris had been involved in this unsavory kind of relationship, and he had accepted something from my brother. He thought that my brother had outlived his usefulness and he, therefore, knew that some day my brother would be brought in.

Mr. DELAHUNT. I understand. Let me interrupt you by saying Mr. Morris is no longer, obviously, with the Bureau.

Mr. BULGER. Right.

Mr. DELAHUNT. Do you have that same concern today?

Mr. BULGER. I am sorry, that was your question. I apologize. I don't know, my confidence is shaken, but I don't know. Do you mind me just saying this? Most of those people that we have had the names about, Mr. Condon and Sheehan and those people, they seem to me to be men of integrity. You don't have to listen to this, but I cannot believe that they would have knowingly been parties to this terrible commitment of three men for their whole lifetimes. I don't know Rico. I don't know Rico. So if it is somebody I don't know, like Morris, I suppose that is easier for me. But when I have been around with them, they were in State government, it would

be so base for them to have been a party to that and then to be, I don't know, so, in my view, upstanding.

Mr. DELAHUNT. Let me just change the subject for one moment. Let me go back to the issue of Mr. Davis and Trooper Johnson.

When you were preparing the affidavit, I don't know whether it was Mr. Kiley or yourself that prepared the Dave Davis affidavit, but I would suggest to you, Mr. Bulger, that was he inquired of as to whether he went to the State police office and sought the report?

Mr. KILEY. May I answer, Mr. Chairman?

Chairman TOM DAVIS. Yes, you may.

Mr. KILEY. All of the affidavits were my work product. All of them are the result of contact following our June 3 interview here. And I asked particular questions of all of them, drafted them; they edited them, every one of these individuals.

Mr. DELAHUNT. Well, let me interrupt you, Tom. Let me interrupt you.

Mr. KILEY. And, no, I did not ask him that question.

Mr. DELAHUNT. You did not ask him that question. Because I would suggest the fact that Mr. Davis, who was the director of MASSPORT, should go and seek the report can be described as unusual.

In terms of the outside section of the budget, who happened to be the chairman of the Senate Ways and Means Committee?

Mr. BULGER. In 1981 it is Chester Atkins?

Mr. DELAHUNT. Chester Atkins?

Mr. BULGER. Right.

Mr. DELAHUNT. And it is my understanding that this outside amendment was inserted in the House, as opposed to the Senate?

Mr. KILEY. We don't know, Mr. Congressman. There are different accounts in the press.

Mr. DELAHUNT. And do you know who would have been the chairman of the House Ways and Means Committee at that time? If you can remember.

Mr. BULGER. I can't remember, no.

Chairman TOM DAVIS. That is in the public record, and we can find that out.

Mr. DELAHUNT. Yes. I would hope that the committee would review and have staff conduct its own interviews. And let me conclude by saying to you, Mr. Chairman, I sincerely hope that this effort, in terms of an examination of the FBI, and specifically the Boston office, continues. I think it is very important, and I believe that it is time for us to consider having Mr. Connolly in front of this committee, Mr. Morris in front of this committee, Mr. Weeks, and Mr. Martorano. And I would hope that, under your direction, that the staff would be instructed to initiate whatever has to be done in terms of interviewing them.

Chairman TOM DAVIS. Well, let me just say, obviously, this is probably not our last hearing on this issue, but we coordinate with the Justice Department on this. Mr. Connolly has an appeal pending, but that is something that we are certainly looking at, I want to assure the gentleman.

Mr. DELAHUNT. Thank you.

Mr. MEEHAN. Mr. Chairman, should I assume that Mr. Delahunt used all my time?

Chairman TOM DAVIS. If you have another question. I think we are ready to wrap this up.

Mr. MEEHAN. No, that is fine.

Chairman TOM DAVIS. It has been a long day, I think, for all of us.

Mr. MEEHAN. No further questions.

Chairman TOM DAVIS. Let me just ask, Mr. Bulger, is there anything you want to add at the end of this that you would like to say to straighten anything out, something you didn't get in the record?

Mr. BULGER. No. It is over now. But I wanted you to know that I understand your purpose and I am serious about respecting it.

Chairman TOM DAVIS. Well, thank you.

Mr. BULGER. I mean, it is the terrible questions, but it is the perennial question about who will watch the watchers.

Chairman TOM DAVIS. It is going to continue here.

Mr. BULGER. And other people will be doing it many years hence; it is an ongoing.

Chairman TOM DAVIS. Well, unfortunately, I don't think it is confined to Massachusetts. We have had other issues we will continue to look at. But this has been very helpful. Obviously, we are going to come back. This has raised some other issues, as you have testified. We want to go back and look. But we appreciate your being here today.

All the affidavits will be entered into the record.

[Information referred to follows:]

AFFIDAVIT

I, Michael Barnicle, of Lincoln, Massachusetts on oath depose and say as follows:

1. I am a professional journalist. During the year 1997 my principal employment was as a columnist for The Boston Globe. In that capacity I wrote a column which appeared on June 24, 1997 bearing the headline "Jimmy Bulger: Fox In FBI Coop." A copy of the column drawn from the Globe's website is attached hereto. To the best of my knowledge, it reflects the column as it appeared about six years ago.

2. I am aware that at some time after the column appeared, other media sources speculated that William M. Bulger was the source or among the sources for the sentences underscored in the attachment. The speculation was that Mr. Bulger and I were together at a Boston Red Sox game just days before the column appeared and we then conversed about his brother having tapes of his FBI handlers. That simply did not happen.

3. The kernel of truth on which the false story is based is that Mr. Bulger and I did converse at a Red Sox game shortly before the column appeared. Mr. Bulger was in a group seated in my proximity in the lower boxes at Fenway Park. He was seated with former United States Senator Simpson and award-winning historian David McCullough among others in seats provided them by the legendary voice of the Red Sox, Curt Gowdy. I moved over to them and had a between innings chat which I initiated. I knew all three gentlemen reasonably well, but my purpose in visiting had more to do with Senator Simpson's presence in Boston than anything else. The discussion occurred in view of thousands of people at Fenway Park and legions of Red Sox fans watching on T.V. It was not the time or place for a discussion about James "Whitey" Bulger and none occurred.

4. William Bulger was never a "source" whom I used for information concerning the activities of his brother, James "Whitey" Bulger. In June 1997 my relationship with William Bulger was such that we did not talk about his brother at all. I believed that James Bulger was involved with drug dealing and The Boston Globe had printed stories to that effect. William Bulger expressed to me the belief those stories were untrue. As a consequence, "Whitey" was a subject we generally avoided in and around June 1997.

Signed under the pains and penalties of perjury this 17th day of June, 2003.

Mike Barnicle

Mike Barnicle

Mr. KILEY. How about also the statement that we alluded to and said we would read in, instead, concerning the visit last week?

Chairman TOM DAVIS. Mr. LaTourette, do you have some questions remaining?

Mr. LATOURETTE. One, if you could bear with me.

Chairman TOM DAVIS. Sure.

Mr. LATOURETTE. I know you want to move along.

Mr. Bulger, earlier today I asked you if you asked for a grant of immunity when you testified, and I think I said a State grand jury. My understanding is you never went to a State grand jury, it was a Federal grand jury. So I hope that my bad asking didn't get me the wrong answer.

Mr. BULGER. No, sir.

Mr. LATOURETTE. When you appeared before the Federal grand jury, did you seek a grant of immunity?

Mr. BULGER. Yes, I did.

Mr. LATOURETTE. And can you explain to us why? If that section of the law is correct, the sibling exception that you talked about, why?

Mr. BULGER. Because it was a Federal grand jury originally, and there was a question in my mind as to how much protection the Massachusetts statute afforded me. There were questions like that.

Mr. LATOURETTE. Thank you.

That is all I have. Thank you very much.

Chairman TOM DAVIS. OK. Thank you very much.

Thank you very much.

Mr. BULGER. Thank you very much, Mr. Chairman.

Chairman TOM DAVIS. The hearing will be adjourned.

[Whereupon, at 4:03 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

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