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Why does the FBI believe Flemmi?

BY HARVEY A. SILVERGLATE

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The plea bargain that the feds, in conjunction with state prosecutors from Oklahoma and Florida, have entered into with confessed serial killer Stephen "the Rifleman" Flemmi — triggerman for the infamous fugitive Boston organized-crime honcho James "Whitey" Bulger — proves the truth of the cliché "The more things change, the more they stay the same."

The FBI's vaunted Top Echelon Criminal Informant Program (TECIP), begun under the late FBI director J. Edgar Hoover and continued under his successors, has a long history of abuse and corruption — a history recently revealed by intrepid investigative journalists and confirmed in marathon court hearings before US district-court judge Mark L. Wolf. But the Flemmi plea bargain offers perhaps the most ironic — and outrageous — act in the long and horrendous TECIP comedy of errors. Why the *most* outrageous act, given FBI agents' spectacular disclosures of being co-opted and even bribed by murderous hoodlums and racketeers the feds thought they were using to "fight organized crime"? Because by now the feds should know better than to think you can get the truth out of a hood — or anyone else, for that matter — by making him the proverbial "offer he can't refuse." Put under enough pressure, and offered sufficiently attractive inducements, many human beings — let alone vicious and calculating criminals — will learn "not only to sing, but also to compose," to borrow a phrase from Alan Dershowitz.

All this is brought to mind by the latest step in the *danse macabre* among the US Department of Justice, the FBI, and a rogues' gallery of hoods. It was disclosed in a federal-court hearing last week that Flemmi had negotiated a deal to plead guilty to 10 murders that took place in federal, Florida, and Oklahoma jurisdictions, as well as to drug trafficking, racketeering, and extortion charges, in exchange for a life prison term. The Rifleman will also become a federal witness against his allegedly corrupt former FBI handlers, including 78-year-old retired FBI agent H. Paul Rico. Indeed, just prior to the public announcement of Flemmi's conversion into a government witness, Rico was arrested at his beachfront condo in Florida and held for extradition to Oklahoma, where he faces the death penalty for conspiring in the 1981 murder of Roger Wheeler. Wheeler was the Tulsa businessman and owner of World Jai Alai, the Miami-based pari-mutuel wagering company where Rico procured a job as head of security after his retirement from the FBI in 1975.

The Rifleman had another incentive for turning witness besides preserving his own life. The feds have agreed to recommend a reduction in the 10-year sentence being served by Flemmi's brother, Michael, a retired Boston police officer — provided that Michael join Stephen in singing (and, one suspects, composing). Stephen Flemmi's lawyer, public defender Page Kelley, admitted that her client began plea-for-testimony negotiations out of concern for his incarcerated brother. And, of course, the offer became even more attractive when Oklahoma and Florida authorities stepped into the picture and agreed to drop death-penalty charges against Flemmi in return for his testimony. "There was always this question," said Kelley. "Could he do something for his brother?" And, of course, for himself.

US Attorney Michael Sullivan and his lead prosecutor in this matter, Assistant US Attorney Fred M. Wyshak Jr., assured the public that this turn in the TECIP investigation would lead to the prosecution of more malefactors within the FBI, and also bring to justice a supporting cast of corrupt police officers and others. The stain brought upon law enforcement by crooked cops and agents working in cahoots with hoodlums, would be erased at long last.

But the feds ignore a crucial lesson of the TECIP scandal. As a result of false testimony offered in court in 1968 by the notorious hit man Joseph "the Animal" Barboza, a government witness recruited and cultivated by then-FBI agent Rico, four innocent men — Henry Tameleo, Louis Greco, Peter Limone, and Joseph Salvati — were imprisoned for the 1965 murder of Edward Deegan. Tameleo and Greco died in prison before the truth was discovered. Limone and Salvati were recently freed. Barboza had cooperated and testified to save his own skin, and he was willing, it is now clear, to compose as well as sing. Why federal prosecutors Sullivan and Wyshak, and their counterparts in Oklahoma, now believe that Flemmi, placed under even more pressure than Barboza, can be trusted to tell the truth, is a mystery. Only two conclusions are possible: either prosecutors are incapable of learning from history and experience, or they're willing to disregard such lessons because they're convinced that this time, unlike in the Deegan case, their bribed informants are telling the truth. They'll use the Rifleman against Paul Rico, for sure. And maybe Flemmi can buy himself some additional consideration if he suddenly composes an aria that implicates Whitey's brother, former University of Massachusetts president Bill Bulger, who has long been suspected of knowing more than he admits about Whitey's activities. The possibilities are endless, as broad as the witness's imagination and his perceived needs. Some will revel in the irony that Rico, who allowed Barboza's perjury to convict four innocent men, may now face execution on the basis of testimony extracted with similar inducements from a psychopathic witness like Flemmi. If twists like this were included in a novel, readers would be hard-pressed to find the story realistic.