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# Biting their tongues

When Bobby Long and Tom Foley got off the witness stand Thursday, I halfexpected someone from the prosecution team to give them gauze bandages to staunch the bleeding.

I mean, a man can bite his tongue for only so long. Bobby Long and Tom Foley are retired from the Massachusetts State Police, and between them did more than the entire FBI to bring Whitey Bulger to justice.

That's almost damning them with faint praise, which I would never do because they were great cops. But hardly anyone in the FBI lifted a finger to bring Whitey Bulger to justice.

To be fair, Rich Teahan, a conscientious FBI agent who supervised the task force that eventually found Whitey, did great work. So, too, did a fine agent named Phil Torsney, who, with a terrific deputy US marshal named Neil Sullivan, did yeoman's work to track Whitey down in Santa Monica.

But, let's face it, the FBI is an unindicted coconspirator in the massive racketeering case against Whitey. And Whitey's lawyers have made it clear they intend to put the FBI on trial, hoping the jury will forget that it was Whitey who put guns to the backs of people's heads and pulled the trigger.

Bobby Long, protege of the late, great Colonel Jack O'Donovan, a State Police legend, ran investigations out of Middlesex County for years and in 1980 led a bunch of state cops, including Jackie O'Malley and Rick Fraelick, in taking a swing at Whitey and Stevie Flemmi. Alas, their attempts to bug a garage on Lancaster Street near Boston Garden, which had replaced the Marshall Motors garage in Somerville as the Winter Hill Gang's headquarters, were doomed by corrupt lawmen.

Zach Hafer, a prosecutor, handled the direct examination of Bobby Long, and they mostly talked about some grainy State Police surveillance video that Long and his troopers took in 1980. It was like a trip down Wise guy Memory Lane.

Whitey and Stevie were wearing formfitting shirts, strutting their stuff in front of the garage, while their hired gun, Nicky Femia, showed off a physique ruined by Big Macs. Whitey always said fast food would kill Nicky, but in the end he died of lead poisoning when he tried to rob a cocaine dealer who drew faster than Nicky.

There was even some video of Nicky Giso, the late Mafioso, and his talkative girlfriend, Eva McDonough. The Mafia once tried to kill Eva, supposedly because she talked too much, but the Mensa member they sent to shoot her at a bar managed to murder only her cowboy hat.

When Jay Carney, Whitey's lead counsel, got Long on cross-examination, he asked Long if he had cleared the Lancaster Street investigation with Jerry O'Sullivan. That would be the same Jerry O'Sullivan who ran the Justice Department's Organized Crime Strike Force, who Whitey claims gave him a license to kill.

Was the State Police bug at the garage compromised? Carney asked. "Yes," Bobby Long replied. Whitey's other lawyer, Hank Brennan, was even more aggressive with Foley, getting him to admit that he believed the FBI was compromising State Police and DEA attempts to get Whitey at every turn.

If you knew Tom Foley, you know he, like Bobby Long, would shout from the treetops how corrupt the FBI was. But the prosecution wants to keep the focus on Whitey, not the FBI.

Whatever the FBI did to enable Whitey to murder and make money, the reality is that it was Whitey who pulled the triggers. It was Whitey who held guns and knives to the throats of bookies and drug dealers, demanding tribute.

Brennan tried to get Foley to admit he let Johnny Martorano get away without testifying against his friends Pat Nee and Howie Winter because investigators were obsessed with Whitey.

Foley shook his head and said he was forced to make deals he didn't want to make, because the FBI

protected Whitey.



This will be a recurring theme, and the States will keep biting their tongues.

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