

Off the Bench

Et Tu Brother?

BY JAMES W. DOLAN

Remember the words of the old song: "He ain't heavy, he's my brother." Since when did we start hanging relatives around the necks of public figures? It just isn't fair. We pick our friends but not our family.

Family loyalty used to be valued; so what if your brother was a drunk or your father an ex-convict. We may be known by the friends we keep but that should not apply to relatives. Overcoming a troubled family history used to be prized. Apparently that's not enough anymore, we are expected to turn on or turn in our relatives.

Billy Bulger is a credit to his family. His brother is not. The former senate president served honorably in the legislature and has been an outstanding university president. By all accounts he is an exceptional father and husband.

To criticize him because he will not assist in the apprehension of his brother and hopes that he is not caught, is to deny the bonds of flesh and blood. It's a cheap shot. Sure, he can't do anything to assist his brother to evade capture. He wouldn't and I doubt that his brother would ask that of him. They're both too smart.

"Whitey" Bulger apparently went out of his way to assure that his younger brother would not be tainted by his underworld activities. The failure of law enforcement to track down the fugitive should not be laid at his brother's doorstep. He should not be expected to help with one exception.

His own brother turned in Ted Kaczinski, the mail bomber. At the time he apparently was not even the target of the investigation. His brother did the right and difficult thing because he believed Ted was planning to send more letter bombs that would kill or maim future victims. To prevent that, he identified him and informed the FBI of his whereabouts.

There is little likelihood that "Whitey" Bulger poses an immediate threat to anybody except perhaps those who would try to apprehend him. Wherever he is, he presumably wants to call as little attention to himself as possible. Hopefully, he will be caught and stand trial for the many heinous crimes with which he is charged. But, we should not expect his brother to join in that effort.

To contend he has a public duty that overrides his love for his brother places an untenable burden upon Billy Bulger. Were he not a public figure it would not happen. Even police officers do not normally expect family members to give up a fugitive. They recognize the bond and despite their frustration, most respect it.

Totalitarian states place a premium on the use of informers, even within the family, as a means of maintaining control. Children are encouraged to inform on their parents, students on their teachers. It seems like almost everybody associated with the Bulger gang, including the principals, either were or have since become informers.

The FBI is criticized for the informant relationship it established with "Whitey" Bulger and Stephen Flemmi. Why now should we expect Billy Bulger under pressure to inform on his brother? It won't happen; it's against his nature. They both are also smart enough not to exchange information that would compromise either of them.

Is it so terrible that he would choose to believe a brother he loves rather than the collection of characters, now eager to save their own skins, who have implicated him in so many serious crimes?

I witnessed instances of family love and loyalty in court over the years. I always admired it even when the love of a parent was abused by a son who offered nothing in return but pain and sorrow. Remaining steadfast through all the disappointments was a beacon in a sea of misery.

So let's catch "Whitey" Bulger and bring him to justice but in so doing let's not trample on the love and right to privacy of a man who chose a different path and walked that path with honor and integrity.

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Our Letters Policy

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The Editors

Media Watch

"Fairness schmairness"

Press, Pundits Lose Balance on Bulger Story

BY BILL FORRY

The sound-bite from Harvard law professor Wendy Murphy, pretty well sums up the frightening media stampede that followed the three-ring circus Congressman Dan Burton and his merry men brought to town last week.

Murphy, appearing on NECN's *NewsNight* program last Friday, was responding to a question from host Jim Braude, who wanted to know why Bill Bulger shouldn't at least be allowed to see a copy of his own grand jury testimony before subjecting himself to a televised Congressional grilling.

"Wouldn't it just be fair to let (Bulger) see that?," Braude wanted to know.

"Fairness schmairness," was the learned response from Murphy, whose kindergarten logic went something like this: Why should we care about fairness, when this guy Bulger is obviously guilty: after all, he took the Fifth, right?

Thankfully, defense attorney Albert Johnson and former Bulger nemesis George Bachrach, of all people, were on hand to offer a far more reasoned, opposing view. No lawyer in their right mind would allow a client to walk into a trap like that under any circumstances.

It was a rare moment of balance in a week of news coverage that was way out of whack, even by Boston standards.

Reasonable people can disagree about Bulger's relationship with Whitey, his efficacy as UMass president and even his guilt or innocence. It's pretty clear from these pages where the *Reporter* is on this one. We have a point of view and it's pretty clearly in Bulger's corner.

The daily papers, quite clearly, are not. The TV news producers aren't either. And that's fine, as long as they don't let their op-ed screeds and anti-Bulger biases bleed into their news pages and segments without balancing things out. With few exceptions-NECN's *NewsNight* for example-the whole lot of them failed miserably.

For starters, there was a complete lack of scrutiny given to Burton and his Government Reform committee. The dailies couldn't spare an inch to let us know that Burton was the same man condemned by a vote of his colleagues a few years ago for *hiding* exculpatory evidence that could have cleared Hillary Clinton, whom he was then hunting on the Whitewater matter. The *Boston Phoenix's* Dan Kennedy properly made note of it in his online journal, but unless you read his column or the *Reporter* last week, you wouldn't have heard about it at all. Why the lack of interest in what was clearly an important element in this story? Wouldn't you be wary of a committee headed by someone like Burton, whose reputation for witch-hunting and other improprieties is well documented (*See Russ Baker's revealing profile in Salon, www.salon.com/news/1998/12/cov_22news.html*).

Instead, the scribes at the *Herald*, *Globe* and elsewhere turned a blind eye to any of Bulger's reasonable fears and objections and concluded that 'Silent Billy' must have something to hide. Why else would he balk at an opportunity to clear his conscience and his name?

Mostly lost in the shuffle of the Bulger news cycle was the *Boston Globe's* act of first receiving a copy of sealed grand jury testimony- a document refused Bulger by the U.S. Attorney- and then printing excerpts of it in a front page article. The *Globe* is fully within its rights to do so under protections granted by the First Amendment. They are also allowed to protect the identity of whomever leaked the stolen material to their reporter.

Why, then, is the *Globe* so surprised that Bill Bulger would dare exercise *his* protections under the Bill of Rights?

It's a double-standard that Bulger's attorney, Tom Kiley, appropriately exposed last Friday:

"The press zealously asserts its First Amendment rights, in essence saying that it can publish what it wishes, even if that includes publishing materials that by law are supposed to remain private. The press says it has the right to act in its best interest, even if that means being directly proximate to an unlawful act, such as the leaking of grand jury minutes.

"Today, my client, who has broken no laws, has chosen to assert the constitutional rights that apply to us all," said Mr. Kiley.

The irony, of course, is that if Marty Baron, the *Globe's* editor- or Shelly Murphy, the reporter who received the stolen grand jury transcript- were hauled in front of a Congressional panel to explain themselves, they would invoke their constitutional rights to protect themselves and their sources. They'd do it, because if they didn't, they would be out of the

newspaper business real fast.

There were a lot of other injustices done to Bulger over the last week: there was Howie Carr's obligatory torching, so hackneyed it hardly got noticed; Peter Gelzini's ugly tirade in which he actually called Bill Bulger a 'mutt'; WBZ's newsreader Garry LaPierre, who could hardly contain his glee at the chance to 'get' Billy Bulger; Wayne Woodlief's painful dance in Sunday's *Herald*, in which he first excoriated Bulger as a 'disgrace' for taking the Fifth before acknowledging he had no other choice given Burton's record; the *Phoenix's* Dan Kennedy played the same game of twister in his online diary.

Brian McGrory's Dec. 3 column in the *Globe* was the only attempt at balance- and he should get credit for saying what many thought and were afraid to say.

It took another full week for the *Globe's* man in Washington, Thomas Oliphant, to say in print what the scribes knew to be true: that Burton's hearing and the companion media coverage was really all about grandstanding- and a total sham.

And he's absolutely right: If Burton, Steve Lynch, Marty Meehan, Bill Delahunt, John Tierney and company *really* wanted Bulger to testify (again- he gave testimony for more than two hours in front of a grand jury in 2001), why did they, as a committee, refuse to negotiate with Bulger's attorney? They knew the stakes for Bulger. They know that, as Albert Johnson said on NECN, no practicing lawyer in this state would have allowed Bulger to speak under such conditions. They knew it and still they had the gall to act surprised when he did not take Burton's bait.

It was a shameful period for those of us in the media business. And for those we elected to Congress, too. Indeed, some of those Congressmen are not actually members of Burton's sub-committee, but instead chose the klieg light moments to get some face time on TV.

Let's hope that those who are really interested in the truth will step up and give this story what it desperately needs: balance, and just an ounce or two of fair play.

Letter to the Editor

Local Pastor Speaks Out for Cardinal Law

(This letter is addressed to members of priests forum, who on Tuesday called for the resignation of Cardinal Law)

Dear Members of the Priests Forum;

Although you did not send me your letter of December 6th, I obtained a copy from a priest friend.

I honestly believe that each one of us has a right to our opinions even when they are contrary to popular opinion or even when they might be contrary to church opinion. We must follow our conscience. At the same time we are reckless and foolish to think that our opinions are going to be faithfully expressed in the news media.

When was the last time that the media was honest with the Catholic Church? Are we so ignorant to think that the Boston media is going to be truthful about our opinions and statements? The day after Bernard Law leaves Boston many of you will become cannon fodder for the press. Do what we have to do, but please do not help sell the *Boston Globe* or the *Boston Herald*. Do not forget the same media picked on Cushing in his aging weaknesses, laughed at Medeiros during his time as Archbishop of Boston and, when the time was right for the press, they went after Bernard Law. They are merciless when it comes to the Catholic Church.

Along with the majority of the priests of the Archdiocese of Boston, I do not agree with either your letter or your proposal. Please change your last statement to read -"Some of the priests and the people of the Archdiocese of Boston..." Fifty-eight priests represents less than 5 percent of the priests of this Archdiocese.

Whether I agree with you or not is not that important, as each of us have our right to express our own opinions; however I am bitterly disappointed that you have not bothered to extend to Cardinal Law the same charity which he has unstintingly extended to most of you.

Sincerely,
Monsignor Bill Francis
Pastor, Holy Family Parish
Dorchester