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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
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October 17, 2011

The Honorable Robert S. Mueller, III  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

Dear Director Mueller:

As Ranking Member of the Senate Committee on the Judiciary, I write to inquire about recent reports from the Boston area regarding the Federal Bureau of Investigation's (FBI) ties with alleged mafia "capo" and "acting consigliere" Mark Rossetti as a confidential informant and reports that the FBI misrepresented Mr. Rossetti's status as an informant to the Massachusetts State Police.<sup>1</sup>

Mr. Rossetti is currently under state indictment for a multitude of crimes including home invasions, heroin and marijuana trafficking, gambling, and loan sharking. Additionally Mr. Rossetti was convicted of armed robbery, beating a Massachusetts State Trooper nearly to death and was a suspect in multiple murders and the Isabella Stewart Gardner Museum art heist, the largest in Boston history.<sup>2</sup> Despite all these alleged crimes and the claim that Mr. Rossetti was running a "sprawling criminal enterprise," it appears that the FBI may have engaged in a long-term relationship with Mr. Rossetti.<sup>3</sup> In fact, as early as 1992, an FBI agent's pager number was found on Mr. Rossetti and former Massachusetts State Detective Bill McGreal stated that an FBI agent declined to pursue a case against Mr. Rossetti saying, "we decided to pass on Rossetti" despite strong evidence from a cooperating witness.<sup>4</sup>

According to media reports, the FBI initially misrepresented Mr. Rossetti's status as an informant to the Massachusetts State Police. An August 16, 2011, *Boston Globe* article titled "Sleeping with enemy, again" reports that FBI agents initially denied that Mr. Rossetti was an

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<sup>1</sup> Kevin Cullen, *Boston Globe*, August 21, 2011, "Where's the outrage over FBI bungling?"

<sup>2</sup> Mike Beaudet, *Fox Boston*, August 24, 2011, "FBI ignored informant's heroin dealing." Milton J. Valencia and Shelley Murphy, *Boston Globe*, August 12, 2011, "Reputed mob boss is called FBI informant."

<sup>3</sup> Milton J. Valencia and Shelley Murphy, *Boston Globe*, August 12, 2011, "Reputed mob boss is called FBI informant."

<sup>4</sup> Mike Beaudet, *Fox Boston*, August 24, 2011, "FBI ignored informant's heroin dealing." Peter Gelzinis, *Boston Herald*, August 25, 2011, "Just another rotten apple in FBI barrel."

FBI informant prior to commencing their investigation into his activities.<sup>5</sup> According to the article, the FBI agents denied that they were working with Mr. Rossetti and it was only when Massachusetts State Police electronic surveillance picked up conversations between Mr. Rossetti and his FBI handler, that the FBI finally came clean and admitted its relationship to the Massachusetts State Police.<sup>6</sup>

Given the well documented FBI malfeasance in the Whitey Bulger saga, the FBI's actions related to organized crime in Boston deserve a heightened level of scrutiny. In light of these past experiences and the questions raised by local media, please provide answers to the following questions:

- 1) Was Mr. Rossetti a confidential informant for the FBI?
  - a. If so, when did he become a confidential informant?
  - b. If so, when was this relationship terminated and why?
  - c. If so, was he a paid informant and how much was he paid?
- 2) When did the FBI first become aware of Mr. Rossetti's criminal activity?
- 3) What alleged crimes was the FBI aware of?
- 4) Prior to being made aware of Mr. Rossetti's alleged criminal activity by the Massachusetts State Police, was the FBI aware of any crimes alleged to have been committed by Mr. Rossetti?
  - a. If so, were any of those alleged crimes felonies, violent felonies, or homicides?
- 5) Did the FBI conduct an internal inspection, investigation, or review by the Office of Professional Responsibility into its agents' handling of Mr. Rossetti?
  - a. If so, when was this investigation conducted and what entity conducted the review?
- 6) Have FBI agents at any time claimed to Massachusetts State Troopers that Mr. Rossetti was not a confidential informant for the FBI?
  - a. If so, describe the circumstances of these representations by FBI agents and when they occurred.
  - b. Were FBI agents ever disciplined for making representations that Mr. Rossetti was not a confidential informant? If so, please describe.

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<sup>5</sup> Kevin Cullen, *Boston Globe*, August 16, 2011, "Sleeping with enemy, again."

<sup>6</sup> *Id.*

- c. Please provide a written statement of the FBI's policy regarding use of confidential informants and any other informal policies related to criminal informants and criminal activity.

Thank you for your cooperation and attention in this matter. I would appreciate a response by October 31, 2011. If you have any questions, please do not hesitate to contact Chris Lucas for the Committee on the Judiciary at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary