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THE CONNOLLY VERDICT

Federal jury convicts ex-FBI agent

▶ CONNOLLY
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Bulger. That charge hinged almost solely on the testimony of confessed hit man John Martorano, who said that he gave the stolen diamond to Bulger, who said he was giving it to Connolly as a present to his then-wife.

Neither Connolly's lawyer nor federal prosecutors would speculate on how much prison time he is likely to face under federal sentencing guidelines, but legal specialists have said it could be as much as eight to 10 years.

US District Judge Joseph L. Tauro said he would have revoked Connolly's bail immediately if he had been convicted of leaking information that caused the three killings, because he would have faced significantly more prison time. Instead, he set sentencing for Aug. 7 and allowed Connolly to remain free on the same $500,000 unsecured bond that was set after his December 1999 arrest.

"It is always a sober moment when it becomes necessary to prosecute a member of law enforcement who has abused his authority and crossed the line from crime fighting to criminal," US Attorney Michael Sullivan said after the verdict.

Connolly's "appalling" conduct was an affront to all law enforcement, Sullivan said, adding that any charges against other FBI agents raised during trial testimony would be investigated.

"We must always be ready to address head-on allegations of misconduct and corruption, even when directed at members of the FBI," Sullivan said.

Charles Prouty, the special agent in charge of the Boston FBI office, and Colonel Thomas Foley, head of the State Police, also joined Sullivan in reacting to the verdict.

Prouty said the FBI would continue to take steps to repair any damage caused by the Connolly case. "It's a morale-buster, there's no question about it," he said yesterday evening.

In reaction to the case, Prouty said, the FBI now has all new agents take polygraph tests and has stepped up its monitoring of current agents. There is an ongoing investigation into Special Agent John Newton, who was suspended this month because of charges raised during the trial.

"This conduct was abhorrent to all honest FBI agents," Prouty said. "We do want to turn the page and we hope to move on."

As the verdict was read following 13½ hours of deliberations over two days, Connolly blinked repeatedly and stared straight ahead, avoiding eye contact with the jury or his wife, Lin, who stood by his side. Once the jury of six women and six men left the courtroom, Connolly hugged his teary-eyed lawyer, Tracy Miner.

But Connolly, who has given countless interviews in the past to protest his innocence, insisting that FBI superiors blessed his handling of Bulger and Flemmi, left the courthouse with only two words, "No comment."

"We are obviously happy that the most serious charges were found to be not proven," said Miner, adding, "It seems to me to be an inconsistent verdict."

Part of the jury's verdict did appear contradictory when it came to the question of whether Connolly, who retired in 1990, warned his longtime informants, Bulger and Flemmi, and their codefendant, New England Mafia boss Francis "Cadillac Frank" Salemme, to flee on the eve of their January 1995 indictment. Bulger remains a fugitive on the FBI's 10 Most Wanted list with a $1 million reward for his capture.

'This conduct was abhorrent to all honest FBI agents. We do want to turn the page.'

CHARLES PROUTY
Head of Boston FBI office

In finding Connolly guilty of racketeering, jurors found that he had tipped off Bulger, Flemmi, and Salemme in advance of their indictment. But jurors found Connolly not guilty of a separate obstruction-of-justice charge of tipping off the gangsters to their indictment.

About two hours before reaching its verdict, the jury sent Tauro a question asking whether they could make different findings on the two charges, even though they contained the same allegation.

The judge sent back a note, saying, "Yes."

While Connolly was convicted of four of the five charges against him, the verdict sent a strong message that jurors were unwilling to accept the uncorroborated word of a rogue's gallery of government witnesses that included Martorano, who admitted killing 20 people; former Bulger enforcer Kevin J. Weeks, who participated in five murders; and Morris, who admitted pocketing $7,000 in bribes from Bulger and Flemmi and tipping them off to investigations.

Martorano testified that he, Bulger, and Flemmi killed Revere bookie Richard Castucci in 1976. Martorano acknowledged he never met Connolly, but testified that Bulger told him Connolly had warned him that Castucci was an FBI informant and had revealed the hideout of two fugitive members of Bulger's gang.

Weeks had testified that he served as "lookout" when Bulger gunned down Brian Halloran on the South Boston waterfront on May 11, 1982, after he was allegedly tipped off by Connolly that Halloran was an FBI informant and had implicated him in the murder of a Tulsa businessman the previous year.

Again, Weeks's information about Connolly being the source of the leak was second-hand, coming through Bulger.

And Martorano said he killed Winter Hill gang associate John Callahan in August 1982 because Bulger told him that he'd learned from Connolly that the FBI was seeking Callahan as a potential witness against them.

Connolly cultivated Bulger as an informant in 1975 and inherited Flemmi from another agent a year later. He is the only agent to be charged since the FBI's corrupt relationship with Bulger and Flemmi was first exposed during federal court hearings in 1998.

The hearings were triggered by Flemmi's assertion that the FBI had authorized him and Bulger to commit crimes in exchange for information from them about local Mafia leaders.

Ultimately, US District Judge Mark L. Wolf, who presided over those hearings, rejected the claim by Flemmi, who later pleaded guilty and was sentenced to 10 years in prison. But the revelations of his betrayal prompted many of his former cohorts to cut deals with the government and cooperate against him and Connolly.

And it was Connolly's meddling in the 1995 case and his attempt to help Flemmi get it dismissed that came back to haunt him yesterday.

Jurors found Connolly guilty of obstruction of justice for writing an anonymous letter to Wolf in March 1997 on Boston police stationery in an effort to persuade the judge to drop the charges against Flemmi. The letter falsely accusing retired Boston police Sergeant Detective Frank Dewan of fabricating evidence against Bulger and Flemmi.

Contacted in Florida last night, Dewan said he was "tremendously pleased" by the verdict, adding, "As far as I'm concerned that clears all the rumors that were spread by Connolly and his friends. He got so cocky. He had been able to do what he wanted for so long that he thought he was immune."

Jurors also convicted Connolly of another obstruction count for helping to persuade Flemmi to lie when he testified in the Wolf hearings and falsely accuse Morris of leaking word to him of the 1995 indictment.

And Connolly was also found guilty of making a false statement to an FBI agent in 1997 by denying he'd been in contact with Flemmi's defense team. Telephone records proved he'd made numerous calls to Flemmi's lawyer.

Special Assistant US Attorney John Durham, who led the prosecution team, said, "Nobody in this country is above the law, an FBI agent or otherwise, and ultimately the ends do not justify the means."

In the front row were the federal prosecutors, offering silent support to John Durham, the Justice Department colleague who prosecuted Connolly. With them sat the team of investigators who spent years, one by one rolling the key witnesses who came to testify against the former star FBI agent.

On the right side sat Connolly with his wife — and during opening statements and closing arguments, his 11-year-old twin boys and 12-year-old son — along with former FBI agent Richard Baker, and almost every day, Connolly's sister and brother.

On the left were family members of those allegedly killed by Bulger and Flemmi. The three Bennett brothers, who were killed by the criminal organization in the 1960s, were represented by Barbara Bennett, who sat on the edge of her seat listening to former Mafia boss Francis "Cadillac Frank" Salemme describe the murder of her father, Walter, in 1967.

"I just wanted to hear him say he killed my father," Bennett said.

The whole affair carried a taste of the 1970s, when most of the key players — the criminals, the agents, the witnesses — were in their prime.

Connolly himself offered the starkest contrast, sitting in the front row, his sunken eyes framed by wrinkle lines and crowned with a mane of gray hair. For the family members of victims, he was the ultimate figure of contempt, a protector who became a predator.

"Today I just have to let nature take its course," said Barbara Bennett, as she awaited the verdict yesterday afternoon. Frank Salemme, she said "is going to get his — and so is John Connolly."

The charges

Former FBI agent John Connolly was found guilty of one count of racketeering and three counts of obstruction of justice.

Guilty RACKETEERING
Did Connolly ally himself with a criminal enterprise operated by his longtime informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and unlawfully and knowingly protect the gang?
To convict Connolly of this racketeering charge, the government had to prove that Connolly participated in at least two of the following acts:

NOT PROVEN **Act 1, Bribery** Did Connolly accept a diamond ring in June 1976?

NOT PROVEN **Act 2, Bribery** Did Connolly deliver a case of expensive wine to FBI supervisor John Morris in 1981 or 1982?

NOT PROVEN **Act 3, Bribery** Did Connolly deliver $1,000 to Morris in June 1982?

PROVEN **Act 4, Bribery** Did Connolly deliver a case of wine, with $1,000 tucked inside, to Morris in 1982 or 1983?

NOT PROVEN **Act 5, Bribery** Did Connolly give Morris $5,000 in 1986 or 1987?

NOT PROVEN **Act 6, Extortion** Did Connolly aid in the extortion of Julie and Stephen Rakes in 1984?

NOT PROVEN **Act 7, Obstruction of justice** Did Connolly alert Bulger and Flemmi that Richard Castucci was an FBI informant?

NOT PROVEN **Act. 8 Obstruction of justice** Did Connolly alert Bulger and Flemmi in April 1982 that Brian Halloran was an informant?

NOT PROVEN **Act. 9, Obstruction of justice** Did Connolly alert Bulger and Flemmi in June 1982 that John Callahan was being sought to testify before a federal grand jury?

NOT PROVEN **Act. 10, Obstruction of justice** Did Connolly warn Bulger and Flemmi to a 1988 wiretap?

PROVEN **Act 11, Obstruction of justice** Did Connolly alert Bulger to flee on the eve of Bulger's 1995 federal racketeering indictment?

PROVEN **Act. 12, Obstruction of justice** Did Connolly alert Flemmi, who in turn alerted former New England Mafia Boss Francis 'Cadillac Frank' Salemme to flee. Both were charged with Bulger in the 1995 case?

PROVEN **Act. 13, Obstruction of justice** Did Connolly send a fraudulent letter to US District Judge Mark L. Wolf in March 1997?

PROVEN **Act. 14, Obstruction of justice** Did Connolly persuade Flemmi to testify falsely during pretrial hearings before Wolf in 1998?

Not guilty OBSTRUCTION OF JUSTICE
Did Connolly alert Flemmi in advance of the 1995 indictment of Bulger, Salemme and Flemmi?

Guilty OBSTRUCTION OF JUSTICE
Did Connolly send the false letter to Wolf?

Guilty OBSTRUCTION OF JUSTICE
Did Connolly persuade Flemmi to testify falsely during the 1998 hearings before Wolf?

Guilty FALSE STATEMENT
Did Connolly falsely tell a special agent of the FBI that he did not have contact with the defense team in the case of *United States v. Salemme et al.*?

SOURCE: Court documents. GLOBE STAFF GRAPHIC/CHRISTOPHER MELCHIONDO

GLOBE STAFF PHOTO/CHITOSE SUZUKI

US attorney Michael Sullivan (right), with reporters at the federal courthouse yesterday with an assistant, John Durham.

THE JURY

Prosecution witnesses failed to impress

Panel member says ex-agent's actions were key to the case

By Douglas Belkin
GLOBE STAFF

A juror who voted to convict retired FBI agent John J. Connolly Jr. yesterday said the panel was not swayed by the parade of immunized criminals who testified against him so much as by Connolly's own actions.

Many of those actions had no innocent explanation, said the juror, who spoke on condition of anonymity, such as Connolly's frequent calls to FBI offices years after he retired.

"If he left the FBI in 1990 why is he still looking for information? Why is he still calling? I think a lot of us said, 'Why, if he's gone, is he so intent on getting information unless there's something he's worried about?'"

But the juror said the panel was not persuaded that Connolly bore all the blame for corruption at the Boston FBI office.

"I don't think [Connolly] was clean, but he was a fall guy," the juror said. "I think the FBI has got to clean up their act and I think you are going to hear a lot more about it."

The juror also said that the training video that Connolly made 20 years ago was not particularly persuasive.

"I think this is the way everyone starts out," the juror said. "You know what you're supposed to do but it's what you do that matters."

As for the immunized crooks who testified against Connolly, the juror said, they "would sell their own mother to save their own skin."

"This was a case of the bad, the baddier or the baddest," said the juror. "These are all criminals and they have all been given deals. They all have a reason to testify. How do you know they're telling the truth when their whole life has been a lie?"

The testimony of Francis F. Salemme, Kevin Weeks, and John Martorano by itself did not persuade the panel, the juror said. The witnesses seemed too sure of themselves. "Who can remember 20 years ago? It was almost like they'd been rehearsed. They were really precise with names and dates but then when the defense questioned them they suddenly had amnesia."

Asked about the juror's feelings about Martorano, who has admitted to 20 murders, the juror said, "It was almost like he was proud of himself. Like, this is what I do. So what?"

"Some of those men, they clean up real good, they look like nice little businessmen in suits, but that doesn't make them right and the only one who can corroborate their stories is Walter Bulger and he's nowhere to be found."

REQUIEM FOR AN ERA

Verdict in racketeering case caps decades of animosity

By Thanassis Cambanis and Shelley Murphy
GLOBE STAFF

Old grudges die hard everywhere, but in Boston, memories can last especially long.

A bitter bond linking old-time gangsters, veteran cops, persistent investigators, and one fallen FBI agent has held them all in an enduring embrace for many decades. It was on display in all its venom during the corruption and racketeering trial of former FBI agent John J. Connolly Jr., who was convicted yesterday of racketeering and obstruction of justice.

The federal trial brought them all out of the woodwork: the State Police who struggled for years to catch James "Whitey" Bulger and Stephen Flemmi, the South Boston crime bosses who always seemed to be one step ahead of the law; the FBI agents who won fame for tackling the New England Mafia at a time when rules were loose and the applause from Washington loud; the Mafiosos and Irish gangsters, some withered by age and illness, speaking a street vernacular almost hopelessly out-of-date.

When the drama ended yesterday, in a courtroom full of the same odd mix of characters, State Police Colonel Thomas Foley might have been speaking for all of them when he suggested that the mere fact that the case is over closes a chapter for everyone in Boston.

"This case has taken a hard toll on all of us," declared Foley, who spent much of his career chasing Bulger and Flemmi, only to be thwarted by Connolly. "There's a lot more victims out there. This is not a victory for any of us. It's something that had to be done."

The trial seemed to many to be a requiem for an era in Boston, the passing of which was acknowledged equally by victims of mob violence, those who fought to end mob violence, and, in some cases, those who practiced mob violence.

Matthew Connolly, former second-in-command in the Norfolk district attorney's office, whose efforts to target Bulger and Flemmi in the 1980s kept crashing against an invisible roadblock, was among the first in line each day, as soon as the courthouse opened.

Francis Sheehan, a former Boston police officer convicted of racketeering in 1988 as a result of an FBI investigation, came to watch what he considered bigger fish frying. "He came after us for what we considered ham sandwiches," Sheehan said. "They came after us with both barrels — and Whitey and Stevie were allowed to run the city for more than 20 years. It's a complete disgrace."

There was Denise Castucci, whose FBI-informant father was murdered in 1976, allegedly because Connolly leaked information to Bulger's Winter Hill gang. The jury found that the prosecution had failed to prove that charge.

There were State Police officers like Lieutenant Thomas Duffy and US Drug Enforcement Administration agents like Daniel Doherty, who sat quietly grinning in front-row seats as testimony vindicated a career dedicated to catching Bulger — and whoever helped him evade arrest.

"It's something they probably never thought was going to happen, for them to all be in the same room," said a South Boston native and veteran observer of organized crime trials in Boston.

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