

Decision steps up push for FBI reform

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cus from Connolly as a rogue agent to more fundamental problems with the FBI's informant programs.

The jury "bought into the idea that the FBI put him in this situation, that the FBI encouraged him to hang out with these people and that, when it went bad, the FBI turned its back on him," prominent Boston defense attorney Joseph Oteri said. "It's a classic compromise verdict. They knew he was dirty, but they gave him the benefit of the doubt."

The jury convicted Connolly on racketeering and obstruction of justice charges, yet the convictions were based almost completely on actions the decorated former FBI agent took after he retired from the FBI in 1990 — including tipping off his former informants to a pending indictment and writing a phony letter to a judge.

The jurors found Connolly not guilty on what many saw as more serious allegations of his conduct when he was the Boston FBI office's top recruiter of organized crime informants, including alle-

gations that he took bribes and leaked the identities of some informants so they could be killed.

"There clearly is a divide," said former Suffolk district attorney Ralph C. Martin II, who is now in private practice.

In essence, the 1999 indictment charged that Connolly had joined a racketeering conspiracy with his two most valuable informants, reputed crime bosses James "Whitey" Bulger of South Boston and Stephen Flemmi of Quincy, as early as the mid-1970s, when he transferred to Boston from the FBI's New York office.

Among the more serious allegations prosecuted by Special Assistant US Attorney John Durham were racketeering acts charging that Connolly had tipped off Bulger and Flemmi to the identities of three men, Richard Castucci, Brian Halloran, and John Callahan, who had either agreed to testify against the two criminals or were being sought as witnesses. All three were later murdered, allegedly by Bulger and Flemmi.

The racketeering charge also accused Connolly of accepting bribes, including a diamond ring,

and for being a conduit for four bribes given to his supervisor, John Morris.

Much of the government's case on the charges, however, was built on a succession of criminal witnesses who had cut deals with the government for their testimony. Of the government's chief witnesses against Connolly, one, John Martorano, was an admitted killer of at least 20 people; another, Morris, was an admitted perjurer; another, Kevin Weeks, had admitted to helping Bulger and Flemmi dispose of bodies and to saying that he would "admit to killing Kennedy" if he were given immunity.

Doubts about the truthfulness of those witnesses, the specialists said, undoubtedly hurt the government's case, especially the shocking charges — based solely on their testimony — that Connolly tipped off Bulger and Flemmi to identities of other informants so they could be killed.

That news disappointed some survivors of alleged victims of Bulger and Flemmi who are suing Connolly and the FBI for wrongful death, but others said it only

pointed up the agency's institutional responsibility for the excesses of its informant programs.

The lawyer for one alleged victim of a Connolly tipoff — Tulsa, Okla., business tycoon Roger Wheeler — insisted that the verdict was "just a beginning."

He said he plans to use the case to help show that the FBI's policies — not simply Connolly's individual actions — were to blame for the deaths of many people at the hands of the bureau's informants.

"The Wheeler family is grateful to the prosecution team for their hard work, a great day for the families and for justice," said Boston lawyer Frank Libby, who represents the family in an \$800 million lawsuit against the federal government.

"This was a careful, thoughtful jury that did its job. I believe they saw this [Connolly's] conduct for what it was — a perversion of the way law enforcement is supposed to operate. We hope that the next step is recognition of how these families have been hurt and that serious attention is paid to their claims."