

EMPOWER OVERSIGHT

Whistleblowers & Research



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May 1, 2024

VIA FBI ELECTRONIC PORTAL

Section Chief Michael Seidel
Record/Information Dissemination Section
Information Management Division
Federal Bureau of Investigation
200 Constitution Drive
Winchester, VA 22602

RE: FOIA Request for Records Related to the FBI's Handling of Misconduct by John Morris's Involvement with James Joseph Bulger, Jr.

Dear FOIA Officer:

INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

James Joseph (“Whitey”) Bulger Jr. was born on September 3, 1929, in Dorchester, Massachusetts.¹ He grew up in a public-housing project in South Boston, and at an early age he began to associate with a street gang, steal cars, and mug people.² Later, he

¹ McFadden, Robert D., *Whitey Bulger Is Dead in Prison at 89; Long-Hunted Boston Mob Boss* (October 30, 2018), available at <https://www.nytimes.com/2018/10/30/obituaries/whitey-bulger-dead.html>.

² *Id.*

graduated to robbing banks in Massachusetts, Rhode Island, and Indiana, before being incarcerated for nine years.³

Following his incarceration, he became an enforcer for an Irish gang in South Boston.⁴ And, by 1979, he and an associate, Stephen Flemmi, effectively had taken over South Boston's infamous Winter Hill Gang.⁵ More pertinent to this correspondence, for 15 years Mr. Bulger served as a confidential informant for the Federal Bureau of Investigation ("FBI"), and during the time of his service the FBI as an institution turned a blind eye to his crimes in exchange for his information concerning various underworld figures.⁶

In 1974 and 1975, FBI Special Agents John Morris⁷ and John Connolly participated in a loansharking investigation in which the alleged victim was Peter Pallotta.⁸ Mr. Bulger was a subject of the investigation.⁹

During the Pallotta investigation, Special Agent Connolly decided to approach Mr. Bulger and attempt to recruit him as a confidential informant.¹⁰ Special Agent Connolly had known Mr. Bulger since they were children growing up in South Boston.¹¹ Mr. Bulger became a source for Special Agent Connolly, and he was administratively designated as an FBI informant on September 30, 1975.¹²

At least seven individuals were prosecuted as a result of the Pallotta investigation, including James Martorano and Brian Halloran.¹³ Mr. Bulger, however, was not indicted.¹⁴

³ *Id.*

⁴ *Id.*

⁵ *Id.* According to a March 4, 1988, memorandum to the FBI Director from the Special Agent in Charge of the FBI's Boston Field Office, available at [https://archive.org/details/WinterHillGang/0981234-000 --- 183-HQ-8533 --- Section_35_633883//mode/2up](https://archive.org/details/WinterHillGang/0981234-000---183-HQ-8533---Section_35_633883//mode/2up) (last accessed on April 1, 2024), the Winter Hill Gang was not a "formal organization." Rather, it was a group of criminals who were loosely affiliated by ethnicity (predominantly Irish); geographic proximity to the Winter Hill section of Somerville, Massachusetts (an area north of Boston); and personal knowledge of each other. The group had been involved in a wide variety of crimes, including narcotics distribution, gambling, loansharking, and murder. Historically, the La Cosa Nostra "allowed [the group] to operate in certain geographic areas of the metropolitan Boston" region.

⁶ McFadden, Robert D., *Whitey Bulger Is Dead in Prison at 89; Long-Hunted Boston Mob Boss* (October 30, 2018), available at <https://www.nytimes.com/2018/10/30/obituaries/whitey-bulger-dead.html>. In particular, Mr. Bulger served as a confidential informant for the Organized Crime Squad of the FBI's Boston Field Office. *United States v. Saleme*, 91 F. Supp. 2d 141, 149, 157, 195–196, 198, 219, 243–244, 258 (D. Mass. 1999), *rev'd in part sub nom. United States v. Flemmi*, 225 F.3d 78 (1st Cir. 2000). Special Agent John Connolly was his handler. *Id.* at 185–186.

⁷ Special Agent Morris headed the Organized Crime Squad of the FBI's Boston Field Office, beginning in December of 1977. *Id.* at 195, 198.

⁸ *Id.* at 185.

⁹ *Id.*

¹⁰ *Id.* at 185–86.

¹¹ *Id.* at 186.

¹² *Id.* at 149, 186

¹³ *Id.* at 185.

¹⁴ *Id.*

In early 1975, Mr. Bulger asked an associate, Stephen Flemmi, whether he would be willing to meet with Special Agent Connolly.¹⁵ Mr. Flemmi agreed, and soon thereafter he met with Special Agent Connolly at a coffee shop in Newton, Massachusetts.¹⁶ Following the meeting in Newton, Mr. Flemmi began passing information about the Patriarca Family branch of La Cosa Nostra through Mr. Bulger to Special Agent Connolly.¹⁷

Messrs. Bulger and Flemmi shared an antipathy for the Patriarca Family and a desire to profit criminally from its destruction.¹⁸ And, the FBI leveraged their hostility to forge a formidable, lasting partnership with Messrs. Flemmi and Bulger.¹⁹

On February 4, 1976, the FBI upgraded Mr. Bulger to “Top Echelon” status because of his “demonstrated ability to produce information regarding the highest levels of organized crime”²⁰ The FBI’s “Top Echelon” informants were, by definition, members of an organized crime group of national significance who could furnish information on the highest levels of such groups.²¹ Such informants are difficult to develop, and agents were thus instructed that “[t]he success of the Top Echelon Criminal Informant Program depends on a dynamic and imaginative approach in developing quality sources who can assist the Bureau in meeting its investigative responsibilities.”²²

As an example of Messrs. Bulger and Flemmi’s material assistance to a significant FBI investigation, they were instrumental in the installation of a listening device in the headquarters of Patriarca Family underboss Gennaro Angiulo.²³ The headquarters was located at 98 Prince Street in Boston.²⁴ Special Agent Connolly, and his supervisor in the Organized Crime Squad, Supervisory Special Agent (“SSA”) John Morris, asked Messrs. Bulger and Flemmi to visit 98 Prince Street and obtain information important to the physical feasibility of the proposed bugging (*e.g.*, the types and locations of doors, locks, security devices, etc.).²⁵ Mr. Bulger registered his fear that he and Mr. Flemmi might be killed if they went to Mr. Angiulo’s headquarters.²⁶ Additionally, Mr. Flemmi expressed his concern that the bugging of 98 Prince Street would likely result in the interception of information concerning his and Mr. Bulger’s criminal activity.²⁷ SSA Morris and Special Agent Connolly, however, assured Messrs. Bulger and Flemmi that any recordings

¹⁵ *Id.* at 187.

¹⁶ *Id.* This was not Mr. Flemmi’s first association with the FBI; in 1965, FBI Special Agent H. Paul Rico recruited him as a confidential informant for the FBI, but his service had lapsed because of legal consequences arising from his continued illicit activities. *Id.* at 148–49.

¹⁷ *Id.* at 187.

¹⁸ *U.S. v. Salemme*, 91 F. Supp. 2d 141, 149, 188 (D. Mass. 1999).

¹⁹ *Id.* at 148–49.

²⁰ *Id.* at 186. As discussed below, this assessment may have been based on Mr. Bulger’s new partnership with Mr. Flemmi, which was in meaningful measure forged by the FBI. *Id.* at 186.

²¹ *Id.* at 187.

²² *Id.*

²³ *Id.* at 152.

²⁴ *Id.*

²⁵ *Id.* at 152, 205.

²⁶ *Id.*

²⁷ *Id.* at 152, 206.

obtained from Mr. Angiulo's headquarters would not be a problem for them—they would be “protected” for anything intercepted.²⁸

As a result of the promises made by SSA Morris and Special Agent Connolly, Messrs. Bulger and Flemmi went to Angiulo's headquarters at 98 Prince Street and returned with a diagram of the premises and the other information that the FBI had requested.²⁹ Subsequently, Messrs. Bulger and Flemmi were two of the informants who were relied upon in an application for a warrant which was issued authorizing the installation of a listening device at 98 Prince Street.³⁰

The FBI “Protects” Its Confidential Informants from the Consequences of their Criminal Conduct, Including Bribery and Extortion of FBI Personnel

In late 1975, or in early 1976, Messrs. Flemmi and Bulger had the first of a long series of meetings with Special Agent Connolly at Mr. Bulger's home.³¹ During the meeting, Special Agent Connolly made clear to Mr. Flemmi that he wanted to reestablish the FBI's relationship with him and regularly receive from him information about the Patriarca Family.³² Mr. Flemmi inquired what he would get in return for his cooperation, and Special Agent Connolly assured him that he and Mr. Bulger would be “protected” for the criminal activity they engaged in while they furnished information to the FBI.³³ *On various occasions thereafter, Special Agent Connolly reiterated that the FBI would “protect” Messrs. Bulger and Flemmi.*³⁴

Thereafter, Messrs. Bulger and Flemmi periodically dined with Special Agent Connolly and his supervisors on the Organized Crime Squad, John Morris and James Ring, and others, including New York-based undercover FBI agent Joe Pistone, who is popularly known by his alias “Donnie Brasco.”³⁵ At these dinners, gifts—including cash—were often exchanged, but—in violation of FBI policy—were not recorded.³⁶

During an April 1985 dinner at SSA Morris' home, in Special Agent Connolly's presence, SSA Morris told Messrs. Bulger and Flemmi “you can do anything you want as long as you don't ‘clip’ anyone.”³⁷

Based on information provided by other informants and statements made by Messrs. Bulger and Flemmi themselves, SSA Morris and Special Agent Connolly were well-aware that Messrs. Bulger and Flemmi were continuously involved in a range of criminal activity, including

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Salemme*, 91 F. Supp. 2d at 152, 206.

³¹ *Id.* at 187.

³² *Id.*

³³ *Id.*

³⁴ *Id.* Since, in the context of the investigation of Federal criminal offenses, the FBI generally had discretion to decide whether an informant would be targeted for investigation and possible prosecution rather than continued as a source, if an FBI agent made and honored a promise to “protect” an informant, the Attorney General and the DOJ's prosecutors would, under then established standards and procedures, virtually never know. *Id.* at 192.

³⁵ *Id.* at 149, 243–44.

³⁶ *Id.* at 149–50, 228, 243–44. Dinners and unreported gift exchanges also occurred at the home of Special Agent Nick Gianturco. *Id.* at 202.

³⁷ *Id.* at 152, 242. As later events involving Mr. Halloran suggest, the prohibition against murder may not have been etched in stone. *See, infra*, at footnotes 48–51 and 55–57.

but not limited to illegal gambling, loansharking, and extortion.³⁸ The FBI considered their criminal conduct to be essential to maintaining the credibility necessary for them to continue to obtain and provide vital information on the La Cosa Nostra and others.³⁹ Hence, the FBI neither investigated such information, nor did it disclose the same to other law enforcement agencies.⁴⁰

For example, in July 1979, SSA Morris received reports from informants that Messrs. Bulger and Flemmi were “shaking down” independent bookmakers.⁴¹ The FBI, however, made no effort to investigate the reports.⁴²

In 1979 and early 1980, the FBI received information from informants that Messrs. Bulger and Flemmi were involved in illegal gambling and cocaine trafficking.⁴³ This information too was not investigated.⁴⁴

In 1981 and 1982, the FBI was told that Messrs. Bulger and Flemmi were involved in cocaine distribution with Mr. Halloran.⁴⁵ The FBI was also advised that bookmakers were required to pay Messrs. Bulger and Flemmi to operate in South Boston.⁴⁶ These allegations were not investigated by the FBI.⁴⁷

In 1982, SSA Morris learned that Mr. Halloran was cooperating with the FBI and had implicated Messrs. Bulger and Flemmi in the murder of Roger Wheeler, the President of World Jai Lai.⁴⁸ SSA Morris advised the special agents who were investigating the allegations that Mr. Halloran was untrustworthy, unstable, and would not be a credible witness; he also caused Special Agent Connolly to tell Messrs. Bulger and Flemmi about Mr. Halloran’s claims.⁴⁹ About two weeks later, Mr. Halloran was killed.⁵⁰

In 1984, Special Agent Connolly received reliable information that Messrs. Bulger and Flemmi were extorting Stephen and Julie Rakes to obtain control of a liquor store that later came to be known as the South Boston Liquor Mart.⁵¹ Special Agent Connolly neither recorded the

³⁸ *Id.* at 201, 221.

³⁹ *Salemme*, 91 F. Supp. 2d at 221.

⁴⁰ *Id.* at 201.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 208.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.* at 154, 209.

⁴⁹ *Id.* In an effort to protect Messrs. Bulger and Flemmi, SSA Morris and Special Agent Connolly identified for them at least a dozen other individuals who were either FBI informants or sources for other law enforcement agencies. *Id.* at 155, 213. Typically, those disclosures were made so that Messrs. Bulger and Flemmi could avoid making any unnecessary, incriminating statements to the informants. *Id.* at 213.

⁵⁰ *Id.* at 154.

⁵¹ *Id.* at 155, 215.

information nor conducted an investigation.⁵² He did, however, share the information that he had received with Mr. Bulger, who used it to bring his extortion to a successful conclusion.⁵³

In 1988, SSA Morris had Special Agent Connolly warn Messrs. Bulger and Flemmi to stay away from John Bahorian—a bookmaker who was being extorted by Mr. Flemmi—because his telephone was about to be tapped by the FBI in an effort to acquire evidence against Mr. Flemmi and others.⁵⁴ SSA Morris also told Special Agent Connolly to tell Messrs. Bulger and Flemmi not to do anything to Mr. Bahorian because he “did not want another Halloran.”⁵⁵ SSA Morris later reiterated both of these warnings directly to Messrs. Bulger and Flemmi.⁵⁶

In 1988, Joseph Murray, an incarcerated drug dealer who was reputed to be closely connected with Mr. Bulger, alleged that Special Agent Connolly and FBI Special Agent John Newton were selling information about electronic surveillance to Messrs. Bulger and Flemmi.⁵⁷ Mr. Murray also claimed to know of a witness who saw Mr. Bulger participate in the murder of Mr. Halloran.⁵⁸ However, when interviewed by FBI Special Agents Edward Quinn⁵⁹ and Edward Clark, Mr. Murray was either not asked about his allegations concerning Special Agents Connolly and Newton or his responses were not recorded in the notes and FBI report of the interview.⁶⁰ However, Dennis O’Callahan, the SSA then in charge of the Organized Crime Squad, subsequently prepared a memorandum, which FBI SAC James Ahearn sent to FBI Headquarters, stating that Mr. Murray’s allegations were “unsubstantiated by specific facts” and the matter was not pursued further.⁶¹ In addition, Mr. Murray evidently was not questioned in detail about the information he indicated that he had concerning Mr. Bulger’s role in the Mr. Halloran’s murder.⁶² Moreover, the information that Mr. Murray provided was not given to the FBI agents responsible for the investigation of the murder of Mr. Halloran, nor was it indexed in a way that would permit them to find it.⁶³

In September of 1988, *The Boston Globe* began publishing a series of articles that reported that the FBI had “for years had a special relationship with Bulger” and reviewed a series of events that supported the supposition that the FBI was protecting him from prosecution.⁶⁴ SSA Morris was the primary source for *The Boston Globe*’s assertion that Mr. Bulger was a confidential informant for the FBI.⁶⁵ After informing Messrs. Bulger and Flemmi of the electronic surveillance of Mr. Bahorian’s telephone, SSA Morris had become concerned that if they were prosecuted, then

⁵² *Id.*

⁵³ *Salemme*, 91 F. Supp. 2d at 155, 216.

⁵⁴ *Id.* at 155, 259.

⁵⁵ *Id.* at 155, 210, 259.

⁵⁶ *Id.* at 155, 259.

⁵⁷ *Id.* at 157, 256.

⁵⁸ *Id.* at 157, 256–57.

⁵⁹ Special Agent Quinn had served on the Organized Crime Squad in the FBI’s Boston Field Office with Special Agent Connolly for over 13 years and characterized him as a “close friend.” *Id.* at 257, 290.

⁶⁰ *Id.* at 157, 256–57.

⁶¹ *Id.* at 157, 258.

⁶² *Id.* at 157.

⁶³ *Id.* at 157, 259.

⁶⁴ *Id.* at 261.

⁶⁵ *Id.* 260–61.

the nature of his problematic relationship with them would be revealed.⁶⁶ Disclosure of Mr. Bulger's cooperation with the FBI could have gotten him, and his close associate Mr. Flemmi, killed, which would have mitigated the risk to SSA Morris' career and freedom.⁶⁷

On October 13, 1995, while he was a fugitive following his indictment in January 1995, Mr. Bulger called former SSA Morris, who by then had been promoted to Chief of the Training Administration Section of the FBI's Training Academy at Quantico, Virginia.⁶⁸ In an extortionate attempt to compel Chief Morris to extricate Messrs. Bulger and Flemmi from the indictment or otherwise assist them, Mr. Bulger reminded Morris that he had taken approximately \$7,000 from Mr. Bulger with witnesses to the transactions, and he concluded that if he ended up in jail he would take Chief Morris with him.⁶⁹ Chief Morris reported Mr. Bulger's call to the FBI's Boston Field Office and the Office of Professional Responsibility at FBI Headquarters, but prior to December 1997, when he made the proffer which persuaded the government to grant him immunity from prosecution, the FBI never asked him about Mr. Bulger's claim that he had made payments to him.⁷⁰

The FBI Protects the Identity of Its Confidential Informants Even from DOJ Officials Who Have a Need to Know

The FBI Manual had long instructed agents to exercise constant care to assure that a confidential informant's identity would not be disclosed to anyone, intentionally or inadvertently.⁷¹ Strictly adhering to this principle, unless authorized to deviate from it by an informant, the FBI regularly refused to identify its sources even to prosecutors and other Department of Justice ("DOJ") officials with a legitimate need to know.⁷²

On the other side of the FBI/DOJ interaction, DOJ officials historically accepted the fact that the FBI would refuse any request to confirm or deny that an individual was an informant.⁷³ For example, William F. Weld, a former United States Attorney for Massachusetts and a former Assistant Attorney General in charge of the DOJ Criminal Division, testified that he expected that if he asked the FBI to identify an informant, he would be told to "go pound sand."⁷⁴

Reflecting former United States Attorney Weld's characterization, in 1976 the Attorney General issued Guidelines for the FBI to use when dealing with informants, and the Guidelines provided no role for an United States Attorney or the DOJ in authorizing an informant to engage in what would otherwise be criminal activity.⁷⁵ However, lest there be a mistaken impression that the DOJ did not authorize the FBI to allow informants to engage in illicit activities, the Guidelines

⁶⁶ *Salemme*, 91 F. Supp. 2d at 259–260.

⁶⁷ *Id.* Following the series of articles published by *The Boston Globe*, Messrs. Bulger and Flemmi began to withdraw from some of their most blatant criminal activity to insulate themselves from effective investigation and prosecution. *Id.* at 262. Of course, by that point in time, the financial burden of backing away from some illegal activities was eased by the fact that they had acquired substantial legitimate businesses, including real estate. *Id.*

⁶⁸ *Id.* at 305–06. Mr. Bulger contacted Chief Morris at the FBI's facility at Quantico. *Id.*

⁶⁹ *Id.* at 306, 340–44.

⁷⁰ *Id.* at 306.

⁷¹ *Id.* at 150.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Salemme*, 91 F. Supp. 2d at 150, 190–91, 193.

were revised in 1981 to require the FBI to consult with an United States Attorney, but only if the FBI sought to authorize an informant to engage in criminal activity that involve a significant risk of violence.⁷⁶

The FBI's Administrative Audits Fail to Uncover Misconduct Within the Organized Crime Squad of Its Boston Field Office

Further, although the FBI's Headquarters staff periodically audited the Boston Field Office's informant files to ensure compliance with the FBI's procedures, no deficiencies with regard to the handling of Messrs. Bulger or Flemmi were ever noted.⁷⁷ This omission is of note because later circumstances revealed that the informant files of Messrs. Bulger and Flemmi were replete with information indicating that they were involved in serious criminal activity that had not been authorized in writing, investigated by the FBI, reported to other law enforcement agencies, or reported to the Assistant Attorney General for the Criminal Division as required by the DOJ's Guidelines.⁷⁸

At a staff level, FBI agents were corrupted by Mr. Bulger through bribery and extortion (*i.e.*, withholding compromising information regarding them).⁷⁹ According to the government, these arrangements with the FBI and individual special agents, among other things, helped him to conceal 19 murders, learn the identities of witnesses against him—who later turned up dead, and abscond from prosecution on racketeering charges for over 16 years.⁸⁰

The United States Attorney's Office in Boston opened a grand jury investigation against Messrs. Bulger and Flemmi in about 1992.⁸¹ Several agents from the Organized Crime Squad of the FBI's Boston Field Office participated in the investigation.⁸²

In connection its grand jury investigation, the prosecutors were concerned about the implications for their investigation if Messrs. Bulger and Flemmi were, or had been, FBI confidential informants.⁸³ Among other things, they wished to address the foreseeable issues of immunity and authorization to commit criminal acts that could arise from such a circumstance.⁸⁴ The FBI, however, refused a request by the United States Attorney, and his assistants, to confirm that Messrs. Bulger and Flemmi had been informants or to permit them to review their informant files.⁸⁵

⁷⁶ *Id.* at 150, 194. In contrast to laws or regulations, however, the Guidelines did not impose any legally enforceable obligations on the FBI or create any rights that are legally enforceable by defendants. *Id.* at 190–191. Accordingly, SSA Morris and his successor as the supervisor of the Organized Crime Squad, SSA Ring, viewed the Guidelines as inconsistent with the Top Echelon Criminal Informant Program and utterly unrealistic. *Id.* at 195–196, 219. Thus, they felt that the Guidelines did not apply to organized crime matters, and they ignored the Guidelines' provisions requiring authorization of criminal activity and reporting of unauthorized crimes committed by informants. *Id.* at 196, 219.

⁷⁷ *Id.* at 196.

⁷⁸ *Id.*

⁷⁹ McFadden, Robert D., *Whitey Bulger Is Dead in Prison at 89; Long-Hunted Boston Mob Boss* (October 30, 2018), available at <https://www.nytimes.com/2018/10/30/obituaries/whitey-bulger-dead.html>.

⁸⁰ *Id.*

⁸¹ *Salemme*, 91 F. Supp. 2d at 158, 294.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.* at 158, 295.

On about December 22, 1994, in anticipation of the indictment of Messrs. Bulger and Flemmi, the United States Attorney's Office again asked the FBI if Messrs. Bulger and Flemmi were confidential informants, emphasizing its need to know because the government would soon have to disclose exculpatory information to them and their codefendants.⁸⁶ Again, the FBI resisted the request.⁸⁷ However, the FBI's Principal Legal Adviser in Boston examined the Bulger and Flemmi informant files with a view to determining whether they contained information which would be exculpatory in the context of their forthcoming indictment.⁸⁸

After completing his review, the Legal Adviser concluded that Messrs. Bulger and Flemmi's informant files contained information that would be exculpatory in the context of indictments that were scheduled to be returned on January 9 or 10, 1995.⁸⁹ The FBI, hence, realized that the failure to tell the United States Attorney's Office that Messrs. Bulger and Flemmi had been informants, and to provide the prosecutors with relevant materials, "could wreck the proposed organized crime indictments," and, on January 9, 1995, advised the United States Attorney and two of his assistants—who were not directly involved in the investigation—that Messrs. Bulger and Flemmi had been informants.⁹⁰

In the meantime, former Special Agent Connolly,⁹¹ who had been Mr. Bulger's handler, had been monitoring the progress of the grand jury investigation and had learned that Messrs. Bulger and Flemmi were scheduled to be indicted on about January 10, 1995.⁹² He shared this information with Mr. Bulger, whom, as former Special Agent Connolly expected, became a fugitive and also warned Mr. Flemmi so that he could flee.⁹³ Mr. Flemmi, however, miscalculated and, not expecting to be charged and subject to arrest so quickly, was found in Boston when a criminal complaint against him was issued on January 4, 1995.⁹⁴

⁸⁶ *Id.* at 158.

⁸⁷ *Id.* at 158, 295.

⁸⁸ *Id.* at 158, 298.

⁸⁹ *Id.* at 158, 298–300.

⁹⁰ *Id.* at 158, 295.

⁹¹ Special Agent Connolly retired in 1990, but he remained in contact with his close friends and former colleagues on the Organized Crime Squad of the FBI's Boston Field Office. *Id.* at 149.

⁹² *Id.* at 149, 156, 295.

⁹³ *Id.* at 149, 296–297. In 2002, Special Agent Connolly was convicted of tipping off Mr. Bulger to the January 10, 1995, indictment. To the surprise of many, however, he was cleared of more serious charges, including leaking information to Mr. Bulger that resulted in the killing of three witnesses against him and of taking bribes. Helmore, Ed, *FBI's Link to Irish Crime Lord Exposed* (June 1, 2002), available at <https://www.theguardian.com/world/2002/jun/02/theobserver>.

In 2008, Special Agent Connolly was convicted of second-degree murder in connection with the 1982 slaying of John Callahan, the former president of World Jai Alai, in Florida. Special Agent Connolly was alleged to have set the stage for the murder by warning Mr. Bulger that Mr. Callahan was possibly going to be questioned by the FBI and would likely implicate Mr. Bulger in various criminal activities, including murder. Laforme, William, *Former Lynnfielder Connolly Ends Federal Sentence Next Week* (Updated June 24, 2011), available at <https://patch.com/massachusetts/lynnfield/former-lynnfielder-connolly-ends-federal-sentence-next-week>; see also, Dwinell, Joe, *Disgraced ex- FBI Agent John "Zip" Connolly Coming Back to Massachusetts, Widow Says* (Updated October 26, 2021), available at <https://www.bostonherald.com/2021/10/25/disgraced-ex-fbi-agent-john-zip-connolly-coming-back-to-massachusetts-widow-says/>.

⁹⁴ *Salemme*, 91 F. Supp. 2d at 149. More particularly, Messrs. Bulger and Flemmi fled Boston in the Summer of 1994, in the expectation that an indictment would be handed down in September of 1994. *Id.* at 296–297. They returned to Boston around Christmas, but Mr. Bulger again fled Boston a few days following his return. *Id.* at 297. Whereas Mr. Flemmi remained in Boston after the New Year. *Salemme*, 91 F. Supp. 2d at 296–297. On January 3, 1995, Mr. Bulger told Mr. Flemmi that the indictments were scheduled to be returned on or about January 10,

The January 10, 1995, indictment charged Messrs. Bulger and Flemmi, as well as Francis Salemme, Francis Salemme, Jr., Robert DeLuca, George Kaufman, and James Martorano, with engaging in a conspiracy to violate, and violating the RICO Statute, and conspiracy to extort, and extorting, bookmakers from 1979 to 1994.⁹⁵

In 1996, Mr. Bulger and his longtime partner, Catherine Greig, settled in a small apartment at 1012 Third Street, Santa Monica, California, under the assumed names Charlie and Carol Gasko.⁹⁶

Acting on a tip, Federal agents closed in and arrested the couple on June 22, 2011.⁹⁷ The fugitives offered no resistance.⁹⁸

A jury convicted Mr. Bulger of 30 counts of the 1999 indictment, Crim. No. 99-10371-RGS—including participation in 11 murders—in August 2013.⁹⁹

On November 14, 2013, Federal Judge Denise J. Casper sentenced Mr. Bulger to two life terms plus five years.¹⁰⁰ She also ordered him to pay \$19.5 million in restitution to his victims' families and to forfeit \$25.2 million to the government.¹⁰¹

On October 30, 2018, Mr. Bulger was beaten to death at the Hazleton Federal Penitentiary in Bruceton Mills, West Virginia.¹⁰² Hazleton had a reputation for violence, recording 275 episodes of assaults on workers and fighting among inmates in 2017, according to a report by *The New York Times*.¹⁰³ And, at least two other inmates were reported to have been killed at the institution in 2018 prior to Mr. Bulger's murder.¹⁰⁴

1995. *Id.* at 297. This lulled Mr. Flemmi into wrongly believing that he did not need to flee immediately, when—in advance of the indictment, and unbeknownst to Messrs. Bulger and Flemmi—a criminal complaint was issued against he and Mr. Bulger. *Id.* This technique had been previously deployed because of legitimate concerns about leaks within the FBI. *Id.* Mr. Flemmi was arrested on the criminal complaint on January 5, 1995. *Id.* at 149, 297.

⁹⁵ *Id.* at 159. On June 28, 2011, the United States moved to dismiss Mr. Bulger from all counts of the 1995 indictment, Crim. No. 94-10287-MLW, so that it could “focus her prosecutorial resources on a more serious federal case pending against” him, “specifically, *United States v. James, J. Bulger*, Crim. No. 99-10371-RGS.” United States Attorney’s Office, District of Massachusetts, *Press Releases: United States v. James J. Bulger* (Updated August 16, 2021), available at <https://www.justice.gov/usao-ma/united-states-v-james-j-bulger> (click on “Dismissal of James J. Bulger [f]rom All Counts of the Indictment” and “Third Superseding Indictment”). The latter latter/succeeding indictment of Mr. Bulger included racketeering charges and, more significantly, alleged 19 predicate acts of murder in support of the racketeering charges. *Id.*

⁹⁶ McFadden, Robert D., *Whitey Bulger Is Dead in Prison at 89; Long-Hunted Boston Mob Boss* (October 30, 2018), available at <https://www.nytimes.com/2018/10/30/obituaries/whitey-bulger-dead.html>; see also, Santa Monica Mirror, *James “Whitey” Bulger’s Santa Monica Apartment up for Rent* (June 24, 2014), available at <https://smmirror.com/2014/06/james-whitey-bulgurs-santa-monica-apartment-up-for-rent/>.

⁹⁷ McFadden, *supra* note 10.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

Three years later, Federal officials investigating Mr. Bulger's death still had not charged anyone with his murder.¹⁰⁵

RECORDS REQUEST

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Empower Oversight hereby requests the following records:

1. John Morris's personnel file; and
2. Records of any investigations into or disciplinary action against John Morris for his involvement with James "Whitey" Bulger or Bulger's associates.

There is a strong public interest in finding out how the FBI addressed or failed to address Morris's misconduct, which helped protect a major crime boss and led to the deaths of several individuals. Morris's privacy interest in this information is minimal given that he testified in court to his own wrongdoing.¹⁰⁶

DEFINITIONS

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically, or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," REGARDING," "RELATES," "RELATING TO," "CONCERNS," "BEARS UPON," or "PERTAINS TO" mean containing,

¹⁰⁵ Strozewski, Zoe, *Who Killed Whitey Bulger? 3 Years After Gangster's Death, Federal Officials Remain Mum*, Newsweek, October 29, 2021, <https://www.newsweek.com/who-killed-whitey-bulger-3-years-after-gangsters-death-federal-officials-remain-mum-1644037>.

¹⁰⁶ *Whitey' Bulger's Alleged Bribes and Threat Recounted By Corrupt FBI Agent*, ABC News, June 28, 2013, <https://abcnews.go.com/US/whitey-bulgurs-alleged-bribes-threat-recounted-corrupt-fbi/story?id=19521441>.

alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Alex Xenos by e-mail at [REDACTED].

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees was negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President