

US Attorney Carmen M. Ortiz announces resignation - The Boston Globe



US Attorney Carmen M. Ortiz, who oversaw cases against the Marathon bomber and gangster James “Whitey” Bulger, announced Wednesday that she will step down next month after seven years as the top federal prosecutor in Massachusetts.

Ortiz, who was appointed by President Obama, was the first woman and first Hispanic to hold the job of US attorney in Massachusetts. Her resignation is effective Jan. 13, a week before the inauguration of President-elect Donald Trump.

A sitting US attorney traditionally leaves office when a new party takes over control of the White House. There is no clear indication who will succeed her.

Ortiz has drawn criticism from some who described her as an overzealous prosecutor who frequently overstepped her authority, while also winning praise by those who consider her a hard-charging but thoughtful and compassionate decision maker.

Ortiz, who spent a total of 19 years as a federal prosecutor, said in an interview with the Globe that she felt comfortable with her work in what she described as a difficult job.



“The decisions you make and the work you do impact a variety of individuals’ lives. You’re investigating and prosecuting people,” she said.

But, she added, “I feel we were able to do work in so many broad arenas, more than I ever imagined, in law enforcement as well as on outreach efforts, so I leave here feeling a sense of satisfaction and fulfillment and really grateful I had a chance to oversee some of the most important and high-profile cases.”

Her successes include the capture and conviction of Bulger, who had eluded federal authority for years, and the prosecution of Dzhokhar Tsarnaev, the Boston Marathon bomber, who was sentenced to death. She also oversaw the conviction of former House speaker Salvatore DiMasi.

Ortiz’s departure comes just days after one of the lowest points of her administration, the appeals court decision to overturn the convictions of three former Probation Department officials, but her office said she had already notified Obama last week that she would step down. The case had been Ortiz’s signature political indictment of her tenure.

Ortiz leaves office with several high-profile cases still pending. A jury next month is expected to decide on a sentence in the death penalty case of Gary Lee Sampson, an admitted serial killer. The head of the New England Compounding Center, which was responsible for a deadly nationwide fungal meningitis outbreak,

is slated to go to trial next month on charges that his fraud caused the deaths of 25 people.

Her office has also undertaken a large-scale investigation of allegations that local labor unions extorted developers for construction jobs in Greater Boston. Mayor Martin J. Walsh has been drawn into the investigation stemming from his work as a labor leader before he was elected mayor.

Ortiz would not comment on the pending cases but promised a smooth transition.

“There’s never a good time to leave because there’s always important impactful investigations that are going on,” she said. “At the end of the day, they’ll continue on when I’m no longer here.”

Ortiz’s replacement will be announced by Trump some time in the spring, but her top assistant, William Weinreb, is likely to serve in the interim. He was the lead prosecutor in the prosecution of Tsarnaev.

Michael Sullivan, a Republican who became US attorney for Massachusetts a week after the 9/11 attacks and served until 2009, noted that the handoff worked well when Ortiz took over the office. His office investigated DiMasi for corruption, and Ortiz’s office prosecuted the case.

“Certainly the matters in the pipeline remain,” Sullivan said. “There’s not a huge immediate shift. The core matters the federal government has an interest in don’t change from one administration to the next.”

When asked if the change in US attorneys is likely to have an impact on the investigation involving the Walsh administration, Sullivan said public corruption has been a priority during his tenure and Ortiz’s and is likely to continue to be.

A spokeswoman for Walsh, who has denied any wrongdoing, released a statement from the mayor saying, “I thank Carmen Ortiz for her dedication to serving the people of Massachusetts as a US attorney. Carmen has worked diligently on behalf of the Commonwealth, and I wish her success in her continued career.”

A former white-collar crime prosecutor in the economic crimes unit, Ortiz was recommended for the US attorney post by the late Senator Edward M. Kennedy.

Within two years, her office oversaw the convictions of DiMasi on public corruption charges, as well as former state senator Dianne Wilkerson for bribery.

She also publicly challenged former city councilor Chuck Turner, who was convicted in 2011 of taking bribes. When Turner, who is black, compared his plight to that of civil rights activist Rosa Parks, Ortiz lashed back, “Mr. Turner is no Rosa Parks. He’s a convicted felon.”

Once Bulger, Boston’s most notorious criminal, was apprehended in 2011, Ortiz’s office oversaw his prosecution in one of the state’s most high-profile trials. She was named the Boston Globe Magazine’s 2011 Bostonian of the Year, and she was quietly mentioned in political circles as a 2014 Democratic candidate for governor.

“She always tried to make decisions based on what she thought was the right thing to do,” said Jack Pirozzolo, formerly Ortiz’s first assistant who is now an attorney for Sidley Austin. “And no one can argue that she successfully steered the office through some of the most difficult situations in the history of the city, including the Marathon bombing and the Bulger cases, just to name two.”

But Ortiz was also increasingly being criticized for overzealous prosecutions, especially the prosecution of Aaron Swartz, the Internet entrepreneur and activist. He was arrested in 2011 for breaking into a closet at MIT and hacking into a network of literary journals as a political statement advocating for the free flow of information on the Internet. He was charged with a felony, and Ortiz’s office recommended that he serve several months in prison.

As his case was pending, Swartz killed himself in January 2013 — and his supporters and family attribute his death to the aggressive prosecution.

“I feel tremendous sorrow for what his family has gone through,” Ortiz said Wednesday.

“I regret I wasn’t able to identify that situation early on and we didn’t have that opportunity to have that go on a different path because a young man at the end of the day did lose his life.”

Martin Weinberg, a Boston-based attorney who battled Ortiz in several high-profile cases, including the probation case, represented Swartz. Weinberg said he has disagreed with many of Ortiz’s decisions, but said her overall tenure should be recognized for her sound judgment.

“In many of these less media-driven and less high-profile cases, she’s made the right calls,” he said, noting times that Ortiz chose not to prosecute cases.

Miriam Conrad, the region’s federal public defender, said she has been at odds with Ortiz, but appreciated her judgment in recommending sentences that were fairer than her predecessors. She also appreciated Ortiz’s support of an alternative-to-prison program.

“While I have disagreed with many of the charging decisions made by Ms. Ortiz, I have enjoyed a mutually respectful working relationship with her,” Conrad said.

Ortiz started the office’s first Civil Rights Initiative in 2010, which paved the way for the creation of a Civil Rights Unit in 2016.

Ortiz also oversaw an independent investigation into allegations of racial discrimination and harassment at Boston Latin School, which resulted in a resolution with the Boston Public Schools to address the racial climate.

Meanwhile, she has reached out to community groups, including the local Muslim community, and has built partnerships with local law enforcement officials to address street-level crimes. Earlier this year, federal law enforcement officials announced the dismantling of the East Coast leadership of the violent MS-13 street

gang.

“She was great with local law enforcement, as far as the relationship between federal authorities and local authorities,” said Chelsea Police Chief Brian Kyes. “She’ll be missed.”