

Possible perjury probe in works

Former ATF chief in Hub targeted

New England News Service

BOSTON — A federal court judge who oversaw the recent civil rights trial in which two federal agents sued the government, alleging discrimination because of their age and Cape Verdean origin, has taken an unusual step of referring the case to the U.S. Attorney's office for investigation of possible perjury by one of the witnesses, the former top officer of the Boston office of the Bureau of Alcohol, Tobacco and Firearms.

ATF agents Henry Moniz and Monty Monteiro, resident agent in charge of the ATF's Worcester field office, sued the government, claiming they were discriminated against when they were denied permission to attend the Congress of Cape Verdeans on Cape Verde Island in 1995. The pair, members of an association of American professionals of Cape Verde descent, sought permission to attend the Congress.

They had been invited to meet with Cape Verdean officials, study law enforcement problems and suggest solutions. Their request to represent the ATF at the Congress was denied and, the two agents claim, they were subjected to slurs and denied promotions during succeeding years. After a one-week trial, a jury absolved the government of age or national origin discrimination.

While the jury found no evidence of discrimination, U.S. District Court Judge William G. Young stated in his memorandum that the jury asked him to place on record that "they are quite simply appalled at the vicious racial and ethnic slurs repeatedly uttered" by Terence McArdle, former special agent in charge of the Boston office.

McArdle, a chief government witness and the plaintiff agents' superior officer, testified that he found both agents unqualified to advise the Cape Verdean National Police in assessing their problems. According to court transcripts, under intense cross-examination by plaintiff lawyer Andrew Botti, McArdle admitted to occasionally uttering swear words and, on at least one occasion, was summoned to ATF headquarters in Washington, D.C., to discuss "the use of my language," McArdle testified.

"Such conduct makes mockery of any pretense by McArdle to even-handed enforcement of the law and renders him unfit to hold that high office," Young wrote. Boston ATF agents declined comment other than to note that McArdle is no longer with ATF. He was appointed to the Massachusetts Parole Board by former Gov. William F. Weld.