

ticular day in August 1981 he allowed his home to be used as a meeting place.

Once they reached Filocomo's house, Lino, Napolitano, and Cannone went to the front door. Frank Coppa, a Bonanno captain whose girth rivaled that of Massino's, let them in. The meeting was to take place in the basement. Lino opened the cellar door. It was the last courtesy Napolitano would ever receive from anybody.

Acting quickly, Lino threw Napolitano down the basement stairs. There was one shot and then somebody's gun jammed. Napolitano, knowing the end was near, didn't want to suffer.

"Hit me one more time and make it good," Lino heard him say.

There was another shot. Then nothing.

How fortunes had changed. Just weeks earlier, after having engineered the killings of the three rival capos—Dominick Trinchera, Philip Giaccone, and Alphonse Indelicato—Napolitano had been riding high. Many considered him the most prominent and powerful captain of the Bonanno family, although he clearly had to jockey for power with Massino. Napolitano had worked up a nice racket in Florida with that newcomer Donnie Brasco at the King's Court Bottle Club and even got to hobnob with Florida's crime boss Santos Trafficante. Napolitano was a force to be reckoned with. Never mind Massino's suspicions about Brasco. He knew the man like a brother.

But in a world where American and Soviet spies had been playing deep penetration games for years, it was relatively easy for an FBI agent like Joseph Pistone to secret himself into a Mafia family. The mob's guiding principle, its *raison d'être*, was to make money. To be sure there were rules to follow, ones like the code of silence that gave lip service to the old ways and mores of the Castellammarese. But with money and not the deeper filial loyalty of a common heritage driving the more contemporary gangsters, the smell of quick cash blinded them.

Joseph Massino liked money but he kept his antenna tuned for trouble, be it an informant or undercover agent. Then again Massino was just plain lucky that Pistone never came close to his crew.

If he had, if Lefty Guns Ruggiero had decided to join Massino's crew, the man lying dead at the bottom of the basement stairs might well have been the portly caterer from Maspeth instead of the pigeon fancier from Williamsburg.

Frank Lino walked outside the house in Staten Island after the shooting stopped. In the basement, Napolitano's body was being put in a body bag. Lino walked over to a van with sliding doors parked down the street, the one that had followed him from Brooklyn.

It was all done, Lino said to the men in the van.

Lino then put Napolitano's car keys for the vehicle that had been left at Hamilton House in the hands of one of the men in the van, Joseph Massino.

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One of the things people knew about Lefty Guns Ruggiero was that he liked tropical fish. His small apartment in Little Italy was filled with fish tanks arrayed with all sorts of species he delighted in keeping. But in the summer of 1981, obsessed with finding Pistone, the fish collection probably wasn't the first thing Ruggiero was thinking about.

Charlie Cipolla, another reputed member of the same Bonanno crew with Ruggiero, was also a fish fancier. So, on an August day in 1981, Cipolla suggested out loud that he had a rare fish he thought of giving to Ruggiero. It would have been a nice gesture. Cipolla said it loud enough that not only John Cerasani heard it but that an informant standing nearby did as well. The informant was later identified in court documents as being someone "who continues to operate in an undercover capacity," undoubtedly Raymond Wean.

According to Wean, Cerasani had an ominous reply to Cipolla's musing about a gift for Ruggiero.

"Forget it," Cerasani said. "Lefty is gonna be with fishes. He won't need a pet."

CHAPTER 12

The Gathering Storm

By February 1981, the deep penetration Joseph Pistone had made of the Bonanno crime family had produced enough evidence that federal prosecutors in Manhattan began the secretive and complex task of targeting the upper echelon of the crime family for indictment. It became clear to investigators that the old legend that the Mafia didn't get involved in narcotics was really just a myth. Cocaine and heroin trafficking had become the province of a number of high-ranked mafiosi.

In the Bonanno family, the focus of investigators turned to Alphonse "Sonny Red" Indelicato. He was believed to be one of the family's major cocaine and heroin traffickers and used his contacts in Florida to facilitate the deals. If the FBI needed a strong indication that Indelicato and his two close associates, Dominick Trinchera and Philip Giaccone, might be involved in narcotics, they found a clue during a wedding in 1980 at the Pierre Hotel in Manhattan. One of the reputed bosses of the Milan faction of the Italian Mafia was getting married at St. Patrick's Cathedral in Manhattan and the big bash was surveilled by the FBI. There were lots of pictures taken by agents and the collage of photos seemed like a Who's Who of organized crime, remembered Charles Rooney. Indelicato, Trinchera, and Giaccone were in attendance as was Salvatore Catalano and a lot of the Sicilians from Brooklyn.

The FBI had just commenced a major heroin investigation involving a curious group of Sicilians who seemed to be in Brooklyn but who had various ties to Bonanno family members. The FBI

wasn't sure what the Sicilians were at that point, perhaps a separate clique within the crime family or maybe a distinct family unto themselves. It would take four more years before the FBI would tie the Sicilians into the international heroin trade in a case that would later become known as the Pizza Connection.

But in 1980, whoever the Sicilians were, they accepted the likes of Indelicato and his two friends. Curiously for the FBI, neither Joseph Massino nor Dominick Napolitano were at the wedding reception, a fact that investigators believed indicated that perhaps both men wanted nothing to do with drugs or that some other kind of crime family power play was underway. In any case, federal prosecutors suspected Indelicato was a key player in the narcotics trade and by early 1981 they targeted him for investigation. But with the events of May 5, 1981, when Indelicato, Trinchera, and Giaccone were slaughtered at a social club on Thirteenth Avenue in Brooklyn, federal prosecutors in Manhattan lost their initial target.

However, with the death of Indelicato, investigators quickly shifted their sights to Joseph Massino and Dominick Napolitano and their crews. Both Massino and Napolitano were by August of that year suspected by investigators to have orchestrated the murders of the three captains. In addition, both Massino and Napolitano were believed by federal prosecutors to have been involved in narcotics, as well as extortion and gambling.

Allegations surrounding Massino about drugs proved to be rather ambiguous and amorphous. His brother-in-law, Salvatore Vitale, later told FBI agents that at some point in the late 1970s, a time when Massino was an up and coming soldier, he instructed him and Duane Leisenheimer to bring a car to Fort Lee, New Jersey. The first town over the George Washington Bridge, Fort Lee has had its share of gangsters living and working within its confines. When Vitale arrived with the car, he spotted Gambino mobster Angelo Ruggiero and Massino nearby. Ruggiero was a known Gambino drug merchant and his appearance with Massino led Vitale to think that perhaps drugs were in the trunk of the car he had just dropped off. He also told the agents that Massino would

make trips alone on Saturdays to visit another mobster, something he thought seemed suspicious.

Napolitano, as far as law enforcement was concerned, went missing in August 1981, a fact that led the FBI to think he was either dead (as informants claimed) or had fled to escape indictment or retribution for the Donnie Brasco disaster. Pistone, of course, was off the street. Nevertheless, the federal government's investigation into the New York crime families continued at an unrelenting pace. Joseph Massino was turning out to be a major target.

From offices in Manhattan and Brooklyn, federal prosecutors and FBI agents applied for several court orders for wiretaps in 1981 that targeted key Bonanno crime family locations. While he was alive, taps were placed on the telephones at Napolitano's Motion Lounge. Another tap was also placed on Benjamin Ruggiero's Manhattan telephone, as well as the home telephone of at least one other Manhattan-based family soldier. But it was in late August 1981 that permission was obtained by the FBI to place taps on Massino's home telephone in Howard Beach and his J&S Cake Social Club in Maspeth. The FBI wanted to bug not only Massino but also Vitale.

The affidavit filed in court by FBI agent Edward T. Tucker to get taps placed on Massino's telephone spelled out just how powerful and deadly law enforcement officials considered the Maspeth caterer to be. Tucker said that it had been Benjamin Ruggiero who placed Massino—who is identified in the agent's affidavit as "Messina"—squarely in the planning of the murder of the three captains that May. Massino himself, according to Tucker, was overheard by an informant saying, "We got three of them, but two got away," an apparent reference to the fact that Frank Lino and Bruno Indelicato had not been killed along with Trinchera, Giaccone, and Alphonse Indelicato that fateful night.

Conventional wisdom was that the three captains were killed because they tried to supplant Rastelli's power. But Tucker said that other mobsters had told an undercover agent (presumably Pistone) of another possible motive: Alfonse Indelicato's close affiliation

with the Sicilian faction of the crime family had made Massino worried that the Zips might kill him. A preemptive strike thus seemed to be needed.

Apart from his suspected role in the three captains slaughter, Massino was also discovered to have developed a close working relationship with up and coming Gambino family captain John Gotti, said Tucker, referring to intelligence developed from a confidential law enforcement source. A neighbor of Massino in Howard Beach, Gotti had at that time not received the publicity and notoriety that would dog him later in life. He was the boss of a crew of gangsters who had graduated from hijacking to drug dealing and other crimes. Gotti was also a big gambler and that was how Massino became tied to him, said Tucker.

"In May 1981, this Source advised the FBI that Messina and Gotti along with another Gambino Family capo Angelo Ruggiero and two others each owned a percentage of the 'house' in a high stakes dice game run by Gotti on Mott Street in Manhattan," stated Tucker. Mott Street in Manhattan is a main avenue in Chinatown but it also crosses into Little Italy, where lots of Mafiosi lived, worked, and conducted business.

But there was a more bizarre episode reported by Tucker that seemed to show that Gotti and Massino were working together to carry out the murder of the still hiding Bruno Indelicato, the supposedly cocaine-enraged son of the murdered Alphonse. Tucker learned from the same confidential source that Gotti's brother, Gene, and Angelo Ruggiero were overheard relating how they had been driving on a New York City expressway when they were followed by what they thought was a police car.

"When this car pulled up a man inside the car pointed a gun out the window and they [Gene Gotti and Ruggiero] recognized the driver of the car to be Anthony Bruno Indelicato," said Tucker. "Gotti and Ruggiero related that they were able to exit the expressway and get away."

The reason for the roadside encounter, the source told Tucker, was that the killing of Alphonse Indelicato had been approved by

Aniello Dellacroce, the underboss of the Gambino crime family and mentor for John Gotti. This made Gambino family members a target for Bruno Indelicato's revenge. As a result, Massino and John Gotti became united in a common effort to find and kill Bruno Indelicato, not only to protect themselves but also Dellacroce, said Tucker, referring to his informant.

Other sources cited by Tucker said that Massino, while he disliked using the telephone to conduct business, would nevertheless sometimes talk on the social club telephone to contact loan-sharking victims about their debts. Vitale would also use the telephone there to call Massino about gambling and loan-sharking, activities the same sources said Massino ran out of J&S Cake Social Club.

As icing on the cake, Tucker said that the FBI pen registers picked up Massino's home telephone making calls to the home of one of Rastelli's brothers, Bonanno street boss Salvatore Ferrugia, as well as John Gotti. In Tucker's view, these calls showed that Massino was a high-ranking Bonanno captain who was loyal to Rastelli. Massino remained, said Tucker, a subject worthy of electronic surveillance.

Judge Eugene Nickerson signed the surveillance authorization on August 27, 1981. Wiretaps were placed on the telephones and a bug was set up inside J&S Cake Social Club. One night a team of about a half-dozen FBI agents led by Patrick Colgan penetrated Massino's social club on Fifty-eighth Road in Maspeth. One agent picked the locks, another decommissioned the alarm, and another planted the bug as Colgan made sure nothing went wrong. The black-bag job took about forty-five minutes to complete. But no sooner was the bug up and running than it stopped functioning.

Bugging devices can be so useful when they work right. But one vulnerability they have is their essential nature of being radio transmitters. A sensitive radio receiver anywhere near a bugging device can pick up the transmission. It just so happened that just a day or two after Colgan and his crew had planted the listening device in Massino's social club that Salvatore Vitale began fiddling with a police scanner. The surveillance-conscious Massino likely had the

scanner at J&S Cake to monitor police frequencies. But a sound that Vitale had picked up froze everyone at the club. It sounded like a strange frequency and Massino, who was sitting at a table, became suspicious.

Duane Leisenheimer was in the bathroom and Massino called out to him to clap his hands. Leisenheimer complied and the scanner picked up what sounded like a clap.

Massino now knew his club was bugged and he searched the ceiling until he found the listening device over the area above the card table. Vitale took it out and the surveillance device stopped at that moment.

After being told of the dead bugging apparatus, Colgan's FBI supervisor told him to go back in and retrieve the device.

"How do you expect us to get it out?" Colgan lamented, knowing the difficulty that surrounded the initial planting of the device. The club had a special key-coded alarm system that had allowed the agents only thirty seconds or so to override it.

"I don't care, get it," the supervisor said.

So shortly after lunch one afternoon in the late summer of 1981, Colgan and a partner walked down Fifty-eighth Road and followed Salvatore Vitale through the door of the club. Vitale had been oblivious to their footsteps. One of the other men in the club nervously asked Vitale who was following him. Vitale turned and stared at Colgan and his parnter.

"We are FBI," Colgan told Vitale.

"Fuck you," Vitale answered and took a swing at the agent. (Years later Vitale told a different version, saying he asked what the agent wanted.)

Suddenly, a voice from the backroom called out, "Cool it Sal, it's only Pat."

Massino had recognized his old professional adversary from the hijacking squad and defused the situation.

"I have been expecting you," Massino told Colgan as he gave him the bugging device.

"Joe, it crossed my mind," Colgan said.

Massino asked the agents to have a can a beer and broke out some Budweiser. Colgan, his partner, Massino, and Vitale then sat at the bar and made small talk. The four men sounded like old friends from the neighborhood, asking after each other's family. Colgan couldn't help notice that Massino had gained more girth and had a belly that overhung his belt more than ever. He diplomatically told Massino he looked bigger. Massino complimented Colgan about his recent promotion to supervisor in the FBI. Colgan said he had heard Massino had received a promotion as well.

After finishing the drinks, Colgan slapped a few dollars down on the bar—despite Massino's polite protest—and left with the bug-ging device. The timing of the discovery of the bug was fortuitous because if there was talk within Massino's club about the murders or anything else of interest to federal agents, the listening device didn't pick it up. Back at FBI headquarters in Manhattan the bug was tested. It worked perfectly.

By the fall of 1981, Massino and Napolitano were being heavily probed for their involvement in the murder of the three captains, as well as for other acts of racketeering through the Bonanno crime family. On November 23, 1981, the first indictment stemming from special Agent Joseph Pistone's penetration of the Bonanno family was announced in U.S. District Court in Manhattan. Six men, Dominick Napolitano, Benjamin Ruggiero, Nicholas Santora, John Cerasani, James Episcopia, and Antonio Tomasulo were accused of participating in the conspiracy as well as in other acts of racketeering involving the Bonanno crime family.

The announcement of the charges on November 24, 1981, was the first indication that the FBI had two undercover agents who had penetrated the crime family. Joseph Pistone and Edgar T. Robb weren't named in the press conference but just the fact that such an infiltration of the Mafia had taken place was big news. Aside from the conspiracy to kill the three captains, the defendants were charged with various narcotics offenses and gambling. It was also disclosed that the group had tried in June 1980 to burglarize the Manhattan apartment of Princess Ashraf Pahlevi, the twin sister of the deposed

Shah of Iran. That break-in was bungled when a security guard fired a shot at the would-be intruders.

In a preemptive move designed as much to convince him to become a witness as to save him, federal agents in August 1981, three months before his formal indictment, had arrested Ruggiero. The FBI had known from its informant within the Bonanno family, undoubtedly Raymond Wean, that Ruggiero was targeted for assassination. Since the FBI didn't think Ruggiero would stay in the area if told of the plot against him, he was first arrested for the murder of Alphonse Indelicato, the only one of the three murdered captains whose body had been found. The FBI then told Ruggiero about the threat to his life.

Even his arrest didn't stop Ruggiero's fellow mobsters from trying to plot his demise. During one of Ruggiero's unsuccessful court hearings aimed at his getting bail, Assistant U.S. Attorney Barbara Jones, told the court that an informant told her that Ruggiero would be killed as soon as he got out of jail.

Massino wasn't charged in the Napolitano case even though he was suspected of having taken part in the conspiracy that led to the murders. But by the time the indictment against Napolitano and the others was being unsealed, investigators were conducting an additional investigation of Massino for loan-sharking and narcotics distribution. Separate investigations were also beginning on the other Mafia families as well, probes that would take years to complete. One of those investigations focused on the dealings of the Gambino family and its new, emerging members. Among them was the brash and generally unknown captain John Gotti. A neighbor and friend of Massino's for the better part of a decade, Gotti, who was schooled in the ways of mob life by underboss Aniello Dellacroce, had a crew that counted among its members his brother Eugene Gotti and Angelo Ruggiero.

By November 1981, federal prosecutors had zeroed in on the two Gotti brothers and Ruggiero for their own particular racketeering offenses that included loan-sharking, gambling, narcotics, and murder. Investigators knew that Ruggiero was such an uncon-

trollable talker that he had earned the nickname on the street of "Quack-Quack," a reference to the quacking of a duck. Since he talked so much, FBI agents got a court order to wiretap Ruggiero's telephone at his home on Eighty-eighth Street in Howard Beach. That tap lasted about a month until Ruggiero moved to a new home in Cedarhurst, Long Island, when agents got a court order to wiretap two phones there.

With subpoenas flying around Howard Beach and the rest of the city on the probe of Massino and the Bonanno family, it was no secret that a major federal investigation was underway. Angelo Ruggiero, a friend and one-time neighbor of Massino, had already been subpoenaed to testify, but under the advice of his lawyer, Michael Coiro, he asserted his privilege against self-incrimination and didn't testify. Once away from the grand jury, however, Ruggiero and Massino talked openly on the telephone about the investigation and the ominous things it portended. The FBI agents were right about Ruggiero, he just didn't know how to control his chatter.

For instance, on November 25, 1981, two days after the announcement of the Napolitano indictment, Ruggiero told Massino about having received the subpoena from "Mrs. Jones," a reference to Barbara Jones, the assistant U.S. attorney in Manhattan who was investigating Napolitano, Massino, and the Bonanno family.

"How the hell did [the agents] throw you into this?" Massino asked Ruggiero. Though both gangsters, Ruggiero had little or no connection to the Bonanno activities, the most notorious being the murders of Trinchera, Giaccone, Indelicato, and—though still unknown to law enforcement—the slaughter of Napolitano.

Massino was clearly getting concerned about the investigation and was overheard wondering if Jones had a subpoena for him as well. It was at this point that Massino asked Ruggiero if it was even wise for him to go home if Jones was getting ready to haul him before the grand jury.

It was during this conversation in November 1981 that Massino hinted that he was entertaining the idea of leaving town. Five of his crime family associates had already been arrested (Napolitano,

though charged, was moldering in a mob graveyard). He knew that the investigation was focusing on his connection to the murder of the three captains, crimes that could carry a life sentence if convicted. A sense of dread and panic seemed to be setting in.

Massino told Ruggiero that he wished he could go to sleep and wake up after the approaching Thanksgiving and Christmas holidays. Maybe these troubles would be all over, the panicky mobster said.

"It ain't going to be any better," Ruggiero responded.

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Subpoenas were everywhere. And there were rumors of more indictments. Furthermore, an FBI agent had penetrated the Bonanno family.

These were the things in early 1982 that added to Massino's sense of discomfort and dread of what could be in store for him. Ruggiero's remarks didn't help him either.

Around the J&S Cake Social Club in Queens, the conversations that took place reflected the troubles. As Vitale later told the FBI, he remembered Massino and mobster Al Embarrato, known by the name "Al Walker" on the street, talking about the Pistone penetration of the crime family. The search for scapegoats didn't stop with the killing of Napolitano. Even though it was Napolitano who had been taken in by Pistone and had pushed the undercover FBI agent for crime family membership, it had been Anthony Mirra who had first unwittingly befriended Pistone.

A bulky man with a reputation for being a killer who was quick with a knife instead of a gun, Mirra was a hothead with anger-management problems who ran some loan-sharking and gambling operations. As a soldier in the Bonanno family, Mirra reported for a while to a captain named Michael Zaffarano, a pornographer who died of a heart attack during an FBI raid in 1980. Mirra used Pistone as a driver, but after Mirra was arrested and sent to prison for a narcotics charge, Pistone gravitated to Benjamin Ruggiero.

In a snippet of conversation Vitale told FBI agents he overheard, Massino told Embarrato that Mirra "had to go." Mirra had been released from prison in 1981 for the drug case and was around town again. Some Bonanno members now thought he was an informant, which wasn't a good thing to be called with the FBI playing hardball and building criminal cases all over town.

After Pistone's true identity had become known, Mirra had kept a low profile and had been very hard to reach. "He wasn't meeting with anybody," one mobster said. Embarrato got the job of farming out Mirra's murder and in a case of delegating responsibility passed the order for the hit to Richard Cantarella, who in turn involved Joseph D'Amico, someone Mirra trusted.

On February 12, 1982, as Mirra fumbled for a key to open the security lock of a garage where he kept his gray Volvo, he was shot in the head at near point-blank range by D'Amico. Crime scene photos captured Mirra slumped in the driver's seat, his chin against his chest as if he were taking a nap. A rivulet of blood had trickled out of his right ear and stained his winter coat.

"I was the only one who could get close to him," D'Amico later told investigators.

Any number of suspected informants could have been killed. But no matter how many died, the fact of the matter was that Joseph Massino never shook the feeling of foreboding he had in March 1982. He wanted to get out of town, and fast.

Turning to the fair-haired kid, Duane Leisenheimer, Massino traveled with his driver to the Hamptons. It was in the off-season since the Hamptons didn't get swinging until May at the earliest and the hideaway might provide time to think. Still, Massino and Leisenheimer saw too many people they thought they knew in the beach towns along Long Island's south shore and decided to pull up stakes again and head back to the city.

Vitale remembered getting a call from his brother-in-law and told to come to Junior Palermo's home on Ocean Parkway in Brooklyn. Palermo was a Colombo crime family soldier who Massino

knew. No new charges had been filed against anyone but there were simply too many bad vibes, Massino said. It was time to split.

So Joseph Massino, you are supposed to be a wealthy gangster with the vast resources of the Mafia at your disposal. You know the cops are itching to arrest you. The world is your oyster. Where are you going to go now? Well, it isn't Disneyland, much less Brazil.

"I need a place to go for about thirty days," Massino told Leisenheimer. "What about your parents' house?"

Leisenheimer's family had moved to Pennsylvania's Pocono Mountains area and his mother had a house in the town of Milford. There were plenty of hotels and motels in the area. A careful person could get lost there and stay out of sight. If necessary, Leisenheimer's family could simply be told that his friend Joe was ducking a subpoena.

Leisenheimer later recalled that his father had no problems with his son staying at the family home. But the elder Leisenheimer, his son said, had only a couple of provisos: "Keep the place clean but when I want to go there, you guys got to leave."

So in the face of approaching trouble, Joseph Massino didn't stand around to face the music. But for a guy who spent most of his life in working-class Maspeth, the possibilities Massino saw for life on the lam were not very exotic. He packed up his travel bag and headed west, not to some obscure town or exotic location, but instead to a place made famous for its honeymoon bungalows and heart-shaped bath tubs.

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Massino's nose for trouble served him well. No sooner had he and Leisenheimer headed for the gentle rolling hills of the Poconos than on March 25, 1982, a federal grand jury in Manhattan indicted Massino and others. It was as bad as he expected. The new charges, actually an expansion of the earlier November 1981 indictment against the other Bonanno members, accused Massino of involvement in the murder of the three captains. There was also a charge against Massino for hijacking.

"Mr. Messina," said one newspaper, "who was labeled in the indictment as a 'capodecina,' or captain, in the crime family, is a fugitive."

With Massino a step ahead of the sheriff, so to speak, and nowhere to be found by the FBI, a bench warrant was issued by a federal judge for his arrest. By then, Massino was quietly spending time at the Milford House, an inn in Pennsylvania. He used the alias "Joe Russo" and on weekends he and Leisenheimer, who used the name "Duane Kelly," went to the younger man's family home in the area.

But living so close to New York and trying to hide out meant you had to be careful. Massino thought he was hiding but he learned that he could run into people he knew when he least expected it. He had hardly been on the lam a month when Massino decided to take a break in the cocktail lounge of a Holiday Inn in Port Jervis. Massino was seated at a table when in walked an old acquaintance named Salvatore Polisi. A mob associate and criminal out of New York, Polisi recognized Massino from some meetings they had in Queens and decided to shake Massino's hand.

"How are you doing?" Polisi asked Massino.

"He was kind of nervous or concerned about me just meeting him," Polisi later remembered about Massino's reaction.

Massino didn't want for much. Vitale, it was later learned by police, would bring him packets of cash and there were occasional visits back to New York City when Massino stayed at the Ocean Parkway, Brooklyn, home of Junior Palermo, a member of the Colombo crime family. When they had to, Bonanno family members made the trip to the Poconos to caucus with Massino. Vitale made over a dozen trips. John Gotti even made the trip a couple of times, meeting Leisenheimer at the Milford Diner and then being driven to the Leisenheimer family home. On occasion, Leisenheimer drove back to New York and picked up other visitors. This was 1982, before cell phones came into wide use, but Massino was able to stay in telephone contact with Vitale through a system that relied on the use of different telephone numbers that had been reduced to a code.

Cash and calls weren't the only thing Massino got on the lam. In the summer of 1976, Massino was making trips to Dannemora Correctional Facility when he gave a ride to a pretty twenty-two-year-old Bayside High School graduate known as Linda whose husband happened to be incarcerated there as well. Something then happened. As Linda later told investigators, she began to date Massino on a "personal level," driving with him to the Lewisburg federal prison when he visited Rastelli. Having divorced her husband in 1979, Linda said she kept seeing Massino until their relationship broke off in 1980. Their affair rekindled, Linda told a federal grand jury, in July 1982. With Massino a fugitive, Linda said she visited him in different Pennsylvania motels. She remembered being driven by Leisenheimer for those rendezvous during which Massino told her about his indictment for the three captains murder and hijacking.

Given the fugitive status of Massino and the continuous trips being made by crime family members to the Poconos for visits, the question is raised about how much effort the FBI put into looking for him. Massino himself believed that the agents had enough on their hands with the approaching trial of his cohorts for the three captains murder and that he was a low priority. But in fact they were looking.

The FBI believed Vitale was the key in this period to finding Massino and began to pay him unannounced visits and shadowed his movements. For instance, on August 31, 1982, three FBI agents including Charles Rooney stopped by the J&S Cake Social Club in Maspeth. In the doorway stood Vitale, his business partner Carmine Peluso, and a nervous cook. It wasn't the first time the agents had stopped by.

Rooney did the talking. He flat out told Vitale that if Massino turned himself in the FBI wouldn't make so many visits. After all, Rooney explained, Massino was a fugitive and they were looking for him. If Massino came back and surrendered, there simply wouldn't be a need for the FBI visits.

Vitale, according to an FBI report of the meeting, then did some-

thing that seemed strange. He reached into the right pocket of his trousers and pulled out a large wad of cash wrapped in a rubber band, counted it, and then placed the cash in his left pocket.

"Can we talk off the record?" Vitale asked.

"What do you have to say?" one of the other agents asked.

It turned out Vitale had nothing much to say. The agents, he said, were coming on like gangbusters, scaring the poor cook. "He is probably in the back of the shop having a nervous breakdown," Vitale said of the young man.

There wasn't much point to the rest of the encounter and the agents reiterated that they were looking for Massino before getting in their car and driving away. Given the ease Massino apparently had in slipping in and out of the city during his months on the lam, it is likely he was already local in the New York City area when the agents visited Vitale.

But try as they might, the agents simply could never find Massino. They stopped by Massino's home in Howard Beach, usually around holidays such as the Fourth of July, Labor Day, or Memorial Day. They spoke to Massino's wife, Josephine, who told them the obvious: her husband was not around.

Some of Massino's neighbors, knowing about the FBI interest in finding him, began to call in tips, alerting the agents to activity at his homestead or Vitale's actions they thought were suspicious, one law enforcement official said. Based sometimes on those tips, the agents continued to shadow Vitale in the hopes that he would lead them to his brother-in-law. In one instance, a team of agents trailed Vitale one evening as he picked up Massino's wife and two daughters and took them to a house in Queens, said one former FBI agent. Covering both the front and rear exits, the agents knocked on the door and asked to come in, to which Vitale consented, the agent recalled. Massino was nowhere in sight.

Agents also suspected Josephine was visiting her spouse and made a number of attempts to follow her. But either because of her crafty driving or just the vagaries of weekend traffic over the George Washington Bridge, one agent remembered that it was

impossible to tail Josephine by car. They never did find her visiting her husband and for all anybody knew she was making visits to New Jersey shopping malls.

As cagey and secretive as he was, Massino almost blew his cover in a trivial but stupid lapse of security. In a Pennsylvania drug store, Massino was caught shoplifting a bottle of aspirin by a sharp-eyed clerk. Seeing how Massino was supposed to be getting restocked with cash by Vitale, it seems strange that he would have to steal such a small, inexpensive item. The store called the police on Massino and Leisenheimer, who happened to be with him. But as luck would have it, Massino used his alias "Joe Russo" and the local police never caught on to the fact that they had a major fugitive in their midst.

Back in New York, and despite Massino's absence, federal prosecutors opened up their showcase trial against the Bonanno crime family members who had been arrested. The centerpiece of the case was to be the testimony of Joseph Pistone in his first big test as a government witness after having spent five years in deep undercover work in the Mafia.

The trial against Benjamin "Lefty Guns" Ruggiero, Anthony "Mr. Fish" Rabito, Nicholas "Nicky" Santora, John "Boobie" Cerasani, and Antonio "Boots" Tomasulo began on July 26, 1982, in the Manhattan federal district court. It was the showcase of mob trials. Never before had a Mafia family been infiltrated by the FBI. Never before had an undercover agent taken the stand in such a fashion after having penetrated a crime family to the extent Joseph Pistone had. No matter what the outcome of the trial, Pistone had made the Bonanno crime family the laughing stock of the Mafia, further condemning it to second-class status in the eyes of all of the other mob families.

It fell to prosecutors Louis Freeh and Barbara Jones, two of the stars of the U.S. Attorney's Office in Manhattan, to present the government's case. Freeh had been an FBI agent before he became a prosecutor and Jones had cut her teeth on a number of successful mob prosecutions, including those against Teamster boss Anthony

Provenzano and Pennsylvania mobster Russell Bufalino. Together, they were a formidable pair.

It was Freeh who addressed the jury of four men and eight women in the government's opening statement and first described for the panel that the case was historic because it involved an undercover FBI agent who used the name "Donnie Brasco" and played the role of loyal mob soldier to move up the ranks of the Bonanno crime family.

"Brasco became such a trusted member of this crew," Freeh said, referring to the cadre of Napolitano and Ruggiero, that they "promised to propose him for membership in the Bonanno family."

Freeh and Jones believed that if Brasco's true identity as Joseph Pistone became known, he would be endangered. According to informants, a \$500,000 contract had been placed on his head, and security was a concern for the government. The prosecutors asked Judge Robert W. Sweet to allow the agent to use his undercover name when testifying as a way of further protecting him from mob retribution. But Sweet ruled that such a request would violate the rights of the defendants to confront and cross-examine their accuser. As a compromise, Sweet said that Pistone, as well as fellow agent Edgar T. Robb, didn't have to reveal any personal information such as addresses or the names of their family members.

In his opening statement, Freeh sketched out the main allegations and told the jury the Bonanno family was led by Philip Rastelli, who survived a power struggle with Carmine Galante, the captain murdered in 1979. Most of the jurors must have known about Galante's murder since it was front-page news all over town when it happened in 1979. But the murders that mattered in the case, Freeh said, was the May 1981 killing of the three Bonanno captains. Secret tapes made by Brasco, he said, would be crucial pieces of evidence pointing to the defendants' alleged roles in the slayings.

When it came time for their opening statements, however, the attorneys for the defendants told jurors that it was actually a man not in the courtroom—"Joseph Messina"—whom they described as a

rival captain, who had ordered the killings in the case. Massino could hide in Pennsylvania, but that didn't mean his name would stay out of the case.

Joseph Pistone would be the marquee witness in what was at that time the biggest Mafia trial to hit New York City in years. But one of the first crucial government witnesses to take the stand would turn out to be none other than Joseph Massino's old hijacking associate: Raymond Wean. Life hadn't been good to the fifty-one-year-old Wean. After bouncing around with Massino and getting the short end of the stick when it came to sharing the loot from their days as truck thieves, Wean told the jury how after "roughly 200 crimes" and numerous convictions that he needed a break. After a felony charge in Nassau County, Wean decided to cooperate with the FBI and become an informant, he stated.

After he decided to cooperate with the government, Wean hung around Dominick Napolitano's club on Graham Avenue in Brooklyn and related that he saw and heard a lot of things. He mentioned how Massino and Napolitano came up with the audacious plan to rob the Manhattan home of Princess Ashraf Pahlevi, a sister of the late Shah of Iran, in June 1980. The gangsters believed jewelry, art work, and the contents of safes in the house at 29 Beekman Place in Manhattan would be a mother lode of valuables.

"It seemed like a piece of cake to us," Wean said of the robbery plan, which he told the jury also involved John Cerasani, one of the six men on trial in the courtroom.

It may have seemed like a piece of cake, but the planned heist didn't go off well. Wean testified that he and Cerasani were let into the townhouse by posing as delivery men carrying a case containing an air conditioner. A gullible security guard let the pair in and Wean said he suddenly drew out a pistol.

"Don't move!" Wean shouted out.

The startled guard threw up his hand and in the process jarred the gun's trigger. A shot was fired, wounding Wean in the hand. A panicky Wean said his group of robbers thought the guard had

been shot (he had not) and fled through the streets of the East Side.

Judge Sweet would only allow Wean, who by then was in the federal witness protection program, to testify in limited fashion about the disappearance of Napolitano. Outside of the presence of the jury, Wean recalled that after Napolitano disappeared in August 1981 that even in the Motion Lounge, which had been the missing captain's headquarters, no one would mention his name. Then something more ominous happened, a sure sign that Napolitano was dead, said Wean. The pigeon coop, long Napolitano's refuge and the focus of his sport of bird racing, was dismantled. The birds were individually strangled by hand, informants later told the FBI. To Wean, the destruction of the pigeon coop was a clear sign that Napolitano was "no longer alive."

With the jury present, Wean referred to Napolitano's disappearance and his pigeon coop being taken down off the roof of the Motion Lounge. Though he said he never saw Napolitano again, Wean didn't say he thought the man was dead. Wean recounted that it was John Cerasani who appeared to take over the Bonanno crew that had been run by Napolitano.

It wasn't just with Massino and Napolitano that Wean got close to the Bonanno family. While he was imprisoned in the federal jail in lower Manhattan after his 1976 hijacking conviction, he earned the job of trustee from correctional officials. Selected because of their good behavior, trustees are able to perform tasks and leave the jail under supervision to carry out manual tasks such as picking up mail and provisions. While in the Manhattan detention facility in 1978, Wean said he met Carmine Galante, who happened to be incarcerated for an alleged parole violation. Wean took care of the Bonanno captain.

"Cigars, booze, cigarettes, or anything he wanted," Wean smuggled in to the facility for Galante.

The long-awaited testimony of Joseph Pistone finally began on August 3, 1982. An athletically trim man with thinning hair, Pistone

was the center of attention as he walked through a rear entrance into Judge Sweet's courtroom. At last, the man who had infiltrated the Mafia in one of the most daring assignments in FBI history was getting his day in court. His appearance would not be disappointing.

For five days Pistone testified about his life with the Bonanno crime family and the way he infiltrated it. After setting the table with preliminaries, Pistone was then guided by prosecutor Jones through the events that surrounded the killing of the three captains, the main racketeering charge facing Rabito, Ruggiero, and Santora. It became clear from his testimony that Pistone had no direct knowledge of the killings, nor was he involved in any of the planning discussions. Instead, using his recollection and audio recordings he secretly made with Ruggiero and the missing Napolitano, Pistone told the jury how he learned why the men were killed. In so doing, he implicated Ruggiero, Napolitano, and Santora, as well as the fugitive Massino, in the slaughter.

It was defendant Nicholas Santora, Pistone testified, who told him how Dominick Trinchera was blasted apart by a shotgun.

"Nicky said you should have seen when they shot him—fifty pounds of his stomach went flying," Pistone said.

Ruggiero had also said that Trinchera's body was so heavy—he weighed close to 300 pounds—that it took a stronger Cerasani to move it, according to Pistone.

"He was surprised how strong Boobie [Cerasani] was because he moved it," testified Pistone.

Though he was in Florida when the killings took place, Pistone recalled that Napolitano had called him to come to a meeting back in Brooklyn at the Motion Lounge. After flying back to LaGuardia on May 14, nine days after the murders, Pistone said he wired himself up with a small transmitting device and went directly to the club, which was also known as "Charlie's Lounge."

Once inside the club, Pistone said, he went into a backroom with Napolitano, where the Bonanno captain sat down with him at a card table and spoke to him.

"Sonny and I sat down at the card table and Sonny said to me,

'We took care of those three guys, they're gone,' and he asked me if I knew anything about Miami and I said 'Yeah,' and I asked why," Pistone recalled.

"Because Bruno got away," Napolitano replied.

Napolitano was talking about Bruno Indelicato, the son of the slain Alphonse Indelicato. The younger Indelicato was widely reputed to have a big cocaine habit and traveling in the Miami area.

"So I asked him, you know, 'What do you want me to do down there?'" Pistone said, referring to Miami.

Napolitano's response was direct.

"And he said, 'I want you to go down and look for him, and if you find him, hit him.' And he said, 'Be careful, because when he's coked up, he's crazy.'"

Earlier, Pistone told the jury that it was Ruggiero who had told him that the Mafia Commission as far back as April 1981 had assured the Bonanno family that Rastelli would be recognized as the boss. An earlier attempt to assassinate Indelicato, which had been called off, had been arranged by Napolitano and Massino.

"At one point in the conversation Lefty said that the thing that had happened the prior week [attempted assassination], put together by Sonny Black and Joey Messina— Because of what they put together, the Commission had assured them that Rusty Rastelli would be the absolute boss of the family."

The Sicilians, or Zips, Pistone said, were according to Ruggiero to come over to the side of Massino.

Ruggiero also had some unkind words about Massino because of the fact that Indelicato's body had surfaced shortly after the murders.

"That was a screw-up," Ruggiero said. "Joey Messina was supposed to get rid of that body."

The effect of Pistone's testimony about the murders was to implicate Massino, Napolitano, and Ruggiero in the killings through circumstantial evidence. There was of course more evidence he gave as the prosecution attempted to tie the defendants into narcotics distribution and gambling. For instance, Pistone said that on May

15, 1981, he arranged with Napolitano and Cerasani to purchase some Quaaludes for distribution in Florida. Samples were given to him, Pistone said, by Santora and Cerasani at a local car service run by Tomasulo up the street from the Motion Lounge. Pistone took the samples and delivered them to fellow agent Patrick Colgan. Ruggiero was picked up on a wiretap about a week later talking with Pistone about the quality and price of the pills, telling Pistone to let him know when he was ready for a larger sale.

Evidence about gambling was also presented to the jury and included Pistone relating how he brought \$2,500 up from Florida at the request of Napolitano to cover losses suffered during a tough weekend of sports betting. Tomasulo, said Pistone, had been introduced to him as being a partner in Napolitano's gambling ring. Ray Wean also testified that he had seen Tomasulo reviewing bets with Santora and Cerasani a number of times. Coded conversations between Tomasulo and Santora that had been intercepted by the FBI were analyzed by prosecution experts who said they showed both men were involved in a numbers operation.

The defense attorneys had their turn with Pistone and attempted to discredit him by showing he was involved in drug dealing and had once proposed a murder of a mobster. It was Robert Koppelman, who was representing Ruggieo, who tried to show wrongdoing on Pistone's part when he was playing his undercover role. In what struck trial observers as polite responses, Pistone parried each of Koppelman's insinuations with denials and explanations.

"I never thought of doing anything illegal, sir," Pistone said.

When Koppelman said that Pistone had "twisted the truth" for years while undercover, he asked the agent if he was doing the same on the witness stand.

"That is incorrect," Pistone said. He said he lied only with individuals he was investigating to enhance his credibility with them.

Cerasani was represented by Manhattan attorney David Breitbart, who had leapt to prominence after representing the one-time Harlem drug kingpin Leroy "Nicky" Barnes. Brietbart's advocacy had earned three acquittals for Barnes although a fourth trial led to

a conviction—and life in prison for the drug dealer. With an in-your-face method of questioning, Breitbart had a habit of facing a hostile witness, hands in trouser pockets, and pepper them with persistent, embarrassing questions that sometimes elicited angry responses.

In defending Cerasani, Breitbart had asked a lot of questions that brought up Massino. Through Breitbart's questioning, Massino, although he was absent from the trial, had a presence in the case. However, it was just that tactic that began to anger some of Massino's allies who had been watching the progress of the case. They didn't care much for Breitbart's tactics. So, one August afternoon after the trial had finished for the day, Massino's ever loyal brother-in-law, Salvatore Vitale, accompanied by James Tartaglione, paid a visit to Breitbart's office off Broadway in lower Manhattan.

Vitale didn't mince any words. Stop mentioning Massino's name, he told Breitbart. Stop mentioning Massino's name or he, Vitale, would throw Breitbart out the window, Massino's brother-in-law later told the FBI. Though he was not tall in stature, Breitbart had martial arts training, and while taken aback by Vitale's remark, he told him to cool off. Nothing he said in court could ever be used against Massino, Breitbart replied. Though it was a strange meeting, the irony of it all would play out years later when it would be Breitbart to whom Massino turned for legal help.

On August 25, 1982, the jury began its deliberation after two full days of summations and hours of final instructions from Sweet. The prosecution admitted that Pistone and his testimony were crucial to the case while the defense attorneys said that the government had spent millions of dollars on a farcical case that nabbed "minnows."

Robert Koppelman, Ruggiero's attorney, said that there wasn't one witness who testified with any firsthand knowledge of the crimes, particularly the murder of the three captains in May 1981. Breitbart, in his closing statement on behalf of Cerasani, called Pistone a liar and said Wean, Massino's old hijack buddy from Maspeth, was "evil incarnate."

Three days later the verdict was in: Ruggiero, Santora, and

Tomasulo were convicted of the racketeering conspiracy charge, which accused them of being involved in affairs of the Bonanno crime family. Specifically, the jury found Ruggiero and Santora guilty of conspiracy in the murders of Trinchera, Giaccone, and Indelicato. Tomasulo was convicted of conspiracy to distribute Quaaludes and conspiracy to conduct illegal gambling. Anthony Rabito was acquitted of the main conspiracy count but convicted of a drug offense. All would receive prison sentences.

John Cerasani, the reputed crime family soldier who Ray Wean provided evidence against, was acquitted of everything, including the charge he took part in the abortive robbery of the home of the sister of the former Shah of Iran. When the verdict was announced, the convicted men embraced Cerasani, who was free to walk out of the courtroom. The other defendants were taken away by federal marshals.

On August 12, 1982, about two weeks before the verdict, Police Officer Edward Mosher of the 122nd Precinct in Staten Island responded to a call. A man passing through the wooded area near the intersection of South Avenue and Bridge Street came across a hospital body bag that contained human remains. The corpse was in an advance stage of decomposition and Mosher's report contained what had to be a big understatement: "Suspicious death! No arrest."

Investigators weren't sure if the corpse was that of a man or woman. The right arm had fallen away from the body and some of the fingers were missing, possibly from animal activity. The body bag contained the words "Bellevue Hospital Mortuary."

Back at the morgue the corpse was so decomposed that the doctor doing the autopsy noted many times in his report that organs had shrunken or rotted away. The body was in a state of adiposere, meaning much of its tissues had congealed into a mass of fatty tissue. The eyes were sunken so that there was no color to the irises. An x-ray determined that there were bullet fragments in the brain, although that organ was also severely decomposed. The fragments, consisting of a bullet and the metal jacket that had once sur-

rounded it, were recovered from the skull. There was a bullet hole in the left rear of the skull and since there didn't appear to be any other fatal injuries the coroner's report said that death was from a fatal gunshot wound to the head. Forensic specialists at the city medical examiner's office labored for weeks, studying dental records, doing x-rays, and making all kinds of studies.

With a body in such poor condition, forensic experts had to rely on dental comparisons to make an identification. Although one or two teeth seemed to be missing postmortem, there was still enough left. On November 10, 1982, the Office of the Chief Medical Examiner announced that the body found in Staten Island was identified as being that of Dominick Napolitano, who had been missing for over a year.

The discovery of Napolitano was an eerie foreshadowing of Ruggiero's fate at sentencing five days later. Judge Sweet gave him forty years in prison, robbing Ruggiero of any hope that he would live life as a free person outside of a cell; instead, he would be relegated to spending his days making futile pleas to the court for a reduction of his sentence. Maybe his old friend Sonny Black got the better deal.

CHAPTER 13

Murder on the Lam

From his haven in the Poconos, Joseph Massino followed the machinations of the New York City trials and saw that Joseph Pistone was deadly as a centerpiece of the government's case. Raymond Wean, his old buddy from the hijacking days in Maspeth, was more problematic since the defendant he testified against, John Cerasani, was the only person who was acquitted and walked away a free man.

Had Massino gone to trial along with the others, he would have been playing a crap shoot. It was true that Massino was charged with conspiracy in the murder of the three captains, rather than with the actual participation to kill them. But a conviction on the conspiracy would have subjected Massino to a possible conviction for racketeering, which turned out to be the fate of Benjamin Ruggiero and Nicholas Santora and resulted in substantial prison sentences. As Salvatore Vitale later told investigators, Massino figured he had a better chance of beating the case if he didn't go on trial with the others. It was a strange bit of intuition on Massino's part, but it turned out to be not too far from the mark.

Massino stayed on the lam, shuffling around the Poconos and making trips back and forth to New York City for well over a year after Ruggiero and the others were convicted. If there was any big business to attend to, if a "piece of work" needed to be arranged, the leaders of the Bonanno family knew where they could find Massino. In turn, he knew how to call on them.

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Cesare Bonventre was born in the mob. Having grown up in the Mafia breeding ground in Sicily known as the city of Castellammare del Golfo, Bonventre was blooded to the life of La Cosa Nostra by virtue of his uncle, John Bonventre, the underboss of Joseph Bonanno. When a number of ambitious young Castellammarese took up Carmine Galante's advice and immigrated to Brooklyn, Cesare Bonventre was one of them. He became a fixture among the Sicilians in the cafés on Knickerbocker Avenue, and by the late 1970s he became a close associate of Galante.

There was something about Bonventre that made him stand out from the other Castellammarese and ethnic Italians of the Bonanno family. Unlike the other pasta and pastry loving wiseguys with the high body mass indexes, Bonventre was tall and lean, almost athletic. While the other Bonanno confederates looked like fashion disasters, Bonventre, with his stylish clothing, aviator sunglasses, and European man's purse, reeked of Italian couture and made him look like a Continental lady killer.

Cesare Bonventre had also been lucky. The day Galante was gunned down in Bushwick, it was Bonventre and Baldassare Amato who were supposed to be bodyguards for the slain mafioso. Neither Bonventre nor Amato were hurt in the assassination of Galante, although others nearby were either killed or wounded. The fact that both men escaped unscathed seemed to be a sure sign that the Sicilian faction of the Bonanno family, of which they were members, had gone along with the hit.

Fleeing the crime scene, Bonventre and Amato headed for the hills only to resurface a couple of weeks later in the company of a lawyer who escorted them into the office of Brooklyn District Attorney Eugene Gold. The two Galante bodyguards answered questions from investigators about the murder. But there seemed to be little to tie them to the killers, so they were let go and were never charged—at least with Galante's killing. Not long after that, Bonventre, at the age of twenty-eight, became a Bonanno captain, the

youngest of that rank in the family. Amato earned his stripes as a soldier.

Bonventre and Amato had other family business to take care of. In the early 1980s, they and other Sicilians became part of a large-scale international heroin importation ring. The conspiracy was grounded in both Italy and the United States. Sicilians, both in Brooklyn and back in Sicily, were involved in the refinement and shipping of the heroin to the United States, where pizza parlors served as key meeting places and venues for some of the money transactions surrounding the narcotics trafficking.

On February 2, 1980, about six months after Galante was murdered, the FBI began an investigation of the Bonanno family, and Charles Rooney, an experienced agent who had been doing white-collar crime investigations for the agency out of its Rego Park office, was assigned the case. It was not an easy job. The FBI had done a lot of surveillances of the crime family, particularly at the Toyland Social Club, and Joseph Pistone was well entrenched in his undercover role as Donnie Brasco. But piecing together a major heroin case would take more than just sitting in surveillance vans or waiting for Pistone, who was not a made member of the Mafia and had virtually no interaction with the Sicilian wing of the crime family, to report back what the mobsters allowed themselves to tell him.

So, for three years Rooney and the other agents undertook the arduous task of first identifying the Sicilian players in the heroin connection. They did it by intensive surveillances all over the New York and New Jersey metropolitan area. The spying discerned that one Sicilian in particular, Salvatore Catalano, a major figure in the Bonanno crime family, was central to the heroin ring. Catalano had become the boss of the family for about a week but couldn't hold the job since he had trouble communicating with the rest of the family and had already been made in Italy. Concerning the latter, per American Mafia code, he could not be a boss because he hadn't been made a member of the American Mafia.

The surveillance by Rooney and the other case agents never put

Catalano in close proximity to Joe Massino. In fact, Massino was conspicuously absent from major Sicilian functions like weddings and funerals, a likely indication that he kept himself apart (or was deliberately kept apart) from the heroin trade, regardless of what Vitale later told the FBI.

By 1984, after the FBI had placed key wiretaps on the Sicilian traffickers, they were charged in a spectacular case that became known as the "Pizza Connection." The April 9, 1984, news conference announcing the arrests brought U.S. Attorney General William French Smith, FBI Director William Webster, and Manhattan U.S. Attorney Rudolph Giuliani together for the announcement that the Sicilian drug ring had brought in over \$1.5 billion in heroin into the country over a five-year period. Reporters covering the story later said that the name originated after they prodded Giuliani to use the term *Pizza Connection* and the moniker stuck.

The FBI used a massive 300-plus-page criminal complaint, drafted by Rooney, to initiate the case in which he named Catalano, Bonventre, Amato, Sicilian mafioso Gaetano Badalamenti, and over a dozen other men as defendants. Like the complaint, the Pizza Connection trial would be a monster affair, spanning eighteen months in Manhattan's federal court. But Cesare Bonventre would never live to see it.

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The New York boys of the Bonanno crime family had plenty of access to Joseph Massino while he was hiding out in Pennsylvania. In early 1984, a group of Massino's friends made the trip. Salvatore Vitale was among them. He later told the FBI that he was accompanied by two other men, Louis "Ha Ha" Attanasio and James Tartaglione. Attanasio earned his particular moniker not because he was a good joke teller but, so the story goes, he laughed when he heard someone in the underworld died. Neither Vitale nor Tartaglione, a gangly, bespectacled man with a boney face, were actually made members of the crime family. But Attanasio was and bore the rank of acting captain.

When Massino had such visits and wanted to keep too many people from knowing his business, he went on a solitary "walk-and-talk" with one person of his choice. Vitale said that his brother-in-law took a brief constitutional with Attanasio as he and Tartaglione watched.

Massino never told Vitale what he talked about on that walk. But Attanasio did, and according to Vitale it wasn't good news.

"We are going to kill Cesare and I need you to help set it up," said Attanasio, according to Vitale.

Why did Bonventre have to die? The FBI came up with two key theories. One centered on speculation that he had offended someone, possibly in another crime family, with poor-quality heroin. Another assumed that he had gained too much power too quickly and because he was so ruthless he was viewed as a threat to boss Philip Rastelli and his supporters such as Massino.

Whatever the reason, Vitale said he worked in earnest to set up Bonventre. Because Rastelli was released from prison in April 1984 after serving his term for extortion in the lunch wagon case, Vitale enlisted the crime boss in the plot. According to Vitale, he told Bonventre a fabricated story that Rastelli wanted to meet him at a diner in Queens. A car was needed for the hit and Vitale turned to the fair-haired Duane Leisenheimer, who promptly commandeered a stolen car.

As planned by Vitale, the killing of Bonventre was to take place in a garage in Queens located near the intersection of Fifty-seventh Street and Metropolitan Avenue. The day of the killing, Bonventre parked his car at the corner of Flushing and Metropolitan avenues and sat in the front seat of the stolen car being driven by Vitale. Louis Attanasio sat in the backseat. The prearranged signal for the actual killing, Vitale told the FBI, was to be his remark, "It looks good to me."

A few blocks later, with Bonventre settled into the front seat, Vitale started to make a turn on to Fifty-seventh Street where the garage was located.

"It looks good to me," Vitale said.

Bonventre might have thought the remark referred to the way Vitale negotiated the turn into the garage. On hearing the signal, Attanasio, according to Vitale's later testimony in federal court, reached into his boot, pulled out a gun, and fired two shots into the back of the handsome Bonventre's head before the car entered the garage.

Incredibly, though wounded grievously, Bonventre struggled. He tried to put his foot on the gas, perhaps in a futile gesture to crash the car and take his assassins with him. It didn't work; Vitale was able to drive the car into the garage when he saw Leisenheimer open the door to the building.

Next, Leisenheimer opened the car door and a dying Bonventre fell out, flopping and heaving like a dying fish. Vitale said to investigators that he and Attanasio also got out of the car and walked around to the opened vehicle door. It was then, Vitale told the FBI and also testified in Brooklyn federal court, that Attanasio pumped two more shots into Bonventre.

It was done. Bonventre's body was placed in the trunk of the car that had delivered him to his death and driven to the Clinton Diner. It was now Gabriel Infantì's turn to do the dirty work. Meeting Vitale at the diner, Infantì had the job of disposing of the body and the vehicle. Infantì had specific instructions that the body was not to be found. He assured Vitale it would disappear forever. In fact, a week later a proud Infantì told Vitale that Bonventre had been chopped up and buried.

Well, forever lasted about two weeks. On April 16, 1984, New Jersey law enforcement officials were called to a warehouse in Garfield. Inside, they found two fifty-five-gallon drums packed with grisly contents. One drum contained a human torso with the head. The other contained the legs. Further investigation determined that the corpse had first been taken to nearby Wallington, where it was placed in a vat of adhesives before the dismemberment took place.

Police told reporters that the dismembering operation wasn't successful and that the remains were finally moved to the Garfield warehouse. After three weeks of forensic investigation the body

was identified as being that of the thirty-three-year-old Cesare Bonventre. His body had been discovered ten days after Rooney and the other FBI agents in the Pizza Connection case had scoured New York City to serve him an arrest warrant.

Vitale had to tell Massino that Bonventre's remains had been found. Aside from disappointment in Infantì, Vitale recalled that Massino became concerned that Infantì had lied about burying the corpse. It was certainly not a good way for Infantì to get in the good graces of Massino, who despite being on the lam was the most powerful person in the crime family.

"The guy fucked up," Infantì told Vitale, referring to yet another person who had been tasked with the job of disposing of the remains. A tough-talking Infantì assured Vitale that he would take care of the man who botched the burial. But who would take care of Infantì?

CHAPTER 14

Return

With wiretaps all around him and investigators breathing down his neck, Gambino captain Angelo Ruggiero had enough problems in the spring of 1984. But when he called his attorney, Jon Pollak, one of the heavy hitters in the defense bar who took on the defense of Mafia figures, it was to ask a favor for someone else.

A friend of his, Ruggiero explained to Pollak, had a situation in which he needed some advice. Ruggiero brought around to Pollak's Manhattan office on Madison Avenue a copy of the March 25, 1982, indictment involving Joseph Massino, the one that accused Massino, Benjamin Ruggiero, and the others of racketeering and involvement in the murder of the three captains. What did Pollak think of the case?

Pollak had never met Massino or even heard of him until that point. But looking at the indictment, Pollak saw something in it that made him think it was poorly drafted and possibly beatable in court. There didn't appear to be a single substantive act of racketeering attributable to Massino that had occurred within five years of the indictment, the attorney remembered some years later. In plain English, for Massino to be convicted of being part of the racketeering enterprise known as the Bonanno crime family, he had to be convicted of two acts of racketeering within the five years preceding the grand jury issuing the indictment. Pollak didn't see enough to make that case against Massino and said as much to Ruggiero.

"Would you like to take a ride?" Ruggiero asked his lawyer.

Pollak, a cautious man, had some trepidation about the cloak-and-dagger stuff, and his first reaction to the request was something like, "What are you crazy?" But his client insisted.

A few days later, Pollak recalled, he was driven by a man whose name he doesn't recall over the George Washington Bridge into New Jersey, where he was blindfolded. Pollak was a New Jersey resident, and even though he was blindfolded he knew from the direction of the car's continuing travel and the feel of the road that he was going west along Interstate 80. The only thing to the west along the road was the Delaware Water Gap and Pennsylvania. Soon, the car made a right turn and a half-hour later the car arrived where Pollak knew they had been going all along: rural Pennsylvania.

The car drove into a vacation bungalow area. Though it was late spring, there weren't a lot of people in the area. Inside one of the buildings was Massino, "a fat guy," as Pollak recalled. Massino said he wanted to know from Pollak what he thought about the case and whether he could mount a defense. Pollak shared with Massino the earlier assessment he had made. But being an officer of the court Pollak knew he had to convince Massino to return to New York and not remain a fugitive. Pollak had done a good sales job on Massino because a short time later, a matter of a few days it seemed, the fugitive gangster communicated to Pollak that he wanted to come back and for the attorney to see about bail.

Back in New York, Pollak and his partner, Jeffrey Hoffman, got to work on Massino's surrender. Their first call, Pollak remembered, was to Assistant U.S. Attorney Louis Freeh.

"I want to bring in Joe Massino, let's talk bail," Pollak told Freeh.

The prosecutor, who would later go on to head the FBI, was tough and couldn't be talked into agreeing to give Massino bail. Bring him back and then we can talk about bail was Freeh's position.

"Can I see the boss?" Pollak recalled saying, referring to Barbara Jones, who had tried the 1982 case against Ruggiero and the others with Freeh.

As professional adversaries, Pollak and Jones had known each other for years and had come to appreciate each other's abilities. Now head of the criminal section of the Manhattan U.S. Attorney's Office, Jones had a great deal of power. Though it took some negotiation, Pollak said that he worked out what he thought was a "reasonable" bail package for Massino of \$350,000 bond cosigned by his wife, Josephine, and secured by their marital home and two apartments Massino owned. The missing gangster was coming home.

News of Massino's imminent return leaked out to his cronies, but oddly enough not to the FBI. In fact, special Agent Patrick Marshall and his colleagues continued to prowl New York City in search of the elusive Joseph Massino. It was a job that was getting old fast since the agents were hitting nothing but dry holes. Finally, in late June Marshall visited Gabriel Infanti, who was still smarting over the botched disposal of Bonventre's body, and had the usual chat about needing to find Massino.

"Don't worry, I hear he is coming back," Infanti told Marshall.

Finally, on the morning of July 7, 1984, Salvatore Vitale drove Massino to Pollak's office on Madison Avenue. From there, Massino, Jeffrey Hoffman, and Jon Pollak took a cab to Manhattan's U.S. District Courthouse on Foley Square and walked up the long granite staircase to surrender. The time was 9:00 A.M., and in the company of the lawyers, Massino looked like anybody with business to do inside. Unlike Joseph Bonanno's surrender some twenty years earlier after he had been on the lam, Massino's return would not be taking anyone in the U.S. Attorney's Office by surprise. At around 9:40 that morning, Assistant U.S. Attorney Barbara Jones got a call from the courthouse to notify her that her quarry had arrived.

"Miss Jones, what is the history here?" asked Magistrate Sharon E. Grubin after Massino's case was called in the courtroom.

If she took the question literally, Jones could have spent hours relating the history of the Bonanno crime family and the role Massino was believed to have played. But she kept it short and

sweet, telling Grubin that Massino had been indicted in March 1982.

"He was never arrested and subsequent fugitive investigation failed to locate him," Jones said. "Within the last two weeks Mister Hoffman and Mister Pollak, lawyers for Mister Messina, contacted the government and advised us that he did wish to appear before the court and surrender to stand charges."

By waiting, Massino had put himself in a better position for trial and he knew that. Had he stood trial with the other defendants in 1982, he risked being pulled into a vortex created by the presence of the others. Sometimes just sitting around the same table with your codefendants may create a poor inference about you in the minds of jurors. Massino was accused of involvement in the conspiracy to murder the three captains. Tape recordings introduced at trial contained the voices of Benjamin Ruggiero and Dominick Napolitano talking in conspiratorial tones and in substance to an undercover FBI agent about the killings. Massino's name was mentioned in the recordings, but he himself was not overheard saying anything incriminating. Since no mobster had testified about the killings, the case was a circumstantial one at best and more so for Massino, who kept his distance from Joseph Pistone's body recorder.

There was also the potential flaw in the indictment that Pollak had picked up on. Racketeering law had been steadily evolving since the famous 1970 RICO statute, formally known as the Racketeer-Influenced and Corruption Organizations Act. Prosecutors had been using it with some success against the mob, but it still presented problems on occasion and it wasn't unheard of for indictments to be thrown out or convictions reversed on appeal.

But such problems wouldn't come to light for many months. As Jones explained, part of the negotiations with the lawyers involved a bail recommendation that prosecutors had become comfortable with. The government agreed that Massino would be released on a \$350,000 bond secured by the three properties. Appraisals had shown the amount of equity was enough to secure the bail package.

But a puzzled Grubin, considering Massino's very recent history

of being in the wind, said to Hoffman, "It is somewhat unusual to release a defendant on [a personal recognizance bond] who has been a fugitive for two years."

Hoffman explained that the Massino family was putting its home on the line, a place where the defendant, his wife, and children had lived for over ten years. No matter what the charges, there were also some fine points about Massino's record to consider.

One point was that the forty-two-year-old Massino had no prior convictions of any kind. Another factor was that while Massino was charged with a racketeering conspiracy involving three murders, he was not charged with actually committing the homicides, said the attorney. The only actual substantive crimes charged against Massino in the indictment centered on two hijacking allegations. In one count, Massino was accused of stealing a load of tuna fish, the other involved "dry goods," said Hoffman, referring to the 1975 Hemingway truck hijacking. That had been the case that Massino was able to beat in court after his statements to the FBI were thrown out by a federal judge.

The recitation of the case history by Jones and Hoffman seemed to convince Grubin that Massino could have bail. But she had a duty as a federal magistrate to lay it on the line and tell Massino and his wife what would happen if he ever skipped town again.

"Is his wife in the courtroom," asked Grubin. "Have her step forward, please."

Josephine Massino approached Grubin and answered "I understand" when the magistrate told her that if her spouse didn't show up in court each and every time he was supposed to that she would owe the government \$350,000 and in the process possibly lose her house.

"Do you believe that he will show up in court when he is supposed to?" asked Grubin.

"Yes, I do," Josephine Massino answered.

"And will you help him to do that?"

"Yes, I will."

As the paperwork was prepared to secure the bond, Grubin next

turned to Massino and told him that if he failed to show up when needed in court he could be prosecuted for bail jumping. That was a separate offense that carried a five-year prison term.

"Do you understand that?" Grubin asked.

"Yes, your honor," answered Massino.

After entering a not guilty plea, Massino, Josephine, and the lawyers waited around lower Manhattan for a session later in the day with Judge Robert W. Sweet. It was Sweet who had handled the trial of Massino's codefendants in 1982 and had sentenced them to prison terms ranging from fifteen years in the case of Ruggiero and Nicholas Santora to four years to a minor low-level defendant who pled guilty to a robbery conspiracy. A soft-spoken jurist, Sweet was quite familiar with the facts in the case after sitting through the earlier trial. Now, he faced a reprise of the case that would develop some very unexpected turns.

CHAPTER 15

Horatio Alger of the Mob

After he was released on bail, Joseph Massino made a line straight to his old club on Fifty-eighth Road in Maspeth. His brother-in-law, Salvatore Vitale, and business associate, Carmine Peluso, had kept the place, J&S Cake Social Club, in good order so that when Massino returned he was able to hold court just like he used to. There were no restrictions on who he could see while on bail, so a lot of Bonanno family cronies made the obligatory visit to the club where Massino held court.

About a day or two after Massino showed up, FBI agent Patrick Marshall also stopped by. The visit was strictly business. There was a lot of grand jury action brewing and federal prosecutors used the FBI to serve a variety of legal papers to their mob quarry. Massino had been overheard on a number of wiretaps placed in the telephones of his friend Angelo Ruggiero of the Gambino crime family. Under the federal wiretap statute, a person whose voice was captured on the surveillance had to be served with a notice of interception. These were fairly routine and Massino, ever the gentleman, took the document from Marshall with no hassles.

But a few hours later that same day, Marshall returned with yet another legal document. This time it was a subpoena for Louis "Ha Ha" Attanasio. Curiously, Marshall noticed that the door to the club was locked. Usually, social clubs have open doors but now that J&S Cake Social Club appeared closed, Marshall knocked on the door several times. The agent knew Massino, Attanasio, and several others were inside because he had watched the building from a

location down the street. Marshall knocked again. Finally, a curious Attanasio unlocked the door and was served with the subpoena.

Perhaps he was spooked by the fact that so many of his mob cronies were together with him. Maybe he believed the federal government had changed its mind and wanted to revoke his bail and send him to jail. Whatever the reason, while Marshall was speaking to Attanasio, Massino and his friends had bolted out the backdoor of the club and into the adjourning yard that housed another Massino business. Massino, ever the cautious one, apparently didn't want to lose his freedom. So, Massino did what he showed a penchant for whenever trouble brewed: he ran.

Of course, the Bonanno family was having nothing but trouble at this point. Philip Rastelli had been out of prison since earlier in the year, and he desperately wanted to assert himself with the ruling Commission. Rastelli felt he was the boss of his family, and he wanted a role on the Commission, a position no one in his family had since the debacle with Joseph Bonanno back in the 1960s. The problem was that the family's troubles, notably the penetration by FBI undercover agent Joseph Pistone, as well as the rampant drug dealing that had been publicly revealed in the Pizza Connection case, made other mob bosses look on the Bonanno group as a bunch of crazy relatives.

Though he wanted to be on the Commission, Rastelli had a lot of opposition. This was made clear in a number of bugged conversations of Anthony "Fat Tony" Salerno, the street boss of the Genovese crime family, when he held court in early 1984 at his Palma Boys Social Club in East Harlem.

At one point, Salerno recounted a conversation he had with Gambino boss Paul Castellano about Rastelli.

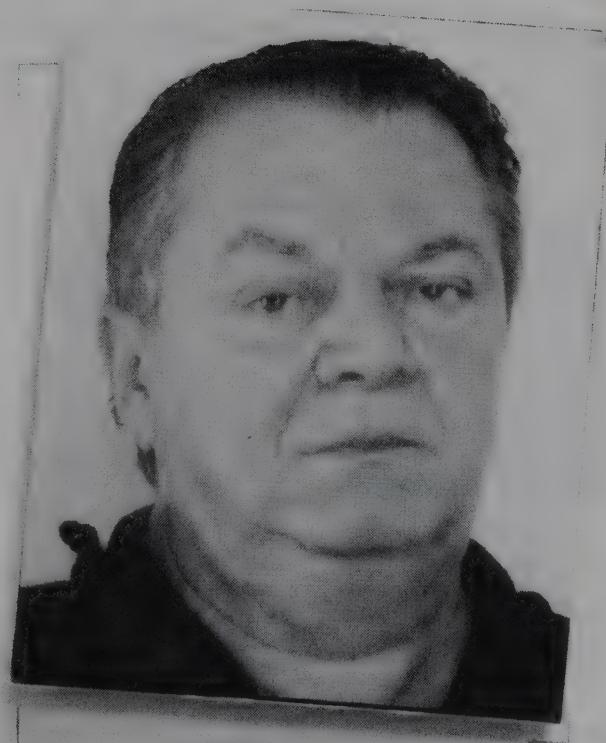
"I said to Paul, '[inaudible] that's the boss if the Family wants him. But, as far as the Commission, he cannot be on it,'" said Salerno.

"I told the Commission," Salerno continued, "Ah, ah, hey, listen



Joseph Massino, circa 1975.
(Photo courtesy U.S.
Attorney's Office, Eastern
District of New York)

Joseph Massino, January
2003. (Photo courtesy U.S.
Attorney's Office, Eastern
District of New York)

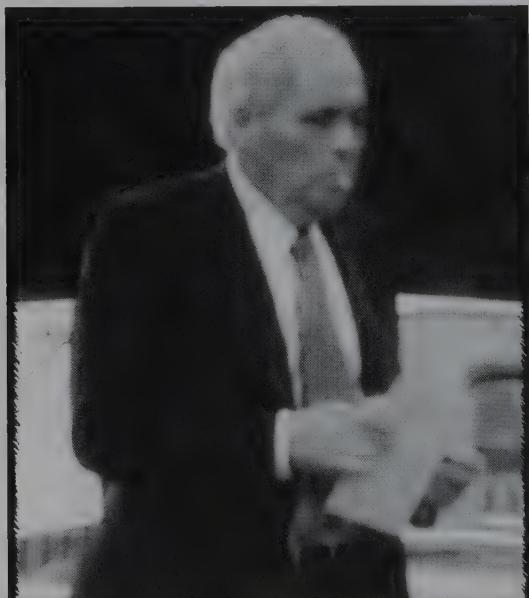




Vincent Basciano, a.k.a. "Vinny Gorgeous" and "Vinny from the Bronx," reputed acting boss of the Bonanno family from the time of Massino's arrest in January 2003 until late 2004, when Vinny himself was arrested. While in jail, Basciano was secretly tape recorded by Massino, who was attempting to become a government cooperating witness. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Michael Mancuso, reputed acting boss of the Bonanno crime family from late 2004 until early 2006, when he was arrested. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



A rare photo of Barry Weinberg, former parking lot entrepreneur. Weinberg, who was a business partner in parking lot ventures with some Bonanno members and their relatives, was the victim of an extortion attempt by high-ranking members of the family. He became a government witness after he was arrested for income tax violations. Weinberg's cooperation led to a series of arrests, which had a domino effect that resulted in the cooperation of Bonanno captain Frank Coppa—the first in a long line of witnesses who ultimately took down Joseph Massino. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

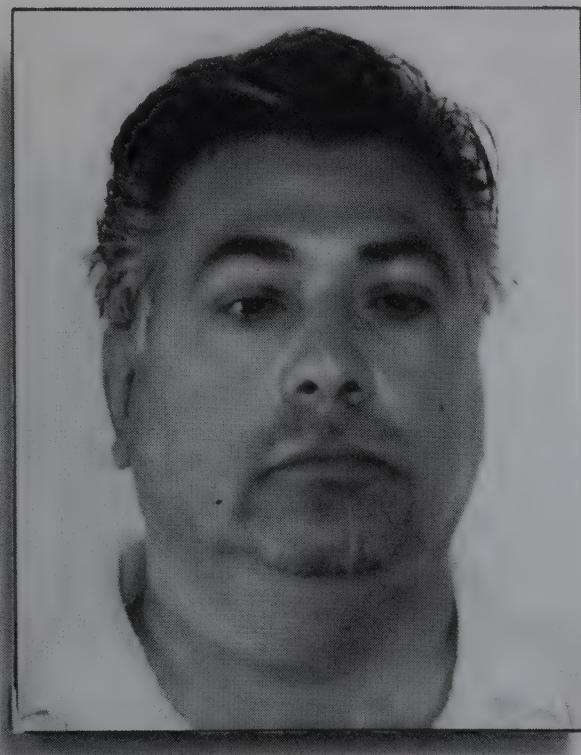


Salvatore "Good Looking Sal" Vitale, January 2003, Bonanno underboss and Massino's brother-in-law. He turned into a key cooperating witness against Massino in Massino's 2004 trial. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

James "Big Louie" Tartaglione, Bonanno captain. He decided to turn into a cooperating witness for the government and secretly tape recorded his meetings with other high-ranking Bonanno family members. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Anthony Graziano, Bonanno captain. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



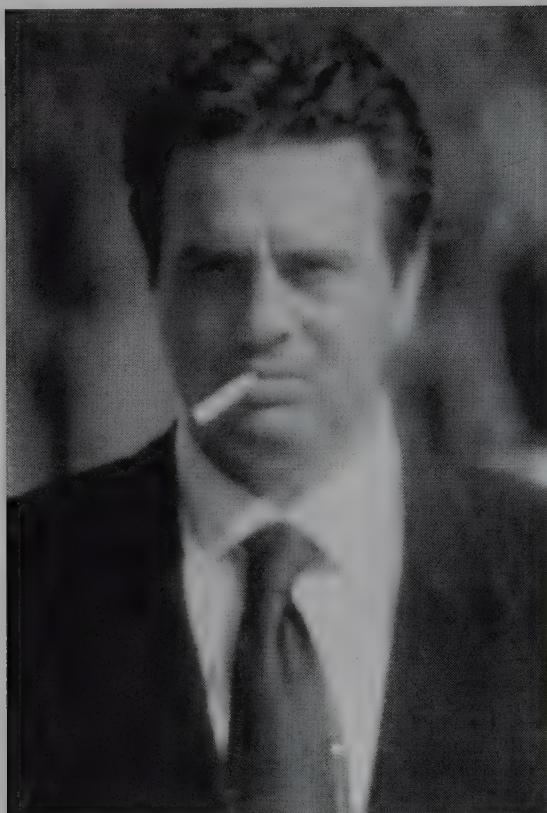
Richard "Shellack Head" Cantarella, Bonanno captain. Cantarella quickly decided to turn into a cooperating witness after he was arrested in October 2002. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Frank Coppa. He was the first Bonanno captain to agree to cooperate with prosecutors after he was indicted in October 2002. His cooperation contributed to a chain of events that led other Bonanno members to come forward and testify against Massino. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

Duane "Goldie" Leisenheimer. A close associate of Massino's, Leisenheimer traveled with him while he was on the lam between 1982 and 1984. He decided to cooperate with investigators and testified at Massino's 2004 trial. Since he was not of Italian heritage he could never be a member of the Mafia. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

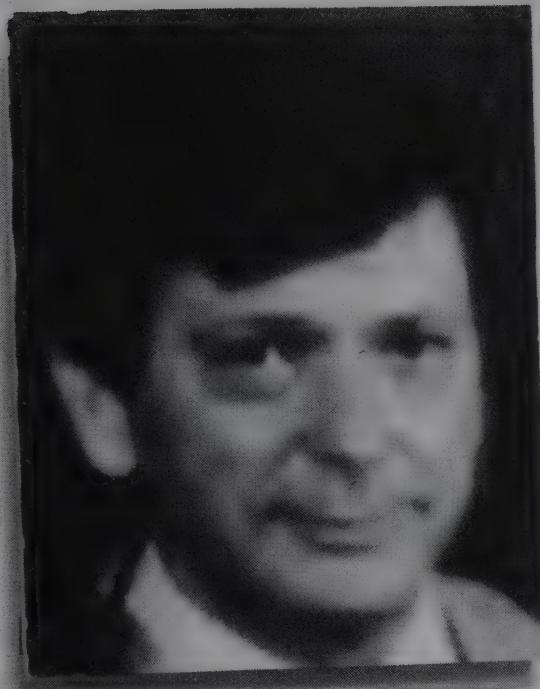




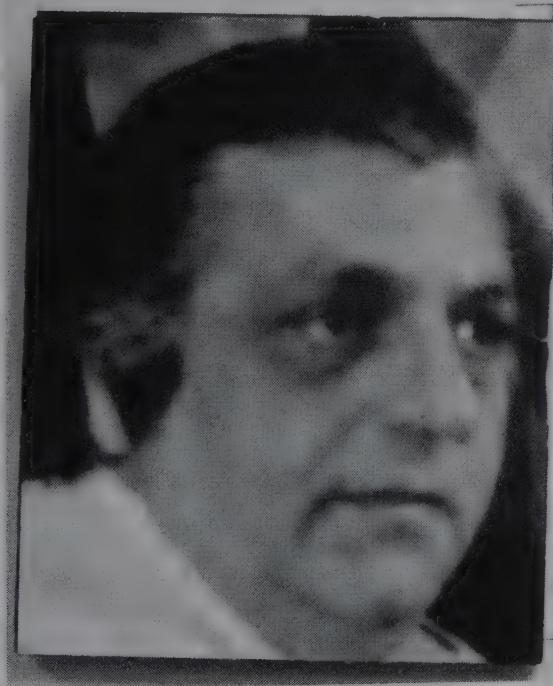
Baldo Amato, Bonanno captain. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

Frank Lino, Bonanno captain. He escorted the three captains to the Brooklyn social club where they were killed. Lino escaped the shooting and was later told by Massino that he would not be harmed. Indicted with Massino in January 2003, Lino became a cooperating witness for the government. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

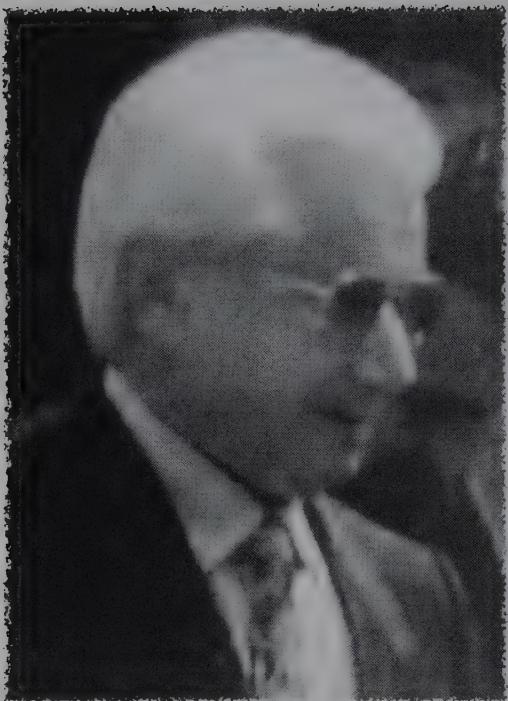




Philip Giaccone, one of
three captains killed in
1981. (Photo courtesy U.S.
Attorney's Office, Eastern
District of New York)

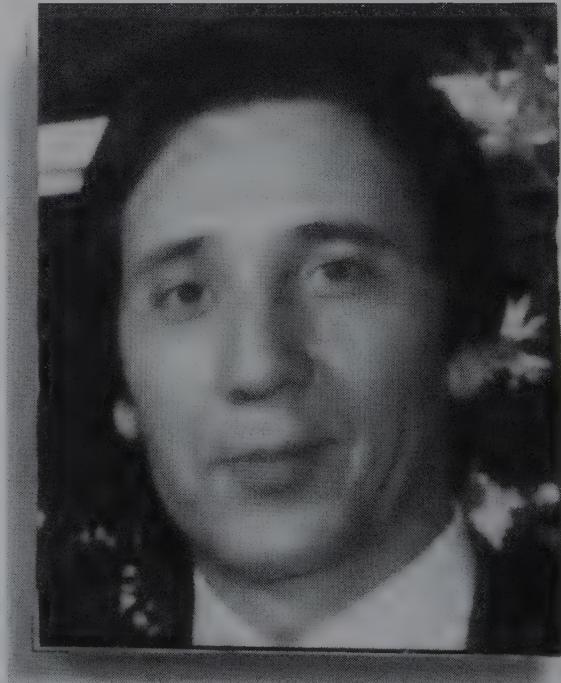


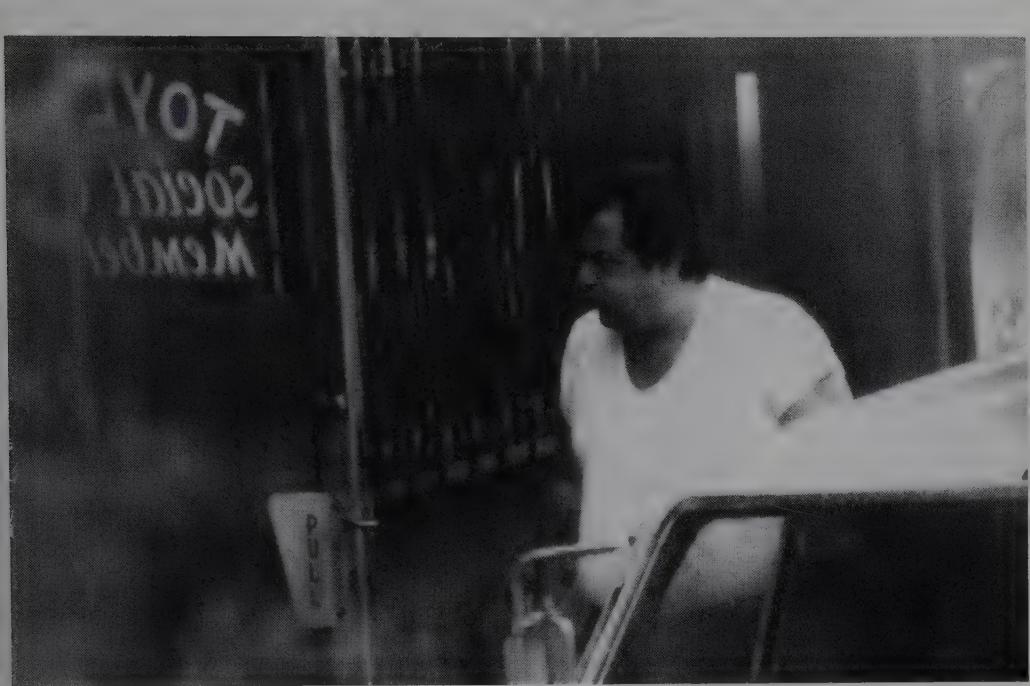
Dominick Trinchera,
another of three
captains killed in 1981.
(Photo courtesy U.S.
Attorney's Office,
Eastern District of
New York)



Gerlando Sciascia, a Bonanno captain who was killed in 1999. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

Vito Rizzuto, a Bonanno soldier from Canada who was accused of the murder of the three captains. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)





Joseph Massino, 1977, outside Toyland Social Club on the Lower East Side of Manhattan.
(Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Joseph Massino outside Toyland Social Club, circa 1977, with former Bonanno family underboss Nicholas Marangello, the late Alfred Embarrato, and Carmine Franzese.
(Photo courtesy U.S. Attorney's Office, Eastern District of New York)

Surveillance photo of Frank Coppa and the late Bonanno crime family member Gabriel Infanti. Infanti was killed on Massino's orders. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Autopsy photo of Alphonse Indelicato, the third Bonanno captain murdered in May 1981. His body was unearthed from a shallow grave in a vacant lot on the Queens-Brooklyn border a few weeks after his death. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



FBI agent Joseph Pistone (*second from left*), who penetrated the Bonanno crime family as "Donnie Brasco," poses with fellow agents shortly before the men he befriended in the crime family were told of his true identity. The time was late July 1981. Agent Edgar Robb (*second from right*) also worked undercover with Pistone in Florida. Agent Doug Fencl (*far right*) informed Bonanno family captain Dominick "Sonny Black" Napolitano of Pistone's true identity shortly after this photo was taken. Agents Jerry Loar (*far left*) and Jerry McKinney (*center*) also took part in the investigation. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Surveillance photo of Dominick Napolitano and other members of his crew outside the Motion Lounge in Williamsburg minutes after FBI agents told him about Joseph Pistone's true identity as an undercover FBI agent. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Telephoto surveillance shot of Dominick Napolitano on top of the Motion Lounge building in Williamsburg, feeding his pigeons and thinking about the serious repercussions from the revelation that his crew was infiltrated by undercover FBI agent Joseph Pistone. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Surveillance photo of Bonanno underboss Salvatore Vitale with Anthony Spero and Vincent Aloi. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Joseph Massino (*far right*) with his wife, Josephine, and brother-in-law, Salvatore Vitale, at a social event, circa 1999. The face of Diana Vitale, Salvatore's wife, was hidden by the prosecution when this photo was submitted into evidence at Massino's trial in 2004. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Josephine Massino (*in strapless gown*) with her two sisters at the same social function depicted in the photo above. Her husband, Joseph, is seen in the background, talking with Bonanno soldier Louis Restivo. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Joseph Massino with Frank Coppa while both men vacationed with their wives in the south of France. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Crime scene photo of Gerlando Sciascia after he was found shot to death on a Bronx street on March 18, 1999. Massino has admitted ordering the murder. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Crime scene photo of the decomposed body of Dominick Napolitano when it was recovered on Staten Island in August 1982. Massino was convicted of ordering the murder. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)



Crime scene photo of the body of Bonanno soldier Anthony Mirra. Massino was convicted of passing on the order to have Mirra killed. (Photo courtesy U.S. Attorney's Office, Eastern District of New York)

PASTA • HEROS

BRICK OVEN PIZZA

CasaBlanca

Ristorante

The now-shuttered CasaBlanca, the Massino-owned Italian restaurant where Massino held high-level mob meetings and planned murders between the antipasto and the shrimp oreganato. (Author photo)

this guy [inaudible] wants to be the Boss. He can be the Boss as far as I'm concerned,' I said, 'but he cannot be on the Commission.'"

Rastelli was lobbying members of the Commission, including Castellano, in an effort to get the Bonanno family's seat back on the ruling body as late as May 1984. But Salerno would have none of it and said he would veto it if pushed to a vote. The Bonanno's family narcotics trafficking also bothered Salerno.

"There are too many junk guys," said Salerno in a May 22, 1984, conversation in the club. "They got a crew of eighty guys like that."

So Rastelli, now free from prison after serving time for extortion in the lunch wagon case, was considered the Bonanno boss. Of course, there would be no chair for him on the Commission. But it was Massino who was the preeminent captain and considered by many in the crime family to be running the show as the intelligence information about the murder of Cesare Bonventre had made clear. Vitale and others later told the FBI that it was Massino who had put the plan for that killing into motion.

Though he was free on bail, Massino remained in the sights of law enforcement precisely because he had become a major player in the Bonanno family. The family, as the 1982 Bonanno trial and the Pizza Connection indictments showed, had become a key target of law enforcement. Events would later show that the FBI and local prosecutors were spending a lot of energy and time on the other crime families. But it was the Bonanno family that was bearing most of the heat in these early stages. Since Massino was a power in the family, it was inevitable that he would attract his own problems, no matter how careful he tried to be. With his family's home on the line with the bail package arranged by his lawyers, Massino couldn't just cut and run.

Almost a year after he returned from being on the lam, Massino was hit with another federal indictment. It was a serious case of labor racketeering, an activity the mob had perfected over decades. A Brooklyn federal grand jury charged that Massino, Rastelli, his

brother, Carmine Rastelli, and fourteen other defendants used Teamsters Local 814, which covered the moving and warehouse industries, to shakedown moving and storage companies in the city. It was a lengthy indictment that covered sixty-four counts and alleged that members of the Bonanno crime family, Local 814 officers, and moving company officials took part in a racketeering scheme that started in 1964 and stretched into 1985.

The scheme alleged in the indictment showed a lot of chutzpah for the mob. Among the racketeering activities charged was that the moving companies rigged bids on contracts to move a number of government offices. Those rigged bids involved inflated charges and the irony was that one case involved the moving in 1979 of the FBI office in Manhattan, which had been in the area of Sixty-ninth Street, to the big federal building known as Federal Plaza. The cost of the FBI move was inflated by \$5,000, not a princely sum by any means but still a crime, prosecutors charged, particularly because it was shared with members of the Bonanno crime family.

There were other big names said to have been victimized by the scheme. The New York Coliseum, the city's main convention and exhibition venue at the time, had to pay some of the defendants \$5,000, while the New York Islanders had to put up an unspecified amount as well for labor peace, the indictment charged.

Massino was arrested on June 14, 1985 in the moving industry case by his old adversary Pat Marshall of the FBI. At first, the arrest went without incident since Massino was his old gentlemanly self when he was taken into custody at his Howard Beach home. Marshall was driving and Massino sat in the backseat flanked by another agent. The vehicle was stuck in some neighborhood traffic when Marshall spotted another car pull up behind. A man jumped out of the car and went up to the side of the FBI car where Massino was sitting. Marshall recognized him as John Carneglia, a Gambino crime family member who lived nearby.

"Step away from the vehicle," a worried Marshall called out to Carneglia. The FBI agent had no idea what Carneglia was going to do.

However, Carneglia had no hostile intentions and instead asked Massino if he was okay and if he could do anything for him, like call a lawyer. Massino seemed to reassure Carneglia, and his neighbor stepped away from the car, allowing Marshall to drive away.

Massino languished in the local federal lockup in Brooklyn for about a week before Jeffrey Hoffman, one of the attorneys who had successfully argued for bail a year earlier when Massino returned to the city, was able to post another bond.

Besides the racketeering count, the indictment accused Massino of taking part in fourteen payoffs from moving companies, one sportswear company, and a furniture installer. Those were all done, the indictment charged, in violation of federal labor law. Prosecutors said that Philip Rastelli, even though he was in prison during some of time period covered by the indictment, sent orders through his brothers, particularly Carmine, to union and company officials involved in the payoff scheme.

The trial in the moving case got underway in April 1986 with an unusual request by the defense. The twelve defendants who went on trial—the five other defendants would eventually enter guilty pleas—convinced the judge, Charles B. Sifton, that they should have separate tables in the well of the court. That was needed, defense attorneys said, to make the point to the jury that the defendants were entitled to separate consideration by the jury. So, Massino, Rastelli, and the others who elected to go to trial forked over a combined total of \$1,800 to rent tables and chairs. The trial was expected to last about two months.

However, Rastelli got sick and collapsed three times during the nearly month-long jury selection process. Though he was supposed to be a big Mafia boss, Rastelli appeared to be a bit of a nervous and physical wreck. He sat at his defense table and often quivered, sometimes covering his face with his hands, as Assistant U.S. Attorney Laura Brevetti told jurors in her opening statements how the Bonanno family helped carve up the \$250 million a year moving and storage industry.

But it was more than Brevetti's rhetoric that had Rastelli shak-

ing. For a man who was only out of prison for about two years, the future was not looking very promising for Rastelli. Two months before the Brooklyn indictment came down, Rastelli was named as a defendant in a separate federal indictment that became known as the Commission case. In a bold stroke on February 26, 1985, the FBI and federal prosecutors in the office of Manhattan U.S. Attorney Rudolph Giuliani announced the indictment of several major Mafia leaders, including members of the ruling Cosa Nostra Commission. Named as defendants along with Rastelli, the head of the Bonanno family, were Gambino boss Paul Castellano; Aniello Dellacroce, Gambino underboss; Anthony Salerno, the street boss of the Genovese family; Lucchese boss Anthony "Tony Ducks" Corallo; Carmine "the Snake" Persico; and a handful of other defendants, including Bonanno captain Anthony "Bruno" Indelicato.

Essentially, four key New York members of the Commission—Castellano, Salerno, Corallo, and Persico—were now under indictment. On a chart used by Giuliani and FBI Director William Webster at a news conference announcing the case, Rastelli was listed as the fifth Commission member from New York, although secretly taped conversations from a year earlier indicated that the Bonanno boss was not allowed to sit on the ruling body. Another chart showed "Joseph Messina," although not indicted in the Commission case, as being a significant Bonanno family member.

Giuliani later said he came up with the idea of prosecuting the Commission as a racketeering enterprise after reading Joseph Bonanno's book *Man of Honor*, published in 1983. Bonanno talked at length about the Commission, and to Giuliani that ruling body was a racketeering organization, a criminal enterprise, involved in a variety of activities that would make its members criminally liable.

Mafia members didn't like Bonanno's book and were turned off by the celebrity it gained the deposed boss. They also hated him for so openly betraying the code of silence and speaking about the secrets of mob life.

"I was shocked," said reputed Lucchese member Salvatore

Avellino in a bugged conversation on March 1983, right after Bonanno gave an interview to Mike Wallace on *60 Minutes*.

"What is he trying to prove," Avellino said, "that he's a Man of Honor? But he's admitting—he, he actually admitted that he has a Fam, that he was the boss of a Family."

The Commission case wouldn't go on trial until September 1986, but in the meantime Rastelli and Massino had their hands full with the moving industry case. The key government witness turned out to be a relative of Rastelli's through marriage. He was Anthony Louis Giliberti, a sixty-two-year-old former business agent and vice president of Local 814, the local whose members came from the moving and storage industry.

Giliberti, by his own admission during his testimony, was something of a viper. A brother-in-law of Carmine Rastelli, Giliberti said that Philip Rastelli tried to gain control of Local 814 as far back as 1964 but lost out in a power play by some other "bigwigs in organized crime." A guy who talked in street lingo, Giliberti described how he would threaten to "break the shoes" of a shakedown target. Court records also showed that while he took part in collecting payoffs from employers, money that was used as a Christmas "slush fund," Giliberti was not above a little larceny among his fellow thieves. Sifton found, court records show, that in 1979 Giliberti began pocketing some portions of the moneys he collected and sometimes kept all of it. It was not a good practice to follow with the kinds of acquaintances Giliberti had.

Although it wasn't mentioned at trial, Giliberti was the victim of an attempted assassination in July 1982. He was shot nine times in front of his Queens home and suspicion fell on Massino, who had earlier smacked Giliberti in the face in a confrontation on the street. Investigators developed information that Massino was angry with Giliberti because the union official had disobeyed his order not to involve Raymond Wean in any illegal activities because of suspicion—which proved correct—that Wean was an informant.

Giliberti survived the assassination attempt and was placed in

the federal witness protection program. At the trial, his testimony was devastating to the defendants, particularly Rastelli. Giliberti told the jury that Rastelli, knowing he was going to prison in the lunch wagon extortion case, told him in 1976 what to do.

"Philly explained to me I was his eyes and ears in the union," Giliberti testified. "He said, 'I'm leaving you in charge of the store. If you have any problems go to Nick [Marangello].'"

Any payoff money was to go to Rastelli's brother, Marty.

Philip Rastelli collapsed a few more times in court, incidents that invariably led to recesses and delayed progress in the trial. But his swooning, apparently caused by problems with medications he was taking, didn't do Rastelli or his codefendants any good. On October 15, 1986, the jury convicted Rastelli of twenty-four counts of labor racketeering and acquitted him of nine. Also convicted were Nicholas Marangello, the former Bonanno underboss, some former Local 814 officials, and Carmine Rastelli. Massino was convicted of being associated with a racketeering enterprise and playing a role in accepting labor payoffs even though he was neither an employer nor union official.

Massino and Rastelli were immediately jailed after the verdicts. For Rastelli, it would be a return to life behind bars that defined much of his adulthood. For Massino, jail was a new experience in what had so far been a charmed life in which he had avoided prison. Sentencing on January 16, 1987, saw Sifton give out stiff terms of twelve years to Rastelli, ten years to Massino, eight years to Marangello, and six years to Carmine Rastelli.

The prison terms, particularly for Philip Rastelli who was ailing, were serious. But they were nothing next to the ones handed down earlier that week in the Manhattan federal court. In October 1986, the heads of the Genovese, Lucchese, and Colombo families, as well as several underlings, were convicted on various racketeering charges in the Commission case. The only reason the Gambino family was spared was that Paul Castellano had been assassinated in December 1985 and never stood trial along with the other bosses for being part of the Commission. Each of the remaining bosses—

Anthony Salerno, Carmine Persico, and Anthony Corallo—were sentenced to 100-year prison terms.

Rastelli dodged a bullet in the Commission case because although he was indicted in the Manhattan action he was severed because of the Brooklyn trial. Then, in a move that raised some eyebrows, prosecutors dropped the Commission charges against Rastelli for “reasons of judicial economy.”

In terms of the Mafia, the Department of Justice was clearly on a roll. In the space of a month in late 1986, the heads of four of the five Mafia families were convicted of major racketeering crimes. A number of their subordinates, a group that included Massino, were also convicted. The headlines and quotes following that development told of the doom of the mob, an obituary that had been written before but that now seemed more truthful than ever.

“The verdict reached today has resulted in dismantling the ruling council of La Cosa Nostra,” crowed Manhattan U.S. Attorney Rudolph Giuliani after the Commission verdict.

Other experts predicted that many mafiosi would shun the spotlight and that law enforcement would continue to target up and coming leaders. Without the power of the Commission available to settle disputes, more mob violence on the streets was expected.

With the results of years of investigations to go on, federal prosecutors and the FBI continued pressing cases. Both Joseph Massino and his old friend John Gotti, the only Mafia boss still out on the street, faced another onslaught of prosecutions. In Massino’s case, there was the old indictment that he tried to flee in 1982. But after he returned in 1984, Massino had to face the music.

But Massino’s second racketeering trial, already delayed when he fled in 1982, was not going to be an easy ride for either the government or the defendant. For a start, the government kept going to the grand jury and had it amend the original 1982 charges to the point where they added hijacking charges that included the 1975 Hemingway trucking case and a conspiracy to rob the Galerie Des Monnaies. The prosecution also beefed up the indictment with more murder allegations, adding a count to cover the conspiracy to

murder Massino's old cigarette smuggling friend Joseph Pastore. The grand jury also added someone new to the case: Massino's brother-in-law Salvatore Vitale. The ever loyal Vitale was charged with obstruction of justice, involvement in hijackings, and a conspiracy to use hijacked goods. For good measure, Vitale was also charged with racketeering conspiracy.

Massino's lawyers attacked the new, so-called superseding, indictment on the grounds that the FBI agents screwed up in the way they handled surveillance tapes that prosecutors intended to use in the trial. The tapes in question were obtained from telephone wire-taps and bugs that targeted Gambino crime family captain Angelo Ruggiero from late 1981 through July 1982. While Massino wasn't the target of the surveillance, he was overheard on telephone taps, particularly musing openly to Ruggiero about hiding out until the investigation blew over. Vitale was overheard as well not only on some telephone taps but also through a bug in Ruggiero's Long Island home talking about a hijack incident in which he claimed his brother-in-law took a driver "right out of the truck" and then had Ray Wean drive the load.

"Joey was the boss" in the hijacks, Vitale told Ruggiero.

When Ruggiero questioned Vitale about what he and Massino had done with Wean, Vitale answered "nothing really serious," referring to a load of tuna fish and bicycles.

It turned out that the superseding indictment included the stolen tuna fish load Vitale didn't think was so serious. Court records also show that Vitale and Ruggiero talked about a plot to murder Benjamin "Lefy Guns" Ruggiero, who at the time in 1982 was incarcerated in a federal jail in lower Manhattan. Vitale said that Massino wasn't worried about Ruggiero but did want to "get to Wean," who was also housed in the same jail.

The tapes could be troublesome, so the defense lawyers went after them, asking Judge Sweet to suppress the recordings and seeking to have the indictment thrown out. Vitale also asked to be tried separately from Massino. The main argument advanced by the attorneys for Massino and Vitale about the tapes was that the gov-

ernment had failed to seal the surveillance recordings immediately as required by law. Court records show that the FBI agents did seal some of the recordings promptly—within a day—at the expiration date of the various court orders authorizing the surveillance. But one set of tapes in particular, made at Ruggiero's home, had a problem. The month-long court order permitting the bugging expired on July 7, 1982. But the tapes were not sealed until July 22, a gap of fifteen days.

The FBI was forced to admit that the delay came about because of a serious breach of security surrounding the Ruggiero investigation. On July 6, 1982, the FBI had learned that Ruggiero had received confidential information used by the agency to get court permission to plant the various bugs. Court records revealed that an FBI agent left a copy of confidential documents in a bar not far from his office in Rego Park. Somehow the material got to Ruggiero and the FBI started an investigation to find out the source of the leak. That investigation, federal investigators said, took time.

Judge Sweet didn't buy the FBI excuse. On April 12, 1985, he found that the agency "consciously chose" to pursue an investigation that really was "unrelated" to the act of sealing the tapes. He ruled that prosecutors could not use the 110 reels of tapes affected by the fifteen-day delay in sealing, recordings that captured Vitale talking with Ruggiero. However, Sweet said the other tapes covered by earlier court orders, those that captured Massino and Vitale talking with Ruggiero, could be used. The other defense requests were denied by Sweet.

Giuliani's office decided to appeal Sweet's ruling and took the suppression of the tapes to the U.S. Court of Appeals for the Second Circuit. It was a smart move. The higher court thought that Sweet's ruling was too harsh and believed instead that there might be legitimate manpower reasons, such as in the case of the leak investigation, for there to be delays in sealing. On February 21, 1986, Sweet's ruling on the tapes was reversed and the evidence could be used at trial if needed.

The favorable ruling for the government prompted the defense

to face the future with some realism. The government had been on a roll with Mafia cases and the man who was going to try Massino was Assistant U.S. Attorney Michael Chertoff, who had just come off a spectacular win in the Commission trial. He was assisted by Helen Gredd. Massino was represented by Sam Dawson, a former federal prosecutor from Brooklyn who had a reputation for being a skillful cross-examiner. Vitale was defended by Bruce Cutler, a former assistant district attorney from Brooklyn who had rapidly risen to prominence defending Massino's old friend, Gambino boss John Gotti.

Dawson and Cutler, chastened by the appeals court ruling and hoping to avoid a trial that involved evidence that had been used earlier to great success by the government, started plea negotiations with Chertoff. As Cutler later remembered, Dawson met him in the cafeteria of the federal court house at 40 Centre Street and said he had a deal.

"I worked it out," Dawson told Cutler.

"It sounded like a good deal too," Cutler said during an interview for this book (Dawson died of cancer in 1991). Massino didn't have to admit to any Mafia membership and while he had to plead guilty to racketeering, the only crime he had to admit to in his plea was hijacking. The conspiracy to murder the three captains would be dropped. Though the prison sentence in the deal would be for twenty years, the sentence would run concurrent with Massino's ten-year term for labor racketeering, which according to Cutler would wind up giving Massino four more years, allowing him to be released in 1996 instead of 1992.

Cutler said his client Vitale would only have to face a five-year prison term for what he jokingly called "felonious moppery." Since the sentences predated 1987 changes in the federal sentencing laws, Vitale could be out in about three years.

But Cutler said there was a catch. The government wanted Massino to make a statement when he entered his plea that he was involved in the conspiracy to murder Dominick Trinchera, Philip

Giaccone, and Alphonse Indelicato, the three captains. Massino refused, so the case went to trial.

By the time Massino's trial for the murder of the three captains was set to begin, he had already been in the local federal jail for over a year following his conviction in the Local 814 labor racketeering case. It had been nearly three years since he had surrendered to face the indictment. A big man used to a rich diet, Massino lost a lot of weight in jail. When the murder conspiracy case finally opened on April 28, 1987, Massino had to borrow a suit from a slimmer friend to dress for court. That more svelte buddy, it turned out, was Angelo Ruggiero, a chubby mafioso to be sure but nothing like the 300-pound girth that Massino sported.

"This case is about money and it is about murder," Chertoff told jurors in his opening statement. "It is the biography of a man who made his life in crime and that man is Joey Massino."

Chertoff said that Massino had risen to become one of the powers in the Bonanno crime family and labeled him "the Horatio Alger of the Mafia." The deaths of the three captains was rooted in a struggle within the Bonanno family for power and Massino was part of the conspiracy that led to their deaths.

When his turn came, Dawson told the jury that they would acquit Massino because there simply wasn't evidence that the defendant had done anything wrong. Jurors may not like Massino's lifestyle and it was true that he wasn't a saint, said Dawson. But the key witness about the murder conspiracy, FBI agent Joseph Pistone, hadn't even met Massino.

Vitale was not accused of being part of the murder conspiracy, but he had a closeness through marriage and friendship with Massino that could be looked on with disfavor by the jury. Cutler didn't shy away from Vitale's linkage to his brother-in-law.

"Not only does he love Joe Massino, not only is he related to Joe Massino through marriage, but he is proud of it and the evidence will show that," said Cutler.

The case contained numerous charges related to hijackings and

who better to testify about that than Massino's old hijacking crony Ray Wean. Although he was not a member of organized crime, Wean told the jury about things that implicated Massino in the Mafia. For instance, Wean said that while he was a trustee at the federal jail in Manhattan in the late 1970s he helped and did favors for Carmine Galante at Massino's insistence.

Wean also testified that as soon as he got bail in early 1981 on the Nassau County robbery case—with some help by the FBI—he went to Massino's J&S Cake Social Club and asked his old friend if there were any “scores coming down.” Massino didn't have anything, Wean said, but offered him use of a house in Pennsylvania if he needed a place to stay. Still, Massino did talk about a stolen tuna fish load he had handled with Wean.

To prove the Joseph Pastore murder was linked to Massino, the prosecution brought in the testimony of Salvatore Polisi. It was Polisi, a career criminal, who had run into Massino at the Port Jervis Holiday Inn while the Maspeth mobster was on the lam. Polisi testified that in early 1976, at the request of mobster Dominick Cataldo, that he “went to find a grave site for the man that was to be murdered.” Polisi said he found the site and reported back to Cataldo during a night at the bar in the Pan American Motel in Flushing. Seated at the table with Cataldo, Polisi said, were Massino and his friend “Tootie” Franzese.

At that point in the testimony, Dawson objected and Sweet excused the jury. Outside the presence of the jury, Gredd asked Polisi if Cataldo shared his information about the grave site with anyone else. “To Franzese and Massino,” Polisi answered.

Gredd told Sweet that it appeared that Cataldo was “reporting” to Massino. But Sweet was not so sure.

“In fact, what he said is that this was the conversation at the table and Massino sat there,” said Sweet. “He said Massino said nothing.”

In a curious piece of testimony, the old girlfriend of Joseph “Doo Doo” Pastore was called to testify about the way he had become

frightened in May 1976. Gloria Jean Young said she immediately dropped out of Pastore's life and did not know why he was found murdered that month. Clearly, Pastore was facing a problem. But while Chertoff said in court that investigators believed Massino had a role in the killing, there was never any firm proof introduced that he was involved.

Reprising his role in the earlier trial, which centered on the murder of the three captains, undercover agent Joseph Pistone again took the witness stand in Massino's case. A lot of Pistone's testimony repeated what he had stated in the 1982 trial, which recounted his covert penetration of the crime family and the close relationship he developed with Sonny Black Napolitano and Lefty Guns Ruggiero. Both Napolitano and Ruggiero, according to Pistone's testimony, were intimately involved with the killing of the three captains. But when it came to Massino, the evidence was highly circumstantial. Pistone was able to recollect a conversation he had with Ruggiero about the way Massino had screwed up the disposal of the bodies of the three murdered captains. Things had been so slipshod and hastily done that Alphonse Indelicato's corpse was found in the vacant lot in Queens three weeks after the killings.

Pistone's testimony, while circumstantial, could be seen as implicating Massino in the murder conspiracy. After all, wouldn't the other members of the conspiracy have to entrust such a crucial job—the disposal of the bodies—to a person who was also part of the plot? That was essentially what Assistant U.S. Attorney Helen Gredd argued to the jury in her summation.

"Lefty didn't give Pistone all the details of how the three murders were planned or carried out but he confirmed that Joe Massino was a part of that plan, by telling Pistone about something that Massino had agreed to take care of but had screwed up, getting rid of Sonny Red's body," Gredd stressed to the jury.

But Dawson brought up the fine point that when Sonny Black Napolitano recounted to Pistone who was involved in the murders, Massino's name was never mentioned.

"Not a single mention all day of Joseph Massino being happy about it, being a participant in it, having planned it, being interested in it. Not a single mention of Joseph Massino," noted Dawson.

The verdict took many by surprise. It was also a bit confusing. On June 3, 1987, the jury found that Massino had not conspired in the murder of the three captains. Apparently, Pistone's testimony didn't carry enough weight. Massino was also acquitted of the conspiracies to murder Pastore and Bruno Indelicato, the son of slain capo Alphonse. But the jurors found that he and Vitale were guilty of hijack- and theft-related acts: Massino for the 1975 Hemingway tractor-trailer heist and for possession of stolen tuna fish and frozen shrimp; Vitale for possession of the tuna fish and shrimp. That should have been enough to convict both of the racketeering conspiracy charges.

But there had been a legal twist to the case, one first spotted by Jon Pollak, the lawyer who negotiated Massino's surrender in 1984. It appeared that the hijacking charges, the only charges for which Massino and Vitale were convicted, involved events that took place over five years before the indictment. Because of that, Judge Sweet had to ask the jury to consider a special question: Did the racketeering enterprise continue beyond October 1979? The date was important because it represented the date in time that was more than five years from the date of the third superseding indictment in the case in October 1984. If the jury found that conspiracy continued beyond October 1979, the panel then had to consider whether Vitale and Massino were part of it.

According to court records, it took the jury less than twenty minutes to come to a decision about the special verdict form. No, the jurors decided, the racketeering conspiracy was not shown to continue beyond October 1979. Massino and Vitale were off the hook. They had been acquitted on a legal technicality.

The verdict showed that a combination of luck and stealth, as well as some superb defense lawyering, had worked in Massino's favor. Even with Ray Wean having evidence that Massino told him that Pastore was "gone," even with Pistone's detailed testimony

and his tapes of mobsters talking about the murder of the three captains, the jury had reasonable doubt about Massino conspiring to kill anyone.

The problem was that there was no direct evidence, no testimony of a witness who participated in any of the killings, that linked Massino to a murder conspiracy. Massino, as was his cautious nature, had been fairly discrete in his conversations with the witnesses who did testify. The jury was then left with a very incomplete and ambiguous portrayal of his activities. It all failed to convince the jury that Massino was involved in the murders.

Massino's courtroom victory was a lesson for the prosecution, as well as for any investigator who thought of targeting the Mafia leader. They had better have their ducks in a row and the strongest case possible if they wanted to get a conviction. Any less would be just too damned unpredictable.

After the special verdict was announced, there were handshakes all around the defense table. Massino was taken back to the local federal jail since he was serving a prison sentence on the Teamster case. Vitale was free to leave the courthouse. In Massino's absence, he had all kinds of business of a family sort to deal with.

CHAPTER 16

By the Numbers

“What do you think is going on?” asked FBI Director Louis Freeh.

Though he was based in Washington, D.C., Freeh kept abreast of crime news out of New York City, where he had worked as a federal prosecutor in the 1980s. That morning, March 20, 1999, the Manhattan tabloids had reports about the killing of a Bonanno crime family captain named Gerlando “George” Sciascia on a Bronx street. His face was bloodied from three shots to the head and his left eye was shot out.

Freeh, who had led some of the big prosecutions of the crime family in the 1980s, had a meteoric rise in his career that led to his appointment by President Bill Clinton to the directorship of the FBI in 1993. But he never lost his interest in the Bonanno group. The killing of Sciascia, a major family member out of Canada, was a sign that something big had happened. So Freeh called his trusted friend, Charles Rooney, special agent in charge of the Chicago office of the FBI, to brainstorm.

Rooney had studied the Bonanno crime family for years and had an encyclopedic knowledge of the group, as well as an indelible memory. He had put together the Pizza Connection case and had known all the players in the family. He especially knew the ways of Joseph Massino. He had a quick answer for Freeh about Sciascia’s death.

“This is Joey cleaning house,” said Rooney.

What Rooney meant was that Massino was continuing what the

investigator believed was a long process of killing off anyone who might be able to implicate him in the 1981 murder of the three captains or any other homicides for that matter. A surveillance picture taken on May 6, 1981, at a Bronx motel, the day after Dominick Trinchera, Philip Giaccone, and Alphonse Indelicato had been killed, showed Massino with three other men: Vito Rizzuto, a key Bonanno captain from Canada and a suspected shooter in the killing of the three captains, Gianni Liggamari, a mafioso from New Jersey, and Sciascia.

There were other theories to be sure that would emerge about the Sciascia killing. Among them would be the fact that Sciascia had spoken his mind about the drug use of Anthony Graziano, an old Bonanno captain who Massino had a soft spot for. But to Rooney's way of thinking, a lot of high-ranked mobsters like Massino got paranoid about their crimes. Massino in particular was overly sensitive about breaches in security and tried to foresee who might be a turncoat. So it made sense, Rooney believed, that Massino was trying to cover his tracks in the three captains homicide.

"You just get a sixth sense of it," Rooney later said. "You just learn how they think."

The motel picture and the strange deaths of some of the mobsters depicted in it pulled it all together in Rooney's mind about the mob homicides that had been cropping up. He felt Massino had to be involved and said as much to Freeh. After serving the majority of his ten-year sentence for labor racketeering, Massino had been paroled in 1992. Even before Massino walked out of prison, the Bonanno captains held a meeting and elected him the new boss after Philip Rastelli died in 1991. To Rooney and a lot of organized crime experts in the FBI, Massino was now the boss to watch. He wouldn't be an easy target.

Back in the New York FBI office, supervisor John Stubing didn't need any convincing that Joseph Massino was a hard guy to build a case around. A career agent, Stubing took over as acting head of squad C10 in November 1995, a job that became permanent in

April 1996. Stubing oversaw investigations that targeted both the Bonanno and DeCavalcante crime families and he knew from experience that Massino was a crafty adversary who studied the ways of his law enforcement foes.

"Massino knew how to insulate himself from the day-to-day activities," Stubing recalled. "He knew how to play the game."

Not long after he took over as squad supervisor, Stubing paid a surprise visit to Massino at a company he had on Long Island known as King Caterers. It was an outfit he and Salvatore Vitale had taken an interest in during the early 1990s to, as law enforcement officials believed, protect the owner from extortion by another crime family. In return, Vitale and Massino took home salaries and benefits.

At King Caterers, Stubing had a friendly chat with Massino and quickly recognized that the mobster had a lot on the ball. Massino seemed to remember every time he had been watched by law enforcement and had a good memory of his past racketeering case. To Stubing, who had seen the stunning victory the Maspeth gangster had pulled off in his 1987 murder conspiracy trial, Massino was a mafioso who represented the toughest quarry out of the old mob tradition. He had some simple watch words: keep your mouth shut and take care of your own problems.

Building on mob intelligence mined in the 1970s and 1980s, the FBI in New York had kept the Bonanno family in its sights. Even though Massino had been in prison from 1987 until 1992, FBI agents had plenty of targets in the family. Setting up cameras in 1991 outside a social club run by Sal Vitale in an alley adjacent to 69-64 Grand Avenue in Maspeth, agents photographed not only Vitale but also Bonanno captains Louis Restivo, Anthony Urso, Michael Cardiello, and the ill-fated Gerlando Sciascia. Vitale, who was Massino's underboss, was effectively an acting boss of the crime family during his brother-in-law's absence, so his Queens club was a focal point for the Bonanno leadership.

The Maspeth investigation became known by the code name "Grand Finale." Aware of the possibility of bugging devices in the

club, Vitale and the others appeared to make calls from a pay telephone outside the nearby Maspeth Public Library. The FBI spotted that maneuver and got a court order for a tap on that line.

The Grand Finale case didn't lead to anything big. In reality, the Bonanno squad had a lot on its plate because around the time of the Grand Avenue social club probe the Colombo crime family got into a bloody internecine feud and Stubing's squad had responsibility for that problem as well. When Massino finally got out of prison in 1992, he resorted to his cautious methods of operation, insulating himself and avoiding weddings, funerals, and other events where he might be photographed by the police. He was also careful about what he said over the telephone. The penetration by Pistone was also fresh on Massino's mind and he was extra cautious about possible informants. It was a kind of wiliness that Stubing knew would make Massino a tough investigative target.

Traditional methods of investigation, Stubing reckoned, seemed obsolete against Massino. The Bonanno boss had studied law enforcement methods—he carefully watched car mirrors to spot surveillance vehicles—and he knew how federal agencies tried to build a racketeering case. Informants said that Massino decreed that gambling couldn't take place in any building he owned out of fear that the federal government might try to seize the property. But since money was at the root of organized crime activity, Stubing and his staff believed they had to follow the cash if they had any hope of nabbing Massino.

"I knew that nothing else was going to work against this guy," Stubing remembered some years later.

A forensic accounting approach, in which investigators delved into the source of money generated by mobsters and their associates, had been of some success in other cases, particularly intricate fraud schemes. The Bonanno squad had subpoenaed a lot of financial records of crime family members and associates. But Stubing didn't have enough background to crunch those kinds of numbers. He had to look for people who could work with financial records, so he made the unusual request to his superiors to have agents who

were accountants assigned to study an organized crime family. Stubing learned that there were two new agents in New York who might be just what he needed.

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When Special Agent Kimberly McCaffrey's beeper went off, she saw the call back number was that of her supervisor in the Manhattan FBI office. He had good news. After months of drudgery as a new agent doing surveillance work, McCaffrey had been assigned to the C10 squad. She was to report to work immediately. It was early March 1999 when McCaffrey walked into the squad office at Twenty-six Federal Plaza for the first time. Gerlando Sciascia still had about a couple of weeks to live.

McCaffrey hadn't started out in life aiming to be an FBI agent. Her first real passion had been gymnastics, which she began doing at her suburban New Jersey Catholic school. A petite woman, McCaffrey took to the sport easily and excelled in high school-level competition, although she was sidelined for a while after dislocating her elbows on the uneven bars. The injuries didn't deter McCaffrey from competing in the sport at Towson State University in Maryland. But in January 1994, while representing Towson in competition, McCaffrey had another accident, this time blowing out a knee during a floor exercise. Sports wouldn't be in her future, at least not at the level demanded by competitive gymnastics. McCaffrey focused on something that would give her a steady job: accounting. Being an FBI agent wasn't on her mind at all.

Unlike McCaffrey, Jeffrey Sallet had always wanted to be a G-man. He had studied accounting in college, with the FBI as his long-range career goal. Grounded in the world of balance sheets, Sallet liked certitude. But he wasn't a nerdy guy with a plastic pocket protector who never took chances. He liked to ski and had what could be said to be an eclectic taste in music. When Sallet worked at the firms of Arthur Andersen and Ernst & Young, his mentor was a former FBI agent who introduced him to the world of forensic accounting.

With a little prodding from his mentor, Sallet joined the FBI in July 1997 at the age of twenty-seven, a little less than a year before McCaffrey, who signed on at the age of twenty-five. In FBI life, they were both just kids.

Sallet had already been on the Bonanno squad a few months when McCaffrey came on board. By the time both young agents were together, the situation with the New York Mafia had changed enormously since the days Joseph Pistone was posing as a wiseguy. Four of the five mob families had been targeted so often by investigators that a lot of the old household names—Gotti, Persico, and Colombo—were either incarcerated or dead. Their replacements had, as in the case of the Lucchese crime family, turned government witness or were under indictment. A lot of the old rackets such as the concrete industry, the garment district, and the waterfront had been seriously constricted by continued investigations.

The Bonanno family had also taken its share of hits and for years had been the laughing stock of La Cosa Nostra because of Pistone's penetration. That breach of mob secrecy in the Bracco affair, as well as the family's profligate drug trafficking shown in the Pizza Connection case, had deprived it of a seat on the ruling Commission. The Bonanno family had also gone through a period of about two decades when its leaders such as Philip Rastelli and Joseph Massino were incarcerated. Though both men ran the affairs of the family by communicating through intermediaries and ruling committees, it was still a cumbersome arrangement. The committees sometimes went off and ordered homicides without the bosses' knowledge.

But in a curious way, the earlier problems that befell the Bonanno family provided some insulation from law enforcement scrutiny. Stubing noted to his young agents that by not having a seat on the Commission, the Bonanno family was not part of the concrete conspiracy that was at the center of the 1986 Commission trial or the so-called Windows case, involving allegations of crimes in the window replacement industry. As a result, the Bonanno family had

to adapt and change to find new rackets. One lucrative area turned out to be Wall Street, where stock fraud schemes became the specialty of captains Frank Coppa, Frank Lino, and some of their other associates.

Aside from plowing new territory with the financial crimes, the Bonanno group also kept a hand in drug dealing. It was no longer the secretive world of heroin trafficking of the Pizza Connection days, but the more run-of-the-mill crack-cocaine business. Working out of a group of cafés and coffee shops in Queens and Brooklyn, a couple crews of crime family associates ran distribution operations.

Prosecutors suspected that the cocaine trade in Brooklyn was run by associates of Anthony Spero, a Bonanno captain with a social club on Bath Avenue. In Queens, federal investigators stumbled across Baldassare Amato, who had been convicted years ago in the Pizza Connection case but never seemed to learn his lesson. Amato appeared to be the mentor to a bunch of mob associates who based themselves out of a café in Ridgewood known as Café Giannini. The “Giannini Crew” robbed some gambling operations in other clubs and also became involved in drug dealing, according to investigators.

James Walden, a prosecutor in the Brooklyn U.S. Attorney’s Office, secured a number of indictments against Amato, Spero, and their associates. Both Spero and Amato had been spotted by FBI agents meeting in Queens with Massino. Years later, Walden said revenues from drug dealing might have gotten as high up the crime family chain as Spero. He thought it plausible that Massino, who had warned Frank Lino about drug dealing, may have taken a cut of the money as tribute, even if he knew it was narcotics cash.

Though convicted of racketeering, Spero decided not to cooperate with the government, so he never implicated Massino. It might have been possible to use information from the Spero-Amato prosecutions to eventually build a case against Massino. But some prosecutors knowledgeable about those investigations said that could have taken years of constant surveillance, wiretaps, and other time-consuming methods. In the meantime, the Bonanno family would have been run by a leadership that remained intact.

Instead, Stubing sat down with Sallet and McCaffrey and gave them a history of the Bonanno family and its main players. The supervisor had one clear direction for his young agents: Don't focus immediately on the big boss; instead, find the people around him. Find the weak links. It was the time-honored domino theory of investigation: get one important criminal to cooperate and that might lead up the food chain to the kingpin.

In terms of Massino, Stubing told his agents, the ultimate key would be his brother-in-law, Salvatore Vitale, the crime family underboss. Since he had been initiated into the Mafia in the 1980s, Vitale had been a close confidante of Massino and his eyes and ears while in prison. It was a relationship made more complex by the fact that Vitale had essentially been raised by Massino's wife, Josephine. Later, it was Vitale who served as a surrogate father to Massino's daughters in the crime boss's absence. Vitale was the "swing man" in the Bonanno family regarding Massino.

"I told Jeff and Kim that if you can't get one without the other, you are going to lose," recalled Stubing.

Fortified by Stubing's lectures on the crime family, Sallet and McCaffrey contacted Assistant U.S. Attorney Ruth Nordenbrook over at the federal prosecutors' offices in Brooklyn. With wide-rimmed glasses, black outfits, and black hair, which she often wore pulled back, Nordenbrook looked as much like a college literature professor as she did a federal prosecutor. She had joined the office in the late 1970s and earned her early mark doing some of the first credit card fraud cases. By the 1990s, she had picked up a number of organized crime cases that found her prosecuting several Bonanno family members. One of them was Anthony Graziano, a Bonanno captain who plead guilty to tax crimes.

But what really earned Nordenbrook some notoriety was her philosophy that the wives of mafiosi shouldn't be immune from prosecution if they took part in crimes, with or without their husbands. It had been something of an unwritten rule that the wives were off limits to prosecutors, that their spouses would take the fall. But Nordenbrook didn't like playing by that mob rule and

chafed when some of her colleagues in law enforcement wanted to. She lived up to her ideals by prosecuting Marie Attanasio, the wife of Louis "Ha Ha" Attanasio, for tax fraud in 1984, a case that ended with an acquittal. Years later, she prosecuted loan shark John Zancocchio and later went after his wife, Lana, the daughter of Anthony Graziano, getting her convicted for tax evasion.

With Nordenbrook's insights as guidance, Sallet and McCaffrey started the FBI part of the investigation into the finances of the Bonanno administration. Armed with subpoena power through Nordenbrook's role as investigating prosecutor, Sallet and McCaffrey started looking at the particular finances of Massino and Vitale. Nordenbrook's supervisor over at the U.S. Attorney's Office in Brooklyn was Mark Feldman, a career prosecutor who saw the value of a detailed financial probe and kept the two agents focused on their objective despite the desire of other investigators to focus on the murders in the crime family. Although they weren't coming up with hard evidence of crimes being committed by the two brothers-in-law, the agents did start to notice some intriguing relationships.

One of the things that jumped out was that Josephine Massino was discovered to have an interest in a number of parking lots in Manhattan. Though she had been a housewife for most of her life, Josephine Massino had business relationships with her brother, Salvatore; his wife, Diana; Loretta Castelli, who was the wife of crime captain Richard Cantarella; and others. The agents surmised that Massino might be the real power behind his wife's presence in those partnerships, but on the face of it there didn't appear to be anything wrong with the finances of those companies.

But after plowing through myriad financial records, Sallet and McCaffrey found a new name that kept appearing again and again as the recipient of a number of checks. It was the name of Barry Weinberg, a Queens man who had an interest in a number of parking ventures around the city. Checks uncovered by the agents showed a number of payments, sometimes for as much as \$16,666, going to Weinberg.

Who was Barry Weinberg? He was a nervous, stoop-shouldered,

and chain-smoking entrepreneur. Surveillance had revealed that Weinberg, who lived in Queens, would often meet with Richard Cantarella in Little Italy at restaurants like the Dixie Rose Café and DaNico. Their relationship at that point was not clear. But in reviewing Weinberg's finances with the Internal Revenue Service, Sallet and McCaffrey discovered evidence that he was involved in tax evasion—lots of it. One official said that he had income of \$14 million for several years, money that he appeared to evade paying taxes on in grand scale. On January 9, 2001, Weinberg was arrested and brought by the agents to a small office in downtown Manhattan. After puffing his way through innumerable cigarettes, Weinberg quickly decided that the agents had a very strong case against him. So he did what many would do. He decided to cooperate with the FBI. He also went one step further: he also agreed to wear a recording device.

Weinberg soon made recordings of a number of Bonanno family members and associates. His list of targets was pretty impressive: Frank Coppa, Richard Cantarella, and his son Paul, as well as Joseph "Mouk" D'Amico. Not everyone recorded on over eighty tapes made by Weinberg was caught committing a crime. But Coppa, an old friend of Massino's, and Richard Cantarella, the tapes showed, were milking Weinberg for cash in what appeared to be an extortion scheme.

Coppa, who had traveled with Massino and his wife to Europe, was a portly man who had a head for business. Starting out in his working life as a grocery clerk, he went on to jobs in the waterfront and trucking. At the age of nineteen, he had his first arrest for the attempted burglary of a clothing store. He had been inducted into the Mafia in 1977 at a ceremony presided over by Carmine Galante. Investigators believed that had he led a law-abiding life, Coppa could have made a fortune legitimately. Instead, he became entangled in a number of frauds over the years, including some involving the stock market. He had blood on his hands as well, having been present the night Sonny Black Napolitano was killed.

Coppa was also the target of an assassination attempt in the late

1970s when a bomb detonated in his vehicle outside a Bagel Nosh store. Coppa believed the culprit was a mobster by the name of Tony Coglito, who had been swindled out of about \$8,000 by Coppa. Commercial arbitration in Mafia stock scams aren't the normal way such disputes are settled. After Coppa, who was then a Bonanno soldier, was injured in the explosion, he spoke with his captain, Matteo Valvo, who said he could seek retaliation. Coppa later said he had Gambino soldier Eddie Lino and another man try to kill Coglito.

Weinberg continued to tape Coppa and the others for several months. Nordenbrook and her two agents believed there was enough evidence to support both an extortion charge and a charge of money laundering against Cantarella. As they also focused on Salvatore Vitale's finances, they came up with leads that showed that he had infiltrated the branch of a Long Island bank. Vitale had moved from Queens in the 1990s and settled with his wife in the town of Dix Hills, not far from the Farmingdale office of King Caterers, the business where he had a no-show job with Massino. Vitale targeted the branch of a local bank but had been sloppy in his scam, drawing the attention of the FBI and setting himself up for an indictment.

However, everything Sallet and McCaffrey were working on suddenly took a backseat beginning on the morning of September 11, 2001. Both agents were at the federal courthouse in Foley Square in downtown Manhattan as case agents for a trial when just blocks away American Airlines Flight 11 plowed into the North Tower of the World Trade Center.

The terrorist attacks that day brought about the mobilization of U.S. law enforcement. The FBI and other federal agencies dragooned every available person to assist in the recovery at ground zero. Joining scores of other investigators in the Hades-like setting left by the destruction of the Twin Towers, Sallet and McCaffrey helped scour the site for two days searching for the black boxes of the two airlines used by the terrorists.

With September 11, the priorities of law enforcement at every

level shifted. Gone were the old assignments. New York City put cops on heightened security duty at bridges, tunnels, airports, and other public venues, even baseball parks. Prosecution of quality of life crimes like prostitution fell by the wayside as police struggled to meet the demands of protecting the city. At the FBI, agents were quickly shifted into counter-terrorism investigations and away from traditional areas like organized crime. After rummaging through ground zero, Sallet was reassigned to Washington, D.C., where he was part of a team of agents that spent six months probing the finances of the hijackers.

McCaffrey briefly worked on the September 11 investigation but was kept at Twenty-six Federal Plaza where, despite the massive deployment of agents on terrorism cases, she kept the Bonanno crime family investigation alive. She would have continued to have Weinberg prowling the streets of Little Italy with his body wire, but there were signs that the nervous informant was wearing out his welcome with the mob. Cantarella seemed suspicious of the businessman and even said as much to Vitale, who offered help if Cantarella wanted to kill Weinberg. The worst thing that happened was that Cantarella told Weinberg not to come around the various restaurants in Little Italy where they had dined. That was enough to have McCaffrey, Stubing, and Sallet, who was still in touch with the Bonanno investigation while working on the terrorism probe, decide to pull Weinberg from the street in December 2001.

But as one avenue of investigation shut down another opened up. The Weinberg tapes and other evidence indicated that Massino and Cantarella were involved in crimes and pointed to a man named Agostino Scozzari as a possible source of information. Scozzari was a German businessman of Italian ethnicity who had emigrated after he had made a lot of money in Europe in the scaffolding business. Because of his Italian heritage, Scozzari gravitated to the Little Italy area of Manhattan and opened up a restaurant. In the close environs of Mulberry Street, Scozzari became associated with Cantarella. Scozzari was never arrested, but Sallet and McCaffrey persuaded him to cooperate in their investigation.

Scozzari's incentive to cooperate would never be revealed. Regardless, in December 2001 Scozzari started wearing a recording device and made over twenty tapes of talks he had with Cantarella. The recordings indicated that Cantarella had introduced Scozzari to Massino, telling the informant it was Massino, who was called "Joe" on the tape, who helped him become a Mafia member in the early 1990s.

Cantarella was also overheard on tape complaining to Scozzari about the newspaper publicity Massino had received after the death in June 2002 of Gambino boss John Gotti from cancer. That kind of publicity, which painted Massino as being the big Mafia boss in town, could only draw law enforcement attention for Massino, he said.

"What the paper is saying is that Joe is the big guy now," Cantarella said. "That's not good. You know what I mean? That's not good. That's not good."

Cantarella, who went by the moniker of "Shellack Head" because of his high-coiffed, slick hairstyle, was facing some serious problems beyond his financial picture. He and some others in the crime family and their relatives held no-show jobs at the *New York Post* in the delivery and distribution area. Among them was Al Embarrato, Cantarella's uncle, a *Post* delivery foreman and an old mobster who was seen by the FBI over the years hanging out at the Toyland Social Club and other places frequented by the crime family. The mobsters ran loan-sharking and other rackets out of the *Post* facility on South Street in lower Manhattan.

By 1992, Manhattan District Attorney Robert Morgenthau got a state grand jury to indict Cantarella, the eighty-two-year-old Embarrato, and several others, including the *Post*'s delivery supervisor Robert Perrino. Two *Post* executives admitted to Morgenthau's staff during the course of the probe that they had a role in fraudulently inflating daily circulation figures by about 50,000 phantom copies to get more money from advertisers. Both executives plead guilty to labor law violations in exchange for helping prosecutors with the case. In 1994, Cantarella pled guilty in the state case.

During their probe, state investigators looked for Perrino, a relative of imprisoned Bonanno consiglieri Nicholas Marangello, when they raided his home with a search warrant. But while they found about \$100,000 in cash and several weapons, Perrino was missing.

Nordenbrook and the agents secured a search warrant for Cantarella's home and in August 2002 took boxes of financial records from his home in Staten Island. The materials showed that Cantarella and his family, as well as Josephine Massino and her brother, Salvatore Vitale, were involved in parking lot ventures. It was Cantarella's wife, Loretta Castelli, who sometimes had a 50 percent interest in the businesses, although prosecutors believed she simply served as her husband's nominee. The search also revealed a safe containing a list of Cantarella's crew members. His telephone address book was also taken by FBI agents and not surprisingly it was found to contain the names and numbers of Massino and his wife, Josephine, as well as Vitale, who was listed as "Sal Handsome."

In October 2002, Nordenbrook, who was now partnered with Assistant U.S. Attorney Greg Andres in the Bonanno investigation, secured indictments of Coppa, Cantarella, his wife, and thirty-one-year-old son Paul, as well as several other Bonanno family members and associates. Among them was Anthony Graziano, the foul-tempered captain the late Gerlando Sciascia thought was a druggie and who was charged with racketeering. It was the opening salvo of the probe into the financial hierarchy of the crime family.

The extortion charges were serious enough, but Cantarella faced a worse problem. The grand jury had accused him of taking part in the murder of *Post* delivery supervisor Robert Perrino. A suspect in the labor racketeering probe at the newspaper carried out by Morgenthau's office, Perrino disappeared on the night of May 5, 1992, after leaving the home of his daughter on Long Island. His body had never been found. Murder in aid of racketeering carried a penalty of life in prison without parole for Cantarella should he go to trial and be convicted.

The charges also put Coppa in a deep predicament. His various Wall Street scams had earned him a conviction for stock fraud and

in July 2002 he was serving a stiff seven-year prison term. The October 2002 charges of extortion involved the beleaguered Weinberg and could earn Coppa another several years, since he would be a repeat offender with a big criminal history. Such extra time would be added to what he was already serving on the stock swindle. On top of that, he faced a fine of \$1 million, which would have been on top of the \$5 million he had to pay back to his Wall Street victims.

Frank Coppa had some serious thinking to do. At the age of sixty-one and suffering from a heart condition, he did not like prison. In fact, in 1992 when he had done another stint in jail, he had cried about doing time because, as he later said, "I had left my family." He may have been a con man and thief for most of his life, but Coppa didn't like to pay the price if his landlord was the Bureau of Prisons.

But caught Coppa was, and he knew it. There was evidence uncovered by Sallet and McCaffrey that he had told Weinberg that only he, Coppa, could be his broker for the parking lot deals. He had taken the oath of omerta in front of Carmine Galante and he knew that betrayal of the code of silence meant death. Well, it could mean death if the mob ever got to you. Coppa knew that the federal government had a witness protection program. He also knew that deals could be made, even if you were a killer like Sammy "the Bull" Gravano, who claimed to have helped kill nineteen people but later got out of prison in less than five years after helping convict John Gotti. Like Gravano, a lot of mafiosi turned their backs on omerta and salvaged what they could of their lives.

Coppa didn't want to die in prison. He also wanted to be close to his wife and family. The portly mobster made his own calculation. Omerta may have worked for Joseph Bonanno and the older Sicilians, but nobody believed in that anymore. Coppa, the man with a head for numbers and betrayal, decided his future wasn't with La Cosa Nostra. It certainly wasn't with Joe Massino. Now, life was all about self-preservation and family of a different sort.

It took about two weeks for Coppa to contact his attorney to tell

prosecutors he wanted to make a deal. The first step was a "proffer," a session in which Coppa told the FBI what he knew. Proffer sessions are common in criminal cases. They afford prosecutors a chance to see what information a potential informant really has while the informant is not in danger of being prosecuted for what is mentioned in the session, assuming he is truthful.

In Coppa's case, he talked for ten days straight. But because Nordenbrook had prosecuted some Mafia women and even once threatened to prosecute his sister, Coppa didn't want her around to hear what he had to say.

"I was told he hated me because I did the women," Nordenbrook later recalled. Nordenbrook protested about the way Coppa was trying to dictate the terms of his proffer session. But at least one FBI official saw no harm in playing up to Coppa's sense of Mafia ethics. Nordenbrook felt she didn't have to apologize for her pursuit of Mafia wifes and other women. In her view, it was unacceptable that mafiosi could try to shelter their income and ill-gotten gains with their women. But she also realized that no one of Coppa's stature in the Bonanno crime family had ever turned into a cooperating witness before. So Nordenbrook decided not to make a big stink and possibly spoil Coppa's decision to flip. She stayed away from his proffer sessions.

So it was with Greg Andres, as well as with Sallet and McCaffrey, that Coppa talked. He told them what he knew about Joseph Massino and life in the mob.

The deal that Coppa worked out with the federal government depended on his cooperation with the Bonanno investigation. If he helped prosecutors, Coppa would get a letter from the government that spelled out his cooperation to the judge who had sentenced him. Coppa was also promised, assuming he cooperated to the government's liking, that prosecutors would make a motion to the court, known as a Rule 35 motion, to get his sentence reduced. It would be up to the judge to decide how much of a reduction Coppa would get. His wife and one son who wasn't involved in crime

would be relocated by the government. Lastly, Coppa wouldn't have to testify against his other son, Frank Jr., who he told investigators was a member of organized crime.

Coppa's decision to turn into a witness for the prosecution, a decision directly precipitated by his indictment that came from Sallet and McCaffrey's financial sleuthing, was a very big deal for a number of reasons. Coppa had been close to Massino—although not as close as Vitale had been—and he knew about the crime boss's illegal financial dealings, particularly in the area of loan-sharking. Since he passed up thousands of dollars a month in tribute to Massino, Coppa was in a position to help investigators build a tax evasion and money laundering charge against the Bonanno boss.

But there was some much more powerful stuff Coppa possessed in his memory. Though he didn't kill a lot of people himself, Coppa was a font of information about several homicides. Better yet for the investigation, Coppa could implicate Massino—sometimes directly, sometimes circumstantially—in mob murders. Among them were the killing of the three captains and Dominick Napolitano, homicides that had become the Holy Grail of the investigation.

Richard Cantarella might have been a big boy in the Bonanno crime family. After his induction into the life of La Cosa Nostra in 1990, he began dining with Massino weekly at his J&S Cake Social Club and got promoted quickly to the rank of acting captain. He made a lot of money through his shakedown of Weinberg, the parking lot ventures, and other rackets. He got his hands dirty with murder. Before his indictment, Sallet and McCaffrey had approached him about cooperating, but he didn't budge and even told Massino about the FBI attempt to turn him.

But when things got rough, Cantarella wasn't a true believer or stand-up guy. Though brought into the life of crime by his uncle Al Embarrato, the rule of omerta meant nothing to Cantarella. As soon as he was indicted in October 2002, Cantarella figured cooperation was his way out of trouble, his ace in the hole. "In my mind I knew I was cooperating," Cantarella later said.

Cantarella's deal with prosecutors involved the same kinds of

general conditions and promises worked out for Coppa. There would be a letter to the judge who would sentence him extolling his cooperation with the prosecution and asking for a sentence reduction. But the deal didn't involve his son or his wife. They had to work out their own plea bargains.

So in the space of a few weeks in late 2002, the government's squeeze play on the Bonanno crime family showed results that no one had anticipated would have happened so fast. Two significant captains in the crime family had agreed to cooperate. Coppa and Cantarella had a lot to offer because they both had intimate knowledge about several mob homicides. Both were men who Joseph Massino trusted and had relied on to run the crime family at different times. But in the end they waved the white flag of surrender as soon as the first salvo was fired by the government. That kind of news was not good for Joe Massino. He had been so wrong about them.

CHAPTER 17

Ghosts

"Criminal cause for arraignment, United States versus Joseph Massino, Salvatore Vitale, and Daniel Mongelli, docket number zero-two cr three-zero-seven," the woman court clerk announced. "Please state your appearances."

A few hours after the news conference ended announcing his arrest on January 9, 2003, Joseph Massino and his codefendants were brought across the East River into federal court in Brooklyn before a federal magistrate judge. The six-story courthouse was opened in 1961 on Cadman Plaza, a park by the Brooklyn anchorage of the Brooklyn Bridge.

Though woefully in need of more space (a new twenty-story replacement building was going up next door), the Eastern District Courthouse had a spacious ceremonial courtroom on the second floor. It was there that arraignments, initial court appearances for those charged in which they invariably enter pleas of not guilty, took place. Massino entered the courtroom shortly after lunchtime. His case was one of a number of criminal matters on the calendar.

The first to speak was Greg Andres, the assistant U.S. attorney in charge of the Massino case. A lean man with the narrow eyes of a panther on the hunt, Andres told the attending magistrate Joan Azrack that he was representing the government and was accompanied by Ruth Nordenbrook.

Though it had been Nordenbrook, one of the veteran federal prosecutors in Brooklyn, who had shepherded the efforts of FBI agents Sallet and McCaffrey, the bureaucracy in which she worked

had its own machinations and power plays. For one reason or another, Andres, at least twenty years' Nordenbrook's junior, had been given the job of prosecuting Massino. The Bonanno investigation had been a source of tension between various prosecutors in the office in terms of the approach that would work best. Nordenbrook believed the financial probe targeting the hierarchy of the crime family was the best way to go. Others thought the case should focus on murders and racketeering. Andres ultimately saw the wisdom of using the financial probe to get witnesses who could then help make a larger-murder investigation. Supervisor Mark Feldman had kept a steady hand on the tiller and kept his team focused on the financial probe. In the end, Andres's superiors gave him the nod to be the lead prosecutor. When it came time to arraign Massino in court, Nordenbrook, without any noticeable discomfort, took a second seat to Andres.

Massino's old friend and lawyer Matthew Mari of Manhattan appeared on his behalf. Mari's links to the Bonanno crime family were more than just professional. Though himself not involved in anything illegal, it had been Mari's father, Frank, who had been for a short time the boss of the crime family. His father's notoriety was a cross Matthew Mari would have to bear for the rest of his life. A reputed hit man, Frank Mari was picked to run the Bonanno clan in a May 1969 meeting of crime family captains in a restaurant in Manhattan. His major credential for the job it seemed was that he had been able to survive the so-called Banana War of the mid-1960s.

Frank Mari disappeared not long after he was named boss, and his son went on to become a criminal lawyer who represented some of his father's old associates, as well as other defendants in criminal cases. Grainy surveillance photos had even shown the younger Mari attending some social events with the mobsters. As the afternoon wore on, Mari's previous representation of Bonanno family members would become an issue.

Representing Vitale were John Mitchell, a veteran defense attorney from Manhattan who also specialized in criminal appeals, and Sheldon Eisenberger. Mongelli was represented by Gerald Marrone.

After the attorney introductions ended, Azrack got straight to work.

"Alright, Mister Massino, have you viewed the charges with your attorney," the magistrate asked.

"Yes," Massino responded in his characteristic husky voice.

"Do you understand what you are being charged with?" Azrack asked.

"Yes," Massino again responded.

Looking at Mari, Azrack asked if he wanted to enter a plea on his client's behalf.

"Yes," said Mari. "Not guilty."

"Mister Vitale, where are you?" Azrack said, looking around for Massino's brother-in-law.

"Right here your honor," responded Vitale.

"What plea do you want to enter?"

"Not guilty," answered Vitale.

Mongelli also entered a not guilty plea, and Azrack then turned to the issue of bail. It was at this point that Andres told the court what the news media and defense attorneys already knew: that bail was going to be a remote possibility.

"The government will be asking for detention for each of the defendants on dangerousness grounds," said Andres. "They are each charged with murder or murder conspiracy."

As happened in cases against crime bosses, federal prosecutors put together a long letter and a thick legal memorandum of law spelling out just why Massino should not be given bail. Anyone familiar with the workings of the criminal justice system knows bail is a method of ensuring the courts that a defendant will appear for future proceedings and stay within the jurisdiction of the court, which in Brooklyn also meant Staten Island and the surrounding counties of Queens, Nassau, and Suffolk. Usually, a defendant executes a bond by paying around 10 percent of the bail amount set by the magistrate. Sometimes real estate or other property like stocks and bonds are used to secure the bond.

With changes in the law in 1984, federal courts had become

much tougher places for major criminal suspects such as mob bosses and drug gang leaders to get bail. The Bail Reform Act allowed judges (and magistrates) to order a suspect detained, which means held without bail, if the person was found to be a danger to the community or a risk to flee the jurisdiction. Though critics would maintain that the bail act provisions could be used as a form of preventive detention or punishment without trial, the U.S. Supreme Court had upheld it.

There were four factors that the court needed to consider whether to detain a suspect: the nature of the crimes charged, the history and character of the defendant, the seriousness of the danger posed to the community if the defendant was released on bail, and evidence of guilt. On each of these factors, Greg Andres said in his letter to Azrack, Massino was a loser and should be held without bail. Andres spelled out in his memo to the court that Massino had to be held without bail because he was dangerous in a way that few other crime bosses were.

A former Peace Corp volunteer from the New York City area who spent his time in the hot and semiarid West African nation of Benin, Andres now had what could be the biggest case of his life. It was the kind of prosecution that was a major stepping stone in the career of an aggressive and imaginative young attorney like Andres. He had been an aspiring player in the ranks of the office for a few years and got his big turn at bat when he was tapped as the lead in the Bonanno family investigation.

"Massino, who himself has a violent criminal history, heads a violent criminal enterprise which totals more than one-hundred soldiers, men who have pledged to commit acts of violence for the Bonanno family," Andres stated in his memorandum. "That Massino himself has been involved in serious acts of violence, including the charge murder and several others, makes the case for detention overwhelming."

Though he was only charged with one murder, Andres made clear that Massino would eventually be facing more accusations that he took part in other gangland hits. There was a witness, Andres

revealed without disclosing anyone's name, who would prove that Massino once said he was involved in seven murders, all with Vitale. That remark showed that FBI agent Kim McCaffrey had been right about Massino being implicated in a number of murders. It just wouldn't be listed in the indictment Andres had in his hand this particular day.

Andres also had behind him the weight of some higher rulings from appellate courts, which said that just by holding a leadership position in a crime family meant that a suspect was dangerous. It didn't even matter, some judges said, that a defendant might not have committed any acts of violence. A leadership role in the mob put a person in a position where society couldn't be protected by even the toughest of bail measures.

There was no question, Andres argued, that Massino was the Bonanno boss. He said that not only would witnesses say as much but also that Massino had been seen over the years—despite his consciousness of surveillance—in the company of John Gotti and most of the upper echelon of the Bonanno crime family. Bolstering that argument, the prosecutor dredged up the tape-recorded remark an indiscreet Cantarella had made to an informant five months earlier about how Massino ensured that he would become a Mafia member. The same draconian denial of bail also applied, courts had ruled, to acting bosses, captains, soldiers, and associates. In other words, if Massino was not going to get bail, underlings like Frank Lino, Vitale, and Mongelli couldn't count on going home either.

The memorandum made clear that not even Clarence Darrow, let alone Matthew Mari, would have any success in getting Massino sprung from jail. Though Andres and Nordenbrook's memo asking that Massino, Vitale, and Mongelli not have bail was filled with all sorts of accusations, the issue was not to be argued on this particular afternoon. The defense attorneys agreed to their clients being held for the moment with the possibility that they could apply for bail—admittedly a remote possibility—at a later date.

Andres, Mari, and the other defense attorneys argued their positions about bail to Azrack in a courtroom where the dark wood

paneled walls were lined with large oil portraits and photographs of past and present federal judges who had sat in the district. The earliest image was that of mutton-chopped Charles Benedict, the first judge for the Eastern District appointed by President Abraham Lincoln in 1865, a month before he was killed by John Wilkes Booth. It was a room where many ghosts lurked. If his spiritual antenna were tuned, Joseph Massino would have sensed the maligned presence of one of those who had once preceded him in the courtroom. It was Philip Rastelli, the wizened mob politician who had once sat shaking with apprehension as he faced arraignment on his own racketeering charges in 1986.

"I didn't do nothing!" an ailing Rastelli once blurted out as he was bundled off into an ambulance after his court appearance. He recovered and went on to be convicted of racketeering

Though he became a shadow of the powerful mobster he once was, Rastelli proved to be the bridge with the past. In the fractious interregnum between elder Mafia statesman Joseph Bonanno, for whom the family was named after, and the twenty-first century, it was Rastelli who helped provide stability and link the crime family's past to the future. That future, investigators said on January 9, 2003, was embodied in Joseph Massino, the one-time lunch wagon operator who Rastelli mentored and baptized with the blood of many fallen rivals.

If there was any one person who Massino could point to as the person tying him to the legacy of the Bonanno crime family and ensuring him his title as boss, it was Rastelli. Then, too, if he wanted to feel some self-pity as he waited for his arraignment to end, Massino could have looked to Rastelli as the root of his problems. For it was Rastelli who not only took Massino under his wing but also anointed him as an emissary of death, the conduit through which the orders for many a mob murder was passed. The mob polices itself through brute force—murder when necessary—and among the ghosts were those of many in the Mafia whose executions would come back to haunt Massino.

Massino wouldn't shake or cry out like Rastelli had once done,

not even when Azrack denied him bail, which she would do eventually. After Azrack talked with the attorneys over scheduling and future court dates, Andres raised the issue of why he thought Mari couldn't stay on the case. The prosecutor's main concern was that Massino's attorney had a number of conflicts of interest. The Brooklyn federal prosecutor's office was painfully aware of how the existence of legal conflicts could hurt their cases. In 2000, an appeals court reversed one of the high-profile convictions of former police officer Charles Schwarz in the sodomy attack by police on Haitian immigrant Abner Louima because Schwarz's attorney at his first trial had an "unwaivable" conflict of interest. Since then, the Brooklyn U.S. Attorney's Office seemed to take great pains in raising potential conflicts with defense attorneys before cases progressed very far. Mari had his own special issues.

"I have discussed this with Mister Mari," Andres explained to Azrack. "He has a variety of conflicts, actual conflicts, with respect to his representation of Mister Massino. Among other things he represented at one time one of the murder victims in the indictment, Robert Perrino. He has represented other members and associates of the Bonanno crime family."

"Based on some published reports that I may have actually represented someone who could be a witness in this case," Mari interjected, "I have discussed that with Mister Massino and, uh, its his present intention to retain other counsel prior to, prior to the next court date."

The arraignment was essentially finished, but as had been seen in so many Mafia cases, particularly those with elderly or overweight defendants, medical issues always loomed. The Mafia was aging and court appearances were like medical consults. Before anyone was able leave the courtroom, Azrack acted like an assistant in a doctor's office.

After Azrack was told that Massino had diabetes, she had her courtroom clerk hand over some medication forms to the Bonanno boss's lawyer.

"Is it just for diabetes, just diabetes?" Azrack asked Massino.

"Sugar diabetes, that is it your honor," answered Massino, using an archaic term for his illness.

Vitale then piped up that he had a heart attack at age thirty-one and was on medication as well. So, for the next few minutes, Massino and Vitale filled out forms with their attorneys about the various medications they needed. Massino told Mari that he took Glucophage and Avandi, two medications that were used to control his type-2 diabetes. Overweight, a big eater, and living a sedentary life, Massino had been diabetic for years. Having been rousted from his home over eight hours earlier, Massino's medication schedule was all screwed up so he had Mari ask Azrack if he could take one of his pills. He was supposed to take Glucophage up to three times a day.

"Yes, he should take one now," said Azrack.

Mob bosses instill fear in many, but age also makes them prime candidates for the geriatric ward. Amid the whispers of the lawyers and the bustle of the courtroom crowd, the only other sound was the rattle of the Glucophage pills, sounding like candy Chiclets, as Massino dispensed his dosage from a plastic bottle.

CHAPTER 18

All in the Family

She just had to know.

The life Joseph Massino had lived for most of his forty-year marriage couldn't have been a secret to his wife, Josephine. There were just too many arrests, too much time spent away in prison, too many newspaper headlines, too many solicitous dropoffs of cash at the house by men who were deferential to him for Josephine to think that Joseph was any candidate for sainthood.

It would be easy to condemn wives like Josephine Massino for staying with a mafioso husband and not leaving him and renouncing his way of life. But she was a woman of many deeply seated loyalties, including the Sicilian quality of fealty to family and the Catholic tradition that marriage was to last no matter what. Her brother, Salvatore Vitale, had also become part of the Life, as the gangs lifestyle was called, and was another psychological involvement that complicated things. Then again, her husband had done pretty good in his lines of work, legal and illegal. He had provided.

So, on the morning of January 9, 2003, at the house on Eighty-fourth Street in Howard Beach, Josephine Massino told her daughters what they had come to expect and dread for many months. Their father was arrested. It was that simple. They could wait to see if by some long shot he would make bail that day. Of course, he wouldn't.

So Josephine Massino had to face things alone again. Counting Joseph Massino's time in prison and his years on the lam in Pennsylvania, his wife had been without a spouse in the house for

about ten years. Some people, especially the wives of those killed in Bonanno family bloodbaths, could care less about her loneliness. At least she knew where her husband was. Some of the crime family victims were lying in unmarked graves, dissolved by lye, in places no one remembered.

Things promised to get worse for Massino's wife. The federal government had a potent tool with the racketeering law because it could not only prosecute mafiosi but also go after their assets. The theory behind the law of "forfeiture," as the government grab bag was called, was that criminals shouldn't be able to profit from their crimes. Usually, in big mob cases prosecutors would list assets of a defendant they believed were the wages of crimes and that a criminal had no right to keep. In Massino's case, the government wanted to seize not only the house he and Josephine had lived in for two decades but also his mother's house in Maspeth and several properties held in Josephine's name in Florida and New York, as well as her deceased parents' house in Queens.

Some of the buildings listed in the indictment were rental properties from which Josephine derived income. But prosecutors saw it as simply a way that Massino sheltered his assets, figuring that if he was prosecuted the government wouldn't be able to take property held in his wife's name. It didn't matter. Greg Andres was going after any Massino buildings the FBI could find.

For Joanne Massino, the indictment led not only to the jailing of her father but also of the man who had become a surrogate parent: uncle Sal Vitale. As in the case of her mother, the arrest for Joanne symbolized another episode of abandonment. It was compounded by the fact that Vitale, a man who had been a source of stability as she grew up as a teenager, was also gone now. Her older sister, Adeline, later said she was overwhelmed by the charges and simply couldn't believe them. She sometimes chuckled about her naiveté. How could her father be at all of those Mafia meetings like the newspapers said? He traveled everywhere with his wife and even brought his grandchildren along.

Joanne seemed wiser to ways of the Life. Joanne had been

plugged into street talk in Howard Beach and knew that chubby Frank Coppa had turned into a government witness in late 2002. She even told her uncle, Sal Vitale, the news when she and her mother visited him while he was under house arrest for the Long Island case. It was the kind of news that made Josephine Massino and her daughters realize that it was just a matter of time before the FBI cars would prowl the neighborhood looking for Joseph Massino.

There was a ritual at the federal Metropolitan Detention Center in Brooklyn whenever a high-profile defendant was incarcerated. It was a parade of lawyers that was like a Sunset Park Mardi Gras. Massino, like New York's major crime boss, was a good client to have because his case would draw news coverage and he could pay his fees. What more could a defense attorney ask for?

As soon as Massino was brought into the jail facility, some of the big criminal defense attorneys trooped in to see him. It was basically an audition for lawyers, who told Massino why they might be the best person to handle his defense for the fees they required. The sessions were good for Massino because if nothing else they kept him out of his cell and allowed him to spend his time in the lawyer conference rooms having some human contact. If he was really lucky, the attorneys would have remembered to bring him candy and sweets from the jail house vending machines.

Attorney David Breitbart was a known quality to Joseph Massino. For a short period of time before Massino's 1987 trial, Breitbart actually represented him until a scheduling problem forced Massino to hire Sam Dawson. A former high school teacher, Breitbart had carved out his own niche as a defense attorney known for his skill at cross-examination. He started defending drug cases in the 1970s and among his more infamous clients was Leroy "Nicky" Barnes, the king of Harlem heroin. Breitbart had won a number of mistrials for Barnes until the drug dealer was finally convicted in 1978 and sentenced to life in federal prison.

Breitbart's creed was that all witnesses can be vulnerable on cross-examination and it is a defense attorney's job to probe persis-

tently to find the contradictions, inconsistencies, and embarrassing facts that would destroy the person's credibility as a prosecution witness. Breitbart was short in stature but he exuded a self-confidence and was not easily rattled, qualities that could infuriate his opponents in the backbiting world of criminal defense work. He was also something of a moody loner in the gossipy legal fraternity of the city.

Massino put out a call for Breitbart, who had actually put in a notice of appearance in the case. Once he got to the federal jail, however, Breitbart saw that a number of his legal brethren were on the list ahead of him to try to sign up the mob boss as a client.

"You know, I put in a notice of appearance in this case," Breitbart said to one of the other attorneys trying to entice Massino as a client.

"We will see about that," the lawyer responded.

In the end, Breitbart had a major advantage. He had already represented John Cerasani in the 1982 Bonanno racketeering trial. That was a case in which the murder of the three captains was charged as a conspiracy. As a result, Breitbart was familiar with a lot of the institutional history of the Bonanno crime family as it came out in that trial. He was also familiar with the testimony and witnesses, factors that just might play into Massino's trial. There was something else. Cerasani was the only defendant acquitted of all the charges at that trial. Massino put Breitbart on the case.

Things were rough for the Massino family with the arrests. But more shocking news was lined up like a freight train, ready to run over Joseph Massino, his wife, and daughters.

The day Massino was arrested, his wife heard from her doctor and discovered that she had uterine cancer. Surgery had to be performed. Terrific. There was no way Josephine Massino was going to tell her husband that, she recalled later. She wanted to keep as much of the bad news from him as she could. But there were other things that could never be kept quiet.

In the past two years, things had not been good between Diana and Salvatore Vitale. His house arrest on the 2001 indictment

allowed Vitale to go to work, but he had to be home by 6:00 P.M. Vitale was allowed to take his wife out to dinner three nights a week. The probation officer just required Vitale to fax over the name of the restaurant. Still, the stress of home detention and the legal problems aggravated what was already a pressure-filled Vitale marriage. The couple had separated and there were all kinds of stories about Vitale's girlfriend. When her husband got arrested in the bank case in 2001, Diana complained that Massino's family didn't show any concern and never visited, a remark that prompted a visit by Adeline and her husband.

After the January 2003 arrest, Diana Vitale looked to Josephine Massino and her daughters for emotional support—and vice versa. Telephone calls became more frequent between the women. They now faced a common predicament with the two men in custody. At one point in late February, one of Vitale's sons called up Josephine to simply say he loved her. She was deeply touched.

A day later there was nothing.

Joanne Massino remembered making some calls to her aunt Diana's house on Long Island, and her messages got no response. It wasn't just the Massino family phone calls that weren't being returned. Other relatives and friends had tried as well. An elderly aunt quizzed her niece, Joanne.

"What is going on? I haven't heard from Diana," the aunt said.

On February 28, nearly two months after the Massino indictment, defense attorney John Mitchell checked his fax machine in his Manhattan law office. Mitchell, one of a cadre of well-known defense attorneys who specialized in organized crime cases, had been retained to represent Sal Vitale in the Bonanno case. Noticing a document in the receiving tray of the machine, Mitchell picked it up and read. The message said tersely that Vitale had a new lawyer, a fellow named Bradley Simon. The fax had actually come from Simon and he asked Mitchell to send over the Vitale case files and thanked him in advance for his cooperation.

Defendants switch lawyers all the time. But Simon was among a group of attorneys who sometimes represented clients who had de-

cided to help law enforcement after being arrested. Some defense attorneys viewed the actions of such "cooperating attorneys," as one lawyer called them, as being unworthy of wearing the mantle of defense lawyer. But there was really nothing ethically wrong with the practice and defendants who went over to Team America, as the government was called, needed skilled legal help in negotiating deals and protecting their interests.

The fact the Vitale had Simon as a lawyer was a clear indication to Mitchell that his former client had decided to cooperate. This was the worst possible news for Massino because while Frank Coppa and Richard Cantarella, the other turncoats, didn't know everything Massino might have been done, Vitale had been an aide-de-camp to his brother-in-law. Vitale knew much of the institutional history of the Bonanno family and knew many more of Massino's dark secrets: the murders he played a role in and the illicit profits he raked in. Massino was definitely in trouble.

Mitchell made a call to Breitbart. The lawyer then told Massino, who made a jail house telephone call to tell Josephine.

Betrayal. Now the Massino case was more than just another mob whodunit. It was a story that Shakespeare would have loved.

Massino had been leery of his brother-in-law from the first hours they were locked up together and believed he might have become an informant as soon as he believed the metal handcuffs on his wrists. Both men had been taken to different federal jails: Massino to Brooklyn and Vitale to Manhattan.

"Where is my brother-in-law?" Massino asked the guards in the holding area. When he didn't see Vitale, he suspected he might have turned cooperator. At that point, Massino's suspicions had been premature, but not by much.

On Eighty-fourth Street in Howard Beach, the Massino women felt the traitorous action of Vitale deeply.

"It was like a building coming down on my head," Josephine Massino recalled later.

The relationship Josephine had developed with her brother since childhood was one that intensified the emotions she felt with his

decision to turn on her husband. Within her Sicilian immigrant family, it had fallen on Josephine to raise Vitale since her parents were constantly working to provide for all four siblings. It was natural then for their relationship to be special and for Josephine to be protective of Salvatore. In her study of brother and sister relationships, author Francine Klagsbrun states that older sisters always manage to be protective and caring of their younger brothers. In an Italian family with only Salvatore to carry on the family name, the need for his sisters to protect him and in the process spoil him must have been a task implicitly communicated to them by their parents.

So by turning on Massino, Vitale was turning on his closest sister, the one person in the family with whom he had developed a special bond of caring and trust. The severing of that bond, on top of the financial and legal jeopardy it created for Josephine, made her brother's decision to turn on Massino all the more traumatic.

Joanne Massino didn't have those deep familial ties to Vitale. But her uncle had nonetheless played a special role in her life. He had become a second father. She had been a freshman in high school when her father went on the lam and Vitale played the role of surrogate father. When Joanne was ready for her Sweet Sixteen party, it was Vitale who made the arrangements for a catering hall and danced with his niece to the sounds of the syrupy Luther Vandross song "Always and Forever." The teenaged Joanne was so taken with the way Vitale stepped up for her that whenever the song played on the radio, she would call him to say which station he should tune to. They even had a special beeper code—"143"—which meant "I love you."

But now the sweetness was gone, and replaced by venom. Learning of Vitale's decision to turn against her father, Joanne cursed her uncle. Rushing through her home in Howard Beach, she opened drawers and photo albums to gather up as many pictures of Vitale as she could find. First communion pictures, weddings, the Sweet Sixteen party, Thanksgiving, Christmas—she ripped them to shreds and then dumped them in the trash. She kept one photo of Vitale's four sons and one day was poised to get rid of it as well.

Her mother was reluctant to have it discarded. No, Josephine said with a wistful look as she held the picture in her hand. Don’t discard it, she implored her daughter. In the end, Josephine took it home. It was likely to be one of the only images she would ever retain of her nephews being together.

Adeline Massino didn’t have the same kind of close connection to her uncle Sal as her sister. Adeline was about twenty years old and seriously dating when her father went on the lam, so she likely didn’t have the same kind of emotional need for a father figure as her sister. A psychology major in her college days, Adeline had become increasingly uncomfortable with her uncle Sal. There was something she didn’t trust about him. He seemed too full of himself. His preening, his vanity, his fixation on being a boss man, turned her against him. But even if she only had vague knowledge and suspicion about her father’s life, Adeline Massino knew that her uncle’s decision to testify was trouble.

Actually, Vitale’s decision to turn was a no-brainer for him. He had resented Massino for years, since the mid-1990s. His brother-in-law may have given him the title of underboss, but he assigned him no captains and kept him on a short leash. Vitale felt emasculated. He had always been the big boy in his own family, growing up in an Italian household with three doting sisters who spoiled him rotten and made him the center of attention. With Massino he was disrespected and belittled. What was worse was that the depreciation came at the hand of a man who had married his sister.

Vitale was unable to even get Christmas gifts from the family captains. In mob parlance, he had been put “on the shelf.” Of course, Massino had his reasons. Vitale wasn’t liked by the other Bonanno family members and his brother-in-law told him that. Some wondered out loud that the only thing keeping Vitale alive was the fact that he was related to Massino by marriage.

The isolation he felt in 2001 from Josephine and her daughters was something Vitale blamed on Massino. Those who study brother-sister relationships say the bonds that develop can sometimes lead to powerful undercurrents where the spouse of one sibling may be

viewed as an adversary by the other sibling. This kind of resentment just might have been at the core of the hatred Vitale developed for Massino. But if it was, Vitale never acknowledged it.

Proffers agreements are known as “Queen for a Day” letters, a reference to the 1950s television show where ordinary housewives were lavished with gifts and attention for one day in their life. In Vitale’s case, he spent over a week proffering to prosecutor Andres, telling him what he knew about Massino, the Bonanno crime family, and the various murders. Cesare Bonventre, Alphonse Indelicato, Dominick Trinchera, Philip Giaccone, and Gabriel Infanti—they were victims Vitale put squarely around Massino’s neck in the early days of March 2003.

Jeffrey Sallet and Kimberly McCaffrey, as well as fellow agents Nora Conley and James McGoe, sat mesmerized as Vitale told them stories of how the Bonanno crime family worked. This was the real deal, the history of the crime family fleshed out by someone who had lived through a good part of it. He talked about Massino’s loan-sharking, gambling, and arsons. Vitale also talked about his own crimes, which included the murders everybody in law enforcement thought Massino played a hand in but could never prove. It was nice to have somebody like Vitale fill in the details of the mob hits. But suddenly that caused an unexpected problem.

On March 7, 2003, as he was being debriefed by the FBI agents, Vitale started to tell them about the slaughter in the Bronx of Gerlando Sciascia. The agents clammed up and suddenly closed their notebooks. That killing was a potential death penalty murder they told Vitale. They couldn’t talk to him about it unless the Department of Justice agreed to exclude Vitale from the death penalty as an option. Seeing the wisdom of keeping a key witness in the fold, Washington agreed to cut Vitale out of the death penalty calculation.

Free of the embargo caused by the death penalty concerns, Vitale continued to talk to the agents. He did so for a good part of the next year. Some of the information amounted to mob gossip, such as how reputed mob associate Sandro Aiosa had a reputation for

being a “liar and a cheat.” He told the agents who was up and who was down in the Bonanno family, gave the agents lists of names of members in all the crime families, and even provided the names of deceased gangsters to fill in gaps in the FBI crime family lists. Did anybody realize that the Mafia had a prohibition about performing oral sex on a woman and then talking about it? According to Vitale, one Bonanno associate who had been proposed for membership was scratched from consideration because he had been overheard discussing cunnilingus. Another, John Arcaro, was inducted as a courtesy before his death in April 2001, according to Vitale.

Under Mafia rules, the five families could induct new members to replace those who had passed away. It was a way of keeping the status quo. But according to Vitale, he played a little scam. On a few occasions he made up the names of deceased Bonanno soldiers to pad the membership roles and allow the family to induct more members than the rules allowed.

At least once Massino played the role of marriage broker, Vitale said, approving the nuptials of one Bonanno soldier to a woman who was once engaged to a Lucchese soldier. It seemed the Lucchese crime family didn’t want the wedding to go off. But Massino said it could, according to Vitale.

But it was with more substantial stuff that Vitale enthralled the agents, stories of big Mafia meetings where legendary mob bosses sat down with him and Massino. Around 2000 a lot of those meetings involved what La Cosa Nostra was going to do about the wayward and dissolute Colombo crime family. The family had been riddled with turncoats and informants, as well as bloodied by continuous warfare. The mob bosses considered a number of moves, some of them drastic. Some called for dissolving the Colombo group and dividing up the members among the other Mafia families. It was a plan that was rejected, Vitale said, because the other families wouldn’t want to take on men they didn’t know.

Another plan, not much different than the first, was to put all the Colombo family member names in a hat and have the four other crime families draw the names they would take into their

family, he said. Some even considered not recognizing the Colombo group at all but thought doing so would show too much disrespect for Carmine Persico, the old family boss who was serving a life sentence, said Vitale.

These meetings sometimes got to be catty and backbiting affairs. One time Peter Gotti, who was the acting boss of the Gambino crime family, was asked why his imprisoned brother John didn't step down as head of that family. Peter Gotti, obviously angry, responded by asking why didn't Vincent "the Chin" Gigante, who was also in prison, step down as boss of the Genovese family, said Vitale. The response from another Genovese member at the meeting was that Gigante would be getting out of prison one day—something that wouldn't be happening for John Gotti.

Vitale also told the agents some intriguing bits. He said that at one point he and Massino had chatted in Howard Beach with Gotti's son, known as John Jr. The subject of the conversation was Thomas Uva, who with his wife, Rosemary, were believed to be burglarizing mob social clubs all over the city. A lot of mobsters wanted the Uvas dead and the Mafia families put an "open contract" out on them, meaning anyone could collect on it. The younger Gotti remarked "we took care of it" when the couple was discussed, said Vitale. Thomas and Rosemary Uva were shot dead on a Queens street on Christmas Eve 1992. For years, investigators suspected Junior Gotti might have played some role, but he was never charged, and he always denied any involvement.

The bad state of affairs of the mob was often on the agenda at such meetings. Vitale said that at one sitdown session with Peter Gotti, acting Colombo boss Vincent Aloisio, and reputed Genovese captain Barney Bellomo, he asked for permission to induct fifteen new members into the Bonanno family. In response, Nicholas "Little Nicky" Corozzo of the Gambino family asked "Where are you going to find fifteen new members?" Peter Gotti jumped in and said that it was not the time to make new members because of the continuing pressure of law enforcement.

As fascinating as such inside talk about the Mafia was, Vitale's