

real value to the FBI agents listening to him was the hard details he had about the murders. In the murder of the three captains on May 5, 1981, Massino just wasn't involved in the planning of the hit, he was actually present the moment the slaughter took place, Vitale told the agents. In the pandemonium that occurred during the shooting, Vitale said he didn't get a chance to fire his gun and saw a terrified Frank Lino flee through a door he had been assigned to guard. Vitale said he stayed around to clean up the bodies with Dominick "Sonny Black" Napolitano and others, placing the corpses in drop clothes and then following a van that drove the gruesome cargo to Howard Beach.

Vitale's information about the three captains was dynamite for the prosecution. It was the first direct evidence of an eye witness and participant to implicate Massino in the planning and execution of the slayings. Previously, the evidence was indirect and circumstantial. Even taped remarks that Massino had screwed up in disposing of the bodies had not been enough to win a conviction, as the 1987 trial showed.

Sonny Black Napolitano's murder was also laid at the feet of Massino by Vitale. After it became known in July 1981 that undercover agent Joseph Pistone had penetrated the Bonanno family, an angry Massino, walking with Vitale in Howard Beach, said that if he had to go to jail because of Pistone, it would be Napolitano who would get a "receipt," meaning be killed. Vitale told the agents that after picking up a stolen van one day from Duane Leisenheimer, he drove Massino and Steven Cannone to a house in Staten Island. It was during the drive, said Vitale, that Massino said that Napolitano was going to be killed that very night. The three men waited in the van outside the Staten Island house until a man, who Vitale identified as Bobby Lino Sr., came out and said, "It was all done."

Throughout March 2003, Vitale told the FBI agents about both his and Massino's involvement in a total of ten murders: Alphonse Indelicato, Dominick Trinchera, Philip Giaccone, Dominick Napolitano, Anthony Mirra, Cesare Bonventre, Gerlando Sciascia, Gabriel Infante, Joseph Pastore, and Vito Borelli. He also tied Massino

into a conspiracy to murder union official Anthony Giliberti. Vitale confessed to playing a role in conspiracies to murder two other men and involvement in two actual murders that didn't involve Massino.

As a mobster, Vitale had done a lot of work. Now he was doing it for the FBI. Vitale told special Agents Sallet, McCaffrey, Conley, and McGahey about his life of crime, implicating Massino and a lot of other Bonanno brethren in crimes that ranged over two decades. There were even times he talked about his sister, Josephine. Had he not insisted in his negotiations with prosecutors that nothing he told them could be ever used against her, she might have found herself in trouble as well. Vitale told the FBI that while Massino was incarcerated he visited his sister and turned over cash to her that represented her husband's share of loan-sharking and gambling profits.

After Vitale decided to cooperate, there was a stampede of other Bonanno members to sign on to the prosecution's team. Frank Lino, who had been arrested with Massino in January, felt vulnerable. It had been Vitale, while he was part of the ruling committee of the family, who had Lino carry out some homicides.

"When he cooperated, there was no way I was going to win anymore," Lino said later. "He was giving all the orders to do all the killings when he was there."

So after nearly three months in jail—most of it in solitary confinement—Lino decided he wanted to cooperate. On April 4, 2003, a little over a month after word had leaked out about Vitale's turncoat status, Lino told Andres he wanted to make a deal.

But even before Vitale and Lino there was "Big Louie." The tall, gangly Big Louie was really James Tartaglione, a mobster who had earned his stripes in the 1980s. His thick glasses and bony face made him look like a high school underachiever who didn't have the mind or inclination to do much in life but work in a grocery store. But Tartaglione was well liked by Massino and had done his own pieces of work for the Bonanno family.

Yet, there came a point in Tartaglione's life when he tired of the mob. He had been convicted earlier in the decade and decided to

spend his time in Florida. Massino had been troubled by too many Bonanno members taking a break and moving out of state. He tried to pull Tartaglione back but the newly minted Floridian resisted. He had a great life in the Sunshine State and wanted to retire there, spend time with his family, and peacefully watch the sun set.

The indictments in New York had Tartaglione worried. It was just a matter of time before other informants began placing him at the scene of murders. Tartaglione had been outside the door of the Brooklyn social club when the three captains were slain in May 1981. In 1984, Vitale had asked him to help out in the murder of Cesare Bonventre. It was Tartaglione who pulled a squirming, mortally wounded Bonventre out of the car in a garage. Tartaglione had been involved in loan-sharking, arson, and gambling. He had some baggage to be concerned about.

Still on probation for his earlier federal conviction, Tartaglione had always remembered the woman prosecutor in Brooklyn who he came to respect. She was younger than he was, but like him her graying hair showed her seasoning. When his daughter thought she had breast cancer, the woman had passed along to Tartaglione the name of a medical specialist who could help. (No cancer was detected.) The prosecutor was Ruth Nordenbrook, and through his Florida probation officer Tartaglione reached out to her shortly after Massino had been indicted.

Some of Nordenbrook's associates in the Brooklyn U.S. Attorney's Office had figured that her patient manner and bonding with Tartaglione, even though she had prosecuted him, would somehow pay off.

"He thought I dealt with him fairly," Nordenbrook later recalled.

One incident in particular solidified Tartaglione's respect for the middle-aged prosecutor. Tartaglione was due in court one day on the federal case Nordenbrook had brought. But when his daughter collapsed in the doctor's office, Tartaglione naturally missed his court date. Normally, when a defendant who is out on bail doesn't show up in court, it could be grounds for a contempt citation and a

charge of bail jumping. But Nordenbrook didn't insist on any such action and for that Tartaglione was grateful.

So, despite some resistance from at least one FBI supervisor, Nordenbrook flew to Florida with fellow prosecutor Greg Andres and convinced Tartaglione to sign a cooperation agreement.

The odd thing about Tartaglione's decision was that he didn't wait for an indictment to make his decision. True, he might have eventually been charged based on what the other turncoats said. But since he was free and living outside a jail cell, Tartaglione was the one cooperator who could circulate freely among his criminal confederates.

The FBI immediately saw the usefulness of Tartaglione's freedom and convinced him to begin wearing a wire as he met with key Bonanno crime family members and others. Now, not only did the federal government have witnesses like Vitale, Coppa, and Lino, they actually had a made member of the crime family making tapes. It was another coup for the government that had exceeded anyone's expectations.

From January 2003 until January 2004, Tartaglione taped over forty-five conversations with Bonanno captains Vincent Basciano, Anthony Urso, the crime family's acting boss while Massino was in custody, Joseph Cammarano, acting underboss, and others. Federal prosecutors have released only small portions of the recordings, but they reveal that many of those conversing with Tartaglione talked openly about the way the Bonanno family was trying to adjust to the pressure from the arrests and prosecutions.

It was during this chaotic period that Cammarano was recorded telling Tartaglione to move back from Florida "to show strength." Meetings of the Bonanno family administration found mobsters talking about trying to locate the families of turncoats and to induct new members to build up strength. Since legal troubles were causing Massino big legal bills, the crime family decreed what prosecutors called a monthly "tax" of \$100 for each member to pay into a war chest.

In one snippet of a recording of a September 2003 crime family

meeting that was widely circulated in court documents, Urso was heard speaking about killing the families of turncoats.

"This has got to stop," said Urso. "Fuck it, he can do it, I can do it. This is how they should have played, and they might have done this before you turned, we wipe your family out."

"Why should the rats' kids be happy, where my kids or your kids should suffer because I'm away for life. If you take one kid, I hate to say it, and do what you gotta do, they'll fucking think twice," said Urso.

Cammarano cautioned Urso, court records show, that such a bloody strategy of retribution would only bring on more law enforcement pressure. It might also reflect poorly on Massino, added Cammarano.

What Tartaglione was thinking when he heard Urso's rant about the family of informants, all the while he was secretly recording him, was never disclosed. But his recordings, as well as the evidence given by Vitale, Coppa, Lino, and other turncoats, gave the FBI a field day. In May 2003, a federal grand jury in Brooklyn indicted Massino on more murder charges, accusing him of killing Anthony Mirra for the Joseph Pistone-FBI infiltration of the Bonanno family. Frank Lino, who was already talking to prosecutors, was indicted for the 1990 murder of Louis Tuzzio, the man killed as a favor to John Gotti.

A glowing news release from the Brooklyn U.S. Attorney's Office stated the latest tally: "To date, both the Bonanno family boss and under have been charged, as well as six captains, two acting captains, eight soldiers and twelve associates. With the 2001 conviction of Bonanno family consiglieri Anthony Spero, all three members of the Bonanno family administration have now been charged with, or convicted of, murder, and all potentially face life imprisonment."

Because of concerns about the families of turncoat mobsters like Vitale, Tartaglione, and the others, federal prosecutors resorted to courthouse cloak-and-dagger operations. It was unwise, investigators reasoned, for guilty pleas of cooperators like Vitale to be taken

in the downtown Brooklyn federal courthouse. Secret guilty pleas, with courtrooms sealed off and spectators not allowed, happened all the time. But the Bonanno investigation was fraught with too many perils. Officials feared that if word leaked out that a particular person was pleading guilty with a cooperation agreement, the individual's family members might be in peril. Comments of the kind Urso made to Tartaglione only reinforced those fears.

So, on particular days when a Bonanno turncoat was pleading guilty, Judge Nicholas Garaufis, who had been picked by random selection to handle the cases involving the crime family, disappeared from his chambers on Cadman Plaza East in Brooklyn. Garaufis had been active in Queens County politics and had once served as counsel to Borough President Claire Shulman, the woman who replaced the corruption-tainted Donald Manes, who committed suicide in early 1986 during the city Parking Violations Bureau scandal. After stints as a private lawyer in Bayside and as an assistant attorney general in New York state, Garaufis went on to become counsel to the Federal Aviation Administration. He was nominated to be a federal judge in 2000 by President Bill Clinton. An affable man of Greek ethnicity, Garaufis was press savvy and prided himself on open courtrooms. But sometimes necessity required secrecy.

On certain days, Garaufis would walk over to the nearby Marriott Hotel on Adams Street. There, he would go to a suite that had been booked by federal prosecutors and on entering he would find FBI agents, a court stenographer, and various assistant U.S. attorneys. Also in the room was a defendant who had decided to cooperate with the government and his attorney. Garaufis would preside in the room as the cooperator pled guilty to various crimes and admitted that he had signed an agreement to testify at any trial. For added security, Garaufis sometimes drove to one of a number of hotels near LaGuardia Airport in his home borough of Queens, where other cooperators were taken to enter their guilty pleas.

Despite these precautions, word of who had decided to cooper-

ate leaked out anyway. By then, there had been more indictments. August 20, 2003, saw another news release revealing that Massino was charged with three more homicides: the killing of Cesare Bonventre in 1984, of Gabriel Infante in 1987, and of Gerlando Sciascia, whose death in 1999 had piqued the interest of FBI Director Louis Freeh.

Some new defendants were also added to the ever growing list of Bonanno family members under arrest. Two reputed Bronx members of the family, captain Patrick "Patty from the Bronx" DeFilippo and soldier John Joseph Spirito, were charged with taking part in the Sciascia killing while Massino was vacationing in Mexico with Josephine. (That kind of detail was something Vitale knew and apparently was a key source of what was alleged in the indictment.) It was Spirito, a tough guy with the thick, bony face of a prize fighter, who was accused of picking up the ill-fated Sciascia and then dumping his body in a Bronx street to make it look like the Canadian gangster was killed by drug dealers.

Defendants awaiting trial without bail often hold joint defense meetings in jail. After the Sciascia indictment, Massino, Spirito, DeFilippo, and other defendants held joint defense meetings at the Brooklyn federal detention center to plot strategy with their lawyers. Massino sat at the head of the table in the jail conference room, a posture that seemed to say he was in charge. He usually had two sandwiches brought in from the vending machines, and if he didn't think the cheese was warm enough he had one of his underlings microwave it again.

Murray Richman, a well-known criminal defense from the Bronx, was representing Spirito and made it clear to any one who was present that he didn't like these jail house meetings. Richman had a simple rule that one out of four people would turn informant, ruining the defense strategizing. Massino thought differently.

"Not my guys," said Massino, referring to Spirito and DeFilippo.

But Massino was ignoring the obvious. Turncoats had already occurred in his ranks—Coppa, Vitale, Lino, and Tartaglione had

already become cooperating witnesses. They had put Massino in a bind for five homicides. There was also something else for him to worry about.

FEDS MULL WHACKING MOBSTER, said the *Daily News* headline for a 388-word story on page nine in its August 21, 2003, edition. The item said that for the Sciascia murder, Massino, DeFilippo, and Spirito could face the death penalty. "If U.S. Attorney General John Ashcroft authorizes Brooklyn prosecutors to seek capital punishment, it would mark the first time an alleged boss of a New York crime family faced possible execution by the government," the story by reporter John Marzulli stated.

On Eighty-fourth Street in Howard Beach, Joanne Massino was sleeping late. Since her divorce, she hadn't worked much, but in the summer months she had a full-time job of sorts figuring out things to do with her son and daughter. The children would write to their grandfather at the Brooklyn federal jail but really didn't know the full import of what had been happening. Their mother kept the worst of the news from them.

Up the stairs of Joanne's two-story modern home, built on land she had been given by her mother, came her ten-year-old daughter. The child was going to treat her mom to breakfast in bed and the morning newspaper, which was rolled up and held fast with a rubber band. Joanne thanked her daughter and still in bed opened up the paper. The item on page nine gave her a start. She was puzzled by what she read. New indictment? Death penalty? Joanne hadn't heard of the new charges. But the words "death penalty" caused her further incomprehension.

"With five made members of the Bonanno crime family now co-operating with the feds—including underboss Sal Vitale—the hits keep on coming for Massino," Marzulli noted.

Seeing her uncle's name and reading it in the same story about the prospect of her father being executed, all thanks to Sal Vitale, sparked another rage in Joanne. Then she cried hysterically.

CHAPTER 19

“Let’s Bring In the Jury”

The charges against the Bonanno crime family kept coming.

On January 20, 2004, just a year after Massino had been charged, a Brooklyn federal grand jury returned another set of indictments as a result of evidence provided by turncoats Salvatore Vitale, James Tartaglione, Frank Lino, and Frank Coppa. This time, the government was aiming at cleaning house in a big way.

Among those charged in this indictment were Anthony Urso and Joseph Cammarano, the two men who had been taped by Tartaglione musing about executing the families of turncoats. Urso was identified as the acting Bonanno boss now that Massino was incarcerated, while Cammarano was his underboss since Vitale was out of the picture.

Cutting its way through the Bonanno hierarchy, the grand jury also indicted over two dozen other members and associates. The catch was impressive. Charged with various acts of racketeering were such illustrious names as Vito Rizzuto, the Canadian soldier suspected of being one of the assassins who jumped out of the closet during the murder of the three captains in 1981. Other key captains charged were Louis Attanasio, a suspect in the 1984 slaying of Cesare Bonventre and restaurant owner Louis Restivo on charges he played a role in the killings of Gabriel Infanti and crime family associate Anthony Tomasulo.

All together, eight captains or acting captains, thirteen soldiers, and four associates of the crime family were charged. The consequences for the Bonanno family were ominous.

"Since March 2002, the government has prosecuted more than 70 members and associates of the Bonanno family," crowed the government news release. "Today, virtually the entire family leadership of the Bonanno family has been incapacitated, with only a few family captains remaining unindicted."

From one of the most insulated crime families that Joseph Massino boasted had never had a major turncoat, the Bonanno family had seen six of its made members, including the underboss, agree to cooperate with the prosecution. Massino had once decreed that the family name should be changed from Bonanno to Massino because the old patriarch, Joseph Bonanno, had disgraced his legacy by writing a book that exposed some *La Cosa Nostra* secrets. Bonanno died in 2002. But had he seen the way "*This Thing of Ours*" had become tattered, he might have sued Massino for sullying his old family name.

The indictment cut like a scythe through the Bonanno family and there was a rush of people to take guilty pleas and hope for a break on sentencing. Vitale, Lino, and the other turncoats had made their deals with the government. So did Daniel Mongello, one of the other soldiers nabbed in the January 2003 roundup. So many gangsters worked out guilty pleas that by May 2004 there was only one person left standing who was going to go to trial: Joseph Massino.

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The trial of Joseph Massino was preceded by nearly a month of jury selection. Normally, it takes about a day or two to select a jury to hear a run-of-the-mill criminal case in Brooklyn federal district court. But in big cases, particularly where there are allegations of organized crime, the whole process takes much longer. Massino's trial was no exception. To weed out bias or people who couldn't fairly decide the fate of the defendant, potential jurors had to answer detailed questionnaires about everything from their reading habits to whether they or family members had ever been victims of a crime. After the questionnaires were perused by prosecutors and

defense attorneys, the people in the jury pool were called into court and individually questioned about some of the answers they had given. Depending on what was said by the potential jurors, they were either dismissed from further consideration or told to stand by.

Mafia cases in the Brooklyn federal court also invariably use anonymous juries. The practice of using such panels had come into vogue during the big mob trials of the 1970s and 1980s, when courts feared that Cosa Nostra defendants might try to bribe, influence, or intimidate juries. There was good reason to believe that could happen since John Gotti's minions were found to have done it twice, once during his 1986 trial in Brooklyn and another time in 1990, when he was on trial in Manhattan on state charges. Both times he was acquitted.

So, in Massino's case the approximately 200 potential jurors who trooped into the Cadman Plaza courthouse in early May 2004 had already been given numerical designations to use on their jury questionnaires. Their identities were known by only a small group of court personnel, even though there was no indication that Massino was thinking about trying to meddle with the jurors.

The questioning revealed some who had obvious bias against Massino, like the man who said he thought the Howard Beach gangster looked like Tony Soprano, the lead character played by actor James Gandolfini in *The Sopranos* show on HBO. Another man said he didn't think loan-sharking was a crime since borrowers in the Hispanic community, where usury was common, knew that high interest rates went with such loans.

On May 19, 2004, after three weeks of questioning, the prosecutors and defense attorneys officially agreed on a panel of twelve regular jurors—four men and eight women—and eight alternates to sit in judgment of Massino. The trial was scheduled to open on May 24, 2004.

Criminal cases have their special rhythm. After an arrest and not guilty plea, the defense has to work out a strategy to beat the case or else fold up and plea bargain, hoping for a break. In Massino's

case, a plea was out of the question. As the man who was heir to a Mafia tradition of leadership laid down by patriarch Joseph Bonanno, Massino had always sung the praise of the crime family that never had a made member turn informant. Besides, he denied to his family, lawyers, and anyone else who listened that he had anything to do with the murders the government was trying to pin on him.

Before jury selection even began, David Breitbart's strategy was to first chip away at the indictment. He believed history and the law were on his side. Massino had already been charged before with complicity in the May 5, 1981, murders of the three captains—Dominick Trinchera, Philip Giaccone, and Alphonse Indelicato. In 1987, a federal jury in Manhattan had found him not guilty of conspiring to kill the three men. To a layman, it sounded like Massino had been cleared of the murders. Well, not exactly.

In the 1987 trial, the charge involving the murder of the three captains was a murder conspiracy charge that was believed to be one of a number of racketeering acts committed by Massino. He was not charged with actually committing the murders but with agreeing and plotting to carry out the crime. Under U.S. Supreme Court rulings dating back to 1932, the government was not prevented from bringing new murder charges against Massino because a substantive crime and a conspiracy to commit the crime weren't the same offense. In other words, there would be no double jeopardy under the Fifth Amendment of the U.S. Constitution. It was Breitbart's job to find a way around that rule of law.

Breitbart was assisted in trial preparation by Flora Edwards, a former official at the City University of New York who gravitated into criminal law. Edwards liked legal research and writing and took pride in the nickname "Princess of Paper" because of the facility she had with the written word. Together, Edwards and Breitbart fashioned an argument that held that Massino's 1987 acquittal prevented the government from now retrying certain issues decided by the jury in the earlier trial.

A key to the defense argument was that in acquitting Massino in

1987, the jury decided that he didn't intend to kill Trinchera, Giaccone, and Indelicato, something the federal government was now attempting to try him for again in 2004. The prosecution's response was that the 1987 jury could have acquitted Massino of the murder conspiracy on the grounds that the government failed to prove that he joined the plot, than that the prosecution failed to prove he had the intent to kill the three men.

It all sounded like a great deal of legal hair splitting. But if the earlier verdict was based on a lack of evidence of a conspiratorial agreement instead of on an intent to kill the three captains, then the government was within its right to bring the latest charges to trial. To decide that issue, Judge Nicholas Garaufis had to read the mind of the earlier jurors and Judge Robert Sweet based on the old trial record. After reading the transcripts, Judge Robert W. Sweet's jury instructions, and the 1987 verdict sheet, Garaufis agreed with the prosecutors, and in a ruling dated March 24, 2004, he told the lawyers why.

"The question for the court to decide, therefore, after examining the 'pleadings, evidence, charge and other relevant matter,' is whether Massino has carried his burden of proving that the 1987 jury 'necessarily' decided that Massino did not intend to cause the deaths of Indelicato, Giaccone, and Trinchera," Garaufis stated. "After conducting such an examination, I conclude that the 1987 jury did not necessarily make such a finding."

Garaufis went on to say that "I conclude that a rational jury in 1987 could have based its acquittal on the government's failing to prove beyond a reasonable doubt that Massino entered into an agreement to murder Indelicato, Giaccone, and Trinchera."

Massino's attempt to whittle down three homicide charges in the indictment had failed. He also faced another problem. Though seven homicides were charged in the indictment, Greg Andres wanted to bring out during the trial other killings and murder conspiracies from the early 1970s through 1999 that the government believed Massino played a role in, as well as acts of loan-sharking, extortion, theft, hijacking, arson, and illegal gambling. Andres even

card, Joanne Massino called me and said her mother urgently wanted to talk. Detouring from a trip to Shea Stadium where the New York Mets were playing the Atlanta Braves, I wound up in Howard Beach, hoping that none of the women would change their minds.

For over two hours Josephine Massino and her daughters talked about Joseph Massino and what the betrayal of Salvatore Vitale had meant to them personally. They were circumspect to be sure and didn't want to talk about any of the allegations at the center of the trial that was opening the next day. They also didn't want to answer some questions about the merits of the case or things like whether Josephine knew where her husband had been in the years he was on the lam. Though emotionally vulnerable and unsure of what to say, Josephine Massino and her daughters tried to paint a picture of Joseph Massino that portrayed him as an average Archie Bunker kind of guy with a big heart. They said he was a man who doted on his four grandchildren.

"Forget me and my sister—his grandchildren [mean] everything to him, everything to him, and that is the truth, and anybody will tell you that," said Joanne.

Adeline pulled out a cache of letters Massino had written on average about twice a week to his grandchildren while in jail. Not a literate writer, Massino tried to hold out hope for the grandchildren that he would see them again, ending one note to a granddaughter who shared his liking for food with the closing comment "until we eat again."

The women recounted some of Massino's acts of kindness, such as his donation of juice, coffee, and baked goods for one of his granddaughter's grade school graduations or the way he paid the funeral expenses for the burial of a brother-in-law whose family was cash strapped. The Massino women were true believers in his goodness, something that seemed to blind them to the ugliness of the charges and the mounting evidence against him.

As expected, the women excoriated Vitale, portraying him as a

vain, unloving, and selfish man. His actions in turning on Massino were the ultimate in betrayal, actions they believed were motivated by a deep-seated jealousy Vitale had for the close relationship his sister's family had.

"He was a dirt bag," Joanne said.

The morning after the interview was May 24, 2004, and the media hordes had descended on the Brooklyn federal court and set up camp in Cadman Plaza. The park space had a large grass playing field that was fringed by tall trees. The massive gray stone Brooklyn War Memorial, which is big enough to contain rooms, loomed over the plaza. Television news crews and still photographers parked their vehicles along the park's walkway. The park was the best location to photograph attorneys, defendants, and their families because they invariably had to walk straight across the playing field to get to the court house.

Josephine Massino and her two daughters parked in a nearby indoor lot. As they crossed into the park, the photographers began to buzz about their arrival and started photographing them in a flurry of activity. One image captured Josephine Massino peering over her sunglasses as she realized the anonymity she had enjoyed over the years as a Mafia wife was now gone. Her daughters, who had paused in the park while Joanne bent down to tie her shoe, walked by the phalanx of photographers moments later. They walked together, looking a little bewildered and defiant.

Inside, Judge Nicholas Garaufis came into the courtroom at 10:15 A.M. and called the case to order. Massino sat at the defense table with Breitbart—Flora Edwards was delayed because of a traffic problem. At the prosecution table were Assistant U.S. Attorneys Greg Andres and his two cocounsel, Mitra Hormozi and Robert Henoch. Also seated at the prosecution table were the two FBI agents whose number crunching and investigation had started the chain of events that led to this particular day: Jeffrey Sallet and Kimberly McCaffrey. Seated with them was Samantha Ward, a paralegal who worked on the case and helped prepare it for trial.

After some housekeeping matters were discussed, Garaufis took one last look around the courtroom.

"We're ready, everyone?" Garaufis asked.

"Yes," answered Andres.

"Let's bring in the jury," Garaufis ordered.

CHAPTER 20

“They Didn’t Die of Old Age”

Robert Henoch was known to some as “Colonel” for a very good reason. He was one.

A slender, bespectacled man, Henoch was a lieutenant colonel in the U.S. Army Reserves while he worked as a prosecuting attorney. Low keyed in court, Henoch honed his skills after graduating from George Washington University School of Law in 1993 in the office of Manhattan District Attorney Robert Morgenthau.

The Manhattan District Attorney’s Office is one of the biggest and most visible prosecutorial offices in the country and a lot of the young lawyers who work there wind up doing well. A good attorney can make a career in public service there and many have gone on to major government jobs, including Henoch’s top boss, Brooklyn U.S. Attorney Roslynn R. Mauskopf.

Still, as rewarding as a local job in the district attorney’s office can be, an attorney who likes criminal law and prosecuting cases can use it as a springboard to the next level up, the job of a federal prosecutor. Henoch, who sharpened his skills doing homicide investigations and trials in Morgenthau’s office, took the plunge by joining the Brooklyn U.S. Attorney’s Office in 2002.

Among the prosecution team Henoch was the newcomer. Greg Andres had joined the office in 1999, while Mitra Hormozi had signed on in 2001. Even though he was the baby of the team, Henoch knew his way around a courtroom and with his military background—he served in Qatar during the Second Gulf War—he

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wasn't intimidated by the need to address a jury. It fell to Henoch to deliver the opening statement against Joseph Massino. Even David Breitbart was impressed by what he saw.

Speaking as though he was addressing a general staff at the War College, Henoch didn't have to use notes. Standing straight and looking directly at the jurors, he told them just how bad he thought the defendant was.

"This trial is about the vicious, violent, cunning and murderous rise to power of Joseph Massino," Henoch said in the first seconds of his opening remarks.

Pow. That kind of opening remark summed it all up and if he wanted to just set the scene with one sentence, Henoch could have sat down at that point. But openings are used to tell juries what the evidence will show that supports the government's view of the defendant and in the case of Massino there was a lot to tell.

Some lawyers rely on notes, but as Henoch stood in front of the jury box, his eyes scanning the members of the panel, he spoke with not a piece of paper in sight. He had effectively memorized what he had to say. Pointing to Massino, Henoch said that he was the boss of the Bonanno crime family, an organization that made money through crime: loan-sharking, gambling, arson, extortion, racketeering, and murder. Massino started off as a lowly associate in the mid-1970s and steadily worked his way up the chain to soldier, captain, and finally the boss of what Henoch said was "a criminal organization that acts outside the laws of the United States and the laws of New York State."

Massino had been boss for over twenty-five years and didn't suffer fools gladly. It was at that point in the early moments of his opening statement that Henoch spoke about the men whose deaths the government believed Joseph Massino had engineered: Philip Giaccone, Alphonse Indelicato, Dominick Trinchera, Dominick Napolitano, Cesare Bonventre, Anthony Mirra, and Gabriel Infanti.

"Indelicato, Infanti, Trinchera, all these men, they didn't die of old age, they didn't die of cancer, they died because they were a

threat to the defendant in his struggle for power and control over this family," said Henoch.

Henoch ticked off a host of racketeering acts that Massino had been charged with and for five minutes went over again the various murders, extortions, arsons, gambling rackets, and other crimes the government intended to prove.

How was the government going to prove the case against Massino? Henoch told the jurors that "cooperating witnesses," men who had committed crimes and were arrested, would be trooping into the courtroom to say what it was Joseph Massino had done. There would be other evidence that would corroborate what the witnesses would say, he added.

It is obligatory in Mafia trials that the government attempts to sketch out for the jury the organization structure of an organized crime family. This is done because indictments, such as the one against Massino, allude to a crime family that has a structure that harkens back to the old days of Salvatore Maranzano and his fascination for organization based on the Roman legion.

Cosa Nostra, said Henoch, is an Italian phrase for "Our Thing" or as some say "This thing of Ours." But it is also known as the Mafia, which in New York is comprised of the Lucchese, Colombo, Gambino, Genovese, and Bonanno families, Henoch explained.

Massino may have gotten his hands dirty as a lowly member of the family in the early days, but as he moved up, he became more careful to protect himself. By the 1990s, Henoch said, a cautious Massino didn't want people referring to him by name because of the prevalence of wiretaps and bugs.

"He puts out the word, that if you are going to refer to me, touch your ear," said Henoch.

Massino also expected respect, the prosecutor said. Pulling out a chart of the Bonanno crime family hierarchy, Henoch explained that the lowly soldiers and associates had to show respect by giving Massino a cut of the profits in exchange for the protection his rule afforded them.

"So if you are down here, committing crimes," Henoch said, pointing to a soldier's position on the chart, "you have to pay up the chain. Money sort of defies gravity in the Bonanno family. It flows upward. It doesn't flow downward."

For several minutes, Henoch explained for the jurors the ways of mob life. He alluded to how the Mafia family had a chain of command much like the army that had to be followed. Associates talked to soldiers, who then talked to captains. When disputes arose, Henoch said, there was a "sitdown," a conference or negotiation.

"It is sort of a mechanism used to control the victims of greedy and violent men," said the prosecutor. "That is essentially what a sitdown is."

For most of the morning, Henoch explained the ways of the mob for the jury and then went into his summary of the Bonanno crime family history and the bloodshed that was a part of it. Rastelli was portrayed as a key individual in Henoch's remarks because the late Bonanno boss was the one who elevated Massino to the position of captain after Carmine Galante was killed in the first power struggle of the era. In 1981, factional fighting led to the deaths of Trinchera, Giaccone, and Indelicato, said Henoch, and it was Massino who did Rastelli's bidding and orchestrated the murders.

The embarrassing revelation in 1981 of the Joseph Pistone undercover FBI penetration of the Bonanno family caused trouble for three members of the clan: Dominick Napolitano, Anthony Mirra, and Benjamin "Lefty Guns" Ruggiero. While Ruggiero got lucky and was arrested in August 1981, Mirra and Napolitano weren't and wound up dead.

An important element of Massino's hold over the crime family, according to Henoch, was the fact that Massino inducted his captains and soldiers into the family and sometimes even their sons.

"That is going to minimize the chances, by the defendant's estimation, of those people cooperating against him," said Henoch.

With lunchtime looming, Henoch then revealed how the FBI agents began their financial investigation of the Bonanno family

and discovered how Barry Weinberg was getting checks from Salvatore Vitale and Massino. It was in this description of the genesis of the investigation that Henoch spoke to the jurors for the first time the names of the key mob turncoats who would be taking the witness stand. With Weinberg unmasked and found to owe millions in back taxes, he cooperated against Frank Coppa and Richard Cantarella, two captains who had been appointed as part of a committee to run the crime family in the 1990s, said Henoch.

Charged with extortion, both Coppa and Cantarella gave "tons and tons" of information to investigators about organized crime. They turned on everybody and talked about Salvatore Vitale, James Tartaglione, and others. From there, other things happened, explained Henoch, leading in 2002 to "something truly extraordinary." Though he didn't say his name, James Tartaglione, a captain in the crime family, decided to wear a wire.

"This wire, you'll hear some of these recordings, is truly extraordinary," said Henoch. "They show that this enterprise exists, they show that the defendant is associated with it, they show that there's a pattern of racketeering activity that's been going on during the course of this indictment. They are really a window onto the soul and inner workings of the Bonanno family."

Stomachs were grumbling and jurors, along with the press, spectators, and Massino, who was looking forward to lunch brought in by his wife, were shifting in their seats waiting for Henoch to end his opening remarks. He wrapped it up fairly quickly, asking the jurors to use their common sense, reason, and logic to make a decision. Henoch said he was confident that the jury would find Massino guilty on every single count in the indictment.

It had been a good opening statement, delivered by Henoch in a crisp style that echoed his military experience.

But Breitbart had a problem.

The defense attorney objected to Garaufis that Henoch didn't indicate to the jury "one iota" how he intended to prove the charges. Instead, the government attorney spouted a first-person story of what he believed to be the history of Joseph Massino and the

Bonanno crime family, said Breitbart. The result was a faulty opening because Henoch didn't indicate what any witness would say, something that was the *sin qua non* of an opening statement. "For those reasons I move to dismiss," said Breitbart.

The defense attorney's move was an unexpected gambit and seemed to take Greg Andres, the lead prosecutor, momentarily by surprise. But he then rebutted Breitbart by saying that indeed Henoch had said that there would be the testimony of Massino's accomplices, documentary evidence, and other things. The government was under no obligation to spell out what each specific witness was going to say, said Andres.

Garaufis had an easy way out of the situation. He simply reserved his decision and asked Breitbart to come back at some point with case law and court decisions that dealt with the subject. With that, the court adjourned for lunch and the jury left the courtroom. Massino was passed a bag by the marshals that contained his lunch since he was allowed to eat in the courtroom and work with his attorneys. To keep prying eyes away from Massino as he ate, the marshals taped white paper over the windows in the courtroom door.

After lunch, the defense had its turn at an opening statement and that fell to Breitbart. The defense attorney was not a tall man, but he had a nonchalance that gave him an easy manner when addressing a jury. He recognized right from the start that Henoch's opening, with all the talk of murder, arson, and other crimes, had made Massino look like evil personified. But since Massino had pled not guilty to the charges, he had put in issue every fact that was going to come from the mouths of the witnesses.

Breitbart readily acknowledged that while Massino may be the boss of the Bonanno family—the attorney stayed away from the term *crime family*—that in itself wasn't enough to convict him of anything.

"They must prove the underlying acts contained in the indictment, to satisfy their obligation and their burden with regard to proof," said Breitbart about the government's need to prove the case.

Since Breitbart had been one of the defense attorneys in the 1982 federal trial involving the conspiracy to murder the three captains, he had the ability to refer back to that case, and he played it to the hilt by pointing out that the Massino trial was the third time the homicides were being tried. The first time in 1982 involved "Sonny Black . . . Jimmy 'Legs' Episcopia and Nicky Santora and Anthony Rabito and Anthony Ruggiero." But Breitbart then said something that was puzzling. Not only was he wrong about Episcopia being convicted of the murders (he pled out to a different racketeering act) but he also implied that somehow the FBI learned that the case was "all nonsense."

Turning to the 1987 federal trial of Massino, Breitbart told the jurors that he was prosecuted for the conspiracy to commit the murder of the three captains and that a jury found that the charge was not proven.

"And now they come up with a new theory in 2004," said Breitbart to explain why the three murders were still an issue. "He's charged not with the conspiracy to murder, but with the murder, that he was an active player or an aider and abettor, that he was involved in the shooting of those three men."

Breitbart's point was that Nicholas Santora, who had been convicted in the 1982 case, was said by new witnesses not to have been involved in the murders.

"The FBI makes mistakes," said Breitbart. "Often they do it intentionally."

The attorney also took a stab at telling the jurors that information about some of the homicides charged against Massino was all screwed up. Breitbart said Dominick "Sonny Black" Napolitano had size seven shoes but that the body found in Staten Island had size eleven feet, according to postmortem X-rays. Witnesses would testify that Napolitano was shot a total of four times, but the body found had only one bullet that appeared to be a .45 caliber, which was not the caliber mentioned by witnesses. It was these inconsistencies and contradictions that Breitbart hoped would plant reasonable doubt in the minds of jurors.

The FBI believed Cesare Bonventre was killed because of Massino. But Breitbart stated that the dead man was not only a drug dealer but he also had a sideline of kidnapping people for ransom. The old Bonanno boss, Philip Rastelli, had been angered by Bonventre's kidnapping spree and that was why Rastelli ordered the Canadian captain killed, said Breitbart.

So it went with each homicide. Breitbart trotted out information that ran counter to the theory that Massino had the motive to order the murders.

Well aware that the government's main ammunition against Massino was the words of the witnesses, Breitbart suggested strongly to the jury that each of them had a motive to lie. What was worse, he said, was that they had been manipulated into turning on Massino.

"How do they recruit a witness? Do they bribe them? Do they torture them? You better believe it," the attorney said.

Those remarks brought an instant objection from Andres, but Garaufis let Breitbart soldier on, even to the point where the defense attorney made the grandiose promise that "I am going to prove to you that the same methods being used in Iraq" were being used in the federal jails where the witnesses were kept before they began cooperating against Massino. Sleep deprivation, solitary confinement, constant surveillance, and promises of leniency on sentencing were all the techniques the government used to get the witnesses to cooperate and testify.

Breitbart's remarks about Iraq referred to the Abu Ghraib scandal involving mistreatment of Iraqi prisoners by U.S. military forces, something that had recently been in the news. The reference to Abu Ghraib drew gasps from some spectators and smirks from some in the news media. The Gulf War reference seemed overblown. Breitbart was going to have to really make good on that claim.

The point Breitbart wanted to drive home was that the witnesses had committed numerous murders but that they could get special letters that might help them get light sentences.

"Is that seduction? Is that bribery? Is that torture? I most respectfully suggest it is," he said.

The mobsters who turned on Joseph Massino, Breitbart noted, were each “a master at the lie” as shown by the fact that they had lured various victims to their deaths by lying.

“Do you think they say to Tony Mirra, ‘Tony, come with me, we are going to shoot you in the head twice,’” said Breitbart. “No, they have to be so convincing, they have to keep a straight face, they have to contort themselves in a way that will convince the individual [victim] that they are going for a joyride, they are going for an important meeting, they are going for a meal, they are going for a drink.”

The bottom line for the mob witnesses, said Breitbart, was that all they had to do was say, “Joe [Massino] told me to do it,” and they could go home once the judge gave them a light sentence no matter how many murders they did.

Breitbart concluded his opening remarks by saying the seven homicide charges against his client were a sham created to make what was a gambling case into something bigger. He told the jurors they would discover that for themselves and vote to acquit Massino.

The prosecution’s first big witness was Anthony Giliberti, the former Teamster official who had been a witness against Massino, Philip Rastelli, and several other Bonanno family members and associates in their 1985 trial in the Brooklyn federal court that led to their conviction. Giliberti was the man who Massino was accused of conspiring to kill through a failed assassination attempt. According to the prosecution, Massino’s motive was to prevent Giliberti from ever testifying against him.

When Giliberti took the witness stand this time around against Massino, he was frail and had a lot of physical problems. He was questioned by Mitra Hormozi. A thin woman with a fine-boned face and eyes that bespoke of her Iranian ancestry, Hormozi brought a softer presence to the prosecution table. She had been assigned to the Massino trial team in early 2003 and was responsible for debriefing and preparing Richard Cantarella for trial.

If Andres seemed driven, edgy, and ill tempered, Hormozi was

smooth, easy going, and chatty. She would take teasing about her long engagement to her boyfriend because one trial or another, seemed to push her nuptials further into the future. "He is going to leave you," Cantarella once joked with her. Even Massino warmed up to her, telling her to eat and gain weight. When Hormozi told Massino that it was okay to be thin—just look at his svelte wife—the crime boss said Josephine had lost weight because of one thing: "stress."

Under Hormozi's patient questioning, Giliberti revealed in his testimony that he had a fine career as a union thug.

"We stopped a lot of nonunion people from working in the union territory," Giliberti said. "If we couldn't organize them, they wouldn't cooperate, we'd burn their trucks down... or cut up their tires or do something to make it miserable for them."

Giliberti talked about union slush funds supplied by shake-downs of moving companies. Some of the money was placed in envelopes and given to "some people I know," said Giliberti, referring to Philip Rastelli. It turned out that Giliberti's ties to Rastelli were more than just money. His sister, Mildred, had married Rastelli's brother, Carmine.

Giliberti said he and Massino once had an altercation at a restaurant in Queens known as Bow Wow in which the defendant punched him and threatened to kill him. He also recounted how he was shot nine times outside his house. But at times Giliberti seemed confused and hesitant, feeling the affects of various medications.

"I feel like an old man," Giliberti said at one point. "When I'm walking down the street and the medicine starts affecting me. I don't know why, but it does."

He sometimes went off on tangents, referring to Hormozi as a "nice young lady, old enough to be my daughter, I wish she was." Queried about his love life, Giliberti said, "Sure, I had a lot of girls."

Asked if he could pick out Massino in court, even when the defendant was asked to stand up, Giliberti said he didn't recognize him.

"If that's Joey Massino, he's really changed a lot. I don't know that guy," Giliberti said.

At one point, Garaufis seemed concerned that Giliberti's ramblings might be an indication that medical reasons might be interfering with his ability to testify and asked Hormozi if that was the case.

"Not that we're aware of," she said. "He has Parkinson's disease. I also believe he's just very nervous right now."

"To this observer, it looks like he's having an Alzheimer's episode," interjected Breitbart.

"Judge, he doesn't have Alzheimer's," said Andres.

"Thank you Doctor Andres," Breitbart said sarcastically.

"Thank you doctors all," said Garaufis, who then indicated that he hoped that Giliberti wouldn't have to testify much longer.

Because of his problems recalling events, his ramblings, and his gratuitous remarks, Giliberti didn't make the greatest of impressions; in fact, he got the government's case off to a rocky and embarrassing start. He did testify about the conflict he had with Massino and the fact that he had been shot, circumstantial evidence that might tie Massino to the assassination attempt. But he admitted he never saw anyone give the orders for the shooting, and he didn't recognize who actually fired at him.

But if Giliberti wasn't an impressive witness for the government, there were plenty more who would be.

“They Thought They Might Get Killed”

Frank Lino was born in the Gravesend section of Brooklyn, went to Lafayette High School, and at the age of fifteen he started doing petty crimes. He moved up from doing stickups with the Avenue U Boys to freelancing at the age of eighteen for New York's Mafia families. He became a member of the Bonanno family on October 30, 1977. He was twenty-seven years old.

It was at 2:45 P.M. on May 26, 2004, that a sixty-six-year-old Lino walked into Judge Nicholas Garaufis's courtroom. There had been a number of witnesses who preceded Lino: ex-Teamster thug Anthony Giliberti, former FBI agent Patrick Marshall, FBI supervisor Charles Rooney, and organized crime expert Kenneth McCabe. But Lino was the first of the vaunted Bonanno crime family witnesses to take the stand against Joseph Massino and the moment was clearly historic.

Dressed in a black open-necked polo shirt and tan slacks, Lino seemed to groan as he sat down in the witness chair. He had thin, gray hair and a face rounded by age and weight. He didn't look comfortable on the stand, and he had an air of unpleasantness.

It was lead prosecutor Greg Andres who questioned Lino in his direct testimony. It would be necessary through Lino's testimony to set the tone of the trial and for the government to show that its co-operating witnesses could bury Massino as had been promised to the jury in Robert Henoch's opening remarks. Since Andres was the architect of the prosecution, he knew that Lino had to sound credi-

ble and hold up under David Breitbart's reputation as an effective cross-examiner.

Like Henoch, Andres was thin and hungry-looking, his well-tailored suit draping over a slender frame in a way that denoted a comfortable upbringing. Andres was married to the daughter of noted First Amendment litigator Floyd Abrams, and was herself a prosecutor in the U.S. Attorney's Office in Manhattan. Andres was driven in his job. A workaholic, he would return telephone calls as late as 1:00 A.M. He was never far from a cup of coffee or Coke, sometimes walking into a courtroom with a beverage and a nonchalance that angered the wife of one reputed Bonanno captain who happened to be in court. Andres's brusque manner alienated some who worked with him, and he had clearly replaced colleague Ruth Nordenbrook in charge of the case.

But even if Andres was hard to work with, he had an energy and relentlessness that was so necessary to corral the many pieces of the Massino investigation. This trial was his baby and it was only natural that he handle the questioning of Lino, the first really big witness.

The initial questioning of Lino covered the usual stuff. He recounted his criminal history, which included an arrest in 1962 on charges he aided and abetted the murder of two detectives. Despite the fact that Lino said he was beaten in police custody, he refused to cooperate with the investigation of those police murders and was never charged. He admitted being involved in illegal gambling, extortions, and selling marijuana and cocaine. Lino also admitted to committing six murders.

Under Andres's questioning, Lino identified Massino in court as the boss of the Bonanno family. He also said that it was Massino who actually changed the name of the family to that of the Massino family.

"Why was the name changed?" Andres asked.

"Well, because Joe Bonanno, he wrote a book about the Commission, they just wanted to do away with his name," answered Lino.

"What did people think about Joe Bonanno after he wrote the book?"

"They said he betrayed, you know, the family," replied Lino.

Lino recounted how he learned that Massino was only to be referred to in conversations by a touch of the ear and that the defendant held court at J&S Cake Social Club and Casablanca Restaurant in Queens. He spelled out some key Mafia rules and customs: no disrespect for the wives and daughters of members, no cooperation with law enforcement, no guns were to be brought to meetings, no drug dealing, although that was ignored, and if you got in trouble the family would pay your legal fees. Massino had offered him \$75,000 for legal fees once, said Lino.

When he was arrested in January 2003, Lino said the crime family had about 12 key captains, 100 soldiers, and somewhere between 200 to 500 associates. But since the defense had already conceded that Massino was involved in the Bonanno family and scores of photographs had been shown of Massino and others meeting together, the importance of Lino's testimony lay not so much in the structure of the crime family but on whether he would be able to tie Massino into the murders that were at the center of the case. For that, Lino's words were spellbinding.

It was around 1981 that the Bonanno family factional infighting had developed. Three captains, Alphonse "Sonny Red" Indelicato, Philip "Lucky" Giaccone, and Dominick "Big Trin" Trinchera had been vying for control of the family and the fight had split the Bonanno family, as well as the other New York Mafia clans. Some in the Genovese family supported the three captains, while John Gotti backed Massino and Dominick "Sonny Black" Napolitano, said Lino.

Two meetings had already taken place, one at Ferncliffe Manor in Brooklyn and another at the Embassy Terrace, also in Brooklyn, when yet a third sit down was called to resolve the disputes within the family. The three captains had already been suspicious of such meetings and had hidden some guns at a bar Lino owned near the Embassy just in case.

"They says that if they don't come back we should retaliate," said Lino, referring to the three captains.

Lino explained that he didn't think there would be trouble because a parade had been planned in Brooklyn for the return of American hostages from Iran. In fact, the Embassy meeting was peaceful, even though it didn't resolve anything, said Lino. A third meeting was called, this time at a social club on Thirteenth Avenue and Sixty-seventh Street in Brooklyn run by Salvatore Gravano of the Gambino family. The three captains were still suspicious and wanted Lino to come along but decided that Indelicato's son, Bruno, should stay away.

"They thought they might get killed," explained Lino, "so they says if I would go with them."

"Why didn't they want Bruno to go," asked Andres.

"Because if we got killed he would retaliate," said Lino.

The three captains and Lino met some other Bonanno associates after 7:00 P.M. at the Sage Diner on Queens Boulevard. Though Lino didn't know it, FBI agent Vincent Savadel had by this time already seen Massino and others leave the J&S Cake Social Club in Maspeth in a hurry. After being driven to Brooklyn, the three captains and Lino left their cars at Nathan's Restaurant on Eighty-sixth Street and Twelfth Avenue and were taken by other cars to the Thirteenth Avenue social club.

Lino said he and the three captains walked into the downstairs area of the club that looked like a storage area. There were several others in the room, including Massino, "George [Sciascia] from Canada, Anthony Giordano, another couple of Italian guys." Giordano left to go upstairs to see if the meeting room was ready. Giaccone was chatting with Joseph "Joe Bayonne" Zicarelli. Lino said he and Trinchera were talking with Sciascia and Zicarelli. He noticed that Indelicato was conversing with Massino, with Indelicato "holding on to Joe's arm."

Lino remembered that Giordano came downstairs with two guys wearing hoods.

"With hoods?" Andres asked.

"They came down with hoods and shotguns," said Lino.

The recollection was now just too painful. Lino choked up. His eyes squinted and for an instant it looked like he would burst into tears.

"Big Trinny went to charge them and"—Lino again choked up but was finally able to say—"he got killed."

Trinchera had charged at the hooded assailants but was immediately shot dead, dropping right where he was hit, said Lino. Giaccone was up against a wall waiting to be shot. Lino testified that Massino hit Indelicato with "an object."

As Lino turned to flee out the door, he said he saw Giaccone get killed. Lino fled so quickly that no one was able to stop him.

The courtroom was quiet enough to hear a heart beat. Lino's dramatic testimony was the first full eyewitness testimony to ever come out about the murders in such detail. Not only did he place Sciascia, Zicarelli, Giordano, and others at the scene but Lino also testified that Joseph Massino was indeed in the room and had actually assaulted Indelicato. It was direct evidence that was damaging to Massino even though the defendant had not been observed firing any shots. What followed next in Lino's testimony was even worse.

Running for his life, Lino ran up the block on Sixty-eighth Street, jumping over fences and finally coming to a home where the occupants let him make a telephone call to his son, Frank Lino Jr., who drove out to Brooklyn to pick up his father. Lino said he then was driven to the home of his sister in Staten Island, where Frank Coppa, who had already been alerted by Lino in another telephone call, arrived to talk things over. Coppa took Lino to his home, where Lino's cousin, Eddie Lino, a member of the Gambino crime family, called to ask for a meeting.

Driving back to his sister's house, Lino said he met with Eddie Lino and several key members of the Gambino crime family: underboss Aniello Dellacroce, soldiers Gene Gotti, Angelo Ruggiero, and Frank DeCicco. The appearance of the Gambino crew showed the

range of the alliance that Massino and Napolitano had forged with the other families in carrying out the murder of the three captains. During the meeting, Dellacroce told Lino he was never a target of the murder plot but that he couldn't be told in advance because the plotters thought he might tip off the targets. Dellacroce then told Ruggiero and DeCicco to make sure others disposed of the bodies of the three captains.

On May 6, 1981, Lino said he was called to a meeting at Massino's home on Eighty-fourth Street in Howard Beach. Inside were Napolitano, Sciascia, Zicarelli, Salvatore Ferrugia, as well as Massino. During the meeting, Ferrugia, the nominal street boss of the Bonanno family, said the war was over and that Lino would remain as an acting captain if he "could bring everybody in," meaning convince any members of the three captains' crews to lay down their arms and not cause trouble.

A few days later, Lino recalled, he brought Coppa and Jerry Chilli to Massino's home. It was there, said Lino, that Massino told the men that "everything was over with" and that Coppa's \$25,000 loan-sharking debt to the now dead Giaccone was to be paid to Massino. The only two allies of the three captains who didn't come in to meet Massino and the other victorious captains were Bruno Indelicato (Alphonse's son) and Thomas "Karate" Pitera, a Bonanno soldier who specialized in murder. Bruno Indelicato was reputed to be a cocaine abuser and wild with a gun, two qualities that led Napolitano to farm out a hit contract to undercover agent Joseph Pistone to preemptively kill the dead captain's son.

The spate of meetings at Massino's house, as described by Lino, showed that the defendant had benefited from the three captains murder and was active in consolidating the gains for his side. It was another piece of evidence tying Massino to the triple homicide.

When Andres finished leading Lino through the events of the three captains murder, he quickly shifted to August 1981 and the murder of Napolitano. Lino said that he first got wind that something was in the works when his cousin, Eddie Lino, told him that

if he wanted to show his faithfulness to the victorious regime in the Bonanno family that he should take part in an upcoming "contract" for a murder.

Lino said he wasn't told of the intended victim, only that Massino and Sciascia said they needed a place for a killing. Lino testified he responded by taking the two men, along with Frank Coppa, to the Staten Island home of Ernest "Kippy" Filocomo, the father of Bonanno associate Ronald Filocomo. It was decided that the killing would take place in the basement.

Three or four days before this murder, said Lino, Massino told him that the victim was to be Napolitano. Massino said that it was going to be Lino's job to drive Napolitano and Bonanno captain Steven "Stevie Beef" Cannone from the Hamilton House, a restaurant once popular in Bay Ridge, to Filocomo's home.

The day of the killing, Lino said he picked up Napolitano and Cannone as planned at the restaurant's parking lot and drove over the Verrazano Narrows Bridge to Staten Island. At the intersection of Victory Boulevard and Richmond Avenue, Lino noticed Massino and Sciascia waiting in a van, which followed at a distance the car that was carrying Napolitano.

"When you got to Kippy's house, what happened?" Andres asked.

"Sonny Black and Stevie Beef got out of the car with me," said Lino. "We went to Kippy's house, Frank Coppa was at the door."

"I asked him where's everybody, he says they are downstairs," continued Lino. "I started to walk with Sonny Black who is behind me. As we start going down the steps, the door, somebody slammed the door, shut it. I threw him down the steps. He got killed."

"Who did you throw down the steps," inquired Andres.

"Sonny Black," said Lino.

Under more questioning, Lino explained that Napolitano sensed something was wrong when he heard the door slam and that Lino had to grab him by the shoulder and toss him down five cellar steps.

"He fell to the floor," remembered Lino. "Then he, Ronnie Filocomo walked over, shot him . . . my cousin Bobbie, he shot him,

then the gun jammed. Ronnie came over, shot him two more times."

Lino added that when one of the guns jammed on the second or third shot, Napolitano uttered the final words, "Hit me one more time and make it good."

After the killing, Lino said that Coppa asked him to get Napolitano's car keys so that his car could be commandeered.

"What did you do with the keys to Sonny Black's car?" Andres asked.

"I went outside, gave them to Joe," Lino explained, referring to Massino, who was sitting in the van with Sciascia and a few other men.

At the van, Massino asked if everything was all right and Lino said he responded by saying "yeah." Lino then returned to the house where the others were wrapping Napolitano's body in a body bag. Lino said he had received from a friend who worked in a funeral parlor. Napolitano's corpse was to be placed in a grave that had already been dug in a wooded area. But after driving to the site at about 9:00 P.M. Lino said the hole couldn't be found so the body was placed in a wooded area near a stream.

The import of Lino's testimony was readily apparent to the courtroom audience. He had put Massino directly into the planning of the Napolitano murder and placed him at the scene of the killing. By this point in the trial, Lino had implicated Massino in four homicides and did further damage by testifying that Massino had tried to recruit him to serve as part of a special hit team with Anthony Graziano as a way of not having too many people know about family murders.

Lino testified about one other homicide, that of Gabe Infanti in the winter of 1987 when Massino was in prison. Sal Vitale and Anthony Spero planned the Infanti murder, according to Lino's testimony, at his Brooklyn Mother Cabrini Social Club. Infanti was actually killed at a warehouse in Queens where Frank "Cheech" Navarra had some loft space. Lino didn't actually see the murder

but testified that Louis Restivo, a family soldier, had brought Infanti to the location. When Lino finally did enter the building, he said he went into the loft and found Infanti face down on the floor bleeding and dead. Vitale was also present, as were Thomas Pitera and Restivo, said Lino.

Infanti's body was ultimately buried in a shallow grave in Staten Island near a pool company, said Lino, adding that lye had been tossed in to disintegrate the corpse. A few years later, after Pitera was arrested and Vitale feared he might cooperate, Lino said an attempt was made to dig up Infante's body but that no remains were found.

After the murders, Lino was questioned by Andres about a wide variety of Bonanno family businesses including loan-sharking, gambling, and how money was passed up to the family administration. According to Lino, Massino ran a big loan-sharking business and had loaned him about \$500,000 over the years with resulting interest payments totaling \$1 million. Lino also admitted to running as many as 100 Joker Poker gambling machines and added that Massino and Vitale had their own sports betting operation.

Lino said he made a lot of money in the mob and related how he kicked in \$100 month to a Bonanno family kitty used to pay legal expenses. Massino himself, Lino testified, sometimes chipped in; at one point, Massino paid \$100,000 in legal fees for Lino's son, Robert.

As the first mob cooperator to take the witness stand, Lino had given a gripping account of the murders and in the process had done a lot of damage to Massino. But he was only one witness. It was up to the defense to probe and find ways to attack his credibility and show why he may have had motive to lie. That would be Breitbart's job.

The aim of the defense was to make Lino out as an odious, untrustworthy man who had been pressured by solitary confinement to cooperate and would thus say anything that would earn him his freedom. Lino admitted under Breitbart's questioning that his time in solitary confinement at the Brooklyn Metropolitan Detention

Center was tough. The facility kept lights on twenty-four hours a day, and his cell in the Manhattan Correction Center, where he was transferred, was filthy and a "painful" place to stay, said Lino But the wearing affects of solitary confinement didn't amount to the kind of Abu Ghraib-like torture Breitbart had alluded to in his opening statement.

Lino said he decided to cooperate after learning that Vitale had turned.

"When he cooperated, there was no way I was going to win anymore," said Lino. "He was giving all the orders to do all the killings when he was there."

Breitbart questioned Lino about the trial preparation he was put through and got the witness to say that Andres had asked him questions about three or four times and that he had been questioned a dozen times by the FBI agents. But he denied that Andres had ever told him that he could get a "pass" for the six homicides he had been involved with, much like noted turncoat Salvatore Gravano, who was freed even after admitting to having a role in nineteen gangland murders. Lino was also emphatic that prosecutors and the FBI had never said they "wanted Joe Massino."

Breitbart cross-examined Lino about the three captains and other murders but the witness never really gave any significant contradictions from his earlier direct testimony. In short, Lino's account held up, even under Breitbart's close questioning. But Lino did come off as obnoxious, disagreeable, and amoral under cross-examination. He admitted that he didn't care if some of his associates sold drugs near public schools and recounted his own drug abuse. He also snipped back at Breitbart, conduct that irritated some on the prosecution team.

"Isn't it a fact, sir, that you were considered the cheapest guy on the street, you stole from everyone?" Breitbart asked Lino.

"That's not true," responded Lino, who began to chuckle.

Breitbart asked if he said something funny.

"Yeah, I'm laughing at the 'cheapest guy,' you should have been as cheap as me sport," said Lino.

Once, when Breitbart's questioning implied that Lino was lying, the witness dropped any pretense of decorum and responded with a wisecrack, "Why don't you give us all lie detector tests and we will see who is telling the truth."

Another time Lino forgot the line of Breitbart's questioning and said, "I'm not trying to be funny."

"There is absolutely nothing funny about you," Breitbart shot back in a voice dripping with a contempt that spoke to the witness's inhumanity.

CHAPTER 22

“I Didn’t Want to Do No More Time”

It was 1977 when Frank Coppa met Joseph Massino at the Fulton Fish Market in Manhattan. The meeting place was symbolically appropriate on a number of levels. The seafood there was always plentiful in restaurants and both men liked to eat. The wholesale market, which occupied a two-block area south of the Brooklyn Bridge, had also been Mafia territory where enforcers from the Genovese crime family controlled rackets.

Massino was introduced to Coppa by an elderly Bonanno captain named Matteo Valvo, who had once been active in a union representing toy and novelty workers and owned a fish store in Brooklyn. Coppa and Massino became fast friends and over the years the two progressed through the ranks of the crime family. It was in the 1960s and 1970s that Coppa saw the potential for Wall Street as a place to illegally make money and got involved in a number of scams selling unregistered securities and manipulating the price of smaller stocks.

After Massino took over as family boss he placed Coppa in a group of crime captains and other high-ranked members who administered family affairs. It was a position of great trust. It also turned out to be a disaster for Massino when Coppa decided to cooperate with authorities.

Coppa, the first Bonanno family member to turn on Massino in late 2002, took the witness stand on June 7. A rotund, balding man, Coppa seemed to lock eyes with Massino for a few brief, uncomfortable seconds in the courtroom. He quickly told the jury

that his stock market misdeeds earned him a three-year prison term in July 2002 for stock fraud. Coppa indicated that the thirty-six-month prison term wasn't a problem until in October 2002 he was indicted for the extortion of parking lot entrepreneur Barry Weinberg. That indictment meant that Coppa could be facing as much as eighty more months of prison time.

"I didn't want to do no more time," Coppa said under Robert Henoch's questioning. "I thought about it and I had my lawyer call the agents."

It was early in his testimony that Coppa showed how much Massino had confided in him. By 2000, Massino began to distrust his brother-in-law, Salvatore Vitale, for a number of reasons.

"He didn't like the way he was carrying himself, like he was a big shot," said Coppa. "He didn't like the way he was with his family. He had problems with his family and that is what he complained about."

There was more for Massino to worry about. Coppa said that Massino distrusted Vitale because he knew about "seven pieces of work" they had done together over the years.

"You said 'seven pieces of work,' what were you referring to when you say that?" Henoch asked.

"Murders," replied Coppa, gesturing with his thumb and index finger as if they were a gun. He explained that it was actually Massino who had used that very same gesture in their conversation.

Had Vitale not been Massino's brother-in-law, he would have killed him, said Coppa.

After flirting with the subject of homicides, Henoch asked Coppa to explain how he had learned of the death of Gabriel Infanti. While on vacation with Massino, Coppa explained, the crime boss said Infante was killed because Massino was afraid he was going to cooperate with authorities in a civil racketeering case. It was a statement that, unlike Lino's testimony, which dealt only with the actual killing, showed Massino talking about the motive he had for the Infante homicide.

Moments later, Coppa recalled that he also had a conversation with Massino about the murder of Bonanno family member Russell Mauro. According to Coppa, Massino said Mauro was killed because "he was heavy into drugs."

The Mauro homicide wasn't something Massino was on trial for. Instead, it was one of those bad acts that prosecutors won the right to bring up at trial to show the defendant's power and control of the crime family racketeering activity. Coppa didn't have any firsthand knowledge about the Mauro killing. But he knew plenty about the death of Dominick "Sonny Black" Napolitano.

Yes, he had opened the door when Frank Lino, Steven Cannone, and Napolitano rang the doorbell at the Staten Island house, Coppa told the jury.

"I opened the door, walked him to the basement door, opened the basement door, Frank Lino went down the basement with Sonny Black, and at that point he got shot," said Coppa.

While not seeing Napolitano get shot, Coppa said he heard three shots as he was walking Cannone to the front door.

"Sonny Black died like a man, he said make it quick." According to Coppa, Robert Lino was one of the shooters in the basement.

It was Frank Lino who gave Napolitano's car keys to Cannone, said Coppa. Then Lino and Cannone walked to the left up the street to a backup car. Coppa said he walked to the right to go to his car.

Coppa never testified that he saw Massino in the vicinity of the Napolitano murder. But he did say that Lino told him Massino had been waiting at the street corner for Cannone. Taken together, Coppa's testimony buttressed Frank Lino's testimony about Massino's whereabouts and involvement in the homicide. (Oddly, Coppa was unable to recognize a photo taken of Napolitano when he was alive.)

At the same time that Napolitano's body was being driven away in the back of a Cadillac, Coppa said he and Frank Lino went to a church feast in Brooklyn.

To underscore the close relationship between Coppa and Mas-

sino—as well as to lay the groundwork for some more damaging testimony—Henoch showed the jury some vacation photos Coppa had given over to the agents. They showed Massino and him mugging it up in France. One comical shot showed both portly men towering over a small Fiat, while another had them side by side, Massino's stomach stretching his polo shirt and Coppa's belt cinching tight across his midsection, making him look like a sausage casing. Some jurors seemed amused.

But the business in Monte Carlo was not all amusing. It was there, Coppa testified, that Massino talked about the death of Philip Giaccone, one of the three captains slain in 1981.

"He wasn't sorry that Philly Lucky got killed because [Massino] didn't like him," said Coppa.

Coppa wasn't present during the murder of the three captains, but his testimony corroborated a key part of Lino's earlier statements to the jury. Coppa said that Lino did call him immediately after the killings and sounded very traumatized, saying that Massino had been present along with others at the time of the shootings. Coppa also said, just as Lino had recalled, that he went with Lino to Massino's house after the shootings and that Lino had a discussion with Massino.

As he had told the FBI in his earlier debriefings, Coppa testified that he had paid millions of dollars over the years to Massino and the Bonanno crime family in the form of tribute and loan-sharking fees. The payments for the loans totaled thousands of dollars a month, often going through Vitale to Massino, said Coppa. Christmas gifts of up to \$20,000 were also paid to Massino. Testimony about the money was being used by the prosecution to flesh out their financial case against Massino, who was also on trial for loan-sharking and money laundering, in an effort to get at the millions of dollars he made as a mob boss.

Things got tense in the courtroom for the prosecution when Coppa's son, Frank Coppa Jr., a reputed member of the crime family, appeared in court during Breitbart's cross-examination. Garaufis

called for a sidebar, a conference by the side of his bench out of earshot of jurors.

The presence of his son was "torturing" Coppa, said Andres, and he strongly indicated that he thought Massino might have passed an order to have Coppa's son come in the courtroom "upon penalty of death" if disobeyed. The prosecutor wanted any cross-examination of Coppa to steer clear of references to his son.

Breitbart and Edwards were perplexed by the notion that Coppa's son had come to a public courtroom simply to intimidate his father. It was a notion that seemed rooted in the scene in the film *The Godfather*, where the brother of one mafioso was brought in to shame his sibling into silence before a congressional committee. But in reality, Coppa was under an obligation to testify truthfully, he had signed a cooperation agreement with the government, and his future liberty depended on his being a useful witness. It sounded implausible that Coppa could or would be intimidated by the presence of his son. In the end, it was a tempest in a teapot and Breitbart said he hadn't even planned to ask Coppa about his son.

But Breitbart brought out other things that must have caused Coppa to squirm in his chair. For instance, Coppa admitted on cross-examination that he had lied to a judge in a 1990s stock fraud case to hide his true financial status. He also admitted to the jury that he still had a net worth of \$2 million, an amount he hoped wouldn't be used to repay investors who had lost \$5 million in his schemes.

In an attempt to show that Coppa may have killed a gay entertainer, Breitbart asked him about an alleged incident at Sammy's Steakhouse Restaurant in Manhattan, a place that had a showcase theater. Coppa said the theater was a gay scene with transsexual entertainers. Breitbart dropped a titillating question when he asked Coppa if anyone had ever walked in on him having sex with a male entertainer playing the role of the singer Cher.

The question brought an immediate objection from the government and Garaufis called for another sidebar.

"Is there some relevance to the question here?" Garaufis asked.

"Yes, he murdered Cher," said Breitbart. "It wasn't Cher though, it was the boy that he was having sex with."

Breitbart explained that Ronald Filocomo, the man who was identified in testimony as being one of the shooters in the Napolitano murder, had walked in on Coppa, who was mounted on the performer. Breitbart said his source of information was Filocomo, who he spoke with in his jail cell.

Garaufis waivered and thought such testimony would be prejudicial. Breitbart then asked that the court order Filocomo to testify, which Garaufis had no power to do.

Finally, Garaufis allowed Breitbart to ask Coppa if he had a "relationship" with Cher and if he killed him. Coppa said Cher was actually his accountant but denied killing the performer, whose first name was Joseph.

Coppa had a lot of baggage affecting his credibility because he had admitted under Breitbart's questioning to having lied to a federal judge during one of his earlier stock swindles to shelter some assets.

"Would it be fair to say that if you lied to save a few dollars you would lie to save your life," Breitbart asked, referring to Coppa's cooperation agreement.

"No," Coppa responded. "Because if I lied I wouldn't be saving my life."

Coppa said that under the terms of his cooperation agreement with the government prosecutors would write a letter to his sentencing judge in an effort to get him a lower sentence. He admitted that he spoke to prosecutors about the sweet deal Sammy Gravano got in the John Gotti trial. Gravano received a five-year sentence from the court in return for his cooperation on the Gotti racketeering case.

"Hopefully I will get out of jail soon," said Coppa.

Though he was the first Bonanno family member to turn on Massino, the impact of Coppa's testimony was more to buttress the compelling details Lino had spelled out on the Napolitano homi-

cide. He also backed up Lino's account of the crucial meeting with Massino after the murder of the three captains. The offhand remarks Massino had made about the killing of Gabe Infanti was also powerful circumstantial evidence. Unlike Lino, whose sparring with Breitbart made the mafioso sound like a bully boy and thug, Coppa seemed matter-of-fact.

CHAPTER 23

“This Is for Life”

It was never made clear why James Tartaglione had the nickname “Big Louie.” When he took the witness stand in the Joseph Massino trial, the bony sixty-six-year-old Tartaglione had a unique position among the witnesses in the case. While the others decided to cooperate with the government after being arrested, he had decided to help the FBI while he was very much a free man.

Of course, at the time he decided to cooperate Tartaglione might not have remained a free man for very much longer. Because he had so many dealings with Salvatore Vitale, Tartaglione sensed that when Massino’s brother-in-law became a cooperator that it was only a matter of time before he would also be named in a federal indictment. It was then that he decided to reach out to prosecutor Ruth Nordenbrook.

On the witness stand Tartaglione, dressed in a sports jacket and open-necked shirt, recounted for hours his involvement with crimes and details of the inner workings of the Bonanno family. He was in a good position to explain these things because Massino had entrusted him with the job of being on committees that oversaw the workings of the family. It was also Massino, said Tartaglione, who told him about contacts the family had maintained with the other Mafia groups in New York dealing with the construction and gasoline businesses.

The more important aspect of Tartaglione’s cooperation, however, was that during the time he was able to travel freely he agreed to wear recording devices in 2003 and secretly tape his conversa-

tions with various high-ranked Bonanno family members. He also taped some of the lawyers who had been representing them. Some of the tapes would become useful pieces of evidence as the Massino trial unfolded.

However, just before trial in March 2004, the revelation that Tartaglione had been taping his own attorney, Scott Leemon, who also had some contact with Massino, caused a furor. Court records showed that Tartaglione had recorded at least five conversations with Leemon in 2003. David Breitbart was furious because Leemon had been part of joint defense strategy meetings involving several defendants in the case. As a result, Breitbart suspected that the taping of Leemon was done to spy on the defense camp and he made a motion to either have Andres removed from the case or the tapes made by Tartaglione suppressed.

Anticipating problems of this sort, the government had set up a "firewall" that insulated Andres and the other Massino prosecutors from knowing what the Leemon recordings had revealed. That kind of insulation was created by having Assistant U.S. Attorney Bridget Rohde and an FBI agent review the recordings. In a pretrial ruling, Judge Nicholas Garaufis decided that the taping of Leemon was not improper and allowed it to continue.

On the witness stand, Tartaglione told jurors about some of the facts of Mafia life. Like the other witnesses, he said the Bonanno family was known as the Massino family. The boss of a mob family is akin to taking care of the crime family members like a regular father.

"He has to take care of all of his children," said Tartaglione.

Tartaglione was first made a member of the Mafia in 1983 and about a year later he rose to captain. After Massino came out of prison in the early 1990s, Tartaglione said he was placed on the committee that administered the family. Once in the Mafia you did what the family and the boss wanted you to do, he said.

"This is for life," said Tartaglione about the commitment a member of the Mafia makes.

Tartaglione admitted being involved in murders, assaults, car

theft, extortion, hijackings, and loan-sharking. He met other crime family members at weddings, wakes, and social clubs like John Gotti's locales on 101 Street in Corona and in Manhattan at the old Ravenite Social Club on Mulberry Street.

Tartaglione implicated Massino in an arson of the office of Doctor Leifer, a dentist who had been friendly with both Massino and his wife, Josephine. Leifer wanted the office burned, Tartaglione testified, so Tartaglione and Sal Vitale took part in what was described as straightforward crime. Leifer gave Vitale the keys to the back door of the building for easy access. Five gallons of gasoline was then poured throughout the premises and lit. But Tartaglione said the building didn't burn down completely and Massino later told him "you did a bad job," nevertheless paying him \$1,500 for the night's work.

Like the film *Rashomon*, in which a crime was retold cinematically from the viewpoint of various witnesses, prosecutors had numerous witnesses against Massino relate what happened during the murder the three captains. Each account was different because it was told from separate recollections of the witnesses who were involved in different ways. While differing, the accounts merged to give a complete picture of what happened in and around the Brooklyn social club where the slayings took place. Each account also implicated Massino. In the case of Tartaglione's testimony, he was the first witness to talk about how Massino was intimately involved in the preplanning and direction that led to the murders.

Questioned by Mitra Hormozi, Tartaglione said he showed up at Massino's Queens social club the day of the murders and overheard the crime boss asking Duane Leisenheimer if he had the scanners and walkie-talkies. Satisfied with the answer, Massino then told everyone present—including Vitale, Dominick "Sonny Black" Napolitano, and Leisenheimer—"Let's go."

According to Tartaglione, the van he was transported in also carried Anthony Rabito. The driver was Napolitano. At the "location," said Tartaglione, he and the others sat in the van until a message came over the walkie-talkie telling them to go into the club.

After driving toward the club, Tartaglione recalled, he saw Vitale being hugged and kissed by other Bonanno members on the scene.

"I gave Sal a big hug and a kiss," said Tartaglione. "At that particular point I knew that somebody was killed."

Inside the club, Tartaglione said he saw Rabito, "Boobie" (John Cerasani), and others who he referred to as "Italian guys," meaning Sicilians. He noticed that those inside the club were wrapping up three dead bodies. Vitale then asked him to pick up spent shell casings on the floor.

The bodies were placed in a van and then Tartaglione said he was asked to follow the vehicle with the bodies as it was driven to Woodhaven Boulevard. On May 5, 1981, Tartaglione was not yet a made member of the Mafia and he wasn't told that day of the identity of the three victims. But through gossip he learned they were Philip Giaccone, Dominick Trinchera, and Alphonse Indelicato.

Apart from his recollection of the moments at Massino's club, Tartaglione's testimony didn't mention Massino at the scene of the three captains murder. However, he said that one day at a restaurant Massino walked over to him and said, "Louie, you did a good job."

There were other things that Tartaglione remembered that seemed to link Massino to the three homicides. He said that Massino talked to him about going to Florida to seek out Bruno Indelicato, the son of the dead captain, whom many feared would strike back in retaliation for his father's murder. (Tartaglione never went.) Not long after that, Vitale told him "we might have a problem," referring to the fact that one of the bodies was rising through the ground at its burial place in Queens.

Another part of Tartaglione's testimony was circumstantial evidence that Massino might have had something to do with the killing of Anthony Mirra, although it was hardly compelling since the murder took place before Tartaglione became a made member of the family, so he wasn't privy to a lot of inside information. He testified that at Massino's J&S Cake Social Club he overheard a conversation in which Massino, referring to the Mirra homicide,

told James Episcopia that they should have taken the cash Mirra was believed to have in his socks.

But there was one murder that Tartaglione knew a lot about because he was closely involved. Having been told by Vitale that the crime family wanted him "to do work," Tartaglione understood that to mean a homicide. FBI agents had learned that the actual groundwork for the murder of Cesare Bonventre was laid sometime in 1984, when Massino was on the lam and he met with Louis Attanasio in Pennsylvania. Vitale and Tartaglione were present when Attanasio and Massino went for a private walk. Though he wasn't privy to any conversation Attanasio had with Messino, Vitale later told investigators that Attanasio had related that Massino had said Bonventre had to be killed.

Though he didn't recall a precise date, Tartaglione testified that he went to a garage off Grand Avenue and Fifty-seventh Street in Queens one day and waited. When a car arrived inside the garage, one of its doors opened and Bonventre's body was pulled out, he said. It was then that Bonventre was shot by Attanasio as the mortally wounded man lay on the garage floor, said Tartaglione.

Through his testimony, Tartaglione gave evidence on five of the seven homicides the prosecution was trying to pin on Massino. He also testified about several other killings that didn't involve Massino but that Vitale was involved in: Antonio Tomasulo, *New York Post* supervisor Robert Perrino, and Russell Mauro.

Perhaps the most interesting piece of evidence Tartaglione provided to investigators in the case were the recordings he secretly made of his crime family brethren. Never before had such a high-ranked member of the Bonanno family agreed to wear a wire and Tartaglione did so not only during meetings with his own lawyer but also with several members of the crime family administration who were running the family while Massino was in jail awaiting trial.

Tartaglione made tapes for several months and finally ended his covert surveillance in January 2004. Andres and the prosecution team didn't introduce all of Tartaglione's recordings into evidence

but did play several tapes for the jury. Of course, Massino was in jail when the recordings were made and his voice wasn't captured. But he is alluded to several times on the tapes and in fact Tartaglione repeated for the jury the old story that the crime boss is only mentioned in conversations indirectly as "that guy" or "the ear."

One of the recordings showed the fear that Vitale's wife, Diana, had that Massino was going to kill her husband. Vitale had been so frightened of his brother-in-law at one point that he stayed away from him. According to Tartaglione, Massino was asked point-blank by Diana, "Are you going to do anything to my husband?"

On another recording, Anthony Urso, who was acting family boss after Massino was arrested, complained about the flood of informants and turncoats infecting the family and said that as a deterrent they should be killed, along with their families.

"You tell them, 'Whomever turns, we'll wipe your family out,'" said Urso.

On another tape, Vincent Basciano, the Bronx hair salon owner who later became the reputed acting boss of the family, was heard expressing undying loyalty to Massino.

"I got 100 percent faith in him," said Basciano. "Listen to me. If I'm your fucking guy, if I'm gonna walk on hot coals, if I gotta fucking jump in the ocean, let me do it for one guy."

Basciano's statement of loyalty reflected an old way of thinking, an unswerving allegiance to the boss of the family. As events would later play out in the Massino saga, such fealty would be terribly misplaced.

Tartaglione taped enough people in the crime family to keep investigators busy for months. Prosecutors used only a handful of the recordings at Massino's trial. But through interviews, court records, and other documents it was learned that Tartaglione got his fellow gangsters to talk about a wide array of things, ranging from their favorite restaurants, dating problems, and the best defense attorneys to use in case of trouble. The evil done by turncoats like Sal Vitale, Frank Coppa, and Frank Lino were also talked about at length.

According to some of the conversations, the Bonanno family was under the delusional perception that because the government wanted to use more than one informant that there must be problems with the case against Massino. Somehow, said reputed Bonanno underboss Joseph Cammarano on one of the recordings, Massino's good memory would be used to trip up Vitale on the witness stand. He was the Mafia elephant who never forgot.

Vitale had earned a special opprobrium from the Bonanno gangsters. Tartaglione believed that Massino's brother-in-law could take everyone down but didn't think he had been an informant as far back as five years, which is what some in the Bonanno crime family believed. If that was the case, Massino would have been arrested a long time ago and Vitale would have made a run at being boss of the family, a hypothetical scenario that, had it played out, would have made a crime boss a cooperating witness from the moment he took command.

In their meetings with Tartaglione, both Cammarano and Urso, according to records, bemoaned the fact that the FBI was so vigorously pursuing the crime family and even trying to use the death penalty against Massino in the second case. But at least one Bonanno boss didn't think the federal government would really try to use the death penalty against Massino. They had bigger concerns. They had to hunt for Osama bin Laden.

CHAPTER 24

“He Is a Rat”

When he took the witness stand at the trial of Joseph Massino, there was one thing that Richard Cantarella wanted to be sure about: he had to be well dressed for his appearance.

On the streets of Little Italy, Cantarella had always been known as being a man fastidious about his appearance. His coiffed hair was styled so neatly that the moniker “Shellack Head” stuck to him like his styling gel. When it was his time to testify, Cantarella made sure that his wife brought him half a dozen boxes of new shirts from Neiman Marcus. Star witnesses, even if they would scramble your brains with a bullet, have to look good.

Dressed in a dark suit and a white open-necked shirt that was right out of its package, Cantarella walked into court on June 10, 2004, as the fourth major mob turncoat in the Massino trial. He also had on a pair of tinted sunglasses.

Though he was an admitted killer, Cantarella was, like Frank Coppa, a man with a head for business. He had been involved in parking lots when Salvatore Vitale approached to say that he and Massino wanted to become involved in the same business. Three parking lots became the object of partnerships with Massino’s portion being held in the name of his wife, Cantarella told the jury.

But Massino just didn’t approach Cantarella for business out of the blue. The well-dressed gangster had made a quick and steady rise through the ranks of organized crime until he had become one of Massino’s captains. Eventually, Cantarella was appointed by

Massino to be part of a committee to run the family affairs, taking over a spot that had been vacated by James Tartaglione.

Cantarella had come from a personal family line that had substantial ties to the Bonanno crime clan. His uncle, Al Embarrato, had been a longtime Bonanno captain and his cousin, Joseph "Mouk" D'Amico, had been a soldier. After Cantarella was inducted in 1990 with Massino as his main backer, he began to dine with the crime boss at J&S Cake Social Club, as well as at CasaBlanca Restaurant in Maspeth, a place Massino owned with soldier Louis Restivo.

Since he had developed a good rapport with prosecutor Mitra Hormozi, she handled Cantarella's direct examination on the witness stand. Cantarella's real value to the prosecution was not just in his explanation of the structure of the Bonanno family and Massino's eating schedule but in the ability to tie the defendant into the Anthony Mirra homicide. Questioned by Hormozi, Cantarella told the jury that on a trip to the northern end of Little Italy with Embarrato, Cantarella stayed outside while Embarrato entered a building. Coming back to the car, Embarrato turned to Cantarella and gave him some sober news.

According to Cantarella, his uncle stated, "I just got an assignment from Joe Massino to kill your cousin Tony, he is a rat."

Mob insiders and investigators knew that Mirra was on thin ice ever since the revelations surfaced that FBI agent Joseph Pistone had infiltrated the crime family. It had been Mirra who first met Pistone and used him as a driver. Eventually, Pistone used his entrée with Mirra to become close to others like Dominick "Sonny Black" Napolitano and Benjamin "Lefty Guns" Ruggiero. The results were disastrous for the Bonanno family.

The actual killing, Cantarella testified, was done by D'Amico, who fired into the right side of Mirra's head in a parking lot in lower Manhattan's West Side. A shaken D'Amico then got into a getaway car that Cantarella said he drove.

Cantarella also told of his involvement with a number of other homicides. Those killings, he said, didn't involve Massino. But the

events surrounding one murder, that of *New York Post* distribution supervisor Robert Perrino, revealed the depth of the penetration the mob once had at the tabloid.

The mob never had anything to do with the editorial functions of the *Post* or its executive offices. Instead, the Mafia was able to exploit the central weak point in any newspaper's operation: the distribution system. If a newspaper can't get its newspapers out to the newsstand, its circulation is dealt a fatal blow, particularly for a publication like the *Post*, which depended for its survival on single-copy sales on the street.

The distribution system at the *Post* was like a Christmas tree for the Bonanno family. On cross-examination by David Breitbart, Cantarella said he was getting paid by the *Post* for a no-show job for about \$800 a week from 1985 to 1992. He wasn't the only one reaping benefits. Vitale was pulling in some weekly cash and one of his sons also had a no-show job, said Cantarella. In addition, Cantarella said his cousin, Joe D'Amico, had a job at the newspaper and had clout with the union, which covered the distribution operation. A reputed Bonanno soldier named Joe Torre also had a job as a driver and loader, according to Cantarella.

But in 1992 the investigation by the Manhattan District Attorney's Office was heating up. The prosecutors' targets were Perrino, Al Embarrato, and officials from the union that covered the distribution system workers, said Cantarella. Vitale became concerned about Perrino and asked Cantarella if the *Post* supervisor was showing any signs of weakness that might lead him to cooperate. Cantarella said he told Vitale he didn't see any indication Perrino might become a turncoat. But even that wasn't enough to allay Vitale's fears about Perrino, whom Cantarella said knew about the mob's no-show jobs and that circulation was being inflated by newspapers, which were sometimes dumped in the river rather than returned as unsold.

Perrino, who was complicit in a lot of the Bonanno shenanigans at the *Post*, left his Long Island home on May 6, 1992, and was immediately listed as a missing person. Nothing was heard of Perrino's

whereabouts until in December 2003 FBI unearthed his remains from the floor of a warehouse in Staten Island. Frank Lino had provided information to the FBI about the murder and said Perrino's body was taken from a bar in Brooklyn where he was killed to the construction warehouse of a Bonanno family associate. It was at the warehouse that Perrino's corpse was put in a steel drum and covered with concrete. As Cantarella testified, Frank Lino told investigators that it had been Vitale who orchestrated Perrino's murder.

Massino did not know of and hadn't approved of the Perrino murder, said Cantarella. Talking after the homicide, Massino told Cantarella that he was upset with Vitale for ordering the Perrino killing. Had Massino known in advance of the murder, he would not have let it happen, said Cantarella.

Cantarella's testimony showed that Massino was neither involved in the Perrino homicide nor that of Richard Mazzio, which also took place in 1992. But Cantarella had done his damage to Massino with the testimony about the Mirra homicide and his ascendancy to the leadership position in the Bonanno family. He also told the jury that Massino was involved in plenty of other Bonanno crime family operations including loan-sharking and gambling that involved games of baccarat and Joker Poker machines.

After Cantarella finished testifying, the prosecution called his cousin, Joseph D'Amico, to the stand. D'Amico was the fifth Bonanno family member to turn against Massino. Like his cousin, D'Amico dressed well, wearing a gray suit, a white shirt, and a rose-colored tie. While the other turncoats were uncomfortable as witnesses, it was D'Amico who expressed how distasteful his life as an informant had become.

D'Amico told the jury that his own mother had been a loan shark. But he denied a fanciful story that had been circulating among Mafia cognoscenti for years that she had paid the late Carmine Galante up to \$50,000 so that her son could be inducted into the crime family.

"If that was true I would like my money back," D'Amico quipped.

D'Amico said he liked the mob life and told the jury that his induction in 1977 into the Mafia took place in the kitchen of an apartment in Little Italy. It was during the ceremony, D'Amico recalled, that one of the participants asked him, "Would you leave your own family and protect someone in this family first?" His response was a simple "yes."

Asked about the Mirra homicide, D'Amico confirmed what Cantarella had said earlier. Mirra had embarrassed the family and had committed an unforgivable sin when he brought undercover agent Joseph Pistone within the orbit of the Bonanno family. D'Amico admitted that he shot his cousin in the head.

Mob life was clearly what D'Amico had lived for. He seemed to revel in the excitement and danger. He told the jurors that he even had John Gotti as a wedding guest, and he submitted a picture into evidence that showed a smiling Gotti shaking the hand of a beaming D'Amico, all dressed up in a black tuxedo and sporting a white bow tie.

Cross-examined by David Breitbart about leaving Mafia life, D'Amico said he had done so reluctantly.

"I rather not be here," D'Amico said. "I rather be where I was, living downtown."

Any other place would suit D'Amico fine. He just would rather not be in the Brooklyn courtroom facing the stares of Joseph Massino.

CHAPTER 25

“I Had Killed for Him”

The first month of the trial seemed a surreal spectacle for the family of Joseph Massino. It followed a routine in which Josephine Massino would drive in from Howard Beach, sometimes accompanied by both of her daughters, and then run the gauntlet of news photographers outside the courthouse in Brooklyn. Once inside, she would take her seat in the front row of the public seating in an area the U.S. Marshals had reserved for the defendant's family.

If Josephine got to court early enough before the session started, she would be able to converse with her husband about family finances, which because of restraints put on their bank accounts by the government, could not be easily accessed. Massino always thought a lot about food and he often asked his wife a central question: “What did you eat?” He knew that the stress of the trial was causing her to lose weight and that was bothering him. There had also been an unexpected complication. Josephine’s older sister, Anna, had suffered what appeared to be a stroke a few days after opening statements and this meant hospital visits at the end of the day.

It was always something. Massino learned of his sister-in-law’s medical trauma during a visit by his wife and daughters to the Brooklyn jail where he was being held. He immediately sensed a problem from the depressed look on the faces of his wife and daughters.

“Let Mommy tell you,” Joanne told her father as he pressed for details.

“What?” Massino asked again.

"Let Mommy tell you," she insisted.

Finally, as Josephine Massino began to relate the story of her sister's travails, the weeks of tension and stress became unbearable. She broke down as she told Massino the details. Her sister had been the center of gravity for the family. One of Josephine Massino's problems, and she had many at this point, was that she kept her emotions pent up as the problems began to mount. With Anna out of action, Josephine had no one to seek solace from. She had no outlet. She told friends she didn't want to go for walks, talk to a priest, or do things that might release the tension.

Even if the Massino women wanted to escape the reality of their lives, it would have been difficult to get away entirely. The newspapers and television stations were running daily coverage of the trial, with gory details of the three captains and other murders played out in bold headlines. Pictures of Josephine Massino and her two sisters were shown to the jury because they also captured Massino himself in the presence of other mobsters. Even a surveillance photo taken at the Sands beach club in Atlantic Beach when Adeline had her wedding was shown. When Frank Coppa testified, the jury saw his holiday snaps, which showed him and his wife with Massino and Josephine in Paris and Monte Carlo. Nothing seemed private anymore.

For the Massino women, the trial seemed unreal. Of course, they understood that events involving their very own family were being portrayed. But it all sounded like some movie.

On June 28, 2004, things got even more personal. Josephine Massino had been waiting for weeks for her brother to take the witness stand. There had been rumors that Salvatore Vitale would have been called early. Instead, the prosecution intended to use him as the capstone to a case that was getting increasingly stronger with each witness appearing to buttress what the preceding ones had told the jury.

It was 4:20 in the afternoon when Salvatore Vitale finally walked through the rear door of the courtroom, the one that confidential witnesses who were under federal protection always made

their entrance. Vitale had reveled in the street name “Good Looking Sal.” But while he still had the fading features of an old nightclub lounge lizard, Vitale had not aged well. His face seemed puffy and his hair was no longer dark but mostly gray. It was little known, but Vitale had suffered a heart attack some years earlier. On this day, when he raised his right hand to swear to tell the truth on the Bible held by court clerk Joseph Reccoppa, Vitale was fifty-six years old. He looked ill at ease.

The courtroom was dead silent as Vitale shifted into his seat. His sister, Josephine, sat sphinx-like, her mouth pressed shut and her lips in a straight line that contained her deep-seated rage. Her daughter, Joanne, sat next to her, arms folded in defiance. Adeline clutched a notebook into which she had been writing notes about the testimony of each witness.

With prosecutor Greg Andres as his interlocutor, Vitale began what would be a momentous week of testimony. Things started slowly with Vitale recounting how he had met Massino at the age of eleven or twelve while growing up in Maspeth. Their relationship was what he described a “good relationship” that led to a close friendship. When Vitale returned from a stint in the military, he took a job on one of Massino’s catering trucks, using it as a base for numbers running until the early 1990s.

Through the other witnesses, the prosecution had already established some of the practices and procedures of the Mafia—the passing of money from rackets up the chain of command and how the orders of the boss had to be obeyed at all costs—but Vitale had to flesh them out a bit. Moving in broad strokes, Andres had Vitale explain that once Massino went to prison in the late 1980s Massino used him to communicate with Bonanno family members. Vitale said that both he and Anthony Spero were used by Massino as a committee to run the family on a day-to-day basis. About once a month, said Vitale, he visited Massino during this period in prison.

Vitale eventually stopped seeing Massino in prison because the crime boss feared that officials might become suspicious of them

and not let him out of prison. He would let his surrogates run things on their own.

"Whatever you and Anthony Spero want to do is fine with me," Massino said, according to Vitale.

Before the prison visits stopped, Massino told Vitale that while Philip Rastelli was the boss, the old mobster was sick and would die soon. Massino liked Rastelli but didn't respect his leadership ability. How smart could Rastelli be—he spent half of his life in jail, Vitale remembered Massino saying. When Rastelli died, Massino wanted Spero to call a meeting. At the meeting of the captains, Massino said someone, either his brother-in-law or James Tartaglione, should second the motion to make Massino boss. Vitale said that Massino had another directive: protect the family at all costs, even if it meant killing someone.

Rastelli died in 1991 and it was during a meeting at a house in Staten Island that Spero held the rigged election and the imprisoned Massino was officially anointed as boss, a job he really already held de facto for years.

He may have loved his sister, but it didn't take long for Vitale to link Josephine to her husband's dealings. He stated that while he was barred from visiting Massino, he communicated with him through his sister. He also testified that Massino continued to make money from criminal activity while in prison and that he passed along the boss's share to Josephine. On the subject of money, Vitale said that it was the key goal of the Bonanno family and that he personally made two or three million dollars from the rackets, cash he split with Massino.

"I didn't have any obligation to do that, he gave me the position I had, he made me what I am," said Vitale. "He made me a Good-fellow, he made me the captain, he made me underboss, I felt any score came to me through the men, it only would be right to give him 50 percent."

It was in the mid-1990s that Vitale said his relationship with Massino changed radically. Though Massino had made him under-

boss, Vitale said the position was an empty shell. Massino kept captains away from Vitale, forbidding them from even calling his brother-in-law. Christmas gifts were also banned. In Mafia-speak, Vitale was "on the shelf." He had a title but it was just a job as a figurehead. The loss of status had gnawed at Vitale and he felt vulnerable, believing his wife and children would be left in the street if anything ever happened.

Even though he was shelved from 1995 to 2003 and felt degraded, Vitale said he continued to kick up money to Massino and commit crimes for him.

"I had killed for him," said Vitale.

Before the bad blood developed between the two men, Vitale said that he took a strong personal interest in Massino's family, particularly when the crime boss was in prison.

"I was taking care of my sister and her children . . . support her, take her out to dinner, keep her strong," explained Vitale.

Josephine showed no reaction to that comment, but her daughter, Joanne, bolted from her seat in a huff, muttering, and walked out the courtroom door. The brief flurry caught Greg Andres's attention and although he didn't stop his questioning, the prosecutor brought it up to Garaufis outside the presence of the jury.

"There were a variety of people in the audience that told me they heard one of his [Massino] daughters saying that Mister Vitale was lying, it was audible and the jury reacted to that," Andres said. He asked Garaufis to either move the family from its coveted front-row seats or bar Massino's kin from the courtroom.

David Breitbart, who had been having numerous skirmishes with Andres over issues large and small, questioned whether what Andres said was true.

"I didn't hear a word and I was sitting in the well of the court," the lawyer said.

Massino's family kept their seats in the front row, just in time for them to hear the beginning of the worst of what Vitale had to offer. Vitale admitted he committed eleven murders and that eight of them also involved Massino. He ticked off what was now a familiar

list of victims for the jury: Joseph "Doo Doo" Pastore, Philip "Lucky" Giaccone, Dominick Trinchera, Alphonse "Sonny Red" Indelicato, Dominick "Sonny Black" Napolitano, Cesare Bonventre, Gabriel Infante, Anthony Tomasulo, Robert Perrino, Russell Mauro, and Gerlando Sciascia.

Three of the murders, Vitale said, were ordered by both himself and Anthony Spero. Those victims were Perrino, the *New York Post* supervisor, Tomasulo, who was threatening Bonanno members and cheating on gambling earnings, and Mauro, a Bonanno member who was abusing drugs and suspected of talking to law enforcement.

The significance of Vitale's grim list of victims was not lost on anyone in the courtroom. While other witnesses like Frank Coppa, Frank Lino, and Joseph D'Amico talked knowledgeably about one, two, three, or four of the murders, Vitale had a wider field of vision. He could implicate Massino in all six charged murders, plus a few more as a bonus for the prosecution. The list of victims set up hours of testimony from Vitale about the murders he and Massino took part in during their decades in the Bonanno family. It was "This Is Your Life Joseph Massino" through the story of gangland hits.

Vitale didn't play a role in actually killing Pastore, Massino's old cigarette smuggling partner. But he agreed to clean up the small apartment on Fifty-eighth Avenue in Maspeth after the murder when Massino asked him to do so. Vitale also related how Massino, just before Pastore was killed, asked his brother-in-law to borrow nearly ten thousand dollars from the victim, money that would never be repaid.

"I went upstairs with a bucket and brush and cleaned up the area," said Vitale. He didn't find a body but he did see a mess. "All blood, all over the place, even inside the refrigerator."

The murder of the three captains occurred at a time when Vitale was not yet a member of the crime family. But he played a key role nonetheless. What he had to tell the jury put Massino squarely in the planning and execution of the slaughter. As he had told the FBI

in his many hours of debriefings, Vitale said that Massino had solicited the advice of Gambino boss Paul Castellano and Junior Persico of the Colombo family when he learned that the three captains were supposedly arming themselves.

"Joe Massino said they said you have to defend youself, do what you have to do," Vitale stated.

Pressed by Andres for what that statement meant, Vitale answered, "Kill the three captains."

Dominick Napolitano, who was aligned with Massino in the power struggle, wanted his new friend Donnie Brasco, who was actually undercover FBI agent Joseph Pistone, to play a significant role in the slaughter of the three captains, Vitale remembered. But he said that a wary Massino said no.

Vitale, who had earlier obtained drop cloths and rope with which to tie up the bodies, said he was hiding in a closet with Vito Rizzuto of Canada, another Canadian named "Emmanuel," and another man who carried a shotgun. Rizzuto and Emmanuel had pistols and Vitale said he had a tommy gun, which he accidentally discharged before the real shooting started. Everyone wore ski masks.

On the prearranged signal, Gerlando Sciascia running his hand through his hair, everyone in the closet ran out and Rizzuto declared it was a stick up, said Vitale. While Vitale and the shotgun-toting gangster were told to guard the exit door so no one escaped, Lino made his escape before anyone could stop him, Vitale remembered.

Vitale saw all the men in the room when the shooting started and he remembered seeing Massino hit Giaccone, although he didn't tell the FBI that in his debriefings.

"It was all hell broke lose," Vitale said when cross-examined by Breitbart. "It was a matter of seconds, five seconds, ten seconds."

In the eerie moments after the killing, Vitale remembered coming back into the room where the shootings occurred and noticing that almost everyone had left.

"The only one standing in the room with the three dead bodies

was Joe Massino," said Vitale. "We just looked at each other to say 'where did everybody go?'"

Vitale stayed around with the others to pack up the bodies in the drop cloths and lift them into a van that was driven to Howard Beach by James Tartaglione. At the intersection of 161st Avenue and Flushing Boulevard, two Gambino crime family members, Gene Gotti and John Carneglia, were waiting to take the corpses away for disposal, said Vitale.

The bloodshed of 1981 continued, Vitale said, with the murder of Napolitano, whose death was arranged by Massino. Vitale said he learned of the plot after Massino summoned him to Howard Beach and took him on a walk-and-talk stroll. Massino was angry, said Vitale, over the Donnie Brasco penetration of the crime family by the FBI and was going to give Napolitano "a receipt" for the fiasco. That term meant that Massino wanted Napolitano dead, Vitale told the jury. He added that his brother-in-law believed that even if he was convicted of the murder of the three captains, he would have the satisfaction of killing Napolitano.

Vitale admitted driving Massino to Staten Island in a van the day Napolitano was killed, and he remembered Frank Lino coming over to the vehicle and saying, "It is over, it's done, he is dead." There was some joking, Vitale remembered, with Massino telling Lino to hurry up in wrapping things up.

Concerning the Anthony Mirra homicide, Vitale wasn't present, but he recalled for the jury two incriminating conversations Massino had about the killing. Once, Vitale overheard Massino tell Al Embarrato that "it's unfortunate but Tony Mirra has got to go." Another time Vitale said Massino told him that "Richie Cantarella and Joe D'Amico killed Tony Mirra in the car."

Vitale also confirmed Tartaglione's account of events leading up to the murder of Cesare Bonventre in 1984, including the private conversation Massino had with Louis Attanasio that seemed to precipitate the planning. It was after that private talk, which took place at Massino's secret refuge while he was on the lam in Pennsylvania, that Attanasio told Vitale of the plan.

"We are going to kill Cesare and I need your help to set it up," Attanasio told him, according to Vitale.

Vitale then told the jurors how Bonventre was driven after he left his car near Flushing Avenue and Metropolitan Avenue in Maspeth to a nearby garage. As the car he was driving approached the garage, Vitale said he blurted out the prearranged signal "It looks good to me" at which point Attanasio, who was in the backseat, shot Bonventre. A struggling Bonventre tried to crash the vehicle, and after he tumbled out of the car in the garage Attanasio shot him again for the coup de grâce, said Vitale.

According to Vitale, Massino passed instructions to Gabe Infantì to dispose of Bonventre's body by dismembering it. It was a job that failed utterly since the body was found a few weeks later in two steel drums in New Jersey.

The parade of hits kept coming from Vitale as he related to the jury how it was Massino who wanted the hapless Infantì, who had screwed up disposing of Bonventre's corpse and bungled the shooting of Teamster official Anthony Giliberti, killed for his incompetence.

"I want it done and I want it done now," was how Vitale characterized Massino's order to execute Infante.

Louis Restivo, Frank Lino, and Tommy Pitera were involved in the killing of Infantì at a warehouse, said Vitale.

Some murders, such as those of *New York Post* supervisor Robert Perrino and gangsters Russell Mauro and Anthony Tomasullo, didn't involve Massino, who was in jail at the time, said Vitale. But the 1999 murder of Gerlando Sciascia (whose death had come to the notice of Louis Freeh and Charles Rooney at the FBI) was ordered by Massino with the command, "George has got to go . . . call Tony Green [Anthony Urso] and take care of it." According to Vitale, Massino then said he was leaving the following day for a trip to Cancun, Mexico, and asked that the murder be done by the time he got back.

To make it look like Sciascia was killed as part of a drug deal

gone bad, his body was dumped on the street in the Bronx. To bolster the impression that the mob had nothing to do with Sciascia's death, Massino ordered his captains to not only attend the wake but also to ask around about who would want to kill the Canadian gangster, said Vitale. But all of that mock concern, he added, was simply a smoke screen to divert suspicion from the Bonanno family. Even so, Vitale said that Vito Rizzuto, the crime family's key member in Canada, never did believe Sciascia died over drugs.

Evidence about the murders was bad enough. However, Vitale had plenty of insight into the financial dealings of his brother-in-law, matters that were at the core of the government's allegation that Massino had amassed a fortune through a life of crime. According to Vitale, he and Massino ran a loan-sharking operation from about 1975 to 1999. Vitale's role, at least in the beginning, was to make collections on the loans while Massino served as the business builder by finding new customers. Over time, Vitale said that he and Massino each earned a million dollars from the lending. Other Bonanno family members took part in the loan-sharking, including Anthony Urso, he said.

Prosecutors also had charged Massino with extorting hundreds of thousands of dollars from a business known as King Caterers and Vitale was well aware of what had happened. The company was located in Farmingdale, New York, which is on Long Island. One of the company principles, said Vitale, needed protection from an encroachment by Carmine Avellino of the Lucchese family. Sometime between 1984 and 1985, the official at King Caterers approached Vitale through an old friend of Massino's in Maspeth and asked for help.

As is common in organized crime when there is a dispute about a business, mobsters will hold a meeting, a sitdown, and hash things out. The negotiations over King Caterers took place on Prince Street in Manhattan and Vitale testified that he, Massino, Avellino, and Bonanno captain Steven Cannone attended. Massino used a bluff to increase his negotiating position by falsely saying that one

of the principles of the catering firm was a distant cousin of his. In the end, King Caterers was given to Massino and the Bonanno family, said Vitale.

In return for the protection of the Bonanno crime family, King Caterers worked out employment agreements for Massino and Vitale to act as food consultants over a three-year period, Vitale said. He and Massino were to each be paid a fee of \$25,000 with the expectation that both men would become partners in the business after three years.

Eventually, because the principles of King Caterers were not paying all their taxes, Vitale said that he and Massino decided to set up their own company—Queen Caterers—as a buffer through which they would receive payment for any bogus services they rendered to the King firm. The arrangement was to insulate them from any tax problems King Caterers might have. Vitale figured that at some point the King firm might get subpoenaed and told the company owners to say if the government asked that Massino made the sauce, which he did maybe one time. Vitale further explained that at some point he and Massino sold their share in King Caterers back to its principles for \$650,000 in cash, split equally.

As Vitale testified, he dragged his sister, Josephine, into things. Vitale had already told the FBI agents that when Massino was in prison he allegedly paid his brother-in-law's share of money from various illegal ventures to Josephine. On the witness stand, Vitale repeated that and aside from embarrassing his sister he was potentially implicating her in wrongdoing through her acceptance of the funds. He also had said that he kept in contact with Massino while he was in jail through his wife, though he didn't indicate what the substance of those conversations were.

At the same time, Vitale also showed that he was trying to buffer Josephine from the possibility that she could be charged for handling alleged proceeds of crimes. He stated that as part of his agreement to cooperate with the government it was expressly stated that nothing he said could be used against his sister. Vitale also said he

had agreed not to testify against his sister. It seems family still counted for something to him.

With her family affairs laid out for the world to see, including some pictures that were meant to be happy family snaps, Josephine Massino became more exasperated. Despite the fact that Vitale wouldn't ever testify against her, Josephine made clear her feelings about her sibling. "I hate that man," she was overheard saying under her breath.

It was on David Breitbart's cross-examination that Vitale revealed the depth of his anger and loathing for Massino. Asked when he decided to become a turncoat, Vitale said it was actually on January 9, 2003, the day both he and Massino were arrested together. Resentment had been festering for a long time.

"He separated me from the [crime] family, he tried to separate me from my personal family," said Vitale. "When I got indicted no one called my wife and children to see if I needed anything."

The latter was an increasingly common complaint among other mafiosi, who resented the lack of attention and concern shown for them once they got arrested. Such cavalier inattention would have been unheard of in Joseph Bonanno's time among the Castellammarese who made up the Mafia. But this was a changed Cosa Nostra, one with a flawed sense of loyalty among thieves. It was a major reason why Vitale decided to flip sides.

"That is when I thought my thoughts and said he don't deserve the respect and honor with me sitting next to him," said Vitale contemptuously, shooting a glance at his brother-in-law. Massino stared back at him.

Aside from some inconsistencies between what he said earlier to the FBI agents and what he said in court about events surrounding some of the homicides, Vitale seemed to hold up well on cross-examination. Andres had some questions on redirect that gave Vitale a chance to reiterate how Massino had taught him everything he knew about organized crime. In a stroke of irony, Vitale recalled that during his induction ceremony in 1984 it had been Massino

who had lorded over the proceedings and had made the boastful remark, "We never had a rat in the family."

Vitale's testimony was completed at 4:05 P.M. on July 6. Excused by Judge Nicholas Garaufis, Vitale got up from his chair on the witness stand. He turned without looking at either Josephine, her husband, and her two daughters, and walked out the rear courtroom door. An expressionless Josephine followed him out the door with her eyes. The back of his head, the one she used to stroke when he was a little boy, would be the last thing she would ever again see of the brother.

CHAPTER 26

“Not One We Won”

Salvatore Vitale's testimony about Joseph Massino was like the Rosetta Stone of archaeology when it came to the Bonanno crime family. He had been so close to Massino over the years and had taken part in so many crimes with him that Vitale provided prosecutors with an overview of just about everything the crime boss had done. Vitale also gave meaning and context to a lot of the power struggles and politics of the crime family. It was the kind of stuff a jury could eat up.

But while the prosecution could have finished up with Vitale, there was still about three weeks of testimony that followed him. Next to the Mafia cooperators, much of the remaining testimony was dull and uneventful. Some dealt with crime scene investigations of the arson at the office of Doctor Leifer. An FBI agent told the jury about certain wiretaps that were placed on the telephones of the late Gambino captain Angelo Ruggiero in the 1980s. A low-level Bonanno operative testified about the crime family gambling operations in the cafés and coffee shops of Queens.

About a week after Vitale had finishing testifying, another old friend of Massino's took the witness stand. He was now forty-seven years old and looked more mature than the fuzzy surveillance photograph had depicted. Clean cut and well dressed, Duane Leisenheimer was a changed man. Once a stand-up guy who went to prison rather then testify to a grand jury about Massino, Leisenheimer was now helping the government.

As Leisenheimer settled into the witness chair, his eyes and facial

expression showed both recognition and resignation as he glanced at Massino. Under questioning by prosecutor Robert Henoch, Leisenheimer said he had already distanced himself from Massino when in June 2003 he was visited by FBI agents Kimberly McCaffrey and Jeffery Sallet at his home.

The two agents were very direct in what they had to say and handed Leisenheimer a subpoena.

"You went to jail once for this guy, you don't need to go to jail again," McCaffrey said to him.

After retaining a lawyer, Leisenheimer said he met with prosecutor Greg Andres, who took a hard line with him, telling Massino's old friend that he had a lot more to worry about than the contempt charge he had faced in 1984. By this time other witnesses like Salvatore Vitale and Richard Cantarella had been cooperating for months. Particularly in the case of Vitale's cooperation, Leisenheimer was implicated in a lot of crimes.

"It doesn't look good," Leisenheimer said his lawyer told him. He decided to cooperate.

"I had a big decision to make," said Leisenheimer. "I had a family to think about."

Leisenheimer related to the jury his long relationship with Massino, which began in his teens and went on for decades. Massino had been his mentor in crime, involving him as a kind of office assistant in the three captains and Cesare Bonventre murders. It was during the killing of the three captains that Leisenheimer was given the job of sitting in a vehicle a few blocks away from the scene of the murders to monitor a walkie-talkie. Leisenheimer didn't see the shootings but was involved in the cleaning up of the crime scene, describing for the jury Vitale's annoyance when rigor mortis had set in with the corpses.

In the case of Bonventre's killing, Leisenheimer described how Massino had told him while they were on the lam in Pennsylvania that Philip Rastelli was the one who put the murder plot in motion.

"Cesare Bonventre's gotta go, the old man wants Cesare to go,

this is at Marty's instigating,'" Massino said, according to Leisenheimer. He explained that the "old man" was Philip Rastelli and that "Marty" referred to Rastelli's brother, who apparently had passed along the murder message.

Leisenheimer said his job was to find a garage where Bonventre's murder could be facilitated. He found a place that he sometimes used as an auto chop shop off Metropolitan Avenue. After Bonventre's body was driven away in the trunk of an Oldsmobile, the dead man's own car, a 1980s Cadillac, was cut up in the garage, said Leisenheimer. He then drove back to the Poconos.

The only other key witness to testify was FBI agent Kimberly McCaffrey. Because of her involvement in the early stages of the investigation, McCaffrey was able to detail how things got started in the forensic accounting work. Questioned by Andres, she described the discovery of extortion victim Barry Weinberg and the development of his friend, Agostino Scuzzari, as witnesses who had a field day making secret tapes.

McCaffrey also gave a window into the finances of Massino and his wife. There were three parking lot businesses in lower Manhattan that she found Josephine had an interest in, along with her brother, Salvatore, and Richard Cantarella's wife, Loretta. McCaffrey also described the compensation each received, ranging in amounts from around \$18,000 in some years to as low as \$7,500. McCaffrey also described for the jury the discovery of checks Josephine had written to Weinberg for amounts ranging from \$16,666 to \$10,000, checks that led investigators to Weinberg as a target for tax crimes. Massino's finances weren't the only ones detailed by McCaffrey. She told the jury how, after Vitale began to cooperate, that agents found hundreds of thousands of dollars he had stashed in safe deposit boxes, in a safe in his home, and in a secret compartment in his attic.

There was one more FBI agent who testified about Massino's finances. Agent Dan Gill had examined the books of King and Queen Caterers. Over an eleven-year-period, said Gill, he found that

Queen Caterers, the firm Vitale said was used to hold the extortion money from King Caterers, received \$1,048,500 as compensation for distribution to Vitale and Massino.

Massino's tax returns were also submitted to the jury and showed a steady growth in income. From 1992 when Massino and Josephine had shown a gross income of \$121,667, the amount grew to \$411,672 in 2001, with a high of \$590,789 in 1998. Some of the income, McCaffrey said, came from real estate investments and occasional lottery winnings. Neither McCaffrey nor Gill said that the tax returns they examined found any criminal tax violations.

Summations began on July 21 and the government's side was presented by Mitra Hormozi. Dressed in a black pants suit, she seemed none the worse for wear after a trial that had lasted nine weeks. She had to digest over 8,000 pages of transcript for the jury.

"All the evidence you have seen is a testament to Joseph Massino, to his ambition. To his ruthlessness and ultimately to his power," said Hormozi. "Ironically, perhaps Mister Massino summarized it best when he told his friend Richard Cantarella in describing himself before he became boss that he was a one-man army, a one-man army for Philip Rastelli. Think about that statement, it is a powerful statement."

Hormozi said that the trial showed that Massino orchestrated the murders of Alphonse Indelicato, Philip Giaccone, Dominick Trinchera, Dominick Napolitano, Anthony Mirra, Cesare Bonventre, and Gabriel Infante. He also tried to get Anthony Giliberti killed. On top of that, Massino amassed millions of dollars through gambling, extortion, arson, and loan-sharking.

"Every piece of evidence in this case, whether it came from the witnesses, the ballistics, the medical evidence, the crime scene evidence, photographs, every single piece points to the defendant's guilt," she said. "Not a single piece of credible evidence points to any other logical conclusion."

When his turn came to speak to the jury, defense attorney David Breitbart essentially conceded again that Massino was the Bonanno

boss. But he hit back with the theme he had pushed all along: that Massino didn't have the authority to have the murders committed.

"There were no murders in the nineties," he said about the period after Massino became crime boss. "He showed a love of life, not a love of death, because murders ceased."

Breitbart returned to his theme from his opening statement that the cooperating witnesses were experts in the "big lie" and could deceive people to walk unwittingly to their deaths. He spewed venom at Vitale, calling him a "degenerate liar" and a jealous, vicious killer.

"If you find witnesses lied about an element in the case," Breitbart told the jury, "you have the absolute capacity to say 'out.'"

Since the government has the burden of proof in criminal cases, it gets a chance to rebut the defense summation and in this case the job fell to Andres. He ridiculed Breitbart's claim that Massino was a peaceful mob boss. No handshakes cemented Massino's rise to power, Andres said; rather, it was bullets and guns. He also noted that far from an interregnum of peace, Massino's reign had been punctured by the murder of Gerlando Sciascia in 1999, a crime not part of the indictment but still shown by the evidence to have occurred.

After a two-hour explanation of the law by Judge Nicholas Garaufis, the jury finally began deliberations on July 26. Four days later, on July 30, the jury signaled it had reached a verdict just before lunchtime. FBI agents, courthouse personnel, news media, and Massino's family all filled up the courtroom. The jury foreperson, a woman, handed up the long verdict sheet to court clerk Joseph Reccoppa, who in turn handed it to Garaufis. The judge glanced at the sheet and then handed it back to his clerk, who gave it back to the foreperson. Reccoppa then asked the jury to announce its verdict.

The words *guilty* and *proven* were spoken twenty-two times, once for every single count in the indictment and also for each of the racketeering acts—the murders, gambling, loan-sharking, arson, and money laundering—that Massino had been accused of.

With the first guilty finding, Josephine Massino clamped her lips ever tighter and began to shake her head. As each "guilty" was announced, Massino's daughter, Adeline, became crestfallen, her shoulders slumping each time the word was spoken. She cradled her chin in her hands, elbows on her knees, as she stared at the floor. When the verdict was finished, Massino shot a glance at his wife and shrugged as if to say, "What can you do?" Finally turning in her seat, Adeline said to no one in particular, "Not one we won, not one," referring to the myriad charges.

Outside the courtroom, prosecutors and FBI agents embraced and kissed. It had been a resounding victory. Breitbart and Flora Edwards were silent, preferring not to say anything. Josephine Massino and her daughter left the courthouse in silence, refusing to speak to reporters, some of whom told them how sorry they felt for them.

The news media had assembled early that morning and by the time the Massino family left the courthouse they were surrounded by photographers. Walking in silence to the Park Plaza Diner, a favorite eatery for the courthouse crowd, Josephine Massino went into a back dining room. She was accompanied by Michelle Spirito, the wife of reputed Bonanno soldier John Spirito. A cancer survivor who had lost her larynx through surgery, Michelle Spirito couldn't speak but had tears in her eyes.

"I have nothing to say," a distressed Josephine Massino finally said.

As if the verdict hadn't been enough, the jury still had to decide on how much money Massino had to forfeit to the government as fruits of his crimes. Prosecutors were asking for over \$10 million and wanted to take the shuttered CasaBlanca Restaurant and a rental property located on Fresh Pond Road in Queens. The government was also going after the home of Massino and his wife in Howard Beach, the home Massino's mother, Adeline, was living in on Caldwell Avenue in Maspeth, as well as the family home Josephine had been raised in, also in Maspeth. Other properties

were also in the government's sights, including real estate Josephine received rental income from.

The forfeiture case was actually a small trial that took place immediately after the lunch break following Massino's conviction. FBI agent Dan Gill testified again about Massino's estimated worth and the estimated criminal proceeds he received over the years. It was no surprise that Gill's estimate came to over \$10 million. Breitbart put up a meager defense case, essentially asking the jury to have a heart and not put Josephine out on to the street. It didn't matter. The jury ruled that Massino had to forfeit the \$10 million.

It is possible that Massino could have written a check for the \$10 million, turned over the restaurant property, and thus satisfied the forfeiture. But usually the government will seize what it can find. While many believed that Josephine Massino could be tossed out of her house, that wasn't the case. Because she had the property jointly with her spouse, even if the government took over Massino's half, it was highly unlikely that she could be evicted. She could live there until she died.

Back in Howard Beach at Josephine's home on Eighty-fourth Street, her family gathered for what was sort of a mob family *shiva*. One relative railed about Vitale, saying none of this would have happened if he hadn't cooperated, a statement that was true to some extent, because he proved to be such a pivotal witness. Yet another relative said that while Vitale was a turncoat he was still family.

Joanne Massino had not been in court when the verdict against her father was announced. She learned of it instead in a telephone call. Her own children knew in a vague way that their grandfather had been on trial since their only contact with him in recent months had been either through jail visits or letters. A few days after the verdict her daughter, obviously sensing the distress in the adults around her, asked how things were going with the trial.

"The jury didn't believe Poppy," answered Joanne.

"That's what I thought," the child said.

CHAPTER 27

Endgame

When they want to hide things from prying eyes on the sixth floor of the courthouse in Brooklyn, the metal fire doors get closed. When the black doors are shut, there is simply no way to see who enters and leaves the courtroom where Judge Nicholas Garaufis presided.

It was sometime late in the afternoon of July 30, after the jury had come down with its second verdict giving the federal government over \$10 million of Joseph Massino's assets, that court officials closed the fire doors. The hallway was sealed for privacy.

Just before the doors were shut, a federal marshal had walked into Garaufis's chambers and had a word with one of the judge's staff. Federal judges have a number of support staff working for them. Schedules need to be arranged, problems solved, and paper work handled and for that the jurists have a bevy of clerks, assistants, and other aides. Practically speaking, judges are helpless without them, particularly when the unexpected happens.

On the afternoon of July 30, the unexpected happened. One of Garaufis's staffers came into his chambers to say that Joseph Massino wanted a word with him.

The judge's private office faced Adams Street, the main venue for the Brooklyn Bridge and in the late afternoon of July 30, Joseph Massino stood before Garaufis as the traffic went by and the sun was reflecting off the apartment buildings across the boulevard. A court stenographer was the only other person in the room.

Massino had a straightforward but monumental request of

Garaufis: the convicted mobster wanted a new lawyer appointed for him so that he could explore possible cooperation with the government. The meeting was short and after Massino was taken back to the holding cell, Garaufis told Greg Andres about what had happened. The judge needed a list of lawyers the government was comfortable with in the role of "shadow counsel" for Massino. Of course, David Breitbart and Flora Edwards were not to be told of this back-room maneuver.

So it was that one of the most seismic events in law enforcement's long struggle against organized crime got underway. Massino was a beaten man. He faced not only the certainty of life in prison and the loss of every tainted penny he had ever made but also the prospect that he could be executed if convicted—a strong likelihood—in the next year's trial for the murder of Gerlando Sciascia.⁵ It seemed clear to Massino that he had one card left to play and that was go to with Team America. In all likelihood, this was not a spur of the moment panicked decision by Massino. He had seen the progress of the trial and that the various witnesses were unshakeable in their testimony. The verdict shouldn't have surprised him.

Everybody else had become a rat, so with his own life at stake Massino must have figured an endgame strategy for himself long before the verdict. As a mobster, Massino had a tendency to figure ways of running from trouble. He went on the lam in 1982. When FBI agents paid him a visit in 1984, Massino seemed so spooked that he ran out the back door of his social club. He was a man who had always tried to have an escape plan. He had played the mob game like the good old man he was. But reality now was not in some emotional notion of blood loyalty spawned in Sicilian culture. No, reality was now the fact that in a coffin was the only way Massino would get out of prison. There had to be another way.

From the government's list of lawyers Garaufis appointed Edward C. McDonald as Massino's shadow counsel. The use of attorneys as "cooperating" lawyers has been criticized by some in the legal community as an anathema to the traditional role and function of a defense attorney. For some, it left a bad taste in that an at-

torney became involved in a legally approved subterfuge on the trial attorney who had zealously defended someone like Massino but yet didn't know the client had changed sides. However, the use of shadow counsel is legal and used regularly.

McDonald had been head of the old Brooklyn Organized Crime Strike Force in the 1980s, ironically the unit that had prosecuted Massino in the 1985 Teamsters case. Leaving government service, McDonald became a partner in a Manhattan law firm, specializing in criminal defense work.

Massino didn't start cooperating with the government right away. There were initial proffer sessions to go through before any agreement could be signed. The government was in the driver's seat and had to be convinced he could help law enforcement. Massino's initial approaches to the FBI were met with skepticism and he was rebuffed, said one law enforcement official.

The first glimmer the FBI had a new mob mole came in early October 2004. At an overgrown lot in the Lindenwood section of Queens, abutting the border with Brooklyn, federal agents and city police began digging. The place had seen excavation nearly twenty-three years earlier after Alphonse Indelicato's body began rising through the soil. Immediately, word leaked out that the FBI Bonanno squad was involved in the dig in a search for the remains of the still missing three captains murder victims. Agents Jeffrey Sallet and Kimberly McCaffrey, dressed in their FBI raid jackets and accompanied by agency evidence collection agents, watched as the excavators brought in heavy equipment to tear up the ground and concrete at the site.

It wasn't a total surprise that the FBI would start digging again at the Ruby Street lot. One body had already been found there and immediate speculation centered on a new confidential informant having identified the location as a burial ground where other victims could be found. Some thought Salvatore Vitale, who had already told the FBI that Massino had said the three captains had been disposed of together, might have been the source. But according to one law enforcement official, Massino, in an informal effort

at cooperation that didn't cost him much, had told the FBI that police had not looked hard enough when they first found Indelicato's body.

The digging went on for about three weeks and after some false alarms the forensic team recovered human bones. It took over two months for the medical examiner to make DNA comparisons, but it seemed like the dig had been productive. A credit card belonging to Dominick Trinchera and a watch traced to Philip Giaccone had been unearthed. On December 20, 2004, the FBI announced that the human remains found at Ruby Street were those of Trinchera and Giaccone.

Massino's secret dealings with the government, though still tentative and with no cooperation agreement signed, continued through the fall. He had not told his family what he was doing but there were hints Massino dropped that he was feeling abandoned by his crime family brethren. When it was announced in court that prosecutors would not be seeking the death penalty against his two codefendants in the Sciascia murder case, John Spirito and Patrick DeFilippo, Massino became depressed over the exultation shown, said a source familiar with the events. Massino was still on the hook for death and after the way his top lieutenants had turned on him he had become very bitter and felt abandoned, the source said.

With McDonald as his advisor, Massino continued his secret talks with the government. This was all done with his regular lawyer, Flora Edwards, kept in the dark while she gamely went on representing Massino in the upcoming death penalty case. In fact, Massino had asked Edwards to stay on the case after it became clear that David Breitbart would not be able to continue.

Just before Thanksgiving word leaked out that U.S. Attorney General John Ashcroft intended to seek the death penalty against Massino for the Sciascia murder. The ruling was formally announced in court by prosecutors Greg Andres and Nicolas Bourtin on November 12. The Ashcroft decision was another part of the government squeeze play on Massino.

Another move by the feds came on November 23, when Massino

appeared in court to answer charges to a superseding indictment in the Sciascia murder case. This time the government added two more defendants, acting street boss Vincent Basciano and reputed Bonanno soldier Anthony Donato, accusing them of racketeering acts unrelated to Sciascia. Both in court and in the holding cells, Massino had a chance to chat with Basciano as they all entered not guilty pleas. Massino's machinations with the government remained a closely guarded secret.

On November 29, things took a curious turn. According to a letter filed in court by attorney Flora Edwards, Massino received a copy in the mail of a *Newsday* story about the fact that Garaufis had required closer monitoring of his health status. The article was confiscated and Massino was moved into a segregated housing unit (SHU) and no longer in the general population of the Brooklyn federal jail, said Edwards. Massino told his family of the move into solitary and the fact that the newspaper article had been confiscated.

Edwards said Massino's movement into the SHU made it difficult for him to prepare for trial, all because of a critical newspaper story. On December 22, said Edwards, prosecutor Andres told her that he had recommended that Massino be prohibited from attending codefendant meetings but wouldn't explain why, saying Garaufis was "fully aware of the facts and circumstances." Edwards said she pressed Andres for an explanation but that he stated the movement of Massino into solitary confinement had to do with Bureau of Prison policy regarding inmates on "death penalty" cases. Edwards continued to ask Garaufis to intervene. Little did she know the real story and the fact that the system was playing with her.

With hindsight, the movement of Massino into the SHU and the government recommendation that he be kept from meeting with codefendants Basciano, Donato, DeFillipo, and Spirito should have been a red flag. But a red flag about what? Never before had a crime family boss become a cooperating witness. Government explanations, which can now be viewed as cover stories, seemed plau-

sible. Perhaps Massino had been plotting more crimes or was using codefendant meetings to pass messages to his underlings?

Massino's wife and daughters were also getting strange vibes. Before his move into solitary, he seemed more embittered to them, family sources said. He had lost about twenty-five pounds and in visits after he was placed in solitary he seemed distracted. Massino had said he was angry with the fact that there had been talk about a plot to kill Andres and said it all indicated that the Mafia had degenerated into a pack of animals, said one family source. From his rhetoric, Massino seemed to signal to his wife and daughters that he was considering becoming a cooperating witness. If you do, his family told him, you are on your own.

It was on the night of January 26 that Massino's immediate family learned that they shouldn't try to see him at the Brooklyn federal jail. He had been moved to the Manhattan federal jail, a sign that he was cooperating they were told.

The next day in the Brooklyn federal court another indictment was filed against acting street boss Vincent Basciano for the December 2004 murder of Bonanno associate Randolph Pizzolo. The court papers indicated that a cooperating witness relayed comments Basciano had made in a courthouse holding cell in November about the homicide. The indictment alleged that the cooperating witness also stated that Basciano had proposed the murder of prosecutor Andres, something Massino had alluded to in talking to his immediate family. Astonishingly, the incriminating comments had actually been tape recorded by the witness. Who was this "cooperating witness"? The indictment didn't say, but in a matter of minutes after the court papers were filed word leaked out: the new witness was none other than Joseph Massino. At the jail Massino met one final time with Edwards. He avoided eye contact with her. She left in a few minutes.

On Eighty-fourth Street in Howard Beach, the news that Massino had become a government informant and had taped his loyal surrogate Vincent Basciano was first disseminated over the all-news

radio stations and was another in a long series of enormous emotional jolts. Josephine Massino stayed in seclusion, attended to by a close female friend who had sat with her throughout most of the trial. Quick-tempered daughter Joanne railed against her father and in a blast of anger said, "I am done with him, I am ashamed that he's my father."

In an e-mail interview with *Newsday*, Massino's daughter, Adeline, portrayed her father as embittered and having lost the support of his family with his decision to become an informant.

"My mother, my sister and I [have] no reason why he is doing this and probably never will," Adeline said. "Maybe he himself doesn't know that answer."

At least to his daughters, Massino's decision was a betrayal of the code of loyalty to friends he had always preached to them. They also felt betrayed because they supported him throughout his trial, even in the face of embarrassing disclosures about his infidelity. They also feared that their father's actions could endanger themselves and their own families, a not unreasonable sentiment in the dog-eat-dog life that now characterized the Mafia. Adeline said that her mother in particular had been hurt by Massino's actions during his married life and that she could no longer support him. There were hints that a divorce might even be in the cards.

Massino's turning was not officially acknowledged for some months. But the indications he had become a star government witness were plentiful. The clearest signal was the disclosure in May 2005 that the Department of Justice, led by Ashcroft's successor Alberto Gonzales, had decided to reverse itself and not seek the death penalty against Massino. It was an indication that Massino had done some significant cooperating and was catching a break.

Speculation abounded about what damage Massino could do to his Mafia brethren. By any measure, it was believed that he could hurt a lot of people. Basciano aside, Massino could also be expected to testify against other Bonanno defendants, including reputed Canadian crime boss Vito Rizzuto, who also faced charges

stemming from the murder of the three captains and other allegations of racketeering. Rizzuto was fighting extradition from Canada after U.S. officials had disclosed in a letter filed with the Canadian courts the evidence against him in the three captains case.

Massino also had information about the Gambino crime family and he could prove troublesome for some of its members, including John "Junior" Gotti, the son of the late boss. Massino's information about the killing of the three captains could also be used to bring additional charges, if prosecutors wanted to go that route, against the late John Gotti's brother, Eugene, who was already in prison.

Massino's cooperating with the government delayed his sentencing in his racketeering case until June 23, 2005. Garaufis's courtroom again filled and in the crowd of spectators were Donna Trinchera, the wife of slain capo Dominick Trinchera, her daughter, Laura, as well as Donna Sciascia, the daughter of murdered Canadian mobster Gerlando Sciascia. The appearance of Sciascia's family members was a clear sign that Massino would also be wrapping up that murder case with a guilty plea.

At 12:48 P.M., a grim-looking Massino entered the courtroom from the holding cell. He was wearing a gray suit and had an open-necked white shirt. He sat at the defense table next to attorney Edward McDonald. Unlike his demeanor during trial, Massino appeared nervous. He kept scratching his face and putting his hand up to his mouth. In the back of the courtroom were FBI agents Jeffrey Sallet and Kimberly McCaffrey. Sallet had been transferred to Washington, D.C., with a promotion while McCaffrey continued the delicate task of handling Massino.

Neither Josephine Massino nor her daughters were in court. Minutes earlier, Josephine had entered Garaufis's chambers with her attorney and acknowledged to the judge that she had signed a forfeiture agreement. She was owner of record for some of the properties listed and Garaufis had to be satisfied that Massino's wife had signed off on what was to be a massive surrender of most—but not

all—of the property she and her husband had acquired. Her spouse was not present in the room. After the formality with the judge was over, Josephine Massino left the courthouse, although she was unable to avoid being spotted by *Daily News* reporter John Marzulli.

At 12:51 P.M. in the hushed courtroom, Garaufis asked Massino to stand up. The judge had a few preliminary questions, asking the mob boss how far he had gone in school. Massino answered by saying the eighth grade at PS 73. Prosecutor Greg Andres, who had entered the courtroom with a large cup of coffee from a local gourmet shop, handed up to Garaufis the cooperation agreement Massino had signed earlier that day. So it was official, Joseph Massino the mob boss had signed on as a government witness.

It was well known that upon his conviction for racketeering in July 2004 Massino was going to get life in prison without parole, as well as a stiff fine. Massino acknowledged to Garaufis that he was indeed guilty of the crimes for which he had been convicted by a jury. By doing that, he squelched any chance of appeal and dropped the pretense that he was innocent. The Sciascia murder case was still open—but not much longer.

At 1:06 P.M., Massino said “yes your honor, guilty” when asked if he had orchestrated the Sciascia murder. Garaufis asked Massino to explain.

“As boss of the Bonanno family, I gave the order to kill George from Canada,” said Massino.

That simple sentence in itself was amazing not just because Massino admitted his guilt but also because he had dropped the pretension that the crime family was his patrimony. He didn’t say “Massino” crime family as he wanted the enterprise to be known. No, Massino instead acknowledged the supremacy of Joseph Bonanno’s legacy. It was the “Bonanno family.” Massino had just been renting the hall.

Pressed by Garaufis, Massino said that the killing was carried out by “Johnny Joe,” who he said was a “goodfella,” Patty DeFilippo, and “Mikey Nose.” By his words, Massino implicated John Spirito,

whose full name he didn't know, DeFilippo, and reputed Bonanno member Michael Mancuso in the Sciascia murder.

Part of Massino's bargain with the prosecutors was that he had to turn over a great deal of his wealth to the government. He didn't write a check for the \$10 million, but he could have come darn close. Massino agreed to give the federal government \$10,393,350 in assets. An astonishing \$9 million of that was in cash (\$7.3 million) and other assets like gold bars. He also turned over the property housing the CasaBlanca Restaurant in Queens as well as two other buildings on Fresh-Pond Road. Those properties had been held in Josephine's name. The staggering amount of cash showed that Massino had done very well for a neighborhood tough who never made it out of grade school.

Although the forfeiture agreement didn't spell it out, Massino was able to work out a deal that allowed his wife to keep title to the marital home in Howard Beach, his family's home in Maspeth where his elderly mother lived with her other son, John, and the old house off Grand Avenue where Josephine Massino had been raised. Josephine was also able to keep title to some real estate in Queens and Florida, the agreement indicated, something that allowed her to garner rental income.

Donna Sciascia had filed a letter with the court but asked that it not be disclosed. However, Laura Trinchera, the daughter of one of the slain three captains, allowed her letter to be read in open court and Garaufis did so for the benefit of the public and the news media. Trinchera's letter was the heartfelt statement of a daughter who never got to grow up with her father and lived for years not knowing where he had gone.

"I am grateful that our family now has closure and now my father is resting in his proper place," said Trinchera. "We now have a place to go and say our prayers.

"As far as Mister Massino, he took the opportunity to live out his life, to see his family grow. He took that away from us," she said. "I am here today to support Mister Massino's facing mandatory life in prison. I feel that better late than never."

Garaufis had been presiding over the Bonanno crime family cases for over two years and wanted to have his own say. There had been sixty-seven members and associates of the crime family named in various indictments and fifty-one, including Massino, had been convicted. The overwhelming majority had pled guilty.

"The evidence produced at Joseph Massino's trial last year told a sobering story of an organization devoted to the pursuit of crime and corruption. That evidence detailed the system utilized by organized criminals—and in particular, the Bonanno/Massino crime family—to conduct business, extract revenue from both legitimate and illegal activities, and enforce its rules against members and non-members alike," said Garaufis.

The judge said that the rituals and personalities of the mob "have been deeply romanticized in the popular media of the past thirty years, seemingly with ever-increasing frequency." But the true nature of that life made it prey on human frailty, greed, weakness, and fear, he said.

For the Sciascia murder, Massino was given a life sentence that was to run consecutive to the life term he received for his conviction in July 2004. He was saddled with a \$250,000 fine as well.

Since he was cooperating, Massino would be able to seek a reduction in his sentence, assuming the government was happy with his cooperation and filed on his behalf a letter with the court saying so. These so-called 5K letters, named after a section of the federal sentencing guidelines, had become like gold to Mafia cooperators because they could lead to freedom from a long prison sentence.

The sentencing of Joseph Massino took about forty minutes. When it was over, a dour Massino quickly shuffled his way out of the courtroom in the company of federal marshals. He didn't look at any of the spectators. But those who did see his eyes peered into his soul and found nothing. His gaze was as cold, gray, and dead as gunmetal.

“Only Your Friend Could Hurt You”

If there was ever a gangster who believed in the Mafia’s creed of loyalty it was Vincent Basciano. Knocking around as a young, aspiring tough, there was a time when Basciano’s best assets were his good looks and his eagerness to please his Mafia mentors. As far back as 1980, when Canadian gangster Giuseppi Bono held his wedding reception at the Pierre hotel in Manhattan, a smiling and youthful Basciano was among the hundreds of guests in attendance.

The fact that Basciano, then only twenty years old, was hobnobbing at a major social function with the crime family’s upper echelon, which included some major drug traffickers, showed what he aspired to in life. Years later, after rising through the ranks to the position of captain, Basciano knew he loved La Cosa Nostra and his boss, Joseph Massino, or whoever was in charge.

“I got faith in one guy,” Basciano once said as he explained his credo of loyalty to James Tartaglione and Anthony Urso during a late morning breakfast at a diner on Long Island. “And that’s where my allegiance is always gonna be, for one fucking guy. That is it, I’m living and dying with one guy.”

For Basciano, that one guy would ultimately be Joseph Massino, who after his own arrest made Basciano the street boss of the family in early 2004. But as events following Massino’s conviction would show, Basciano was just too trusting. Basciano was not blind to the history of deception, treachery, and disloyalty that permeated the Mafia. Everybody in the Bonanno family was well aware of the turncoats in their midst. Basciano, like some, had bad feelings about

mobsters like Vitale but was reluctant to say anything in an effort to do damage control. Still, that shouldn't be the case in the future. "If you don't learn by your past, you're doomed to repeat it," Basciano told some friends in a reworking of George Santayana's famous remark about the lessons of history.

Basciano once said that the world of a mobster had changed and his fellow made men must adapt and be wary of the dangers of informants and law enforcement. But if he was street-wise about the treachery of turncoats, Basciano just had no way of anticipating the betrayal he would face. In late summer 2004, Massino was desperately trying to prove his worth as an informant to federal prosecutors, who were still unsure about what the mob boss could deliver. Massino needed something that could lock up a cooperation agreement and in the fall of that year he got it.

On the morning of November 18, 2004, FBI agents made two new arrests. They picked up Basciano and another reputed Bonanno soldier, Anthony Donato. The charges were racketeering, hardly a surprise, since the Brooklyn U.S. Attorney's Office had been dropping that legal bombshell on the Bonanno family repeatedly for years. In fact, other portions of the same indictment had named Massino and Patrick DeFilippo, the dour Bonanno captain known as "Patty from the Bronx," as taking part in the murder of Gerlando Sciascia. A tanned and well-coiffed Basciano sat in the jury box of Garaufis's court, impassively looking out over a room in which a handful of reporters and FBI agents witnessed the proceedings.

Since this was still 2004, Massino, who had not yet pled guilty to the Sciascia murder, was also in court that day. Looking well fed as usual, Massino had a Cheshire cat grin on his face as he spotted me in court and smiled what I took as a greeting. The arraignment was a formality that didn't take long. It turned out Basciano had been indicted for the February 2001 murder of one of his Bronx neighbors, a reputed drug dealer named Frank Santoro. He was also charged with an additional murder conspiracy involving a gambler who didn't die and some gambling charges. Donato faced attempted murder and gambling charges as well.

But the real intrigue in the case was happening out of public view in the holding cells adjacent to the courtroom. Basciano and Massino were together awaiting transportation back and forth from jail to court when they struck up a conversation. What was said exactly is unknown because there are no recordings. But it was in the holding cell that Basciano allegedly started discussing with his crime boss all of the trouble that prosecutor Greg Andres had been causing the Bonanno clan. Something had to be done about Andres.

As Massino would tell investigators, the conversation he had in the holding cell with Basciano wasn't just venting about Andres; it was the beginnings of a plot to kill the prosecutor. Clearly, if Andres was at risk it was a serious matter. How serious became evident when federal marshals began to accompany Andres to and from the court house. They even escorted him one Sunday to a memorial service in Manhattan for Ruth Nordenbrook's husband, who had died suddenly of a brief illness around Thanksgiving 2004.

About two weeks after talking about Andres, Basciano allegedly confided to Massino while both were in the federal detention center in Sunset Park that he had orchestrated the murder of a mob associate named Randolph Pizzolo, who was found dead on December 1, 2004, in the Greenpoint section of Brooklyn with bullet wounds to his head. Massino made mental notes of what was told to him by Basciano, then secretly told his FBI handlers all he could remember.

To corroborate Massino, investigators hatched a plan to have Massino get in a position to get more concrete evidence of the alleged murder plot against Andres and the killing of Pizzolo. Since both gangsters were being housed at the same federal detention center, meetings were fairly easy to arrange. The opportunity presented itself in early January 2005 when Massino, wearing a concealed recording device engaged a trusting Basciano in two conversations the Bronx gangster would live to regret.

At one point Massino tried to bait Basciano by asking him if he remembered what they discussed earlier about the prosecutor.

"Remember, we spoke about it in the bullpen," Massino said, referring to the courthouse conversation. "And you want to take the

prosecutor out. What are we going to gain by it? What are you gonna gain if we take the prosecutor out?"

"Nothing—forget about it," responded Basciano.

Each time Massino pressed the point Basciano responded the same way: "Forget about it."

Massino persisted in the line of questioning but Basciano wouldn't take the bait and admit to anything that directly stated he had wanted to kill Andres.

But when Massino asked why Pizzolo, the man who had been gunned down a month earlier, was not just chased instead of shot, Basciano indicated that the dead mob associate was just asking for trouble. "You want to know why? Because he is a fucking dangerous kid that don't fucking listen," replied Basciano. Discipline had to be maintained in the ranks of the Bonanno family on the street and Pizzolo had to be used to set an example, he said. "I thought this kid would have been a good wake-up call for everybody," Basciano explained to Massino.

Though Pizzolo might have been trouble, Basciano told Massino that the family had some good street soldiers like Dominick Cicale and Anthony "Ace" Aiello. "Dominick is a loyal, loyal dog," said Basciano. "If I tell him to do something, it is done. Ace Aiello is like a Luca Brasi, he's your Luca Brasi."

The allusion to Luca Brasi was a reference to the loyal hit man in *The Godfather* film. At this point, loyalty may have meant something to Basciano, but for Massino the old mob rules which he had so dearly cherished held no value. Though his fellow mobster didn't know, Massino was psychologically and emotionally in a different world. Anxious to please his federal handlers, Massino turned over to them the tapes of Basciano. By so doing, Massino was consigning his loyal servant, his own street boss, to the unmitigated hell of a life of incarceration.

By early 2006, after it had become well known that Massino was the biggest Mafia turncoat of all time, Basciano went on trial for the Santoro murder and the gambling charges. The big question was whether Massino would be called to the witness stand to testify

against his old friend. Prosecutors played that card close to the vest. They dropped tantalizing hints that Massino would indeed make an appearance in Brooklyn federal court. As a result, Basciano's defense attorneys Barry Levin, Peter Quijano, and Ying Stafford filed papers seeking copies of statements the mob boss had made to the FBI in his hours of debriefing. But prosecutor Greg Andres, who remained on the case despite the allegations he was the target of a death threat from Basciano, said the government wasn't under any obligation to show the defense Massino's reports until he was called to the stand—if and when that happened.

As prosecutors and defense attorneys did their dance of trial strategy, Massino remained in a secure witness security facility. While the government never revealed exactly where he was, it is likely that he was at the U.S. Bureau of Prisons facility at Fairton, New Jersey. Other defense attorneys with experience in representing cooperators said that Fairton was one place where such witnesses were kept, particularly because it was close to New York City and the area's prosecutors.

Wherever he was, Massino's life had changed forever. "He is in another place," one FBI agent who had contact with him said of his mental state of mind. To lose weight Massino used to go on circuit walks around an exercise yard. He had sporadic telephone contact with Josephine, his daughters, and grandchildren, usually around someone's birthday. Vitale was able to get visits from his wife, Diana, in his prison, but it was unclear if Josephine or anyone else ever wanted to visit Massino. He became saddened and depressed about the lack of contact with those he loved, said one family member. Finding only prison commissary snacks palatable, Massino regained whatever weight he lost from his modest exercise routine and continued to battle his diabetes and high blood pressure.

In his sessions with the FBI, Massino gave evidence, not only about members of the Bonanno clan, but also about the activities of other crime family members. Prosecutors were continually interested in the actions of John A. Gotti, the son of the late Gambino boss, and in particular anything the younger Gotti may have known

about the slaying of Rosemary and Joseph Uva, the reckless married couple who made a brief career of robbing mob social clubs before they were assassinated on an Ozone Park street on Christmas Eve day, 1992.

It had been Vitale who first told the FBI of a conversation Massino had in his presence with the younger Gotti about the Uvas after they were killed. A number of Bonanno crime family members had taken credit for the hit, and Gotti and Massino had a discussion about the conflicting reports, Vitale said. According to Vitale, Gotti said, "We took care of it," meaning that the Gambino family had slain the couple. Massino's recollection was slightly different, according to his FBI debriefing. "We did it" was Gotti's remark, Massino told the agents.

Basciano's trial got underway in February 2006, and defense attorney Levin gave an opening statement to the jury which indicated that Massino would be testifying. Of course, Levin painted his client as an innocent man.

"He's well dressed, his hair is groomed. He's a handsome guy. He plays the role. He plays it to the hilt. He is a character. Does that mean Vinnie committed the crime in the indictment? Absolutely not," said Levin.

Firing a salvo at Massino, whose presence was felt even though he was nowhere near the courtroom, Levin called the old boss a "manipulative, sociopathic, homicidal maniac."

"The government made a deal with the devil and the devil is Joseph Massino," said Levin in an effort to undercut the anticipated appearance of the jailed Bonanno boss as a government witness.

But on February 28, after both sides had given opening statements, Andres told Judge Garaufis that the government had decided not to call Massino as a witness. He didn't elaborate on why, but it appeared that Massino's testimony wasn't crucial in proving the charges against Basciano in the particular indictment that formed the basis for the trial. The prosecution already had Vitale on tap as a witness; they also knew that he had helped them a great deal in Massino's own trial. In a sense, Vitale was battle-tested. He knew

as much as Massino about some of Basciano's activities, even if it was second-hand.

There may have been another factor in play that kept the government from calling Massino as a witness: he had apparently failed a polygraph examination. According to journalist Jerry Capeci in his "Gang Land" column, Massino asked for a lie detector test soon after he told the FBI about Basciano allegedly hatching the idea of assassinating Andres. Massino had insisted the idea of a hit plot was Basciano's and offered to take a polygraph exam to show he was being truthful, said Capeci. But Massino failed the test, according to Capeci, who cited unidentified law enforcement sources. It was perhaps because the test showed that Massino had credibility problems that prosecutors decided to keep him on ice and not use him at trial—at least until they could test his credibility more and get additional corroboration.

Basciano's trial was an acrimonious affair from the start. Levin and Andres sparred frequently in court over all sorts of legal issues. Andres seemed to glare at Basciano, who in turn made gestures indicating he thought the prosecutor was crazy for making so many legal objections. The atmosphere in the courtroom was so contentious that Garaufis weighed in with his own threat.

"I once taught kindergarten, so I'm going to do for you what I did for children who didn't know how to walk a line. I'm going to set up rules," Garaufis told the attorneys outside the jury's presence. "And if you don't follow the rules, then there will be sanctions."

When Andres complained to Garaufis about a comment Levin gave to *Newsday* about the defense strategy, the judge fined the defense attorney \$5,000, even though it seemed questionable that Levin had violated the spirit, let alone the letter, of any court rules by his remark. At the end of the trial, after tempers had cooled, Garaufis knocked the penalty down to \$100.

Both Andres and Levin had been amateur boxers in their youth and didn't want to give ground or backpedal. Delays over various objections by both sides were frequent. A trial that should have been four weeks went on for ten. The verdict announced on May 9,

2006, was a split one: the jury found Basciano and his co-defendant Patrick DeFillippo guilty of racketeering but couldn't reach a unanimous decision on whether Basciano carried out the Santoro hit. The government would have to take another shot at Basciano in a retrial later in 2007.

By late 2006, with Basciano effectively off the street and Massino a stool pigeon, the leadership in the Bonanno family was in flux. One source close to the Genovese crime family said all of the crime clans, including the Bonanno family, were being run by groups of captains who liaised with their counterparts in the other groups. A sort of loose confederation evolved in the New York Mafia families. Police didn't think the once-vaunted Commission, the so-called ruling body of the Five Families had met since 2002. While investigators occasionally leaked out what they thought were the new leadership, street sources close to the mob said that in reality some old timers had quietly picked up the reins of the various families. To avoid surveillance and because of distrust of informants, the leaders kept low profiles.

In the Bonanno crime family a relative youngster was alleged to have taken over the leadership spot. Salvatore "Sal the Iron Worker" Montagna had been identified in a number of federal court photo exhibits and by investigators as a captain in the family. He had a legitimate steel company in Brooklyn that reportedly did about \$1.5 million in sales and lived in a nice home with his wife and two daughters in Elmont, Long Island. In 2003 Montagna pled guilty to criminal contempt in an investigation by the Manhattan District Attorney's Office, his only substantial run-in with law enforcement. But in November 2006, *Daily News* reporter John Marzulli ran a story citing unidentified law enforcement and underworld sources who claimed that Montagna, 35, was the newly minted boss of the Bonanno family. The story included a disavowal of the report by Montagna's wife.

According to other law enforcement officials, a lot of the Bonanno family power in late 2006 had apparently settled with two old timers

who had been friends of Massino: Anthony Rabito and Nicholas "Nicky" Santora. Both men had been extremely active in the 1980s when the crime family war resulted in the murders of the three captains. Rabito, known as "Fat Anthony" and "Mr. Fish," and Santora had been convicted in a 1982 trial in which undercover FBI agent Joseph Pistone testified. Rabito had been acquitted of the main conspiracy charge that involved the three captain murders but was convicted of a drug offense. Santora was convicted of the racketeering conspiracy charge but had that part of the verdict overturned by an appellate court. Both men received prison terms.

Though convicted in 1982, Rabito and Santora surfaced again in a byzantine series of events that came to a head around the fall of 2006. The catalyst was a hard luck couple from Howard Beach named Vincent and Yvonne Rossetti. After a sumptuous wedding and reception in November 1979, the Rossettis went on to raise a family of four daughters. But while they tried to keep up with their neighbors in the Italian-American enclave known for its manicured lawns, nice homes, and SUVs, the Rossettis seemed constantly to be struggling. A major problem was the fact that their first child, Jessica, was born with a Dandy-Walker malformation, a congenital brain defect that forced her to use a wheelchair and required special schooling. The child's requirements cost money and prompted the Rossettis to resort to some local fundraising events in the community.

Vincent Rossetti tried his hand at the stock market and also became an investor in a restaurant on Cross Bay Boulevard. Meanwhile Yvonne, who was known to some neighbors as a fashion plate, tried raising money through a variety of investments, including real estate. She talked with family, friends, and neighbors about real estate investments in California that promised sky-high returns. In a series of handwritten notes later introduced into evidence in federal court cases, Yvonne explained how money invested could increase many times. According to records later submitted in various criminal and civil cases, Yvonne's neighbors gave her at least a million dollars to invest. Some relatives also forked over tens of thousands

of dollars to help her out, banging up large cash advances on their credit cards or American Express for what they believed was help for Jessica, court records showed.

By 2005, one of Yvonne's acquaintances, a young and successful Italian immigrant businessman named Agostino Accardo and some of his own family members had given money to Yvonne for her real estate deals. At first the amount totaled about \$400,000, but when the expected returns didn't materialize, Accardo, instead of pulling the investments, was actually persuaded to advance Yvonne \$100,000 more—cash he had received interest-free from a reputed Bonanno crime family loan shark named Michael Virtuoso, a baker and butcher with stores in the Williamsburg area.

Even with the additional \$100,000 the real estate deal wasn't making anyone rich. According to records later filed in Brooklyn federal court, Accardo continued to press Yvonne well into 2006 for a return on the \$100,000 that had come from Virtuoso. But no matter how much Accardo begged, pleaded, and cajoled her for the cash, nothing happened. Accardo even later admitted that he threatened to damage Yvonne's reputation if she didn't return the money.

Then, according to federal prosecutors, things started to get serious. In papers filed in Brooklyn federal court in the criminal case that resulted, prosecutors alleged that Yvonne met with Virtuoso, who told her that if the money wasn't repaid to Agostino that she would be killed. Yvonne's husband, Vincent, who was already under indictment in a different federal extortion case, then went to prosecutors in a bid to cooperate and told them of the alleged plot to shake down his wife. Vincent Rossetti, no doubt eager to get a break from his criminal case, which was also financially hurting his family, agreed to wear a recording device and tape conversations he had with some reputed crime family members. Among those recorded was Michael Cassese, a reputed captain whose relative was dating Nicholas Santora.

The meeting between Vincent Rossetti and Cassese, which took place on October 19, 2006, at an office on Long Island, became the source of big problems not only for Cassese but also for Santora

and Rabito. In a long conversation Cassese told Vincent that if his wife didn't repay the money that she could be hurt, badly.

"Listen, either they're getting paid or she's going in the trunk of a car. Right now she's going in the trunk of a car," Cassese told Vincent about his wife, according to a recording. On the tape Vincent is heard telling Cassese that Yvonne was "a thousand percent" wrong in what she had done, although it was never clear if he was referring to the \$100,000 payment taken from Accardo or the other money neighbors had given her. Although Vincent didn't go into that kind of detail with Cassese, Yvonne was in another dispute with an Ozone Park pharmacist who claimed he had invested over \$700,000 with her. The case led to the pharmacist filing a lawsuit against Yvonne in State Supreme Court in Queens.

Cassese also claimed on the tape that Santora and Rabito both were aware of the dispute with Yvonne and Accardo over the money. To solve the problem, Cassese stated on one of the tapes that a payment of \$200,000 needed to be made, even though Accardo originally wasn't charged interest by Virtuoso on the loan. If the \$200,000 was forked over, Cassese said he would keep \$50,000 for his efforts, Vituoso would get up to \$80,000 to pay off his loan and Rabito and Santora would split the remaining amount of approximately \$70,000, court records showed. Accardo, whose family is believed to have lost up to \$500,000 by investing with Yvonne, would get nothing, said Cassese.

Dogged by various lenders and now by elements of the Bonanno crime family, Vincent and Yvonne Rossetti left their nicely appointed home in Howard Beach sometime in October 2006, apparently with the help of the FBI. By November mail and newspapers were piling up on their front walk. They got out of town just in time.

In November 2006 the FBI's Bonanno squad, the same unit that had nabbed Massino and was now using him as a witness on other cases, arrested Accardo, Virtuoso, and Cassese on charges they were trying to extort Yvonne. Using additional intelligence, the Brooklyn U.S. Attorney's Office soon widened the case to pull in sixteen more defendants on assorted gambling, extortion, and securities charges—

the latter may have been an offshoot of Vincent Rossetti's knowledge of Wall Street scams from his earlier troubles. In addition, Rabito and Santora, some of the old guard of the Bonanno family, were arrested on extortion charges that included the alleged attempt to squeeze Yvonne Rossetti.

The resulting larger indictment in February 2007 was a hodge-podge of charges that seemed grouped together to make yet another major racketeering conspiracy. The Bonanno family, thanks to the efforts of the Brooklyn U.S. Attorney's Office, had become a choice target in the federal government's shooting gallery, and this case was another attempt to nail the clan. Some defendants were hit with gambling and securities fraud charges while others faced extortion. With Rabito and Santora indicted, it seemed like the Bonanno old-timers couldn't catch a break and the family couldn't find a leadership that didn't face the prospect of jail.

But the government didn't seem that anxious to go to trial. After all, that particular U.S. Attorney's Office in Brooklyn was swamped with work. In addition, the office had staff vacancies resulting from turnover in personnel and budget constraints that had slowed hiring. Plea negotiations began almost immediately and by late summer 2007 defendants had cut deals that seemed generous. Rabito pled guilty to a gambling charge as well as an extortion count unrelated to the Rossetti case and could expect to be out of prison in about two years: not bad for a 73-year-old suffering from all sorts of maladies. Virtuoso also pled to a loan-sharking and gambling charge with no mention of the Rossetti matter. By October 2007, even Santora was on the verge of cutting a deal, with no responsibility for the Rossetti matter. In the end, the strange Howard Beach incident that had precipitated the giant case was all but forgotten, except by the alleged victims of Yvonne Rossetti. (When Accardo pled guilty he admitted only that he tried to extort the housewife with a threat to damage her reputation.)

If Rabito, Santora, and the others had quick justice, the same wasn't the case for Basciano. Because of the mistrial in the Santoro murder, Basciano was retried on that charge, as well as a souped-up

indictment that alleged drug dealing and additional murder conspiracies. Things had also become increasingly difficult for Basciano on other levels. Thanks to Massino, he already faced another indictment accusing him of plotting to kill prosecutor Andres and was kept without bail in the New York federal detention center. But then prosecutors brought forward new allegations that Basciano had tried yet again to plot murders from jail when he drafted a hit list that included the names of Andres, and federal judge Nicholas Garaufis, as well as witnesses James Tartaglione and Tommy Lee, a disgraced lawyer from the Bronx.

Already under suspicion of scheming to kill Andres with Massino, Basciano would have been a reckless fool to do something as brazen as to enlist the help of a jailhouse confederate he hardly knew to carry out more killings. Basciano's explanation was surprising: he claimed the list was part of a Santeria-like ritual. Basciano told the court that he had been told by a fellow inmate to place the list in his shoe and stomp on it a number of times to assure good luck during his trial. Though his wife was a devout Roman Catholic, Basciano put stock in magic and mysticism, said his family. There were even reports floating around that Basciano's legal problems were in part caused by a ritual in which a dead chicken with his name was buried somewhere in Saint Raymond's Cemetery in the Bronx.

Of course, prosecutors put stock in none of those explanations. In a move that seemed calculated to punish Basciano, neutralize him, and break his spirit, the government imposed harsh solitary detention conditions usually reserved for terror suspects. He was locked up twenty-three hours a day, initially without a radio or access to printed materials, prohibited from seeing family members. His attorneys were only allowed cumbersome no-contact visits, which made legal meetings in the jail arduous affairs. Only constant complaints by Basciano and his lawyers got the conditions liberalized somewhat. Yet he remained under the so-called "special administrative measures" when his retrial began in the spring of 2007.

If Basciano was a standup guy who wouldn't cooperate with the government, some of those around him weren't. Dominick Cicale

(whom he had mentioned favorably to Massino) was a younger Bronx gangster who rose through the Bonanno crime family largely through Basciano's mentoring. Cicale, a handsome, dark-haired man who relished being a wiseguy became Basciano's closest male friend.

"He did eleven years in the can" was how Basciano described Cicale during a meeting with Tartaglione and Urso in December 2003. "He's a hoodlum. It's a lot easier to train a hoodlum. He's with me 24/7. He knows everybody in my regime." Basciano said he was also impressed with the way Cicale took to the life of being a mob tough and could step up to be a leader. "He knows how I talk, how I act. He knows I don't bend from anybody. So he's got on-the-job training. I make him my acting [captain]."

But as easily as Cicale took to mob life, he finally betrayed Basciano after both were charged in January 2005 with the murder of Pizzolo. By turning Cicale, federal prosecutors had Basciano's right-hand man on their side, someone who knew many of his boss's secrets. While witnesses like Tartaglione and Vitale could testify about Basciano's mob pedigree, it was Cicale who could testify firsthand about things he did with his mentor, including the shooting of Santoro. True, Cicale's testimony didn't carry the day in the first trial in 2006. But the second time around, a new prosecution team took a more low-key approach and remained affable and businesslike with Basciano's new defense team, led by Queens attorney James Koussouros and Stephanie Carvlin of Manhattan. Gone was the combativeness evident in the first trial.

The 2007 Basciano retrial was largely a repeat of the first. Vitale testified again, although he really didn't have much direct knowledge of Basciano's activity. He did say that Massino considered Basciano to be something of a "mad hatter," a loose cannon who was capable of doing anything and had to be watched. In fact it was Massino who had told him, Vitale said, that he had heard Basciano was involved in the killing of a man in the Bronx, referring to the Santoro slaying. Talking about the way the mob liked to lull victims into a false sense of security by using friends, Vitale had a trenchant observation: "Only your friend could hurt you."

Another friend bent on doing damage to Basciano was Tommy Lee, whose claim to infamy was that he served as an errand boy for Massino, delivering messages to and from jail for the boss while he was held for trial. One of the messages, Lee testified, was that Massino wanted Basciano to take over the reins of the family as street boss in early 2004. Basciano loved the idea, Lee testified. "He was excited. He asked me to repeat several times the exact words that were used by Mr. Massino." But Basciano also created problems with his management style, said Lee, something that Vitale had also alluded to. Lee said that Massino sent a message to Basciano to "slow down, take it easy," and not be so tough on the other Bonanno family members.

The real damage to Basciano in his retrial was done by his once loyal friend Cicale. His testimony was critical to the government's case and dealt with just about everything charged against Basciano. It was Cicale who provided information about the planning of the Santoro murder and the charge of solicitation to kill Vitale. Basciano had also been charged with running a marijuana and ecstasy operation, and Cicale was able to testify about that as well.

The jury apparently believed Cicale and convicted Basciano in July 2007. An obviously distressed Basciano's face flushed as the convictions were announced for each count, and he shook his head in disbelief. He was looking at life in prison and he knew it. But no sooner had the jury left the courtroom, so to speak, than issues cropped up which created a challenge to the verdict. According to documents filed by defense attorney Kousouros, a person who claimed to be one of the jurors sent a letter asserting that it seemed to him as if "the government witnesses were lying and dancing around certain questions." The juror believed that while Basciano was guilty of some of the crimes, he wasn't guilty of the Santoro murder. He had felt pressured to go along with the other jurors and vote for conviction, however. Kousouros filed a request to have a hearing on the issue but it was denied by Garaufis.

More controversy arose in October 2007. Another Basciano lawyer, Ephraim Savitt, filed additional court papers claiming that there

was evidence that Cicale plotted to frame Basciano and a federal jail official with a “bogus murder plot.” According to the court documents, Cicale asked another inmate to say that Basciano wanted Cicale killed in jail with the help of a corrections official. Government attorneys responded that they were investigating and planned to look into the matter fully.

The real test for Basciano was to come sometime in 2008 when he faced trial for the murder of Pizzolo. With the possibility of the death penalty looming, Basciano had the distinction of being the first New York mobster since Louis Lepke in the 1940s to risk being executed. Since Massino had not made an appearance at Basciano’s 2006 and 2007 trials, anticipation mounted that he finally would show up on the witness stand for the death penalty case sometime in 2008. His testimony about the conversations with Basciano in jail, in which they discussed the Pizzolo homicide, could help illuminate what the tapes showed. Massino could also testify about Basciano’s alleged plan to murder Andres, not to mention the Bronx mobster’s long pedigree with the Bonanno family.

But just as there were reasons why the government would want to call Massino as a witness in Basciano’s capital case, there were also arguments against such a move. For a start, if Massino truly had credibility problems, as the failed polygraph test had reportedly shown, that might give prosecutors pause. Massino, convicted of eight homicides (including his 2005 guilty plea for killing Gerlando Sciasica), had a lot of baggage that could turn off a jury. Lastly, armed with the jailhouse tapes and the testimony of Cicale and other cooperating witnesses, federal prosecutors in Brooklyn might not really need Massino as a witness. If that turned out to be the case, Massino would have to hope and pray that the information he gave to the FBI beginning in August 2004 was enough to earn him a reduction in his life sentence at some point before he died. It was the only solace he could look forward to.

Epilogue

Over the years, the death of the American Mafia has been solemnly pronounced many times. In the 1970s, one local New York prosecutor predicted the mob would be dead in a couple of years. When the ruling Cosa Nostra Commission members were convicted in 1986, federal prosecutor Rudolph Giuliani announced that the governing body had been dismantled.

History turned out to be different. The Mafia gained strength through the 1990s. The Commission simply gained replacement members and continued meeting well into the time when Giuliani became mayor of New York City. The simple fact that law enforcement agencies continue to spend time, energy, and money on Cosa Nostra investigations is an indication that the mob is still with us.

But the world of the Mafia in the United States is much different from what it was in the 1930s, when Joseph Bonanno took over the clan that bears his name. No longer is the family composed of leaders who hailed from the same ancestral land around Castellammare del Golfo in Sicily. Those leaders had died off and took with them the ideals of loyalty and solidarity that had been a part of Sicilian culture that allowed the Mafia to flourish. That is not to say that loyalty and solidarity were gone from the mob. Joseph Massino took pride in those ideals when he was rising up in the mob. He remained fiercely loyal to Philip Rastelli and the old notion that the boss was to be followed no matter what.

But for every mafioso like Massino there was another who didn't value loyalty. The modern Mafia had become, as organized crime

expert Ronald Goldstock observed, a group of individual criminals with individual goals of making money. With money as the quest of mob life, group loyalty is actually a very tenuous thing. With the right pressure from law enforcement, individual mafioso can be made to turn on each other, says Goldstock.

Some prosecutors are repelled by the amoral nature of men like Massino and those who were in the Bonanno family. The mafiosi are just plain scary to them. Sure, they play by rules. They are just not playing by the rules the rest of society plays by. Motivated by the goal of making money, the Mafia is just another nakedly capitalist venture impelled by greed, policing itself with murder when necessary. Joseph Massino then did what many in La Cosa Nostra have always done. He was ruthless when he had to be.

Not an educated man, Massino had an innate intelligence and realized that being a terrorizing, headstrong thug was not the way to survive in the criminal life. He liked being low key and treated law enforcement with respect. Still, if Massino honored old values like loyalty and group cohesion, he was painfully aware that such things weren't enough to guarantee the crime family could weather heat from investigators. Omerta might have worked to guarantee that mobsters in Sicily wouldn't betray each other. But in the United States, where law enforcement techniques and laws had evolved to a degree never seen in Sicily, omerta became ineffective in ensuring that there would be no betrayal to police. Draconian prison sentences weakened many mafioso, particularly the elderly who hoped they could still live long enough to enjoy something of a life outside of a cell with their sons and grandchildren.

Massino recognized the old adage that you keep your friends close and your enemies closer. He allowed the sons and relatives of older mafiosi to become made members and by doing so gained another form of control over members. Relatives who were Bonanno members could act as a form of checks and balances on each other since they each had something to gain and lose through the crime family. Relatives could also become informants on each other since it was Massino who ultimately controlled punishments and rewards.

But it was family that actually caused the biggest problem for Massino. He elevated his wife's brother to a high position of underboss in the Bonanno group. Salvatore Vitale had been a loyal underling to Massino as the latter rose through the mob. But while he was loyal, Vitale had problems as an administrator. Court testimony showed that a lot of the other mobsters didn't like him. He didn't garner the respect that an underboss should have been accorded. Some believed Vitale was an informant for about five years—although government records indicate that he wasn't—and thought he should be killed. Witnesses testified that Massino even considered doing away with Vitale. Yet, some in the Bonanno family remembered that when questions were raised about Vitale's loyalty and the suspicion that he might be an informant, it had been Massino who went around chastising people and telling them to stop spreading rumors.

Massino allowed Vitale to live. Massino would later be tape recorded in jail saying to Vincent Basciano that "to me, life is precious" and that he wouldn't kill someone unless transgressions were proved "in black and white." However, Massino didn't really work that way. Massino didn't hold courts of inquiry before a murder was allowed. He didn't give the accused the right to file an appeal. His reasons for ordering murders seem to have been as much motivated by fear of informants than any real malfeasance. That being the case, he could have had Vitale done away with as well. It seems Vitale lived and brought about Massino's demise because the crime boss was unable to take the step of murdering the man who had been so close to his own wife, Josephine. Family counted for something. It also cost him.

Though Massino had provided for Josephine and their daughters, he was not above using his own family to advance his stature with law enforcement. Court records show that when Massino was secretly tape recording Basciano in a federal jail, he claimed that Josephine had sent him messages about Bonanno family business and members. Massino obviously said that because he wanted to trick Basciano into revealing how he might be passing messages.

What kinds of messages the crime boss actually received from his wife was something only he and she know for sure. But when Massino's remarks about his wife became public, there were tough headlines about it. MOBSTER TAPE TIES WIFE TO BONANNO BIZ, said one headline in the *Daily News*. Those kinds of stories made it seem like Josephine had been running the crime family.

As much as Massino tried to be an astute judge of human nature and frailty, he was brought down by those qualities in others. Elderly mafioso Frank Coppa didn't want to die in prison away from his grandchildren and decided to make a deal. Practical mafioso Frank Lino saw that when other Bonanno members decided to cooperate he had no way of beating the rap and also turned. Embittered mafioso Salvatore Vitale, marginalized by Massino, decided to lash out by cooperating. Even old cronies who were not in the mob like Duane Leisenheimer wanted to get on with their lives, raise their families while they were still young enough, and enjoy life.

Massino could instill fear and a grudging respect in his followers, but in the end that would never be enough to engender undying loyalty. Joseph Bonanno was right when he said that the old notion of the Mafia was gone. Cosa Nostra, "This Thing of Ours," had become for each mafioso "My Thing"

In the end, even Joseph Massino had to agree.

Where Are They Now?

(as of November 30, 2007)

Baldassare Amato (Bonanno soldier): Indicted in January 2004 on various racketeering charges in federal court in Brooklyn. Among the charges were allegations that Amato took part in the murder of Bonanno family associate Sebastian DiFalco in 1992. He was convicted of racketeering conspiracy in 2006 and sentenced to life in prison.

Greg Andres (prosecutor): After successfully prosecuting Joseph Massino in July 2004, Andres received an award from the Department of Justice for “superior performance by a litigation team” in convicting 35 members and associates of the Bonanno crime family. Massino was included in that total. He was also promoted in January 2006 to the position of deputy chief of the criminal division in the Brooklyn U.S. Attorney’s Office. Andres continued to handle trials and in March 2006 was the lead trial counsel in the case of reputed acting Bonanno boss Vincent “Vinny Gorgeous” Basciano. In 2007 he became chief of the Criminal Division.

David Breitbart (defense counsel): Continued to live and work in New York City and do criminal defense work. He represented model Naomi Campbell when she was arrested for assault in March 2006.

Richard Cantarella (Bonanno captain): Remained a cooperating witness for the federal government. He testified in the March 2006 trial of Basciano and was awaiting sentencing for racketeering.

Patrick Colgan (FBI agent): Was retired from the FBI and working as a private investigator in New Jersey. In March 2006 he testified as a prosecution witness in Brooklyn federal court in the “Mafia cops” trial.

Frank Coppa (Bonanno captain): Remained a cooperating witness for the federal government and was awaiting sentencing for racketeering.

Joseph D’Amico (Bonanno soldier): Remained a cooperating witness for the federal government and was awaiting sentencing for racketeering.

Flora Edwards (defense counsel): Like David Breitbart she continued to work as a criminal defense attorney in New York City. In late 2005 she handled the affairs of Genovese crime boss Vincent “The Chin” Gigante as he became terminally ill and died.

Nicholas Garaufis (judge): As a sitting judge in the U.S. District Court for the Eastern District of New York, Garaufis handled most of the criminal cases related to the federal prosecutors’ offensive against the Bonanno crime family. In March 2006 he presided over Basciano’s trial. He was expected to preside over Bonanno crime family cases well into 2008.

Robert Henoch (prosecutor): Also received an award for his service as government trial counsel in the Massino case. In 2006, Henoch was lead government attorney in the prosecution of the so-called “Mafia Cops,” a trial which led to the conviction of two ex-NYPD detectives accused of being hit men for the Luchese crime family. He entered private law practice in 2007.

Mitra Hormozi (prosecutor): Along with Andres and Henoch, she received an award from the Department of Justice for her work on the Massino case. In 2006 she was co-counsel with Henoch in the trial of the “Mafia Cops.” She married in August 2005. In 2007 she became head of the Organized Crime section.

Duane Leisenheimer (Massino associate): He was a federal cooperating witness.

Frank Lino (Bonanno captain): He remained a cooperating witness and was awaiting sentencing for racketeering.

Kimberly McCaffrey (FBI agent): Continued to work for the Federal Bureau of Investigation in New York City. Along with the rest of the prosecution team, she received a Department of Justice award for her work on the Massino case. Her main responsibility in 2006 was the handling of Joseph Massino after he became a cooperating witness for the government. She had her second child, a girl, in mid-2006. In 2007 she became a supervisory special agent in Washington, D.C.

Patrick Marshall (FBI agent): Was retired from the FBI and living on the West Coast.

Adeline Massino (daughter): Continued to live in Howard Beach with her husband and two daughters. She took a job in the accounting field. In her spare time she busied herself with her children's school, as well as their dance and sports activities.

Joanne Massino (daughter): Like her sister Adeline, she continued to live in Howard Beach in a home near her mother. As a single divorced mother, she raised a daughter and son. A few days a week she worked at her children's parochial school.

Joseph Massino (former crime boss): After the former Attorney General John Ashcroft ruled that Massino was eligible for the death penalty, he moved in earnest to become a cooperating witness for the federal government. He finally signed a cooperation agreement in June 2005 and was placed in the federal witness security program. Massino was expected by many to be called as a witness in 2006 for the trial of his former confederate Vincent Basciano but

has never made an appearance in the case. He is said by friends and associates to be exercising and trying to control his diabetes.

Josephine Massino (wife): She continued to live in her Howard Beach home, which she bought with her husband many years earlier. Much of her time was spent in the company of her daughters and grandchildren. Josephine also had been dealing with the recuperation of her sister Anna from the effects of a stroke. Since her husband was convicted in July 2005, Josephine has not made any public statements about his case.

Ruth Nordenbrook (prosecutor): She was retired from federal government service. Nordenbrook suffered the untimely death of her husband in November 2004 just prior to her retirement. She continued to live in New York, tending a Brooklyn Heights neighborhood rose garden and doing volunteer work.

Joseph Pistone (FBI agent): After retiring from the FBI, he started a second career as an author. Pistone's books included, as co-author, "Donnie Brasco: My Undercover Life in the Mafia," (1987) and, on his own, "The Way of the Wiseguy" (2004). He also co-authored a novel with Bill Bonanno, son of the late crime boss Joseph Bonanno, entitled "The Good Guys" (2005).

Vito Rizzuto (Bonanno soldier in Canada): Referred by law enforcement officials as the "Godfather of the Italian Mafia in Montreal," he was indicted in January 2004 on racketeering charges, including the murder of the three captains in 1981. He was ordered extradited by Canadian courts in 2006. In May 2007 he pled guilty to involvement in three murders and got a ten-year sentence.

Charles Rooney (FBI supervisor): Retired from the FBI in fall 2005 and began working as a consultant to the agency.

Benjamin Ruggiero (soldier): Released from federal prison in April 1993 at the age of 79. He died of natural causes in 1995.

Jeffrey Sallet (FBI agent): He moved to FBI headquarters in Washington where he took a job as a supervisory special agent in the organized crime section. He received an award from the Department of Justice, along with the others on the prosecution team, for his work on the Massino case. Sallet occasionally traveled to New York City to help in the prosecution of other Bonanno crime family members. In 2007 he became a supervisory special agent in Rhode Island.

James Tartaglione (Bonanno captain): Remained a cooperating witness for the federal government. He testified in the 2006 trial of Basciano and was awaiting sentencing for racketeering.

Anthony Urso (Bonanno acting underboss): Pled guilty in 2005 to racketeering charges in federal court in Brooklyn. Was awaiting sentencing.

Salvatore Vitale (former Bonanno underboss): Remained a cooperating witness for the federal government and testified in the March 2006 trial of Basciano. During his testimony, Vitale said that his sister Josephine wasn't aware of the details of the crimes he and Joseph Massino carried out. Vitale said he never discussed "street" business with his sister or in her presence. He was awaiting sentencing. In 2007 he testified at Basciano's retrial.