

## FOREWORD

Throughout half of the 1980's and into the early 90's the principal target of the FBI's New York Office was John J. Gotti, the notorious Boss of Bosses who ran the city's most powerful crime family. Recently, after spending a decade in the research and writing of four investigative books for HarperCollins on the counterterrorism and organized crime failures of The Bureau \* I came to realize that I had something in common with his son: John Angelo Gotti. Over the years both of us had become experts on the misconduct of various special agents and prosecutors working for the U.S. Department of Justice.

There's no doubt that *Shadow of My Father* will upend many of the public's assumptions about that mysterious secret society of criminals J. Edgar Hoover mistakenly dubbed La Cosa Nostra. Written in John Junior's own hand, it offers a rare inside look into "the underground kingdom" that was the Gambino family.

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\* *1000 Years For Revenge: International Terrorism and The FBI The Untold Story* (2003); *Cover Up: What the Government Is Still Hiding About the War on Terror* (2004); *Triple Cross: How bin Laden's Master Spy Penetrated The FBI, The CIA and The Green Berets* (2006-2009); and *Deal With The Devil: The FBI's Secret Thirty-Year Relationship With A Mafia Killer* (2013).

This isn't some ghost-written apologia told by an ex-wise-guy who cut a deal with the Feds and now lives under the protection of U.S. Marshals in the WITSEC program. It's the unvarnished personal story of "The King of The Volcano's" first born son.

### **The Boss of Bosses**

In preparation for this Foreword I spent weeks interviewing John Jr. whom his family calls "Johnny Boy." I thought I knew his father's story, but the more he opened up, the more I realized how incomplete the historical record has been.

"When people think of my father," says John Jr., "they remember this bigger-than-life godfather in the Brioni suits and the razor cut hair; the boss who carried himself like a movie star; who went from being a knuckle gangbanger in the Fulton-Rockaway Boys to the cover of *Time Magazine*.

"They remember how it took four prosecutions to finally bring him down, and even then, the Feds had to rig the game by denying him access to Bruce Cutler, Gerry Shargel, Jimmy LaRossa and every top New York criminal lawyer.

"My father committed many sins," he told me. "But in the end, he was unapologetic; defiant to his last breath. He went out handcuffed to a bed, waving away the priest and choking on his own vomit and blood. That's what his death certificate says, 'choked to death; asphyxiated.' His bones were rotted around his neck from cancer and the decade he spent in 'the hole.'

"Many of our leaders start wars all over the world. They commit random acts of wholesale slaughter and they never pay for their sins. In the end, my father paid for his. He paid the highest price. And he didn't apologize. He went out like a man. That's why I felt it was important for me to tell at least that part of the story."

But this book is so much more. In fact, as colorful and tragic

as Gotti's senior's life was, the self-told chronicle of his son's odyssey reads like an epic worthy of Victor Hugo. What's little known outside the world of the New York tabloids is how, after cutting a deal with Junior in which he effectively pledged to withdraw from the Life and after he served nearly six and a half years, paying millions in fines, the Justice Department came after him again with four trials and a separate tax prosecution—five, not four—attempts to send him away for life.

In fact, one indictment included a death penalty eligible crime.

In the end, Gotti Junior proved to be “The Teflon Son.” He got through all of that with his father's iron-willed tenacity. But if you met him today as he approaches his fifty-first birthday you'd find a man with none of the brass or unrepentant contempt his father had for law enforcement.

The son, whose DNA draws on the Neapolitan blood of his father and his mother's Italian-Russian ancestry, is downright self-effacing and reflective. He's witty and quick, with the same capacity for strategic thinking that propelled his old man from a driver for Gambino capo Carmine Fatico at 17 to head of the nation's most powerful crime family.

### **Continental and Cristal**

The Bureau of Prisons reportedly tested his father's intelligence and learned that he had a genius level 140 I.Q. and in this case the apple didn't fall far. There was a time in the late 1980's after his lightning-strike coup d'etat over Gambino boss Paul Castellano when John Sr. reportedly grossed millions of dollars a year.

He'd leave his humble Howard Beach home in the morning with a fat stack of \$10,000 to blow playing Continental at his beloved Bergin Hunt and Fish Club and end his nights in the wee hours at Regine's downing bottles of Cristal; all the while thumbing his nose at the Feds and managing a

criminal enterprise with more than 200 “made” members and thousands of associates.

But Junior, the heir-apparent who was in line to succeed his father as boss, had a change of heart. “I was a full-fledged believer in the Life,” he told me. “I idealized my father, I loved my uncles and I was going to follow them until the day I died. I used to tell everybody, ‘It’s an honor to go to jail for John Gotti.’”

“But once I got married in 1990 and had my first child, my perspective slowly started to change. And why? Because my whole life, my father was in and out of prison, and I saw the effects it had on all of us kids and my mother. At the time my father died, my mother had spent twenty-three years in an empty bed by herself.

“I write in the book how one time at a wedding it struck me how sad this whole picture was. My uncle Gene’s daughter had just gotten married and the women out-numbered the men two to one, because the men were all dead or in jail.”

So in 1998, for the sake of his wife and his six children Junior made the decision to withdraw, renouncing his title as his father’s successor.

### **New Cause for Headlines**

For my most recent book, *Deal With The Devil*, I spent more than six years documenting the FBI’s thirty-year relationship with Gregory Scarpa Sr., a murderous, Machiavellian Top Echelon informant who, by his own account, “stopped counting” after 50 homicides while operating at the “boss level” of the Colombo crime family.

Over the years, in the course of my research I’ve digested more than 50,000 pages of FBI memos and trial transcripts. I’ve conducted dozens of interviews with active or imprisoned “made” guys, not to mention FBI agents still on the job and retired. With those unique insights into the conduct of the Bureau’s elite organized crime squads in The New York Office,

I can say with certainty that John Junior's memoir will make headlines on multiple fronts:

First for what he reveals about the way his father conducted business as an old-school, hard-core gangster. He relates one never-before-told story about a remarkable plot in which Gotti Sr., then serving time in state prison, ducked out of lockup and in a matter of hours, tracked down the remaining witness to one of his most notorious rub outs and "put two in his hat." He even found time to get back to Howard Beach for a home-cooked meal and make love to his wife before slipping back into prison.

Another cause for news coverage will be the untold details in this book of how Junior turned his back on the Life after he'd risen to Gambino heir-apparent following Senior's conviction in 1992. While his father was locked up in Marion federal prison, dying from cancer, John Jr. got his reluctant permission to withdraw; to go "on the shelf for life," as he put it; to step down from "the panel," that ruled the Borgata. He even got the blessing of the other New York families that if he never again "flew the Gambino flag" and left the enterprise forever, he could retire.

But the U.S. Department of Justice simply refused to let him go. Even after he made a plea agreement to minor racketeering and tax charges, paid millions in fines and agreed to serve 77 months in prison, they put him through five more prosecutions, keeping him locked up or confined in total for *nine years of his life*.

During those long prison terms he spent almost a third of his time in solitary confinement and twice he was subjected to what inmates call "Diesel Therapy," repeatedly transferred from lockup to lockup in the Bureau of Prison's system, effectively hidden from his family and his lawyers.

Team Fed just wouldn't give up unless he agreed to capitulate on their terms. If he did, they promised to pay back the millions in fines he'd paid and clean his record.

“But I stood strong and incurred their wrath,” he told me. “They came with five cases against me in four years. See, the government didn’t want other guys in the Life to know we could walk away on our own terms. They had to write the script—control the play. But with me it was different and I paid the price.”

### **An Astonishing Account of Government Misconduct**

The last chapters of the book reveal the desperate lengths that senior FBI agents and federal prosecutors went to in order to keep Gotti Jr. behind bars for life—embellishing and mischaracterizing evidence, suborning untenable testimony from murderers, intimidating witnesses, and going so far as to paint a target on Junior’s back—falsely suggesting to wiseguys on the street that he’d agreed to “cooperate.” In effect, after failing to silence him legally in court, the government was sentencing him to death.

As you will read, in July of 2004, just weeks before he’d completed his 77 month term with nearly a year in solitary, the Feds came up with a new racketeering and murder conspiracy indictment that they would pursue over three more trials. Each trial ended with a deadlocked jury and finally Justice announced it would stop prosecuting him.

But then, in the early morning hours of August 5, 2008 John Jr. heard the rotor of a helicopter over his Long Island home and within minutes a dozen agents in full combat load-out, came over the fence to arrest him in front of his wife and children.

“It was like a scene from a bad B-movie,” he told me. “Even when they came up with this new indictment on fabricated charges, they could have called my lawyer Charlie Carnesi and I would have willingly surrendered. The Gottis always showed up in court.

“By then, I’d been out of the Life for over nine years. But

they had to make this theatrical show of force to suggest to the media that I was somehow dangerous. And that wasn't the worst of it. Because after they'd failed the first three times, in order to make these new charges stick, they stooped as low as any federal prosecutors have ever gone."

Locking him up on murder conspiracy, racketeering and drug dealing charges out of Tampa, Florida, a part of the country where Junior had never done business, Team Fed produced as their "key witness," one John Alite, a self-confessed murderer, home invader and torturer who was so low on the Mafia food chain that he had to leave the room when any significant criminal business was discussed. But throughout the upcoming trial when it came to the crimes in the indictment, his mantra would be, "John ordered me to do it."

A federal judge concluded that this was little more than "forum shopping," a bold-faced attempt to get the Gotti scion in front of a Deep South jury. So he quickly sent the case up to The Southern District of New York where the first three had been tried.

And once again, though no Gotti, father or son, had ever been a flight risk, they refused to grant him bail. Even worse, they moved him in rapid succession from federal jail in Brooklyn to lockups in Kansas, Texas, Oklahoma, Georgia, back to Oklahoma, then Georgia again—even New Hampshire—before he finally got back to New York.

During those weeks of "Diesel therapy," his family had no idea where he was and he couldn't meet with his lawyers to prepare for his own defense.

A year later Trial Four began with Mafia-beat reporters like George Anastasia in Philadelphia and Jerry Capeci in New York predicting that Alite might well be the Feds' magic bullet and this time Junior could go down.

Earlier Alite had pled guilty to his involvement in two murders, four murder conspiracies, at least eight shootings and two attempted shootings, not to mention a series of armed

home invasions in New York, New Jersey, Pennsylvania and Florida.

Those crimes, one which was death eligible, should have earned him a life sentence, but as payback for testifying against Junior, he drew a wrist-slap, 10-year sentence, most of which he'd already served and the Feds knocked that down by 20 months, ultimately releasing him in January, 2012.

But not before defense lawyer Charles Carnesi subjected Alite to days of blistering cross examination in Trial Four, exposing lie after lie in the government's case.

"Alite was the government's own house of cards," says John Jr. "He actually testified that he was my unmade underboss; my 'Sammy The Bull.' But, in truth he was a low-level gutter rat. Consider the logic: The Gambino Family had a strict rank and file structure. At the very bottom were associates. Italian associates, on their father's side ranked higher than people like Alite who was Albanian. He could never be a made member. He even used the name Johnny Aletto to try and pass himself off as a *paisan*, but he was never, ever, any more than a dog who chased the scraps.

"The pecking order was non-Italian associate talks to Italian-associate who talks to a soldier who talks to a capo and then it goes to the management. I was on that level at the time and he's saying that I'm ordering him to do crimes like murder. It defies belief."

Sure enough, after eleven days of deliberations in Trial Four, the jury deadlocked again and set John free. "Enough is enough," said one juror later. "If they try him again it'll be an abuse of prosecution." Perhaps most significant, all twelve jurors were unanimous that the least credible witness for the Feds was John Alite.

### **A Different Kind of Racketeering Enterprise**

After publishing those four investigative books for Harper-

Collins that served to document the multiple counter-terrorism and organized crime missteps of the FBI—fully annotated works encompassing 925,000 words over 2,200 pages—I thought I'd seen everything when it came to Justice Department misconduct.

But reading through Junior's epic story, I was repeatedly shocked at just how far special agents and assistant U.S. attorneys were willing to go to take his scalp. As such, this book should serve as a cautionary tale to any American who believes that the criminal justice system can be easily manipulated by the wealthy and the powerful or that when it comes to trying Mafia figures, the only standards for federal prosecutors and FBI agents are the rules of evidence and fair play.

By the time you get to the end of *Shadow of My Father* with jaw-dropping revelation after jaw-dropping revelation you'll wonder whether a case couldn't have been made by Gotti Jr.'s lawyers for charging *the Feds* under RICO: The Racketeer Influenced and Corrupt Organizations Act. That's the notorious 1970 end-run around the U.S. constitution in which federal prosecutors began getting indictments, not for individual *crimes*, but for *a pattern of behavior*; i.e. acts performed as part of “an ongoing criminal organization.”

To convict under RICO the Feds merely have to prove the violation of at least two “predicate crimes” within a 10 year period. They include state offenses like extortion and bribery and various violations of Title 18 of the Federal Criminal Code, including fraud and obstruction of justice.

Now as you read this book, consider the lengths Justice went to in order to “get” Gotti Junior. They handed down a series of indictments and conducted trials spanning nine years in an organized enterprise that included obstruction, fraud, witness tampering, the mischaracterization of evidence and the effective “bribery” of cooperating witnesses: i.e. mob killers like Alite, facing life in prison who were treated to a quid pro quo.

If they testified against Junior they'd be set free or have their

sentences drastically reduced. You'll come to see that Team Fed conducted their business with the same bare-knuckled duplicity as the most brutal Mafia boss, only they did it in league with The FBI whose official seal contains the words: Fidelity, Bravery & Integrity.

### **The Bar Fight that Changed His Life**

Meanwhile, this book is full of untold revelations in Junior's personal story. "This Life was not the path I had originally chosen," he told me. "I graduated from New York Military Academy on June 5th, 1982. I was looking to go into a ROTC compatible college. I needed two more years of ROTC and that would qualify me as a Second Lieutenant in the Army. That was where I wanted to go. That was the carrier choice I had made.

"But fate had a different life in store for me. A couple of weeks into my 19th year I was involved in a bar fight. There were some kids there from Ozone Park, high on Angel Dust. We were from Howard Beach. One of my friends dated a girl who hung out there. One thing led to another and this kid kept shoving into me. We got into a fight, and I hit him. Pretty soon it erupted into a free-for-all. I got stabbed. Several other guys got stabbed and one poor kid died from his wounds. That changed my life forever.

To keep an eye on him, John Jr. says his father "remanded me to house arrest" at the Bergin Club.

"'Sit right over here,' he said, 'so I can watch you and you ain't gettin' into trouble.' And pretty soon, hanging out there, I was sucked into that way of life. Once I was exposed to John and those people, it became intoxicating. The respect they were getting, the way they comported themselves, the laughs they had and the stories they told...

"So I went from trying to be a military officer to looking up to these guys. I would listen to them around the table as they were playing cards and breaking balls, and they all had

jailhouse stories. Jail sounded so fun, it really did. Listening to these guys talk, ‘Remember when we were in Lewisburg together that time?’ I always said to myself, ‘Someday I want to have my jailhouse stories. I want to have stories like these guys.’

“Years later when I’m locked down in some hole pissing blood from my kidneys I had a dream and I heard this voice say to me, ‘Hey John . . . Are you havin’ fun now?’”

### **The New Alcatraz**

His father was convicted in 1992 and sent to the U.S. Prison in Marion, Illinois. It had opened in 1963 to replace the notorious “Rock”—the penitentiary on Alcatraz island—and it was built to house the most hardened inmates. The highest maximum security prison in the system for decades, Marion soon developed a reputation as the worst.

In 1983 after two guards were killed it went on “permanent lockdown” for 23 years with inmates held in their cells for twenty-two and a half hours a day. Amnesty International condemned the prison for “habitually” violating the United Nations’ Standard Minimum Rules for prisoner treatment.

Worse, evidence developed that the 280,000 gallon-per-day water supply drawn from the nearby Crab Orchard Lake (an EPA Superfund site) was laced with cancer-causing PCB’s (polychlorinated biphenyls).

“My father hadn’t smoked cigarettes in 27 years,” says Junior, “and after a few years in Marion they took his commissary privileges away and he was forced to drink the tap water. That’s when he developed head, neck and throat cancer.

“Anyway, while I’m visiting my father in prison, I realize how alone he is. He’s deprived of human contact; allowed to talk to us only by phone, through bulletproof glass. He’s held only one of my six children—Frankie—and that was while he was still free.

“Seeing him at Marion got me thinking. If I ended up in federal lockup doing a life bid my own kids would be thousands of miles away. When they came to see me it would be under conditions like this. I had to decide between my blood family and the one I was sworn into. I began pulling back in ’95, ’96, ’97, and then I was arrested in 1998.”

The indictment charged Junior and 39 others with a series of crimes, including extortion and fraud, alleging that Gotti Jr. and his associates had virtually taken control of Scores, the Upper East Side topless nightclub. The case soon became a prototype for the kind of abusive and unethical conduct by the Feds Junior would experience over the next decade.

“One of the government’s top cooperating witnesses,” says, Junior was Michael Blutrigh, a lawyer who’d been indicted in Florida for bilking hundreds of millions from senior citizens.” Blutrigh had also been outed as a pedophile in a *Penthouse Magazine* article by former NYPD detective John Connolly.

“So we subpoenaed all of the notes on Blutrigh’s interviews with the arresting FBI agent named Jack Karst,” says Junior “and when he came to court he told the judge, ‘I shredded them all by accident.’”

Karst was later demoted for destroying the documents. He had developed Blutrigh as an informant after the alleged lawyer/pedophile bought Scores with money he and his partner Lyle Pfeffer stole from National Heritage Life Insurance Company of Orlando, Florida. On that same case, Vincent Heintz, an assistant U.S. attorney, was dismissed from the case for reportedly leaking information adverse to Gotti Jr.

In years to come, during the four federal trials the Feds mounted after this case, there would be a similar pattern of media leaks. More revealing was the evidence Gotti Jr.’s defense team uncovered suggesting that FBI agents had hidden or destroyed what, per Bureau protocol, should have been *dozens* of debriefing memos recounting Alite’s meetings with special agents in the years before he became a formal cooperating witness.

Ultimately in that Orlando case, Blutrigh and Pfeffer pled guilty to 22 racketeering, fraud and money laundering counts. Prosecutors admitted that they were responsible for \$237 million in losses. Blutrigh was sentenced to sixteen and a half years in prison, but in return for his agreement to testify against Gotti Jr. he was given a new identity and allowed to enter (WITSEC) the witness protection program.

That was in sharp contrast to the fate of Shalom Weiss, another participant in the Heritage looting scheme, believed to be the largest insurance failure in U.S. history at that time. Unable to trade with the Feds and deliver dirt on Gotti Jr., Weiss was sentenced to a staggering 845 years—the longest known sentence ever for a white collar criminal.

“To make my case,” says Junior “the Feds not only got in bed with the likes of Blutrigh, but the lead FBI agent had to destroy his notes, documenting their back-door dealings. Using Blutrigh against me was the height of hypocrisy and my father begged me not to take a plea in the case. He felt with that level of misconduct we could win it.”

### **The Fateful Encounter at Marion**

“I had more faith in the Justice Department and their willingness to play fair, than he did. He understood their capacity for treachery. But I kept thinking of my kids and I wanted out. So I went to see him. It was February 5<sup>th</sup>, 1999. I’d just been released on bail for the Scores indictment and the Marshals took me to Marion on the order of a federal judge. It’s on videotape. And what I’m looking to do is to take a plea and go to jail. At that point they were offering me seven and a half years. If I pled to minor charges, I could come home.

“I’m thinking, my kids will still be teenagers. I can save them. But John’s a dyed-in-the-wool gangster. He’s talking about the rules. ‘When a man chooses a path in his life—even if he comes to the realization at some point in his life it’s the

wrong path—you stay on that path because that’s what a man is, that’s what it means to have this in his heart.’

“And in the end, as it happened, I was wrong and he was right. Because even though I took the plea and did my 77 months, the Feds never intended to let me go.”

### **Presenting False Evidence**

Just weeks before his release in September, 2004. The U.S. Attorney for the SDNY unsealed a new 11-count indictment charging Gotti Jr. with counts ranging from attempted murder to racketing and extortion.

The central focus of the case was an alleged plot in which the Feds insisted that Junior had conspired to kidnap Curtis Sliwa, the founder of The Guardian Angels, who, as a radio talk show host, had railed against Gotti Sr.

For Trial One federal prosecutors trotted out Joseph “Little Joey” D’Angelo, a Gambino soldier who had posed as a cab driver in the failed plot to kidnap Sliwa outside his apartment building. They also called “Fat Sal” Mangiavillano, a Gambino associate who testified that D’Angelo had grabbed Sliwa on orders from Gotti Jr.

“That’s when we uncovered more misconduct by the Feds,” says John Jr. “In Fat Sal’s interview with FBI agent Ted Otto, the case agent, we learned from Otto’s notes that Mangiavillano had said Sammy Gravano planned to reward D’Angelo for Sliwa by getting him straightened out. In other words, inducted into the Gambinos. That was the government’s position.

“The problem was the Sliwa shooting was in June of 1992 and my father had been convicted on Sammy’s testimony the previous April. Gravano had been working with the Feds since the previous year, so how is he supposed to be ordering Joey to get his button from witness protection? It was the first of many lies and the jury deadlocked.”

“John was acquitted on some counts,” says Charles Carnesi

who signed on to represent Gotti Jr. in Trial Two. “The jury had acquitted John on some charges including stock fraud, and hung eleven-to-one against John on the rest. The government was confident that they would prevail in a second prosecution. But we decided to put on a vigorous defense and this time, on virtually the same evidence from the Feds, the jury hung eight to four in favor of *acquittal*. Now they got worried.”

### **New Press Leaks and Alleged Witness Tampering**

“Between the second and third trial,” says Carnesi, “things really start to change. That’s when the FBI crosses the line. Some agent intimately involved in the case must have had a relationship with a *New York Post* reporter named Kati Cornell Smith and she starts writing a series of articles with revelations she alleges are coming from a law enforcement source.”

In the first piece, headlined “Gotti Pal In A Bind-Perjury Rap Looms,” Smith reported that Joseph Fusaro, “. . . who surprised the feds by testifying in support of John ‘Junior’ Gotti could soon face perjury charges as prosecutors gear up for the former mob big’s third trial . . . If Fusaro takes the witness stand again, he’ll be doing it with an indictment hanging over his head,’ the source said . . . Testifying in Gotti’s defense in Manhattan federal court, Fusaro said the feds hounded him about cooperating. ‘Every agent . . . every lawyer that I ever spoke to, the first words out of their mouths were, ‘If you tell me about John . . . you can go home,’” he said.”

“So this article is published,” says Carnesi, “quoting a law enforcement source as saying that there’s a grand jury going on investigating Fusaro for perjury in John’s trial and that should he come to the third trial and testify, he will be coming with a perjury indictment. If the source is from the government, then by any definition that is *witness tampering* and *obstruction of justice*.”

## The Death Threat

Carnesi says he soon got a call from Joon Kim, assistant U.S. Attorney on Trial Two who was gearing up for Trial Three. “He tells me that they have information that there may be a contract on John’s life,” says Carnesi. “And that the mob is very upset with us and the way that the case has been presented. I ask him where did it come from and what’s it about and he says ‘I can’t tell you any more than that.’”

Three months later, Smith filed another story with the headline: “Junior Had A ‘Singing’ Tryout—Turned Canary In Futile Bid to Stay Out of Prosecutor’s Cage.”

“The younger Gotti,” she wrote, “disregarded the Mafia oath of silence and ratted out members of the Gambino crime family during a day long proffer session with federal prosecutors in the spring of 2005, sources familiar with the meeting told *The Post*.”

“That was a complete mischaracterization,” says Junior. “I never agreed to cooperate. It was that very principal that I stood for in suffering through the time I had served. But the government was relentless in trying to turn me.”

“Implicit in this,” says Carnesi, “is that now we’ve now got problems from two directions: from the government which wants to put him away for life. And now, even if he wins, he’ll lose because, in effect, he can’t be safe on the street. That’s the pressure.”

### Like a Scene from *The Godfather*

“Around this time,” says Carnesi, “Ted Otto does the unforgivable. He goes out and serves subpoenas on people in the mob who the government believes are the most likely to want to hurt John at this point. In the process of serving those subpoenas, these people are specifically told, ‘This is from John. You can thank John and Charlie.’”

Like the earlier “singing” story, the subpoenas were soon followed by another Kati Cornell Smith piece in the *Post* quoting law enforcement, under the headline: “Blame It On Gotti Subpoenas.” She reported, “Lawyers for John ‘Junior’ Gotti say the FBI is delivering an unusual verbal message along with its subpoenas for a sweeping grand-jury probe of the Gambinos.”

“It was like that scene in *Godfather II*,” says John, “where Frankie Five Angels Pentangeli is sitting in a bar and a guy walks up behind him and throws a garrote around his neck with the words, ‘Michael Corleone says hello.’ This is a federal agent using tactics you’d expect from the mob. An unbridled attempt to get me killed.”

“So we go into court,” says Carnesi “and we challenge Kati Cornell Smith to disclose the source of the leaks, believing that they came from Ted Otto. She invokes the New York Shield Law which protects reporters’ sources. But when asked if she *does* have a ‘law enforcement source,’ she affirms under oath that her story is truthful in that regard.

“Once there’s been an indictment returned there’s no reason to call people to a grand jury. So we present the article and tell the judge (Shira Shindlein) what was said to those who got subpoenas. She’s outraged. She calls it the equivalent of ‘letting the dogs loose.’ She questions the AUSA and he says, ‘If there’s a grand jury, I don’t know about it.’”

### **The “Ted Otto Special” in Trial Three**

“We got to the point,” says Junior, “of calling these stunts by Otto, ‘specials,’ and one of his most outrageous came in the third trial when he testified to a snippet of audio from a recording my father made when he was dying at the prison hospital in Springfield, Missouri. It was March 31<sup>st</sup>, 2001 and he was talking to Joe Corozzo Jr., a lawyer.”

Otto testified that the tape was evidence that Senior

was appointing his son to a panel of Gambino leaders who would succeed him, including his brother Peter Gotti, Jackie D'Amico and Nicholas Corozzo, the lawyer's father. In the Trial Q&A with Otto attempting to authenticate the tape, an Assistant U.S. Attorney is questioning him:

AUSA: Okay. And you hear Mr. Gotti use the expression . . .

“Shake it up. Shake it up the way you want.”

OTTO: With a gesture. He's shaking his hand with three fingers.

AUSA: Right. Okay. And you're interpreting the gesture in a particular . . . way, right?

OTTO: My interpretation is that he was giving Peter Gotti the latitude to name whomever he wanted, listing John, Jackie and Nicky.

AUSA: That's your interpretation, right?

OTTO: Yes.

But the audio cited by Otto was virtually unintelligible, so the Gotti Jr. defense team called in Thomas J. Owen, an audio specialist who was the Chairman Emeritus of the American Board of Recorded Evidence. When he enhanced the recording it became clear that in the same snippet of audio when Gotti Sr. and Corozzo were supposedly having the succession discussion, Senior mentioned “Jimmy Brown,” Failla, a former Gambino capo who had been dead for years at the time. So the cross examination of Otto by Carnesi went like this:

CARNESI: Now Jimmy Brown in 2001 is deceased, right?

OTTO: I think he died a couple years before.

CARNESI: Right

OTTO: He was no longer with us in 2001.

CARNESI: Right. So any discussion with Jimmy Brown in that conversation certainly didn't have anything to do with any changes in the hierarchy of the Gambino family, right?

OTTO: Not in that portion of the conversation, no.

“I’m a former prosecutor,” says Carnesi, “And with respect to Ted Otto’s misrepresentation to the jury of what was on that tape I would say that it was inaccurate and intentionally misleading. You can’t have a conversation of appointing people to new positions and naming a dead guy.”

### **Another Deadlocked Jury**

Finally, after six weeks of trial and days of deliberations, the jury in Trial Three hung once again. It was the third time in just over a year and John Jr. was finally set free.

Quoting a “federal official,” *The New York Times* reported that “the prosecution was unlikely to retry Mr. Gotti unless new evidence turned up, a decision that would all but end an expensive and highly publicized organized crime prosecution in a startling defeat for the government.”

Even Fed-friendly Kati Cornell Smith seemed resigned to the fact that Junior might finally escape his father’s fate. “Prosecutors in the John ‘Junior’ Gotti case threw in the towel yesterday,” she wrote, “announcing they won’t seek a fourth racketeering trial for the mob scion. ‘The government has concluded that a retrial of defendant John A. Gotti on the pending indictment is not in the interests of justice in light of the three prior hung juries,’ U.S. Attorney Michael Garcia said yesterday.”

“So it looked like I could finally breath,” says John Jr. “Go on to live my life as a civilian. And then, just twenty months later, early in the morning as I fed my infant son Joe, I heard that helicopter hovering overhead and I knew that they were coming for me again.”

### **Showdown in the Southern District**

The details of the government’s failed attempt to convict John Gotti Jr. on tax charges and the riveting testimony in

his fourth trial are so compelling that I don't want to rob the reader of what promises to be a page-turner worthy of John Grisham or Scott Turow.

In the tradition of an opening statement though, I'll say that in the last chapters of *Shadow of My Father* you'll read an account of Charles Carnesi's devastating cross examination that caught John Alite, the Fed's star witness, in multiple lies. Among them allegations that:

- Alite had acted as John Jr.'s "Sammy The Bull" vs. the low-level associate that he was;
- John Jr. had ordered *multiple murders* when, in fact, Alite was the principal;
- Alite had made up to \$10 million selling drugs, when, in fact, he was virtually broke at the time;
- Alite had had an affair with Vicki Gotti when, in fact, she had previously passed a polygraph to prove him wrong;
- Alite had denied wrecking a gym he'd invested in, only later to admit his involvement;
- Alite implicated Gotti Jr. in the torture/shooting of a contractor he'd hired; an allegation that both the jury and the press found implausible.

That electrical contractor's only offense, was having sex with his girlfriend at Alite's house while Alite was away. But then, when he got back, Alite said under oath, that he lured the electrician back to his home with the promise of more cash.

Facing the jury and telling the story almost proudly, Alite testified that, "I stripped him down. I piped him. I broke his ribs, his jaw, I believe his arm, and I threw him in my lake. It was about 30 degrees. I said, 'You want to make an asshole out of me, I'm gonna make one of you.' I was shooting at him, and I told him to stay under water . . . Then I took him out of the lake, tied him up naked, put him in my garage, and I had

all the security dogs (12-to-15 of them) so he couldn't leave the garage, and I went to dinner. . . .”

Even Jerry Capeci who had excoriated the Gottis over the years in his *Gangland* column, seemed taken aback by the story. “A few days later, on cross examination,” he wrote, “defense lawyer Charles Carnesi raised the incident in an effort to stress how wildly Alite ‘reacted’ on his own because he felt he had been made a fool of. That’s when Alite suddenly recalled that before he ‘hurt the guy’ he drove to Queens and ‘got permission’ from ‘John Gotti Junior.’ The convenient interjection of Gotti’s name in a story that had been told in excruciating detail the first time around must have served as a bright red warning flag to jurors about the government’s top witness.”

In fact, Alite performed so poorly that the Feds decided not to use him as their star witness in the upcoming trial of John Burke, a Queens gangster charged in the murder of two drug dealers. Burke was the last remaining defendant in the Alite-inspired Tampa case that had spawned Trial Four, but in a column headlined “Team USA Benches John Alite,” Capeci wrote, “Brooklyn federal prosecutors have figured out how to keep the flawed mob turncoat John Alite off the stand.”

### **The Devastating Testimony of Joe O’Kane**

Perhaps the ultimate demonstration of government misconduct in the epic series of Gotti prosecutions came after Ted Otto visited former Gambino associate Joseph O’Kane in prison where he was serving 15 years to life on racketeering & murder charges. Testifying now in Trial Four, O’Kane told the jury what Otto had reportedly told him:

“I understand you’re doing a life sentence and we want to give you a number, which means that. . . I would either get 5

years, 10 years, time-served . . . something like that . . . “ O’Kane said, describing Otto’s alleged offer.

When asked how he responded, O’Kane said, “I told him to go fuck himself. . . and I walked away. I didn’t ask what the number was and he didn’t state what the number would be.”

Even Assistant U.S. Attorney Jay Trezevant who was the lead prosecutor in Trial Four underscored the significance of Otto’s offer: “If you provide any information here in this courtroom against Mr. Gotti, there are consequences that can happen to you, correct?”

O’Kane answered him truthfully: “If I was going to provide information towards John Gotti, I would probably be home with my family and son right now.”

But he refused to give false testimony. In fact, O’Kane, a longtime friend of John Alite, testified in detail how the Albanian associate had lived “on John Junior’s reputation.” He also recounted how Gotti Jr. had a falling out with Alite over drugs.

“Alite beeped me,” said O’Kane, “I met him and he said that he had a serious argument with John . . . that John told him to stop selling drugs . . . ‘I don’t want you around me anymore. If you’re going to do that (John told him) . . .’ John despised people that took drugs or sold drugs . . .

“After (that) Junior chased Alite pretty much from New York,” said O’Kane. “His finances dried up because he was no longer selling drugs. He was broke.”

Joe O’Kane, who had every motive to lie against Junior—in return for the same kind of reduced sentence promised to Alite—stood firm and returned to prison. As you’ll read in this book, the fate awaiting him when he got back behind bars was shocking.

## Why Does It Matter?

Apart from the stunning examples of federal misconduct documented in this book, perhaps the most astonishing aspect of it all for me, was that it played out in New York City, home to the FBI's New York Office (NYO) the largest concentration of special agents outside D.C. and the office of the U.S. Attorney for the Southern District of New York (SDNY) the most vaunted federal prosecutor's office in America.

Among its alumni are a U.S. Attorney General, a Supreme Court Justice, two FBI directors (Louis Freeh and current Director James Comey) not to mention Rudolph Giuliani, the mob-busting former New York mayor and presidential contender.

The multiple prosecutions of John A. Gotti and his father took place not in some Mississippi backwater or an Eastern Bloc courtroom, but front and center on Foley Square in Manhattan; cases that were investigated and prosecuted by "the best of the best" in the U.S. Justice Department.

After John J. Gotti's acquittal in 1987, he became "the top investigative priority" of the FBI's NYO and he remained Target Number One for the next five years. Tens of millions of dollars were expended prosecuting the Gottis, father *and* son. And much of that happened while an al Qaeda cell, funded directly by Osama bin Laden, was metastasizing in New York and New Jersey.

Given the fact that the SDNY and NYO served as the two Bin Laden "offices of origin," charged with protecting the U.S. homeland from terrorism, the surplus of monies and manpower expended to "get Gotti" demonstrates the price that America paid for the Feds' misplaced priorities.

As I documented in "*1000 Years For Revenge: International Terrorism And The FBI*," my first book for HarperCollins, both assaults on The World Trade Center: the 1993 bombing and the "planes-as-missiles" attack of 9/11 were carried out by

the same cell of al Qaeda terrorists who had set up shop in Brooklyn as far back as the summer of 1989.

In fact, as early as 1991 the FBI was onto a check-cashing store in Jersey City run by Egyptians called Sphinx Trading. Ten years later, two of the hijackers who flew AA Flight 77 into The Pentagon on 9/11 got their fake ID's at that *precise* location.

How difficult would it have been for the Bureau to devote *a fraction* of the resources they'd spent in their round-the-clock surveillance of John Gotti Sr. to watching that store on Kennedy Boulevard? If they had, with the combined "chatter" and intel picked up in the summer of 2001 it's fair to argue that the Twin Towers might still be standing.

So why is Junior's rewrite of history important? Because like the investigation of counter-terrorism it serves as a kind of minority report to the conventional narrative that the Justice Department has sold to the mainstream media for years.

With respect to 9/11, the goal of that narrative was protecting the reputations of the FBI special agents, supervisors and counter-terrorism officials who had been outgunned for years during al Qaeda's murderous juggernaut.

With respect to Gotti Jr. it was the Feds' steadfast refusal to admit that he'd actually done what he said he would in 1998 when he took the plea, withdrew from the mob and went to prison. The "King of The Volcano's" son *actually believed* that if he did his time and exited the Life, the government would reciprocate and honor their pledge.

Now, as you turn the pages of this book you'll understand the price he paid and why he's now determined to set the record straight. He owes it not just to his children and the memory of his father, but to history.

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Santa Barbara, California

December 15, 2014