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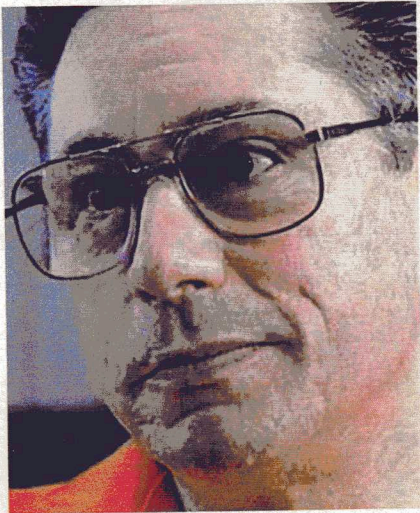
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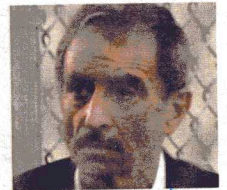




WHO DO YOU TRUST?

MAFIA TURNCOAT ANTHONY CASSO SAYS HE HAD AN INFORMANT DEEP INSIDE THE FBI, WORKING ALONGSIDE HIS NYPD HIT MEN. IS THE GOVERNMENT LISTENING?

BY NICK BRYANT



A THUG'S LIFE (CLOCKWISE FROM TOP LEFT): CASSO IN PRISON IN 1998; THE 1986 CAR BOMB CASSO SAYS HE PLANNED FOR JOHN GOTTI BUT THAT KILLED MOB UNDERBOSS FRANK DECICCO; THE ALLEGED MAFIA COPS, CARACAPPA (TOP) AND EPPOLITO, WHOM CASSO SAYS HE KEPT ON HIS PAYROLL AS HIT MEN AND INFORMANTS; GRAVANO, THE DRUG DEALER WHO WON THE GOVERNMENT'S TRUST; THE GAMBINO FAMILY BURIAL GROUND IN BROOKLYN.

Anthony "Gaspipe" Casso, former acting boss of the Luchese crime family, is one of the highest-ranking turncoats in the history of the Mob. The typical Mafia canary sings a few notes, drops a name or two and walks away with a new identity and address courtesy of the United States government. Casso, however, presented the Justice Department with a Wagnerian opera: In a series of interviews in 1994, he confessed to complicity in 13 murders and a plot to assassinate a federal judge. He told of his paid informant—a still unnamed mole—deep inside the Federal Bureau of Investigation, as well as a shocking story about two former New York City police detectives who worked for the Mob as hit men and informants. For this "substantial assistance," Casso says, he was promised a reduced sentence and relocation in the Witness Security Program.

Eleven years later Casso wakes up every day in solitary confinement in a Florence, Colorado Supermax prison, betrayed, he says, by the Justice Depart-

ment. Though what he said about NYPD detectives Louis Eppolito and Stephen Caracappa turned out to be remarkably similar to the charges they've since been indicted for, he was sentenced to 13 concurrent life sentences, plus 440 years. The Mafia Cops, as they're now known, were arrested in March and will go on trial this summer in New York City for eight murders, drug distribution, money laundering and disclosing information to Mob bosses—71 counts of assorted mayhem.

With one of the most sensational trials in New York crime history approaching, several uncomfortable questions about the government's case remain unanswered. Why did it take law enforcement 11 years to act on Casso's information, during which the Mafia Cops allegedly ran drug-dealing and money-laundering operations in Las Vegas? Who was Casso's FBI mole, and why has he not been prosecuted? And most significantly, why does the government prevent Casso from testifying in any courtroom—state or federal—and refuse to make him available for interviews?

The feds dismiss Casso as a liar who contravened the terms of his cooperating agreement and could not be trusted to help them make cases. Casso and his attorney insist the government's betrayal was motivated by the need to protect other high-level informants such as Salvatore "Sammy the Bull" Gravano, whose testimony helped convict dozens of Mafia chiefs, among them John Gotti. In the end it may come down to a case of which murderer one chooses to believe.

I have been in communication with Casso for six years. Before the feds imposed their final gag order I visited him in 1999 at the Supermax. The prison, known to penologists as the Rock of the Rockies, houses around 400 of the country's most infamous convicts, including Ted Kaczynski, Ramzi Yousef and would-be shoe bomber Richard Reid. After I passed through a series of checkpoints, burrowing deeper and deeper into the Rocky Mountains, prison personnel ushered me into a sterile concrete room bisected by a thick sheath of Plexiglas.

The feared Luchese family boss looked considerably (continued on page 148)

"The only reason I'm here in prison," says Casso, "is so the government can cover up its misconduct."

older than in his photographs; seven years in captivity had added girth to his five-foot-eight frame. The \$3,000 Versace suits of his glory days had been replaced by a government-issue white cotton jumpsuit. His facial features had been rounded and blanched by age, and gray was generously sprinkled throughout his once jet-black hair. Casso had been in virtual solitary confinement for nearly a year prior to our meeting, and he related his side of the story with frenetic, angry intensity.

"The only reason I'm in here for 13 life sentences, buried in prison, is so the government can cover up its misconduct of allowing government witnesses to give false testimony on the stand," he nearly shouted in a Brooklyn rasp. "I did 40 years in the street with the worst kind of people imaginable, and on a handshake we always kept our word, whether it was million-dollar deals or a \$1 deal. The government on a handshake—forget about it! The United States attorney for the Eastern District of New York is more corrupt than any organized-crime family in New York City!"

Casso's story included details on how the Luchese and Genovese families had made a concerted effort to murder Gotti, a former Gambino family boss, and others in the Gambino hierarchy by any means necessary. This included, according to the indictment, conscripting Eppolito and Caracappa. He told me how he had used the cops to murder Gambino captain Eddie Lino, who was found shot to death in his Mercedes on New York's Belt Parkway.

"I had a reasonable deal worked out with the cops," Casso said. "They never asked for a specific amount of money, so I paid them by the difficulty of the job. For Eddie they got \$75,000 to split between themselves. They also gave me information on informers. They want to make me into the monster, but these guys were New York City detectives."

The detectives were not only hit men but paid informants and even kidnapers, Casso said. On September 12, 1986, as Casso exited a Brooklyn Chinese restaurant, a young hood named Jimmy Hydell shot at him four times with a snub-nosed .38, missing twice. After Hydell learned Casso had survived the attempted hit, he armed himself to the hilt. "Nobody could get to Hydell, and he always had two guns on him, so I gave Eppolito and Caracappa \$40,000 to snatch him," said Casso. "They went to the club where he was hanging out, took his guns and locked him in their car.

The cops paged me on my beeper, and then they brought Hydell to me. I took it from there. The kid saw me and he knew it was all over. That's the rules."

When Casso made his initial disclosures in 1994, the cops had already retired: Eppolito four years before, Caracappa two years. They were living across the street from each other in an affluent Las Vegas neighborhood. Caracappa, now 63, worked as a private investigator, and Eppolito, now 58, had taken up acting and appeared in a dozen movies, including *Goodfellas*. He had a knack for playing mobsters.

For years the feds sat on the information garnered from Casso. But then investigations launched by the Brooklyn DA and the feds entreated a second Mafia turncoat, Burton Kaplan, to finger Eppolito and Caracappa for complicity in eight murders, including the Lino and Hydell hits.

In 1999 I wrote about Casso's allegations, but the feds had so thoroughly discredited the Mob informer that nobody in the mainstream media would touch the article. Two years later Steve Wick, a reporter for *Newsday*, interviewed Casso for a story titled "Used and Left Unprotected, Two L.I. Garbage Haulers Betrayed by Detectives, FBI Mole." Casso admitted sanctioning the murders of Robert Kubecka and Donald Barstow, two men who ran a family-owned trash-carting business—but he implicated others.

Kubecka and his brother-in-law Barstow were honest, hardworking family men unaffiliated with the Mob. Kubecka, a husband and father of two, wouldn't rig bids, nor would he acquiesce to personal threats or vandalism. He also had the temerity to cooperate with New York State's Organized Crime Task Force and testify about Mob infiltration of the carting industry, and he would eventually cooperate with the FBI.

Casso said he learned of Kubecka's FBI cooperation from the Mafia Cops, who sent their information through Kaplan. But Casso also claimed he went forward only after confirmation from his FBI mole—again via Kaplan—who also acted as their conduit. Kubecka's and Barstow's bullet-riddled bodies were found in East Northport, New York on August 10, 1989.

Cathy Kubecka Barstow lost both her brother and her husband that day. She believes the man who sanctioned the murders when he alleges that he had moles in the NYPD and FBI. "I have no reason to doubt Casso," she says. "Why would he lie now? He's never

changed his story, and what does he gain now? He's behind bars for life. He's not going anywhere."

The widows of Barstow and Kubecka sued the state for negligence, received a \$10.8 million judgment and ultimately settled for \$9.4 million, though the names of Casso's law-enforcement moles were never revealed. The Kubeckas lived in the serene village of Stony Brook, Long Island, in New York's Suffolk County. The county district attorney was compelled to revisit the murders in the wake of Wick's article. Robert Creighton, chief investigator for the Suffolk County DA, visited Casso in his subterranean digs.

"Casso is a little off on some of his stuff, but I believe that most of what he says is absolutely accurate," says Creighton. "Federal law enforcement had information on Eppolito and Caracappa for 11 years, and in my view they didn't do much with it for 10 years. I think they had a lot of antipathy toward Casso. They would never say why he was discredited, but we kept trying to find out. We talked to a whole bunch of people, including former U.S. attorneys. They all gave us the same horse-shit: Casso beat up somebody in prison and smuggled cigars."

Meanwhile the Brooklyn DA's inquiry into Eppolito and Caracappa had begun. The investigator, Thomas Dades, a 20-year veteran of the NYPD, disputes Creighton's theories. "I think the feds believed Casso about Eppolito and Caracappa 11 years ago," Dades says. "They tried to make the case, but in order to bring these types of charges against two highly decorated detectives, you have to have solid corroboration, which wasn't available then. People in the media have implied the feds didn't do the right thing, but that's not true. As soon as there was any light in this case, they jumped all over it."

I ask Dades why Casso had been discredited. "I don't know what destroyed Casso's cooperation agreement," he says. "I'm sure it was significant, because he was a significant guy. Although he's not credible as a witness, you couldn't make up the stuff he spoke about—even incidents unrelated to the cops."

In late February 1994, after one year of incarceration, Casso decided to break his sacred vow of *omertà* and become a cooperating witness. He was introduced to assistant U.S. attorneys Charles Rose and Gregory O'Connell, and he signed a cooperation agreement. A week later he appeared before Judge Eugene Nickerson and pleaded guilty to 70 counts of a 72-count racketeering indictment that included complicity in 13 homicides. "Rose said, 'Trust us, don't worry; you're going home in six years,'" said Casso.

Shortly after Casso became a cooperating

witness, Rose and O'Connell retired from the Justice Department; assistant U.S. attorneys Valerie Caproni and George Stamboulidis replaced them as his principal prosecutors. Caproni and Stamboulidis didn't subscribe to Rose's declaration to "trust us, don't worry; you're going home in six years."

When the FBI and the Justice Department debrief Mafia stoolies, their statements are transcribed on FD-302 forms. The information contained in a cooperator's 302s largely determines if he will be called as a witness in court. Joshua Dratel, one of the lawyers who has represented Casso, contends that Casso's 302s ultimately sealed his fate because they contradicted a number of cooperating witnesses—including Gravano—whose testimony had reaped numerous convictions. If Casso were to take the stand, his 302s would have to be given to defense attorneys as prior statement.

Sitting behind his mahogany desk, Dratel momentarily peers out the 28th-floor window of the Wall Street skyscraper that houses his law office. He brushes a fleck of lint from his navy blue Brooks Brothers suit and looks up. "Gravano and Casso are racketeers and murderers," says Dratel. "The only distinction that can be made between them is that the government is determined to defend Gravano because he has been responsible for convictions through his testimony. If the government takes the side of Casso over Gravano, it has to inform the defense that Gravano is a liar, and the convicted defendants he's testified against have the potential to receive a new trial."

"On the first day, they said, 'Just tell the truth,'" said Casso. "I told the truth, and on every subject I contradicted their witnesses. The very first week, in March 1994, I found out they didn't want me to say anything negative about Gravano. If I said something negative about him, my debriefers would literally get up and walk away, or they would say, 'We'll discuss that later.' I told the FBI that Gotti and everybody in the Gambino family dealt in heroin, so what makes you think Gravano didn't deal in heroin? They told me to stop right there because the DEA would interview me. I've never seen anybody from the DEA."

Gravano, former underboss of the Gambino family, has been the government's star witness against the Mob. On September 26, 1994 federal judge Leo Glasser dispensed the following accolades on Gravano before sentencing him to five years for his part in 19 murders: "There has never been a defendant of his stature in organized crime who has made the leap he has made from one social planet to another."

Gravano's rehabilitation turned out to be a government fantasy. He was busted on February 24, 2000 for masterminding

a vast ecstasy ring in Phoenix. Prior to the arrest, Gravano and the feds adamantly rejected numerous allegations that he had ever dealt drugs during his criminal career.

"Casso told the feds Gravano was a dope dealer, and they didn't want to hear that," says investigator Creighton. "It turns out he was absolutely right. If the feds incorporated that information, they could never have used Gravano for all the things they used him for. After they used Gravano as a witness, they really didn't want to hear it because there would probably be a lot of people walking out of jail based on the fact that the feds knew Gravano was a dope dealer."

Judge Nickerson's presiding over the Casso case is yet another irony in Casso's crime and punishment. Shortly after he signed his cooperation agreement, Casso admitted to FBI agents and federal prosecutors that he had discussed murdering Nickerson with William "Wild Bill" Cutolo, a Colombo captain, while the two were detained at the Metropolitan Correctional Center in New York City.

Cutolo and his crew were about to be tried for 11 homicides before Nickerson, and they were pondering the possibility of killing the judge if the scales of justice didn't tip in their favor.

Casso's FBI and Justice Department handlers were so shocked by his disclosure about the Nickerson assassination plot that they had him polygraphed on the subject. Despite the feds' awareness of the plan, they kept Nickerson in the dark and continued to have him oversee Casso's case for the next three and a half years.

As Nickerson presided over this case, federal prosecutors Caproni and Stamboulidis tried the Cutolo indictments before him, even though the FBI and Justice Department knew of Cutolo's scheme to kill the judge. Colombo turncoat Salvatore "Big Sal" Miciotta was the government's star witness at the Cutolo trial, but the defense team so thoroughly dissected him that the murder was no longer necessary.

On the stand Big Sal admitted the feds had let him continue loan-sharking and

extortion operations during his cooperation. He conceded he had financed a drug deal with his brother, pummeled a seminary student and routinely carried a gun while he was a cooperating witness. Miciotta was also caught in a morass of lies, so Cutolo and his entire crew were acquitted of all charges. Following the Cutolo debacle, the feds ripped up Miciotta's cooperation agreement and sentenced him to 14 years for four murders and a slew of other crimes.

Approximately two years after the Cutolo trial, the feds held Casso in breach of his cooperation agreement. On August 8, 1997 the United States attorney for the Eastern District of New York, who declined to be interviewed for this article, found Casso had breached his agreement by smuggling contraband while in custody, assaulting a fellow inmate and lying to law-enforcement agents.

The feds cited the smuggling of contraband—in this case, cigars and other amenities—as one of Casso's transgressions, but Dratel contends "the government was looking for reasons to break its agreement with Casso" and points out that smuggling is common in protective-custody units. In 1996 the *Pittsburgh Post-Gazette* ran a series of exposés on the Witness Security Program that revealed such activity is indeed rampant at its PCUs.

James Basile, a former cooperating witness and mafioso, testified before the Senate Judiciary Committee, saying the use of drugs is "the tip of the criminal iceberg" at PCUs. George Taylor, a former cooperating witness who had been detained at a PCU with Gravano, maintains that the mobster smuggled Dom Perignon and lobsters into the PCU. Interestingly Colombo canary Miciotta informed on Casso for the smuggling of contraband; Miciotta's 14-year sentence was later commuted to five.

Assaulting an inmate was the second offense the feds used to breach Casso's cooperation agreement. They said Casso—at five-foot-eight and 165 pounds—assaulted Miciotta—six-foot-two and 350 pounds—at the Otisville, New York PCU. The feds have implied the "attack" was Casso's reprisal for Miciotta's snitching on him for smuggling contraband, but Casso's attorney insists their altercation had actually occurred two months earlier.

The feds have branded Casso as a liar, but the primary evidence they've produced concerning his lying to law-enforcement agents, the third breach of his agreement, is a letter his initial lawyer had written and sent to the feds. In it Casso accuses the government's principal witnesses in the Vincent "the Chin" Gigante case—including Gravano—of perjury at the trial. Casso stated that Gravano had lied about drug dealing, and he said Gravano admitted to sanctioning the stabbing of Al Sharpton



"My best friend! My best friend's wife! I think I'm in the wrong apartment."

when the two mobsters met in a Brooklyn schoolyard the day after the Sharpton attack. Law-enforcement sources quickly leaked that Gravano and Casso couldn't have had such a meeting on the day after the stabbing because Gravano was imprisoned at the time. A week later the government found Casso in breach of his cooperation agreement.

"Obviously I made an error about Gravano, but I really did think it was Gravano who'd told me about the stabbing," said Casso, shaking his head. "The prosecutors must've been happy to receive that letter—it meant they would have nothing more to do with me."

After the feds found Casso in breach, his lawyer immediately called for a conference before Nickerson. The lawyer claimed the government was acting in bad faith, and Nickerson granted Casso a hearing that would have required the feds to start surrendering his 302s so Casso could prove his previous statements were consistent with the letter.

"Nickerson was the judge when Big Sally lied on the stand during the Cutolo trial, and Caproni and Stamboulidis were the prosecutors," said Casso. "Nickerson was wise to these prosecutors, and that's why he said, 'You have a hearing.'"

A week after Nickerson granted the hearing, he received a letter from assistant U.S. attorney Stamboulidis that related Casso's involvement in a plot "to murder Your Honor." The prosecutors then made a motion that Nickerson recuse himself from the case so he wouldn't be prejudiced against Casso. "The government was happy to have Casso sentenced by a judge who would hate his guts and think of him as a potential assassin," Dratel points out, "but as soon as he granted Casso a hearing, he wasn't right for the case."

Judge Frederic Block replaced Nickerson. Shortly thereafter Casso's lawyer made three requests for the feds to surrender his client's 302s. They turned over only a few and refused to produce a polygraph test they said had deemed Casso to be deceptive.

While the case lingered before Block and Casso's lawyer prepared for a hearing, Casso was abruptly notified that his sentencing would take place in two weeks. When he was brought before Block for sentencing, Casso insisted Nickerson had granted him a hearing, but federal prosecutor Stamboulidis responded that no judge had ever granted him one. Block said he too was not aware of Nickerson having granted a hearing, even though court transcripts document that Nickerson did, in fact, do so.

Block then banished Casso to the Supermax for 13 life sentences plus 440 years, and his 302s were buried forever. "The prosecutors knew a hearing would reveal the true facts, and they did everything in their power to deny me a hearing," said Casso.

The feds never allowed him to testify in an actual trial that would have made his 302s accessible to defense attorneys—302s that might have jeopardized previous convictions by tainting government witnesses. Not only did the feds prevent Casso from testifying in federal trials, they also prevented him from testifying in state trials. The Kings County district attorney requested that Casso testify in the murder trial of an organized-crime figure, but the feds declared Casso would not be granted immunity for his testimony.

Critics contend the government has delayed the prosecution of heinous crimes and overlooked the participation of lawmen in the murders of the Long Island trash carters. Casso's contention that he was buried in prison so the feds could cover up witnesses giving false testimony may have once seemed absurd, but the suppression of his numerous 302s and the revelations thus far lend credence to his accusations.

Eppolito and Caracappa have been indicted for complicity in eight homicides, but were there other murders? Casso said information from the cops essentially sealed the death sentence for Kubecka and Barstow, but the federal indictment makes no mention of their murders. Barstow and Kubecka were heroes; they provided law enforcement with vital information. But the government not only left them unprotected, it opted not to prosecute three of the men indicted for their murders, and two of the mobsters who admitted to complicity in their murders received lenient sentences of 10 and a half years and 15 years.

Now it gets interesting. Was Casso lying about Eppolito and Caracappa's part in the conspiracy to kill Kubecka and Barstow, or do the feds have another motive for selective justice? I have learned that Casso's FBI mole, who he said served up the two innocent men, played an integral role in the conviction of numerous mafiosi. It stands to reason that the cases would be jeopardized if the mole were identified. Dades adamantly maintains that Casso's claims of having an FBI mole are unsubstantiated, but I have seen one of Gravano's 302s, which states Casso did indeed have an informant in the FBI. This information from the government's star witness was collected long before Casso flipped.

It is disturbing that the feds routinely play Let's Make a Deal with criminals like Gravano and Casso, but it's particularly unsettling that the feds are willing to cover up their crimes to prosecute and to preserve other convictions. If Eppolito and Caracappa hadn't been implicated by Kaplan, chances are they would still be living large in sunny Las Vegas.

Quake Her Quiver



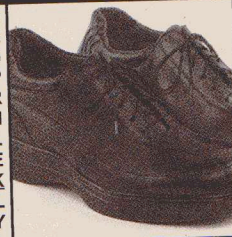
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