

LA COMMISSION D'ENQUÊTE SUR L'OCTROI
ET LA GESTION DES CONTRATS PUBLICS
DANS L'INDUSTRIE DE LA CONSTRUCTION

SOUS LA PRÉSIDENCE DE L'HONORABLE
FRANCE CHARBONNEAU, J.C.S., présidente
M. RENAUD LACHANCE, commissaire

AUDIENCE TENUE AU 500, BOUL. RENÉ-
LÉVESQUE OUEST À MONTRÉAL (QUÉBEC)

LE 24 SEPTEMBRE 2012

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**ROSA FANIZZI
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Sténographes officiels**

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Me SONIA LEBEL,
Me DENIS GALLANT,
Me ÉLIZABETH FERLAND

INTERVENANTS :

Me GAGNON pour la Société Radio-Canada
Me MEW BANTEY pour Global Mail, The Gazette, La
Presse, CTV et Global Television
Me BENOIT BOUCHER pour le Procureur général du
Québec
Me MARTINE L. TREMBLAY pour le Barreau du Québec
Me DANIEL ROCHEFORT pour l'Association de la
construction du Québec
Me SIMON BÉGIN pour l'Association des constructeurs
de routes et grands travaux du Québec
Me ISABELLE PIPON pour l'Association des
constructeurs de routes et grands travaux du Québec

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1 L'AN DEUX MILLE DOUZE (2012), ce vingt-quatrième
2 (24e) jour du mois de septembre,

3

4 PRÉLIMINAIRES

5

6 LA PRÉSIDENTE :

7 Bon matin à tous.

8 LA GREFFIÈRE :

9 Si les procureurs peuvent s'identifier pour les
10 besoins de l'enregistrement.

11 Me SONIA LEBEL :

12 Alors, bonjour. Maître Sonia Lebel pour la
13 Commission.

14 Me DENIS GALLANT :

15 Maître Denis Gallant pour la Commission.

16 Me ÉLIZABETH FERLAND :

17 Maître Élisabeth Ferland pour la Commission.

18 Me GAGNON :

19 Bonjour, maître (inaudible) Gagnon pour la Société
20 Radio-Canada.

21 Me MEW BANTEY :

22 Bonjour. Mew Bantey pour le Global Mail, The
23 Gazette, La Presse, CTV, Global Television.

24 Me BENOIT BOUCHER :

25 Monsieur le Commissaire, Madame la Présidente,

1 Benoit Boucher pour le Procureur général du Québec.

2 Me MARTINE L. TREMBLAY :

3 Bonjour. Martine L. Tremblay pour le Barreau du
4 Québec.

5 Me DANIEL ROCHEFORT :

6 Bonjour. Daniel Rochefort pour l'Association de la
7 construction du Québec.

8 Me SIMON BÉGIN :

9 Bonjour. Simon Bégin pour l'Association des
10 constructeurs de routes et grands travaux du
11 Québec.

12 Me ISABELLE PIPON :

13 Bonjour. Isabelle Pipon, également pour
14 l'Association des constructeurs de routes et grands
15 travaux du Québec.

16 LA PRÉSIDENTE :

17 Bon. Matin.

18 Me SONIA LEBEL :

19 Alors, bonjour, Madame la Présidente, Monsieur le
20 Commissaire. Nous allons continuer cette semaine la
21 démarche qu'on a entreprise la semaine dernière. Il
22 s'agit de l'étude du phénomène de la mafia. Cette
23 démarche a été entreprise avec madame Tenti et
24 monsieur Amato, un officier de police de l'Ontario.

25 Ces témoins nous ont mis en garde. La mafia

1 est un phénomène ancien et complexe qui a des
2 ramifications qui vont au-delà de nos frontières.
3 Il ne suffit pas d'exposer les situations qui
4 prennent place ici au Québec et d'en faire un
5 examen rapide, il nous faut en prendre toute la
6 mesure et saisir toute la signification. Il faut
7 cesser de réfléchir localement car eux agissent
8 mondialement.

9 Donc, ceci étant dit, nous allons continuer
10 ce matin avec un témoin qui va nous expliquer la
11 situation aux États-Unis. Il s'agit de l'ex-agent
12 du FBI, Joseph D. Pistone qui viendra témoigner.

13 Avant que son témoignage commence, je vais
14 vous faire la demande d'une ordonnance de non-
15 publication. Cette ordonnance a été discutée avec
16 mes collègues qui représentent les médias. Cette
17 ordonnance visera à obtenir la non-publication de
18 son image actuelle ou de toute référence permettant
19 de l'identifier visuellement. Son nom va pouvoir
20 circuler, le contenu de son témoignage, sa voix va
21 être entendue, c'est son image qui ne pourra pas
22 être diffusée. Et je dois vous dire que les
23 arguments au soutien de cette demande ont été
24 exposés à mes collègues et qu'ils consentent à ce
25 qu'elle soit rendue.

1 LA PRÉSIDENTE :

2 Merci. Est-ce que c'est le cas?

3 Me GAGNON :

4 Effectivement, c'est le cas au niveau de la non-
5 diffusion, comme on en a discuté, on consent à ce
6 que ce soit rendu.

7 Me MEW BANTEY :

8 C'est exact. Merci.

9 LA PRÉSIDENTE :

10 Parfait. Alors, donc est-ce que quelqu'un d'autre a
11 quelque chose à dire? Parfait. Alors, dans les
12 circonstances, considérant que cette demande de
13 non-publication n'est pas contestée, la Commission,
14 les Commissaires interdisent toute publication ou
15 diffusion sous quelque forme que ce soit, à quelque
16 moment que ce soit, de la physionomie du témoin
17 Joseph Pistone, sauf pour les photos et vidéos
18 d'archives qui existent déjà et qui sont déjà
19 accessibles au public.

20 Alors, je comprends que, dans les
21 circonstances, nous allons suspendre et je vais
22 demander à ce que toute la salle soit évacuée pour
23 quelques minutes.

24 SUSPENSION DE L'AUDIENCE

25 REPRISE DE L'AUDIENCE

1 IN THE YEAR TWO THOUSAND AND TWELVE (2012), this
2 twenty-fourth (24th) day of September, personally
3 came and appeared:

4

5 **JOSEPH D. PISTONE**, retired special agent, Federal
6 Bureau of Investigation.

7

8 Whom, after having solemnly declared, doth depose
9 and say as follows:

10

11 LA PRÉSIDENTE :

12 Good morning, Sir.

13 Mr. JOSEPH D. PISTONE:

14 Good morning.

15

16 EXAMINED BY Me SONIA LEBEL:

17 Q. **[1]** Good morning, Mr. Pistone, welcome to our
18 Commission. As you stated, you are a former FBI
19 agent, right?

20 A. Yes.

21 Q. **[2]** And your name is Pistone, but that's not the
22 name that you're best known about for the greater
23 public?

24 A. No it is not.

25 Q. **[3]** What's the name we know you by?

1 A. Donnie Brasco.

2 Q. **[4]** And who is... Just briefly stated, who is
3 Donnie Brasco?

4 A. Well, Donnie Brasco is an alias that I used in my
5 undercover work as a special agent with the FBI. I
6 worked many years, twenty (20) years as an
7 undercover agent, and I used Donnie Brasco as my
8 alias.

9 Q. **[5]** How many years were you with the Bureau?

10 A. Twenty-seven (27) years as a special agent.

11 Q. **[6]** Okay. Could you just give us an idea what the
12 background of a federal agent is?

13 A. Well, I joined the FBI on July seventh (7th) of
14 nineteen sixty-nine (1969). Prior to that, I was a
15 special agent with the Office of Naval
16 Intelligence. And when you join the FBI, of course,
17 after taking the initial test, passing the test,
18 passing a rigorous background investigation, you go
19 to Quantico Virginia, to the FBI Academy. And I
20 went to an eighteen (18) week course to learn the
21 laws of the U.S. How to investigate certain laws,
22 and how to conduct myself as a special agent of the
23 FBI.

24 After the eighteen (18) week course, you
25 are assigned to a field office somewhere within the

1 United States.

2 Q. **[7]** What was your first field office, your first
3 assignment?

4 A. My first assignment, my first field office was
5 Jacksonville Florida.

6 Q. **[8]** And did you have any undercover work to do
7 there?

8 A. Yes. In Jacksonville Florida, I worked a lot of
9 criminal, mostly criminal cases, and I also worked,
10 started to work undercover.

11 Q. **[9]** Okay. What kind of assignment did you have
12 undercover? Short-term, I guess?

13 A. At that time, in nineteen sixty-nine (1969), when I
14 got out of training school and I was assigned to
15 Jacksonville, most of my undercover assignments
16 were short-term. And what I mean by, what we mean
17 by short-term is anywhere from one day to maybe a
18 month, a month and a half.

19 Q. **[10]** Okay. Back in nineteen seventy-four (1974),
20 you were transferred to New York, and I think
21 that's the occasion where the first meaningful
22 assignment took place?

23 A. Yes. I had gotten transferred out of Jacksonville
24 Florida to, actually, Alexandria Virginia, the
25 field office in Alexandria Virginia, where I worked

1 criminal matters, matters of national security, and
2 also involved in undercover cases where I was the
3 undercover agent. And then, in late seventy-three
4 (73), I got transferred to New York City. And in
5 New York City, I was assigned to a criminal squad.

6 Q. **[11]** Okay. Was that the trucking hijack squad?

7 A. Yes. It was the, what we call the hijacking squad.

8 Q. **[12]** Okay. And if I'm not mistaken, one of your
9 first long-term assignments took place from that
10 squad?

11 A. Well, I was assigned to that squad, but after being
12 there a couple of months, I was assigned to an
13 undercover case out of Tampa Florida. And that
14 undercover case included infiltrating a gang of
15 organized thieves that were stealing high-priced
16 automobiles and tractors and trailers, and we even
17 had orders to steal some airplanes.

18 Q. **[13]** Okay. Is that the first time that the persona
19 Donnie Brasco surfaced?

20 A. No. I had used Donnie Brasco in the prior short-
21 term operations. But that was the first time in any
22 long-term undercover operation that I used Donnie
23 Brasco. And that operation lasted for approximately
24 a year and a half, where I travelled up and down
25 the eastern seaboard of the United States with this

1 organized gang, stealing automobiles and other
2 high-end vehicles.

3 Q. **[14]** Okay. When the first talks about the
4 operation, I would call it Donnie Brasco that we
5 know about, that's more public, when did it start
6 emerging?

7 A. Well, that started, actually, talking about it,
8 probably started around mid-nineteen seventy-five
9 (1975), late nineteen seventy-five (1975), where my
10 supervisor in the New York office had the idea of
11 attempting, trying to put an undercover agent into
12 infiltrating individual, what we call fences, that
13 dealt with the mafia.

14 Q. **[15]** What's a fence?

15 A. A fence is an individual that buys stolen property
16 and then resells it.

17 Q. **[16]** Okay. And usually, they resell it to the
18 mafia, the ones that you were targeting?

19 A. Well, they would... They would actually, not sell
20 it to the mafia, more like, it was an arrangement.
21 And then the mafia would sell it.

22 Q. **[17]** Would sell it.

23 A. You don't sell too many things to the mafia.

24 Q. **[18]** What was the main goal of that operation when
25 you started drawing, thinking about it?

1 A. Well, the main thrust of that operation was to
2 infiltrate the fences, attempt to infiltrate the
3 fences, and, with the idea that by infiltrating the
4 fences, they would bring... they would bring the
5 undercover to mafia members and introduce them to
6 mafia members. And what we did was, we had certain
7 individuals targeted, and we had bars and
8 restaurants that we knew that they hung out in
9 targeted.

10 Q. [19] Okay. So, what was your first move to
11 infiltrate those fences? How did that take place?

12 A. Well, the first thing I had to do was come up with
13 a legend. I was chosen to be the undercover agent.
14 And basically we have rules, in the United States,
15 that are put out by the Department of Justice, on
16 what an undercover agent can and can't do. And one
17 of the rules is you cannot become involved in
18 crimes of violence. You're not supposed to become
19 involved in violence, unless that violence is to
20 protect yourself, your own security, or to protect
21 a citizen.

22 So, and when you go undercover, you need a
23 legend. I mean, you basically need something that
24 will attract the bad guys, the gangsters towards
25 you, because it basically is about making money.

1 It's all about earning money. And if you can't show
2 them that you're an earner, there's no reason for
3 them to gravitate towards you and to become
4 involved with you. So, the idea was that I was
5 going to be a jewel thief. And the reason we chose
6 the profession of a jewel thief, because jewel
7 thieves are not violent by nature. There's not many
8 jewel thieves in jail for murder. And plus the fact
9 that as a jewel thief, you can operate on your own,
10 you don't need to be with a gang. And also, I could
11 bring around diamonds and precious gems to say
12 that, you know, that I went out and stole these
13 from someplace, and I would get these diamonds and
14 precious gems from the government, from the FBI.

15 So, in order to prepare to be a jewel
16 thief, I had to know something about diamonds and
17 precious gems, because you find that when you're
18 dealing with gangsters and you say you are
19 somebody, you better know your profession, you
20 better know what you're talking about.

21 So, in order to prepare to be a jewel
22 thief, I went to a school to learn about diamonds.
23 The FBI sent me to a school to learn about diamonds
24 and precious gems.

25 Now, when you get your legend and you form

1 your legend, you need to know everything about your
2 legend. So, the next step is, as a jewel thief,
3 what else do you need to know? You have to know
4 locks, you have to know how to get into buildings,
5 how to bypass a lock, you have to know alarm
6 systems and you have to know safes. I mean, that's
7 basically what jewel thieves do. They break in
8 places, they bypass alarm systems, and at times
9 they may have to crack a safe.

10 So, I was taught by individuals how to pick
11 locks, and in fact I had learned how to pick locks
12 when I was a special agent with the Office of Naval
13 Intelligence. That was one of the courses that I
14 took when I was with Naval Intelligence. I also had
15 to learn alarm systems, so I learned all about
16 alarm systems, and I learned about safes, the
17 different types of safes, how you crack different
18 safes, the best method of getting in safes. And
19 that basically was my legend.

20 Once I felt comfortable with knowing about
21 diamonds and precious gems, and where I could sit
22 and discuss these things, the focus then was to
23 establish myself in the bars and restaurants that
24 we knew that these individuals hung out in.

25 Q. [20] Okay. So, you have to take the time to get

1 known, I guess, or get familiar?

2 A. Yes. What I would do... And also, this type of job
3 is a seven days a week job, three hundred and
4 sixty-five (365) days a year. And the reason being,
5 is that you cannot, when you go... What this
6 operation is, it's what we call a deep cover. Once
7 you start your undercover operation, you leave your
8 badge and your gun in the office, and you never go
9 back to your FBI office. Your whole existence now
10 is dealing with the bad guys or attempting to
11 infiltrate the bad guys.

12 So, I had to get an apartment in New York
13 City, I got an apartment in New York City under the
14 name Donnie Brasco, and I moved out of my residence
15 where... leaving my wife behind, and moved into my
16 residence, my other residence in New York City. And
17 then, I would, every evening, afternoons, go to the
18 different bars and restaurants that we knew that
19 these individuals hung out in, just to get my face
20 seen, get people to recognize me. And again, it's a
21 seven days a week job, because you can't form a
22 pattern. You can't go into the same bar and
23 restaurant at the same time every night. You have
24 to be there on weekends, because if they only see
25 you Monday to Friday, then it's a red flag, you

1 know, this guys is never around on weekends. So,
2 that's basically what I did for approximately six,
3 seven months, until I finally got into a
4 conversation with someone.

5 Q. **[21]** We know that this operation lasted for six
6 years, but was it supposed to last six years? What
7 was your original plan?

8 A. Our undercover operations are basically on six
9 months increments. And then, every six months
10 they're renewed, depending on the progress that
11 you're making in the undercover operation.

12 Q. **[22]** During those six months, you said you pretty
13 much hung out around bars and restaurants for six
14 to seven months before you started to make real
15 progress. So, what were your first significant
16 contacts?

17 A. Well, my first significant contact... And let me
18 say that in our deep cover operations, our
19 undercovers do not have any surveillance. You're
20 out there by yourself. What we do have, we have one
21 person that we're able to reach via telephone, but
22 you're basically on your own.

23 My initial confirmation with any gangsters
24 was a member of the Lucchesi crime family out of
25 New York City, and it actually was the bartender in

1 a bar-restaurant that I used to frequent.

2 Q. [23] And why was he useful to you at that point?

3 A. Well, he was useful to me, and when you are in a
4 long-term deep cover situation, you have to know
5 your enemy. You have to know everything about your
6 enemy. And you have to know how they act, what they
7 participate in, and how they treat each other. It's
8 very important, and the reason being that it helps
9 you infiltrate, and plus, when you're in there,
10 it'll keep you alive if you know... if you know who
11 you're dealing with.

12 And one of the rules of the mafia is that,
13 and I'll get into the rules later, but one of the
14 rules is you do not fool around or get involved
15 with a mafia member's wife, girlfriend or daughter.
16 That's one of the rules. And that is one of the
17 rules that will get you killed. If you mess around,
18 get involved with a wife or a girlfriend. If you
19 get involved with a daughter, you'd better have
20 good intentions with the daughter and go to the
21 mafia member and let him know that.

22 Also, what you need when you are working
23 undercover in this type of situations, and I tell
24 you that you need to know your enemy, so you need
25 to know phrases that the enemy uses. And in this

1 instance, my enemy was, you know, I say enemy, but
2 the organized crime group that I was trying to
3 infiltrate is the mafia. And one of the... There is
4 several phrases that'll identify you as a street
5 person. And one of them is, "I want to go on
6 record." Okay? So if you say to a mafia guy, "I
7 want to go on record", he knows that you have some
8 street smarts.

9 Well, during the course of my going to this
10 one restaurant, these Lucchesi individuals used to
11 meet there every Thursday, and they would have
12 dinner with their girlfriends. Now this is a little
13 aside, but in the mafia, Monday to Friday is your
14 girlfriend, and Saturday and Sunday is your wife
15 and family. So, you know that between Monday and
16 Friday they're with their girlfriends. And there
17 was probably about six or seven of them that met
18 there and would have dinner. And I would always sit
19 at the bar.

20 After about the fourth or fifth time, I
21 noticed that one of the individuals was missing.
22 One of the gentlemen was missing. But the female
23 that he was with was still in attendance. So one
24 evening I'm at the bar, and I used to eat at the
25 bar. And I never had any conversation with this

1 bartender other than "What do you want to eat? What
2 do you want to drink?"

3 So, this one evening, I'm sitting at the
4 bar and this young lady that was by herself, she
5 walks up, she goes to the ladies room, she comes
6 back and she stops and says hello, and said, "We
7 see you in here a lot." And I said, "Well, yes, I
8 come in once in a while." Now, I don't know why
9 she's talking to me, but as she goes back to the
10 table, I call the bartender over, and I say to the
11 bartender... I didn't even know the guy's name.
12 Because he never introduced himself. I said, "I
13 want to go on record. I did not call that young
14 lady over here."

15 So now, this gentleman knows that I got a
16 guy, here, that...

17 Q. [24] Knows the rules.

18 A. That knows some rules. This happens like three or
19 four times, and each time I call the bartender
20 over. So after about the fourth time he says,
21 "Look, pal. He says, her boyfriend went bye-bye."
22 Now, in the mafia, going bye-bye means they kill
23 them. I don't ask him why, 'cause it's none of my
24 business why. So he knows that, you know, that I
25 got some street smarts, I know what's going on.

1 So the next time I go in, now he starts
2 talking to me, at least, and nothing, we're just
3 talking sports, what's going on in the world, and
4 finally he says, "My name is Charlie." Now again,
5 these individuals, when they introduce themselves,
6 they don't introduce themselves by their full name.
7 It's by their first name or just their nickname. So
8 I just tell him, "My name is Don." That's it.

9 And then again we start talking, and
10 finally, the next time he says, "Hey, he said, you
11 live around here." And I did. I lived, I just lived
12 three blocks away from this restaurant, where my
13 apartment was. And he asked me if I wanted to go
14 out after he closed up and go out to some after-
15 hours gambling joints. So I said, "Sure, why not?"

16 So I went out with him, he took me to some
17 gambling places, after-hours places, and he started
18 introducing me to other individuals.

19 Q. **[25]** So your foot was basically in the door.

20 A. My foot was in the door. And these individuals were
21 mob guys, mafia guys. Not all made members, some
22 were associates, but they were... You know? And
23 they were from different families.

24 Now, after a couple more weeks, he never
25 asked me what I did, I never told him what I did,

1 because that's another thing. In the mafia, you
2 don't... You don't talk about things that have no
3 concern. And you don't push yourself. So I come in
4 one night, and finally I figure, well, it's about
5 time that he knows that I'm not a straight guy. And
6 I had a packet of diamonds. I put the diamonds on
7 the bar, and I said, "I need X amount of money for
8 this package." I don't tell him they're diamonds.
9 And again, you have to know the street value of
10 what we call "swag". Swag is stolen property. And
11 there is a different price than, you know, these
12 aren't... You're not buying these diamonds from
13 Tiffany's, you're buying them from a thief. So I
14 just told him, "I need X amount of money." He
15 doesn't ask what they are, I don't tell him what
16 they are, he takes them, puts them under the bar.

17 About three weeks go by, and now we're
18 going out, you know, I'm still going out with him
19 to these after-hours places and he's introducing me
20 to members of the Colombo crime family, and he's
21 introducing me to members of the Bonanno crime
22 family. So, after about three weeks, he comes and
23 he says, "Donnie, somebody left this envelope for
24 you." I take the envelope, put it into my jacket
25 pocket, I get back to my apartment and there's

1 money in there. So now, he knows that I'm a thief,
2 and that's how I got, actually...

3 Q. [26] So, from there, you...

4 A. That's how I got in, yeah.

5 Q. [27] And you, eventually, like you said, reached
6 the Bonanno family?

7 A. Yes. I first, actually, started with the Colombo
8 family out of Brooklyn. I met some Colombo mafia
9 guys, they were from Brooklyn, and I started
10 hanging out with them up in Brooklyn. And I hung
11 out with them for about maybe two or three months,
12 and these guys were everyday gangsters. And what I
13 mean by that, they were out stealing every day and
14 every night.

15 After about three months I got into a beef,
16 an argument with two of them, they had gotten out
17 of jail. There were two guys with this crew that
18 had gotten out of jail, and of course, being in
19 jail for... they were in jail for, I don't know,
20 three years, five years, and they wanted to make
21 money, they wanted to start making money. Because
22 that's the whole thing, I mean, that's the reason
23 they exist, it's to earn money illegally, and for
24 power, to have a power base. And so, they had what
25 we call scores lined up, places that they wanted to

1 rob.

2 And you know, everybody needs to do
3 something, and that's the only reason they need
4 you, and you know, since I know about alarms and
5 getting into buildings and safes, that's why they
6 needed me. And after a couple places that they had
7 lined up, they weren't able to rob them, because I
8 deterred them from robbing these places, told them
9 that "you shouldn't do it, you can't do it, you'll
10 get, you know..." So, they got pretty...

11 Q. **[28]** Not happy with it?

12 A. Not happy with me, they weren't the exact words
13 that they used, but annoyed with me. And so, I...
14 Now, one of these guys was a made member, and one
15 was an associate, and at this point and time...

16 Q. **[29]** I know we'll get into that, but just for
17 basics of understanding, what's a made member?

18 A. Okay. A made member is an individual that has been
19 officially inducted into a particular mafia family.

20 Q. **[30]** Okay.

21 A. And what you need to know is to get inducted, you
22 need to be a white male and Italian. Okay? And you
23 have to show that you have a good potential for
24 being a money earner, for earning money for the
25 family. I mean, that's basically who you're earning

1 money for, besides yourself.

2 Q. **[31]** Okay. And what's an associate? Because those
3 are two words you just...

4 A. Okay. An associate is an individual that is
5 associated with a particular mafia family, who has
6 the ability to earn money for this mafia family or
7 has the ability to corrupt people for this mafia
8 family. Now, an associate, you don't have to be an
9 Italian to be an associate.

10 Q. **[32]** There's more openings?

11 A. I am sorry?

12 Q. **[33]** There are more openings for associates, I
13 would say?

14 A. Well, associates could never become a made member,
15 but they have the protection of that mafia family
16 because they're thieves and gangsters themselves.
17 And why are you an associate if you don't have a
18 chance to become an official member of the family?
19 Because you are protected from that family. That
20 family offers you protection in whatever your
21 illegal activities are.

22 Q. **[34]** So, you get some advantages?

23 A. Yes, you get advantages.

24 Q. **[35]** Okay. So, you eventually got into the Bonanno
25 family, you stayed with them pretty much for the

1 remainder of your operation, right?

2 A. Yes. And how I got into the Bonanno family, you
3 want me to get into that?

4 Q. [36] Yes, please.

5 A. Yeah. I have to go back to the Colombos, because
6 remember, the Colombos was the first family I
7 actually... that I infiltrated. And these two
8 individuals that I spoke of, one was a made guy and
9 one wasn't. So, they went to my boss at the time,
10 who was my capo, it was a guy by the name of Jilly.
11 And they wanted to have a sit-down with me there.
12 And what a sit-down is, it's basically a meeting,
13 somebody makes a complaint against you, and then
14 you have a meeting, and you know, each side airs
15 their complaints, and you have to answer their
16 complaint.

17 Q. [37] So, was the sit-down about you, that time?

18 A. The sit-down was about me in that they were mad
19 because the scores that they had lined up, I did
20 not want to participate. I told them that, "you
21 can't do it", you know, for various reasons, you
22 can't do it. So, they were mad. So, I get to the
23 club one day, and Jilly, again, who was the boss,
24 he says, "Donnie, we got a walk and talk." Now, a
25 walk and talk is, you walk on a street and you

1 talk. And the reason that they do walk and talks,
2 because they figure that they can't be overheard,
3 there could be not wiretaps, the FBI or the police
4 can't listen to you when you're walking and
5 talking. He said that these two individuals were
6 annoyed or were mad because, you know, they said
7 that I had deterred the other guys from robbing the
8 place that they wanted to rob and that they wanted
9 to have a sit down. So...

10 Q. **[38]** I guess they were starting to wonder about
11 you?

12 A. Yeah, basically. And the one guy being that he was
13 a made guy, that was his right. So we go into the
14 club, we go into the back room, they lock the door,
15 one of the guys takes out his gun, puts it on a
16 desk and says to me, "Donnie, if you don't answer
17 your questions and convince me that you are who you
18 say you are, the only way you are going out of this
19 room is rolled up in that rug."

20 Q. **[39]** So I think that's an occasion when the legend
21 becomes real important, if it's well...

22 A. Real important.

23 Q. **[40]** Real important.

24 A. Real important. So, and again, you know, no one, no
25 one here ran at me, no one... how you have to come

1 back at him, there, you know, they're questioning
2 me about my ability as a, as a jewel thief, my
3 ability, you know... to gain entry to places to
4 bypass alarms and everything. This goes on for like
5 five hours. Now after about five hours, finally
6 Jilly, who's the boss, he says, "Okay, we've had
7 enough, you know, Donnie's been with us for three
8 months, four months and he's okay." Am I being too
9 long or?

10 Q. **[41]** No. Go ahead.

11 A. Okay. Because you have to, what I have to do is
12 give you the mind set of gangsters, of Mafia
13 individuals and how they live every day and how
14 they operate. Now I have a problem. My problem is
15 that I've just gone through a five hour grilling
16 and my honour's being questioned, my legend's being
17 questioned and with these individuals you can't
18 make nice when, when you are challenged you have to
19 meet the challenge. And in this instance, the only,
20 the only way I can save two things, and when you're
21 in an undercover situation that is a deep cover
22 situation, you have, you have to maintain your
23 credibility and you have to maintain your respect.
24 If you lose either one of those, two things can
25 happen: they could not deal with you anymore, so

1 there goes your undercover situation or they're
2 going to kill you. One of the two. It depends on
3 how; if they think you're a snitch or an informant,
4 they're going to kill you.

5 Q. **[42]** So you have to react the proper way?

6 A. You have to react the proper way and, in this
7 instance, the only proper way to react is with
8 violence. I could not go up to, go up to them and
9 shake their hands and say, "Look, all is forgiven.
10 I realise, you know, your concerns, etc., etc."

11 Q. **[43]** Because one of them wouldn't have reacted like
12 that?

13 A. Exactly. Because then, in their mind, it would be
14 "Why is Donnie being so nice? We just called him
15 out".

16 Now, there's another rule in the Mafia that
17 will get you killed like that and that rule is, and
18 I'll get into that too, is that you cannot
19 physically put your hands on a made member.

20 Q. **[44]** If you're not one yourself?

21 A. If you're not one yourself. So my only retaliation
22 was against the non-made member and the only thing
23 they would understand is a physical retaliation. So
24 as they, as Jilly says, "The meeting's over." we
25 stand up and I knock out the other guy, the non-

1 member. I punch him and knock him out. And the made
2 member is punching me, but I can't do anything
3 because I can't hit him back, so I'm just
4 protecting myself, but not punching the other guy.

5 Q. **[45]** The lucky one.

6 A. It's not a, you know, it's not a pretty sight, but
7 if you want to stay alive you have to, you have to
8 answer with physical violence.

9 Q. **[46]** I mean, pretty much, I mean, the goal of your
10 operation was to make them believe what you
11 pretended to be so you had to act like that?

12 A. Exactly. Exactly.

13 Q. **[47]** So this, I, this situation helps us understand
14 the mind set and how they operate. Did that help
15 you move forward? Deeper maybe?

16 A. Yes it did because it gave me good credibility
17 with, with the other Colombo guys, but after that I
18 knew that I had to get away from there because
19 there was always going to be bad blood between
20 myself and the other two guys.

21 Q. **[48]** Okay.

22 A. So I had met a guy by the name of Tony Mirra who
23 was a Bonanno guy and Tony Mirra was a major drug
24 dealer with the Bonannos.

25 Q. **[49]** Can I just ask you one more question?

1 A. Sure.

2 Q. [50] I mean, I'm going to take you back a bit, just
3 to help us understand the way they think. Why did
4 you have to go through the bartender? Why didn't
5 you just come up to the table where they were
6 sitting with their girlfriends? It was a weekday
7 obviously, why didn't you go back to the table and
8 just introduce yourself as a jewel thief?

9 A. Well, with the Mafia you don't do that because
10 it's... They're very circumspect on whom they deal
11 with. And I had nobody, I had no one to vouch for
12 me so to speak, in other words, my entrance or my
13 ingratiation into these guys was not through an
14 informant. I had to do it myself, so I had no one
15 to say, "Hey, this is Donnie Brasco, he's a great,
16 you know, he's a great guy, he's a good jewel
17 thief." and the Mafia doesn't operate that way. If
18 somebody new comes around and just says, "Hey, you
19 know, I'm Donnie Brasco, I'm a jewel thief, I want
20 to join you guys", well, they're never gonna...
21 They're never going to acknowledge you. You have to
22 have somebody vouch for you. So...

23 Q. [51] Basically, you have to let them come to you.

24 A. Or... Yes. You have to let them come to you, or, if
25 you have an informant, an informant brings you in.

1 But I had no informant. This is what we call a cold
2 entry. It was strictly up to me to get in with
3 these guys on my own.

4 Q. [52] And establish yourself.

5 A. And establish myself.

6 Q. [53] Okay. So you're talking about Tony Mirra. Is
7 that the first... I wouldn't say the first contact,
8 but the first significant contact with the Bonanno
9 family, you had?

10 A. Well, I had known Tony Mirra, I had been introduced
11 to him before, you know, at these after-hours
12 places. So, I started going down Little Italy and
13 hanging out with, in Little Italy with Tony Mirra,
14 who was a made member in the Bonanno mafia family.

15 Q. [54] Okay. And you met another guy, too, from the
16 Bonanno family?

17 A. I met another individual by the name of Benny Lefty
18 Ruggiero, who was another made guy in the Bonanno
19 family. And these individuals were, lived in Little
20 Italy, downtown.

21 Q. [55] We'll get into the hierarchy and ranks, but
22 basically, who were these guys and the family
23 situation?

24 A. They were... They were made guys, they were
25 soldiers, and Tony Mirra, as I said, was a major

1 drug dealer in the family. He had made... He had,
2 in fact, he had just gotten out of prison. He had
3 just gotten out of jail. And Lefty Ruggiero had a
4 bookmaking operation going, that it was actually
5 the underboss', a guy by the name of Nicky
6 Marangelo, it was his bookmaking operation, and
7 Lefty was running his bookmaking operation.

8 Q. [56] Obviously, when you started this operation, I
9 mean, you didn't know... When you left the FBI
10 headquarters, you didn't know you would not return
11 for six years, obviously. How come it lasted that
12 long?

13 A. Well, the operation lasted that long because once I
14 got in with the Colombo's, and then, and the
15 Bonanno's, I was gaining valuable intelligence
16 information regarding how the mafia operated, the
17 interaction between families, who the hierarchy was
18 in the families, the illegal activities they were
19 involved in, so basically that's why we kept it
20 going. Because of all the, not only intelligence
21 information, but I was gathering evidenciary
22 evidence for court.

23 Q. [57] Okay. While you were, like, maybe a little bit
24 more advanced in your undercover operation, what's
25 a typical day in the life of maybe Donnie Brasco,

1 or an associate, or a made guy?

2 A. Once I got to the point where they accepted me?

3 Q. **[58]** Yes.

4 A. Yeahs. Well, the average, the day was... Every
5 soldier and associate is assigned to a capo. And a
6 capo is an individual captain who has a crew. And
7 that crew consists of soldiers, and again, soldiers
8 are individuals that have been officially inducted
9 into that particular family. And then, that crew
10 also is comprised of associates. And associates
11 are, as I explained before, are individuals who are
12 good money earners for the family, and if the
13 associate is, again, a white male and Italian, his
14 aspirations are to become a made member to be
15 inducted into that particular family.

16 And basically, once you are assigned to a
17 captain, a capo, you are responsible to him and he
18 is your responsi... you're his responsibility. And
19 you have to report into that capo every day. And
20 it's basically showing up at his social club or his
21 restaurant or bar, wherever he has his
22 headquarters. And your conversations are,
23 basically, whatever illegal activities you have
24 going, you report to him. If you have a bookmaking
25 operation going, you report, you know, how that's

1 going. If you're extorting money from a company,
2 how that's going. Whatever illegal activity you're
3 involved in, you have to report on a daily basis to
4 your capo, you know, what the status of it is.

5 And also, any monies that you are obtaining
6 from illegal activities, that goes to, you know, a
7 percentage of that goes to your capo. Who then
8 gives a percentage to the boss of the family.

9 Q. **[59]** So Donnie was basically an associate, yes?

10 A. Donnie was an associate, yes.

11 Q. **[60]** Okay. Was he linked to anybody, or is he a,
12 can I say a freelancer?

13 A. No, no. Once I got with the Bonanno's, what they do
14 is the soldier that the associate is with, that
15 soldier will go to his captain and say, "I put a
16 claim on Donnie." Now that means that no one else
17 in that family, I can do business... I cannot do
18 business with anyone else in that family without
19 going through my sol... you know, who I'm assigned
20 to, my soldier.

21 Q. **[61]** So everything, every move, every decision has
22 to basically be authorized by the upper level?

23 A. Exactly. Exactly. I know of soldiers who asked
24 their... who, you know, would ask their capo, "I
25 want to go on a vacation with my family." And the

1 soldier would... or the capo would say, "Well, when
2 do you want to go?" And he'd give a day, and say,
3 "No, you can't go." I mean, your life... Well, you
4 have to know about what the mafia is. It's that
5 you're sworn allegiance is to your mafia family.
6 It's your mafia family, then it's your regular
7 family, and then it's your church and country. But
8 your first allegiance is to that family that you
9 are a part of.

10 Q. **[62]** So, you live and you breathe for the family?

11 A. Exactly. Exactly.

12 Q. **[63]** Okay. So, who you belonged to? Who were you
13 associated with?

14 A. Well, I belonged to Lefty Ruggiero. That's who I
15 belonged to. When I first got associated with the
16 Bonannos, Carmine Galante was the boss, an
17 individual by the name of Carmine Galante. And our
18 capo was a gentleman by the name of Mike Sabella.
19 And then, they murdered Carmine Galante. Okay? His
20 own family. And a fellow by name of Rusty Rastelli
21 was appointed the boss, and Lefty and I then were
22 switched over to a capo by the name of Dominick
23 "Sonny Black" Napolitano. And the reason being, is
24 that Mike Sabella was close to Galante, and the
25 individuals gave him an ultimatum, "You step down,

1 you give up your position as a capo, or we're going
2 to kill you." So, you know, "If you want to live,
3 you give up your position as a capo and just become
4 a soldier again." Which he did. And the same thing,
5 the underboss at the time was an individual by name
6 of Nicky "Glasses" Marangelo, and that's who Lefty
7 and myself were running the bookmaking operation
8 for. And they also, they say, "break them". They
9 also broke Marangelo and told him, you know, he
10 had to step down as underboss, because he was
11 Galante's underboss, and he agreed.

12 Q. **[64]** So, there could be shifts of powers, even
13 between the same family?

14 A. Oh yes, sure. Yes.

15 Q. **[65]** And why does that take place? How does that
16 take place?

17 A. Well, it takes place on who's the strongest at the
18 time, who has the power at the time. And the reason
19 they killed Galante, and I was told this by
20 Ruggiero and Sonny Black, was that he was greedy
21 with the drug trade. He controlled most of the drug
22 importation and he wouldn't share it with other
23 families. So, and he wouldn't share it with a lot
24 of the capos within the Bonanno family. So, they
25 had to go to the... You cannot kill a boss without

1 going to the mafia commission. And the mafia
2 commission is made up of the bosses of New York
3 City, and New York City has five mafia families.

4 Q. [66] Which are?

5 A. The Bonannos, the Luccheses, the Colombos, the
6 Genoveses and the Gambinos.

7 Q. [67] Do you think, is this still the case today?

8 A. Yes, it is. Yes.

9 LA PRÉSIDENTE :

10 Q. [68] Can you repeat them, please?

11 A. The Bonannos, the Colombos, the Luccheses, the
12 Genoveses and the Gambinos.

13 Me SONIA LEBEL :

14 Q. [69] So, maybe just before we go a little deeper
15 into the structure, in the mafia commission, how
16 they operate, how did that operation ended after
17 six years? Why... Obviously, you were gathering an
18 insane amount of intelligence about how they work,
19 how they operate, how they think as a body. Why did
20 it stopped?

21 A. Well, during the course of this six years, I became
22 so trusted by the Bonannos, and as I said, Sonny
23 Black Napolitano was my capo, and after they killed
24 Galante and Rusty Rastelli became boss, Rusty was
25 in jail and Sonny Black and an individual by the

1 name of Joey Messino were appointed street bosses
2 of the family.

3 Q. [70] What does that mean?

4 A. Well, they were conducting day-to-day operations on
5 the street for the boss, because the boss was
6 incarcerated. And then, there was another
7 faction...

8 Q. [71] Was he basically calling the shots from
9 inside?

10 A. Yes, he was.

11 Q. [72] Okay. How does that take place? I mean...

12 A. Well, somebody would go visit him, and then he'd
13 pass on the information, whatever you wanted done.

14 Q. [73] So, being in jail don't stop necessarily their
15 activities?

16 A. No, not at all. Being in jail does not curtail
17 their association with their mafia family, no. And
18 there was another faction within the Bonnano
19 family, the Sicilian faction, and Salvatore
20 Catalano was the head of the Sicilian faction. So,
21 what happened was, is that the individuals Sonny
22 Black was the Brooklyn guy, Joey Messino was
23 Queens, there were three capos that were from
24 Manhattan, Little Italy and the Bronx, and they did
25 not like Rusty Rastelli, the boss, and they wanted

1 to take over the family.

2 Q. [74] While he was in jail?

3 A. Yes, while Rusty was in jail. So, now there's
4 friction between the three capos that are downtown,
5 and in the Bronx and the capos that were aligned
6 with Sonny Black and Joey Massino. At this time...

7 Q. [75] And we're still within the same family, I
8 mean, those are not...

9 A. We're talking about the Bonanno's. We're not...

10 Q. [76] So we're not talking about two opposing
11 families now.

12 A. No. We're talking about the Bonanno's right now.

13 Q. [77] Okay.

14 A. So there was big friction, a lot of friction going
15 on, where the three guys downtown wanted to take
16 over the family. So it came a point in May...

17 Q. [78] We're in eighty...

18 A. Of nineteen eighty-one (1981).

19 Q. [79] Eighty-one (81)?

20 A. Nineteen eighty-one (1981). Where it really got
21 bad. So, Sonny Black had a meeting with Paulie
22 Castellano, who was the boss of the Gambino family.
23 And he also had a meeting with Sal Catalano, who
24 was the boss of the Sicilian faction of the
25 Bonanno's.

1 Q. **[80]** So, am I to understand that Sonny Black is
2 still a capo at that time?

3 A. Still a capo, but he's acting street boss to them.

4 Q. **[81]** So that gives him...

5 A. So he's got power.

6 Q. **[82]** Okay.

7 A. And I'm really close with Sonny Black. I use to
8 stay with him in his apartment, and we became, I
9 became close with him.

10 So, what happens is, is that they call for
11 a sit-down. I explained to you what a sit-down was.
12 And at this sit-down, the plan is, is that Sonny
13 Black, Joey Massino and the Sicilian faction are
14 gonna murder the three capos. And that's what
15 happens. They call a sit-down...

16 Q. **[83]** And their allegiance was to Rastelli, the
17 three capos.

18 A. No, no, no, no, no.

19 Q. **[84]** No?

20 A. No. They were against Rastelli.

21 Q. **[85]** Against...

22 A. Rastelli's allegiance was Sonny Black and Joey
23 Massino.

24 Q. **[86]** So they were protecting the boss.

25 A. Yes. So at the sit-down they murdered the three

1 capos, but they had to go... they had to go to
2 Paulie Castellano and get the okay from the other
3 bosses to mur...

4 Q. [87] From other families?

5 A. From other families, yes.

6 Q. [88] Okay. Why?

7 A. Because you cannot murder a boss or capos without
8 getting the okay of the other families or the
9 Commission. Because they don't... What... They...
10 They don't want to start an all out war. Basically,
11 that's what it is.

12 Q. [89] It's all being... It's all about avoiding
13 attraction, avoiding...

14 A. Exactly.

15 Q. [90] Staying deep down undercover.

16 A. Right. But there was so much friction between the
17 two groups that the only way to settle was who was
18 gonna kill who first. And, as I say, they murdered
19 the three capos, and that was on May fifth (5th) of
20 eighty-one (81).

21 There was supposed to be another individual
22 there, another capo, by the name of Bruno
23 Indelicato. In fact, his father was Sonny Red
24 Indelicato, one of the capos that got killed. And
25 Bruno was one of the guys, actually one of the

1 shooters that shot Carmine Galante. And that's why
2 he became a capo.

3 Sonny Black gives me the contract to kill
4 Bruno Indelicato.

5 Q. **[91]** Can you refuse a contract?

6 A. No. In the mafia, it's not like you see in the
7 movies. You don't refuse... When your boss, your
8 capo is your boss at this point, gives you a
9 contract to kill somebody, you have to accept it.
10 You don't negotiate a price, it's just part of
11 being part of that mafia family. And it's your
12 responsibility to see that that individual gets
13 killed.

14 Q. **[92]** It's your duty.

15 A. It's your duty, it's your responsibility, and if
16 you do refuse it - and nobody will - then you get
17 killed. Because again, it's part of your duty, as
18 being a mafia guy, to carry out anything that your
19 capo or your boss tells you to do.

20 So I had gotten the contract to kill Bruno,
21 and they sent me out looking for him. I didn't find
22 him. If I did find him, I was gonna call the FBI
23 and the FBI was gonna grab him. Or if they found
24 him. And then we were gonna stage it, make it look
25 like he was hit, he was murdered. But we...

1 Q. **[93]** Did it get to that point?

2 A. Yes. We never... We didn't find him 'til later,
3 actually. But now, you know, there was a shooting
4 war going on, and this was the first time, in the
5 six years that I ever carried a gun. Because Sonny
6 Black had given me a gun to carry, because of the
7 shooting war. We'd go to a wedding and... You know,
8 normal... In the normal course of a day, the wise
9 guys didn't carry guns. The only time they carried
10 them is when they went out to do a piece of work.
11 And when they went out to kill somebody, basically,
12 is the only time they carried them. But now we were
13 carrying them for protection.

14 We went to a wedding, guys had guns. We
15 went to a christening, somebody's child got
16 christened, guys were carrying guns. So, because of
17 the shooting war, and I had gotten the contract to
18 kill Bruno, that's when the FBI decided to close
19 the operation down.

20 Q. **[94]** Okay. Were you still an associate at the time?

21 A. At the time I was. I had been proposed for
22 membership, I was... Sonny Black had proposed me
23 for membership. And how that works is, I mentioned
24 the mafia Commission. Okay, it's made up of the
25 five bosses in New York, and then maybe a couple of

1 bosses from around the country that are powerful
2 bosses. And what happens is the Commission decides,
3 and what they say, "We're gonna open the books."
4 And what that means is the Commission will tell
5 each mafia family how many individuals that they
6 can induct into the family.

7 Q. [95] So even the membership is controlled. I mean,
8 you cannot induct...

9 A. The membership is controlled by the Commission.
10 Yes.

11 Q. [96] And why is the purpose of that?

12 A. Well, the purpose of that is to keep the families
13 on an even keel, as far as membership. And then,
14 what happens is, it's that, then what happens is,
15 each boss, the boss of each family will tell each
16 capo, "Sonny Black, you can propose two
17 individuals, Joey Messino, you can propose three",
18 it all depends. And then, what happens is, it's
19 that, they have a meeting of the capos. And each
20 capo will bring up the names that he wants to
21 propose. So, Sonny Black will say, "I'm proposing
22 Donnie Brasco for membership in the Bonanno
23 family", and either get an up or a down, thumbs up
24 or thumbs down.

25 Q. [97] So, did you get to that point or he just

1 stated to you that that was his intention?

2 A. No, I got to the point that I got the thumbs up. If
3 one person gives you a thumbs down, then you got to
4 wait till the next time the books open. But I got a
5 thumbs up by all the capos. So, the Commission said
6 that they were going to open the books in December,
7 and I was going to get proposed... I mean, I was
8 going to get inducted into the Bonanno family in
9 December.

10 Q. **[98]** Of eighty-one ('81)?

11 A. Of eighty-one ('81), but we closed the operation
12 down July twenty-seventh (27th) of eighty-one ('81).

13 Q. **[99]** Okay. I guess it would have been a good thing,
14 if you would have been inducted?

15 A. Well, I thought it was, only because no one had
16 ever gotten this close to a mafia family, no law
17 enforcement guy had even gotten this close to a
18 mafia family. And my argument was, we're going to
19 embarrass them now by having an undercover with
20 them, you know, for all these years. Can you
21 imagine if it comes out that they inducted...

22 Q. **[100]** An FBI agent?

23 A. An FBI agent into their ranks, what it's going to
24 do to them? But I was just a lonely undercover
25 agent, so I didn't have the final say.

1 Q. [101] So, we're going to close, maybe, on the
2 operation itself, and then we can move over to what
3 you learned from this operation. What were the
4 aftermaths, the trials, the... What happened after
5 they closed it down? And within the families?

6 A. After the operation was closed down, of course we
7 had grand juries, had indictments. Once it came out
8 that I was actually an FBI undercover agent, the
9 mafia didn't believe it at first. What they thought
10 was that the FBI has kidnaped me, and was trying to
11 brainwash me and make me informant. And then,
12 finally, once paper started getting served and
13 defense attorneys found out, they finally
14 recognized the fact that I was an undercover agent.
15 And they killed Sonny Black, they killed Tony
16 Mirra, they killed Jilly, the Colombo guy that
17 was... that I had infiltrated, and Lefty Ruggiero
18 was on his way to get killed. We had wiretaps, we
19 had a whole bunch of wiretaps going, and the FBI
20 overheard individuals in this one club, once Lefty
21 got off the phone with them, that when he got at
22 the club they were going to kill him to, and... but
23 the surveillance team, FBI surveillance team
24 snatched him up on his way to get killed.

25 And that operation, all told with trials, I

1 had something like twenty (20) some trials, I
2 think, that I testified in, and the total
3 convictions was over two hundred (200) convictions
4 of, you know, middle to upper echelons mafia guys
5 that we put away.

6 We had a trial when we indicted all the
7 bosses in New York City, we convicted them. Now,
8 this operation during this time, I also had
9 infiltrated, through my Bonannos, the Balistreri
10 family out of Milwaukee, who was connected to
11 Chicago. And we had on trial Santo Trafficante
12 because I had infiltrated him or his family, and he
13 was the boss of Florida, but he died before we were
14 ever able to convict him.

15 Q. **[102]** So, even the bosses were indicted. The one
16 you were talking about previously is the famous
17 mafia commission case, is that it?

18 A. Yes.

19 Q. **[103]** So, we'll talk about that case a little
20 later, because it has some interesting points for
21 us. You testified also at a U.S. senate
22 subcommittee in nineteen ninety-eight (1998). What
23 was the purpose of your testimony there?

24 A. The subcommittee was investigating organized crime
25 in the U.S. and their activities, and their grip on

1 the U.S. economy, and that was the purpose of my
2 testimony there.

3 Q. **[104]** To make them understand what, the way they
4 work, the way they operate?

5 A. Well, to make them understand that there is a
6 mafia, there's families in different parts of the
7 country, that there is a Commission, and the
8 Commission controls the workings of the families.
9 And basically, what the... The Commission was
10 started back in maybe in the forties (1940s), the
11 early forties (1940s) and basically what it did it
12 appointed bosses for each family and that's how the
13 families got their names like Joe Bonanno, you
14 know, the Bonanno family, Joe Bonanno was a boss
15 for years, he was one of the old timers, Carlo
16 Gambino, the Gambino family, that's basically how
17 the families got their names.

18 Q. **[105]** At the beginning of the Commission?

19 A. At the beginning, yes. And what it did was it
20 divided the country up and like New York City
21 there's five families so it, it dictated what
22 territories within the five boroughs of New York
23 that these families could conduct their illegal
24 operations, and also families in other, other parts
25 of the country. Most cities only have one, like

1 Detroit, they have one family, Chicago, Milwaukee
2 was associated with, with the Chicago...

3 Q. **[106]** Family.

4 A. Family. But it had its own, it was its own family,
5 its own boss but it answered to, but ultimately
6 everybody answered to New York because, you know,
7 it's the hub.

8 Q. **[107]** So the purpose of all that was to divide and
9 coordinate the territory?

10 A. Divide, coordinate the territories and what illegal
11 activities certain families can conduct in that
12 territory. Also, a family cannot go into another
13 family's territory to conduct business unless they
14 have a sit-down with that family and tell them why
15 they want to conduct this activity in their
16 territory. And that's what happened when I went to
17 Milwaukee and when I went to Florida. We had to
18 have sit-downs...

19 Q. **[108]** Because you were with the Bonannos from New
20 York?

21 A. Right.

22 Q. **[109]** Okay. And what about New York City? I guess
23 the city is divided between, amongst the five
24 families?

25 A. Yes.

1 Q. [110] Okay. And the Bonanno family, what was their
2 part of the city? Was it that clear, as clear as
3 that?

4 A. Yes, we had, we had Brooklyn, parts of Brooklyn and
5 other families had parts of Brooklyn and, you know,
6 you can conduct illegal activities, you know, in
7 certain sections, you know, and then the families
8 would get together to, I mean, you might have two
9 families, three families get together on a major
10 illegal activity where all three families or four
11 families as in the Commission case, well five
12 families involved in the construction business, you
13 know, in the construction business.

14 Q. [111] So they would pool resources?

15 A. Yes.

16 Q. [112] Okay. Just before maybe we go for a break and
17 then we're going to get into the structure more
18 deeper, what family, we learned about the Cosa
19 Nostra, we learned about the 'Ndrangheta, from
20 previous testimonies, the Camorra, the families of
21 New York, what group do they belong to basically?

22 A. Basically just the, they have the Sicilians and
23 the, the Mafia, you know, some guys are, some guys
24 were from Calabria, some guys from, they weren't
25 the 'Ndrangheta or the...

1 Q. **[113]** Camorra?

2 A. Camorra. They were just the Mafia from the mainland
3 basically.

4 Q. **[114]** Okay.

5 A. Basically. I mean, the main portion, there's other,
6 there's other ones that are groups that are, you
7 know, specific regions, they were...

8 Q. **[115]** And when you talk about the Sicilian
9 factions, what distinguishes them from mainland, I
10 mean, why do they call them the Sicilian factions?

11 A. The Sicilian factions were guys right from Sicily
12 that were made guys belong, that were made guys in
13 Sicily.

14 Q. **[116]** But operating in the States?

15 A. They came into the States now.

16 Q. **[117]** Okay.

17 A. How they, who brought, Carmine Galante brought a
18 lot of Sicilians into the States, the reason being
19 is that during his reign he was a big drug, drug
20 guy Galante, and like I said, he controlled the
21 importation of the majority of heroin and mostly
22 heroin and cocaine into the States and he brought
23 the Sicilians in because they had no records in the
24 United States, they were made guys in Italy but we
25 didn't know about them in the United States and

1 that was one of the things I was able to, one of
2 the intelligence things that I was able to do is
3 identify the Sicilians, the main Sicilians and what
4 they were doing here.

5 Q. [118] And you had to testify about that?

6 A. Yes and that became the famous Pizza Connection
7 Case.

8 Q. [119] Why was it called the Pizza Case?

9 A. Well, because they were using restaurants and pizza
10 parlours to import the drugs and then distribute
11 them out of the restaurants and pizza parlours so
12 the, the code name was, you know, the Pizza Case.

13 Q. [120] Okay, so maybe we can take a break. Une
14 petite pause à ce temps-ci.

15 LA PRÉSIDENTE :

16 Je vais demander à tout le monde de sortir de la
17 salle s'il-vous-plaît.

18

19 SUSPENSION DE L'AUDIENCE

20 REPRISE DE L'AUDIENCE

21

22 Me SONIA LEBEL:

23 Q. [121] So, Mr. Pistone, before we stopped for the
24 break, I asked you if you knew if the families, the
25 five families from New York, Bonanno's, Gambino's,

1 were part of la Cosa Nostra, and you paused. You
2 hesitated. Why is that?

3 A. Well, they actually are, but they don't... they
4 don't address themselves as that. In other words,
5 in the six years I spent undercover with the
6 various mafia families, I've never heard them refer
7 to themselves. They referred, I've heard them refer
8 to "this thing of ours". I've had conversations
9 with, you know, with countless mafia members, and
10 they didn't say, you know, "I'm mafia", or "I'm la
11 Cosa Nostra." They referred to it, "this thing of
12 ours". Which basically is Cosa Nostra.

13 Q. **[122]** Okay. So, for them, I mean, the word mafia
14 basically doesn't exist in their day-to-day
15 language.

16 A. In their day-to-day language, that's correct.

17 Q. **[123]** Okay. And how do they introduce themselves to
18 each other?

19 A. Well, the introduction is a made member. Okay? A
20 made member will not go up to another individual,
21 even though he knows that the other individual is a
22 made guy, made member, and say, "I'm..." Just, "I'm
23 Donnie, you know, I'm made with the Bonanno's." You
24 have to be introduced by a third person. And what I
25 mean by that is, Lefty and myself, or me and Sonny

1 Black, all right, they're made individuals. I was
2 not a made individual. So, when they would
3 introduce me to another party, they would say...
4 And on some occasions, though, I'll get into that,
5 they would have to say, "This is Donnie. He's a
6 friend of mine." A friend of mine means he's with
7 us, but he's not a made guy. If I was a made guy,
8 they say, "This is Donnie. He's a friend of ours."
9 Now that gives that other person the clue that I'm
10 a made guy.

11 However, on several occasions, Sonny Black
12 and Lefty introduced me to other mafia members as a
13 friend of ours. And the reason that... The reason
14 they did that is at one point in time, when I told
15 you there was friction within the family, the
16 Bonanno's had a crew down in Miami Florida, and
17 Sonny sent me down to Miami Florida from New York
18 to sit down with an individual by the name of Steve
19 Marucco, who was a made guy in the Bonanno's, who I
20 didn't know, but he had arranged for us to meet,
21 and for me to go down there and tell him that,
22 where the power in the family was and that, you
23 know, the power now was with Rusty Rastelli and
24 Sonny Black and Joey Massino.

25 So when he talked to him, he said that, you

1 know, "I'm sending down a guy by the name of
2 Donnie, and he's a friend of ours." Because, in
3 order for Marucco to show me the respect, he had to
4 think that I was a made guy.

5 Q. **[124]** So that was deliberate?

6 A. Exactly.

7 Q. **[125]** Okay. So, before the break, we... Well, when
8 we talked about the operation itself more at
9 length, you hinted at the structure, the Cosa
10 Nostra structure, or the structure of the families
11 back then in the seventies (70's) and the eighties
12 (80's). If we start, I would call that the lowest
13 rank, maybe the associate?

14 A. Yes.

15 Q. **[126]** The difference between an associate and a
16 soldier, basically, is the associate is not a made
17 man, is not... is not a member. Is that right?

18 A. That's correct.

19 Q. **[127]** Okay. Is there any, is there some
20 characteristic that... How do you become an
21 associate, basically?

22 A. Well, you basically become an associate... What you
23 have to know, you remember, is that you don't just
24 come in from outside and be taken in by a mafia
25 soldier. You have to... Everybody knows somebody.

1 In other words, your father might be a made guy,
2 your uncle, your cousin, your brother, you grew up
3 in the neighbourhood, where somebody can go to that
4 neighbourhood and say, "Hey, you know, do you know
5 this Donnie Brasco?" Well, that couldn't happen
6 with me, because I didn't have anybody introduce
7 me, I didn't have any informants. And that's why I
8 had to hang around and ingratiate myself, you know,
9 to eventually Charlie the bartender, and then, when
10 I got with Jilly, at the point in time when I went
11 to the Bonanno's, Lefty went to Jilly and said, you
12 know, "Tell me about this... tell me about Donnie."
13 And, you know, that's when Jilly said, "Well, you
14 know, he was with us for three, four months, and,
15 you know, we did A, B and C, he's a good guy, bla-
16 bla-bla." And he vouched for me.

17 Q. **[128]** So you had to build for yourself that set of
18 contacts, of people that could vouch for you.

19 A. Exactly. Because, like I said, everybody in that
20 life grew up in one of the neighbourhood. So,
21 somebody knew them from the time they were growing
22 up. So, if you're a thief growing up and they see
23 that you have the ability to make a lot of money,
24 and again, you know, maybe your uncle is a made
25 guy, maybe your brother or your cousin, so they

1 know you are, they know you're a good thief, they
2 know you have the ability to earn money, so they
3 lay a claim on you. And that's when, you know, like
4 I've mentioned prior, it's when the soldier will go
5 to his capo and, you know, say, "hey, I'm claiming
6 Donnie". So, that means I belong to him until I get
7 made. So, what basically, if you are eligible to
8 become a made guy, you know, again, white male,
9 Italian, a good thief, a good earner, what they do
10 is they say, you know, they're schooling you to be
11 inducted into that particular family.

12 Q. [129] Okay. Like you said earlier, I mean, money is
13 a big thing for them, power and money, but then
14 again, if money is a big thing and you're a thief,
15 thieves, why don't they just let you hang around
16 them? Why are they so careful?

17 A. Well, they're careful because they basically, you
18 know, you might be an informant, and that's
19 basically the... You know, when I infiltrated, the
20 rule was if you brought somebody in and they turned
21 out to be an informant, you know, you had to have
22 one person vouch for you, one person to say, "Yes,
23 you know, Donnie is okay." After my infiltration
24 and they found out, you know, that I was an FBI
25 agent, then they said two people have to vouch for

1 you, two separate people have to vouch for you. And
2 if you vouch for somebody and it turns out that
3 he's wrong, that he is an informant or he's an
4 undercover agent, it's death.

5 Q. **[130]** So, you basically stake your life on the
6 person you vouch for?

7 A. Exactly. Yes.

8 Q. **[131]** So, they got tighter? I mean, the rules got
9 tighter?

10 A. The rules got tighter, and that's one of the
11 reasons why, you know, it's very unusual for
12 somebody that nobody has known to infiltrate them.

13 Q. **[132]** You talked about the fact that when you
14 become an associate, I mean, even if you're not a
15 made member, you get protection. What does
16 protection mean in the context of the mafia?

17 A. Well, in the context of the mafia, protection means
18 you get the protection of that particular mafia
19 family to conduct illegal business in whatever
20 territory you're doing it in, and no other
21 criminal, no other criminal organization can take
22 that away from you, can take that illegal activity
23 away from you, can make you pay them a tribute of
24 your illegal gains, because you are protected by
25 that particular mafia family that laid a claim on

1 you.

2 Q. **[133]** But you still pay the tribute?

3 A. To them, to the mafia family that you're with, but
4 not to somebody else.

5 Q. **[134]** Okay. And if you're not an associate and if
6 you're trying to have illegal activities on a
7 family's territory, what happens?

8 A. Well, they come down, they sit you down, and they
9 explain things to you, and your options are: you
10 abide by their rules, you pay them a tax, or
11 they'll kill you, or give you a bad beating. It
12 depends on what, you know, it depends on the
13 criminal activity that you're involved in.

14 Q. **[135]** So, the notion of territory is very important
15 for them?

16 A. The notion of territory is very important because
17 that's... within that territory, that's how they're
18 making their illegal moneys.

19 Q. **[136]** Okay. And they claim the territory?

20 A. Yes.

21 Q. **[137]** So, once you become a made member, and we'll
22 see how it happens, I mean, the first official rank
23 into the type of family that you infiltrated in the
24 States, you said it's a soldier, right?

25 A. Yes, that's... Once you're inducted, everybody is a

1 soldier. And then, as you progress up to the ranks,
2 you know, you might, you know, you might get
3 appointed a captain, you might become a
4 consigliere. There's only one consigliere in a
5 family, depending on who the boss is. The boss
6 appoints his underboss, he appoints the
7 consigliere, and he appoints the captains.

8 Q. [138] Okay. What about the soldier? I mean, what's
9 the difference in the life of a guy? I mean, one
10 day you're an associate, then you go through the
11 ritual, and the day after you're a soldier. What's
12 basically the difference for you?

13 A. The basic difference is, it's the respect you get
14 as a soldier. And now, as a soldier in a particular
15 family, you can sit in on meetings and sit-downs
16 where an associate will be excluded, you can sit in
17 on the inner workings of the family. When I was
18 proposed for membership, I was down in... Lefty
19 Ruggiero and myself, we went down to Miami,
20 Florida, to conduct some business. I remember
21 everything was illegal, so it was illegal business.
22 And we're sitting at a bar one night, and I said,
23 "Lefty, what's the advantages of me becoming made,
24 I said, because I'm doing good now, you know, I'm
25 making money, you know, I'm with you, I'm with

1 Sonny. What's the advantage of me becoming a made
2 guy?" And he looked at me and he said, "Donnie, he
3 said, you can lie, you can steal, you can cheat,
4 you can kill, and it's all legitimate." Now, the
5 key word here is what? It's legitimate. So, now
6 you're into the mindset of a mafia guy. You can
7 lie, you can steal, you can kill, you can cheat,
8 and it's all legitimate. In our world, is that
9 legitimate? But in their world, that's legitimate.

10 Q. **[139]** So, they function according to their own set
11 of rules?

12 Q. **[140]** So they function according to their own set
13 of rules?

14 A. They function according to their own set of rules
15 in that society. Just think about it, somebody in
16 our society commits a crime. What do we do? You
17 investigate him, you arrest him, hopefully you
18 convict him and you put him in jail. If somebody in
19 their society commits one of their violations, now
20 I'll tell you some of the rules. Commits one of
21 their violations they don't report him to the
22 police, they kill him.

23 Q. **[141]** They apply their own law.

24 A. They apply their own law, their own justice within
25 the framework of their society and the Mafia...

1 Q. **[142]** It's kind of a subculture, would you say?

2 A. Yes, it's a subculture to us but to them it's...

3 Q. **[143]** That's the culture.

4 A. That's the culture. And they have certain rules.

5 Some rules will get you killed and some won't get
6 you killed. When I first started working undercover
7 I always had a thick mustache, once I became really
8 entrenched with the Bonannos and with Lefty, when
9 it got to the point that they trusted me, you know,
10 I could sit in, they sat me down and they said
11 "Donnie, we're going to groom you for membership."
12 You know, this was after a few months, it wasn't
13 right away because, you know, they thought that I
14 had the ability to make money, they know I was a
15 street guy, the first thing...

16 Q. **[144]** They were trusting you more then?

17 A. Yes, the first thing you have to do is shave your
18 mustache. I said "Mr. Hoover couldn't get me to
19 shave my mustache. Why do I have to shave my
20 mustache?" "Because we want you to be neat at all
21 times." That's one other of their rules. Now that's
22 not going to get you killed obviously, we want you
23 to be neat at all times. You have to present
24 yourself neat at all times. "So you need to be
25 clean shaven, keep your hair trimmed and in the

1 evenings you've got to wear slacks and a sport
2 coat. You don't have to wear a shirt and tie, but
3 at least wear slacks and a sport coat. We want you
4 to be presentable at all times."

5 Q. **[145]** Don't look as a bum?

6 A. Pardon?

7 Q. **[146]** They don't want you to look like a bum?

8 A. Exactly, because they're projecting their image. I
9 said "Okay". Now, he gets serious and he says "Now,
10 I'm going to give you some rules that you cannot
11 break." He said "These rules will get you killed
12 and there's no appeal process if it comes down to
13 that, you know, the (inaudible) edit *** 17:21
14 comes down that you gotta get killed, you're going
15 to get killed."

16 And I mentioned this rule before, you don't
17 fool around with the wise guy. A wise guy is the
18 same thing as a made guy. I wise guy is somebody
19 that has been inducted into the family. You don't
20 fool around with a wise guy's wife, girlfriend or
21 daughter unless you've got good intentions with the
22 daughter. Okay. Another rule that will get you
23 killed which almost got me killed three times only
24 because, and you have to remember there's a lot of
25 envy and jealousy in this society because somebody

1 thinks you're making more money than them, another
2 wise guy thinks you're closer to the boss than they
3 are.

4 Q. [147] So they're not that different from real
5 society?

6 A. No, no, not that different from Wall Street you
7 know. Except that Wall Street don't kill you. You
8 cannot steal from the family. Any illegal monies
9 that you earn you cannot steal that money from the
10 family. Alright. And what they mean by that is any
11 monies that you earn illegally okay, if you're an
12 associate, you have to share with your soldier who
13 claims you and your capo. Alright. And, of course,
14 your capo is required to give so much a week to the
15 boss of the family and what you have to share, the
16 soldier's share and the associate share is
17 determined by the capo. So if you have a greedy
18 capo, and you go to the capo and say "I pulled off
19 this diamond score and I made five hundred thousand
20 dollars (\$500,000) on it." And if the capo says I
21 want four hundred thousand dollars (\$400,000) you
22 have to give him four hundred thousand dollars
23 (\$400,000).

24 Now, where does this lead to? Well, I'm
25 thinking I went out and did all this and I'm only

1 getting a hundred thousand (\$100,000)? Why should
2 he get four (\$400,000)? So maybe the next score I
3 have I might have made seven hundred thousand
4 (\$700,000) but I tell him I only made five hundred
5 thousand (\$500,000) and he's going to say, you know
6 "Well I still want..." so I took two hundred
7 thousand (\$200,000) and stole, to them that's
8 stealing from the family.

9 Q. **[148]** So if they find out?

10 A. You're dead. You're dead.

11 Q. **[149]** So you said that rule like got you in trouble
12 a couple of times. So why?

13 A. Well, let me, let me, let me get to another point.

14 Now the boss of the family will tell each capo,
15 like Sonny Black had to kick up ten thousand
16 dollars (\$10,000) a week to the boss of the family.
17 Now where is he going to get that ten thousand
18 dollars (\$10,000) a week? He's getting it from the
19 soldiers, he's getting it from the associates, and
20 then he's getting it from other illegal activities
21 that he has going. He might be tied in into a
22 labour union that's giving him kickbacks, that's
23 giving him money, he may own, he probably owns a
24 couple of companies that are...

25 Q. **[150]** They have to get money?

1 A. That are, you know, doing business. So, that'll get
2 you killed, stealing.

3 Q. [151] Okay. But you were in trouble for that...
4 with that rule, once?

5 A. Yes.

6 Q. [152] Or twice?

7 A. I was... Well, three times, actually. You want me
8 to finish the rules, and then go on to that, or...

9 Q. [153] Well, maybe we could just illustrate that one
10 for now.

11 A. Okay. Remember I told you about Tony Mirra. Tony
12 Mirra went back to jail. He gets out of jail, and
13 now he sees that I'm close to Sonny Black
14 Napolitano. Now, Tony Mirra was aligned with the
15 three capos that they killed. So he was aligned
16 downtown. Alright? So he thinks I'm making a ton of
17 money because I'm close to Sonny Black Napolitano
18 and that crew.

19 So he goes to his captain at the time and
20 said, "You know, Donnie should be with us. Because
21 I brought him into the family." And they said,
22 "Well, you know, you never claimed him, Lefty
23 claimed him." So he says, "Well, he says, I want to
24 tell you something." He said, "We had done a major
25 drug deal, and I know that Donnie stole two hundred

1 and fifty thousand dollars (\$250,000)."

2 Q. [154] He told him that?

3 A. He told his capo. So now, that requires a sit-down.

4 So again, what the sit-down is, he brings his
5 people, I bring Sonny Black, and Lefty even told
6 me, he said, "Donnie, he said, he wants this so
7 bad, he even brought our people from Canada to this
8 sit-down." And he didn't say who, but he said our
9 people from Canada. And basically, what it is, and
10 you have a mediator there, he tells his story,
11 Sonny Black tells my story, and then the mediator,
12 whoever he believes. Well, Sonny Black had the
13 power.

14 Now, if Sonny Black loses that sit-down,
15 I'm dead. I mean, there is no... there is no appeal
16 system. They come out, "Alright, Donnie, let's go
17 for a ride", and they kill you. Sonny Black won the
18 sit-down. This infuriates Mirra.

19 So, a couple of weeks later he makes up
20 another story, that I stole another two hundred and
21 fifty thousand (\$250,000) in another drug deal. So
22 now we have the, you know, we have the same sit-
23 down. Sonny Black comes in, he brings in his
24 people, he brings in... People say, "Yes, we
25 know..." Now they're all lying. I never did steal

1 two hundred and fifty thousand dollars (\$250,000).
2 Believe me. But again, the mediator sides with
3 Sonny Black. So...

4 Q. [155] Okay. So what happened to Mirra?

5 A. They killed him.

6 Q. [156] Okay. Because obviously, he had lied to the
7 family.

8 A. Yes.

9 Q. [157] Okay. So you don't cheat from the family, you
10 don't lie to the family.

11 A. Right.

12 Q. [158] What other rules are there?

13 A. You don't become an informant. You don't... You
14 don't speak to the police. If you become an
15 informant, that's a death sentence.

16 Now, a good thing for an undercover agent
17 to know, you cannot embarrass a made guy in front
18 of other people. So, I get into a confrontation,
19 verbal confrontation with a made guy. He can abuse
20 me all he wants, verbally. I can come back at him,
21 but if it gets to a point where I embarrass him in
22 front of other people, that's a killable offense.
23 Now, to take it a step further. So, you know, if
24 you're an undercover agent, you gotta know these
25 things.

1 Another thing that'll get you killed is,
2 suppose this verbal confrontation escalates, and he
3 decides to slap me across the face. I cannot lay my
4 hands on him. If you are not a made guy, you cannot
5 physically put your hands on a made guy in a
6 confrontation. That'll get you killed.

7 Now, there were many times... And let me
8 say this. When you are in a deep cover situation
9 with either the mafia or any organized crime group,
10 you are not gonna go without getting into verbal
11 confrontations and physical confrontations. It's
12 not gonna happen. It's just not gonna happen. If
13 you're in a deep cover situation.

14 So, there were many times, and remember
15 what I said, you have to maintain your respect and
16 credibility. If you lose either one of those,
17 you're either out, or depending on who it is,
18 they'll kill you.

19 So, there were many times when I got in
20 verbal confrontations with made guys, because you
21 can't let them abuse you, because again you lose
22 their respect, where I would take a slap across the
23 face, and in normal life, I probably would have
24 punched the guy out. But knowing that he's a made
25 guy, you can't do it. But you have to maintain the

1 oral confrontation. That'll get you killed.

2 Q. [159] You have to stand your ground.

3 A. You gotta stand your ground.

4 Q. [160] Okay. So it's...

5 A. Yes.

6 Q. [161] It illustrates the fact, what you were
7 talking about a little earlier, about the fact that
8 it's respect.

9 A. It's all respect. It's all respect and power, where
10 you are in, you know, where you are in that family.

11 Q. [162] So that's what you get when you become a made
12 member.

13 A. That's what you get.

14 Q. [163] And what are the traits that you have to show
15 them, just so they can maybe think about proposing
16 you?

17 A. You gotta show that you have loyalty to that
18 family, you have loyalty to the soldier that has
19 claimed you, you have loyalty to your capo, and
20 that you have the ability to earn money for that
21 family. That you're an earner, basically is the
22 term, that you're an earner.

23 Q. [164] Okay. And how does it work? I mean, when
24 you're an associate, you have to share, I mean, a
25 part of your earnings with your... the soldiers

1 that you're associated with, and then the soldiers
2 push the money up, if I can say?

3 A. To the capo.

4 Q. **[165]** The capo?

5 A. To the capo.

6 Q. **[166]** It all goes up the ladder?

7 A. The capo goes up, yes.

8 Q. **[167]** Okay. And like you said, is there a fixed
9 rate per week? I mean, you were talking about ten
10 thousand (\$10,000) a week for Sonny Black.

11 A. It all depends on how greedy your capo is, and it
12 all depends on how greedy your boss is.

13 Q. **[168]** Okay.

14 A. That's the determinant factor.

15 Q. **[169]** So, the money goes up and the pressure goes
16 down?

17 A. Yes. Yes. You know, some... Sonny Black wasn't a
18 greedy capo, you know. Some capos are greedy, some
19 aren't. Some bosses are greedy. It's their
20 determination. It's their determination.

21 Q. **[170]** Okay. And eventually, the money goes up the
22 ladder to the boss?

23 A. Yes.

24 Q. **[171]** Okay. Well, how many soldiers can be under a
25 capo? Is there a fixed number?

1 A. No. Soldiers under a capo is not a fixed number. It
2 all depends on the capo, it depends on how good an
3 earner the capo is. They try to keep the crews
4 pretty much even.

5 Q. [172] To balance the power?

6 A. Yes, but you know, nothing says every crew has ten
7 (10) soldiers, you know. It all depends. And some
8 crews, there's no fixed number of associates. I
9 mean, that's as many as you... it's as many thieves
10 as you can have, you know, pushing up money.

11 Q. [173] And how do you evolve in the organization?

12 How do you pass from a soldier to a capo, or to a
13 capo up the ladder, if you can...

14 A. Well, the capos are appointed by the... by the
15 boss, and you know, it's like in any other aspect
16 of society and life, how good an earner you are as
17 a capo, how strong you are as a capo, how much
18 respect you command as a capo from the soldiers,
19 and how much the boss thinks of you. And he's the
20 one that appoints the capos.

21 Q. [174] So, he decides, I mean, and you can be
22 demoted, you said?

23 A. You can get demoted, sure. I mean, you can get
24 demoted for not meeting your quota of money, for
25 not producing money. If they change bosses, a new

1 boss comes in, he can break you from a capo back to
2 a soldier, appoint new capos.

3 Q. [175] And once you're a made guy or a made man, can
4 you lose that status?

5 A. Well, you can never lose it, but the term they use,
6 put you on the shelf, and what that means is, you
7 know, you've done something to annoy the boss, or
8 if you're a soldier, you've done something to annoy
9 your capo. You know, it could be anything. And,
10 they exclude you from all activities, from, you
11 know... If I may, going back to the Milwaukee
12 undercover operation, it's too long to get into,
13 but I was able to form a marriage between the
14 Bonannos and the Balistreris. Now, this took a
15 period of like four months, because again, you
16 can't move into another mafia family's territory,
17 you have to have... our consigliere had to call a
18 consigliere in Chicago, who got in touch with the
19 consigliere in Milwaukee, and you got to tell them
20 why you want to be there, and it's all, you know, I
21 mean, you're lying, because you know, they
22 basically want the money from the undercover
23 operation. They don't know it's an undercover
24 operation.

25 Q. [176] Nothing happens overnight, I guess?

1 A. No, nothing happens overnight. So, it took about
2 three or four months. Finally, we get a sit-down
3 with the boss in Milwaukee, and as it turned... And
4 during the period of this three or four months, I'm
5 out there with the other undercover agent, trying
6 to do business, et caetera, et caetera. At the sit-
7 down, when they find out who we are, they say,
8 "We'll looking out, we're out looking to kill you
9 and the other undercover, because you're trying to
10 horn in on our territory." But it was all squared
11 away. The other undercover runs into a problem, so
12 he had to leave the operation, so we eased him out.

13 But to make a long story short, at that
14 time Mike Cibella was my captain. He calls me in,
15 and he says, "Where is this guy?" I said, "I don't
16 know, Mike." He said, "Well, you got to go look for
17 him, because he owes us a lot of money", the other
18 undercover. So, he sends me around. Of course, I'm
19 not looking for him, I know where he is. Finally,
20 he calls me and Lefty in, and he said, "Alright, he
21 said, you guys are going on the shelf." Now, here's
22 our punishment, "You can't come to the family
23 Christmas party." As I sit here before you, that
24 was our punishment. We were excluded from the
25 family Christmas party that year. Well, don't

1 forget now, when you go to that Christmas party,
2 there's a lot of money being passed around. So,
3 that was, you know...

4 Q. [177] It's more than just cocktails?

5 A. Exactly, exactly. So...

6 Q. [178] So, you were basically cut off from some
7 profits or maybe a Christmas bonus, I would say?

8 A. Yes. And you know, the money that, you know, that
9 they would have cut up at the Christmas party.

10 Q. [179] Okay.

11 A. So, we were put on the shelf for the Christmas
12 party.

13 Q. [180] So going back to the structure, you just
14 mentioned the term "underboss". Who's the
15 underboss, or what's his role? I mean...

16 A. Each family has a boss. Now the boss is normally a
17 strong guy that is voted on by the family. Or he
18 can be put there by the Commission. It depends
19 on... it depends on the situation of the family,
20 why the other boss was disposed of, but in any way,
21 you know, he's the ultimate ruler of the family.
22 What he says goes. Then he appoints his underboss.
23 Of course they all have to be made guys, they all
24 have to be, but he can pluck a soldier and make him
25 the underboss. A soldier doesn't have to be a capo

1 to be an underboss and then the, the boss also
2 appoints the consigliere. Now, unlike in the
3 movies, the consigliere is not a lawyer. All the
4 consigliere is, he's an individual that has the
5 ability to get along with everybody within the
6 Bonanno family and has the ability to get along
7 with other families.

8 Q. [181] But he has to be a made guy?

9 A. Yes. Yes. Everybody is a made guy.

10 Q. [182] Okay.

11 A. Yes. He has to be a made guy. And then the boss
12 also appoints the capos, also appoints the capos.
13 And then of course, he assigns the soldiers, he
14 can... you know, he assigns the soldiers to the
15 capos. So he can move soldiers around but normally,
16 normally you don't, unless a capo gets killed or
17 dies, then he might, you know, put a soldier with
18 another capo, but everything is appointed from the
19 boss. Once he gets appointed, he appoints
20 everybody.

21 Q. [183] When you're a soldier, do you have access to
22 the boss?

23 A. It all depends on... Generally, not. Generally,
24 not. But again it depends, it depends if you were
25 in the boss's crew before and you're friends with

1 him you might have access to him, you know, and it
2 depends on the boss, if he'll come and hang around,
3 you know, the same club that he always hung around
4 in, but normally, if you're a soldier and you want
5 to see the boss, you have to go to your capo.

6 Q. **[184]** There's a protocol?

7 A. There's a protocol. You can't bypass, and even if
8 you're friends with the boss, you still have to let
9 your capo know, you know, and, you know, basically,
10 what reason would you have to go straight to the
11 boss? That's why you have a capo.

12 Q. **[185]** So ranks are pretty important in their sets
13 of rules.

14 A. Pretty important, yes. Not unlike the police force
15 or the military, you know, you don't jump over
16 whoever is ahead of you and then, you know, the
17 capo would either go to the consigliere or the
18 under boss and, you know, it would go up the ladder
19 that way.

20 Q. **[186]** Okay, what about... How do you, now, we
21 skipped that part earlier but I think it's a good
22 time to ask. How do you become a made member? I
23 mean, you were proposed, you explained that at
24 least you have to be accepted, and your name has to
25 be accepted as being proposed, but you never made

1 it into the actual ceremony, did you?

2 A. No, no.

3 Q. [187] But what is that about? Do you know about the
4 ceremony?

5 A. Yes. And how do I know about it from, from Lefty,
6 from Sonny, what the ceremony consists of is when
7 they, they have a date to make the members and who
8 will be at this ceremony will be the captains.
9 Okay. The captains, very seldom is a boss at the
10 ceremony. It will basically be the captains, the
11 underboss might be there, the consigliere, but
12 generally the boss, you know, the boss could be
13 there but it's basically run by the capos. And the
14 guys that are proposed for membership, right, they
15 might have it in a restaurant, they might have it
16 in somebody's basement, who knows where they're
17 going to have it. They're going to have it at a
18 place they feel is secure.

19 So you all go and the capos and whoever are
20 in a room and the "proposees" are outside. You go
21 in one at a time, okay, if you are not made yet,
22 you can't sit in there so they go in one at a time
23 and, now, you may not know all the other capos, you
24 may, you know, some you might not, you know, you
25 don't have any idea, because you don't have any

1 dealings with them. So your, your capo will
2 introduce you around, you know, and then they ask
3 you questions like, "Who is your allegiance to?"
4 "Well, my allegiance is to...", you know, now in
5 there, they might say Mafia, I don't know but, "My
6 allegiance is to this thing of ours, it's to the
7 Cosa Nostra, that's my allegiance." They ask you
8 questions... another question Lefty told me they
9 ask, "If your mother was dying in the hospital and
10 your capo called you to go do something what would
11 your choice be? "Well your choice is "I go with my
12 capo.", because that's the first thing in your life
13 now, it's this society. Okay. After you, you
14 know... Of course, if you want to be made, that's
15 what you're gonna say. You know?

16 After that's over, then they prick your
17 finger, you prick it with your capo, or you could
18 prick it with your... the soldier that you're with,
19 and, you know, you mingle the blood, and then they
20 do have a holy card that they burn, and sometimes
21 it's in Italian, sometimes half of them don't know
22 Italian anyway, they speak broken Italian, big
23 smash, and it's you know, if you betray this
24 organization, you shall burn in hell like this card
25 burns.

1 Q. **[188]** Okay.

2 A. And then you go around and you kiss everybody. You
3 know, that's a big thing. That's how you can tell,
4 basically, who... If you're in an Italian
5 neighbourhood and you know it's a mafia
6 neighbourhood, see who gets the most kisses when
7 guys come up. 'Cause you always gotta kiss your
8 capo. That's number 1.

9 Q. **[189]** So that's one of the signs that they give to
10 each other.

11 A. That's right. And every time you come to that club,
12 right, you have to shake hands and kiss each guy,
13 on the cheek. So, I don't know many societies, you
14 know, many that... Every time I see you, I'm gonna
15 shake my hand and kiss you. You know? I mean... But
16 that's one of the signs. And if one guy is getting
17 all the kisses, more than everybody else, then you
18 know he's got some rank.

19 Q. **[190]** He's important. Well, then, after that, I
20 guess you are imposed with the rules that you just
21 mentioned. I'm gonna ask, Madame, to put the
22 slide... We had, a couple of days ago, last week,
23 Valentina Tenti, and she showed us a document that
24 was seized in Italy in two thousand and seven
25 (2007). If I'm not mistaken, you might have it come

1 up on your screen. On the right side... on the left
2 side, the document is in Italian, 'cause it was
3 seized in Italy in two thousand and seven (2007),
4 in the boss' house of la Cosa Nostra, and on the
5 left side, they're translated in English.

6 Could you look at those and just tell me,
7 maybe, what you think? It was in two thousand and
8 seven (2007), you talked about the rules in the
9 seventies (70's), in the eighties (80's), so it
10 pretty much corresponds to what you're talking
11 about.

12 A. Yes. I would say, the first one, as I mentioned,
13 how you present yourself, third person, well, never
14 look at the wife... I mean, you could look, you
15 know, what I was told, you never fool around with
16 somebody's wife. Never be seen with cops, well,
17 never talk to cops. Don't go to pubs and clubs,
18 well, I was never told that, because they went to,
19 you know, the American guys. Always be available
20 for Cosa Nostra is a duty. Right, even if you...
21 It's basically the same thing. Appointments
22 respected, right, you gotta be on time. Wives
23 treated... When asked any information, the answer
24 must be the truth. That one they break all the
25 time. They break all of them all the time, because

1 that's how they get killed. So they have, yeah, but
2 I mean, they're basically the same things. Money
3 cannot be appropriated if it belongs to others or
4 other families.

5 Q. [191] So they... they kind of promote these
6 rules...

7 A. Yes.

8 Q. [192] ... but within their ranks. I mean, they
9 don't always respect them.

10 A. No. That's why... Look. If anybody... If the police
11 come upon a dead person, a dead man, and they say,
12 "Oh, this guy is part of the mafia", they know him
13 to be either a made guy or an associate, you know
14 the guy got killed by the mob because he broke one
15 of these rules.

16 One thing about the American mafia is they
17 don't kill civilians. They don't kill citizens. And
18 that's who we are, citizens, to them. All right?
19 They have no reason to kill us. Because they don't
20 want the police pressure of an investigation of a
21 citizen being murdered. How often... If we know
22 it's a mafia guy, how hard do we investigate
23 thatmurder? We may...

24 Q. [193] That's what they think.

25 A. We may investigate it, but you're gonna... You

1 know, if you have a murder of a gangster and a
2 murder of a citizen, which one are you gonna
3 investigate first? I mean, in all reality. So they
4 know that. You know? But yeah, I mean, basically,
5 here you're talking about the Cosa Nostra in Italy,
6 in Sicily, and you're talking about the American
7 Cosa Nostra. You got all the same rules.

8 So, that shows you the continuing contact
9 with the Americans, and the mainland Italians and
10 the Sicilian mafia. And to this day, there is... I
11 know that there is still close relationships, and
12 they still work closely. Because now, it's global.
13 Believe me. It's global.

14 Q. [194] So they might move to another surrounding,
15 they might be in another country, but basically
16 they stay the same. That's what they...

17 A. Basically, they stay the same. They have... That's
18 why it has, that's why the mafia has survived so
19 long. Because they have stayed the same as far as
20 their rules and regulations. And what you have to
21 remember is that they keep their members in line by
22 fear and intimidation. That's how they keep their
23 members in line. Because you know if you get caught
24 breaking one of these rules, you're gonna die.
25 That's a big fear factor.

1 Q. [195] Okay. We're going to just talk a bit about
2 the Commission. Because it's going to bring us,
3 maybe, after the lunch break, to the Commission
4 case that was all about the construction industry
5 and the way that they tried to infiltrate and
6 settle in that industry. But before we get to that
7 after the lunch, could you just explain to us, you
8 hinted at that, the Commission. You said it was,
9 like, established back in maybe the thirties
10 (30's), something like that?

11 A. Yes.

12 Q. [196] What was the need for that?

13 A. Well, the need for it was that they knew there were
14 these, you know, organized criminals that were
15 Italians within the U.S., and, you know, most of
16 them had come over from Sicily, some had come from,
17 you know, the mainland, and in order to unify, they
18 knew that they needed a Commission to solidify it,
19 form families, form territories within the U.S.
20 where they could operate, and basically, so they
21 wouldn't be fighting each other, versus knowing
22 rules and knowing where they could operate. Because
23 remember, it's all about money. And if they were
24 fighting each other, they're not, you know...

25 Q. [197] Making money.

1 A. They're not generating and making money.

2 Q. [198] That's not good business.

3 A. It's not good business. So, if they formed
4 separate... If they formed these families and
5 formed out different territories to the families,
6 the families could operate within that territory
7 and make money, and control interstate commerce. I
8 mean, basically, when they ran the teamsters union,
9 they basically controlled the interstate commerce
10 in the U.S. I mean, there wasn't anything that
11 moved, interstate, that didn't have a mafia tax on
12 it. Because they controlled the teamsters union.

13 Q. [199] What about the families... Okay. So
14 basically, what you said before the break, you said
15 that the power of the Commission, or the base of
16 the Commission was basically in New York, but it
17 was not solely formed of families from New York.
18 Right?

19 A. Right. It basically was the five families in New
20 York, you know, the heads of the five families. At
21 one time, the head of the Philadelphia family was
22 on it. At another time, Santo Trafficante was on
23 it, the Chicago boss was on it. But basically, it
24 was always the five New York bosses on it. And
25 then, like I said, basically Chicago, 'cause

1 Chicago was a strong hold, and Trafficante ran all
2 of Florida. But then, you know, it might have
3 switched later on as far as maybe a Detroit boss
4 or...

5 Q. **[200]** Okay. And it served at a body of, where they
6 could talk and, you said settle disputes between
7 the families. Because they understood, I mean, even
8 back then, that, like, fighting amongst themselves
9 is counterproductive, I guess. So, was there any...
10 What's the vote power on the Commission? What's the
11 rank of each boss?

12 A. They all have the same rank. They all have the same
13 voting power. There never... There never was a boss
14 of bosses, so to speak. Now, maybe the Gambinos,
15 because they were always the biggest family, but no
16 one boss could override another boss. No matter how
17 big or small the family was. They were bosses of a
18 family.

19 Q. **[201]** And they had to decide together.

20 A. They all had to decide together. Yeah.

21 Q. **[202]** Okay. So what you're basically saying is,
22 like, officially, nobody had the power, but one
23 boss might have more influence than another on the
24 Commission.

25 A. A boss might have more influence. But not more

1 power than another boss. He might just, like I say,
2 have more influence, because he might have a couple
3 of allies on the Commission that are partial to
4 him. But there was no boss of bosses, so to speak.

5 Q. [203] Okay. You're talking about the... to
6 illustrate that, the fact that the Commission can
7 give permission to kill a boss, basically, of a
8 family, or settle disputes. You were talking about
9 the murder of three captains. To your knowledge,
10 was there any link with Canada, Montreal, with that
11 murder, or between the families at that time?

12 A. Yes there was. There was a link between the
13 Bonanno's and Montreal, because they brought down a
14 shooter from here to participate in those hits,
15 those murders.

16 Q. [204] Okay. And from the, from inside, to your
17 knowledge, were you ever told who it was?

18 A. I was, I didn't learn the name until later, but I
19 was told that we, you know, we brought a shooter
20 in, one of the shooters from Montreal but I, I was
21 not...

22 Q. [205] At that time.

23 A. At that time given a specific name. I found out
24 later, yes.

25 Q. [206] And to your knowledge, today, of what you

1 gathered because you're still involved like you
2 said in, with the police force and stuff, and other
3 agencies like that, do you know if this link
4 between New York and Montreal is still active or
5 still present?

6 A. Yes, from what I gather from, you know, from
7 dealing with police officers and law enforcement
8 agencies, yes.

9 Q. **[207]** Okay. So it's a bit like you said, I mean,
10 they may act on a territory, they may act locally,
11 but they have ties globally and they function as a
12 unit still?

13 A. Exactly. Well, I can, when I, when I first became
14 really heavily involved with the Bonannos and I
15 used to have long conversations with Lefty Ruggiero
16 and on many occasions Lefty would tell me that
17 when, when Carmine Galante was the underboss he
18 would come up here with the Galantes, with Carmine
19 Galante, because they had a faction up here and he
20 mentioned, he never mentioned first names, the
21 Cotronis he said and Galante would meet with the
22 Cotronis.

23 Q. **[208]** We're back in the seventies (1970s)?

24 A. This was back in the late seventies (1970s), late
25 seventies (1970s) or early eighties (1980s). And he

1 said he would come up here with Galante for the
2 purpose of Galante meeting with the Cotronis to do
3 business and that they were associated with the
4 Bonannos. That's what Lefty told me.

5 Q. **[209]** Okay. Do you know if a family, from what you
6 know from the Mafia and how they work, if a family
7 is working back here, let's say in Montreal and
8 this is its territory and it has links with New
9 York, how does it work if you know, to your
10 knowledge. Does it, is it independent? Is it like a
11 franchise? How does it work?

12 A. Well, it's, it's independent but they are
13 associated with the Bonannos and anything that the
14 Bonannos would need up here they would go through
15 that family and now I can't say that, you know,
16 Galante was a big, like I say, he was the force
17 behind the Bonannos drug, drug dealings. He was the
18 force behind setting up the roots from Italy and
19 Sicily for the drugs to come into the United States
20 and from what I was told, they came into Canada and
21 then down into the US and so I don't know what
22 other reason Galante would be up here, you know.

23 LA PRÉSIDENTE :

24 Q. **[210]** When you are talking about up here, Sir...

25 A. I'm sorry, Montreal.

1 Q. [211] Are you talking about...

2 A. Montreal, yes.

3 Q. [212] Thank you.

4 A. I'm sorry.

5 Me SONIA LEBEL:

6 Q. [213] Okay.

7 A. Montreal.

8 Q. [214] So, so they basically were tied to New York
9 at that time at least?

10 A. Yes. Yes.

11 Q. [215] Okay.

12 A. And he said that he was up here many a time, you
13 know, I'm relating a conversation I had with
14 Ruggiero.

15 Q. [216] Okay. And basically this relationship, like
16 you said, answering to the Bonannos in New York
17 explains why when they call for a shooter from
18 Montreal, he got down and he went.

19 A. Exactly and then, like I said, you know, when I had
20 my... the sit-downs over me why they would bring
21 someone from Montreal down to lie for Tony Mirra,
22 you know, so it had, and that was in eighty-one
23 (1981) so it had to be a close relationship for
24 somebody to come down there and sit-in on a sit-
25 down to say that I stole, you know, that he knew

1 that I stole money.

2 Q. **[217]** So when they call, you come.

3 A. When you call, when they call, you come. Exactly.

4 Q. **[218]** Thank you. Maybe a lunch break. Peut-être
5 qu'on peut faire la pause pour le lunch.

6 LA PRÉSIDENTE :

7 Perfect. Alors tout comme tantôt, je vais demander
8 à la salle d'évacuer avant que le témoin quitte.

9

10 SUSPENSION DE L'AUDIENCE

11 REPRISE DE L'AUDIENCE

12

13 LA PRÉSIDENTE :

14 Bon après-midi à tous.

15 Q. **[219]** Good afternoon, Sir.

16 A. Good afternoon.

17 Me SONIA LEBEL:

18 Q. **[220]** So when we left for lunch, this morning, I
19 talked about the fact that there was a famous case,
20 one of the cases you testified in after the
21 operation ended in eighty-one (81), that took place
22 in the States, which is called, goes by the name of
23 the Mafia Commission case. What year did that case
24 take place, about?

25 A. I believe it was nineteen ninety-six (1996), was

1 the trial.

2 Q. **[221]** Okay. And what was the purpose of your
3 testimony in that trial?

4 A. The purpose of my testimony in the Commission case
5 was to link the different families, the five
6 families in New York City and the bosses that I had
7 met with any particular family. And to show that
8 there was interworkings and interaction amongst the
9 families.

10 Q. **[222]** So, a bit what you testified about this
11 morning, basically.

12 A. Yes.

13 Q. **[223]** Okay. And who were the bosses at that time
14 who were indicted in that case?

15 A. Well, there was Paulie Castellano with the
16 Gambino's, there was Tony Ducks Corallo, there
17 was...

18 Q. **[224]** Were the five families...

19 A. The five... It was the head of the five families,
20 and some of the capos in the families. But
21 basically, whoever was running the families at the
22 time were indicted.

23 Q. **[225]** Okay. And each family had somebody
24 represented... represented...

25 A. Each New York family had somebody represented at

1 the defense table, yes.

2 Q. [226] Okay. And basically, what were the charges?

3 A. Well, basically the charges were they were getting
4 together, it was a RICO charge that they were
5 extorting money from construction companies that
6 were building buildings in New York City. It was
7 called... The families got together and formed what
8 was known amongst themselves as the Club. And the
9 purpose of the Club was to get contracts in the
10 building industry and put in their companies,
11 construction companies that they owned to bid on
12 the construction, and they would tag on X amount of
13 money onto each proposal, each bid for a
14 construction job, and then they would split the
15 money amongst the families. That was above what the
16 actual cost of the construction was.

17 Q. [227] Okay. So basically, the five families were,
18 back then, acting as a unit, or I wouldn't say one
19 family, but as a unit through the Commission, and
20 this is the Commission that was, like... I'm
21 looking for the word, but, controlling this... this
22 club?

23 A. Yes. They controlled the Club. The five families.
24 And what they would do is, as I say, some of the
25 families controlled certain unions, construction

1 unions, and one of the ways they would make money
2 is that they would charge the entity that was
3 building the building, they would charge them for
4 so many union workers. But what they would do is
5 put non-union workers on some of the jobs. So, the
6 difference between pay of a union worker and a non-
7 union worker is...

8 Q. **[228]** They would pocket?

9 A. ... is quite a large amount. And they would, lack
10 of a better term, rake off that difference for
11 themselves. They would take that difference for
12 themselves.

13 Q. **[229]** So the difference between the wages, I mean,
14 the wages of a non-union worker is lower than a
15 union worker?

16 A. Is lower than a union worker. Because with the non-
17 union worker, they weren't paying, they weren't
18 paying their health insurance and different
19 insurances. So, of course, the union worker, his
20 wages are higher because of that. And they would
21 take the difference in the price, the union wage
22 and the non-union wage.

23 Q. **[230]** But obviously, they would charge union rate
24 to the public entity.

25 A. Exactly. To whoever the builder was. And then, what

1 they would do is, another way they were making...
2 To get their company, like, say they had a dry wall
3 company, they would go to a legitimate company and
4 pressure them into a high bid. Or pressure them to
5 tell them what their bid was. And then they would
6 underbid them. So their company would get the dry
7 wall contract.

8 The did it with the cement that had to be
9 used, the steel, anything that had to be used in
10 the construction in that building, they were
11 getting a piece of through the Club. And by
12 pressuring legitimate companies, again, to bid
13 higher. And how did they do it? Through
14 intimidation. And then they would underbid them,
15 and basically, in those types of situations, the
16 lower bid is gonna get the contract. And then they
17 would divvy the money up amongst the families.

18 Q. [231] Okay. What about the Club? I mean, the
19 members of the club, there were companies,
20 enterprises? Were they all owned or controlled by
21 mafia, or there could be legitimate businesses part
22 of the Club?

23 A. Well, they were either owned by the mafia,
24 controlled by the mafia, and if it was a legitimate
25 company, what they would do is, even though a

1 legitimate company would get the bid, well, say the
2 legitimate company was a company that had to pour
3 cement, well, they had to buy their cement from the
4 mafia company. So, if they didn't, if the
5 legitimate company didn't kick back to the mafia
6 company that owned the cement trucks, they wouldn't
7 deliver them, they wouldn't deliver the cement.

8 And on these major construction jobs, a
9 company gets X amount of days to complete their
10 portion of the job. And if they don't, then they
11 are fined every day that they don't fulfil their
12 contract. So, the legitimate company, it was
13 cheaper for them to kick back to the mafia.

14 Q. **[232]** And be able to work.

15 A. And be able to work, than to pay the fine at the
16 end of their, whatever period it was that they had
17 to finish the job.

18 Q. **[233]** So, what I understand is like, if we talk
19 about raw materials, cement, dry wall, they would
20 either pressure the company that got the contract
21 to buy from them, or to pay them a tax to whatever
22 they were using on the site.

23 A. That's exactly right.

24 Q. **[234]** Okay. And what about... I mean, we learned,
25 we learned from other witnesses and from you,

1 because that's what we learned, it's like, it's
2 still going on here, and it's going on in the
3 States and in Ontario, that territory, it's a big
4 notion for them. So I guess the Club had that kind
5 of notion too, the territory, about the contracts?
6 Did they?

7 A. Oh yes. I mean, any construction job that was in,
8 within the boroughs of New York City, they felt
9 that it was theirs, as far as getting the kickback
10 or getting the rake-off from the unions. Because a
11 lot of the mafia members ran certain unions. And
12 that's how they... that's how they would put non-
13 union workers in versus their union workers.

14 And then, also, what they did was no-show
15 jobs. They would charge... They would charge the
16 company that was building the building for, say
17 twenty (20) union workers. And they only may put
18 ten (10) union workers there, but the company had
19 to pay them for twenty (20) union workers. So
20 they... Any scheme that there was to make money on
21 that particular job, they would do.

22 Q. **[235]** You said that the Commission came together,
23 or the families often come together when they have
24 major deals, like the big drug cases, international
25 drug trades. What compelled the five families to

1 come together on the public... on the construction
2 industry like that?

3 A. Because there is so much money to be made. There is
4 millions and millions and millions of dollars to be
5 made. I mean, you know, if you're building a
6 building that costs ten million (10 M), you know,
7 they had... they would get maybe five percent (5%),
8 ten percent (10%) of that ten million (10 M). And
9 at any one time, you know, there might be thirty
10 (30) major construction jobs going on. Look.
11 Basically, what it is, is they see a place to make
12 money. They see a place to make money.

13 Now, you know, people say, well, how can
14 they do that? Well, what you have to remember is
15 there is no corruption. They do not corrupt people.
16 There is no corruption unless they corrupt
17 somebody. So, in these types of situations, who do
18 they need to corrupt? They need to corrupt public
19 officials, they need to corrupt inspectors,
20 building inspectors, and they can't operate,
21 organized crime cannot operate without corrupting
22 somebody. Without corruption.

23 Q. **[236]** Networking is a big thing for them?

24 A. Well, yes. It has to be, because they have to get
25 to the public official that's given out the

1 permits, that's given out the contracts, that
2 handled the contract bids. So they have to network
3 with each other and find out, well, who knows
4 somebody that knows this particular individual. And
5 what do we know about this individual that we can
6 corrupt him. And what it basically comes down to is
7 money corrupts a lot of people.

8 And then, on the other side of it, they're
9 very good at finding weaknesses in people. And, you
10 know, this person may have a gambling problem, this
11 person may have a drinking problem, this person may
12 have a drug problem, this person may be a
13 womanizer, and they will exploit whatever the
14 weakness that person has to corrupt that
15 individual.

16 Q. **[237]** And put them in a position that they can't
17 say no.

18 A. They can't say no because they don't want to be
19 exposed.

20 Q. **[238]** Okay. If we get back to the Club, I mean, do
21 you know anything about rotation of the bids?
22 Taking turns to get contracts? Was that something
23 that came up in the Mafia case?

24 A. Yes, it was... They would... Each family would take
25 a turn in bidding on certain projects. And then

1 they would get the major rake-off, but everything
2 went, you know, then they share with other
3 families. And it basically, now, like, who had a
4 union, who had a labour union. Then they would...
5 they would deal with that labour union that was
6 supplying, you know, say the iron workers. I'm just
7 taking a profession. Say the, you know, the cement
8 men. They're the ones that would make the deal.

9 Q. **[239]** The key person on the project?

10 A. Exactly.

11 Q. **[240]** Okay. So, am I to understand that they would
12 share the territory and share the market so
13 everybody would take turns, and the company or the
14 people who got the contract had to pay a certain
15 amount, a percentage of the contract? How did it
16 work?

17 A. They had to pay a certain percentage of the
18 contract. Whatever the contract was, you know, it
19 might be five or ten percent (5-10%), but whatever
20 the contract was, they had to pay that percentage
21 to the mafia.

22 Q. **[241]** And then get to the Commission, and then the
23 Commission would share if they...

24 A. Amongst the families. Amongst the five families.

25 Q. **[242]** Okay. Because we have to remember in New

1 York, five families own, basically own the
2 territory.

3 A. Right.

4 Q. **[243]** But they came as one body through the
5 Commission.

6 A. Through the Commission, and formed what they called
7 the Club.

8 Q. **[244]** The Club. What would happen if a company who
9 was not part of the Club would have the, would bid
10 on the contract that was in New York City, do you
11 know what would happen to them?

12 A. Well, they would get muscled. If they got the
13 contract, they would get muscled out of it. They
14 would have... Most of the workers in New York are
15 union. So they would, again, slow down the job for
16 them, tell their members, you know, to slow down
17 the job, so the company is losing money every day.
18 Because in these types of contracts, you have to
19 fulfil, every day, every week, so much work. And if
20 you don't, you don't get your... You know, 'cause
21 you don't get paid all at once, you don't get your
22 next increment. And again, say you have, you know,
23 thirty (30) days to finish one portion, if you
24 don't finish it in thirty (30) days, then you're
25 fined every day.

1 So, again, if a legitimate company did get
2 a contract and didn't play ball with the mafia,
3 that's what they would do. Until they finally gave
4 in.

5 Q. **[245]** Okay. And I guess that, well, if we talk
6 about mafia enterprises, mafia-owned companies, or
7 controlled by mafia, I mean, most of the time,
8 would they bother building a company from the
9 ground zero or just take over one company? What I
10 mean, would they... Would they form a company from
11 A to Z, or would just take advantage of a company
12 or take over?

13 A. Well, they would do both. They would form a
14 company, and other companies they would take over.
15 You know, some... In some aspects it's not, you
16 know, it wasn't that hard. It's not that hard to
17 form a company. You just gotta, you know, you have
18 to get your permits. And they would get them,
19 obviously, if they were known mafia individuals,
20 they couldn't get a permit, but they would get a
21 legitimate... You know, somebody that wasn't known
22 as a mafia individual...

23 Q. **[246]** A front.

24 A. A front to pull the permits and everything. But
25 then they would control the companies. They, you

1 know... I know... I know Sammy Gravano, who was the
2 underboss of the Bonanno family, he had like
3 nineteen (19) different companies, and one of them
4 was a dry wall company. That he formed.

5 Q. **[247]** And what about companies that they would take
6 over? How did they choose the companies? I mean, I
7 guess you don't come and knock on the door and say,
8 "Hi, I want to buy you out."

9 A. Well, they choose the companies by the volume of
10 money that the company is making. And the value of
11 the contracts that the company has.

12 Q. **[248]** And the position in the market, I guess?

13 A. And the position in the marketplace. And if it's a
14 building that they have targeted, the mafia has
15 targeted, then they're going after that company if
16 the company is not a mafia-affiliated company.

17 Q. **[249]** And monopoly would be a good thing for them,
18 you need to own companies and basically control a
19 sector. Would that be something that would be
20 attractive to them?

21 A. Yes. The monopoly. Because now, now they're
22 controlling every aspect of building that building.
23 You know, they're controlling...

24 Q. **[250]** The raw materials?

25 A. All the raw materials, the cement, the rebar, the

1 iron workers, the dry wall workers. Every piece of
2 raw material that's going into that building,
3 they're controlling. And, you know, and they
4 control it by controlling the companies and
5 controlling the unions that that raw material...
6 whatever union workers they use.

7 Q. [251] Okay. And besides the fact that the... this
8 kind of industry has a lot of money flowing around
9 and they want to have a part of it, what would be
10 the attraction for them to, to be prone to, to
11 maybe diversify, but not just be in the drug market
12 which is a lot of money also, but to get into
13 legitimate spheres.

14 A. Well to get into legitimate, you know, that... that
15 club ran quite a few years before we caught on...
16 you know, when I say when we, law enforcement,
17 caught on to it and it gives them a form of
18 legitimacy because, you know, they're building a
19 building and the legitimate companies, their fear
20 of going to law enforcement is what's going to
21 happen to them if law enforcement doesn't do
22 something about this Mafia individual or this Mafia
23 family that's pressuring them. So it's easier for,
24 you know, for the legitimate company to pay that
25 extortion than get involved and maybe losing his

1 company, losing his life, going through the
2 aggravation of dealing with law enforcement and
3 dealing with the Mafia.

4 Q. [252] Okay. You talked about the fact that, in
5 order to be able for them to establish themselves
6 in such a market, I mean, they need, they need to
7 have ties with public officials, they need to have
8 ties with politicians, you talked about exploiting
9 witnesses, but what other way could they cultivate
10 these people and make them maybe, bring them to say
11 yes or to help them. How do they operate?

12 A. Well, you know, like I mentioned, one of the ways
13 is intimidation. They intimidate him. They threaten
14 them or, again, they find a weakness in the
15 individual and they exploit that weakness. And, you
16 know, if a guy has a, you know, a twenty million
17 dollar (\$20,000,000) company that he's running, he
18 doesn't want to lose, you know, even if he's, his
19 company is twenty million (\$20,000,000) and he's
20 got to give the mob five million (\$5,000,000), he's
21 still dealing with a fifteen million dollar
22 (\$15,000,000) a year company and he doesn't want to
23 lose that, so he'll give in to whatever their
24 demands are.

25 Q. [253] Okay. Nowadays, do you see some kind of

1 evolution in the activities of the Mafia, you
2 talked about the fact that in the thirties (1930's)
3 and way then they were in gambling and loan
4 sharking, now we see that they're moving over to
5 legitimate spheres, is that a trade that you can
6 see from them, like evolution, evolving?

7 A. Yes, they are evolving because there's less chance,
8 there's a lot of money in, in legitimate businesses
9 that they can control and take over, and less
10 chance of going to jail. We find that in the past
11 several years they're moving into doing stocks and
12 bonds deals because it's harder for the, you know,
13 for the government to ferret them out in these
14 tight deals. So they do a lot of what we call "pump
15 and dumps" games. They'll get somebody in a
16 brokerage house that will take a particular stock
17 and usually it's smaller number stocks and the
18 stock really isn't worth anything, but this broker
19 who is working for the Mafia will take this stock
20 and they pump it up and then it gets to be a high
21 price at the low price these individuals bought it.
22 And then once it gets to a higher price, then the
23 Mafia individuals will sell it and they'll get all
24 that money and the stock then is not worth anything
25 at all. So...

1 Q. **[254]** It's hard to catch.

2 A. Exactly. It's, it takes longer and it's harder to
3 prove so we've seen them in that, internet scams, a
4 lot of them are into credit cards scams, calling
5 cards, you know, you buy a calling card for twenty-
6 five dollars (\$25) and then you go use it and
7 you're not calling anybody because it doesn't work.
8 That's another scam that they're big into. And who
9 do you go after? I mean, who does the law
10 enforcement go after because it's hard to trace
11 back that they are involved. So yes, a lot of them
12 are coming out of the street crime, I mean, are
13 they still involved in drugs? Yeah, yeah, because
14 there's a lot of money and it's quick money in
15 drugs. They're still involved in gambling, but
16 they're getting more into white collar crimes and,
17 you know, by corrupting individuals because the
18 money is so much, there's so much more money in
19 white collar criminal activities.

20 Q. **[255]** Do you think there's still, from your
21 knowledge and the fact that you're still in contact
22 with a lot of police, law agencies, do you think
23 that they're still, in the States, still in the
24 construction industry nowadays?

25 A. Oh, definitely. Definitely. I have a very good

1 friend who has a construction company. And he deals
2 with them every day. Through the unions. Deals with
3 them every day.

4 Q. **[256]** So, and you talked about the fact that they
5 have to control raw materials, cement, dry wall,
6 you talked about the unions. What is so important
7 for them about controlling the unions?

8 A. Well, when they control the unions, they control
9 the labour force. And, you know...

10 Q. **[257]** Is there money in that?

11 A. Well, a builder can't, you know, he needs... he
12 needs labourers to work. And, you know, most States
13 where the mafia makes their money, you know,
14 they're populated States. You know, New York, New
15 Jersey, States like that. They're very heavily
16 unionized. So, you can't build a building without
17 hiring union labour. So they're the ones that
18 supply the labour. And again, they may, you know,
19 they'll tell you, you need twenty (20) carpenters
20 for this job, and you might only need ten (10)
21 carpenters for that job.

22 Q. **[258]** But you hire twenty (20).

23 A. But you hire twenty (20), 'cause you're paying
24 them, you know, you're paying the union dues,
25 you're paying a salary, but there is nobody there.

1 It's going... It's going to the union. So that's
2 why controlling that union is very lucrative.

3 Q. **[259]** And you found out, through your friend and
4 through your observations today, and what you know,
5 that they're still doing that.

6 A. Oh, definitely. Definitely. And through my, you
7 know, my contacts in law enforcement that I'm still
8 in contact with.

9 Q. **[260]** Okay.

10 M. RENAUD LACHANCE, Commissioner:

11 Q. **[261]** And how do they get that control over the
12 union? How they can do it? Control the union?

13 A. Control the union?

14 Q. **[262]** Yes?

15 A. They'll start their own union. You know, it's not
16 hard to start a union. They'll start their own
17 union. Or there'll be an existing union where they
18 will have their man become a representative, a
19 mafia guy within the union become a representative,
20 become the president of the union. And that's how
21 they gain control of it. You know, because most of
22 the unions are, you know, they're workers, these
23 guys. And they're just looking, you know, to work
24 every day. So that's... You know, if they don't
25 start a union, they'll take control of one by

1 having one of their guys be elected president or
2 business agent.

3 Me SONIA LEBEL:

4 Q. **[263]** Are they... Do you find that they're also
5 evolving in other legitimate spheres? You talked
6 about bond, but what about supplies, and which...
7 Does it maybe need as much control?

8 A. Yes, they are. We found that in some of our
9 gambling cities, they're involved in legitimate
10 enterprises in the casinos. You may not, you know,
11 people might say, well, if they're not involved in
12 the money, which they're not involved in the
13 gambling money anymore.

14 Q. **[264]** Itself?

15 A. But supplying the casinos with soap. Can you
16 imagine how much money there is in supplying a
17 casino with soap? Supplying the casino with linens.
18 All those little things that a casino needs. And
19 that's a legitimate business.

20 Q. **[265]** But they control it?

21 A. But they control it, yeah.

22 Q. **[266]** Okay. So, what you're saying, you're telling
23 us, basically, and you correct me if I'm wrong,
24 still, they do a pretty good job at looking at the
25 market, assessing the market, finding out what are

1 the key players and how to control the market, and
2 that's how they move?

3 A. Exactly. Exactly. They're very good at assessing
4 where they can make money. Whether it's
5 legitimately or illegitimately.

6 Q. **[267]** And find out who they have to control, or
7 corrupt, or be friends with in order to access all
8 that money.

9 A. Yes. Yes. They're very good at that.

10 Q. **[268]** Okay.

11 LA PRÉSIDENTE :

12 Q. **[269]** Can you tell us what are the ultimate
13 consequences, for the government or for the public
14 in general, that the industry... construction
15 industry is owned by the mafia, is controlled by
16 the mafia?

17 A. Well, for the working man, he's going to pay more
18 for the, you have a building that rents office
19 space, okay, the individual that rents that office
20 space, in his rental, the owner of that building is
21 going to take on, you know, where he knows say that
22 rental space should go for, I'm just giving you a
23 number now, five thousand (\$5,000) a month, well,
24 he may add another thousand, because he had to pay
25 what he had to pay to Mafia to get that building

1 built.

2 Me SONIA LEBEL:

3 Q. **[270]** The tax.

4 A. You know, so that's his, that's where he gets it.

5 Ultimately, the average citizen pays for everything
6 that the person who the Mafia is extorting is
7 paying that money. When they controlled the garment
8 industry in New York City, every piece of garment
9 that was made, the owner of that garment factory
10 put it, you know, up the dollar amount a little bit
11 because how else was he going to make a profit? In
12 the food industry, you know, when a vendor moved a
13 crate of, a crate of apples or a crate of oranges,
14 he had to move it and pay the Mafia tax, well, at
15 the other end, who's ultimately going to pay for
16 it? When they controlled the Teamsters, things
17 moved by truck, they always put a tax on it, so at
18 the end, when the consumer gets it, he's the one
19 that's ultimately paying for.

20 LA PRÉSIDENTE :

21 Q. **[271]** So what you're saying is that the government,
22 as well as everybody, taxpayers, are paying more.

23 A. Yes. The government, taxpayers are paying more when
24 the Mafia is involved in any particular business,
25 if the government or taxpayers have to use that

1 business.

2 Q. **[272]** Thank you.

3 Me SONIA LEBEL:

4 Q. **[273]** If we were to take just a little step back
5 for one second and maybe understand, because you
6 talked about the myth of the Mafia, the reality of
7 the Mafia, what would you like us to understand
8 because we have work to do, we have to assess the
9 phenomenon, we have to understand how they operate
10 and we have to see how they infiltrate the
11 industry, but what do you think we should, we
12 should take from your testimony or, are the facts
13 that we're scrutinizing, the way they operate right
14 now all over the world.

15 A. Well, one of the, one of the things I think of,
16 it's important to keep the pressure on them and
17 through movies and television, the public has an
18 image of an honourable society which the Mafia is
19 not, is not honourable. They have to show
20 legitimate businessmen that when they are
21 approached by the Mafia, that they should report
22 that to law enforcement.

23 Q. **[274]** They should react?

24 A. React and report to law enforcement because once
25 you give in and once you pay one extortion, you

1 never stop. They never, it's never just one time
2 they come to you. They come to you all the time for
3 everything. And also, they can't be viewed like
4 other criminals, because it's a society within
5 themselves. They don't view themselves on the same
6 level as our society.

7 Q. **[275]** That was, that was illustrated by what Lefty
8 told you?

9 A. Right, exactly. You know, and that mentality it
10 produces that subculture, you know, and like I said
11 before, when you're a wise guy, you can feel, you
12 can lie, you can steal, you can cheat, you can
13 kill, and it's all legitimate and that, I think
14 that helps explain why it is so difficult to
15 destroy. They don't view themselves as morally,
16 morally reprehensible. To them, that's the way
17 things should be.

18 Q. **[276]** It's legitimate?

19 A. It's legitimate, that's the way, that's the way
20 things are. And I think that we have to, you know,
21 you have to get across to the public that this is
22 not an honourable society. There is no honour
23 amongst these. And even though you may not think
24 it, any product that the mafia has their hands in,
25 the public ultimately pays for it. The public

1 ultimately pays for it.

2 And also, they cannot operate without
3 corruption. And again, who do they corrupt? They
4 corrupt public officials, they corrupt businessmen,
5 they corrupt politicians. Without that corruption,
6 they really can't operate. And as soon as the
7 public realizes that, it lessens the impact that
8 the mafia can have on us, or will have on us.

9 Q. **[277]** Do you think that the exercise that we're
10 doing right now, shedding light on them, shedding
11 light on the way they work, shedding light on who
12 they are, is a useful exercise right now?

13 A. Is it useful?

14 Q. **[278]** Yes?

15 A. Very useful. Very useful. Again, because what does
16 it do? It educates the public. You know, most of
17 the public, they have this romantic view of the
18 mafia because they see the movies, you know, and
19 they hear... they see guys sitting around with five
20 thousand dollar (\$5,000) suits, talking elegantly,
21 and that's not the way it is. Believe me. They
22 don't quote Shakespeare. It's... If I could, you
23 know, if I was prone to get vulgar, I'd, you know,
24 I'd use some of the language that they use, and
25 it's, you know, it's, "Kill that so and so." I

1 mean...

2 And to educate the public that this is not
3 the movies, and this is not the way these guys
4 really are, this is, you know, this is real life,
5 they are a dangerous plague on our society.

6 Q. [279] So they might do white collar crimes these
7 days, but they are not, they're far from being
8 white collar.

9 A. They're far from being white collar. Correct. And,
10 you know, it's strictly about money and power. And
11 power. And they could, you know... As long as
12 they're making money, they don't care where it's
13 coming from. And they don't have any feelings about
14 who they corrupt.

15 Q. [280] So what you're telling us is basically that
16 the tolerance of the society, even if we're not
17 aware that we're tolerating them, gives them the
18 leeway that they need to, basically, where... their
19 playground.

20 A. Exactly.

21 Q. [281] Okay. So the responsibility is on the
22 government, but ultimately, like you said, it's on
23 every public official, every entrepreneur, every...
24 everybody to react.

25 A. And the responsibility is on the government to keep

1 the pressure on. On public officials and law
2 enforcement, to keep after them and not let up as
3 far as the investigation and prosecution.

4 Q. [282] 'Cause they dwell in the dark.

5 A. It's like the... They're like an octopus that just
6 keeps growing.

7 Q. [283] Thank you. Si on pouvait peut-être prendre
8 une petite pause, j'en profiterais pour regarder
9 mes notes, s'il vous plaît, Madame.

10 LA PRÉSIDENTE :

11 Alors, comme ce matin, la salle devra... Les gens
12 dans la salle devront sortir avant que le témoin
13 sorte lui-même.

14

15 SUSPENSION DE L'AUDIENCE

16 REPRISE DE L'AUDIENCE

17

18 LA PRÉSIDENTE :

19 Maître Lebel?

20 Me SONIA LEBEL :

21 Merci Madame.

22 Q. [284] Mr. Pistone, we talked about the mentality of
23 the mafia evolving over years. Could you tell us,
24 did you notice a difference or a change between the
25 old mafia versus the new mafia? The old age and the

1 new age, I would say?

2 A. Yes, I did notice a change, and I noticed it
3 towards the end of my... started noticing it
4 towards the end of my undercover, six year
5 undercover deal. Is that the new members coming in
6 were more concerned about themselves, which upset
7 the old time members. And at that time, as in
8 society, it was starting to become, like a "me
9 generation". And, unfortunately for the mafia, the
10 younger guys had that same type of feeling. And
11 they were... they were not as... They were not as
12 in tune to the society as far as the traditions of
13 it, because they were so far removed from Italy.
14 You know, their generation. And it basically was I
15 want my money now.

16 And how were they getting their money at
17 that time, now, was through drugs. Although the old
18 timers dealt in drugs, drugs was a method of
19 obtaining, making money. The old timers never used
20 it. Where some of the younger members were using
21 drugs. Which was a no-no. That was another thing
22 that could get you killed, by becoming a drug user.
23 So that was...

24 Although the younger members wanted to
25 belong to the organization because it was

1 protection for them in conducting their illegal
2 activities, and they got the respect by saying that
3 they were members of the mafia. And they were more
4 interested, again, in trying to infiltrate into the
5 business fields where the old timers did, but they
6 cultivated people more than the younger guys at
7 that period in time.

8 Q. **[285]** They would... They tend to want to go faster,
9 I guess?

10 A. They want to go faster. Yes. The old timers, they
11 would take their time to cultivate individuals, to
12 corrupt them, cultivate individuals to take over a
13 union. They had the ability to communicate that
14 way. Where the younger guys, they were more
15 forceful, and not so subtle in their overtake of
16 legitimate businesses.

17 Q. **[286]** Do they think... Do you think that they
18 learned that it was not a good way because it
19 attracts attention to them?

20 A. Yes, I think they did learn because that is one of
21 the reasons why law enforcement starts coming down
22 so hard on them because they were more blatantly
23 conducting business than the old timers did.

24 Q. **[287]** And that we heard about them a little bit
25 more in our time?

1 A. Exactly.

2 Q. **[288]** Okay. When we talked about...

3 LA PRÉSIDENTE :

4 Just a second, Maître Lebel.

5 Q. **[289]** Does that mean that if they're not as patient
6 as the older, the violence is increasing?

7 A. Yes, yes.

8 Me SONIA LEBEL:

9 Q. **[290]** Because they go to the fastest tool they have
10 to coerce, I mean, which is intimidation and
11 violence?

12 A. Right, as I said, the old timers would try to
13 cultivate the individuals before, you know, to
14 corrupt them where the younger generation they just
15 went right at it, which was more prone to violence
16 than try to cultivate individuals for the long run
17 so that, that was a bone of contention between the
18 two that I saw starting in the eighties (1980s).

19 Q. **[291]** Okay. When you talk about the Commission, the
20 Mafia Commission case, the indictment was so
21 basically was based on the RICO Act, wasn't it?

22 A. Yes, the Racketeer Influenced and Corrupt
23 Organizations.

24 Q. **[292]** Okay. Maybe not from a law point of view but
25 in layman's terms, what is that act about?

1 A. Well basically what it did was it gave, it gave us,
2 when I say us, law enforcement in the US, the
3 ability to put a, put a Mafia guy with a criminal
4 organization and identify that Mafia individual
5 with a particular criminal organization that we
6 knew that was involved in illegal activities and
7 what, what it also gave us the ability to do was to
8 tie that individual back to his past crimes and as
9 long as, as long as we were able to identify that
10 individual with a particular organized crime group,
11 and we could show a pattern of racketeering, a
12 pattern of illegal activities over a period of
13 time, we could tie that individual into his past
14 crimes and that was a big thing.

15 Q. **[293]** And how did that prove to be useful?

16 A. Well it proved to be useful in that we didn't have
17 to charge them with a crime that just took place,
18 we could charge them with those past crimes as long
19 as we could show that it was a pattern...

20 Q. **[294]** And part...

21 A. ... of racketeering and part of the organization
22 and part of the racketeering.

23 Q. **[295]** So this is the extent of my questions.

24 A. Thank you.

25 Q. **[296]** I will maybe turn you over to my colleagues

1 so, ce sont les questions que j'avais en chef
2 Madame la Juge, je vais laisser la place à mes, à
3 mes collègues.

4 LA PRÉSIDENTE :

5 Parfait, est-ce qu'il y a des parties qui désirent
6 poser des questions? I guess you were very clear
7 Mr. Pistone because nobody wants to cross-examine
8 you.

9 Mr. JOSEPH PISTONE:

10 Thank you very much.

11 LA PRÉSIDENTE :

12 Thank you very much Mr. Pistone.

13 Mr. JOSEPH PISTONE:

14 Thank you I appreciate.

15 LA PRÉSIDENTE :

16 Alors, avant de, de demander à la salle de sortir
17 pour faire sortir le témoin, on pourrait peut-être
18 savoir s'il y a quelque chose d'autre cet après-
19 midi?

20 Me SONIA LEBEL :

21 Absolument. Madame la Présidente, naturellement je
22 pensais que mes collègues auraient des questions,
23 c'est leur droit naturellement.

24 LA PRÉSIDENTE :

25 Évidemment.

1 Me SONIA LEBEL :

2 Alors ça termine notre programme.

3 LA PRÉSIDENTE :

4 Parfait.

5 Me SONIA LEBEL :

6 Je m'étais assurée de leur laisser un temps

7 suffisant pour le faire donc on va aller avec,

8 demain matin mon collègue Me Gallant qui va pouvoir

9 enchaîner et vous expliquer le menu du reste de la

10 semaine.

11 LA PRÉSIDENTE :

12 Parfait, alors à demain matin.

13

14 AJOURNEMENT

15

1 Certificate

2

3 We, the undersigned, **ROSA FANIZZI**, and **MARC**
4 **BEEBE**, Official Court Reporters, hereby certify the
5 foregoing is a true and faithful transcript of the
6 evidence in the above mentioned case as taken by
7 mechanical recording, to the best of the quality of
8 said recording.

9

10 And we have signed:

11

12

13

14 **ROSA FANIZZI**

15

16

17

18 **MARC BEEBE**

19