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The Cop Out

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With Malene Jensen

ON THE NIGHT OF JANUARY 21, 1986, WHEN New York Police Department undercover detective Anthony Venditti was shot down on a Queens street, solving his murder looked relatively simple. The mobster he'd been tailing had been caught near the scene of the crime, and eyewitnesses gave thorough descriptions of the other two Mafiosi involved. A wounded partner was ready and apparently able to identify his killers. A few days after that, detectives even found a witness who said he'd helped retrieve the guns they'd used, wiped them down, and thrown them in a sewer.

But eight years and almost nine months later—which is to say, seven weeks ago— the man arrested that night and one of his sidekicks were acquitted in the fourth trial to be held in the case, effectively closing it for good. And not only does the murder remain unsolved, but its investigation and the repeated unsuccessful attempts to prosecute it now surpass the crime itself for sheer potboiler luridness and mystery value. Venditti's partner—a woman married at the time to an up-and-coming police inspector—told a story full of astonishing holes, setting herself up to be demolished on the witness stand, again and again and again. The witness who saw the defendant running away from the murder scene and pointed him out at the first trial recanted after having a leg broken by the end of the second trial, testified for the defense at the third trial, and was dead by the fourth. And when what some consider the single most intriguing detail of the case emerged in testimony—a mobster's trying to get his cousin's husband, a detective, to run the license-plate number on Venditti's undercover patrol car through the police computer, weeks before the murder—investigating officers turned out to have shown a marked lack of interest in it.

Then there's the biggest conundrum of all: This was a cop-killing. And not just that: It was probably the killing of a cop by the *mob.* Ask anybody who's ever been a mobster, investigated a mobster, or written a screenplay about one, and that person will state, unequivocally, *Mobsters don't kill cops.* Whether the alleged mafiosi who are Venditti's alleged killers meant to murder an officer or not—and prosecutors never really established a motive for their doing so, implying that it may all have been a big snafu—these possibly inadvertent pioneers violated the unacknowledged truce between the police and organized-crime figures. As the head of another organized-crime task force put it, "I have never heard of an alleged crime figure killing a cop. It's unprecedented."

To get a sense of just how odd--and oddly half-assed—the official treatment of this case has been, compare it with the infinitely more famous case of Officer Edward Byrne, the 22-year-old who was executed in his patrol car outside the home of a key witness in the notorious "Pappy" Mason drug-gang case. After a single trial, his four killers all got 25 years to life. Then consider Venditti: a detective, not a rookie; a 34-year-old, not a kid; a man on a joint federal and local organized-crime task force; a man who had served on the force with distinction for fourteen years.

But after an investigation that almost everyone associated with the case has characterized as uncommonly narrow, three teams of Queens assistant district attorneys failed to convict the three men accused of murdering him. Then—U.S. Attorney Rudolph Giuliani did win convictions for murder under the Racketeer Influenced and Corrupt Organizations (RICO) Act, but the murder portion of the charges was overturned on appeal. Two of the former defendants, Steven Maltese and Carmine Gualtiere, have been released from jail; the third, Federico Giovanelli, is due out next spring.

With the exception of a $20,000-a-year trust fund for his four daughters granted by the late philanthropist Milton Petrie, all Venditti's family has to show for its eight-year tour through the criminal-justice system is a fat vinyl scrapbook his mother is keeping for her granddaughters. It is stuffed, partly with letters but mostly with newspaper articles—on the killing; on the first trial (in state court, 1987, hung jury); on the second trial (in state court, 1988, acquittal for one mobster and hung jury for the other two); on the third trial (in federal court, 1989, murder conviction overturned on appeal in 1992); and on the fourth trial (in state court, this year, acquittals). There is cellophane sleeve after cellophane sleeve of clips on every conceivable subject: mobsters with vague connections to Venditti's alleged murderers, corrupt coroners, the trial of a perjurious juror. The scrapbook is a testament to the family's frustration, a monumental, yellowing compendium of half-grasped links, grand conspiracy theories, and a forlorn sense of neglect.

It is Anna and Patti Venditti, Anthony's mother and wife, who have kept this case alive. They may be the sort of police widows and mothers who attend police widows' and mothers' luncheons, but they do not otherwise conform to the mold. For one thing, they're neither complacent nor fatalistic. Anna is a forceful and sharp thinker, a woman who kept detailed notes of her conversations with everyone who had anything to do with her son or the investigation of his death. 'We had to seek the officials out," she complains. "They never sought us out." Patti, too, comes across as extremely bright. She has a master's degree in economics and had previously worked at the Vera Institute of Criminal Justice, a liberal judicial-policy think tank. She thinks that since the task force really served the needs of the Federal Bureau of Investigation, it bears responsibility for what happened to her husband: "It was an FBI task force, but the [New York City] police were on the front line." One might be tempted to dismiss Anna's and Patti's emotions as the sense of aggrievement harbored by every family of a slain cop, but the Vendittis' complaints are bolstered by those of Venditti's colleagues on the force who will talk about the murder. "The Police Department treated them like garbage," says an officer who'd worked on the organized-crime task force with Venditti. John Fleming, founder of the New York Shields, an organization that assists the families of murdered and wounded officers, echoes their sense that -the investigation didn't dig deep enough. "It didn't go anywhere," he says. "They couldn't fully investigate the case because of continuing federal investigations into both the Genovese and the Gambino crime families." Even Giuliani feels the family was ill-served. "I feel very bad for [them], because they feel there's been no resolution," he says. "Part of the problem with the trial was the way it was tried the first time; that can't be undone. I took the case into federal court and put my best people on it, because I felt that justice hadn't been done."

THE DAY ANTHONY VENDITTI died was an almost clinical illustration of the way tedium and tension get jumbled together in the daily routine of an undercover mob investgator. In the morning—his shift didn't begin until 2 P.M. —Venditti left his house in Queens and went to see his parents in the Country Club section of the Bronx. When Anna Venditti, who thought her son looked

tired, offered him a cup of coffee, he replied: "No thanks. Patti's got me off coffee on account of these nightmares I've been having."

According to his wife and mother, there were two things that might have been triggering Anthony's bad dreams—he was worried about a crew working on the power lines outside his house (given his line of work, it was not inconceivable that someone was trying to tap his phone), and the mob drama he'd been observing suddenly seemed to have taken an intriguing turn. Although Anthony didn't talk much about his work—it was supposed to be confidential—he did communicate his theory that John Gotti seemed to be expanding his influence, working closely with elements of the Genovese family.

Then his temporary partner, Detective Kathleen Burke (his usual partner, Brian Ford, was out of town), arrived to pick him up, and they drove downtown to 26 Federal Plaza. They started their shift by poring over a book full of mug shots of guys they were tailing, a book Venditti had assembled to get Burke up to speed. The group included Federico "Fritzy" Giovanelli, a Genovese-family soldier and the boss and financier of a multi-million-dollar gambling empire that spanned Brooklyn, Queens, and Manhattan and took in sports and horse bets by telephone from as far away as Florida. Giovanelli also ran what's known as "policy"— the numbers game played in bodegas and other small stores, mostly in Hispanic and black neighborhoods. (The winning bet matches the last three digits of a racetrack-revenue total reported in the daily papers.) The Organized Crime Task Force had been trying for years to learn the identities of Giovanelli's subordinates and to learn where the money pouring into their network ended up.

Quite a lot of task-force work involved sitting on a "plant," listening to wiretaps of Genovese figures. It wasn't the most exciting duty in the world, but it sometimes yielded information that made it worthwhile. It was a wire on Giovanelli's phone, for example, that would eventually lead the police to Brooklyn Democratic boss Meade Esposito, perhaps the most powerful man in Brooklyn, and much later would lead to his conviction on bribery charges. A tap on Esposito's phone would in turn lead police to former congressman and cop Mario Biaggi.

The day he died, Venditti was told that the bugs had picked up Giovanelli talking about a "package" that was going to be moved. Neither Venditti nor Burke had any idea what the package might be, but they intended to go out on the street to find out. There was, however, one problem: For two weeks, Venditti had been telling the two men heading the joint task force that he thought their undercover patrol car—a brown 1977 Lincoln—had been "made" (positively identified) by the mobsters he had under surveillance. He wanted a different car, but again and again his superiors denied him one. "Look—I'll take any other car" is what he told his bosses that day. He asked if he could drive their cars. He considered taking his own black Datsun but knew that Burke couldn't drive a stick shift.

The two officers eventually took the Lincoln, leaving the office around 5 P.M. for dinner, then leaving Manhattan to drive to a working-class shopping district in Ridgewood, Queens. At 7 P.M., they arrived at 343 St. Nicholas Avenue, the office of the misnamed Bushwick Democratic Club—the building is just over the border from Bushwick in Ridgewood, and the club had no political affiliation at all. It was a Genovese-family hangout, tucked away among used-car lots and pizza places near the elevated L and M subway lines. The detectives noticed that the lights were on inside the club but couldn't tell whether anyone was inside. Burke did spot the car of Steven Maltese, Giovanelli's sidekick.

A while later, Giovanelli, a chipmunkylooking fellow with gray hair at his temples, came out onto the street, got into his BMW, and took off. Rather than follow him, the two detectives drove back to Manhattan, straight to the Triangle Social Club in Greenwich Village, which Giovanelli was known to visit regularly. Arriving at the Triangle, the cops saw two men standing outside. One of the men seemed equally interested in them, and pointed out their brown Lincoln to his companion. This made the cops nervous; besides, they didn't see Giovanelli's car, so they turned around and headed straight back to the

Bushwick Democratic Club. There, they saw him sitting in his car. Deciding that he wasn't planning to go anywhere, they called it a night.

By now it was eight o'clock, practically the end of their shift. Burke took off her buletproof vest; which Venditti had insisted she put on that day. His own was back at home, waiting to be washed; his little girls had drawn all over it with crayons.

THOUGH VENDITTI AND BURKE DIDN'T KNOW it, Giovanelli had been having a much more exciting day than they had. While they were back in the office, the FBI agents monitoring the wiretap on Giovanelli's phone were noticing that he was unusually agitated. First he warned an associate that one of their operatives "can't be trusted no more," then he startled his eavesdroppers by leaving an uncharacteristically affectionate message on his mistress's answering machine, apologizing for being unable to see her:

"Something came up, very important.... Love you."

An hour and a half later, Giovanelli called Joey Ida, a soldier in the Genovese crew, to ask about some items he wanted returned: "When can you get it to me? I'm going to the city right now because the quicker I get that tonight, the better, because I got to put it together."

At 1:53 P.M., Giovanelli got a call from a Genovese member telling him that Vincent "Chin" Gigante, head of the Genovese family, wanted to talk to him at seven at the Triangle. Giovanelli answered that he might not be able to make it because, he said, his "children" were getting "sick," and he had to see his "family doctor"—Dom Canterino, actually a Genovese family capo. It was the first time the FBI agents had ever overheard Giovanelli failing to comply with a summons from Gigante. They took his reference to his "children" being "sick" to mean that he had problems with one of his crew members. They figured he was going to see Canterino to get permission to kill someone.

Maltese and Giovanelli visited Canterino; then they met Joey Ida in a park off Thompson Street. Based on the earlier wiretapped conversation between Ida and Giovanelli, FBI agents concluded that what Ida handed over in the park was a police scanner and a gun.

EXACTLY WHAT happened to Anthony Venditti after 8 P.M. that evening is not clear. There are the usual discrepancies between the prosecution's and the defense's versions, a doublesidedness multiplied, in this case, by four. According to the most detailed prosection version—that of Giuliani's RICO trial—Venditti needed to use the john, and Burke agreed to drop him off at a greasy spoon, the Castillo Restaurant, within sight of the social club. Just after they stopped, Burke glanced in the rearview mirror and got a horrible shock. A car was sitting right behind theirs, headlights off. It was Giovanelli's.

For some never-explained reason, Anthony Venditti, normally a careful man, chose to ignore the presence of Giovanelli's car behind theirs, got out of their car, and went into the diner, Then, Burke said, she decided to circle the block. It was, she would later explain, an effort to lure Giovanelli away. She drove off, then noticed Giovanelli backing into a parking space directly across from the diner. He got out and stood next to the car. After some more circling, she pulled in behind a large Dumpster partway down the block behind Giovanelli. At that moment, she saw her partner inside the diner by the cash register, and Giovanelli with two men by the diner's front entrance. She got out quickly and crossed the street, heading toward the diner. As Burke climbed the side-entrance steps, she saw Venditti walking out the door to the front steps and turned around. hoping to catch him in front. Within seconds, Burke had emptied her gun and sustained a shoulder wound, and Anthony Venditti was on the ground, dying.

According to the original police interview of one witness—Frank Simone, the bystander who later recanted—he saw Giovanelli clutching what appeared to be a set of brass knuckles in his hand and heard him say to his two cohorts, "What are we going to do with this fucking guy?" Soon after, Venditti came out of the diner and was met by the trio: "What are you going to do with that?" Venditti asked. Giovanelli cursed, and a sound of a gunshot splintered the air. Simone jumped behind a van, but, he told police in that first interview, he could still see a man who looked like Carmine Gualtiere—Giovanelli's accountant—pump two bullets into Venditti's head.

FEDERICO GIOVANELLI WAS arrested running from the scene, after Simone had flagged down a police car and pointed him out. The two other defendants—Maltese and Gualtiere—were picked up a couple of days later. But what would become a pattern of irregularities began to occur later the evening of the murder—just about the time then-mayor Ed Koch and then-commissioner Benjamin Ward were showing up for their requisite sympathy visits to the hospital. A significant number of the aberrations involve, in one way or another, Burke.

When she was moved into her hospital room, one of her first visitors was her husband, Inspector Robert Burke, a man in charge of three Manhattan precincts. That night, Inspector Burke would later testify, Kathy Burke told him she had seen Giovanelli, Gualtiere, and Maltese at the scene. Yet according to detectives who interviewed Kathy Burke, the only name she provided to them that evening was Giovanelli's. Asked why *he* hadn't turned over the names, Inspector Burke replied: "I was not there on official police business but was there to see my wife." Kathy Burke would later testify that Giovanelli had fired a bullet at her, and that it passed through her bra-strap buckle. But Inspector Burke brought the blood-spattered bra and blouse home with him shortly after the shooting, thereby improperly, if temporarily, removing important evidence.

Inspector Burke's behavior continued to be peculiar in the days immediately after the murder. At Venditti's wake, he told Anna that his wife was doing very well. But later the same night, he called Patti Venditti. "Don't call my wife or have anyone else try to contact her," he said. "She'll call you when she's ready." Burke finally called—six weeks later—after detectives relayed an endless stream of messages from Patti, who wanted to get from Kathy her version of events. (Burke has never returned messages requesting an interview for this article.)

THE INVESTIGATION INTO VENDITTI'S Murder was narrow, focusing almost exclusively on who did it, not why. Throughout the three state murder trials, Burke would serve as the prosecution's main witness. It was in court that the inadequacy of the prosecution's preparation became evident. Burke was a disaster. Her version of events was consistent only in its illogicality and inconsistency.

For one thing, she had trouble remembering things. She *thought* she called 911, having stumbled over to the pizza parlor next door to make the call that brought backup to the diner. It was, however, a call from the counterman at the pizza joint that brought the EMS crew.

Burke also said that when she'd fallen to the ground wounded, Giovanelli stood over her, shot a bullet at her head, and *missed.* But police found no evidence of a bullet's having struck the ground. None of the eyewitnesses mentioned any such act. And the chance that Giovanelli would fail to eliminate a prime murder witness seemed slim.

Much of what the prosecution's own eyewitnesses said at various trials contradicts Burke's account. When she returned to the diner after circling, Burke says, she spotted the men, yelled to Venditti to watch out, identified herself as a police officer, and was shot by Giovanelli. Only then, she testified, was Venditti hit. But witnesses have her arriving on the scene *after* Venditti

was hit. And, they say, it was not Giovanelli at all who was exchanging fire with Burke, but a man in a green jacket. The man fitting that description was Maltese.

Three months after the shooting, Burke filed a discrimination suit against the Police Department, claiming that she had been subjected to unfair treatment because she was a working mother, and that her supervisor had made derogatory comments about her. At one of the Venditti trials, she said she had "suffered severe mental distress" and "experienced headaches, chronic anxiety, physical illness, and emotional distress." At this year's trial, Giovanelli's criminal-defense lawyer Lawrence Hochheiser used this statement to make Burke come off, he says, "like Captain Queeg with steel balls."

What had Burke really been up to that evening? As in all cases that are under-investigated, the theories are legion. Almost everybody suspects that she panicked and escalated a situation in which Giovanelli was confronting a man he may have mistakenly believed to be an unknown rival. Some cops speculate that she fled the scene in terror. One third-hand account has her off telephoning a friend in the pizza parlor during the shooting. Some say that she somehow shot herself. Some wonder whether it was one of her bullets that accidentally struck Venditti.

Whatever the truth, jurors in the first two trials called Burke "a liar," said that her testimony had "more holes than Swiss cheese," and accused authorities of a "police cover-up." Burke retired from the force in 1991; Robert Burke, from whom she is divorced, is now one of the top officers in Queens.

PERHAPS THE WEAKEST part of all four trials— especially those, like the one this fall, prosecuted by the Queens D.A.—was the question of motive: The prosecution never established one. One source close to the prosecution believes it was reluctant to complicate matters: "They thought they had less chance the jury would believe [any larger conspiracy theory] because it would have contradicted the tru-ism that the mob does not kill cops." So what the prosecution told the jury was that the shooting was a case of mistaken identity—Giovanelli and his associates believed that Venditti and Burke were either robbers or members of a competing criminal organization. The defense argued that Giovaneili had happened to stop to use the phone, and was being robbed by two Hispanic men when Venditti emerged from the diner. Burke, according to this almost delightfully absurdist scenario, had interrupted the robbery, started a Wild West—style shoot-em-'up, and needlessly caused Venditti's death.

DESPITE ALL THE RAGE DIRECTED at Burke, however, there's more to this case than one impeachable central witness. A range of law-enforcement and criminal-justice sources wonder whether—as Anna Venditti strongly believes—Giovanelli *did* know who Venditti was. This explanation centers on Venditti's car—had it in fact been identified by the gangsters? During the federal trial, jurors learned that about a month before Venditti was killed, Maltese had asked his cousin's husband, Detective Frank Cammarata, to run a license-plate number through police computers. As Cammarata later admitted in court, Maltese handed him a piece of paper with a plate number on it; he stuck it in the pocket of his sport jacket. It was the license-plate number of Venditti's car.

The detective admitted that this was not the first time he had been asked by Maltese to run plates. Cammarata then claimed that though he never refused the requests, he also never actually provided any information to Maltese. Indeed, checks of the computers at the two stations to which Cammarata had access found no indication that the plates had been run. But one wonders why Maltese would continue to provide him with license numbers if Cammarata were never following through. At the very least, Cammarata's coziness with mobsters should have alarmed Police Department officials. Yet Cammarata testified that when he told a detective on the case about the license-plate matter, the detective didn't want to hear about it.

When it came to getting information from cops, Cammarata was apparently not Giovanelli's only option. The fall before Venditti's murder, Giovanelli was overheard discussing with a friend, Harry Dickran—one of Meade Esposito's business partners—Dickran's fear that he was being tailed to a Long Island diner. Giovanelli and Dickran agreed to check the license plate of the light-blue Dodge in question. Dickran would "give it to the [Patrolmen's Benevolent Association] to track it down. You know, I'll get it from Phil—[PBA president] Phil Caruso. He'll take care of that for me."

That October, Giovanelli and Dickran again discussed a vehicle, this time a brown Lincoln—the very make and color of the car Burke was driving the night Venditti was killed.

IF VENDITTI WAS KILLED BY GIOVANELLI, Maltese, or any other mobster in anything more than an accident, why? Anna Venditti's pet theory brings John Gotti into it. Before joining the task force, Venditti had served as a police guard to Gambino-family turncoats who were to testify against the head of the family, Paul Castellano. In December 1985, Venditti and his partner, Brian Ford, heard a homicide call go out over the police radio: Castellano had been killed Chicago-gangster-fashion by six men in matching raincoats and fur hats outside Sparks Steak House in midtown.

Within hours of Castellano's death, Gotti was consolidating his position to be the next don. Several weeks later—one week before Venditti was killed—Venditti, Burke, and Ford spotted Giovanelli talking in front of a social club with a man they didn't recognize; Anthony snapped a photograph. The very next day, the detectives saw a photograph in the New York *Post* of the same man coming out of a federal trial. It was Anthony "Tony Roach" Rampino, a Gotti goombah and known drug dealer who would later be identified as a backup gunman at the Castellano murder. This was not a minor revelation— it meant that one of the roughest characters in the Gambino family was holding a meeting with a member of another clan, the Genovese. The three detectives took this information to their superior John O'Brien, but he dismissed it as ludicrous, saying he couldn't believe a Gambino guy would be at a Genovese social club.

If this meeting occurred, it provides suggestive corroboration to a theory that some mob experts were developing at the time and that would later be dramatized in Martin Scorsese's GoodFellas: that the younger ranks of the mob, led by Gotti, were beginning to band together across family lines against the older school, represented by Castellano, which refused to countenance drug dealing.

MOST OF ALL, IT IS THE SENSE of things missing—objects as well as explanations— that preys upon Anna and Patti Venditti. There are the photos Venditti took on duty: The family was told they had never come out. But Anna Venditti doesn't believe that; Anthony had taken photography courses. There are his notebooks: When the department returned them to the family, the pages from the date of the Castellano murder until Venditti's own death were missing.

And there's Frank Simone, the dead eyewitness. Right before Simone testified for the defense during the federal trial, he passed by Anna Venditti on his way to the stand. He took off a religious medallion she had given him, pointed to the spot, and told her, "I'm missing something." -

When Anna asked why he was changing his story, he replied, "Victim of circumstance." Shortly afterward, he was murdered, shot once each in the head, mouth, back, and chest. The murder remains unsolved. But next to his corpse, someone had placed a pile of rotting fish.