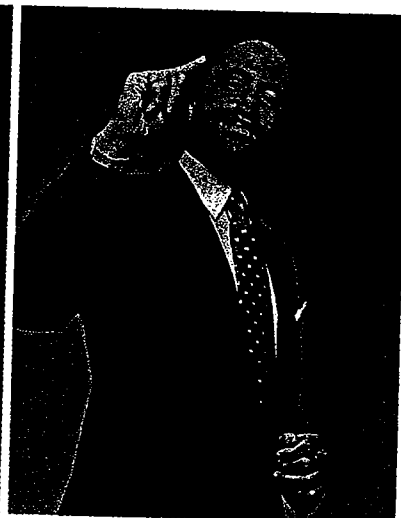
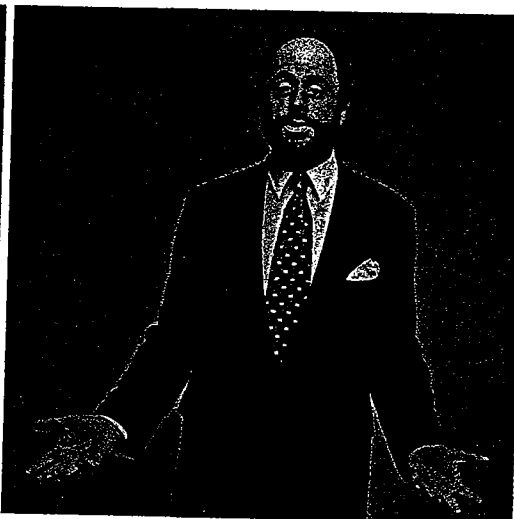
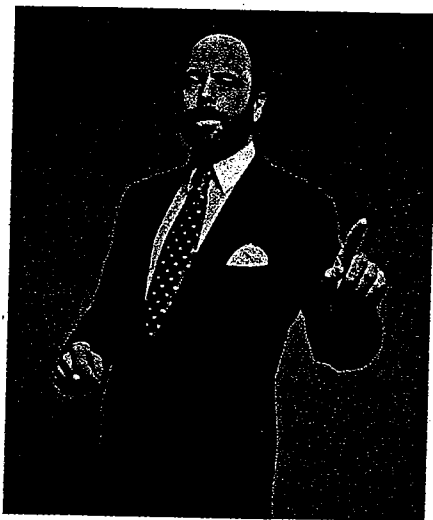


ANNALS OF LAW

DEFENDING THE MAFIA

Gerald Shargel is considered one of the most brilliant criminal-defense attorneys in America, but his love of "the action" has drawn him to Mafia cases—and, in the view of the federal prosecutor who put John Gotti away, drawn him in too far. Now Shargel is under investigation as "house counsel" to the Mob.

BY FREDRIC DANNEN



ON April 3, 1991, Gerald Shargel, a criminal lawyer considered quite possibly the finest of his generation, a man of elegance in the courtroom, who has said he models his oratory on Martin Luther King, Jr., awoke to bad publicity. The front page of the *News* reported that he had run into trouble with the mafioso John Gotti. In brief, Gotti had threatened to kill him. The headline blared, "SHADDUP." An F.B.I. microphone hidden at the Ravenite Social Club, in Little Italy, a year and a half earlier had discovered Gotti raging against Shargel for talking too much to a *News* reporter. A tape of Gotti's tirade was kept under seal, and the *News* had just caught wind of its contents. Shargel represented several members of the Gambino crime family, and Gotti, the boss of the family, had noticed that Shargel's clients appeared to be getting favorable treatment in the *News*, while "everybody else is bad." One day, Gotti

said, "I'm gonna show him a better way than the elevator out of his office!"

Once again, colleagues of Jerry Shargel shook their heads and wondered why so outstanding an attorney, who, as one of them put it, could have been a venerable corporate lawyer—"the Arthur Liman of his generation"—had instead chosen so different a career path. Time and again, his penchant for Mafia clientele had placed him in jeopardy, less so from the mobsters themselves (Gotti has an operatic way of expressing anger, and it was unlikely that he truly considered tossing Shargel out of his thirty-second-floor window) than from the government. For the real danger lurking in Gotti's tantrum was that it played perfectly into a prosecution theory about Shargel—that he was not permitted to put the interests of his individual clients ahead of those of the crime family as a whole.

Shargel's fellow-lawyers were equally astonished to learn that he had visited

the Ravenite club several times, where he had been picked up on F.B.I. bugs talking legal strategy with Gotti. It seemed a terrible error in judgment for a lawyer to appear at a Mafia headquarters; it fostered an image of subservience. The day after Gotti lashed out against Shargel, for instance, Shargel went down to the club and made amends. The conversation was not recorded, but Gotti was overheard talking about it the following day: "Jerry said, 'Listen, John. You know I got one love—you.'"

In truth, Shargel, who is now forty-nine, does not convey even the outward appearance of a Mafia lawyer. He is over six feet tall, bald on top, with black hair around his ears and a trim black beard. In court, where he wears chalk-striped Polo suits with pocket squares, he is soft-spoken and deferential. Out of court, he is youthful and full of fun. The son of the proprietor of a paint-and-wallpaper store in small-town New Jersey, Shargel has been married to his college sweetheart

One of the best summations Shargel ever gave was for Jimmy Coonan, an Irish mobster with a penchant for severed limbs. "The idea came to me from listening to Martin Luther King's kitchen-epiphany sermon," Shargel says. (Photographs by Kevin Funabashi.)

for twenty-six years. They sent their daughter and son to the Dalton School, live off Park Avenue, and rent a summer home in East Hampton. Shargel used to teach law at New York University, and on high holy days he is an usher at the Park Avenue Synagogue.

Bruce Cutler, who is Gotti's personal attorney (he was also tape-recorded at the Ravenite club), has always made more sense as a Mafia lawyer; he has nowhere near the range of Shargel. This became apparent even to Gotti when in early 1990 he stood trial in New York state court with one of his Gambino soldiers, Anthony (Tony Lee) Guerrieri, on a charge of ordering the shooting assault of a union official. Cutler's bullying of witnesses—an approach that was dubbed “Brucification”—was not working and was exasperating the judge. (“The record shall reflect that Mr. Cutler threw Exhibit W,” he noted.) By the second week of trial, Gotti had demoted Cutler, leaving Shargel, who officially represented Guerrieri, in charge of the case. The prosecutor, Michael Cherkasky, says that he was unprepared for Shargel's “brilliance,” which he believes had a lot to do with Gotti's surprise acquittal.

The acquittal made Gotti's earlier tirade about Shargel savor of ingratitude, but there was much worse to come when the contents of several other Ravenite tapes were made public. It seemed that whenever Gotti was not discussing murder or labor racketeering he was complaining about his attorneys. Shargel and Cutler were “Muck and Fuck,” his “high-priced errand boys,” whom he paid “under the table,” and paid too much (three hundred thousand dollars to Shargel in one year to defend other family members, he said). “Was it you that put me on this earth to rob and make you rich and me poor?” he complained. “Gambino crime family? This is the Shargel, Cutler & Whattaya-call-it crime family!”

To a certain federal prosecutor, these pronouncements were no joke. John Gleeson is chief of the criminal division of the Brooklyn United States Attorney's Office, and, apart from an inconclusive investigation of David Dinkins for alleged stock fraud, most of his work has been in the field of organized crime. John Gotti, who lost his most recent case to Gleeson in 1992, called him a “bum”

and a “rat motherfucker” and a “fucking Irish faggot” and—equally inaptly, because Gleeson is a dull dresser—“Lord Fauntleroy.” Now forty, Gleeson is considered an excellent lawyer but something of a zealot. He is tall and trim, and looks like an angry Clark Kent. Gleeson took Gotti at his word—that he did pay the legal bills for the members of his crime syndicate, because the lawyers were actually working for the syndicate. “The reality,” Gleeson has written, “is that attorneys are as integral a part of the Gambino Family as any of its other members.”

The term that Gleeson uses to describe Shargel and Cutler, and other men he perceives as enterprise lawyers, is “house counsel.” (Not consigliere—Italian for “counsellor”—a position in the administration of a Mafia family for which a law degree is scarcely a requirement. The misperception about the meaning of “consigliere” probably stems from the character of Tom Hagen, the family lawyer in “The Godfather.”) “House counsel” is a label that Shargel deeply resents, but it did not originate with John Gleeson. In 1984, Shargel was accused of having accepted a paper bag containing a hundred and fifty thousand dollars in cash from the Gambino captain Roy DeMeo to defend two of DeMeo's associates. Shargel was summoned before a grand jury, where he testified that the bag had contained only two thousand dollars, and that the money was to defend DeMeo. Shargel was unable to substantiate this claim, because he kept very few financial records—deliberately, he said, in order to protect his clients. No charges were brought against Shargel, but Judge Abraham Sofaer, in a vitriolic opinion, disqualified him from representing one of DeMeo's crewmen and questioned the propriety of his recordkeeping practices.

Shortly after Gotti was indicted in December, 1990, John Gleeson wove several Ravenite conversations in which Shargel and Cutler and a third attorney were mentioned, or were actually present, into an eighty-nine-page brief requesting that they be barred from representing Gotti and his co-defendants at trial. They should not be allowed to sit in the courtroom as defense attorneys, he argued, because the government was planning to portray them to the jury as participants in the enterprise.

Judge I. Leo Glasser granted Gleeson's motion. It was the second time a federal judge had disqualified Shargel from a trial on the house-counsel theory, and, to make it worse, Glasser was Shargel's former law professor.

Ever since the disqualification of Shargel and Cutler from the Gotti case, Gleeson has threatened to bring criminal charges against the two lawyers, for obstruction of justice or tax fraud. He seems to believe, for instance, that Gotti meant it literally when he said he paid his lawyers under the table. In addition to the Ravenite tapes, Gleeson has another resource—the cooperation of Gotti's former underboss and one of Shargel's former clients, Salvatore (Sammy Bull) Gravano. Last year, Gleeson's grand jury issued subpoenas to Shargel and Cutler for financial records. (Meanwhile, last month, Cutler was convicted of criminal contempt for making certain statements to the press in violation of a judicial order; he has not yet been sentenced, but he could face up to six months in jail.)

Bringing an indictment against a lawyer as prominent as Shargel would be a drastic step, but then there are few prosecutors as single-minded as Gleeson. Shargel denies any wrongdoing, and says he is prepared to defend himself vigorously. Even if no conviction resulted, an indictment would probably destroy his practice. As it stands, his name has been tarnished by two federal judges. How had so talented and intelligent a lawyer allowed himself to get so close to a Mafia family—so close that John Gotti saw him as an errand boy and John Gleeson as a conspirator? Didn't he know there would be consequences?

SHARGEL is a man of immense charm. He has a soft chuckle and the soothing voice of a bartender—a job he once had in college. In interview sessions, Shargel stretches out his long legs, which are occasionally clad in cowboy boots, puffs on a cigar (defense attorneys are great consumers of cigars), and seems the picture of contentment. He smiles a lot. Despite the beard and the bald top, he has a boy's demeanor. His conversation is sprinkled with “cool” and “neat” and “sucks.” Jeffrey Lichtman, a twenty-eight-year-old associate, recalls Shargel once running up to show off a pair of hard-to-get Knicks tickets, declaring,

"Aren't these neat?" Lichtman says, "Under the surface, Jerry is a twelve-year-old. He's such a sweet, funny, self-deprecating guy. You can tease him. It's amazing his ego is not bigger."

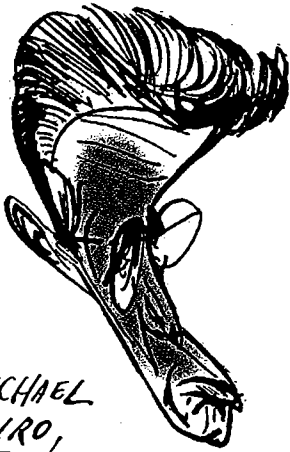
Shargel is proud of his equanimity. Many attorneys, he suggests, would have "crumbled" under the pressure of Gleeson's investigation. He has seldom been busier in more than two decades of practice, despite the fact that many of his recent clients have had to sign waivers acknowledging their awareness of the investigation. He possesses a trait that is enormously useful in a criminal lawyer: the ability to banish unpleasant

self-defense grounds, it turned out after some four hours—and spent the whole time brooding and making himself miserable. It caused him to relive a low moment in the Gotti assault trial of 1990, when he had two slightly different transcripts of the same tape read into the record, to demonstrate that transcripts can be unreliable. It turned out to have been a brilliant ploy, but at the time he believed he had made a tragic error, since both transcripts were damning. "Give me your gun," Shargel recalled telling Gotti. "I'm gonna shoot myself."

Shargel is so disarming that one must remember to be wary of his shrewdness.

with Shargel. (The two were spotted some months ago having lunch at Forlini's, an Italian restaurant near the Manhattan D.A.'s office.) "I like him enormously, he's very endearing. But he's so smart and manipulative that you always wonder if he's calculating the next move. Is his sensitivity real or is he trying to get an edge?"

At times, one suspects that Shargel is elusive even to himself. To defend a public enemy and delight in getting him acquitted, a criminal lawyer must bond in some way with the criminal. Defense attorneys can seldom account for this quirk of personality, and Shargel is no



MICHAEL COIRO, ATTORNEY: NOW SERVING TIME. "I WIRE ONE OF US," GOTTI'S BROTHER TELLS HIM.



BRUCE CUTLER, ATTORNEY: DEFENDS GOTTI IN A MANNER BEFITTING THE DON. GOTTI CALLS HIM "THIS IMBECILE."



JOHN GLEESON, PROSECUTOR: INVESTIGATES GOTTI'S LAWYERS. "ATTORNEYS ARE AS INTEGRAL A PART OF THE GAMBINO FAMILY AS ANY OF ITS OTHER MEMBERS."

thoughts. And something else: a refusal to be intimidated.

Relaxed and happy as he seems, Shargel is a perfectionist, who works seven days a week and suffers from insomnia, especially when he is trying a case. Sometimes he gets up in the middle of the night and, not wishing to disturb his wife, Terry, scribbles furiously in the dark. The only time he appears to be in torment is when he believes he has made a mistake. A few months ago, in his summation in a rather routine assault case (the son of a former client had gashed a man's forehead with a beer mug at a pool bar), he forgot to mention a seemingly minor detail about the victim's bruise. He went out for a drink while awaiting the verdict—an acquittal, on

The pool-bar-assault trial provided an illustration. The prosecutor, a twenty-seven-year-old woman in the Manhattan D.A.'s office, was so outmatched by Shargel that Shargel feared the jury would sympathize with her, and he took every opportunity to belittle himself. At one point, he asked the judge's permission to read from a document labelled Exhibit F. The judge was puzzled. Was Shargel sure it said Exhibit F? "It might say something different if I put on my glasses," Shargel said. "Ah! Exhibit B." The jurors laughed, visibly charmed. But Shargel's weak eyesight was an act—and one he had used before.

"You have to be careful with Jerry," says Michael Cherkasky, the prosecutor in the Gotti assault trial, who is friendly

exception; when he is pressed, he speaks lamely of "anti-establishment" leanings. Shargel is the kind of guy who considers it hip to quote Bob Dylan, Bruce Springsteen, or the Rolling Stones at every opportunity. (After winning a bribery case on Long Island, he turned to a reporter, tossed off some Dylan lines—"I'm going back to New York City/I do believe I've had enough"—and then sped away in his Jaguar sedan.) "You can't do what I do and be an establishment person," he said one afternoon in his office. "You have to be the kind of person who wants to defy convention." As he spoke, he was dressed in his trademark navy chalk-striped suit, with a white pocket square, and he gestured with his cigar. Shargel would be easier to figure if he

were more outwardly unconventional, a William Kunstler or a Bruce Cutler. He does have an irreverent sense of humor, and it shows in the trappings of his office. There are a pair of shoes in cement, and there is a piece of folk-art sculpture of an angel in a tug-of-war with the Devil, whose tail is wrapped around a tree stump. The walls are covered with Second World War posters cautioning secrecy. One shows a German officer reading a book embellished with a Union Jack, and it says "DON'T KEEP A DIARY—IT MIGHT GET INTO THE ENEMY'S HANDS." Shargel added that one to his collection after destroy-

ing his diaries, to avoid the threat of having them subpoenaed by the government. Last month, Shargel relocated his office to a suite occupied by Duker & Barrett, a civil-litigation firm. Some see the move as an effort to gain respectability, but Shargel says it was done to reduce his overhead, and that he has no intention of cutting down on his Mafia work. Shargel does not try civil cases. White-collar crime, however, has always constituted a large part of his practice; over the years, he has defended people such as the Bronx Democratic boss Stanley Friedman and the real-estate tycoon Norman Dansker.

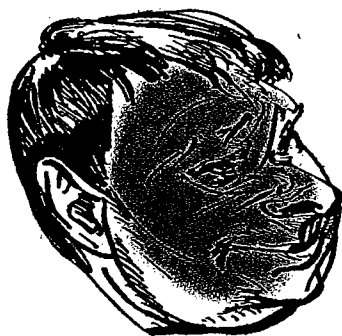
diverse as heroin smuggling, assault with a deadly weapon, murder, vehicular homicide, money laundering, real-estate fraud, insurance fraud, and tax fraud. The reason he is so much in demand, despite all the controversy, is that in the upper echelons of the criminal bar there are trial lawyers and there are "law persons," but Shargel is among a very few lawyers who excel as both. The trial lawyers are the born actors, expert at demolishing witnesses and captivating juries but, as a class, often barely capable of writing briefs and arguing motions. The law persons, their brainier but less theatrical counterparts, handle those

and makes a point of always moving around the floor. It sends a message that "the courtroom is yours," he says, and forces the jury to watch him. "It's like acting, and the more crowded the courtroom is, the more I let loose. I love to use my body. I forget everything except the role I'm in. In a summation, I'll talk about what a witness said, and I'll jump up and I'll sit in the witness box: 'You remember, he sat right here!'" When Shargel addresses a jury, his voice quakes with passion, and there is an iterative rhythm to his words which he has picked up from listening to tapes of Martin Luther King's sermons. After Shargel

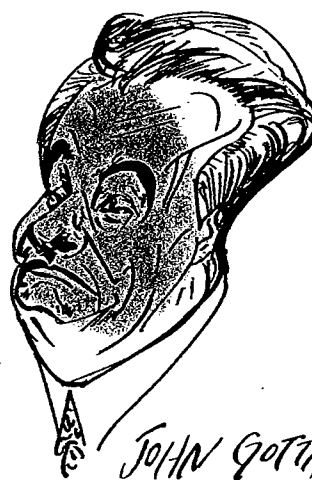


1. LEO GLASSER, JUDGE:

DISQUALIFIES SHARGEL AND CUTLER FROM GOTTI'S TRIAL ON THE THEORY THAT THEY ARE "HOUSE COUNSEL" TO THE GAMBINO FAMILY.



SALVATORE (SAMMY BULL) GRAVANO, UNDERBOSS; KILLS TEN PEOPLE FOR GOTTI, THEN TURNS GOVERNMENT INFORMER.



JOHN GOTTI, BOSS: SERVING A LIFE SENTENCE. "GAMBINO CRIME FAMILY? THIS IS THE SHARGEL, CUTLER + WHATTAYA-CALL-IT CRIME FAMILY!"

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In the past two years, Shargel has been in court defending mafiosi, and numerous non-Mafia clients, on charges as

chores and, increasingly often, sit at the defense table throughout the trial as intellectual support. Shargel began as an appellate expert, and his knowledge of case law is encyclopedic. The most scholarly judges treat him as an equal. For five years, he taught criminal appellate practice at New York University Law School. He studies every slip opinion issued in a criminal case by the Second Circuit Court of Appeals.

He is also one of the best pure trial lawyers in town, known for the exceptional skill of his cross-examinations and for his physicality. Though he is far less flamboyant in private than many of his colleagues, something happens to him when he is in a courtroom. Tall and graceful, he acts with his entire body,

won an acquittal for Bill Banks, a former campaign aide to David Dinkins, on charges of grand larceny, a black juror said of him, "He must have gone to a Baptist church, because he sure can preach."

Shargel exudes so much happiness in private that it always comes as a surprise to observe his angry, aggressive alter ego in the courtroom. Like most good trial lawyers, he can manufacture hatred for government witnesses. The moment the prosecutor finishes his direct examination, Shargel leaps up from the defense table and projects his first question before reaching the lectern (to convey to the witness, he says, "Fuck you, you can't hurt me"). There is, he points out, an "elegant wrapping" to his attack, but cross-examination is invariably a cruel science.

"You've got to smell the weakness," Shargel says. "Where is this person vulnerable?" He is masterly at what trial lawyers call "control"—damaging a witness's credibility while simultaneously confining him to short answers, so that he cannot make harmful speeches about the defendant. Shargel rarely raises his voice; his weapons are wit and sarcasm. ("You sold drugs, right? . . . You *did* drugs, right? . . . You worked in gambling parlors, right? . . . Would you lie to get out of jail? . . . Never? . . . Because you wouldn't stoop to something like *that*, would you?")

One of Shargel's proudest achievements was a merciless two-day cross-examination, in February, 1992, of Ronald Rivera, the key witness in *People v. Gambino*. On behalf of the Manhattan District Attorney's Office, Rivera, a state trooper working undercover, ran Chrystie Fashions, a garment factory in a loft on the edge of Chinatown. While his "employees" sewed children's jeans, elastic pants, pleated skirts, and other garments for various clothing manufacturers, Rivera gathered evidence that the sons of the late Carlo Gambino, Thomas and Joseph, had taken extortionate control of trucking in the New York garment industry. Shargel, who represented Joe Gambino, committed Rivera's daily reports to memory, and he made a fool

of Rivera by continually correcting his testimony: "Look at your report of September 7, 1988. . . . Does that refresh your recollection? . . . Look at September 30th. . . . One P.M., if you can't find it, Trooper Rivera." By the end of his cross, Shargel had thoroughly humiliated the state's star witness. ("How can I be accurate?" Rivera finally pleaded. "There's too many details.") Less than two weeks later, the District Attorney's Office agreed to an unusual disposition: Tommy and Joe would plead guilty to antitrust charges, pay several million dollars in fines, and agree to sell part of the Gambino trucking fleet and, in return, they would face no jail or probation. Shargel is still gleeful about his mauling of the trooper, but today he does not even remember the trooper's name. "I don't have any feeling one way or another toward that cop," he says. "He had a job to do, and I had a job to do, and I just did it better." He laughs.

The Gambino deal is one of the coups for which Shargel is best known, along with the Gotti acquittal, but he has won other surprising victories. In his 1992 defense of the real-estate developer William Romano, he played on the distrust that jurors often feel toward law officers. Romano had been arrested at Kennedy Airport by a customs inspector, after the inspector and another customs

officer claimed they had discovered more than three pounds of heroin strapped to his body. The first witness was the arresting officer. ("He was sweating a lot. . . . I removed the bulge from his back. It was a package in brown tape.") The other officer corroborated his testimony. The heroin was shown to the jury. Shargel argued that his client had been framed. He pounded on the fact that no photograph was taken of Romano wearing the heroin. He portrayed the arresting officer as greedy for a promotion. He called nine character witnesses for Romano, including a pastor. "Only if you accept with blind faith . . . that cops will never lie" could there be a conviction, he told the jury. Romano walked.

Shargel does not like to settle cases, although his reputation as a trial lawyer often enables him to strike good deals, even in the face of overwhelming evidence. One of his clients, the real-estate executive Robert Goldberg, tried to have his wife murdered so that he could run off with a Korean prostitute. On October 1, 1992, at the main branch of the New York Public Library, Goldberg met with Thomas Beltraz, a private detective who said that he would arrange the hit in exchange for eleven thousand dollars; Beltraz in fact was working undercover for the police. During the meeting,

Goldberg gave Beltraz a down payment of twenty-five hundred dollars, and suggested that the hit man stalk his wife and her best friend at the shopping mall, and kill them both, to make it look like a robbery. He asked that the assassin wait a week, until after the Jewish holidays—because "there's gonna be a lot of friends and family around"—and said of his wife, "Look, the last thing I want is for her to be in pain. . . . I might hate her guts, but it's a human being." The entire meeting was captured on videotape and audiotape. Shargel was eager to try the case; he formulated what he called his "nerd defense"—that Goldberg was too pathetic to be a calculating killer. Last summer, however, Goldberg decided to plead guilty, and Shargel negotiated a sentence



"I'm trying to forget a pussycat."

S. GROSS

that could have him out of prison in three years.

Shargel often takes unwinnable cases, and, not surprisingly, does not win them; even the best defense attorneys lose a lot of the time. His defense, in 1987 and 1988, of Jimmy Coonan, the leader of the Westies, the Irish mob that operated in Hell's Kitchen, ended in conviction and a seventy-five-year sentence for Coonan, although Shargel still counts it as one of his best efforts. Coonan's motto was "No corpus delicti, no investigation," and it was his practice to dismember the bodies of his murder victims and dispose of the parts in plastic garbage bags. By the time his case came to trial, a number of Westies had turned informant. One, Billy Beattie, described how Coonan took a serrated kitchen knife to the corpse of a loan shark and "whacked his head off." Another, Tony Lucich, testified that Coonan gave him a plastic bag containing the severed hands of a rubout victim, to store in the freezer, so that the fingerprints could be planted on a murder weapon. The star witness was Coonan's former No. 2 man, Mickey Featherstone, a paranoid schizophrenic who once tried to strangle his wife while hallucinating that she was a Vietcong agent. Featherstone said he had committed murders on Coonan's behalf.

"One of the best summations I ever gave was for Jimmy Coonan," Shargel says. "It had a great ending. I thought of it in the shower as I was getting ready to go to court. The idea came to me from listening to Martin Luther King's kitchen-epiphany sermon. You know, King is despondent, and he's sitting in his kitchen late at night, and he hears the voice of Jesus: 'He promised never to leave me, never to leave me alone, no, never alone.' In the Westies trial, there was such a focus on Mickey Featherstone, and his craziness, and how he kept hearing voices. So I said, right at the very end of the summation, 'Let me share something with you. Mickey Featherstone hears voices calling him back to Vietnam. Jimmy Coonan hears voices, too.' Everybody went silent. *What?*"

Jimmy Coonan hears voices, too.

He hears the voice of a Bill Beattie, saying, "I don't want to go to jail for life." Those are the voices that he hears. . . .

And he hears the voice of a Tony Lucich, who says, "You left me here on Tenth Avenue. I got problems with a drug case that

has nothing to do with you. . . . You left me behind. You promised never to leave me. . . ."

He hears those voices. . . .

And he hears the voice of a Mickey Featherstone, saying, "I loved you once but now I hate you. . . ." He says, "Jimmy, I'm drowning. I'm drowning. My life is going before me. . . . I need you because you are my ticket out of here. I loved you once and now I hate you. And you promised never to leave me!"

These witnesses are reaching out from their prison cells, their cesspools of perjury . . . and they are trying to drag Jimmy Coonan down. They won't let him live.

And I am asking you to let him live.

"I had jurors crying," Shargel recalls. "I had tears in my own eyes. I loved it. Didn't work, though."

ATTORNEYS are not an admired species: in opinion polls, they rank somewhere below journalists. Even people who believe firmly in the right to counsel often begrudge lawyers like Shargel what they do for a living. It seems far too cynical. A criminal trial is a search for truth, yet the defense attorney does his best to confound that search even when he *knows* that his client is guilty. He takes the prosecutor's nice, orderly story about the defendant and attempts to obfuscate it with doubt and reduce it to chaos. He tries to make a witness who is telling the truth appear to be a liar. If he does his work well enough, the guilty party goes free.

Critics tend to forget that in our adversarial system it is defense counsel's prescribed role to be disingenuous if it will help win an acquittal for his client. Supreme Court Justice Byron White wrote, in *United States v. Wade*, "Our interest in not convicting the innocent permits counsel . . . to put the State's case in the worst possible light. . . . In this respect . . . we countenance or require conduct which in many instances has little, if any, relation to the search for truth." If the average person finds this precept hard to swallow, he can take solace in the fact that many prosecutors, and even many judges, cannot accept it, either.

Of the varieties of defense attorney, the Mafia lawyer presumably ranks among the very lowest in public esteem. By Shargel's estimate, there are, at most, fifteen lawyers in New York state who consistently defend major organized-

crime figures. In attempting to account for his membership in this small corps, Shargel speaks exultingly of "the action." He is at a loss to understand why Jay Goldberg, another top trial lawyer, rarely takes on a mob case and has spent far more time handling civil litigation, for the likes of Donald Trump. "Jay made more money than any of us," Shargel says. "But he missed the action."

Not that Shargel doesn't make good money. He has a reputation for charging high fees. When he is paid on an hourly basis—a practice he discourages—he bills at what he calls a "normal" rate of around four hundred dollars an hour. For the most part, he commands flat fees of five or six figures, depending on the case. He will not give details. By the typical

workingman's standards, Shargel is surely a rich man, but he is only occasionally ostentatious about his wealth. (A friend recalls, "I once went over to Jerry's apartment for pizza, and he couldn't pay the pizza man, because all he had was hundred-dollar bills.")

But Shargel appears to be telling the truth when he says that the action, rather than the money, is what motivates him. One of his formative experiences occurred when he was sixteen. By lying about his age, he landed a job as a soda jerk and busboy at the Lido Hotel, in Lido Beach, Long Island. Up to then, his social life had revolved around a Jewish community center in New Jersey, but at the Lido he was exposed to gamblers, politicians, garment-center tycoons, and what his childhood friend Bernie Diamond, who worked with him at the Lido, calls "Damon Runyon characters." Diamond says, "Jerry seemed to have an addictive fascination for the seamy."

This fascination remains the best explanation of why Shargel has found himself at the Ravenite, and also at numerous private gatherings with mobsters—at the wedding of Nino Gaggi's daughter, at Tony Lee Guerrieri's wake, sipping cappuccino in Little Italy with Joseph (Joe Butch) Corrao. When the subject of Shargel's proximity to his clients was broached, he at first took a belligerent, I'm-not-in-business-to-satisfy-the-government attitude. "I could never be John Gleeson's ideal of a criminal-defense lawyer," he said. "The government's at-





"Wait, I think he's just come in. I hear his theme music."

entire floor, but it is a moderate size for a couple with two children. Johanna was born in 1971, and David is five years younger. Shargel took his daughter's name from Dylan's "Visions of Johanna." She recently graduated summa cum laude from Yale, and was accepted to Yale Law School, though her ambition is to be a journalist. David is studying for a pilot's license and, at sixteen, was already flying a Cessna, to his father's delight. The Shargels' cook, Bea, who served dinner, is one of their few extravagances. Besides renting the East Hampton summer home, they have two Mercedes-Benzes and a small boat called Defense Rests. "Jerry has always earned lots of money by my standard," Terry says. "We realized our dreams very young. Maybe our dreams weren't big enough."

The Shargels have a strong marriage. "They really love each other," Johanna says. "They still dream together, and move forward together. He makes her laugh. She supports him a hundred per cent." They are remarkably opposite in temperament, however. Terry says, "Jerry is friendly and sunny and outgoing; I make people uptight." Shargel, unlike his wife, is incapable of holding a grudge. His younger sister, Judy Shargel Greenberg, who operates a health-care agency, points out a quality in Jerry that is immediately discernible: he wants people to like him, and he will go to extraordinary lengths to repair a rift. One cannot help thinking that it must have been excruciating for Shargel to learn that Gotti was enraged at him. Yet when the subject of the "SHADDUP" incident came up at dinner Shargel was dismissive. "Was I nervous or upset when Gotti talked about throwing me out the, uh, not at all," he said. "I think I saw it for what it was—a momentary expression of anger. It wasn't something anyone would take seriously, except government agents without a sense of humor." And of Gotti's complaint that Shargel was

titude is absurd—they're saying I should distance myself from my clients. I'm not interested in distancing myself. My wife always says I fall in love with my clients. It imbues me with some serum to go into court and fight for a guy and have passion in my voice. You don't get that by saying, 'I'll meet you, but only between nine and five in my office. I'll speak to you, but I won't come to your wedding. I'll defend you, but if a member of your family dies I won't come to the wake.' What kind of retainer is that?"

However, Shargel also admitted to a visceral thrill in being close to the powerful and dangerous. "Sure, there's a thrill involved," he said. "Don't you think Bernie Nussbaum is thrilled to be in the car with Bill Clinton? If you are a person's lawyer, you provide counsel at the highest level, whether the client is John Gotti or Mick Jagger. The guy who feels most important at a rock concert is the lawyer in the third row with the backstage pass clipped to his belt. People were critical of me for going to the Ravenite Social Club. 'You're a lawyer. Why'd you go down there?' I went to the Ravenite Social Club because I loved to

go to the Ravenite Social Club. I loved the idea. I love the fact that when you represent someone you are automatically elevated to that person's level. So if John Gotti sits in the back at the round table at the Ravenite you can just walk in and walk past everybody and sit down at his table. You're elevated. If I was on Mulberry Street having dinner, I would want to go there; I'd look forward to going there; I was anxious to go there." He added, "Sometimes I would step back and imagine I was in a movie. Going to the Ravenite's cool because it's like a movie."

Terry Shargel does not share her husband's fascination. "I really had no interest in going to the Ravenite," she said one evening over dinner at the Shargels' apartment. She used to socialize with Jerry's Mob clients, and once attended a Mafia wedding ("I couldn't believe their names—Joe Butch and Danny Boy and Lucy Girl!"), but she stopped sometime in the mid-eighties. Terry is five feet four, auburn-haired, attractive, and tense. She deals in antique advertising posters, and the walls are covered with them. The apartment takes up an

overpaid he said, "It would only have bothered me if it pushed a button: the guy's right, I can't perform in a courtroom, and I charge too much money. But I heard that tape after I played a major role in winning a case for Gotti, so I certainly didn't feel it was right. In large measure, I found it amusing."

Terry said nothing then, but in a subsequent conversation, out of earshot of her husband, she made her feelings known. "I wasn't fearful—that was just nonsense," she said. "But I had to ask, 'Why are we in this picture? Why are you defending this man who has nothing nice to say to you? Isn't there anything better than "shaddup"? It's so typical of John Gotti. Most of Jerry's clients adore him—they come up to me and hug and kiss me, because they've never had a lawyer who cared about them so much. I've met John Gotti, we've had coffee together, and he's very charming and witty and fast on his feet. But I'm not quite as fascinated as Jerry."

"SHADDUP" was not the only headline that the Shargels had to contend with. In the summer of 1991, segments of the Ravenite tapes were disclosed in court documents, and the tabloids had a field day. The *News* weighed in with "MY LAWYERS ARE 'RATS'" (one of Gotti's numerous put-downs) and, trumpeting Gleeson's investigation of Cutler and Shargel, "THE BOYS & THE HOOD." Terry's biggest concern was the effect of the publicity on David. "My son was a vulnerable age, thirteen or fourteen," she said. "He's a closed person and he doesn't discuss his emotions, so I really don't know even now how much he's affected, or if the kids in school are gossiping about his father." Shargel had taken his son to hear his opening statement in the Gotti assault trial, and then had tried vainly to coax a reaction from him ("So, what did you think of your father? Was he great? Or was he a potato?"). But lately, Shargel says, David is beginning to question him. "He'll see a news story on TV, and ask me,

'Would you defend that person?' Not just once but over and over."

Johanna has found it difficult to be the daughter of a Mafia lawyer. Her problem, she says, is not so much with the clientele—to whom she has been exposed since the age of one, when her parents took her to an Italian restaurant in Brooklyn to have lunch with acting Colombo boss Joseph Brancato—as with "the negative publicity, and people regarding my father as doing something wrong, and looking down on him. I felt my own reputation was somehow damaged." At Yale, she says, the fact that her father had defended Gotti was "the first thing a lot of people knew about me, including my boyfriend." When the investigation of her father hit the newspapers during what she ruefully calls "the Gotti summer" of 1991, Shargel did not discuss it with her in any detail. "He'd just give me a five-sentence summary," she says. "He doesn't like to talk about unpleasant stuff."

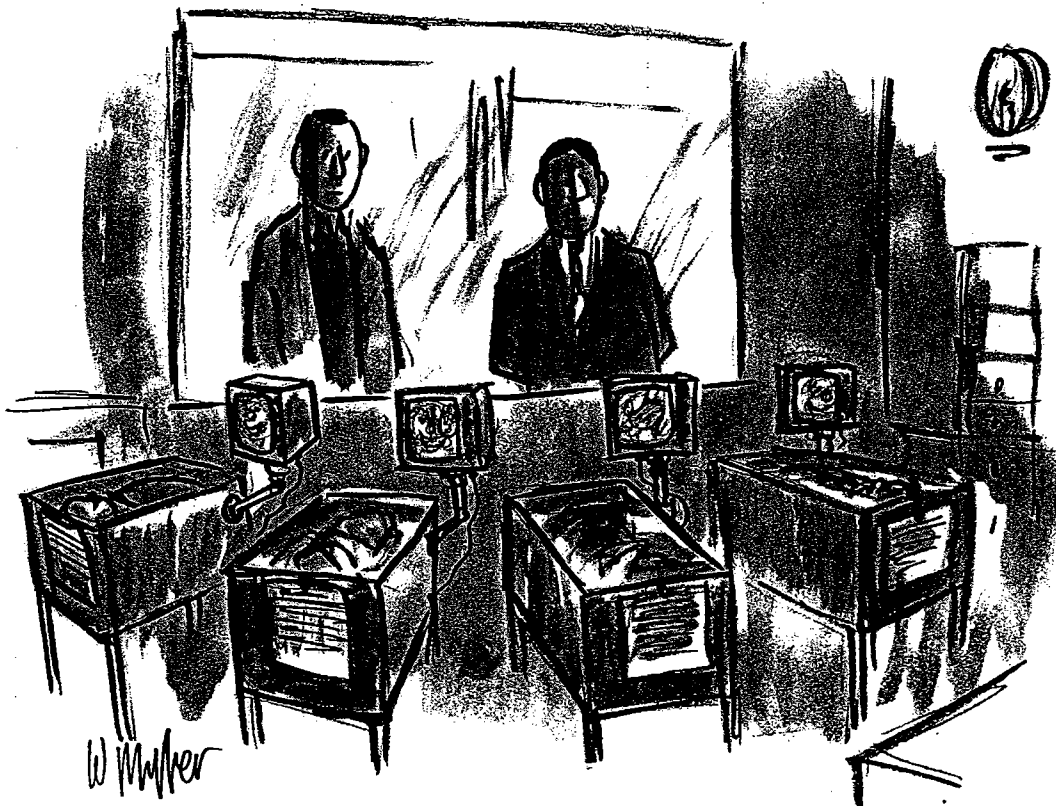
Shargel admits this. He says he is most comfortable socializing with other defense counsel, so that he doesn't have to contend with the usual cocktail-party question about how he is able to defend bad people and keep from making judgments about them. "I know the question's coming, and I try to avoid it at

almost any cost," he says. But after dinner, when the conversation continued in the living room, Shargel warmed up to the topic, as Terry listened in, with amusement.

"A lot of clients tell me they're innocent, because they think I'll work harder for them," he said. "That's not true. It's irrelevant. The question is: Can the State prove its case? The guy can be guilty as hell, but if I win an acquittal it means a fortiori that there was something infirm or wrong with the prosecution's case, and they weren't entitled to the conviction. I am intellectually satisfied and I am morally satisfied, because the system worked. I think I served society. On another level, I'm in it to win it. I was in a contest, and I won the contest. So, of course, I'm elated."

Did he ever feel compassion for the victim?

"No. I don't think about it. I'm detached. I've seen death of every kind and description, and it simply does not affect me. I once handled a murder case in Nassau County. They showed color photographs of a young woman who had been stabbed multiple times, and her body was found lying in a bathtub. That's as bad as it gets. I can look at those gruesome pictures with the cold eye of a surgeon. I just get to work. I



have to be divorced from the underlying acts, because a man who's charged with not only killing someone but disembowelling the person or cutting the person up into little pieces—it's a horrendous, horrendous act. Would probably make some people of weak stomach vomit. But if my mind is influenced by that act then I can't be a formidable advocate for that person. I mean, I guess I've had dinner with people who are perfectly charming, and I don't think, Geez, this guy was out slaughtering people."

Was this a conscious decision?

"No, just the opposite. I think it's probably subconscious. If it were conscious, it would mean that I filter out the thought and push it aside. I don't do that. The thought never gets to that process."

Terry said, "It's like we can't sit around thinking about people starving in India, because if we did we'd all be dysfunctional."

"Don't you see?" Shargel said. "I would start thinking, If I get Client X acquitted, he's almost certain to go out and commit a violent act again, because of his history. What would that mean? I can't sleep at night, I can't eat because, Jesus, I'm fighting for this guy, and he's gonna get out. That would have to affect the way that I work, and my summation or cross-examination might not be that vigorous. Not only does that sell out my client but, on a broader scale, it sells out the system. And you know what really sucks? Probably many of the people who call themselves criminal-defense lawyers judge their clients. I go in and fight as hard as I possibly can, and I don't worry about what's going to happen next. Because if I do, I'll lose my effectiveness."

SHARGEL gets his happy disposition from his father, Leo, whose paint-and-wallpaper store was in Somerville, New Jersey, ten miles from New Brunswick. That is where Shargel was born, on October 5, 1944, and where he grew up, with his younger sister, Judy. Although Leo did not go to college—Shargel was the first in his family to do so—he loved books, and Shargel's friends considered Leo an intellectual because he read the *Times*. Shargel's mother, Lillian, was "the planner and organizer in the family," according to Judy. (Both parents are still living but declined to be interviewed for this account; Judy

says they were badly shaken by the negative publicity in 1991.)

Shargel did not get good grades in school, and he says his parents never pushed him. Judy recalls that "he always knew he would be successful, and goes places with his charm and personality." Shargel claims his tendency to defy authority began in school, where he was "a discipline problem" and "a wise-ass." When he reached the tenth grade, he was bused to Bound Brook High School, as one of perhaps a dozen Jewish kids in a class of two hundred and fifty. His best friend at the time, Ed Steckel, recalls the Italian boys as "working-class tough guys who drove big Mercurys and wore black leather jackets," and who picked on Shargel in the school bus and the locker room. "A number of years ago," Steckel says, "I said to Jerry, 'Isn't it goddam ironic? The very guys who used to fuck with you are now your clients.'"

In 1962, despite his poor grades, Shargel gained admission to Rutgers—just barely, because his mother worked there as a secretary. He majored in history, became the rush chairman of his fraternity, and drove a motor scooter. In his senior year, he got his job as a bartender—an experience as educational, he says, as anything he learned in class. By then, he was pinned to Terry Krapes, a speech-pathology major at Douglass College whom he had met at a school mixer. Reflecting fondly on the action at the Lido Hotel, Shargel saw himself becoming a *maitre d'*, but Terry nixed the idea. "I tried to explain that it wouldn't work, me being the wife of a hotel manager," she recalls. "I was too artsy for that—I wore black and hung out in cafés in Greenwich Village and smoked cigarettes. I figured I should at least be married to a professional man. And, since Jerry had no aptitude for math or science, the only option was law."

Shargel enrolled at Brooklyn Law School in 1966. Terry, a year younger, was completing her senior year at Douglass, and Shargel lived alone in the spare room of a Manhattan brownstone. He hunkered down and, for the first time, became an A student. The professor who taught him property law, Leo

Glasser, was then, as he is now, irascible—a brilliant scholar of the law, and a pedant. A quarter century later, as a federal judge, Glasser would brand Shargel a Gambino-family house counsel and disqualify him from the most recent Gottschalk case. "I remember he gave me an A in the course," Shargel says. "He graded me more harshly in the disqualification motion."

In July of 1968, during the summer before his final year of law school, Shargel worked as a student assistant in the Brooklyn United States Attorney's Office—the only time in his life he has sat at the government table. He had a chance to observe a number of legendary criminal defenders of the day, such as Henry Singer and Murray Edelbaum. When a prosecutor he assisted, John Leone, tried a routine truck-hijacking case against the defense attorney James LaRossa, Shargel looked longingly in LaRossa's direction. "John Leone was a good prosecutor, but in my heart I was bonding with LaRossa," he says. "I would have much preferred to be sitting at his table. The grass looked greener over there—no pun intended. I'm not talking about money. The prosecution table was drab and humorless, while the defense table seemed stylish and alive."

In January of 1969, Shargel joined LaRossa's law firm as a student clerk; he did legal research, wrote briefs, and parked LaRossa's Cadillac. By December, he had been admitted to practice law, and was made an associate. Shargel soon developed into LaRossa's law person, becoming an expert at appellate work—a desk job that involves poring over the transcript of a trial that has ended in a conviction and writing a brief to the Court of Appeals arguing why the conviction should be overturned.

Once in a while, Shargel would get a chance to try a case—usually if LaRossa had a scheduling conflict, or if a client couldn't afford LaRossa's fee. Shargel's first trial involved counterfeit cashier's checks. He lost. The second concerned a bank heist. "They showed that my guy was almost destitute and that shortly after the robbery he went on a trip around the world," Shargel recalls. "I got him acquitted."

In 1974, LaRossa made partners of Shargel and an older associate, Ronald Fischetti. LaRossa was gaining in prominence, helped in part by the pros-



"How would you like to be queen for a day?"

ecutor Maurice Nadjari, who had a habit of indicting judges and public officials, then losing the cases or having the convictions reversed. LaRossa successfully defended the judge Ross DiLorenzo and the New York City tax-commission president Norman Levy.

By 1976, Shargel and Fischetti had grown tired of laboring in LaRossa's shadow, and they quit to form their own partnership. The wounds have since healed, all three men agree, but they were painful at the time. "I guess my ego was hurt that they decided to leave together," LaRossa says. As it turned out, Fischetti & Shargel lasted only two and a half years; in early 1979, they split to become solo practitioners.

Shargel was still better known as an appellate lawyer, and in June of 1979 he made national news in that capacity when the state Appellate Division overturned the murder conviction of his client Anthony (Tony Pro) Provenzano, and ordered a new trial. A suspect in the disappearance of Jimmy Hoffa, Tony Pro had been convicted of killing the Teamsters boss Anthony (Three Fingers) Castellito. Shargel argued successfully that the trial judge should have dismissed a juror who had a personal acquaintance with the prosecutor, rather than force the defense to eliminate her by using up a peremptory challenge.

Shargel came into his own as a trial

lawyer in 1981, when he defended Nicholas Barbato, the former Republican boss of Smithtown, New York. Barbato was accused of taking \$267,500 in kickbacks from Bowe Walsh & Associates, an engineering firm, in return for helping the firm win a sewer contract. Shargel portrayed Barbato, whose family owned a large vegetable stand, as an honest, simple farmer—"a man with soil under his fingernails"—but a former Bowe Walsh executive, Edward Higgins, testified that he himself had withdrawn money from a slush fund and delivered part of it to Barbato personally. In a closing statement that Shargel still considers one of his finest, he ridiculed Higgins' demeanor on the stand, noted grave inconsistencies in his testimony, and, in a King-like peroration, said of his client, "This is the system that he worked for, this is the system that he believes in, and this is the system that will set him free." Barbato was acquitted.

SINCE Shargel's first high-profile trial was a white-collar case, he might easily have developed a practice geared toward nonviolent crime. A lot of people view LaRossa as a Mafia lawyer, and assume that Shargel became one by having worked for him. The fact is that although LaRossa has represented a number of Mafia figures—including Paul Castellano, who ran the Gambi-

no family until December, 1985, when Gotti had him murdered—he has represented many more judges and lawyers. LaRossa is among the people who have been most critical of Shargel's visits to the Ravenite. "I can't defend Jerry's appearance in that goddam place," LaRossa says. "O.K.? I love him like a son, and I'd like to strangle him for doing it. I said, 'If you do it again, I'll come after you with a baseball bat.' And I would. Out of love. Jerry tried that case with Gotti, and he started to eat it up. He got intoxicated. It's as simple as that. Stupid. Stupid."

The man who describes himself as Shargel's other mentor, a lawyer named Michael Coiro, sees nothing

wrong in such visits—he has made several himself—but Coiro is in no position to give advice. In 1989, he was convicted of acts of racketeering—obstruction of justice and helping to stash the profits of a heroin deal—on behalf of the Gambino crime family. He got fifteen years—later reduced to eleven—then nine months more for perjury. To John Gleeson, who successfully prosecuted him, Mike Coiro is the very model of a house counsel—living proof of his theory about the way the Mafia can corrupt its lawyers. That Shargel has remained loyal to Coiro and provided him with free legal assistance has been interpreted as sinister by Gleeson.

Coiro, who is now sixty-three, is being held at the Federal Correctional Institution in Allenwood, Pennsylvania. This past fall, in a visitor's room there, dressed in a khaki uniform and sneakers, he reminisced about the days before he got into trouble—days when he was a defense attorney with a booming practice, and Jerry Shargel was a promising young man he had taken a shine to. Coiro looks a bit like the former Yankee shortstop Phil Rizzuto. As a lawyer, he was known for slapping his clients' backs and addressing everyone as "General." Jail has left him wistful but not bitter. "I'm not going to protest my innocence," he said. "I'm here."

Coiro, who grew up in the Borough

Park section of Brooklyn, among several of his future Mob clients, won a remarkably high percentage of his cases. "I had a knack with jurors," he said. "They just loved me." Shargel concurs, saying, "You could be caught in the cab of a stolen tractor-trailer with two guns in your pocket, and Coiro could get you acquitted."

Shargel was twenty-five, working for LaRossa, and living on Clinton Street in Brooklyn, near the criminal courts, when he met Coiro. Though married, Coiro had no children of his own, and he could show paternal affection for young people he liked; Jerry Shargel was one of them. Because Coiro had moved to Long Island, it was often difficult for him to appear in night court for arraignments; Shargel happily stood in for him. Before long, Coiro was recommending Shargel to his clients for appellate work if they should be convicted. (Among the referrals was Jimmy Burke, of the Lucchese family—the man portrayed by Robert DeNiro in "GoodFellas.") "Mike was really my first source of business," Shargel says.

Coiro also gave Shargel his entrée into the milieu of mobsters. "I said, 'Jerry, you sit in your ivory tower too much. I want you to see what the clients are really like,'" he recalled. "So we made the circuit. I brought him to Queens, and Brooklyn, and Manhattan, and opened up a whole new world for him—night clubs, supper clubs, the racetrack. There was a club on Queens Boulevard called The Suite, and I think it was the first time Jerry had been in a place like that. I introduced him around. At first, the fellas said to me, 'You know, Mike, he's an able guy, this Mister Shargel, but he comes on like an assistant U.S. Attorney.' I think I helped loosen him up a great deal. You have to remember, the fellas like to meet and talk with lawyers outside the office. They get a feeling of camaraderie—you're not afraid to sit in a bar and have a drink with them. 'Hey! This is Mike Coiro—he's my lawyer. This is Jerry Shargel.' The government frowns on that. They think it means you're becoming one of them."

One of the "fellas" that Shargel met was John Gotti. Gotti later employed a favorite put-down to describe Shargel in those days: "I remember Jerry when Jerry was an ambulance chaser." Gotti was not such a big shot himself at the

time—he was an acting captain—but, for all the myths that have grown about him, he was certainly charismatic. And a thug. It was during this period, he later recalled, that he broke a man's legs, ankles, and jaw, then pried a gun into his mouth and taunted him: "You wanna play anymore?"

As Gotti's lawyer, Coiro had served him well. In the late sixties, Gotti was busted twice for truck hijacking, and a charge of kidnapping was thrown in the second time, but Coiro managed to work out a plea that involved no additional jail for the second case. Gotti was never long on gratitude, however. One day in 1979 or 1980, while Coiro was dining at the Villaggio d'Italiano, a Mob-owned restaurant in Queens, with Jimmy Burke, Gotti walked in, and Coiro failed to greet him. Enraged, Gotti returned to his nearby hangout, the Bergin Hunt & Fish Club, and sent for Coiro. According to the trial testimony of James Cardinali, who did menial jobs at the Bergin, Gotti threatened to "stuff" Coiro "in the fireplace," but instead assaulted him verbally: "I found you, you were a fifty-dollar ambulance chaser! You are a piece of shit! You're supposed to run when you see me! You sit there with Jimmy Burke, don't get up to say hello to me, I'll kill you!" Coiro took it meekly—"I'm sorry, Johnny"—and, Cardinali related, "that was the end of it."

Gotti's crew, which included his brother Gene, a soldier named Angelo Ruggiero, and Ruggiero's brother Sal, trafficked in heroin. Sal had been a fugitive from three indictments since the mid-seventies, and on May 6, 1982, his chartered Learjet crashed off the coast of Georgia, killing him and his wife. Federal agents found Sal's hideout in New Jersey, and began watching Gotti's crew members more closely. It was difficult for them to sell heroin, and Angelo was worried because Sal's in-laws had been subpoenaed by a grand jury and he did not trust them.

Shortly after the plane crash, Mike Coiro was called in to help sort out these problems. He and Gotti's crewmen sat around the kitchen table of Angelo Ruggiero's home, in Cedarhurst, Long Island, never suspecting that the kitchen

was being bugged by the F.B.I. Coiro managed to obtain through bribery a confidential document from the Nassau County D.A.'s office—"Forewarned is forearmed," he said—and he was prepared to coach Sal's in-laws, who, as Coiro put it, were not "people like us," on how to lie to the grand jury.

On May 12th, Gene Gotti addressed Coiro. "We don't make out . . . that you're our lawyer," he said. "You're not our lawyer. You're one of us as far as we're concerned."

"I know it, Genie, and I feel that way. That's a honor."

On May 21st, Coiro and Ruggiero once again conferred in Ruggiero's kitchen.

"I got this fucking tail on me, Mike—it's unbelievable," Ruggiero said. "I can't go noplac, cause I'm being followed. . . . I might as well put heroin in my fucking hands than the money." Would Coiro hide the cash until the heat was off?

"O.K., no problem," Coiro said.

On August 23, 1983, Mike Coiro and seven Gambino soldiers, including Angelo Ruggiero and Gene Gotti, were arrested on heroin and obstruction-of-justice charges. Coiro was led, handcuffed, to his arraignment. His lawyer, Gerald Shargel, refused to accept a fee for his services.

IN January of 1984, Shargel took on a partner. Judd Burstein was the very image of a law person—barely thirty years old, he had receding curly hair and a high forehead, and wore big round glasses. His mother was a judge. A scholar of the first rank, Burstein took care of writing briefs, so that Shargel could concentrate on his trial practice. In March, Shargel threw a lavish party at the Harmonie Club to commemorate the partnership.

That month, Shargel was hit with a grand-jury subpoena. Walter Mack, a prosecutor in the Manhattan United States Attorney's Office, was investigating a faction of the Gambino family which had been headed by a short, fat former butcher's apprentice named Roy DeMeo. The DeMeo crew specialized in murder; DeMeo was the Mafia's favorite general contractor for jobs in which bodies had to disappear. A Brooklyn apartment served



as a slaughterhouse: dead victims were dragged into the bathroom, bled dry in the shower, stretched out on a swimming-pool liner in the living room, taken apart, and neatly packaged in cardboard boxes tied up with string. "Murder Machine," a recent book by Gene Mustain and Jerry Capeci about the DeMeo gang, estimates that there were more than two hundred victims. DeMeo disappeared on January 10, 1983, and was found a week later in the trunk of his Cadillac, shot to death. Walter Mack learned that Shargel had been the lawyer for DeMeo and several members of his crew. If DeMeo had paid Shargel's fees on behalf of those crew members—what are known as "benefactor payments"—that was evidence of the existence of DeMeo's criminal enterprise. Shargel was ordered to testify and to produce financial records. He moved unsuccessfully in district court to quash the subpoena, then appealed to the Second Circuit.

It was all too much for Judd Burstein, and within a few months he quit. Terry Shargel was furious, but Jerry, unable to carry a grudge, calculates that he has since directed over a million dollars in business to his former partner. Today, Burstein is one of the leading law persons of the New York criminal bar, and more than half of his practice is in civil litigation. He says he is baffled that Shargel's practice is so much narrower than his own. "Jerry doesn't care about being called a Mob lawyer," Burstein says. "I would. I don't want to be a Mob lawyer. I asked him once, 'You have the talent to be one of the leading lights of the bar—doesn't it upset you to be stigmatized?' He said no, because he likes what he does. It's almost paradoxical for somebody who is so great an artist—and Jerry is one of the finest trial lawyers I've ever seen—to have such relatively small horizons."

On August 13, 1984, the Second Circuit ruled against Shargel, forcing him to answer the subpoena. A week later, he appeared before the grand jury, refused on Fifth Amendment grounds to answer Walter Mack's questions, and declined to produce any records. Two days later, he returned to the witness box with immunity, and presented photocopies of check stubs—with dates and figures but no names—and three documents. One of the documents was a sales

SENTIMENT

All things that live die but even
rivers dry up or roll
out of their beds and rising lands

sometimes remove seas and ranges
snow tops all year wear down eventually:
the earth, of course, itself came

into being and must in time be cindered:
think of the shock, though, meanwhile,
of the minor changes, a friend in an

accident, being late to your son's
soccer match, a leaning tree in a
yard an old house has moved away from.

—A. R. AMMONS

receipt for a .12-gauge shotgun—a gift from DeMeo after Shargel had mentioned feeling unsafe at night in a summer home in Quogue. (DeMeo advised him to be careful with the gun, because "if anything happened to you, I couldn't live with myself.") Shargel testified that he was almost always paid in cash by his Mafia clients, and that he kept no records of who had paid him what. As for his appointment diaries, he had destroyed them shortly before receiving the subpoena, he said, in response to a Supreme Court decision, *United States v. Doe*, which provided no guarantee of privilege for such diaries.

Shargel did remember that in October of 1981 DeMeo had handed him a paper bag in front of Ferrara's, a pastry shop in Little Italy.

Q: What was in the bag?

A: Money.

Q: How much money?

A: I think some two thousand dollars. . . .

Q: What was that money received on account of?

A: Continued legal services in connection with . . . Mr. DeMeo.

Q: And it's your testimony to us that no moneys received on that occasion were . . . for any services rendered . . . to Mr. Dordal, Mr. Gaggi, or anyone else? [Paulie Pinto Dordal and Nino Gaggi were two associates of DeMeo who were also represented by Shargel.]

A: That's right.

This was very different from grand-jury testimony given five months earlier by Freddy DiNome, a former drag racer

employed by Roy DeMeo as a chauffeur. After DeMeo's death, a police detective and an F.B.I. agent had succeeded in "flipping" DiNome—making him an informant. He remembered driving DeMeo to Little Italy and witnessing the incident with the paper bag.

Q: Could you tell the grand jury what you recall about that? . . .

A: We seen Jerry's car, Shargel, the lawyer. He had a . . . white Jaguar, four door . . . parked right in front of Ferrara's.

Q: And what happened?

A: Roy handed him a big bag of money.

Q: And did you hear anything said between the two?

A: Well, they were talking about Nino's case and they would also talk about Paulie Pinto's appeal. . . . He said, "I just gave [Shargel] a hundred and fifty thousand dollars. Between [Nino] and Paulie, they're breaking me."

The grand jury returned indictments against twenty-four people in the mass-murder case, and the defendant who was represented by Shargel was a crew member named Richard Mastrangelo. In a brief submitted to Abraham Sofaer, the Manhattan federal-district-court judge hearing the case, Walter Mack moved to have Shargel disqualified from the trial. He argued that Shargel had become house counsel to the DeMeo crew, that his alleged receipt of benefactor payments was evidence of a criminal enterprise and so made him a potential witness, and that he might be less than vigorous in defending Mastrangelo, because he faced possible criminal

charges himself, including perjury.

Judge Sofaer issued his first opinion on March 5, 1985. He was largely sympathetic to Shargel, and called disqualification a "drastic step." Sofaer scheduled a hearing later that month to clear up the matter. At the hearing, Judge Sofaer personally questioned DiNome, and on May 1st he issued a second opinion, disqualifying Shargel from the trial in language that can best be described as scathing. Sofaer had measured the credibility of Gerald Shargel, member of the bar and former law professor, against that of Freddy DiNome, a fourth-grade dropout and pothead who had once chopped off the head of a neighbor's dog to settle a dispute. Evidently, he found DiNome more credible.

DiNome admitted that he had never seen the money inside the bag, and he had altered his story—now the amount was only a hundred thousand dollars. "That DeMeo actually passed \$100,000 in cash to Shargel in a paper bag . . . may be unlikely," Sofaer wrote. "Yet a jury may conclude that Shargel's story of having received only \$2,000 at that time is also unlikely. . . . Shargel's lack of any records of his income, and the manner in which he claims he is paid and keeps track of his money, may make jurors skeptical as to his veracity in general." A jury could find that Shargel's practice of not keeping records was "adopted at the behest of his clients," he wrote, so that they "could receive legal services the value of which clearly exceeded their income from legitimate sources."

Sofaer was also troubled by a story that DiNome told about the time he was incarcerated, before he agreed to flip for the government. During an unsolicited visit, the story went, Shargel had tried to find out whether DiNome was cooperating with the government, and had said he'd arranged for a lawyer to represent DiNome at no cost to DiNome. (Shargel suggested to Judge Sofaer that he had meant that DiNome's brother was going to pay the legal bills. DiNome scoffed at that: "My brother couldn't even pay attention.") Crew members were compelled to "use the lawyers that they assign to you," DiNome said. "This way, if you're doing anything wrong, they would know about it."

Sofaer wrote, "By picking a crew member's attorney, in addition to paying

him, a crew leader can require him to use an attorney who will . . . seek to keep his nominal client from cooperating, or from otherwise harming the crew's interests." Moreover, Sofaer noted, a second cooperating witness had corroborated DiNome's claims about benefactor payments to Shargel. In conclusion, he wrote, "Shargel's conduct raises a credible appearance of impropriety."

In early 1986, Freddy DiNome, who had been renamed Freddy Marino and deposited in San Antonio, Texas, as a protected witness, hanged himself.

Shargel naturally has bitter memories of the disqualification, but he recalls that Walter Mack, unlike John Gleeson, was just doing his job, and that it never got personal. Mack confirms that he and Shargel are friendly today, and that "we even joke about" the litigation. As for whether Mack ever seriously thought of prosecuting Shargel, he says simply, "It wasn't considered after Freddy died."

Shargel suggests that Judge Sofaer got taken. "That whole situation about benefactor payments turned on the word of unsavory scoundrels who sold themselves to the government and told pre-

posterous stories," he says. And, no doubt reflecting on Sammy Bull Gravano, now in John Gleeson's hands, he adds, "One of the most dangerous aspects of this practice is that every client you ever have is a potential enemy."

GRAVANO was apparently a born killer, though his homicidal nature is hard to figure. His family, in Bensonhurst, Brooklyn, owned a dress business that employed fifteen people, and his early ambition was to be a hairdresser. But by the end of 1990 he had done nineteen murders—ten of them for his boss, John Gotti. In 1978, he killed Nick Scibetta, who was his brother-in-law: Scibetta's sister, Debbie, was Sammy's wife and the mother of his daughter and son. Gravano claimed that the murder was done on Mob orders, because Scibetta had become an informant, but there were persistent rumors of more personal motives. Scibetta's body was cut to pieces, and only one hand was recovered. It was buried at a funeral service attended by Gravano, who vowed to find the killer.

Gravano had first hired Shargel to



"I say it's seaweed, and I say the hell with it."

defend him in a bizarre tax case that stemmed from one of his murders. In June of 1982, Frank Fiala, the boss of a Yugoslav crew, threw himself a birthday party at the Plaza Suite, a Brooklyn disco owned by Gravano, who also had title to the building and land. Fiala offered to buy the property for a million dollars, and he put down six hundred and fifty thousand; then, when he attempted to withdraw the rest from foreign bank accounts, the deal stalled. On June 27th, Sammy Bull walked into his office, in the Plaza Suite building, and found Fiala, armed with a machine gun, behind his desk. Fiala ordered Gravano to be "nice" and make sure the deal went through; he had killed Colombians, he said, and "greaseballs" like Sammy would be "easy." That night, as Fiala left the disco, Gravano's crewmen ambushed and killed him. Gravano kept the six hundred and fifty thousand dollars, and on his 1983 tax return he explained simply, "Deal was aborted by purchaser." He was indicted for defrauding the I.R.S. by failing to declare the income in 1982, and went on trial in August, 1985.

The jury was not to learn that Fiala had been killed—merely that he had died. The trial was assigned to Judge Glasser. Shargel described the late Fiala as a "nut" and a "whacko," who rode into town and offered an absurd amount of

money to his unsuspecting client, for whom the deal was "a dream come true . . . like the Lotto," and he explained, "Sam Gravano is from Staten Island . . . he didn't know about foreign bank accounts." Maybe Sam made a mistake on his return, Shargel said, but he was relying on the advice of his tax attorney. The attorney's testimony supported Shargel's thesis, and Gravano was acquitted.

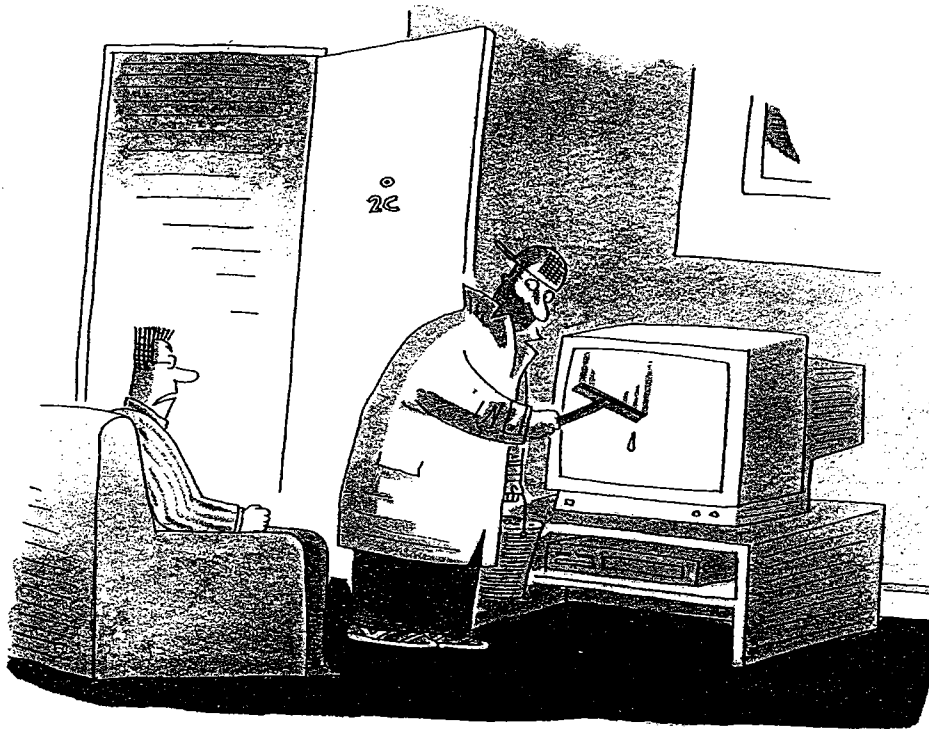
It may have seemed misguided to go after a man like Salvatore Gravano with a simple tax case, but the practice had a history; even Al Capone had been taken down on his taxes. In the eighties, prosecutors began to wake up to the realization that far more effective weapons against the Mafia had existed for years. In 1968 and 1970, Congress had handed prosecutors two nuclear warheads, which had largely remained unused in their silos. The first was the Omnibus Crime Control and Safe Streets Act, which gave authority for court-approved electronic surveillance. The second was the Organized Crime Control Act, which included RICO, the Racketeer Influenced and Corrupt Organizations statute. RICO enabled the government to attack the very structure of the Mob, by linking together even petty offenses, such as gambling and loan-sharking, as "predi-

cate acts" in a "continuing criminal enterprise."

One thing that the eighties will be remembered for is the rise of RICO and electronic eavesdropping, which began the decline of the American Mafia. Another is a dramatic worsening of relations between prosecutors and criminal lawyers, especially in New York. Perhaps there was a connection: perhaps, as prosecutors began to look at criminal organizations as a whole, instead of focussing on isolated crimes of individuals, they came to see defense attorneys as more active parts of the equation. No one knows the reason for sure, but the climate today is nasty, and it used to be collegial.

In this new, tense environment, John Gleeson, who became a prosecutor in 1985, appears to be a man for his time, whose rise, thanks to his combination of legal talent and righteousness, could have been foretold. The criminal bar's perception of him is best summed up in five words of Jimmy LaRossa's: "You can't make him laugh." In defense circles, Gleeson's nickname is the Jesuit. Shargel says he thinks that when Gleeson went to catechism class and heard the first Psalm, "Blessed is he who has not walked in the counsel of the wicked," he misheard it as "he who has not counselled the wicked."

If John Gleeson is a devout Catholic, it is one of many things he keeps to himself. Those who get to know him discover, often to their surprise, that while he looks clean-cut—he has dark, wavy hair, and he wears V-neck sweaters under his suit jackets, and tortoiseshell glasses that seem a size too large—he talks like an Irish cop: people he prosecutes are "mopes" and "pieces-a-shit." Gleeson was born in the Bronx, the seventh and last child of an Irish-immigrant father, Patrick, who moved his family to Westchester County when John was an infant. Patrick had never finished high school, and worked as a clerk for the Metropolitan Life Insurance Company in New York. In a recent letter, Gleeson noted that "discrimination against the Irish was overt and at its zenith" when his father arrived in New York, in the late twenties, and added that "although it took decades," Metropolitan Life finally awoke to Patrick's "natural abilities" and moved him into management.



"Just a damned minute!"

John Gleeson excelled in high school as a scholar and an athlete—playing basketball, soccer, and golf—while earning money as a caddie at a local country club. His fellow-students voted him “cutest.” He went on to Georgetown University on an academic scholarship, majored in English, and met his future wife, Susan, a nursing student. After graduation, in 1975, Gleeson spent two years painting houses in the vicinity of Washington, D.C., and then studied for a law degree at the University of Virginia. He and Susan lived in Louisville for a year while he clerked for Judge Boyce F. Martin, Jr., of the Sixth Circuit Court of Appeals. Gleeson discovered during his clerkship that he longed to be a prosecutor, but he took an indirect route, first accepting a job as an

associate at the distinguished New York law firm of Cravath, Swaine & Moore.

Gleeson applied to the Manhattan United States Attorney's Office, then headed by Rudolph Giuliani, but he had to make do with a job offer from the Brooklyn office. He joined in 1985, taking a drastic cut in pay, to something less than forty thousand a year, and moved into an apartment in Brooklyn.

He was immediately teamed up with a prosecutor named Diane Giacalone on a multi-defendant RICO case called *United States v. Dellacroce*. Neil Dellacroce was the underboss of the Gambino family, and one of his co-defendants was a captain, John Gotti. The case was a hodgepodge of crimes dating as far back as the sixties—mostly acts of truck hijacking, gambling, and loan-sharking. In December of 1985, before the case came to trial, Neil Dellacroce died of cancer, and two weeks later John Gotti had the Gambino boss Paul Castellano murdered to settle an internal dispute. The case became *United States v. Gotti*, and the lead defendant was the most famous criminal in America. John Gleeson was thirty-two and Diane Giacalone was thirty-five.



“And one other thing—from now on, we’re the James Group.”

Giacalone liked Gleeson, although she considered him “the world’s worst dresser.” As she recalls it, “he owned three suits, all shiny and too small.” Apart from that, he impressed her. “No one works harder than John,” she says. “I worked as hard as he did, but not harder. He is absolutely committed.” Laurence Shtasel, another assistant United States Attorney at the time, recalls, “Night after night, I’d leave the office, and he’d be sitting there with headphones on, going over tapes of hard-to-hear conversations until he had them memorized.” The intense work took its toll. “There were times we nearly killed each other,” Giacalone says.

Giacalone believed that Gleeson, who had never tried a criminal case, should acquire some experience before the Gotti trial started. Arrangements were made for him to prosecute a few smaller cases, the first of which pitted him against Gerald Shargel. Shargel’s client, Giovanni Mazzola, was accused of being an intermediary in a heroin sale, but Shargel presented him as an unwitting Italian translator who believed he was involved in the sale of gold. Gleeson told Shargel that this was his first trial,

and repeatedly asked how he was doing. He soon found out: Shargel won an acquittal.

Gleeson never again tried a case against Shargel, but their next encounter formed the basis of his belief that Shargel was subservient to Gotti. Shargel had been retained to represent Armond (Buddy) Dellacroce, Neil’s son, in *United States v. Gotti*, but after his father died Buddy decided to plead guilty to one count of racketeering. Buddy was thirty years old, a drunk, and a cocaine addict; Giacalone unwisely agreed to recommend bail in return for his guilty plea, and he vanished before his sentencing date. (Three years later, he was found dead of a drug overdose.) When Giacalone gave her opening statement at the Gotti trial, on September 25, 1986, she ended by promising to offer compelling proof of the existence of the Gambino Mafia family—Buddy’s guilty plea. There was an uproar at the defense table. Within days, Shargel filed an affidavit with the court, asserting that he and Giacalone had an agreement that Buddy’s plea could not be used as evidence. Giacalone and Gleeson countered with affirmations calling Shar-

gel's affidavit false. In Gleeson's view, Shargel had been brought to task by an angry John Gotti, and ordered to swear to a false statement. Shargel calls that "preposterous," and says, "I've never submitted a false affidavit to a court in my life." Christine Yaris, a Shargel associate at the time, also insists that there was a deal, and that she was on hand when Giacalone agreed to it. There was no hearing to determine whether Giacalone or Shargel was telling the truth, because the judge, Eugene Nickerson, ruled that even if there had been a deal it had become void when Buddy jumped bail.

If Gleeson's view of Mafia lawyers was tainted by Shargel's affidavit, that was nothing compared with the experience of the trial itself. For anyone reading the transcript of the trial today, it is hard to fathom how Judge Nickerson allowed it to become what he himself called "a circus." Perhaps Nickerson believed that Gotti would be convicted anyway, and wanted to guarantee the appearance of a fair proceeding, but in fact, there was never any chance of a conviction, because, as was later learned, a juror had been bribed.

Gotti's lawyer was Bruce Cutler. He had been introduced to Gotti in 1985 by Mike Coiro, whose own legal problems made him unable to continue representing Gotti. Cutler, who is almost entirely bald and has a big, bulging, bench presser's body, once said he felt like "a candy ass" compared with his client, whom he called "a man's man," along with other rapturous praise. Cutler's style could hardly be more different from Shargel's: he does not control witnesses so much as bully them, and he seems to go out of his way to make enemies of judges and prosecutors. Cutler's antics at the Gotti trial have been well documented—slamming the indictment into a wastebasket, referring to Giacalone as a "tramp" and a "slut," and, in one of the weirdest episodes ever to occur in federal court, calling a thoroughly disreputable witness merely to humiliate Giacalone and Gleeson.

The witness was Matthew Traynor, a bank robber and self-described "liar and a dope fiend" from Ozone Park, Queens, the heart of John Gotti territory. Giacalone and Gleeson had once visited Traynor in jail, and found him in need

of medical care; Gleeson then arranged for Traynor to see a doctor at Beth Israel Medical Center, where Gleeson's wife, Susan, was a nursing supervisor. Ultimately, Giacalone and Gleeson had determined that Traynor was too awful to put on the stand as a witness against Gotti, but Cutler called him as a defense witness in February, 1987, six months into the trial. In blatantly perjured testimony, which grew odder as he went along, Traynor said that Giacalone had asked him to "frame" Gotti and the other defendants, because she, too, had grown up in Ozone Park, and Italian men from the neighborhood "had ridiculed her about being skinny." Traynor went on to say that Giacalone was keeping another of her witnesses high on heroin, and he wanted to be "blocked out" on Valium and codeine (which happened to be the medication prescribed for him at Beth Israel). He also wanted to "get laid," although Giacalone could not help him with that; instead, Traynor said, she tossed him a pair of her panties and told him to "facilitate" himself.

Throughout Traynor's testimony, Giacalone had sat quietly, scribbling notes. She asked John Gleeson to cross-examine him, and he did so with the controlled anger that is his hallmark. Traynor did his best to unnerve Gleeson, berating him for "asking stupid questions," calling him "a meek little mouse" and a "lowlife," and noting that "there are people probably got a nicer suit on than you." Gleeson unwisely brought up the panties story, and then Traynor happily heaped on more detail:

"She . . . told me, sniff them and jerk yourself off in the bathroom . . . and they smelled like deep-fried scallops."

Gleeson was dealt the lowest blow when defense counsel, hoping to prove that Traynor's medication was obtained improperly, served a subpoena on Beth Israel for the job records of Susan Gleeson. Judge Nickerson immediately quashed the subpoena, pronouncing it "off the wall," but Gleeson was livid. "The subpoena on his wife—that was it," Jeffrey Hoffman, one of the defense attorneys, recalls. "I had a good relationship with Gleeson up until that point, and because of that I was designated as the guy who dealt with the prosecution. Even though the subpoena was quashed,

I couldn't talk to him after that. He was just . . . gone. Nothing. Ceased."

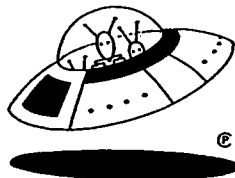
About seven months after jury selection had begun, both sides finally rested and gave summations. The defense attorney Richard Rehbock accused Gleeson of filing a false affidavit to obtain the medical care for Traynor, and in his rebuttal Gleeson's self-control finally cracked: "You should take that accusation," he told the jury, and "shove it down the throat of defense counsel." On March 13th, the jury announced that it had reached a verdict. As Diane Giacalone and John Gleeson stared into space, the jury foreman pronounced "Not guilty" fourteen times, freeing each defendant on each of two counts. The Brooklyn United States Attorney's Office was stunned. Giacalone soon left the legal profession for a job in the private sector; Gleeson stayed.

"I don't think John or I would ever look at the world exactly the same way," Giacalone says now. "It was a lesson for both of us—that some people are willing to do anything. You'll never be innocent again after something like that, never be innocent again."

SHARGEL'S reputation as a trial lawyer continued to grow, and in 1988 he became the lawyer for the Bronx Democratic boss Stanley Friedman. Friedman, a thick-waisted man with a goatee and a nasal Bronx accent, had already lost a federal RICO case, and been sentenced to twelve years for improperly inducing the Parking Violations Bureau to buy handheld computers in which he had a financial interest. Now he faced a state indictment for bribing a general in the New York National Guard to recommend his computers to the Guard.

When Friedman hired Shargel, he was headed for the federal penitentiary in Springfield, Missouri, a relatively congenial setting compared with prisons in New York, such as Attica and Rikers Island. The Manhattan District Attorney made Shargel an offer: if his client pleaded guilty, he would not face any state time. Friedman mulled the offer, but he could not take it. "It would have been the only time Stanley Friedman stood up and said, 'Yes, I did it,'" Friedman says today.

Shargel tried the non-jury case in front of Judge Marie Santagata, who rejected Shargel's central thesis—that the



bribe was in fact a legitimate lobbying fee—and found Friedman guilty. By now, Shargel and Friedman had grown fond of each other, and Shargel's voice cracked with emotion as he pleaded with Santagata to reject the District Attorney's demand for more jail: "Stanley Friedman is a broken man—shamed, disgraced, and humiliated. He is a man who is saying, 'I showed compassion in my life, and I am entitled to it now.' But what does he get instead? 'Hit him more! Hit him again! Give him more!'"

Judge Santagata was unmoved; she sentenced Friedman to the maximum term—two and a third to seven years—to be served consecutively with his federal time. Shargel appealed. The conviction was upheld, but the consecutive sentence was vacated as "unduly harsh."

Friedman was paroled in 1992, after serving four years. "A lot of people say, 'He got twelve years and he only served four,'" Friedman says. "I shudder when I hear 'only.' Unless someone served time, they shouldn't say 'only.'"

Friedman is unstinting in his praise of Shargel: "A lot of lawyers would feel, 'This is not a major case—even if I win it, the client doesn't get to go home. Jerry fought for me as if my whole life was riding on it. He read every document, he knew what the law was, he summed up terrific, and we got buried. The deck was stacked against us. That judge, it was very lucky that the statute didn't provide for the death penalty—she would probably have given me that. Before the trial started, the D.A. brought me from Springfield to Rikers Island. I spent ninety-one days there, and it was more traumatic than the four years in federal prison. It's a terror camp. People walk around with razor blades under their tongues, so they can give you a quick slash if the occasion arises. The buses you ride back and forth to the courthouse are death traps ready to explode any minute. And it's degrading and torturous for visitors. Jerry would come to visit me at least once a week at Rikers, and it cost him practically the whole day. And, even though he never said this to me, he knew I was tapped out, and I know I got a tremendous break on his normal prices. We are now friends."

Like Shargel, Friedman was an attorney educated at Brooklyn Law, but he

says he can understand it if Shargel is also friendly with his Mafia clients. "The government put me in with the Fat Tony Salernos of this world for four years, and I played bocce with them, and I saw them in the hospital when they were sick and dying, and you establish a relationship, because they're human beings who cry when they're hurting, and who have wives that visit them. Sometimes circumstances dictate your friends." Shargel's attraction to Gotti makes particular sense to Friedman. "From the beginning of time, power is sexy," he says.



IN January, 1989, Gotti was indicted by the Manhattan District Attorney's Office for allegedly ordering the shooting assault of John O'Connor, a carpenters' union official. The

F.B.I., which had only a peripheral role in the case, placed a number of bugs in and around the Ravenite Social Club. On five nights during the winter of 1989 and 1990, shortly before the assault trial began, Gotti caucused in an apartment two stories above the Ravenite with his underboss, Sammy Gravano, and his consigliere, Frank (Frankie Lo) Locascio, as the F.B.I. listened in. There were about a dozen conversations recorded in the private hallway behind the back door of the club, and many more recorded in the club itself.

On November 8, 1989, a legal problem had arisen. The late Carlo Gambino's son Tommy, a captain in the family, was about to go on trial for perjury and obstruction of justice, and Gotti and two of his captains, Joe Butch Corrao and George (Fat Georgie) Remini, had been subpoenaed to testify. As far as Gotti was concerned, this was blatant harassment. It was against his rules to testify, so the three of them would simply have to "do a contempt" and go to jail. Gotti seemed more upset that Bruce Cutler, Jerry Shargel, and Mike Rosen, the lawyer for Tommy Gambino, had failed to understand that this was the only acceptable course of action. The three lawyers had met, he said, and determined that Tommy Gambino should plead guilty, to spare Gotti the "aggravation."

That evening, Gotti sat in the club with a group of his men—Joe Butch, Frankie Lo, Jackie Nose, Joe Watts, and

two who were unidentified—and expounded on a favorite theme, the perfidy of lawyers. "I hate them," Gotti said. "You know why I hate them? They don't give a fuck about us seriously. . . . Otherwise, they wouldn't live on Park Avenue. They'd live down on Houston Street."

Bruce Cutler—or, as Gotti called him two days later, "this imbecile"—should have known better than to suggest that Tommy plead guilty, Gotti said. (Gotti apparently sanctioned guilty pleas only for what he called "malicious moper"—minor offenses that had nothing to do with the existence of La Cosa Nostra and did not affect other members of the family.) Gotti related that he had told Cutler, "Now, you tell Tommy to fight it. Break their fuckin' holes, like he, I know he could. And don't worry about us going to jail. Me No. 1! I like jail better than I like the streets." Later, in the hallway, he added, "Get my cell ready! Get Joe Butch's cell ready! And get Fat Georgie's cell ready! And nobody is taking the stand! Tell them to go fight!" Cutler, he said, had protested that his duty was to protect Gotti but had been told, "No, your duty is to listen!"

Gotti was also disappointed in Jerry Shargel. Fat Georgie Remini, a loan shark and numbers runner, who owned a Staten Island fruit-and-vegetable stand called the Top Tomato, was Shargel's client, and he did not want to go to jail. Gotti related a conversation in which Shargel tried to consider other options for his "friend."

Gotti claimed he had told Shargel, "*Minchia!* Show some compassion. Show some interest. Think about it before you talk. Go for a walk or something. Maybe you ain't the fastest-thinking guy in the world. Then come back. 'Listen,'" he said, mimicking Shargel, "I wanna talk to my client, and my friend. These are my friends, and beside being my client . . . Who the fuck are you? Who you working for? Did I tell you to do this? . . . If Georgie's on the case alone, you on a case by yourself, it's a malicious moper, drunken-driving case, you'll get sixty days, you wanna take a plea? Take a plea. You got no right and—and jeopardize other people. Who the fuck are you?"

Three weeks later, Remini appeared in court with Shargel, refused to testify, and got sixteen months. Gotti has since

been convicted of obstructing justice in the Remini matter, and John Gleeson clearly sees Shargel as a conspirator. Shargel, he has written, "was in fact implementing Gotti's desire to corruptly prevent Remini's testimony." If this is the basis of Gleeson's would-be obstruction case against Shargel, it seems weak. Remini did not need Shargel to explain to him a soldier's duty to the enterprise. On November 10, 1989, he got his instructions directly from Gotti: "Do what I tell ya." But the November 8th tape offers unequivocal proof of Gotti's state of mind. In his perception, at least, the enterprise as a whole was Shargel's client, and not George Remini, and a year and a half later Judge Glasser focussed on the damning phrase "Who you working for?"

MICHAEL COIRO'S trial began on November 14, 1989—seven years after a bug caught him scheming with John Gotti's crewmen in Angelo Ruggiero's kitchen. Coiro's case had been delayed by complex legal motions. Shargel had been his lawyer all along, but now Shargel was in the middle of another trial, and Judge Joseph McLaughlin refused to postpone Coiro's trial any further. Coiro says that he turned to Gotti for help, and that Gotti got him Bruce Cutler. (Cutler denies that Gotti was involved.)

The prosecutor was John Gleeson, but a very different John Gleeson from the hectored junior assistant in the federal Gotti case. Two and a half more years of trial experience had left him seasoned and confident. Bruce Cutler was the same Bruce Cutler. "My yelling days are over," he assured Judge McLaughlin just prior to his opening statement.

"You were doing a pretty good imitation right there," McLaughlin said angrily.

Gleeson addressed the jury: "We're here because Mike Coiro was completely and thoroughly corrupt. He became one of them." Ninety per cent of the proof in the case, he said, would come from government tapes.

The trial went badly for Cutler, who is at his best in cross-

examining informant witnesses. When it came time for Cutler to put on his defense case, he handed the judge more than a hundred pages of transcript, all out of order, of tapes he wished to play. For the next four and a half hours, the jury was kept waiting as McLaughlin gave Cutler a dressing-down. Cutler's tapes were "irrelevant junk," he said, and the transcripts should have been given to him "far earlier than today."

CUTLER: Your Honor, maybe I am missing what you are saying.

JUDGE: You are missing a body of knowledge called the law of evidence. . . . I suggest you take a course. . . .

CUTLER: Judge, I didn't know you wanted all of these things done beforehand. . . .

JUDGE [booming]: Are you accustomed to keeping juries sitting out there for three or four hours?

Cutler was left with no defense case apart from two short stipulations. Gleeson, in his summation, encapsulated his

theme: "Just because you're a criminal lawyer, you can't be a criminal?" Earlier, Cutler had described Coiro as having "an unusual practice, a full-service practice," and Gleeson delighted in taunting Cutler with his own words: throughout his summation, he referred to Michael Coiro as "our full-service lawyer."

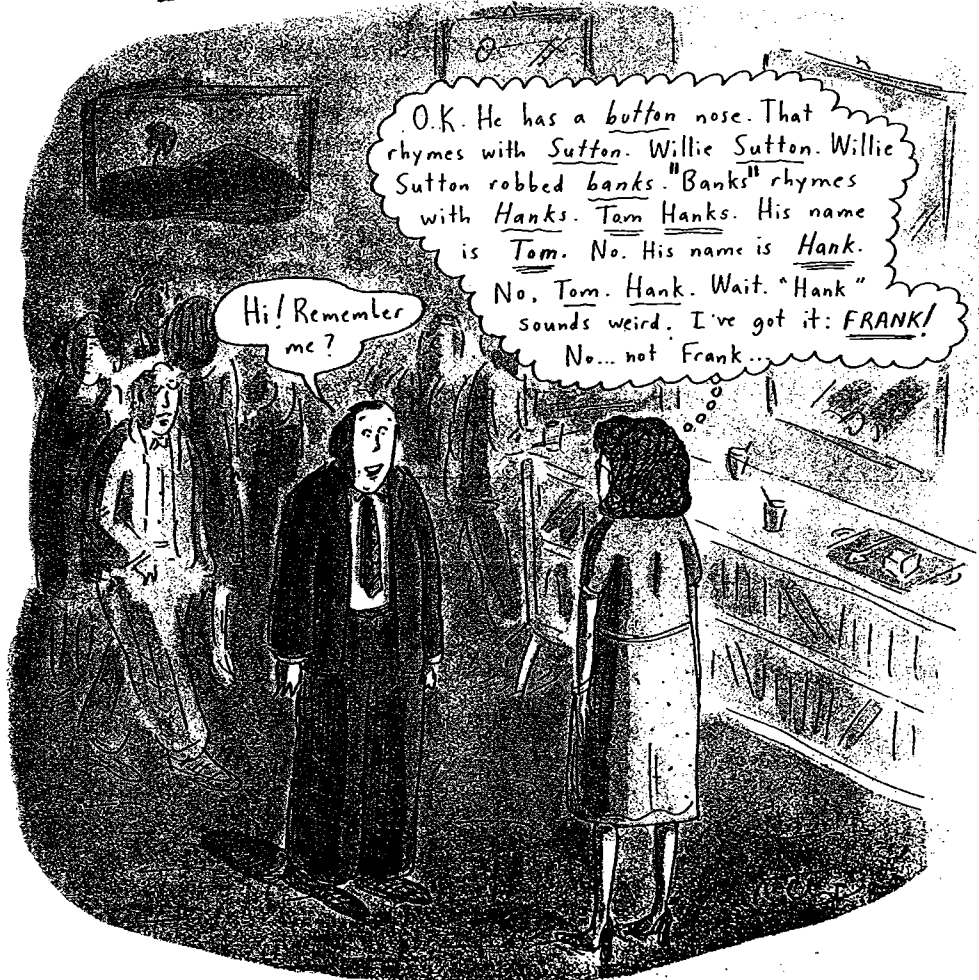
On the following day, November 29th, the jury was still deliberating Mike Coiro's fate, but at the Ravenite Social Club Gotti was concerned with his own. His trial in the O'Connor shooting-assault case had not even begun, and now a corrupt police detective had passed him the news that both federal and state prosecutors wanted to try him for the murder, four years earlier, of Paul Castellano.

Gotti stood in the private hallway behind the club with Joe Butch. "Why don't you call Jerry out?" Gotti said.

"Jerry!"

From inside the Ravenite club,

HOW NOT TO REMEMBER NAMES



Shargel stepped out into the hallway. "Say the state wanted to go after me . . . for murder," Gotti said. "But the feds want to for the same thing. Does that make sense they would do it at the same time? Do the same charge, two different places?"

"They've done it," Shargel said. "They've done it in, uh, Stanley Friedman."

The next part of the conversation was only partly audible, but Gotti apparently wondered what statute the feds might use against a hypothetical "guy like myself . . . I'm not saying me" who had killed a person for advancement.

"There's a statute called 'committing murder in furtherance of your position,'" Shargel said. Then he asked, "Who was the guy?"

"Nobody," Gotti said.

There was laughter on the tape.

"Furtherance of your position, huh?" Gotti said. "That's nice."

Shargel said he would check to see "if that statute was in effect in December '85"—the month Gotti had Paul Castellano killed.

"Yeah . . . I'm curious," Gotti said. "Not for myself."

The next day, Coiro was convicted on

all counts. Although he was released pending sentencing, he did not go home after hearing the guilty verdict; instead, Cutler escorted him straight to the Ravenite club. Coiro walked upstairs to the apartment for a private meeting with John Gotti, Frankie Locascio, and Sammy Gravano, and three hours after Coiro was convicted of obstructing justice Gotti was asking him to obstruct justice again.

"Mike," Gotti said.

"Yeah, John."

"First, you know, we're sorry."

"Thank you."

"I don't have to tell ya how sorry we are."

"Oh, John."

Gravano found Coiro a seat, and Gotti said, "I think he's gonna give you ten years. And maybe look for you to do three or four."

"I'll do it, John."

"So, you know, Mike, you got no choice."

Presently, Gotti moved on to his own problems. "I've been told by a source that that pinch is coming down. It's gonna be a joint pinch"—both the feds and the state. "I think that the thing is imminent." Gotti understood that Coiro had a corrupt source of information in law

enforcement—"I never once asked you who he is," he pointed out—and he hoped the source could provide the names of Gambino captains also slated for indictment. "Can you see this guy—pronto?"

"Tomorrow."

Coiro went back downstairs, leaving Gotti alone with his underboss and his consigliere.

"Fuckin' heartbreak, you know why?" Gotti said, and then he explained why: Here was a lawyer, not even a made man, facing jail more calmly than some of his captains. "Fat Georgie, did fourteen hours in jail, crying fuckin' bum!"

Gotti had underestimated Coiro's sentence by five years, and John Gleeson would see to it that Coiro got even more time. A year later, Gleeson subpoenaed Coiro to testify before a federal grand jury investigating the Gambino family. He asked Coiro repeatedly if he had ever gone upstairs to any of the apartments above the Ravenite to confer with Gotti, and Coiro denied repeatedly that he had. Confronted with the apartment tape, Coiro pleaded guilty to perjury, and got twenty-seven additional months, which was later reduced to nine months.

GOTTI was a rich man, with an illegitimate yearly income running well into the millions, but on January 4, 1990, sitting in the Ravenite apartment with Sammy Gravano and Frank Locascio, all that Gotti had to say about his lawyers was that they were too greedy.

"You know, these are rats, er, Sam. And I gotta say, they all want their money up front. And then you get four guys that want sixty-five, seventy-five thousand apiece, up front. You're talking about three hundred thousand in one month, you cocksucker!"

The night before, Gotti said, he had stood in the hallway with Jerry Shargel, discussing Shargel's fee for representing Tony Lee Guerrieri—Gotti's co-defendant in the O'Connor case, which was scheduled to begin in two weeks. "You know what it felt like? You, standing there in the hallway with me last night—and you're plucking me! 'How are you?' Tony Lee's lawyer, but you're plucking me. I'm paying for it. . . . Where does it end? Gambino crime family? This is the Shargel, Cutler & Whattaya-call-it crime family!"



"To be honest with you, Jeanette, I'm looking for a no-load relationship."

"They wind up with the money," Gravano said.

"They're overpriced, overpaid, and, and, underperformed," Locascio said.

His lawyers could not win cases, Gotti said, because of "a bullshit agreement" that he believed existed between them and the prosecutors: "They don't fuck with youse, and youse don't go all out in court."

"You know and I know that they know that you're taking the money under the table," Gotti said. "Every time you take a client, another one of us on, you're breaking the law. . . . If they wanna really break Bruce Cutler's balls, what did he get paid off me? . . . I paid tax on thirty-six thousand dollars. What could I have paid him?"

Gotti said he told Shargel that the least he could do was find out when he was going to be arrested for the murder of Paul Castellano.

"I say, 'Go find out information—what's going, when, when the pinch is coming, you cocksucker! We're making you an errand boy—high-priced errand boy. Bruce, worse yet!' They got a routine now, the two lawyers. Muck and Fuck, I call them. When I see Bruce: 'Hi! Jerry loves you!' he says. 'He's in your corner a hundred per cent!' When I see Jerry: 'Hi! Bruce loves you! He's in your corner a hundred per cent!' I know youse both love me." There was laughter. "Dumb fucks, you know?"

"They must really like ya," Gravano said.

"Sure, Sammy. What's not to like about us?"

MICHAEL CHERKASKY, the chief of the rackets bureau of the Manhattan District Attorney's Office, found a dramatic gesture with which to open *People v. Gotti*. Tall and rail thin, Cherkasky had won forty felony jury trials and lost one in his career as a prosecutor. He now explained the government's theory of the case: The carpenters' union official John O'Connor had sent vandals to wreck Bankers & Brokers, a restaurant then owned by the Gambino family and built with non-union labor. Members of the Westies, acting on behalf of the Gambino family, had shot O'Connor four times in the legs and buttocks. Cherkasky marched over to the defense table, pointed his finger, and said, "This man, John Gotti, the head of the

Gambino family, ordered that assault."

To prove it, Cherkasky was going to put informants on the stand and also play tape-recorded conversations. A few of the tapes were highly incriminating but suffered from a serious drawback—poor audibility. The key tape covered a conversation between John Gotti and Tony Lee Guerrieri on February 7, 1986, at an annex to the Bergin Hunt & Fish Club. O'Connor was discussed by name, and then Gotti supposedly said, "We're gonna—gonna bust him up." But unless one had faith in the state's transcript—and it was the defense strategy to undermine that faith—there was room for doubt.

Shargel and Cutler, who remain close friends today, had never before tried a case together. But John Pollok, the law person at the defense table, had worked with Cutler, and the experience was not a pleasant one. He and Cutler were an odd couple: in contrast to Cutler, with his weight lifter's physique, Pollok was a round, jovial appellate specialist who wore polka-dot suspenders and seemed to be always munching on snacks. They had represented different defendants in *United States v. Tutino*, a narcotics-conspiracy case, and had nearly come to blows when Pollok filed a motion for a separate trial, on the ground that Cutler's judge-baiting had prejudiced his client. Gotti had read a transcript from the Tutino trial and now spoke to Pollok about reining Cutler in. "He made it clear that one of my roles was to make sure that Bruce didn't do that again," Pollok says. "I have come to like Bruce, I enjoy Bruce, and I think he's a nice fellow. But our strategy was to keep Bruce quiet, to keep him away from the judge."

Cutler and Judge Edward McLaughlin (not related to Joseph McLaughlin, the judge in the Coiro case) clashed anyway. A number of times, McLaughlin sustained objections and Cutler ignored him and barreled on ahead. "Do I have to talk over you for the rest of the afternoon?" McLaughlin demanded irritably.

By the second week of the trial, Gotti, too, had lost patience with Cutler. Despite his best efforts, Gotti had been unable to rig the jury, and the Ravenite tapes revealed that he believed

he could be convicted of the charges, which could bring him a sentence of twenty-five years to life. "From ten feet away," Cherkasky says, "I could hear Gotti saying something like, 'What the fuck is Bruce doing?'" And Pollok says, "As the trial wore on, Bruce became a more and more remote second to Jerry in terms of responsibility. Jerry did ninety per cent of the cross, and Bruce would mop up."

Shargel considers his cross-examination of the first witness, Vincent (Fish) Cafaro, one of his best. A slight, partly bald man in glasses who had been a captain in the Genovese family, Cafaro had originally agreed to flip after being arrested for racketeering in 1986, but then he had

changed his mind, and two disappointed federal prosecutors had him sent to "the hole"—a small isolation cell at Otisville prison, in upstate New York, where conditions were abominable. Shargel proposed that after his ordeal Cafaro would say anything to please the government.

At the defense table, Shargel had thousands of pages of documents on Cafaro, including all his prior sworn statements, and he caught Cafaro in numerous inconsistencies. During the cross, Cherkasky kept rising to object, and was repeatedly overruled; finally, he stood up and was momentarily speechless. "Is he leaving?" Shargel asked. Cafaro, in his direct examination, had described his induction ceremony into the Mafia, and had mentioned that there was alcohol on the table. Shargel asked what it was for. "When they prick your finger, it bleeds, and you use the alcohol to stop the blood," Cafaro said. Shargel gave him a Jack Benny look, and said, "In other words, you were going to get into the Mafia, but you didn't want to infect your finger?"

Shargel made Cafaro revisit the torment inflicted on him by federal prosecutors, and when he was through Cafaro sounded like a broken man.

Q: You hated those prosecutors, didn't you?

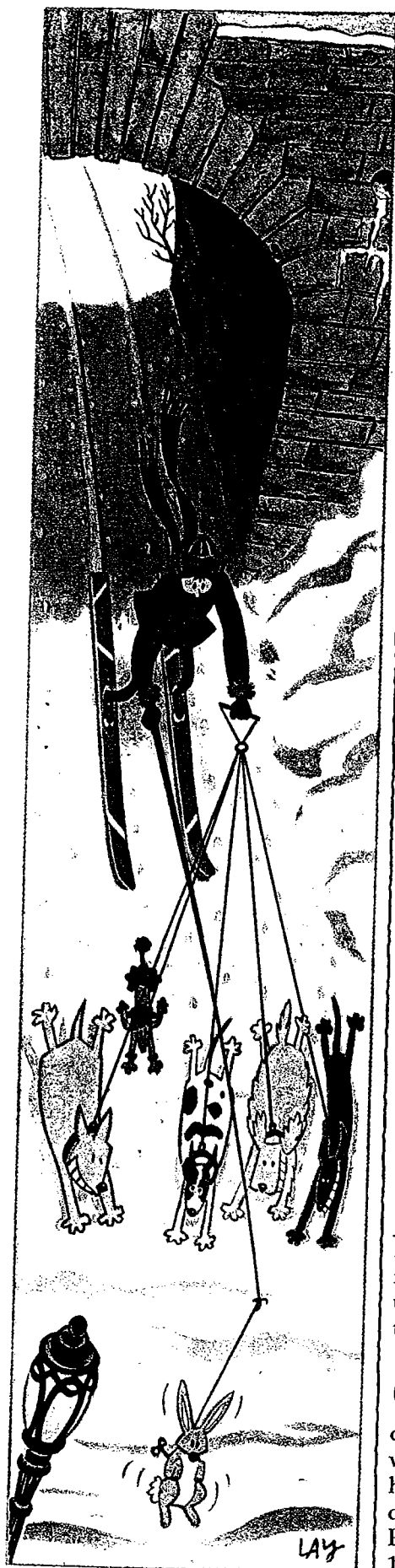
A: I still do.

Q: You wished they'd get leprosy, didn't you?

A: Yeah. . . . Small holes. And get bigger and bigger. . . .

Q: Month after month, you were in this six-by-eleven cell, right? . . . These two men, representatives of the United States





government . . . were torturing you? . . . There were times in the winter when you were freezing to death? . . . And they didn't give you proper clothes? . . . Just a jumpsuit? . . . You didn't even have socks? . . . And your feet were cold? . . . That was in the winter, but then the summer came . . . you're in that cell . . . and the door is closed, and the guard's saying, "Lock down! Lock down!" and you can't breathe because there is no air?

A.: Right.

Shargel came up with several ploys for attacking the tapes, and one was particularly effective. Edward Wright, a police investigator, had reviewed the tape transcripts, and he had revised one of them after repeated listening over the years, adding the name Jimmy Coonan. Shargel set out to prove that the revision was the product of wishful thinking. He walked over to the blackboard and wrote "Psychic." He asked Wright to define the word, erased the board, and wrote "Sidekick." Then he sprang his trap: "Do you understand that I just pronounced 'sidekick' and 'psychic' exactly the same? . . . Is it not true, Investigator Wright, that you may hear what you want to hear when you're listening to that tape?"

The jury deliberated three days and acquitted Gotti and Guerrieri on all counts. Several jurors told *Manhattan Lawyer* that they were sure the defendants were mobsters but that the unreliability of the tape transcripts had given them reason to doubt the specific charges.

"When we were going to trial, our whole focus was on Bruce Cutler, because he had made the previous Gotti trial into a circus," Cherkasky says. "We succeeded in defanging Bruce, and then found we had to deal with Jerry's brilliance and sarcasm, which we weren't prepared to do. In retrospect, we should have tried Gotti alone and just had Cutler there." Cherkasky shakes his head when the subject of the criminal investigation of Shargel comes up. "It's a shame. The guy is just so talented."

ON March 29, 1990, John Gotti and Bruce Cutler spoke in the hallway of the Ravenite Social Club. Gotti was worried. One of the backup shooters in his murder of Paul Castellano was a soldier named Anthony (Tony Roach) Rampino, who had been arrested in 1987 for selling heroin and sentenced to

twenty-five years to life. Gotti had learned that Rampino was under subpoena to appear before a federal grand jury investigating the Castellano homicide, and, while he believed that Rampino would commit contempt rather than testify, he wanted Cutler to meet with Rampino's lawyer, David DePetris, just to make sure.

"He feels he wants to take the contempt," Gotti said. "But still you—you wake him up, open his eyes. . . ."

"I understand," Cutler said.

"Tell him we don't need another phony junkie battin' against us. O.K.?"

"I understand."

The discussion turned to Raymond Patriarca, Jr., the head of the Patriarca crime family, of Rhode Island. Gotti said that if he needed to communicate with the family Cutler and Raymond's lawyer could act as intermediaries. "So I'm gonna send him a message, that if I ever wanna get a message through to them, or from them, we'll do it through you," Gotti said.

"O.K."

Five days later, Rampino refused to testify and was held in contempt.

JOHN GLEESON was given his chance for a rematch with Gotti in late 1990, when the Justice Department awarded the Ravenite-tape case to the Brooklyn United States Attorney's Office. By then, Gleeson had been promoted to head of the office's organized-crime-and-racketeering section. On December 12th, Gotti was arrested, along with Salvatore Gravano and Frank Locascio, and charged with, among other things, participating in the murder of Paul Castellano.

At that time, federal judges were usually assigned to cases at random by having their names pulled, like bingo balls, from a wheel in the clerk's office. The judge selected to hear the Gotti case was Shargel's former law professor, I. Leo Glasser. Shargel learned the news from Gleeson in a late-night phone call. "I was elated," Shargel recalls. "Gleeson was bummed out."

There were several reasons for this. Shargel had defended Sammy Gravano in front of Judge Glasser once before, to an acquittal. It was no secret that Glasser treated Shargel like a favorite pupil in a Talmud class: whenever Shargel tried a case in his courtroom, Glasser kept him

late to discuss arcane points of law. Beyond that, Glasser had a reputation as a liberal: in a civil RICO case against the Bonanno crime family, he had lashed out against the government for overzealousness.

Glasser, who is sixty-nine, is considered one of the most scholarly judges on the federal bench, and also one of the most cantankerous; he is constantly pulling off his glasses and forcing a pained smile to register impatience. He was appointed a federal judge in 1981, after five years as the dean of Brooklyn Law School and, earlier, eight years as a Family Court judge. Tough as he is on lawyers, he generally finds it excruciating to have to impose long prison terms.

On January 18, 1991, John Gleeson submitted to Judge Glasser the long, indignant brief in which he quoted extensively from the Ravenite tapes and moved for the disqualification of Gerald Shargel, Bruce Cutler, and John Pollok from the Gotti trial on the ground that they were all house counsel to the Mob. Glasser granted the motion, and handed down his opinion on August 1st. The language of the opinion was almost as angry as Gleeson's, and some readers thought they detected the anger of a man who felt betrayed. (Glasser insists, however, that he "intended nothing personal against Shargel," whom he calls "perhaps one of the best criminal-defense lawyers I've ever seen.") Glasser wrote that "the only conclusions to be drawn are that the lawyers represent not merely an individual client, but the enterprise with which that individual is associated and receive instructions calculated to further the interests of that enterprise." The tape excerpts "reflect Gotti's resolve that the lawyers understand that their concern must be not only for their client, but that they 'got no right [to] jeopardize other people' by their representation," and Glasser quoted Gotti as asking Shargel, "Who you working for?"

Glasser found evidence that Gotti had paid all three lawyers to represent people other than himself, writing, "That benefactor payments have indeed been made to Shargel, Cutler and Pollok is a conclusion the jury can readily and justifiably reach." On January 4, 1990, Gotti spoke of paying Shargel to defend Tony Lee Guerrieri, and elsewhere on

the tape he claimed he had told Shargel, "I gave youse three hundred thousand in one year. Youse didn't defend me. I wasn't even mentioned in none of these fucking things." Gotti also spoke of paying "thousands of dollars" to John Pollok—or, as he called him, "this fuckin' Pollok"—to handle the appeals for two Gambino-family members. The only evidence Glasser cited that Cutler got benefactor payments came not from the tapes but from an assertion by Michael Coiro that he had never paid Cutler to defend him.

Glasser agreed with Gleeson that Gotti's statement about paying his lawyers "under the table" was admissible evidence to support the tax-fraud charge in Gotti's indictment. He wrote, "A jury might well conclude . . . that the lawyers aided and abetted Gotti's tax fraud by not reporting the moneys he pays them. The clear implication that they, too, were committing crimes—'Every time you take a client, another one of us on, you're breaking the law'—gives rise . . . to a serious potential for conflict which justifies disqualification."

Glasser ignored a few of Gleeson's charges. Gleeson described Shargel as a "conduit of information to John Gotti," without citing any information that had been obtained illegitimately. Gleeson also alleged that Gotti and Gravano "placed" an attorney in Shargel's firm. Shargel hired Nicholas Gravante, Jr., the son of the tax lawyer who testified at Gravano's 1985 tax trial, after Gravano and Gotti mentioned that Nick, Jr., was looking for a job. Gleeson's suggestion of something sinister in Gravante's hiring seems frivolous. Gravante graduated with honors from Duke and Columbia Law School, had been offered a job as an assistant United States Attorney by Rudolph Giuliani, and, when Shargel hired him, was an associate at Cravath, Swaine & Moore—Gleeson's former law firm.

Bruce Cutler says that it would be unwise for him to discuss the disqualification—"Don't start me off, because I have strong feelings about it"—but he does contend that he was never paid by anyone to represent Coiro. "I did it because it was the right thing to do," he says.

John Pollok also denies receiving

benefactor payments; regardless of what Gotti said on tape, Pollok asserts, "he never paid me for anything." He is angry for subjecting himself to the disqualification in the first place. "As the law person, I could have opted not to sit in the courtroom, but my ego got the better of me," he says. "In one short, swift affidavit by an assistant U.S. Attorney who didn't even know who I was, and one decision by a court, my reputation was destroyed."

Within three months of Shargel's disqualification as Sammy Gravano's lawyer, Gravano decided to turn informant. Gravano's defection remains a source of anxiety for Shargel. One afternoon, while having a drink with the attorney Jeff Hoffman, Shargel suddenly asked, "How long do you think Gravano was in the government offices before the subject turned to me? Fifteen minutes?" Shargel has an additional reason to lament Gravano's cooperation agreement. Lawyers are not permitted to cross-examine their own former clients, so Shargel cannot participate in numerous cases in which Gravano is a scheduled witness. "This guy has cost me a small fortune," he says.

Shargel admits that he expected all along to be disqualified but says he was stunned by the "tenor and tone" of Judge Glasser's decision. "I told myself, He won't do it like Judge Sofaer; he'll just gently ease me out the door. Instead, he kicked my ass down the stairs."

Shargel says he has never had a full opportunity to answer the charges in the disqualification, and will not do so now, because, in the event that he is indicted, it would be foolish to give away his defense.

If Shargel is indicted for taking money under the table, or for some other crime suggested in the Ravenite tapes, he can probably be expected to challenge the reliability of Gotti's pronouncements. Gotti is not always to be taken literally. To give one example, in the tape dated January 4, 1990, Gotti complained about Shargel "plucking" him the night before for his fee to defend Guerrieri. But the January 3rd conversation was also recorded, and when Shargel named his fee—seventy-five thousand dollars for the two-week trial—Gotti seemed to wonder if that



was enough. "That's for the whole ball of wax?" he asked, and then added, "Win the fuckin' case, I'll buy ya a house. I got money."

Still, Shargel has never raised a credible defense against the charge of being a house counsel. Whether or not he was plucking Gotti, he was being paid by the boss of the family to represent one of his soldiers, and so was lending credence to Gotti's claim that he paid Shargel to defend other soldiers. And in return for this supply of business Gotti clearly expected Shargel to place the interests of the enterprise first. Shargel is unwilling to acknowledge the obvious conflict of interest, and his rationale is unconvincing: "If I represent the treasurer of a corporation, and he wants to do what the C.E.O. says, then I'm trying the case the way the treasurer wants." But what if the underling does not want to obey the boss? "I've never had that situation," Shargel says.

AT Stub's Bar & Restaurant, in Brooklyn Heights, John Gleeson drank a mug of beer, watched a Knicks game out of the corner of his eye, and chatted—cautiously at first, then more and more animatedly—with a member of the press. After the disqualification, Gleeson had gone on to win the case against Gotti and send him to prison for life without the possibility of parole. Following the conviction, Gleeson turned down numerous requests for interviews; he does not seek publicity. He just wanted to do his job, he said, and continue the fight against the Gambinos, the Luccheses, and the Colombos—a fight that the federal government appears to be winning. "From a prosecutorial standpoint, we're slaughtering 'em," Gleeson said. "We're kickin' ass and takin' names."

After another conversation at Stub's, several weeks later, Gleeson agreed to a formal interview at his office. On the appointed day, he apologized for being late, but he had been tied up with Zachary Carter, the new Brooklyn United States Attorney. He failed to mention that Carter had just promoted him to head of the entire criminal division. Gleeson's office was messier than one might have expected. "Read anything on my desk and I'll kill you," he said, in such a way that it was not quite funny. He listened to the first question,

pondered it for a long time, then announced that the interview was over. He said he did not care to be dragged into a debate about house counsel, because it might "dignify" the views of those who are house counsel. He made it clear that he regretted the frankness of his conversations at Stub's, and that he would prefer to be left out of this account altogether.

Even at Stub's, Gleeson's most persistent topic had been his distrust of the news media to "get it right." He went on at some length about a newspaper column by Murray Kempton that had described John Gotti as "a statesman."

"Don't get me wrong," Gleeson said. "I don't care that much. I've got my job, and I love what I do—it's public service to the max. But, you know, I walk to sidebars"—conferences with the judge that are out of earshot of the jury—"and John Gotti is calling my wife a junkie and my mother a whore and me a faggot. I mean, I've prosecuted a lot of pieces-a-shit. And never have I prosecuted anybody with less class than John Gotti. Just a completely classless thug. And the press doesn't want to see it. When he got convicted, he was a 'statesman.' He took it nobly. I mean, he is something unique—I'm one of the first to admit that. He had a level of charisma and a way of commanding attention, not just within the Mob but within a courtroom. But he's a punk, you know?"

On a similar note, it had irritated Gleeson to read over and over again that Bruce Cutler had won an acquittal for John Gotti in the case that Gleeson had tried with Diane Giacalone. After all, he pointed out, a juror had since been convicted of taking a bribe. "Bruce is an interesting guy," Gleeson said. "He's a terrible fuckin' lawyer. Just terrible. I mean, the irony of the whole disqualification thing is that it was perceived as a tactical effort to get Bruce out of the case. All along, we thought, If tactics were the

guide here, we'd be gettin' Jerry out and leaving Bruce in. The press? It's to get Bruce out. We were dyin' to get to convict Johnny with Bruce at his side. Who wouldn't be?"

Gleeson agreed that the disqualification motion had been a gamble, because of Judge Glasser's fondness for Shargel. "Oh! Jerry walked on water in that courtroom. One of the risks of that motion was that someone—it was gonna be either Jerry or me—was gonna lose a lot of capital in that courtroom once that motion was filed. And a lot of people were bettin' it was gonna be me. But the thing that nobody appreciated—and I don't mean this in a demeaning way—is what a slave Judge Glasser is to the law."

Nothing seemed to upset Gleeson more than to hear himself described as a zealot by members of the criminal-defense bar. What they really were trying to say, Gleeson claimed, was that he refused to compromise his standards in the name of collegiality. "There are prosecutors who are committed to public service, and there are prosecutors who envision themselves three years from now being a colleague of these people," Gleeson said. "I'll never be a fucking colleague of these people. I don't want to be. So I don't really give a shit what they think. Maybe it was the case five or ten or fifteen years ago, as part of some brotherhood thing, that prosecutors wouldn't apply the facts of the law and seek the relief that was appropriate. Maybe there was enough collegiality so that even though Jerry has taken a lot of money under the table, according to his client, the prosecutor would look the other way. I suppose there are prosecutors now who are gonna say, 'O.K., Jerry. Fine.' But I don't happen to be one of them. It's not that I don't like Jerry. I like him a lot. But the law's the law. And the facts are the facts."

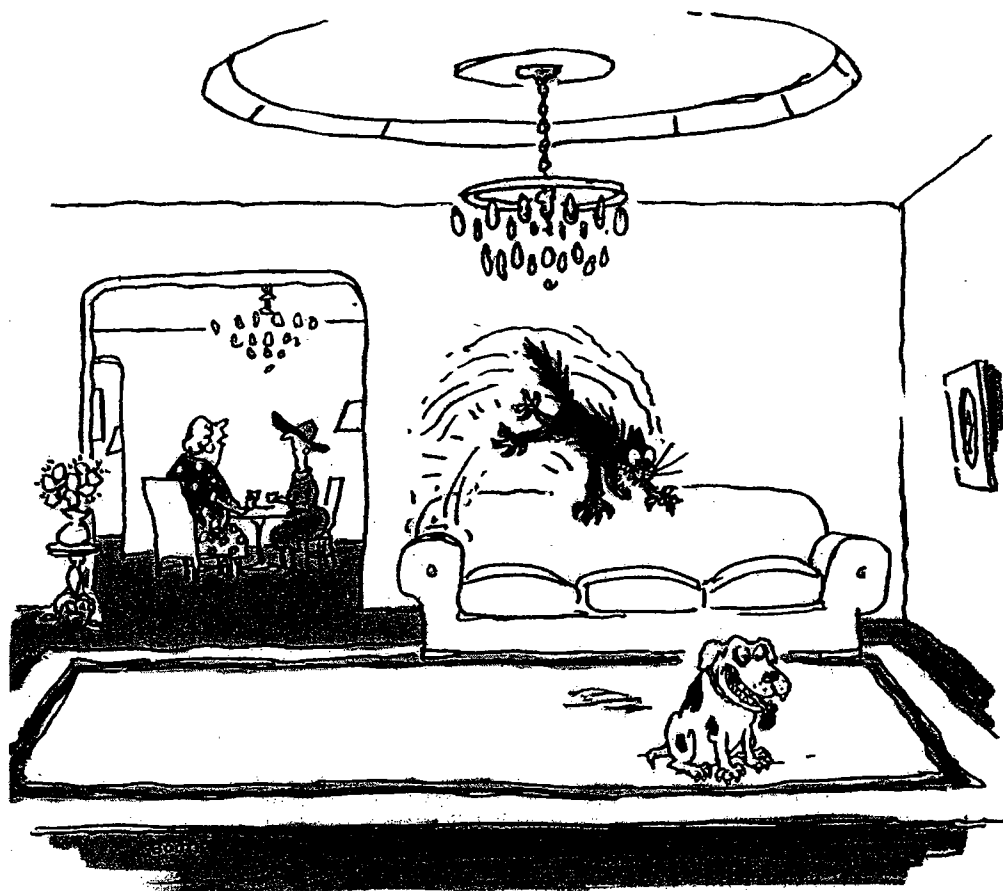
HOW did I allow this to happen to me?" Shargel says. He considers the question. "I guess it comes with the territory. You can't be in this business if you're timid or afraid. I'm not timid and I'm not afraid. Have I been willing to do things that other lawyers are unwilling to do? Absolutely. Have I been willing to go the extra yard for a client? Absolutely. And am I willing to engage in conduct that may be subject to a negative inter-



pretation? Yeah, absolutely. Clients hire me because I'll do anything that the law will allow, without concern for how it's gonna make me look. So if you're asking me, Why has so talented and able a lawyer put himself in these compromising positions?—that's why. Because I think I'm doing what a real criminal-defense lawyer should do. I don't practice law by covering my own ass."

For his own part, Shargel insists that his notoriety has not come at too great a price. "Terry once asked me an interesting question," he says. "If someone came to me and said, 'We can turn back the clock, and you were never involved in the 1990 Gotti case, and therefore you were never on those tapes or in those headlines, and you never suffered the indignity of Judge Glaser's opinion'—would you take the offer? And, even with the luxurious benefit of hindsight, the answer is no. It was too exciting to be in that case. And I'll tell you something else. If John Gotti's conviction were reversed, and he were sitting in the Ravenite club six months from now, I'd go there again."

When asked about the price of his notoriety for his children, Shargel grows reflective. "I think about that," he says. "And when I do think about it it bothers me, because I cherish the relationship I have with my kids. I don't believe they are, at bottom, ashamed of me. Things have happened that are painful, but that's life. And, in a certain sense, I think it builds strength and character. I grew up in a bucolic New Jersey setting, in a typical fifties tract house, with a Chevrolet, and plastic on the furniture. I didn't know anyone in my entire childhood who had ever been to jail. I never even knew anyone who had been divorced. My father was as steady and conventional a man as you could ever find. He'd never do something that would embarrass me. And, to tell you the truth, I'm not sure I benefitted from all this. I don't think a Beaver Cleaver childhood is something



"I feed the cat nothing but veggies."

I wanted to give to my kids. Maybe you can say I have a screw loose. Maybe it says I'm not the perfect father or the perfect husband, because I've brought some degree of grief or anxiety to my family. But I would do it again. I'd do it again."

THE weekend after John Gleeson was promoted to head of the criminal division, the Shargels relaxed at their summer home in East Hampton—an airy post-and-beam construction, of unfinished wood. A Neil Young tape was playing on a boom box. Jerry Shargel was dressed in shorts and Top-Siders, and was jaunty, as usual. Terry wore a black one-piece swimsuit, and was nervous, as usual. The previous morning's *News* was lying on a side table, and a story on page 3 reported that Bruce Cutler's cancelled checks and bank records had just been subpoenaed by Gleeson's grand jury, and those of the "high-powered attorney" Gerald Shargel would not be far behind.

Shargel made light of it, and Terry did, too, but Gleeson seemed almost to hover over them, and presently they fell to talking about him. Terry said she was worried about "the way Gleeson ticks" and "what he has to prove."

Shargel tried to reassure her: "I don't think Gleeson could withstand the embarrassment of losing. If he allowed himself the possibility—"

"Gleeson is so self-righteous, can his mind accept the possibility that he might lose?" Terry said, interrupting. There was a pause, and then she touched her husband's hand and said, "You're alive."

Shargel left to run a few errands, and Terry's anxiety overflowed: "Can I conceive of Jerry being indicted? I can talk about it. Jerry's indicted today—how will I wake up tomorrow morning? It's very difficult. But I know we can handle it. Nobody's going to die. The worst thing that could happen is that Jerry and I would be separated. Maybe that's denial, but I don't know any other way to live." ♦