

A Special Tape

RICO, or the Racketeering Influenced and Corrupt Organizations Act of 1970, has two elements of proof; the "criminal enterprise" and the "pattern of racketeering." The "criminal enterprise" element can be defined as an organization or a group of individuals associated in fact who engaged in a "pattern of racketeering" in furtherance of the enterprise. The "pattern of racketeering" element is considered to be two or more violations of state or Federal law such as murder, theft, narcotics, loan sharking, gambling, bribery, mail fraud, and a whole host of others. In short, RICO makes it a crime to belong to an "enterprise" that engaged in a "pattern of racketeering!"

In the case of the United States v Aniello Dellacroce, the government was prepared to show that the "enterprise" was the Gambino Organized Crime Family and that John Gotti not only belonged to the family but was also a "boss" in it. And one of the ways this was going to be done was through covertly recorded conversations.

The New York Mafia five Families operate from store front social clubs where "crew" members meet and scheme to commit crimes. In classic Cosa Nostra style, John Gotti ran the Bergin Hunt and Fish Social Club with an iron fist and anyone who did not report for "work" on a daily basis would incur his wrath. Similarly if "Caporegieme" (Captain) Gotti reached out for a crew member and could not immediately find him, all hell would break loose. And when Special Agent Eddie Magnuson and Detective Billy Burns discovered the following conversation on a NYPD gambling wire tap, they knew they had struck gold.

AM= Anthony Moscatello; JG= John Gotti

AM- "Hi, Buddy."

JG- "Buddy, my fucking balls. What I got to reach out for you three days in a fucking advance?"

AM- "Pal, my wife just called me."

JG- "you know, let me tell you something. I, I got, I need an example. Don't you be the fucking example. Do you undersatand me?"

AM- "Listen, John...."

JG- "Listen, I called your fucking house five times yesterday. Now , if your wife thinks you are a fucking dunsky, or if she's a fucking dunsky, and you're going to disregard my fucking phone calls, I blow you and that fucking house up."

AM- "I never disregard anything you....."

JG- "This is not a fucking game! My fucking time is valuable! And if I ever hear anybody else calls you and you don't respond within five days, Ill fucking kill you!"

The importance of the call was obvious. It clearly showed who was the "boss" and what he would do if crossed. So Eddie and Billy gave it a special name and forever after John Gotti's recorded outburst was labeled "THE BUDDY MY FUCKING BALLS TAPE."