

# Joseph P. Armao

Oral History Interview  
with Joseph P. Armao

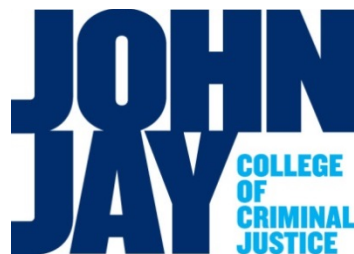
*Interviewed by Jeffrey A. Kroessler  
on July 8, 2013*

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Justice in New York: An Oral History

No. 15





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### Preface

President Jeremy Travis initiated Justice in New York: An Oral History in 2006. Based in the Lloyd Sealy Library, the project was made possible through a generous grant from Jules B. Kroll, President of the John Jay College of Criminal Justice Foundation. The goal was to interview criminal justice leaders – district attorneys, police commissioners and members of the department, elected officials, defense attorneys, and advocates, individuals concerned with the workings of the system.

Each interview is recorded on cassette tapes and/or a digital recorder. The original is deposited in Special Collections in the library. Each transcript is bound and the volume is cataloged and placed on the shelves. A digital copy is available through the library's web site, as are selected audio clips from the interviews (<http://www.lib.jjay.cuny.edu/>).

Oral history is a problematic endeavor. The interview is only as good as the questions asked and the willingness of the interview subject to be open and honest. Some remain guarded, others become expansive. Sometimes memory fails, and details, names and dates are confused. Some individuals have their own set story, and an oral history will add little that is new or especially insightful. Other individuals use the interview as an opportunity to sum up a career; on occasion that means gliding over unpleasant or difficult details. Our purpose was to allow each individual to tell his or her story. In each case, the final transcript has been approved by the interview subject.

Even with those caveats, what emerges from these interviews is more than a collection of personal reminiscences. The interviews shed light on controversies and policy decisions of a particular historical moment. At times, the interviews verge on the philosophical, as with discussion of capital punishment, race relations, or the decriminalization of controlled substances. Always, the interviews contribute to our understanding of the many facets of the criminal justice system – law enforcement, prosecution, incarceration, prisoner re-entry, and electoral politics – and reveal how New York has changed over the decades, as have social and cultural attitudes.

Justice in New York: An Oral History stretches across more than half a century, from the 1950s to the 2010s. Those years saw an unprecedented rise in social unrest and violent crime in the city, and then an equally dramatic drop in crime and disorder. If the interviews have an overarching theme, it is how the city – the police, courts, elected officials, and advocates – addressed and, yes, overcame those challenges. These men and women were actors in that drama, and their narratives stand on their own. The truth or mendacity of the story is for the reader to assess.

Chief Librarian Larry E. Sullivan guided this project from the start and participated in several interviews. Interim Chief Librarian Bonnie Nelson oversaw the creation of a new website for Criminal Justice in New York, a portal for the oral histories, trial transcripts, images and documents from Special Collections, and other resources. Special Collections librarian Ellen Belcher, cataloging librarian Marlene Kandel, and emerging technologies librarian Robin Davis contributed to the success of this project.

Jeffrey A. Kroessler  
2014

## Joseph P. Armao

## Chronology

1957	Born; grew up in Howard Beach.
1970	The Knapp Commission investigated police corruption.
1979	Graduated from Columbia University
1981	Received M.A. from Oxford University
1984	Graduated from Harvard Law School
1984-1991	Assistant District Attorney, Deputy Chief, New York County District Attorney's Office
1990-1991	Led investigation into the murder of James Bishop, former Secretary-Treasurer of District 9 of the International Brotherhood of Painters and Allied Trades (he resigned after one year into his three-year term); the Lucchese Crime Family had taken over the union and forced Bishop out.
1991	Joined the firm of Squadron, Ellenhoff, Plesent & Scheinfeld, LLP
June 1992	Following the arrest of Police Officer Michael Dowd and five fellow officers for cocaine trafficking, Mayor David Dinkins established a commission under Judge Milton Mollen, former Deputy Mayor for Public Safety, to investigate police corruption.
September 1992	Named Chief Counsel to the Mollen Commission: "This is not a witch hunt and we are not guided by any preconceived ideas. But if cops are violating the public trust, that's when we really have to crack down. Really, the police are the social guardians of our society, and I see this as an historic opportunity." Office set up at 17 Battery Place.
November 1992	Police Commissioner Ray Kelly issued a 170-page report on the department's investigation into the Internal Affairs Bureau (which had been established in the wake of the Knapp Commission). IAB had had information about Officer Michael Dowd for four years but had not acted.
September 1993	The Mollen Commission held public hearings at the Bar Association.

July 1994	The Mollen Commission ended and issued a report highly critical of the NYPD and with several specific recommendation. Armao returned to Squadron, Ellenhoff, Plesent & Scheinfeld, LLP
1994-2002	Partner, Squadron Ellenoff Plesent & Sheinfeld LLP
2002-2006	Partner, White & Case, LLP
2006-2013	Partner, Linklaters, New York; Head of U.S. Litigation, 2011.
2013-date	Partner, Reed Smith LLP

## Joseph Armao

July 8, 2013

JK If you could just identify yourself.

Armao I'm Joseph Armao. I'm a partner at Linklaters LLP, which is an international law firm. I'm here today, July 8, 2013, with Professor Jeffrey Kroessler of John Jay College.

JK And we are talking about how your life and career intercept with criminal justice, broadly defined.

Armao Yes.

JK I'd like to go back to the beginning, and that's you growing up in Howard Beach, which seems like kind of a blue-collar Queens neighborhood that doesn't send a lot of young men to Columbia.

Armao Yes, it is a blue-collar Queens neighborhood. It didn't send a lot of young men or young women to Ivy League colleges, let alone to colleges at all, quite frankly. But it's interesting, Professor, that you ask that question, because one of the reasons I decided to pursue a career in criminal justice is because of my growing up in Howard Beach. I lived on a street, growing up, surrounded by the following neighbors: Peter Gotti, who lived about four or five doors down from where my parents had their home, where I grew up. Across the street was Anthony Casso, otherwise known as Gaspipe Casso, who headed the Lucchese family. And about two doors down from him was, at that time, the current head of the Bonanno crime family. The one thing I always perceived in my family, and among many of the Italian-Americans who lived in Howard Beach, was that they were all very hard-working citizens, law-abiding; great people who had come to this country with very little, and who had made a great success of themselves and their families. Yet, interspersed with these people, were others, like Gaspipe Casso and Peter Gotti, who I always felt, even from a young age, were really besmirching the reputation of Italian-Americans in our society. That kind of motivated me to become, I hate to sound too lofty, but a sign of contradiction, to do something different. That was my motivation to go to law school, and ultimately getting into criminal justice.

JK It kind of gives a lie to the notion that they were romantic figures in the neighborhood, admired, looked-up-to.

Armao They were romantic figures for some, because there were many young men of my age who aspired to become like Peter Gotti, and like Gaspipe Casso, and like Frankie Frigenti, who was another mobster who lived in Howard Beach. But for those of

us who had moms and dads who emphasized education, they were not romantic figures. Quite the opposite.

JK But they didn't bring their business home to the neighborhood.

Armao They didn't bring their business home to the neighborhood except for one major incident. When I was about fourteen or fifteen years old, John Gotti, who also lived in Howard Beach, not quite in the same proximity to my parents' home and my home as his brother Peter did, had a very unfortunate incident in his life. His young son, who was riding a moped or some sort of motorcycle at the time, was killed in an auto accident by a neighbor. That neighbor eventually disappeared, and it was kind of known throughout the neighborhood that even though it was an accident, John Gotti was going to take revenge for the loss of his son. That pretty much convinced me that these people were brutes.

JK That's incontrovertible evidence of that, but that goes to character.

Armao It's a reality I grew up with. Many guys I grew up with, as you implied in your question, did not go on to college; did not go on to higher education. Many of them went into the construction trades or other kinds of blue-collar work. And many of them did go into criminal gangs. There were at least, by the time I was seventeen, and about to ship off to Columbia, at least two friends of mine who were found in the back of trunks of vehicles, in and around Howard Beach. I can remember one guy by the name of Sheldon who was dealing drugs, and was by gossip and reputation connected with the Gotti family. And the grapevine had it that he was skimming money from the Gotti family, and he was found in the trunk of a car on Cross Bay Boulevard and 156<sup>th</sup> Avenue. So I kind of knew the realities growing up. We were all tough kids. We grew up street-smart; yet, at the same time, I could always hear my father's admonition. He used to point to his head and say, "Remember, the only thing they can't take from you is what you have up here." So he was a very big motivator in my life to pursue success in a way that was very different from other boys my age, in Howard Beach.

JK The culture shock of getting to Columbia, where you were running into people who were not street-smart, must have been pronounced.

Armao It was extremely pronounced.

JK Yet, had you ever been to that part of New York as a kid?

Armao No. No.

JK So you might as well have been going to college in Wisconsin.

Armao In Wisconsin, yes. You've got it Professor. Exactly right. Obviously, other than the college visit that I took, that was the only time I was up on the Upper West Side of Manhattan, as a boy of seventeen or eighteen. It's interesting, though, because when I did make applications to college, I never did apply to a college in Wisconsin. Because



while I knew I was different, and knew I would break away, geography made a difference to my mother. So I can remember that the only colleges I applied to were Columbia, NYU, and Fordham. I was lucky enough to get accepted at Columbia, and that's where I began my higher education.

JK Did you get any sense that being of Italian heritage made you an outsider at Columbia?

Armao A little bit, yes. A little bit. I can remember, and I'll show you something I don't think I've told anyone, except for my wife, in my first year at Columbia I used to wear a denim jacket with an Italian flag sewn onto my sleeve, on one arm, and an American flag on the other. So, even going there, I knew that identity would be a crucial issue for me. But I did find, given the diversity of the student population, that that really didn't matter. I came to learn that people accepted you on different terms, and it wasn't just your ethnicity or where you came from. So meeting many kids from Deerfield Academy, or Choate, or whatever it may be, I didn't really feel, I mean, I knew the difference and I felt some distance, but it was such a stimulating intellectual atmosphere at the time, that that wasn't really an obstacle to get to know them, and them know me.

JK It seems to me that what you do, and what you produce, and how you perform in your classes, and your environment there, is much important than who you are, eventually.

Armao Especially at Columbia in the 1970s. It truly was the immigrants' Ivy. There were people from all over the world, and all over the tri-state area. The one thing that mattered to most people, even the group of people I was with most, was academic achievement.

JK And you focused on what in Columbia? What did you gravitate to? It must have been a remarkable experience getting people who took ideas, and literature, and the rest seriously, I mean quite seriously.

Armao Your questions almost give me gooseflesh, because they hit on exactly so many of the revelations I had about myself and other people during that time. The only way I can answer your question is to tell you what I came home, after I came home after my first year, my freshman year, at Columbia, my mother, god bless her, who is an Italian-American woman, I don't think she made it through high school, asked me, "What was your first year at university like?" I just said, "Mom, there are worlds out there I never knew existed." So yes. I think the intellectual stimulation was a very important part of those formative years as an undergraduate, and what I gravitated to, to answer your question more directly, was languages and history. And, interestingly enough, tying up this whole sense of identity, I found myself being drawn more and more by Italian Renaissance history. By the time I was in my third or fourth year, my plan was to go on and get a Ph.D. in Italian Renaissance history. I wasn't raised fluent in the language, because my mother and father spoke English at home. My grandmother was with us for many years, but she spoke a southern Italian dialect, which really has no resemblance to

received Italian at all. So it was a learned language for me, but I guess because of this issue of who-am-I, and why am I so, and this is not meant to be self-congratulatory, but why was I so unique?, I think led me to be very curious about my heritage.

JK You're not the only one who was drawn to the Italian Renaissance, by the way. It's very attractive for many reasons.

Armao It's interesting you should say that, because one of the reasons why, upon graduation, I desperately wanted to go to Oxford, was because I realized, in my third or fourth year, that there were actually people of non-Italian heritage who were very prominent in the field of history, who were very interested in the Italian Renaissance, one of whom was Sir Peter Strawson, who just passed away a couple of years ago. He was probably the behemoth of Italian history at Magdalen College in Oxford. The other was Oliver Taplin, who was and is a professor of Italian studies at Oxford. When I learned about these two men, some really staid, proper, British men, who devoted all their lives to the history and culture of Italy, it kind of legitimated things for me a bit; that yes, Italy, and its culture, and its heritage, is worthy of study in its own right. It's not only because I happen to be curious about my roots. So I was lucky enough to get a scholarship to Oxford, and study with Peter Strawson, before he passed away. So that was quite a dream come true.

JK That's quite a distance from Howard Beach.

Armao Yes, it was. Not only geographically. But I'll tell you what's very interesting about it. Ultimately, in the end, my time at Oxford, I brought home the best souvenir I could ever have, and that was a wife. My wife of thirty-one years is British, through-and-through. We met at Oxford, fell in love, and she made the zany decision to come here and live in New York. She's lived here for the past thirty-one years. She's a tried-and-true New Yorker now.

JK Talk about culture shock. An Italian-American family in Queens?

Armao One of these days I'll invite you over to dinner, to talk about her dad and mom coming for the Italian wedding, at Villa Russo in Howard Beach, where my parents insisted we have our wedding party. Then, right after that, her parents were good enough to have a wedding party for us in England, which we had in the Cambridgeshire countryside, in England, at an old, ancient hotel. So this a triangle between America, the UK, and Italy, and a very formative one in my life. And it's interesting that I wound up being a partner, of course, at a UK-based law firm, here at Linklater's.

JK So it does come full circle.

Armao Very strange. It comes full circle.

JK So. Law school, which is rather more practical, speaking as a historian, than getting a degree in history.

Armao I think I have a legend I created in my own mind, regarding my decision to go to law school. As I've just been telling, sort of ad nauseam, it was always my plan to go on and study Italian Renaissance history. I really wanted to be like Ian Peddie, the great cultural historian. But I decided, when I was about to take my master's degree at Oxford, that if I was going to have a wife I might do better to have a more practical plan, as you put it. I like to believe that it was my Italian Renaissance forebears who were calling me to the civic life, which, of course, was a very, very big theme in the Italian Renaissance at the time, that people must be engaged in civil society, to approved by that society.

JK It wasn't only art in the Renaissance; it was also the law, it was also philosophy.

Armao It was. It was.

JK The complete package.

Armao It was. Professor, you're exactly right. So I like to believe that my Renaissance forebears were calling me to more active engagement in social affairs. I decided to apply to two law schools, Harvard and Yale, and it's an interesting story about Yale. Because when Yale accepted me into their law school, I decided, given that they had also offered me a place in their graduate program, in their graduate history program, that I would like to do both: a J.D. and a Ph.D. So when I went to see James Thomas, who was the dean of the Yale law school at the time, he looked at me and said, "Son, you'd better choose one or the other." So, given that I felt that that wasn't the response I wanted to receive, I kind of wrote off Yale. I didn't take their place at the law school, and I didn't accept the presidential scholarship they were ready to give me for academic studies. So I went to Harvard and became a Harvard lawyer, whatever that means.

JK It means you dedicated a life in the profession.

Armao Yes. But it was a profession that I never really believed I would ever start off in doing what 99.9% of my fellow law graduates went on to do, and that was to populate the corridors of the white-shoe law firms in New York, and D.C., and Los Angeles. I never really wanted to do that. So by the time the third year came around, I applied to the Department of Justice Honors Law Graduate Program, and got a place in their criminal division, in their public integrity section, when Jerry McDowell, way, way back when, led that section. Then I got a call from Jessica de Grazia, which may be a name you know. Jessica was Mr. Morgenthau's right-hand person for many, many years, during the '80s. She is now, in fact, in the U.K., acting as a consultant, and just published a really scathing report about the British Serious Fraud Office, the SFO, and how they operate. But she was his chief Assistant District Attorney for those years, and they came to the Harvard campus. I think Mr. Morgenthau had the policy that he personally recruited at Harvard, Yale, and Columbia, I think. So I met him and Jessica at a recruitment session, fell in love with the idea of becoming an Assistant District Attorney. I told the DOJ I wasn't interested, and went to work for Mr. Morgenthau. That was back in August of 1984.

JK I know there are stories of Harvard, Yale, Columbia grads going into Morgenthau's office, or another prosecutor's office. But it has to be unusual.

Armao Yes. It was unusual because most people who had any inkling about doing criminal justice would have preferred to go to a U.S. attorney's office. I think they felt that that was more prestigious. They knew that a U.S. attorney's office would not accept a graduate from law school. You had to work at least two years, either in a clerkship, usually for a federal judge, or in one of the white-shoe law firms that I was determined not to go to. So I decided that I would much rather be with Mr. Morgenthau, than waiting for an opportunity to work in the Southern District.

JK Aside from the personal appeal of working for Mr. Morgenthau, when did you think that being a prosecutor would be an appropriate direction? Because, is criminal law an enormous part of the Harvard curriculum? Does it attract, is there a clique of people who go in that direction?

Armao Precisely. There was a clique of people who were involved in what was called the Harvard Government Lawyers Project, and I was part of that group. It was run by a guy named Nick Littlefield, who was formerly a U.S. attorney for the District of Massachusetts, in Boston. He inspired a lot of us in respect of pursuing a career of criminal justice. Attached to that program was a clinical program which allowed third-year law students to actually join and be appointed special student prosecutors, in the Suffolk County D.A.'s office, in Suffolk County, Massachusetts. I did that, along with a friend of mine, and actually got to try, along with, of course, a fully-fledged D.A., two criminal cases. One was shoplifting and one was drunk driving, but nonetheless, they were tried to juries of six people. And, Professor, that's when I knew I had fallen in love with trial work. In a lot of ways it was kind of like what I hear friends of mine, who are in the theatre, say. They just love being on stage, and being a trial attorney was kind of just like that. Being on stage; assembling the information; assembling the evidence; and presenting it to a group of people who had no clue about any of the facts, and persuading them that your point of view is the correct point of view, beyond a reasonable doubt.

So I enjoyed that challenge, and I decided that was what I wanted to do, which made the opportunity to join Mr. Morgenthau even more attractive. Because, obviously, as a federal prosecutor, you won't be trying cases like you did in the 1980s, in the Manhattan D.A.'s office. So when I joined the Manhattan D.A.'s office, I guess in 1984, I got to try eleven trials, five of which were jury trials, six of which were bench trials. But that kind of experience, even now, looking back, with twenty-eight years of being a lawyer under my belt, there aren't too many lawyers who have tried that many jury trials. Ultimately, after my career was over, I tried about twenty-four jury trials.

JK Did they just throw you in?

Armao They had great training at the Manhattan D.A.'s office. In fact, I don't know if you know this, but Mr. Morgenthau had his own training program. The other D.A.'s have a centralized faculty and location, where they train their newly-admitted

D.A.s. Mr. Morgenthau's office had its own training program, only for Manhattan Assistant District Attorneys. It was great preparation, but ultimately, in the end, you were kind of thrown in. It's not like it is today. There were lots and lots of cases on an Assistant D.A.'s docket at the time. You remember, this is all pre-Rudy Giuliani revolution in New York.

JK No, there's plenty of crime to go around. Were plea bargains as prevalent then as today?

Armao Yes. Yes. There were plea bargains largely because there's no way the court or the District Attorney could get through their calendars without some kind of sentence bargaining or plea bargaining. Absolutely. But, on the more serious cases, the Manhattan D.A.'s office, even then, took a very, very hard line. As a consequence, young ADA's like myself got the opportunity to go to trial, because defendants weren't being offered anything lenient, so they had nothing to lose by rolling the dice. So they did, so we got the opportunity to try a lot of cases. I'll tell you one interesting story about trials, and then I'll end. I was sitting in this office two months ago, and this would have been twenty-two years after I tried a murder case. It was a pretty horrible murder. You could probably look it up, because it happened on York Avenue in the 80s. A woman who was bludgeoned, strangled, and disemboweled by her fiancé; her fiancé happened to be the son of the curator of the Museum of Natural History, so it got a lot of attention here in New York, in the *Post*. I tried the case with a more senior prosecutor, a guy named Steven Sirocco. Ultimately, there was a conviction and the defendant was sentenced to twenty-five years to life. A few months ago I get a call from the victim's father, out of the blue. He just said, "Mr. Armao, you know, I've been thinking about you. I tracked you down on the internet. I just wanted to call to say thank you so much for what you did for my family, all those years ago, in that trial. I know that you and Mr. Sirocco really worked your tails off to bring justice to the family. I don't know if I had the opportunity back then, given my emotional state, but I would just like to say thank you." It just reminded me of what a rewarding job being a prosecutor is, and what a prominent role you play in the lives of victims and victims' families.

JK That's another wrinkle to what several prosecutors have told me, and that is that they did this because they are motivated, they almost used these words, to get the bad guy. You put it more in the line of to do justice.

Armao To vindicate the good guys.

JK To vindicate the good guys.

Armao To vindicate the good guys. This was a wonderful family. Interestingly enough, just given our earlier conversation, this was an Italian-American family, de Blasio. But there was a sense of even greater satisfaction. She was a beautiful girl. She was only, I think, twenty-four or twenty-five years old when she was mutilated by this beast. But yes, I think for me the best part of the job was not so much seeing the

defendant sentenced, but seeing that the family got some level of relief and comfort when justice was ultimately administered.

JK      So when you came in, you must have been a generalist. This is what you're doing, whatever comes across your desk.

Armao          That's right. For misdemeanors, however.

JK      Only misdemeanors.

Armao          Right.

JK      That's what they gave you first?

Armao          Yes. Essentially, when you come into the trial division of the Manhattan D.A.'s office, you cannot try felony cases, or handle felony cases, meaning cases which the court can impose a sentence of one year or more (I know you know that ), until you've had eighteen months experience as a misdemeanor assistant. Then you can graduate up to felonies, which I did. But at that time Mr. Morgenthau, and then, ultimately, my more immediate boss, Mike Cherkasky, asked if I would come into the investigations division; get out of the trial division, and start working on investigative matters. That's what ultimately led me to do probably the biggest investigation I did while in the Manhattan D.A.'s office, and that was an investigation into the Lucchese family mob-dominance of District Council #9 of the painters' union.

JK      We assume that the police will do investigating of crimes; that detectives will do the investigation. How does a district attorney's office, a prosecutor's office, get involved in the investigation as well? I'm sure most people think that the officers do the investigation; they make their arrest; they bring it to you, and then you.

Armao          That's really a very good question, because it happens in a variety of ways. In this particular case, let me use District Council 9's painters' investigation as an example. Mr. Morgenthau at the time, along with the OCTF, do you remember the Organized Crime Task Force, which was run by Ron Goldstock back in those days. He decided that they were going to focus on Mafia domination of trade unions in New York City, kind of like today, where the government is focusing on businesses, foreign bribery, which is the flavor of the month. Back then the flavor of the month was, "Get the Mafia out of the trade unions."

JK      The Mafia was in the trade unions.

Armao          The Mafia ran the trade unions, and I expect they're still very involved in the trade unions in New York City, maybe not quite as visibly, since all the prosecutions have really degraded the Mafia's power and influence in New York. But I'm sure that they still have a lot of influence and a lot of ties, especially to the construction trade unions. So we knew that James Bishop. And when I say we knew, what I mean to say is

that this was evidence developed by us in the D.A.'s office, through informants, through pen registers (which are devices that can tell you what number is calling another number). This is why I think the flap about the NSA, all of that, it's really ancient history. We were doing that back in the 1980s, without a court order, because a court order for a pen-trap device at that time wasn't necessary. It was only when you intended to intercept the actual oral communications did you need a court order.

JK That's a fine distinction.

Armao It is.

JK And I'm not sure if I were on the bench, I would see that distinction.

Armao Right. But that was the way the law was in New York at the time. Pen registers did not need a court order, because it was not the interception of a phone conversation; it was getting the metadata, as they call it today. So we had groups of analysts who put together these connections, and in this particular case we knew that Mr. Bishop was very connected to a gentleman named Eddie Capaldo. Mr. Capaldo ran the District Council of Painters' Union out on Long Island. We know that Mr. Capaldo, based on informant information, and other information gathered from other law-enforcement agencies, was an associate of the Lucchese crime family. So, when you put two and two together, you start to think, "Well, maybe there's something at District Council 9 that ought to be investigated."

So, with this evidence we actually, at the D.A.'s office, went out and recruited the police agencies to help us with the investigation. At that time there was, in the Office of Organized Crime Control Bureau it was called, a group of detectives, NYPD detectives, who were interested in the matter after we presented it to them, who came on board. Unlike any other local prosecutor's office that I know of, Mr. Morgenthau also encouraged us to reach out to federal agencies for help, which we did in BCCI, you remember.

JK That was big.

Armao I reached out to the Office of Labor Racketeering, in the U.S. Department of Labor. A lot of people don't realize that the Department of Labor has a small but very effective criminal investigation unit. They weren't very busy at the time, and they joined us. So from there we began to build a case, which ultimately led to the indictment of the entire executive establishment of District Council 9, meaning, not Mr. Bishop, because, unfortunately, he died before the indictments were issued. I can get into that if you want to, in a moment. But all of the business managers and business representatives of District Council 9, including Mr. Capaldo. We also indicted a gentleman by the name of Fat Pete Chiodo, as well as his boss, Anthony "Gaspip" Casso, who was my mom's neighbor over the years. Small world, isn't it?

So, to answer your question, in my experience, the NYPD at that time, it may have changed, was not really geared to do its own investigations, like the FBI, and bring it to the prosecutor. My experience was, we got bases for the investigation; we sketched

out the parameters; we built up the probable cause evidence, and then brought it to the investigators and said, "Would you like to join us in doing this case?"

JK      So you said Mr. Bishop unfortunately died. He died suddenly and violently.

Armao      Yes.

JK      That must have been a clue that you were on the right track.

Armao      Yes. I have to tell you, Professor, that probably was the most stunning experience that I had as a prosecutor. Because we got wind, in the course of this investigation we had multiple wiretaps, all court authorized, as well as a bug in the car of one of the business agents of District Council 9, where we had sufficient evidence to believe was used as a place to promote the criminality of the organization. Interestingly enough, as a little aside, the judge who signed most of the orders for these wiretaps was Richard Brown, who is now the D.A. of Queens. Judge Brown and I, of course, were good friends because I would have to go to him on a monthly basis, and he would have to seal the tapes, sign them, and make sure the police were properly minimizing their interception of communications over the phone and the rest.

But Mr. Bishop was in trouble with Gaspipe Casso. When we found that out, we made an offer to him to come and cooperate, and he did. He refused all the various protections that we offered him, including witness protection, bodyguard surveillance and the rest. Unfortunately, one day he was coming out of an apartment building near Malba, Queens, where, I'm sorry to say, it's a matter of public record, so I'll say it, to show you just how terrible these killers are, he had a mistress. And when he came out of his mistress's apartment building, and I never knew he had a mistress, by the way, until after he died, he was sitting in his car and he was approached by someone who has ultimately been indicted and convicted, and he was shot eight times in the body and in the head. But you think about, you know, obviously, the mob somehow got information that Bishop was cooperating. We tried, on several occasions, to get him off the street and he refused. I think he thought he was invulnerable, to be honest with you. Not only was he killed, but the choice of location was very important because they also didn't want to just kill him; they also wanted to kill his memory with his family and his wife. Just awful people.

JK      You didn't know about his mistress, his wife didn't know about his mistress.

Armao      I didn't. Whether the police knew and didn't tell me I don't know, because we did follow him, obviously, because we don't ever want informants, especially informants of his caliber who are on the loose, double-dealing us. I don't know whether or not the cops knew.

JK      And it wouldn't be the first time that there was a line of communication between members of the NYPD and organized crime.



Armao I hate to say it, but I think that's probably how Bishop's cooperation became known. That is just total speculation. Total speculation. I have no idea how they found out.

JK Maybe they were tapping *your* phones. Unlikely.

Armao I'm sure they got a lot of grocery lists. "Bring home a pint of milk, that's it. A cup of sugar." That's about what they would get.

JK You left shortly after this.

Armao I left in June of 1991, and the reason I left is because in June of 1989 my wife blessed us with twins. So now I had three children, twins and an older boy, separated by a grand total of twenty months, living in a one-bedroom flat in Park Slope in Brooklyn. I wish I could have stayed, but I couldn't. I just couldn't do it financially. Liz decided she wanted to be a stay-at-home mom. My wife, interestingly enough, even though we met at Oxford and the rest, came here and qualified as a U.S. lawyer, and was the Deputy Chief Council of an organization called the Board of Correction, which is the city oversight agency for the Department of Correction. She decided she wanted to stay at home, so I had to move on. That's when I moved into private practice.

JK And you're joining one of those white-shoe firms that you never thought you could see yourself being a part of.

Armao Life is a funny old thing, isn't it? You start to grow up and you realize you have a mortgage, you have three children, and you just need to start earning money.

JK It's the unusual assistant D.A. who stays there for a career. It is a young man's business.

Armao It really is a young man's business. There are some who stayed a really long time, because I don't think they could ever break the lure of playing cops and robbers. But most people did kind of grow out after five or six years, in public service. Although in my own defense, I didn't go to a white-shoe firm right away. I went to a place called Squadron Ellenoff. Squadron, Ellenoff was quite a small firm that had a specialty in a lot of things, but in particular, white-collar crime, which was led by a man named Ike Sorkin, who has recently become infamous for defending Bernard Madoff. Of course, Harold Squadron, who was the founder of the firm, was himself a New York City legend. Howard was, oh, gosh, I don't know, kind of like the Harry Hopkins of New York, for so many years. He was the U.N. Commissioner for Refugees. He was just a very accomplished person. So I worked for them, and had a great time working for them because you got a lot of responsibility, even as a young lawyer in a firm that was so small, as opposed to a firm like Linklater's, for example. Then Squadron Ellenoff went out of business, because it acquired, or merged with, Hogan & Hartson, which was a big Washington, D.C. based firm. And because myself and a few of my colleagues had

clients who had conflicts with clients of Hogan, I had to move on and went off to White, Case. That was in March of 2002.

JK One of the questions is, you've gone from being a prosecutor to a defense attorney. What kind of adjustment was that? Being on the other side, suddenly?

Armao I have spoken to a number of my former prosecutor colleagues, who found that adjustment took some time and did them some difficulty. I didn't, to be quite frank with you. I guess because I came to see my clients as people with another side of the story, that I could believe and I could advocate without compromising any of my own professional ethics or the rest. So I really do believe, we have an adversarial system of justice, and that means that you have to take sides. If this country doesn't want an adversarial system of justice, they can always look to Europe, where there's an inquisitorial system of justice, and do it that way. But so long as we believe that the battle of different points of view is the ultimate engine of truth, I was very comfortable in representing my clients.

JK And were you trying these cases, or were you working to settle cases?

Armao Mainly damage control. Because as I progressed on the private sector (this is carving out the Mollen Commission, and coming back into the private sector after the Mollen Commission), I found myself representing institutional clients more and more, companies, boards of directors, senior management of companies. And ultimately, remember, they're not the people who have committed the crimes. Many times it's their subordinates, it's other employees, but they're vicariously liable under New York and U.S. law. So, as a consequence, what you're trying to do is repair the damage in as painless a way as possible, for the company and its management. So I think of myself, in most recent years, as really a crisis manager, as opposed to an advocate, because these institutions, quite frankly, the last place they want to be is on trial. They want you to try to get it resolved as quickly and as quietly as possible, with the least amount of drag on share prices, and that's probably because much of the compensation of senior management is based on share price. I don't mean to be cynical, but.

JK Just realistic.

Armao Just realistic. They just don't want the market hit, and, quite frankly, reputational damage, especially if you're representing a company that deals, let's say, in pharmaceuticals, which we know from the great Tylenol scare, the reputational damage to them is probably as frightening as the financial damages of fines and penalties.

JK The fines and penalties will go away, but reputational damage can take forever.

Armao That's right. Not only do they go away, fines and penalties, but they're passed on to the consumer. So it's you and I who are paying for this, ultimately, in the end, in increments.

JK      So you're happily sailing away, making money in the private sector. You're minding your own business, with a mortgage and three kids, and the next thing, you're chief counsel of the Mollen Commission.

Armao      The way you put the questions really do capture, kind of, the essence of how these things happened. I can remember, I was all of thirteen months a lawyer at Squadron Ellenoff, just coming to the private sector, from working for Mr. Morgenthau's office for all those years, and I came back from lunch, and back then, because I'm a very ancient guy, you didn't get your phone messages on a computer. They used to be little pink slips. You remember that?

JK      "While You Were Out."

Armao      That's it. Okay. So we're the same generation. It said, "Judge Milton Mollen. Please call," with a number. Of course, I knew who Judge Mollen was, because at the time he was at JAMS. I believe he had just finished his tenure as Deputy Mayor of Public Safety under David Dinkins. I think that was a position that was created especially for Judge Mollen. I don't think there ever was a Deputy Mayor for Public Safety before him. So what on earth could Judge Mollen want? I called him, and I hear, you know, Judge Mollen is unmistakable, on the other end, saying, "Joe, I hear good things about you from Bob Morgenthau. Would you have an hour or so to stop by this evening and see me?" So I said, "Judge, I'd be happy to. Can you give me a hint of what this is about?" He said, "Well, keep this between you and me for now, but Mayor Dinkins would like to set up a blue-ribbon panel to look into the question of police corruption, in the wake of all this Michael Dowd brouhaha." And remember, Michael Dowd's case was on the cover, front page of the *New York Post* for the longest time. I said, "Whoa." And he said, "I'd like to talk to you about helping us out on that." I thought to myself, "Oh, Liz is going to kill me." So when I went over there, Professor, I thought it would be an hour's conversation, and maybe he would want me to consult, or advise, or. It turned out to be a three-hour conversation, because Judge Harold Baer, who was also on the Commission, and had his office just down the hall from Judge Mollen and JAMS at the time, and came in, as well, for the last hour or so. We just had a wide-ranging conversation about the police; criminal justice; what did I think the problem was, etc., etc. At the end of it, he just said to me, "Look, Joe. I think Bob Morgenthau was right. We've seen several other people, but I think I'd like you to take on this job." I said, "Judge, I would too, but, obviously, I have to speak to my wife. But I really have one other condition." He said, "What's that?" I said, "You have to give me your assurance that we are going take this where the truth leads; that this is not going to be political window-dressing for Commissioner Kelly or Mayor Dinkins. Because, quite frankly, Judge, I know that you and the mayor are close." Professor, I just came right out and said it. Not that I was accusing him of anything, but I didn't want to be in a political dog-and-pony show, to be real honest with you, and say, "Everything is fine."

JK      The one bad apple.

Armao      The one bad apple that's just really --

JK -- and we got him. It's all over.

Armao Right. Because my instinct, quite frankly, was that it was more than one bad apple. So this sums up Judge Mollen in my mind, a man of just inestimable character. He said to me, "I give you my word that we will follow this wherever it goes, come the mayor or not the mayor. We will do our jobs." I said, "If that's the case, I will get back to you tomorrow." I spoke to Liz, and, as usual, she just said to me, "God, this is a historical opportunity. It's like the Knapp Commission. You've got to do this."

JK It *is* the Knapp Commission.

Armao "You've got to do this." It's very different than the Knapp Commission, again. So, believe it or not, the next day I went in to see Ike Sorkin, and I was scared. Because I was only there thirteen months. They'd just taken me on board. And again, just to tell you about Squadron Ellenoff. That firm is no longer here, but they were totally supportive, and even said to me, "We'll keep you on our health-insurance plan." It was terrific. I joined the Mollen Commission, and we got underway.

JK Which is renting space, hiring investigators, which is standing at any random intersection and going, "Which way do we go?" How do you start? Did you walk into it thinking, "I have an idea where I want to take this?" Or are you genuinely going to wait and see which way the wind takes you?

Armao No, I had an idea where I want to take it, and I think the thing I wanted to do, first and foremost, was to get to Michael Dowd. Because I thought that if Michael Dowd had an incentive to cooperate with us, if we could promise him, because, remember, he had been indicted by the federal authorities, some consideration at sentencing, that we would stand up for him, and if he cooperated truthfully and was of substantial assistance, it might, in fact, have a leniency effect on his sentencing. He had nothing else to lose. I thought he would be the key. So that's the way we got started, after I got Leslie [Cornfeld] on board. I didn't know Leslie from a hole in the wall. She was at Paul Weiss. She was working for Arthur Lyman, a name you surely know. She had heard about this, and she came to see me at Squadron, Ellenoff and we talked about it. I just saw so much energy and smarts in that woman, that person, I just said, "She's going to be a tremendous asset." She came on board, and from there, just talking about getting the team together, which was the first thing. There was one of the investigators who worked on the District Council 9 investigation with me, whom I had a tremendous amount of respect for. He introduced me to a number of retired police officers, retired FBI officers, who had some experience in this field, all of whom kind of saw it my way; that we could really make this a tremendous experience for all of us. So I was lucky enough that I had a terrific staff of investigators come on board. Mayor Dinkins was very, very supportive with regard to budget lines; but, of course, the first thing that arrived at my desk was a lawsuit from the PBA trying to stop the Commission because it exceeded the mayor's authority. Because remember, the mayor's executive order granted us use immunity, and I knew that that would be a key to getting a lot of real information. If we could get to the

cops who had been involved. If we could say to them, "You cooperate, whatever you tell us won't be used against you; plus, we'll stand up for you in respect of," you know.

JK Just the way the feds do it.

Armao You've got to turn informants.

JK That's "use immunity?"

Armao Use immunity. Right. So, in other words, whatever you say can't be used against you as evidence in a court of law. That's called use immunity. It doesn't mean, however, that the information you give, if it leads to other evidence, then that can be used against you. But at least I have use immunity. I didn't have transactional immunity to give, like the D.A.'s office does. But, with that, we started the investigation. We started getting a good picture on what was going on in the New York City police department, from speaking to officers like Michael Dowd, Kevin Hembury, and Bernard Cawley, all of whom had been involved.

JK Had speaking roles.

Armao Speaking roles in the Commission report. Exactly. So you can read the report. You know what they told us.

JK They were rather forthcoming.

Armao They *were* forthcoming. I think there are a variety of reasons. There was the sense of wanting to vindicate themselves, as well. I don't know. To say it wasn't only me. I'll tell you one thing that really did concern me. I always thought, in dealing with Mafia cases, and knowing the whole issue of omerta, people don't rat on each other, and seeing in the mob that that broke down, too. Jimmy Bishop.

JK It breaks down very quickly.

Armao I didn't know if it would break down on cops. Because, you know, sitting in a patrol car with a partner, in a foxhole together, that must really create some very strong bonds. But, believe it or not, when we gathered evidence and confronted these guys, and were able to give them use immunity, we just got a lot of information. So the way I approached it was not, you're right, it was like a street cop. But Leslie and I kind of had a plan, and said, look, we don't have a lot of time. We've got to get to the sources, people who we know have definite information about this stuff. We also knew that it wouldn't just be enough to do a historical study, to say, hey, we're going to do an academic study. This is what the police department, after corruption procedures, are like, and this is why they fail. We knew we had to get current information. That's why we went to these cops; because we wanted, also, to not only do the study, but we wanted to do an investigation that might reveal what was going on currently, at that time.

JK And you end up with recommendations.

Armao And we end up with recommendation. But, remember, the recommendations got a lot of force, because once we got that target for the current investigation, which at the time was the 30<sup>th</sup> Precinct, and we identified that bodega, where cops were selling drugs; and our investigators put together a plan to turn the bodega over; who then gave us the information about the cops.

JK Because he had the food stamps scam going?

Armao Yes, yes. So one of our investigators thought, "Oh, that would be just a clever idea. We can get this guy. We know he's trading, illegally, food stamps."

JK Which has to be federal.

Armao It was federal. And, unfortunately, as a result, the case was prosecuted federally. I forget the number. I think we indicted fifty-nine cops in the 30<sup>th</sup> Precinct, which is a tremendous number. I think it was more than half the precinct. The reason was, of course, to do the right thing and root out these bad cops, but it also gave the Commission report tremendous impetus. By that time Rudy Giuliani had become mayor, and the whole, he loved most of the hundred or so recommendations in the report, but, of course, like today, the nub, the crux of the recommendations being the independent monitor, was the one he couldn't live with.

JK And that's the one that the City Council was trying to do; the recommendations are in place. The culture of the time said, we can see what happened. We ought to have this, and Rudolph Giuliani stopped it. It's funny. He brings in Bill Bratton, who does an enormous revolution in the NYPD, number one. But then, on the other hand, he blocks the reform that's coming from the civilian government.

Armao From the civilian government. I can remember. You're right about Bratton, because Bratton became commissioner, and he took all the badges of the corrupt cops who were indicted, as a result of the Mollen Commission investigation, and went on TV and said he was going to retire all these numbers. He was a great image-maker, Bill Bratton. And you're right, he did turn things around, with Compstat and all the rest. But the one recommendation was rejected because, in my opinion, the one thing the police department can never tolerate is scandal.

JK They draw all the wagons into a circle, at any scandal whatsoever. And they don't even throw one scapegoat out there, if they can help it.

Armao No. No. And I think the reason for that is every police commissioner, and all the senior managers in the police department, realize that their credibility with the public is essential, for them to do their jobs; and that scandal really breaks down. It's like we were talking about the Tylenol scare, right? Their product, to protect and serve, is going to be severely diminished by these scandals. But what they didn't understand is the

whole idea about the Commission report and the Commission recommendation was not to create an agency that generates scandal, it was to protect them from scandal. Because this stuff came right on the heels of the 77<sup>th</sup> Precinct scandal, when Ben Ward was Commissioner.

JK He did not want any corruption on his watch whatsoever, and if he doesn't want to hear about it, who's going to tell him.

Armao We interviewed Commissioner Ward, and it was kind of plain to me, despite all political talk, that he realized that he had an explosive situation on hand, and he made the political decision to squash it, rather than to confront it and root it out.

JK Which would have made him more of a hero, at least in the history books, maybe not in the department.

Armao I'll tell you, if he had done it that way, it might have obviated the need for the Mollen Commission.

JK But you're charged with investigating the NYPD wherever it goes, wherever this investigation takes you. The immediate issue, it's quite different from the Knapp Commission. The Knapp Commission really put down that grass-eater, casual corruption that cops engaged in, and that that was no longer normal. What we have now, even though accepting money from gamblers and houses of prostitution is a crime for the cops, it's different now where they're engaged in a criminal enterprise.

Armao Once again, your question hits the nail on the head. The way I put it is, back in the Knapp Commission days, police officers were selling immunity from arrest. They would just turn a blind eye. If you gave me money, you were getting immunity from arrest, and generally that immunity was in the vice area, prostitution, gambling, that sort of thing. What happened in the Mollen Commission report is that the Commission found police corruption became active criminality. Michael Dowd wasn't protecting dealers, he *was* a drug dealer. Kevin Hembury wasn't just selling immunity to drug dealers; he, himself, was robbing drug dealers. So the corruption we saw became much more violent, much more aggressive, and much more criminal than the corruption of the Knapp Commission days.

JK The one thing I was surprised about in the report was that you linked corruption and brutality, and no one had ever done that before. Historians I know, who look at police brutality, look at it from a racial lens, or whatever other lens, but it's assumed that brutality is one thing, corruption is something else. And that's not the case.

Armao Yes. And the way that that came up is, both Michael Dowd and Officer Cawley, both of whom, as you said before, had speaking parts in the report, it just occurred to us that, hold on a second: If there are police officers who are sort of stepping over the line and getting into criminal acts, in their neighborhoods and precincts, are these the same cops who are also administering beatings to people? And sure enough,

anecdotally, from Cawley and Dowd, I think it's quoted in here, Dowd said to us, "Cops who are beating people are the same cops who are taking money, or helping drug dealers." So that connection began to become clearer to us, so we focused in on that, and Leslie was very, very interested in this connection. But it took some persuading of the commissioners, as well, that this was kind of within our mandate to look at, because I think people at the time thought of police brutality as something the CCRB investigated, and police corruption is more about money, and personal gain, and abuse of power. But the way we saw it is, abuse of power was a much wider umbrella, and you can't fit these things into neat categories. I think we made a good case that brutality and corruption are inter-linked.

JK      So if the department looks at an officer who has a record of complaints for excessive force or worse against him, that should be a red flag?

Armao      Exactly. Let me try to give you a metaphor. If you're coughing and sneezing, it's likely that you have a cold. It could be something else. It could be an allergy. But it's something that should not be ignored. I think that since the Mollen Commission, and, again, this is just speculation, there has been more attention to the brutality statistics, internally, within the department, as a management tool for potential corruption. I think that's right.

JK      I hope that's the case. Because your research, it was almost like academic research, where you investigated real cases and real precincts, and you had random officers in another.

Armao      Correct.

JK      So you had an actual study, based on their files, and came up with a clear connection. It would be disappointing to me if they were not following through on this.

Armao      You know, I don't know, because I really haven't been, quite frankly, invited much by the PD, or by the agency that was set up, that the Mollen Commission, the Agency to Combat Police Corruption, I think it's called. They don't have investigatory powers. They're more of an advisory group, to really consult with them, or participate. So I don't really know what they're doing now. But I agree with you. It seems to me that if the police department is really, truly, sincerely committed to nipping corruption in the bud, it's got to look at all the tools at its disposal, about where the bad eggs may be. And if it's not looking at brutality, it's deliberately blinding itself to what is a clear indication of cops who maybe should not be in uniform.

JK      I wanted to ask what the most surprising result of your investigation was; when you encountered something that made you think, I hadn't expected to find this. I was surprised by the extent, the brazen actions of these officers. I thought, this is just nuts. The arrogance, and sense of immortality, almost, and immunity, that they had.



Armao I would absolutely agree with you. Not only, but the violence, the violence that they were willing to administer, to use, in order to maintain their corruption. We had, as you know, an incident of a police officer shooting, with his service revolver, a drug dealer, I believe it was in the 30<sup>th</sup> Precinct, in the stomach, in order to rob, for drugs, which he then sold to the bodega owner, who ultimately got nabbed on the Food Stamp problem. That's really what shocked me; just the extent to which they would abuse their power, in order to secure the benefits to themselves of their corrupt activities.

JK When I was reading the description of some of their business models, the thing I thought of was Mafia guys going into a restaurant and telling them, "You now have a partner." I thought, "There is absolutely no difference between that kind of mob-influenced business and what the officer is doing in terms of how they get into the business, how they maintain. "We're partners now."

Armao There is an analogy there, and, quite frankly, all of that power came from their badge. Right? So if you talk about how they betrayed the essence of who they were, because, as public servants, we grant police officers enormous power, and they just used that power to go on the dark side. You're right.

JK There were 25,000-30,000 officers in the NYPD.

Armao At the time?

JK Something like that.

Armao About thirty thousand. Yes.

JK You're encountering, out of that 30,000, a handful of officers engaged in a criminal enterprise. It's not like the Knapp Commission, where every precinct had a pad, and everyone in the precinct except for two or three goody-two-shoes, was on the pad.

Armao Yes.

JK So one of the surprises is that it isn't throughout the entire department, the way it was before, but it's almost as if the district attorney's offices ought to have been doing what your commission was doing.

Armao Just to answer the first part of your question, I think you're right. As opposed to the Knapp Commission, which was very broad, I think the Mollen Commission was very deep, in the sense it was less broad, but where the corruption existed it was worse, because the cops were actively engaging in violent criminal activity. So I agree with you on that. As far as the D.A.'s offices are concerned, a lot of people have said it's very hard for them. I think I agree. It's very hard for them to have a really active, or pro-active anti-corruption police unit, because they have to deal with the cops every day, and there's got to be some level of trust and cooperation between the police and the D.A.'s office. And if the D.A.'s office is known to be a cop-buster, so to speak, I

just don't know how well they'll be able to get on with their most important investigative arm. So I think it's somehow unfair to just say the D.A.'s offices should be doing this. That's why I think you need that independence, having that monitor that is independently going to motivate the PD to remedy, and investigate, and prosecute its corruption problems.

JK      There haven't been examples of the kind of criminal enterprise corruption that you investigated. There hasn't been an example of that.

Armao            In recent times. In recent years. Yes.

JK      As far as I'm paying attention to it, there are other issues with the NYPD, perhaps, but not this kind of criminal enterprise activity.

JA            Right. Yes. I just don't know whether or not it's there and people are just not looking for it, or if the NYPD has done a better job of selection, and training, and command accountability, all of the very important aspects of anti-corruption that we mentioned back eighteen years ago or so, in this report. One thing may have changed, and that is 9/11. The PD, now, is, in a lot of ways, justifiably so, seen as the front line against terrorism, and as a consequence of that, it may be that the whole mission of the PD is different. Maybe there's a lot more self-esteem among the police and the department. That may have an effect on less corruption. I just don't know. But I know that 9/11 had such a profound effect on the whole city of New York, that somehow it had to affect the police department in some colossal way, as well.

JK      Well, it did. It affected the whole way we look at what we expect from the police, what we tolerate from police-civilian interaction.

Armao            Yes.

JK            But then, it's one thing to shake down a drug dealer on the streets, mess him up, take his drugs, maybe not arrest him, the low level, how do we keep control of some mean streets? It's another thing to have actual criminal enterprise within the precinct, and to have it tolerated, tolerated by commanders, tolerated by honest cops. You devoted an enormous amount of attention to police culture, and what was called the blue wall of silence. The blue wall of silence. My take is, no one will volunteer information. But if they're in the hot-seat, they'll talk.

Armao            That's probably true. That's probably true. My only point was, you wonder whether or not the police department's reorientation of its mission toward anti-terrorism, in many respects, the fact that the whole crack epidemic seems to have disappeared, so there might not be as much drugs and money on the street, I don't know. I can't give you a definitive answer, because it's been a lot of years since I've been that close to what it's like in the daily life of, let's say, a cop from the 33<sup>rd</sup> Precinct, or the 41<sup>st</sup> Precinct in the Bronx. You would still think that many of those same influences are out there. It's not as if drugs have disappeared; it's not as if suitcases of cash don't pop up in trunks of cars,

somewhere in the South Bronx. Who knows? But I tend to think, and I don't know why, that we're coming on to the end of the twenty-year cycle, so there's a possibility that, in the next few years, if you believe this cycle has some life of its own, some scandal might erupt again.

JK      Where does the scandal come from? As far as I can see, there isn't any obvious drug-culture scandal of that kind. You don't have the normal corruption of day-to-day pads in the precincts kind of thing. So I agree that it's time for another corruption scandal, but the question is where is it going to come from?

Armao      I wish I could give you better insight. I don't quite know, but I will say this. It's always going to come from some activity where people have to gain, personally. So it's going to come from money, or power.

JK      Ambition. The question of training. I was struck by the absence of any, here's what you do in the face of corruption: Don't get caught. If you do get caught, don't talk.

Armao      Don't talk. Yes.

JK      How can they legitimately, even in the 1990s, be teaching something like that in the academy?

Armao      Well, I think the reason why we devoted so much attention to that is because every member of an organization detects the message or personality of that organization, and the message that these young recruits were getting, especially those who came in in the '80s, when the police department was expanding exponentially, was, "We in management are really not too concerned about what you do; just don't get caught." So look, every institution takes its personality from above, and I think what was happening was that the day-to-day members of this institution were getting the message that anti-corruption wasn't all that important.

JK      And you investigated how does the department investigate, and were appalled.

Armao      Because, kind of like the training message, it looked to us, and all of us, even the ex-cops who are on our investigative staff, that at the time, the Internal Affairs Division had one job, and that was to stop scandal.

JK      Which is not their job.

Armao      No. Their job is to investigate, and root out rotten cops. But, instead, their job came to be making sure that the department could keep a lid on potentially explosive events and officers. Look at the whole Joe Trimboli story. That is the best illustration of all. You read that, and you say this has to be fiction, where the man, his cases are closed, he's transferred. The borough commanders want nothing to do with him or his information. Complaint, after complaint, after complaint, comes in about Michael Dowd

and his colleagues. The cops in the precinct, the sergeants, the lieutenants, at that micro-level, see him rolling up in a red Corvette.

JK      Criminals, whether they're in uniform or not, are usually dumb.

Armao      Well, what you said before I think is the key. They really thought they were invulnerable because they were the police. What did Bernie Cawley say about the beating? Remember? "Why did you do it?" "Because we wanted to show who was in charge. We were the police." And I think Michael Dowd, as a young twenty-eight, twenty-nine-year-old man with a badge and a gun, coming into a crime-ridden, socially and economically depressed area, he felt he was a princeling.

JK      And they were.

Armao      They were.

JK      As the story about Leuci, *Prince of the City*.

Armao      *Prince of the City*. I didn't even think about that. It just came to mind. There's the connection. Who's going to complain about them in Bedford Stuyvesant, or East New York, or Crown Heights? And if they do, who's really going to give a damn?

JK      The other part of it is, who cares if the cops are stealing from drug dealers? If the courts aren't going to take care of it, at least the cops taking care of it. But there's the sense that we do tolerate some gray areas in police behavior. We do tolerate them doing perhaps what they couldn't defend in court, or an investigation, because they have to keep order on the streets. They do have to know, "I can't have this guy hanging out at this corner because," and they have to use methods that we might not approve of.

Armao      That's true. There's this whole controversy now about stop-and-frisk, as well. But there's a line. We live in a society of constitutional liberties, where it's the civilian government that's in control. So, while we need all that very aggressive and effective policing, it's still got to be done within the law. And I'll tell you. When you asked before about what was the most surprising, and again, I agree with you: I think it was the aggressiveness, the violence, the absolute shocking way in which cops just abused their power and authority, but what also surprised me was that during the whole tenure of the Mollen Commission, no advocacy groups came to see us about what was going on in the neighborhood. I would have thought that the Rainbow Coalition, or other representatives of people of color, who mainly had a lot of these corrupt pockets of cops in their neighborhoods, would come to us and say, "How can we help?" Nothing. Complete silence.

JK      Is that because there's a complete mistrust; that you may not *be* the police, but you're *connected* to the police, and they distrust them completely.

Armao            Maybe, but Eric Adams, for example, is a very, very vocal critic of the police department, and a reformer.

JK            And a former officer.

Armao            And a former police officer.

JK            So the end result is that you sent a number of criminal police officers to prison. Many others resigned in disgrace, or whatever other punishments were meted out. Like the Knapp Commission, it didn't reach rather high up into the organization. And the organization, you said your investigation went deep, but did it reach high, and find that tolerance of corruption that was part of the institution?

Armao            Well, you remember Chief [Daniel F.] Sullivan had to resign. So we did reach to the chief of IAD, but I could never, ever say, in meeting with Commissioner Kelly and Commissioner Bratton, that any of them would have any tolerance for corruption whatsoever.

JK            I know Ray Kelly wouldn't personally.

Armao            No way. No way. The guy is as right as rain. I'm sure Commissioner Bratton felt the same way. But the people who were in charge were also police officers who, in past years, came through the ranks, and were imbued in this culture about suppressing scandal. They happened to also rise to the level of the chief of the IAD.

JK            That was the Ben Ward.

Armao            Many of them were Ben Ward's guys, and they took these positions imbued with that point of view and that culture, and, ultimately, they had to go. You hope that the people who are running the police department now, under Commissioner Kelly's guidance, are guys who get it, and understand that the real scandal is allowing this corruption to exist, rather than confronting it and rooting it out.

JK            That was the culture that was so unsettling to read about, the idea that the NYPD tolerated this, even when they knew about it. They knew that it was just a couple of these bad guys. I like the idea, in your report, that you discuss, well, it's not just going after a couple of criminals. This has reverberations throughout the community, and makes it impossible for honest citizens to survive in this criminal environment.

Armao            No question about it. Plus, just the destruction of any bond of trust and cooperation between the community and the police is non-existent. Even if it were just two or three cops, smacking people around, or holding people up. That just reinforces the criminal's own cynicism, that these guys are just criminals in blue. So what I'm doing is just what they're doing, and the whole idea of right and wrong gets completely blurred.

JK            That's not a good scenario for a civil society.

Armao Not a good attribute for a civil, peaceable society. Correct.

JK How was the Mollen Commission report received? Because you had the shift in administration.

Armao Very interesting. You know that when Ray Kelly was police commissioner, he didn't agree with the Mollen Commission's final recommendation, at least about the independent monitor, and he still doesn't. But the interesting thing was that I can recall, after he left the police department and became the Assistant Secretary of the Treasury, in charge of the Treasury, and Secret Service, and what have you, at the time, he was called to be a witness before the City Council. The City Council was, during Giuliani's administration, holding public hearings about creating legislation, to create this independent monitor. Ray Kelly was called to the City Council, and so was I, to testify. I was already in private practice. I thought for sure, when Ray testified, he would try to dismantle the recommendation for the monitor, recommended by the Mollen Commission. Instead, he was extremely supportive. So after the hearing, there was a break before I testified, I saw him outside and I said, "Commissioner, I tell you, you totally surprised me. I really thought you would be dead-set against this. What changed your mind?" He just looked at me and said, "Joe, *then* I was police commissioner; now I'm not."

So I think, to a certain extent, those comments sort of show that a lot of people in law enforcement, great people, and smart, experienced law-enforcement professionals like Ray Kelly, understand the logic of this. I think it was received well here by Rudy Giuliani. I think he said, in one of his public statements, after the report was issued, that he was going to adopt all of the Mollen Commission recommendations, whether that happened, I don't know, except for the independent monitor. Then, hearing Ray Kelly's comments, I realized that this is a big political football. So, in a lot of ways, when you ask about the reception, I don't think anyone ever challenged the wisdom of what we recommended. What they challenged was the politics of it. Besides here at home, it was an amazing reception from police departments around the country, as far away as the country of Colombia, Australia, other police agencies that got the report and read it, and contacted either Judge Mollen or me, to ask more about it. So I think it had an effect. I personally am curious to know which of the recommendations have been put into effect. What kind of effect they've had? Is anyone measuring the success, or lack of success, of any of this? Again, I've not really been involved, nor been invited to be involved, so I don't really know the answer to that.

JK One of the remarkable things is that you've got a corrupt police department and it corrects itself; or the society, the city, corrects it. Then it becomes corrupt again, and the city corrects it. It operates, it brings it back more to where they want it to be, and I'm thinking that, in other parts of the world, that isn't the norm; that the police, what they do, Brazil. I interviewed John Timoney.

Armao The First Deputy Commissioner, under Bratton right?

JK And he is now in Bahrain.

Armao Is he, really?

JK He's out there advising their police departments how to deal with civil unrest, and whatever else. So just the idea that we're kind of a self-correcting society. You can look at New York and say, you have corrupt police. But then you can also look at it and say, and they bring it back, and they try to rein it in.

Armao No question about it. We have this sort of mechanism, where we do correct the failures of our police department, and we do it in a public and transparent way, like a public commission, like this. Which, if you asked Judge Mollen, he would tell you that, despite everything we found about corruption, back in the mid-1990s, in New York City, it probably pales with comparison to how the police behave in small towns all across this country.

JK Quite possibly, yes.

Armao Where there is less of what you're talking about: eventual scrutiny; correction; public scandal, bringing it back to the way it should be. Because out there, there may not just be the motivation to have that kind of scrutiny over their police.

JK This is a brief episode in your career. It's only two years, two and a half years, and now you're unemployed and heading into the private sector.

Armao Right.

JK And you didn't get involved in anything like this again.

Armao Right.

JK Was this by choice?

Armao I had to keep my nose to the grindstone, as we spoke about before, and start earning some money. Because mom and dad did not leave me a trust account. As you know, I was born in Howard Beach, as you said, working-class parents. My dad was a machinist; my mom was a housewife. However, if someone had brought me the opportunity, I think I might have been interested, let's say, to do a stint as a deputy commissioner in the police department, for corruption, or corruption control, or to work as a consultant with them, or even to go back into a U.S. attorney's office, or a D.A.'s office about police corruption, and how we made our cases. I think I would have taken that opportunity, but the invitation never came my way.

JK And you've been happy in the private sector.

Armao            Yes, I've been very happy in the private sector. Look, public service, probably, as you know, is very special. It's very rewarding. But I find a lot of reward, also, in the private sector. So I'm not like one of the spate of lawyers who get to my stage of my career and say, "I really hate this job. I can't wait until I retire." I still enjoy it.

End



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