

This is a story of a cop and the case that haunts him. Forty-six years ago, NYPD Patrolman Phillip Cardillo was gunned down inside Louis Farrakhan's Nation of Islam Mosque #7 in Harlem. After a lengthy investigation strewn with roadblocks (detailed by Judicial Watch [here](#) and [here](#)) Detective Randy Jurgensen made an arrest. But evidence had disappeared, the crime scene had been erased, and a special prosecutor later determined there was "a concerted and orchestrated effort" by senior members of the NYPD to impede the murder investigation.

Jurgensen—a legendary NYPD detective who helped put away five cop-killers—believes he got the right man. Much of the law-enforcement community in New York agrees with him. But the trial of Lewis 17X Dupree resulted in a hung jury. At a second trial, he was acquitted. Jurgensen did not quit seeking answers. Years later, after his retirement from the NYPD, he wrote a book, [Circle of Six](#), raising important questions about the case. Following publication of *Circle of Six*, a prosecutor in the Dupree case, James Harmon, wrote a letter to then-Police Commissioner Ray Kelly. The letter was included in a paperback edition of the book. Harmon wrote: "Was there a conspiracy to lure police officers into the Mosque as part of a planned ambush, the purpose of which was to kill them?"

Cardillo and his partner had been lured to the mosque by a fake 10-13 "officer-in-distress call." At the mosque, the front doors, usually manned by a Nation of Islam security detail, were open and unguarded. The officers rushed in.

Harmon also raised important questions about the role of the FBI in the incident. Police officers had "reported contact with unidentified FBI agents in the hours immediately following" the Cardillo shooting, Harmon wrote. He added, "In my long experience in law enforcement, this FBI presence was highly unusual and remains unexplained."

Jurgensen's book and Harmon's letter led Kelly to re-open the Cardillo case in 2006, instructing the NYPD Major Case Squad to take a fresh look. This was a high-level move. A cop was dead and no one had served a day in jail for the crime. The police commissioner himself was ordering a new look at the crime. Jurgensen and Harmon had several meetings with senior NYPD officials about the case, including Kelly.

Jurgensen assisted the Major Case investigation. He turned over his extensive personal files. He provided his copy of the 10-13 tape. He unearthed a secret NYPD report on the case, the so-called “Blue Book.” NYPD officials told Jurgensen that the case material he provided, including the 10-13 tape, would be returned to him. They told him a final report on the murder was being prepared. They told him that copies of the report would be provided to him, the Cardillo family, and the Manhattan District Attorney.

None of that happened.

In 2011, Judicial Watch opened its own investigation. By then, according to several police sources, the Major Case Squad investigation had been closed.

A blue wall of silence descended over the case. For three years, the NYPD did not respond to Judicial Watch requests for information about the case. It rejected Judicial Watch’s Freedom of Information Law requests.

So last year, Judicial Watch sued the NYPD in New York State Supreme Court. We asked the court to compel the NYPD to turn over the Cardillo case file and the 10-13 tape. We want to make the 10-13 tape public in the hope that, even after more than four decades, someone might recognize the voice of caller who lured Cardillo to his death

On May 7, we lost the case.

Judge Verna Saunders ruled in favor of the NYPD, accepting its argument that forty-six years later, the Cardillo murder investigation remains “open, active and ongoing.”

Open cases are protected from sunshine law disclosure, and rightly so—public information can sink an investigation. Closed cases have little legal grounds to prohibit disclosure. A classic transparency dodge is simply to never “close” an investigation.

The NYPD submitted a sworn affidavit from Captain Steven Wren, the commanding officer of the Major Case Squad. The Cardillo murder “is an open investigation and remains actively pursued by the NYPD,” he wrote. Wren claimed that actions in the recent investigation included, inter alia, tracking the locations of witnesses still alive, interviewing “persons of

interest,” reviewing the case files, pursuing tips and keeping in touch with Cardillo family members.

And oh by the way, they can't find the 10-13 tape. Sorry.

Judge Saunders declared that the court had “no basis to discredit the sworn statement of Captain Wren.” Based on Wren’s “sworn statement that the investigation is active and ongoing,” she wrote, “the report and files are not subject to disclosure.”

Randy Jurgensen is not buying it. He has lived and breathed the case for decades. If there was activity in the case, he would have heard about it. Jurgensen worked closely on the Major Case investigation. In an affidavit filed in support of the Judicial Watch lawsuit, Jurgensen noted that the lead detective in the Major Case investigation told him the probe was closed. Another Major Case detective told him the same thing. A senior police official [told the Daily News](#) that the investigation was finished. “There are no new leads,” the newspaper reported.

“After a five-year Major Case probe,” Jurgensen says, “I was told the investigation had been closed and a report was being completed and sent ‘upstairs’—to the police commissioner and senior police officials. “I waited, I didn’t rock the boat. I was expecting to receive a copy of the report, along with the Cardillo family and the Manhattan DA, as I had been promised.” Years went by. Nothing happened.

“That’s when Judicial Watch got involved,” Jurgensen says. “But only after Judicial Watch went to a lawsuit did I start hearing the claim that this was an ‘active’ investigation. Active investigation? Give me a break! This is a forty-six-year-old case!”

Jurgensen asks: “What is the NYPD hiding? Political reputations are at stake. Powerful people did bad things. Some of them are still around. And you have to consider the mysterious role of the FBI in the case. Why were they involved?”

Jurgensen has one goal. “After forty-six years,” he says, “all I am seeking is the answer to one question: who caused Phil Cardillo’s death?”

From a police procedural perspective, Jurgensen says, “the case was closed with an arrest”—the arrest of Lewis 17X Dupree, even though Dupree was acquitted at trial. “That case was solved,” he says.

But while Jurgensen is convinced he got his man, he says major questions remained unresolved.

Did Dupree act alone?

Who made the fake 10-13 call that lured police to the mosque?

Who ordered the Nation of Islam security forces off the front door of the mosque?

And what was the role of the FBI in the incident?

“Those are the questions that haunt this case, that haunt me,” Jurgensen says. “Those are the questions we need answered.”

Judicial Watch is weighing its legal options in the New York decision and we’ll have more to say about the Wren affidavit and “ongoing” investigations. Meanwhile, our federal FOIA case against the FBI in the Cardillo affair is underway in Washington, DC.

Stay tuned.

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