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1978

**Organized Crime: A Study in the Production of
Knowledge by Law Enforcement
Specialists***

by

Robert J. Kelly

A dissertation submitted to the Graduate
Faculty in Sociology in partial fulfillment
of the requirements for the degree of Doctor
of Philosophy, The City University of New York.

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Abstract

ORGANIZED CRIME: A STUDY IN THE PRODUCTION
OF KNOWLEDGE BY LAW ENFORCEMENT SPECIALISTS

by

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Organized crime is essentially protean in character. It can be presented in a variety of different ways and sometimes takes on radically different appearances in different presentational forms.

The research shows that the social reality of organized crime is not an ineluctable reproduction of reality. It is shaped to no small extent in terms of the special needs and organizational interests of law enforcement specialists. Further, the frequency and intensity of intra- and inter-organizational informational exchanges suggest that the phenomenon of organized crime is molded to fit the needs and requirements of those organizations whose task it is to control it.

Many factors affect the knowledge production activities of law enforcement officers. The elements of law enforcement organization structure the procedures for acquiring, evaluating and transforming information into knowledge.

Work is carried on in a milieu structured by budgetary factors and general policies which relegate responsibilities and duties. Part of the research

examines the manner in which organized crime units cope with internal management coordination, the uncertainties of external environments, and their capacities for generating, assembling, analyzing, and utilizing knowledge.

In general terms the research shows that with regard to organized crime, the objects of knowledge cannot be separated from the instruments of its generation. Thus the elements comprising the phenomenon of organized crime are not really "there" in the traditional epistemological sense; they are, rather, indeterminate and known only as an agency of investigation "creates" them.

Acknowledgements

Anyone who has had contact with George Fischer, Edward Sagarin and Charles Winick will immediately recognize the poignancy of the phrase, "Get on with it." These words have served to stimulate many people. Sometimes they have acted as a goad to irritate still further a person suffering intellectual congestion who has seen many unfruitful hours pass in a struggle with recalcitrant subject matter.

"Getting on with it" implies not only a definite job to be accomplished and a method for doing it, it insists that all activities which do not contribute to the speedy achievement of the task are to be firmly set aside. It does not aim at discouraging thought and reflection, but it does have in mind the suppression of speculation which is not directed towards immediate research problems.

I wish to thank Professor Thomas Repetto whose careful reading and monitoring of the logical flow of the study in the later stages of the research saved me from several embarrassing mistakes and oversights.

In trying to find my way through this intricate subject I received generous help and advice from many individuals in the law enforcement community and I should like to express my gratitude to them. In particular, Mr. Ralph Salerno has given me the benefit of his unequalled knowledge of organized crime. Mr. Salerno never heaped his accumulated information on me all at once but provided instead a controlled and precise analysis of organized crime in the United States. And on matters concerning intelligence operations,

the officers of the Organized Crime Control Bureau of the New York City Police Department offered invaluable advice through discussions and detailed memoranda which helped to crystallize arguments only vaguely formulated.

Finally, to those participants who must remain unnamed, many thanks.

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Introduction

In this study I analyze methods law enforcement officials use to produce knowledge about organized crime. I do so by describing how social interests and aspirations shape the techniques and paradigms governing the work of criminal justice specialists and how the institutionalized implementation of their methods and perspectives modifies both their original preconceptions of the phenomenon and their modes of work.

This approach has involved the adoption of a broadly chronological treatment of organized crime and the inclusion of a fair amount of detail on some aspects of it. For it is in the detail that the models and working schemes are most clearly revealed; it is only through the elaboration of detail that one may glimpse and appreciate the specific means and special biases of those who put forth from day to day a conception of an ongoing social phenomenon.

Anyone who tries to investigate organized crime is immediately aware, despite the overwhelming literature on the subject, of important aspects of it about which very little is known. On any number of subjects and issues information is, where not totally inadequate, fragmentary. This is all the more serious a handicap since it is becoming increasingly apparent that conditions in the United States before and during Prohibition varied very widely; indeed from one area to another. A detailed survey of one large metropolitan region -- which may itself be a collection of contrasts (as with Chicago, for instance) -- offers no safe basis

for generalizations about others. Anything in the nature of statistical precision is, therefore, for the present at least, not likely. Further, it is not possible to do more than make a tentative assessment of the extent to which a known situation in one area corresponded to conditions elsewhere.

Within the confines of this work it seems possible to do no more than hint -- suggestively -- at the range of discrepancies and variations in the accounts of organized crime activity.

To examine the construction of conceptions of organized crime as proposed by law enforcement officials entails other questions: what, for instance, are the variations in expert conceptions of organized crime? What are some of the social structural determinants affecting the knowledge-producing activities of experts? And, what are the processes by which concepts are formed, revised or rejected?

Dealing with questions of this sort involves a detailed analysis of methods. Thus, in subsequent chapters I examine the actual strategy and tactics of intelligence work and field investigative techniques routinely conducted by police and other law enforcement agencies. The research reported here is not only an inventory of the methods used by law enforcement specialists but also an evaluation of their grounds and justifications for the selection of some procedures rather than others.

As the title indicates, my concern is with the phenomenon of organized crime -- how it is defined and how knowledge of it is produced. Organized crime has been defined in various ways,¹ and in a sense we are still trying to come to grips with it: conceptually,

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empirically, and as a social problem. Since the term gained currency in the 20th century, widely different views on organized crime, in everyday language as well as scientific idiom, have had their staunch supporters. For many people organized crime is synonymous with "mafia," or "Cosa Nostra."³ For others organized crime was and remains one of several ways by which vigorous minorities bypass the orthodox routes to power and celebrity in American life. For still others, the term stands for a national conspiracy of criminal associations operating with the power and influence of another, invisible government.⁴ It might be argued -- as I do -- that each of these different views makes sense with respect to the social position of those who maintain them.

Leaving aside for the moment the issue of social perception and organizational locale, I want to point out some other areas explored in my work. First, in Part One I examine various theories of organized crime and attempt to show how they reflect aspects of the social, economic and work environments in which experts are situated. Secondly, I go on to consider to what extent theories and working definitions of organized crime are determined by empirical knowledge derived from direct experiences with it, or from scientific studies and governmental reports about it. Thirdly, in line with these matters, my investigation focuses on the question as to what degree theories of organized crime reflect professional ideologies, and the social, cultural, and political forces in the communities in which experts are immersed and on which they depend for economic support. In Part Two I will try to identify what some of these structural forces are and try to exhibit

how they are embedded in the conceptions that experts invent. Fourthly, my research deals with paradigm formation -- that is, with the conditions, contexts, circumstances and situations basic to the invention of a logical design for data analysis, implicitly present even when not explicitly set forth. The analytical treatment of organized crime paradigms and models will bring out into the open the array of assumptions, concepts and basic propositions employed by their users.

This last point and those preceding it require some elaboration. The leading theme of the investigation bears repetition because the research is not squarely focused on organized crime per se but rather on the activities of the one profession most concerned with it as a social phenomenon. As an exercise in the sociology of knowledge, the study examines the extent to which the processes of knowledge production, validation, distribution and change are interpenetrated by social phenomena, and works towards a precise determination of the effects of that interpenetration.⁵ In addition, I attempt to account for the ways in which organized crime knowledge, mundane and intellectual, commonsensical and technical, exoteric and esoteric, gets produced, distributed and forms a basis for policy and societal action. Obviously, society and the criminal justice system in particular require bodies of socially available knowledge. The problem treated in this study is just exactly how that knowledge relates to the maintenance and change of the social system.

Two assumptions underlie the perspective delineated here: First, knowledge is organized in a social way as well as in a structural

fashion. Regarding organized crime data, this means that as a body of accumulated facts, ideas, theories and perspectives, it is not universally held but socially distributed. Accordingly, the search for over-arching categories and examples widely believed by experts or points of view serving as a sort of conceptual umbrella under which all extant data on organized crime may be subsumed is not only misleading but fruitless. Much knowledge -- and organized crime knowledge in particular -- may be held by persons in certain roles. While this is a simple and obvious assumption which can be taken for granted, it has important implications for trying to relate differential knowledge structures emanating from different parts of the social structure. It may be the case, for example, that the structural relation between two bodies of knowledge can be specified in terms of the occasions when persons occupying the roles with exclusive access to that knowledge come together in a common activity. Thus, knowledge structures cannot be ultimately separated from activity patterns. A consideration of knowledge structures then is necessarily a consideration of knowledge communities (Holzner, 1972: Ch. 4).

Secondly, different exemplars and standard examples may underlie the activities of various knowledge-generating persons and groups covering a wide range of settings, situations, or contexts.

Componential analysis, a key conceptual tool for organized crime research, crystallizes around the following empirically describable dimensions: (a) the dependent variables of the model in question, (b) the primary determinants, causal agents or

independent variables emphasized, (c) the methodologies or strategies of data gathering, and (d) the apparent value orientations of those using a particular theoretical orientation.

The idea that knowledge is, to a great degree, dependent upon the actions and interactions (including methods, of course) of knowledge-producers is not new. In micro-physics, for example, P. W. Bridgman, the American physicist, has said:

(The physicist) has learned that the object of knowledge is not to be separated from the instrument of knowledge. We can no longer think of the object of knowledge as constituting a reality which is revealed to us by the instrument of knowledge, but the two together, object and instrument, constitute a whole so intimately knit that it is meaningless to talk of object and instrument separately (March and Freeman, 1963: 161).

The implication is that the fundamental elements of nature are not really "there" in the traditional sense. They are indeterminate and can only be known as the scientist, in effect, "creates" them. In a similar vein, the philosopher-scientist Werner Heisenberg explicating on his philosophy of research has written that:

The goal of scientific investigation is no longer a knowledge of atoms and their motions as such, independent of the formulation of our experimental investigations. Rather we find ourselves, from the very beginning, involved in the give-and-take between nature and man, so that the customary division of the universe into subject and object -- into internal and external world -- leads us into difficulties (March and Freeman, 1963: 168).

An even more radical expression of the relativist cast of mind among contemporary physical scientists is to be found in the work of John A. Wheeler. Commenting on the meaning of the quantum principle and the ways in which it has profoundly altered the thinking of scientists, Wheeler says that the word "observing"

as the principal methodological act of the physicist is inadequate to describe his activities. Rather, "a better word is 'participation' . . ." "We are going," says Wheeler, "to come to appreciate that the universe itself in some strange way depends on our being here for its properties." (Helitzer, 1973: 32).

Admittedly, there are major differences in the institutional objectives and objects of study between physical scientists and practitioners such as law enforcement officials. Yet, there seems to be a growing consensus that methods and investigatory techniques impress themselves upon the social or physical realities they are designed to measure, describe, chart and analyze. The term, "The social construction of reality," is a familiar one in the sociological literature.⁷ It refers to the processes of institutionalization, legitimation and internalization as central features of a constructed social reality. The term has significance for the purposes of this research in that under it the actual mechanisms by which knowledge is created, organized, and distributed in terms of either some organizational totality or in accordance with the interests of some groups of experts may be conceptualized.

A principal thesis of the sociology of knowledge "that there are modes of thought which cannot be adequately understood as long as their social origins are obscured" (Mannheim, 1936:2) has been widely accepted and employed by social scientists in research on various social groups, classes, and cultures. Thus, organized crime as a social phenomenon provides a setting to test the credibility of Mannheim's assumption. In the case of organized crime

important differences exist in the worlds of the social scientist, journalist and law enforcement official and each is concerned with the same social phenomenon and each has actively undertaken the study of it. Their investigations have led to disparate conclusions, and the ensuing debates have concerned the relative merits of various interpretations as well as appropriate research methods.

Traditionally, sociologists of knowledge have recognized the multiplicity of worlds from which ideas emerge, though they have generally insisted that one of these worlds -- the social -- is the cause of which the others are more or less mere effects. A refutation of this view, sometimes vociferous but most usually timid and tentative, has been offered by those who assert that the relation of ideas to their environment is not quite as predictable as all that. The causes and careers of ideas are too diverse, too complex, to permit the formulation of causal generalizations that are valid for them all. The social history of ideas is, like all history, the science of the concrete (to borrow a phrase from Levi-Strauss) exacting the most circumstantial inquiry.

Some critics (Aron, 1967) have argued that there is, and can be, no sociology of knowledge. For knowledge is neither class nor time bound. It is a logical relation; it can be precise or vague, exhaustive or partial, but it cannot be bourgeois or proletarian, Protestant or American. The influential historian, Peter Gay, echoes this view; he speaking disparagingly of the discipline:

A knower has a social status, his ideas have existential roots, but the truth or falsity of his ideas is wholly independent of this status and these roots. It is dependent, rather, on the correspondence of their formulation with the reality they purport to describe. But while there is no sociology of knowledge, there is a sociology of ideas--first cousin to the social history of ideas. And this sociology must undertake its work with a principled disclaimer: it must abandon the confident automatic claim to the primacy of the social (Gay 1972: 71).

This position resonates with equivocation regarding the possibility of a sociology of knowledge. It should be said that no serious proponent of the sociology of knowledge believes that the truth or falsity of ideas, their validity or verifiability is dependent on the status of those who originate them. The issue pertinent to sociologists is how social status precipitates and molds ideas and how status selectively pressures perceptions and attention to some segments of social reality rather than to others. I hope the data and analysis developed here will militate against facile dismissals of the sociology of knowledge.

At least three distinct approaches to the problem of knowledge may be distinguished historically: (1) the epistemological, (2) the psychological, and (3) the sociological. The first may be illustrated by the various philosophical disputes and controversies between the realists and nominalists, the idealists and materialists, and the rationalists and empiricists. This last group raised the question: Is knowledge a result of immediate sensory experience, as Locke held, or is it the outcome of experience mediated by a priori categories, as Kant had postulated? Mannheim sided with Kant but with one major qualification that the

categories are not a priori. In Mannheim's view, the mind and all of its logical categories are a social product and it is this insight which suggests something of a solution to the epistemological puzzle posed above.

Despite Mannheim's important lead, his work has often been tainted by unresolved antinomies. His concept of "knowledge" seems amorphous and inadequately differentiated; his main defect, however, is that he never satisfactorily specifies the types of relations between social structure and knowledge which thereby obscures his central thesis concerning the existential determination of knowledge. But even with these limitations Mannheim's ideas have stimulated and fixed the attention of a large number of scientific workers whose research has sought to examine knowledge and thinking -- once regarded until relatively recently as the proper subject of logic and psychology -- from a sociological perspective. This research entails, among other things, tracing the bases of social judgments to their specific interests-grounded origins in society, through which the special features and finite bounds of a view becomes apparent.

Among contemporary social scientists, Robert Merton has refined the seminal lines of analysis articulated by Mannheim and produced some important programmatic statements concerning research methodology and theoretical orientations for the sociology of knowledge. And in this effort of illumination Merton follows not only Mannheim but Marx as well. In his outline of a paradigm for empirical research on the relationship

between social structure and knowledge, Merton drafts a preliminary model which sketches the broad contours of the existential bases of knowledge. Mannheim, in Merton's estimation, attached significance to a number of elements in the social structure which Marx subsumed under the rubric of class location as being influential factors affecting modes of thought. Merton's important work in reference group theory seems to me to be an extension of Marx and Mannheim and in his research he seeks to show that given the fact of multiple group affiliation the research problem becomes that of determining which of these affiliations tend to be, if not decisive, at least instrumental in fashioning ideas and perspectives. While Merton flatly repudiates extremist conceptions that thought and knowledge are bounded and limited by the sociallocations of their originators, he does endorse the position that mental productions interact with existential factors affecting their expression. Merton considers that various social structures provide frameworks which limit, retard, expedite or facilitate the articulation and actualization of ideas and does not ascribe primacy to the socio-economic sphere or some other substratum in a social structure. The implications of Merton's theoretical vista are pertinent for the research reported here.

It is not enough to demonstrate that particular conceptions of organized crime are the products of deeply rooted prejudices or biases that criminal justice specialists harbor for certain ethnic or minority groups; research ought to go further to discover the sociological genesis of these attitudes within the system with which

law enforcement personnel find themselves confronted, and the accepted currents of thinking which are pervasive in their occupational groups. Isolation and analysis of these elements seem to be the necessary first steps in arriving at an adequate sociological explanation.

Of particular concern is why in certain social situations specific aspects of organized criminality are stressed more than others.

My own theoretical dispositions approach closest to those of Merton who, for this reason, frequently provides a point of reference. The discussions which follow seek to show that the processes of knowledge creation and concept formation about organized crime involve the social status of the creator and that the framework of concepts employed are greatly dependent on the organizational settings in which knowledge-producers are situated.

In very rough outline the general structure of the discussion looks as follows:

- (1) Whenever and however social actors conceive of the particulars constituting some sector of social reality -- in this case, organized crime -- they do so by means of some specific conceptualizing mechanisms that they bring to the situation or set of events.

- (2) This conceptual machinery conditions, canalizes, and in some ways restricts how they represent items of the phenomenon in thought and analysis. This has the consequence that, through deployment of specific conceptual mechanisms, the actor, role player, status occupant, in part determines (i.e. significantly shapes and influences) the materials of knowledge. Put in information-processing terms -- with the usual picture of inputs, transformational mechanisms, and outputs -- this leads to the upshot that in most attempts to portray the social reality of organized crime the output is a function not of the "external" inputs alone, but of the actor's transformational mechanisms as well. This moves us to the view (examined empirically) that the social actor-expert -- law enforcement specialist -- makes an active and substantively nontrivial contribution to the constitution of knowledge.
- (3) In standard cases, the conceptual machinery makes use of, is, in large part, contingent upon the actor's organizational niche and access to organization-relativized resources.

- (4) Thus, the general empirical issues examined here concern the concepts and mechanisms standardly employed in constituting the reality of organized crime and their relation to experts and their organizational environments. On this view, what the social actor "makes" is not organized crime itself, but the mode-and-manner-determining categories in terms of which it is conceived. Accordingly, members of the research sample shape not organized crime itself but the phenomenon as it is for them.
- (5) The conceptual frameworks deployed in thinking and acting about the social reality of organized crime are organizational artifacts whose component elements are in certain ways actor-involving. The phenomenon of organized crime is not apprehended directly without the use of descriptive mechanisms afforded by the language and paradigms that go with it. Each expert works within some established framework, some paradigm -- borrowed or created -- of defined images, symbols and schemata which he may or may not modify and adopt to his role contingent purposes -- whether he is a law enforcement officer or prosecutor. In general terms, any facet of reality must, if conceived at all, be conceived from a conceptual point of view. Of course, a conceptual scheme can be given up in favor of another.

- (6) The contributory role of the social actor in the formation of a view of organized crime inheres in the fact that a variety of different conceptual frameworks can with equal validity be superimposed upon "empirical fact" -- even as a given empirical circumstance can be presented under very different (and occasionally deceptive) descriptions. Descriptive information about the empirical features of things is always in part a product of conceptual contrivance and manipulation. Taking a simple example, say, "Mr. Carlo Gambino died in October, 1976," we can consider some obvious alternatives as: "The most powerful syndicate boss in the United States died leaving a power vacuum in underworld leadership," "Mr. Gambino, an immigrant and successful realtor, leaves a legacy of prosperous businesses including wholesale and retail operations in trucking and food provisions." Even in such a crude case, it should be clear that the social actor brings a certain machinery of conceptualization to bear, machinery not dictated by (or simply to be read off from) a concept-neutral inspection of events and phenomena, but constructed on the basis of the actor's interaction with reality. Putting this another way, the actor does not simply perceive but interprets. A criminal justice specialist sees not just a murderer, for example, but a member of a certain crime family

who is an enforcer, an expert in physical violence.

- (7) Accordingly, the presentation and analysis of data that follow is not an attempt to construct a theory as to the nature of organized crime as a social reality, but addresses itself to the nature of the frameworks of concepts in terms of which the conception of the phenomenon is articulated.

As to data, in closing, the analysis presented here depends, in part, on evidence drawn from variegated fields of inquiry including mass communications, criminology, and the sociology of occupations and complex organizations -- subjects of established and to varying degrees exacting scholarship. In adducing such materials, I can claim no professional expertise. Specialists in each area will doubtless find much to qualify or expand, if not to discount, at points in the investigation where they have expert and authoritative knowledge. I can only aver that I have been particularly conscious of this source of probable weakness, that I have diligently sought good advice, and that I have had to rely on those authorities that I have found most relevant to my problem. A number of appendixes bring out specifically just how I handle the technical problems involved.

I would like to claim that the diverse means to which I have resorted in tackling the problem of knowledge-generation have in

themselves demonstrated what a multifarious problem it really is. To adopt a clear-cut procedure, complete with declared axioms and rules of evidence and method, or to have concentrated on just one aspect of the problem (reliability, for example), might have led to a more coherent and better integrated exposition. But the analysis could have been impaired or even vitiated by such operational stipulations. As I see it, the study of the social organization of knowledge has countless aspects, many of which have no apparent systematic connections and that to concentrate on any one of them, would have resulted in a very partial account. As it is, a reader who approves one part of the investigation (for example, the examination of law enforcement informant recruitment procedures) may disapprove another on the ground that it involves a poor sample; a social scientist may be comfortable with the considerations of organizational dynamics and their influence on individuals, but be restless with legal issues concerning wiretapping. Most of all, it is the problem itself that presents so many disparate issues for analysis; and it is therefore complexity that conduces to an account that continually changes perspective.

Footnotes

1

To define organized crime, not in the most abstract, but in the most concrete terms possible, to find, not a universal formulation for it, but a series of propositions which express most adequately this or that special manifestation of it, is the aim of the works of Cressey, Ianni, Hess, Albin, and other students of the phenomenon. Cressey's work is the capstone of the classical discussion of organized crime. Others since then have attempted in a more relativistic spirit to classify types and kinds of organized crime in terms of its generic expressions. The scientific movement in this direction has consisted mainly in a continual analysis of facts of rough and general quality into groups of facts more precise and minute. The power of contemporary efforts is best seen in the effort to polish already existing perspectives, in efforts to distinguish and fix already existing perspectives, in efforts to distinguish and fix fugitive details. For example, Smith (1975) and Albin (1971) spent time examining the testimonies of organized crime defectors such as Valachi and Gentile pointing out inconsistencies, contradictions and ambiguities.

Theories of organized crime like theories about other social phenomenon must provide explanations and must also be falsifiable -- it must be possible to specify some state of affairs that would demonstrate that the theory is wrong or that it is at least in need of revision. Various theories abound in the study of organized crime. In all cases these theories contain or propose empirical indicators by which the relationships between variables hypothesized may be tested. All theories are potentially incorrect statements (Popper, 1963). If there is no conceivable way that a set of statements could be shown to be incorrect, those statements do not constitute a theory. Only statements for which it is possible to imagine some state of affairs that could contradict them qualify as theories. Put another way, no statement is a theory unless it claims something that could turn out not to be true. This does not mean that we actually must find an exception to a statement in order for it to be a theory. To the contrary, a theory should not be contradicted by evidence. What is vital is that we are able to say what would add up to a contradiction or significant challenge to a theory. Statements that run no risk of being wrong never explain anything. Because a theory claims that certain relationships exist between two or more concepts, a theory is always falsifiable. In addition, theories tell us what facts to look for. In turn, the facts tell us whether or not to look for a new theory or whether the theory being tested is contradicted or in need of considerable revision. Because theories explain relationships between concepts, and because concepts are abstractions (i.e. ideas which classify many concrete instances of objects, events or processes) theories are also abstractions. Thus, through their array of concepts theories explain in relatively few statements a great many relationships among concrete instances of the concepts.

This investigation seeks to examine the conditions under which theories are fashioned; how they are constructed and tested. To look at the concepts employed in determining relationships assumed to generate, sustain or impair the growth of organized crime, and so on. To look at the ways in which data are organized; how some facts are selected and others ignored; how, finally, pictures of organized crime change.

2

An excellent inventory of definitions of organized crime as a social problem may be found in Michael D. Maltz, "Defining Organized Crime" Crime and Delinquency Vol. 22, No. 3, pp. 338-346, (1976).

3

This thesis is based mainly on my source material of interviews, questionnaires, and upon assorted other materials. The investigation I conducted seeks to chart the logical structure of law enforcement, understandings of organized crime. I have deliberately avoided, where possible, the use of the word *mafia* for reasons which are several and important. First, the concept suggests the idea of Italian-American domination and control of nation-wide syndicate crime as well as the existence of a monolithic criminal organization modeled along classical mafia patterns. The evidence does not substantiate this view. Second, the word *mafia* implies -- wrongly, I believe -- that syndicate crime is largely a foreign conspiracy imported to the United States during the peak of Italian immigration. Even a cursory glance of the literature reveals the transparency of this particular bias (Albini, 1971; Schiavo, 1962; Smith, 1975; Nelli, 1976; Ianni, 1970). Thirdly and finally, my analysis of modern syndicate crime will point up functional parallels between mafiosi activity and the behavior of contemporary American gangsters and, therefore, requires that the distinction between these two phenomena be maintained.

An interesting intellectual exercise suggested by the walter of theorizing and speculation about organized crime might use an analysis based on counterfactual propositions which aim to test the significance of a specific phenomenon by trying to work out what might have happened had that phenomenon not existed. For instance, can we imagine modern organized crime without Italian-American crime families and the Cosa Nostra? Was the alleged Italian domination of crime syndicates in the late 30's and 40's a necessary condition for their growth and current structure?

4

In their book, The Abuse of Power: The Permanent Government and the Fall of New York (Viking Press, 1977) Newfield and Dubrul make the case that organized crime in New York is: "... a separate government . . . It is dangerous, corrupting and virtually all powerful in specialized areas like the waterfront, the garment center and the private carting industry. It holds through threat of force, cartel franchises on illegal services like narcotics, loansharking, pornography and gambling" (p. 254). In the opinion of the authors the actual power of organized crime in New York City

has generally been underestimated by historians, economists, political scientists and other academics. Furthermore:

There is a level at which corrupt businessmen and lawyers and politicians, crooked union leaders and traditional gangsters meet and become indistinguishable, where businessmen begin to act like racketeers. In this gray area, crime and capitalism converge and become almost identical in their values, methods and influence (Ibid: 254).

Regrettably, the authors choose not to elaborate on their interesting thesis that organized crime along with other pathological weaknesses in private commercial and governmental structures has precipitated the decline of city government. In the section on "The Political Economy of Organized Crime," Newfield and Dubrul cite some data from the Lasswell and McKenna study on the impact of organized crime in an inner city community to show the extent to which organized crime activities and organizations remain stable and continuous over time such that despite incremental increases in the overall income of the community more and more of it is transferred to syndicate operations.

The important implications of the Lasswell and McKenna study will be discussed elsewhere. Here, I want to point out that the authors -- one, a well-known journalist (Newfield), the other a city planner (Dubrul) -- have touched upon an issue rarely given in-depth treatment in scientific inquiries into organized crime. With the exception of Gardiner's The Politics of Corruption (1970), the major writers on organized crime in the United States have ignored the interconnections between crime and politics or have merely alluded to it. Cressey's major study, Theft of the Nation (1969) devotes a chapter to it but focuses on the shortcomings in penal legislation and on the imperfections of law enforcement-legislative liaisons; on this issue Ianni in A Family Business (1972) is concerned mainly with the division of legitimate and illegitimate labor in a crime family pointing out somewhat casually (in much the manner of an aside) that criminals pay attention to shifts in the alignments of the political elites. Apart from these, scientific work has been negligible. It is in the writings and reports emanating from crime commissions, law enforcement agencies and officials where the emphasis is squarely on politics and corruption (viz., A Study of Organized Crime in Illinois, 1971; Report on Organized Crime, 1970 Pennsylvania Crime Commission; The Crime Confederation (1969) by Ralph Salerno and John Tompkins). Moreover, the bulk of the work -- journalistic, scientific, and criminal justice -- belies a common sense belief in the apolitical nature of syndicate crime. On the contrary, organized criminals are quite sophisticated politically though they are not activist in that they openly support with money or rhetoric a political candidate or ideology. Kobler's study of Al Capone (1971), Gosch and Hammer's work on Luciano (1975), Wolf's biography of Frank Costello (1974), and the admirable study of the Kefauver Committee by Moore (1974) demonstrate the intricate connection and

sustained involvements of syndicate members with politicians, civic leaders, legislators, and members of the judiciary.

"Crime and capitalism," the phrase used by Newfield and Dubrul has been the object of study, however, among European scholars. In the work of Hess (1973) and Blok (1974) on Sicilian mafia much of the analysis is devoted to the politico-economic conditions prevalent during the ascendancy of mafia *cosche* and on the breakdown in state administrative apparatus as a factor promoting the genesis of mafia organization -- which, for our purposes, is the same as syndicate crime. Hess, Blok and Servadio (1975) see the origins of mafia strength as well as that of other southern Italian criminal groups as arising out of comprehensive crises in capitalism. European work in general looks not only on corruption as one variable in the equation of organized crime but on criminal organization as constituting a parallel governmental hierarchy (viz. Hobsbawm, 1959). In private discussions with Dr. Jonathan Rubinstein, Director of Research for the New York State Select Committee on Crime, the functions of organized crime groups in the U. S. A. were compared with the activities of Sicilian *mafiosi*, Calabrian *Onorata Società* and Neapolitan *comorristi*. As with their southern European counterparts, organized criminals in the United States fill the gaps and perform political and economic functions capitalist political economies such as the United States cannot or will not provide its citizens.

5

To seek a radical devaluation of knowledge in terms of the existential conditions of its production, as for example, "bourgeois ideology," to construe such a concept as a fundamental proposition of a sociology of knowledge prevents, in my view, any coherent analysis of the relationship, knowledge/society and merely reduces it to the trivial level of political polemic. Even though I am more than a sympathetic admirer of Marxist-based sociological analyses -- a partisan, in fact -- it can be said that within the Marxist paradigm the problem of analysis and conceptualization of knowledge differentiation processes gets hypostatized into unreasonable bifurcations and dichotomies such as valid/invalid, scientific/ideological based on the economic stratification of society rather than in terms of the stratification of knowledge itself as Schutz and the phenomenologists have suggested. In simplistic Marxist sociologies of knowledge, the issue of validation is central. However, the topic of knowledge validation is much too complex to be assigned a purely extra-theoretical resolution at a political level. Validation is an extremely difficult problem being tied up with knowledge-differentiation processes which cannot be adequately comprehended at a purely sociological level. Similarly reduction of the sociology of knowledge to a philosophical level merely emasculates it, while reduction to a political level perverts it. The scientific legitimacy of the discipline must depend, it seems to me, on its ability to describe and explain demonstrable relationships without changing the terms of analysis to allow either pure speculation or evaluative criteria to predominate.

6

In his justly heralded book, The Structure of Scientific Revolutions, Thomas Kuhn developed an analysis of scientific change based on factors affecting the legitimacy and utility of what he calls scientific paradigms. His work is particularly relevant to this study because the notion of a paradigm, as Kuhn isolates and describes it, has special significance for the data I consider. Organizing data around a paradigm provides the account with the analytical advantages of economy and clarity. A paradigm, according to Kuhn,

... functions by telling the scientist about the entities that nature does and does not contain and about the ways in which those entities behave. In learning a paradigm the scientist acquires theory, methods and standards together, usually in an inextricable mixture (Kuhn 1970: 109).

That is, a student learns neither a set of rules nor abstract theories which he then applies in research, though he may learn some of these things; rather, he is introduced to a common and accepted set of practices, instrumentations, research questions and the like, all of which make up a reigning paradigm.

A corollary derivable from Kuhn's argument is that to change paradigms is to change a way of thinking, a way of seeing the world. Given the disagreements over the nature, function and structure of organized crime, it seems plausible to interpret the conflict as illustrative of the competition between different paradigms or as the outcome of cumulative puzzles and unanswerable questions extant paradigms seem unable to resolve. However, one caveat must be introduced into this discussion: insofar as organized crime phenomena are concerned, different views as to its nature, structure and function may stem from the fact -- about which there is universal agreement -- that data are not fixed nor stable all the time for all observers and analysts. Thus differences and disagreements arising among experts may have little to do with different interpretations and more to do with the fact that they are exposed to different sets of data. Empirically this issue is decidable and has been formulated in the survey instruments designed for the subsample in the study. Preliminary results of the analysis indicate that not only is it the case that there exists competing definitions, theories and methods for investigating the phenomenon but it was found that experts located in different professional settings do not always share equal access to data nor do they conduct their work on similar data bases.

A central feature of Kuhn's work which, for better or worse, seems to have been overlooked in discussions of his work is the emphasis he places on the role of exemplars. These are the accepted concrete examples, the outstanding examples of technique upon which everyday practice in science (or for that matter in police work) is built. Kuhn places exemplars at the very core of the scientific tradition (1970: 42). Accordingly, one looks

for socialization practices exemplifying training into a mode of thought and action. In so doing we are conducting an examination of community structure -- a community defined by shared knowledge. It further follows that the epistemological bases of occupationally distinct groups need not be static since, as noted above, data on organized crime are neither fixed nor stable. Thus, the degree of incommensurability between competing paradigms can be measured in terms of the kinds and types of informational exchanges and interactions among experts. High and frequent levels of interchange and exchange would, ideally, mitigate against intensified paradigmatic competition; the consolidation and integration of organized crime information emerging out of governmental task forces, commissions and conferences has, at least theoretically, created the conditions for intraprofessional consensus. That consensus remains problematic relates to the lack of accord and disparities in method, objective validity and reliability of the procedures typically used by groups, and lastly but not least importantly, to differential changes in data bases available to each subsample of experts.

7

The Social Construction of Reality (1966) by Peter Berger and Thomas Luckmann starts from the viewpoint developed by Alfred Schutz. Even though it is written in the phenomenological vein the book tends to be eclectic as it strives to incorporate the work of Marx, Weber and Durkheim concerning the structural determinants of knowledge and, conversely, knowledge as a determinant of social structure.

The main drawback of their work is that as sociology of knowledge their theory is quite clearly non-empirical -- belonging in the realm of social philosophy rather than social theory. It excludes all those elements which make the distinctive theories of Weber, Marx, Durkheim and Mead scientific: their recourse to a set of testable empirical demonstrations of the main theses of their theories. The failure of the book is based upon the mistaken assumption that they can provide an integration of the theories of Marx, Weber and Durkheim by treating them as equally demonstratable descriptions of social reality.

In the last analysis, the test of a science is its ability to provide testable "explanations" in some systematic and theoretically precise manner. Berger and Luckmann's work seems to be excluded from the rubric "science" by just such considerations.

Part One

Chapter 1

Introduction: Analytic Problems and Research

Until recently and with few exceptions, the controversial and emotion-laden subject of organized crime has been more a field for ideological polemics than for critical analysis. Much of the debate has centered on whether or not the set of activities known as "organized crime" is dominated by one or more particular ethnic groups. In addition to this, American folklore is replete with the legendary exploits of criminal societies such as the "Black Hand," "Murder Inc.," "The Mafia," "La Cosa Nostra," and "The Syndicate." The activities of these groups fill newspaper headlines intermittently, but their words and deeds are constantly thrust upon us through pulp novels (The Godfather), television (The Untouchables), and motion pictures (Little Caesar, The Valachi Papers, The Godfather, The Godfather, Part II).

Even the government is not immune. Monitoring organized criminal activity became the pastime of millions of Americans in the early fifties when the hearings of the Kefauver Committee were televised. Frank Costello, a purported organized crime boss, became familiar to the people of the country. In the sixties, another congressional probe, the McClellan Committee, examined the role of organized crime in labor unions and management and introduced to the American public Joseph Valachi, an alleged underworld figure who revealed the structure of criminal organizations

which he called, "Cosa Nostra" with all the lurid details and shocking facts of its power and influence in many sectors of American life. In 1966, President Lyndon Johnson created a commission to study law enforcement and the administration of justice in the United States which contained a task force whose mission was to analyze the extent of organized crime in the country and recommend legislation to control it more effectively. The task force was composed of eminent criminologists, economists, police experts, prominent prosecutors, and other authorities on organized crime. In 1967, the task force published its report, which report included not only its findings on the extent and influence of organized crime in this country, but it also outlined a set of legislative and administrative proposals to cope with, in the report's words, "this growing menace."

In the seventies, interest in the underworld was whetted by numerous news stories of a major gang war (known in the press as the "Banana War") involving members of the Bonanno, Profaci, and Gambino crime families; public attention to organized crime was heightened by a series of sensational shootings in New York of Joseph Colombo, reputedly the youngest head of a Cosa Nostra crime family who set up the controversial Italian-American Civil Rights League to protest allegedly unwarranted discrimination and harassment of Italian-Americans by the FBI and other federal enforcement agencies, and Joseph "Crazy Joe" Gallo, the leader of a dissident faction within the Colombo-Magliocco crime family.

In short, organized crime has become deeply embedded in popular lore and has stimulated the public imagination to an

unprecedented degree. Despite this, little research has been done in the field of organized crime -- so little, in fact, that Blumberg has felt compelled to write that, " . . . surmise and conjecture provide most of our knowledge about organized crime" (Blumberg, 1974: 21).

It is scarcely an exaggeration to say that organized crime is not just another social phenomenon: secrecy, confidentiality of data, deception and dissimulation pose serious problems for students as well as enforcement agencies and public officials. An even more frustrating problem plagues those who try to accumulate data on organized crime as Donald Cressey, a leading student in the field, has observed. "Organized crime," he writes, "is not against the law" (Cressey, 1976:56). Such a remark is not meant facetiously. As Cressey goes on to say, attempts to conduct studies of organized crime in the way in which one might study homicide, narcotics, rape and burglary are bound to lead to despair and end in failure because, not being a legal category, there is not way to routinely and systematically assemble information about it. To substantiate his point, Cressey has noted that the organized crime sections of the Department of Justice, the FBI, and most large metropolitan police forces are primarily concerned with accumulating evidence that an individual violated a law than with the structure and function of any businesses or organizations in which that individual participates. Except for the violation of conspiracy statutes (which are notoriously difficult to conduct prosecutions in), those who plan, establish develop and administer organizations for the perpetration of crime

remain relatively immune from arrest, prosecution, and imprisonment. Francis Ianni, another prominent organized crime researcher, has pointed out some weaknesses in the data available from government sources:

The files of government law enforcement agencies were never intended as research sources; they are police intelligence files focusing on the types of information necessary to seek indictments and hopefully obtain convictions of individual criminals. They tell little about how crime activists organize themselves and nothing of the relationship between organized crime and other sectors of American society. As a result, law enforcement agencies continue to seek out individual organized crime figures in much the same way that they seek out perpetrators of street crime (Ianni, 1974: 336).

These sorts of dismaying facts and obstacles constitute for Cressey and others in the academic and enforcement communities the problem of organized crime.

The double problem that there are serious definitional, conceptual problems as well as difficulties in obtaining reliable data about the phenomenon of organized crime has not deterred others -- popular writers, journalists, police officials, government investigators and organized crime figures themselves -- from producing a vast literature on the subject. Biographies, gossipy exposes, a whole genre of books and articles -- too numerous to detail here -- have appeared offering static, but often brillinatly vivid snapshots of life in the sordid and glamorous underworld. The trouble with so much of what is published is that it usually amounts to nothing less than a loose sequence of isolated events and scenes, written without much concern for tidiness, logical coherence or the facts.

The need for economy, for order in the presentation of the subject does not seem to have made much of an impression on many writers in the field. This fact is especially obvious in the readily available paperback market of criminal biographies with their fast moving narratives and well-edited displays of gruesome photographs. One of the distressing realities students of organized crime face is that they must work in the shadow of this sensationalist literature which has more than peripheral significance and which has to a great degree molded the public image and conception of organized crime while the few serious studies which exist such as those of Cressey (1967, 1969), Ianni (1972, 1974), Hess (1973), and Smith (1975) lay, by comparison, neglected.

The Debate on Organized Crime

Recent social scientific studies of organized crime seem to reflect a selective building on earlier work (that of Landesco,¹ 1929, for instance), or the development of a new research paradigm -- a re-orienting of research priorities and emphases -- in the analysis of crime. And although significant differences abound among scholars in the field, there seems to be widespread professional agreement that official statistics and data or officially-processed information creates a misleading picture of organized crime and its participants. According to Ianni:

Virtually all research on organized crime has been conducted by social scientists serving as consultants to law enforcement agencies, and is based on those agencies' files. These files are unavailable to the ordinary social scientist,

for a maze of security checks intentionally discourages anyone not a consultant or employee of the agency. As a result, most of the evidence pointing to a national confederation of Italian-American criminals cannot be put to the test of independent examination, since it comes from data disseminated by law-enforcement agencies which are themselves party to the controversy. Even if their files were open, however, they would probably not help us to determine the nature and functioning of organized crime syndicates or "families" (Ianni, 1973: 9).

Albini found similar problems in conducting his research as well as deceit among law enforcement officials:

. . . when I began to interview police and governmental officials knowledgeable in the area of organized crime . . . (I found) among the latter sources that many seemed to be concerned about public statements regarding their position on the Mafia question. A variety of police and governmental informants indicated that they did not believe completely in the existence of the Mafia. The interesting aspect of these interviews, however, were that these statements were almost always followed by one asking me never to quote them publicly on this point (Albini, 1976: 4).

There is, to be sure, considerable debate about how misleading or in what ways misleading such a picture is, but there is little inclination on anyone's part to be fully satisfied with it (on this issue see: Bell, 1953; Gordon and Hawkins, 1972; Schiavo, 1962; Blakey, 1967; and Anderson, 1965).

Organized crime for some contemporary students is seen less as a special or extraordinary feature of social life. A few analyses such as those of Ianni (1973, 1974), and Blok (1974) have been particularly helpful in encouraging -- in line in some ways with the classic formulations of Durkheim and Mead -- a view of organized crime as a feature, as a property of the social system and social order, rather than as a subversive or alien conspiracy

(Kennedy, 1963; Kefauver, 1952; McClellan, 1965; Salerno and Tomkins, 1969). The newer theoretical orientations look upon organized crime as a central and often essential feature of the social system. In these perspectives organized crime is perceived as an inevitable outcome of the normal operation of the social system.

Notwithstanding the fact that this debate and the innovations in research it has engendered are extremely interesting, it is not my intention to take sides, to engage in partisan scholarship, to endorse one side or the other, or in other ways to deliberately and directly enter into it. For the purposes of my research, I believe that little is to be gained by an exclusive preoccupation with, and reiteration of, such differences. Rather, I wish to focus on the underlying assumptions which both inform and shape the theory and research designs generating these variations and divergent approaches to organized crime.

The most recent work, that of Ianni and Anderson in particular used field work methods as an integral part of the research design as well as the utilization of a broad range of other research methodologies -- notably the re-appearance of participant observation as a valid (and as some would argue in view of the ambiguities in official data, incomparable) mode of inquiry. Several factors underlie this development. One has been the general disillusionment, mentioned above, with reliance on official statistics and samples of already-processed individuals (i.e. convicted criminals turned informants for sentencing considerations). Another has been the growing belief that a

truer "feel" for organized criminal behavior and its contextual meanings can best be achieved through close and intense observation to the extent that this is possible. Still another position has developed which has raised criticisms and aroused suspicions about the credibility of the convictions of traditional organized crime analysts who have cited the insuperable difficulties in using field methods in research on criminals (Polsky, 1967; Irwin, 1972). Nothing in the new work on organized crime requires the wholesale abandonment of any of the traditional methodologies. On the contrary, the implicit criticism in studies employing participant-observation and which, incidentally, rely on both qualitative and quantitative methods is that investigations based exclusively and narrowly on official statistics and police records to the unnecessary exclusion of field work address only limited questions and merely touch upon a few elements pertinent to the study of organized crime. Reporting on his own field work on organized crime gambling syndicates, Chambliss writes (perhaps overly optimistically) that:

It is possible to find out what is going on "out there" (in organized crime). We are not permanently stuck with government reports and college students' responses. The data on organized crime and professional theft as well as other presumably difficult-to-study events are much more available than we think. All we really have to do is to get out of our offices and onto the streets. The data are there; the problem is that sociologists too often are not (Chambliss, 1975:39, italics in the original)

On the other hand, my work will not attempt a reorientation of the study of organized crime away from the popular myths, away from its analysis as deviant, aberrant behavior, or toward the

treatment of the phenomenon as an aspect of the American experience. My principal and abiding interest in this investigation is with the assumptions, theories and methodologies, problems and issues, involved in studying organized crime. Hopefully, the conclusions reached and theses advanced will effect future work by law enforcement personnel. Uncovering biases in research designs, displaying difficulties inherent in research on social activity defined as deviant and illegal, analyzing the manner in which researchers manage to overcome problems of secrecy, deception and misrepresentation, seems to me not only useful but vitally important to an adequate understanding of a major social problem.

The point of this work is not to offer impeccable solutions for a few problems in police science or organized crime control work, but to show that the data provided by criminal justice specialists can be used in sociological attempts to resolve social issues. Even if better data in more capable hands should override some of my conclusions, this work will have achieved its aim.

Organization of the Research

The first step of the research consists of the assembly of the literature on organized crime into the following classifications:

- (1) popular biographies of prominent organized crime figures and their activities;
- (2) collation of congressional, state and municipal commission surveys, hearings and investigations;

- (3) collection of police accounts and official records on various organized crime figures, organizations and their alleged ties with other criminal organizations and activities;
- (4) compilation of investigative accounts by journalists;
and
- (5) the collection of social scientific ethnographies and studies based on filed work, archival analysis of police and investigative agencies, and documents provided by other governmental agencies.

Following this phase, the research program then proceeds to actual field work involving interviews and observations of specialists in organized crime in police and prosecutorial agencies. (See Appendixes).

Although there are a number of parallels in the work styles and methods of police, journalists and social scientists (Sanders, 1975), each starts from, and works towards, a different goal. In other words, the professional purposes of each are distinctively different. The police and governmental law enforcement agencies, for instance, work within the framework of complex legal and administrative codes and regulations and normally assemble information for use in possible prosecutions as has been pointed out above (Wolfgang, 1966); journalists, on the other hand, work under the constraints of editorial discrimination (Harris, 1932; Crouse, 1973) which affects the space allotments of their information, the intensity of stress which may be given to what they report, and the originality or derivativeness of the crime information they publish.

As with social scientists and police, but to a different degree, journalists face problems of reliability and validity regarding their information and their sources (Fishman, 1976). One facet of the research, but not crucial to it therefore, explores the extent to which journalists rely on police files, records, briefings, and "tips," how reporters cultivate their own "informant network," and what verification tests they routinely employ to determine the trustworthiness of their myriad sources of information. These aspects of journalistic accounts of organized crime activity point to some interesting dichotomies between the social scientific approach to organized crime research and those techniques usually adopted by newsmen. Typically, a scientist's work will be reviewed, criticized and carefully examined by his peers, whereas the work of the newspaper reporter is primarily developed and addressed to a mass audience -- the public -- composed of both colleagues and non-peers.

2

Impediments to Organized Crime Research

Organized crime is not as easily researchable as any other topic although it is not alone in offering the investigator numerous obstacles. In this respect, it shares along with sex research and race prejudice an aura of secrecy that is inherent in the activity itself. Deriving from this are dangers to its students. This danger holds especially for those among journalists, police undercover intelligence operatives and social scientists who, attempt to penetrate into organized crime groups as participant observers. For they face the hazards of possibly being forced to

testify or compelled to commit illegal acts in which they might become conspirators, accessories before or after the fact, or participants in the forbidden acts themselves (Symonds, 1968). And even more difficult methodological problem is the vested interest of respondents in concealing, exaggerating, censoring, "purifying" and in other ways distorting the truth (Henslin, 1971).

This is not the place or the occasion to digress into the details of the entire question of ideological bias in research. Suffice to say that bias of an ideological kind is an impediment to research in the area of organized crime. Actually, a crucial if not central focus of this investigation hinges on issues related to ideological bias in research. In the chapters that follow, I examine some of the bases and assumptions underlying perspectives and theories of organized crime and how these influence the sorts of information chosen, selected and used to support various points of view advanced about the phenomenon. More generally, I raise the question to what extent do those who take an evolutional-centralization approach, i.e. that criminal syndicates in the United States represent the evolution, the unfolding of a foreign organization that had its roots in Sicily where it was called "mafia," select and choose information supporting their view while neglecting data challenging it? And, similarly, the same question may be raised with those who take what might be called a developmental-associational approach which views the origin and development of syndicated crime in the United States as emerging from social conditions and factors within American society itself and which development was not uniform. Some

of the issues mentioned above I have considered elsewhere (Kelly, 1973). But it was Blumer (1939) who perhaps more than anyone else drew attention to very important issues -- methodological issues, in particular -- involved in working with qualitative data. Blumer's analysis of the relationship between the theory and evidence in Thomas and Znaniecki's The Polish Peasant in Europe and America has, it seems to me, pertinence to the data reported in this study. Blumer's critique is important not only because it offers a set of clear guidelines and cautions to the researcher (any social researcher) but also and more importantly because it enables the appraiser of research to be mindful of these questions: What was the purpose of the research? How successfully was it achieved? How were data and methods employed? What generalizations were reached? Are they sound deductions from the data?

In assessing the various perspectives and theories of organized crime, a critical question naturally arises following Blumer. The research must address the extent to which the documents and data cited by organized crime specialists actually test the theories they propose and, secondarily, to what degree their data are merely indicative and only shed light on the phenomenon rather than offer a full-scale analysis. Specifically, the questions structuring the framework for the examination of police documents of organized crime activity are these: Are the data fragmentary, discontinuous and incomplete? Are the data extensive enough and sufficiently continuous to cover adequately various elements of the phenomenon about which theories have been constructed? Are the data broad enough and representative to meet criteria of adequacy?

Or, are the data so flexible that they readily lend themselves to diverse and even contradictory theoretical uses and interpretations? Do the theories order the data? Do local police, prosecutors, and federal agencies tap the same data? And if so, then how do factors such as work environments, professional training and interests, cultural beliefs and values shape their different theories and perspectives if, in fact, such diversity exists.

Sources of Data

The primary sources of data used in this report were generated by observations and interviews conducted with police and law enforcement specialists in organized crime, several journalists whose "beat" is in the area of crime, social scientists who have carried out both quantitative and qualitative research in the field, and some interviews with organized crime participants (See Appendixes A and B).³

Another source of data is the organized crime defector. Several individuals who were once part of organized crime or who were affiliated with organized crime groups have published accounts and memoirs of their experiences. The revelations of Valachi (Maas, 1969) and Teresa (1970, 1975), to cite just two examples, have provided both law enforcement officials and the public with a wealth of information.⁴ Of course, caution must be exercised in the use of these data because of their inherent limitations. The typically modest status of the defector in criminal organizations precludes a more comprehensive picture of organized crime operations and the motives of the informer cannot be trusted quite apart from the possibility

that he is prone to see one side of particular issues. In the cases noted above, it was a mixture of fear and hate which drove these men to speak. Nevertheless, the defector's accounts, filled with biases and an ambivalence towards the criminal groups they have deserted, are useful to an extent in determining how much significance is attached to them by law enforcement officials, journalists and social scientists. It seems to me that even though the defector's perspective suffers from its narrow and limited view of organized crime operations, it still constitutes a useful source of information if for no other reason than the fact that biases themselves are sources worth examining. How do organized crime figures perceive their own role in society? How do they justify (if they do) committing murder or selling narcotics? Answers to these and other questions may be partially obtained from the defector's point of view and from the interviews with organized crime participants given with reluctance and reservations in spite of a tradition of silence repressing open communication.

Secondary Sources

Government information in the form of committee hearings, commission reports and agency releases are incorporated in this study as research data. A variety of congressional committees have reported on the activities of organized crime in labor, government, sports and entertainment. Many of the problems encountered with these documents are similar to those coming from defector reports -- one cannot control the questions to be asked. Furthermore, with government reports there is a tendency to compromise investigations,

to attempt to mobilize public opinion or to selectively release information which publicizes investigative and enforcement achievements at the expense of comprehensiveness which meets the rigorous standards of scientific validity (Moore, 1974). In any case, and in spite of their shortcomings, documents from governmental bodies and agencies represent the most comprehensive thinking by government on the problems of organized crime. Of paramount importance in this inquiry is the significance and meaning assigned to governmental studies and documents by those active in enforcement, reporting and research. I mention some of the weaknesses of these data mainly to illustrate some of the analytical problems researchers confront.

In addition to official reports some other interesting discussions, histories and interpretations of organized crime figures and their activities have been made. One has only to sample the work of Gage (1971), Talese (1971), Smith (1968), and Messick (1971) to get a feel for another style of knowledge production and dissemination. However, the bulk of writing and research by journalists appears to lack depth in dealing with organized crime: journalists often rely (must rely) upon discrete bits of information and as a consequence cannot or simply do not worry about the overall picture (Jacobs, 1970). Having acknowledged the deficiencies in the data bases upon which journalists construct their analyses and arguments about the nature, structure and function of organized crime, Nelli has written that newspaper stories and reports, "(W)hen used with discretion . . . may greatly add to one's understanding of Black Hand crime as well as

syndicate activities during the 1920's and 1930's. Effective crime reporters were (and are) among the most knowledgeable syndicate crime experts for they have contacts on both sides of the law and as clear an understanding of events and procedures in the underworld as any contemporaries." (Nelli, 1976:305).⁵

A research task here is to inquire into the procedures by which information on underworld activity is gathered and assembled on a day-to-day basis.

Research Populations

Several police specialists have been excluded from the law enforcement subsample because the investigation involves experts currently active. However, the writings of those excluded for reasons of inactivity or retirement are frequently consulted. With the law enforcement group, I have generated data on the structure of police intelligence units and on the composition of some U. S. Department of Justice agencies including information on their modes of information-gathering, categorizing and disseminating procedures.

The interviews are organized to elicit as much information as possible about the activities of the sample over the past three years so that the effects of policy and personnel changes are limited and controllable to some degree. Another advantage in narrowing the study to a three year time frame is that it permits a cross comparison and analysis of some organized crime events in terms of how these have been reported, interpreted, and evaluated. The literature suggests that there are numerous discrepancies in the reports of law enforcement specialists. To what extent

disagreements over facts, interpretations of causal and contributive factors, and other features of organized crime activities and events prevail, and to what degree these conflicts are the outcomes of different methods in gathering and analyzing information, constitutes a major aim of the study.

Comparability of Data

As noted earlier, the law enforcement groups have distinct and different purposes in constructing concepts about, and producing knowledge of, organized crime. From this, however, it does not follow, nor should it be assumed, that the techniques and methodologies employed vary in accordance with their special needs and goals. Hopefully, this issue will be empirically clarified by analysis of the data. Again, even though important variations in the organizational structures, resources, manpower levels and sophistication of technologies have been recognized, no systematic investigation has been undertaken to learn how such elements and dimensions of the work environments of experts affect the ways that the social reality of organized crime is understood.

The organizational and bureaucratic structures in which members of the criminal justice community function are enumerated through the interview schedules and once these are fully delineated attention turns to the actual processes and procedures -- the methods -- by which conceptions of organized crime are operationalized.

The schematic diagram (Appendix B) represents and displays the data compared across the subsample. The scheme is presented mainly to show which aspects of knowledge production are explicated

and compared.

Briefly, the questions in the interview schedules are designed to develop information on: procedures for acquiring information on organized crime; sources of information; tests and criteria of reliability; bureaucratic methods used in the compilation and organization of information; and, interagency patterns of communication and data exchange. Regarding interactions and exchanges among law enforcement officials, newsmen, and social scientists little seems to be known. What is well known, however, is the fact that law enforcement officials seek ways of withholding some kinds of information for prosecutorial and intelligence purposes; how journalists and social scientists circumvent such obstacles or in other ways gain access to these data is not well known. Data have also been generated on such matters as which expert view of organized crime is dominant and how ideas about it are modified through contacts, exchanges and debates among members of the three groups. Clearly, organized crime knowledge is not created solely by the piecemeal mining of discrete facts by uniformly accurate and reliable investigators. The processes of criticism and evaluation, of analysis and synthesis, are essential to the whole system of knowledge production.

Through the interviews and mailed questionnaires I tried to discover what common sense rules (conventions, protocols, and standards) operate in formulating what is a more or less coherent set of ideas about forms of syndicate activity. I sought to learn something about the dynamics by which experts arrive at decisions as to the factual status -- that is, as to how firmly based on

confirmable evidence -- their ideas and perspectives appear to be. Whether this is good or bad is not the point; failure to appreciate the common-sense character of factual decisions -- or, putting it another way, decision-making procedures unique to specific groups, ignores the special quality of judgmental processes evolving within the framework of organizational settings. And judgments develop out of particular existential conditions which themselves are subject to the social, cultural, economic and political forces extant. When I use the term "facts" here, I mean what people in a given circle or social milieu at a given time accept as fact (events, occurrences, relationships, the reality of which is manifest in experience or which may be inferred with certainty) -- a point which Kuhn (1970) makes persuasively. The data developed through the interviews and questionnaires provide the background for sketching the outlines of the law enforcement community of experts. The notion of "community" refers to the body of specialists having common organizational identifications and interests and, in terms of their productive activities, the accepted presuppositions of each group as to the nature, structure and function of organized crime which consensus then serves to prescribe the guidelines and rules that determine what are illegal activities requiring control and prevention and what are issues of public concern.

Ramifications for the Sociology of Knowledge

The problems with which this study is mainly concerned may appear to be too technical, narrow and of limited interest. Technical they may be, but narrow and parochial they are not. The clarification

of problems and research recommendations emerging from the study have ramifications for some key areas in the discipline of the sociology of knowledge.

In a relatively recent anthology, Curtis and Petras⁶ seem particularly emphatic in their statements that the discipline remains in a somewhat nascent state notwithstanding some of the most exciting contributions to sociology as a whole which come under the rubric of the sociology of knowledge:

Although sociologists have long been aware of the relationship between sociocultural variables and the development of types of scientific knowledge, the importance of this relationship for knowledge, in the social sciences has been more or less overlooked until recently. To be sure, there was speculation about the impact of social and cultural factors upon the work of intellectuals in early studies by Mannheim, Weber, and Veblen, and in later work by Wilson, Znaniecki, Mrydal, and Lynd. But sociologists have been reluctant to test empirically the relevance of many hypotheses suggested in these works for the development of knowledge in sociology (Curtis & Petras, 1972: 45).

Within the discipline of the sociology of knowledge, the research literature has tended to focus on macrosociological questions and, with few exceptions, on the theoretical and methodological activities of social scientists. A key question has been: What roles do sociocultural variables (ideologies, values, and so on) play in the theoretical formulations and research programs of the social sciences?

In what must seem ironic to many, Talcott Parsons in 1967 suggested that some of the more useful applications of the sociology of knowledge will occur when researchers turn attention to the interrelationships and interactions of the social and cultural

systems in the formulation of mental productions at a particular time and place. While acknowledging the strong influence of the Mannheimian tradition, Parsons observes that a trend has begun to develop in the direction of analysis influenced by Weber: the relationship between the social system and various forms of empirical knowledge. Concluding his programmatic essay, Parsons writes that:

The term "knowledge" has seemed to me to refer to cognitively ordered orientations to objects, with reference both to empirical facts and to problems of meaning. The problem of ideology has been interpreted to concern the first context, especially when the social system itself is the empirical object; Weber's problem of the sociology of religious ideas concerns primarily the second context. It seems important to keep these two problem areas clearly distinct, but also to relate them as the two primary branches of the sociology of knowledge (Parsons, 1967: 165).

Facts and meanings. How facts about organized crime are exfoliated, discerned, uncovered, "created," gathered and molded into evidentiary bases upon which lines of argument, theories and perspectives regarding origins, etiology, activities, participants, control and prevention are developed, fits the role of sociological investigations about mentalistic and ideational activities as envisioned by Parsons. And since many of the pivotal problems of the study address the extra-cognitive factors affecting conceptualizations of organized crime, the research is also a study of logic --
7
the conditions and contexts impinging upon the logic of inquiry.

No sociological study of knowledge can ignore the contributions of Robert Merton. Since his work plays such a central role in the arguments of this study, I defer a detailed examination of his ideas

until later. For the present, I need only register his appearance on the intellectual scene and establish as briefly and succinctly as possible the main tenor of his thought and its relevance to this investigation. In his famous paper, "The Sociology of Knowledge" (1965: Chapter 12), Merton lays out the paradigmatic base for the discipline of the sociology of knowledge. One does an injury to its detailed argument by failing to rehearse it as a whole; however, having recognized its originality, persuasiveness and hypnotic clarity, all I want to do here is to pick out certain salient assertions which will demonstrate the fundamental premises upon which the analysis of organized crime knowledge is grounded. Out of the welter of studies Merton meticulously reviews he extrapolates an analytical scheme which he himself sees as partial and temporary but will, he says, "provide a basis for an inventory of extant findings . . .; setting forth the conceptual apparatus now in use; (and) ferreting out the characteristic lacunae and weaknesses in current types of interpretation." (Merton, 1965: 460).

The Merton paradigm raises five major questions concerning the relationship of knowledge to several existential factors in society and culture. These questions organize the research in the field and highlight the sorts of causal relationships between knowledge and society which social scientists have studied. The paradigm classifies the approaches developed since Marx and looks respectively at (a) the locations (i.e., social bases: class position, occupational role, group structures; cultural bases: values, ethos, climate of opinion, and so on) of the existential ground of mental productions;

(b) the types of mental productions studied (i.e., moral beliefs, ideas, categories of thought, etc.); (c) how these are related to an existential base in terms of their causal and functional relations; (d) what functions and purposes have been imputed to existentially conditioned mental productions, whether, for instance they help to maintain extant power alignments, promote social stability, coordinate social relationships, deflect hostility or lead to exploitation; and, (e), finally, when do these imputed relationships between the existential base and knowledge obtain. Presumably, the degree of intensity and causality among the variables enumerated are subject to fluctuation and change. Moreover, existential bases ought not to be construed as constant independent variables but may themselves, as implied in the paradigm, be subject to the operation and effects of mental productions. Needless to say, innumerable intellectual revolutions (to say nothing of non-intellectual revolutions) have precipitated major structural modifications in many national states and cultures (Gay, 1968; Kuhn, 1970; Ben-David, 1971). Further, Merton takes pains to avoid the charge that his model is simplistically reductionist: in his discussion of the relations of knowledge to its existential bases he insists that none of the leading formulations of the problem have ever taken a narrow determinate perspective nor have they blindly ascribed primacy to socio-cultural structures. "The Marx-Engels views on the connections of ideas and economic substructure," he writes, "holds . . . that the economic structure constitutes the framework which limits the range of ideas which will prove socially effective. Economic conditions are necessary, but not sufficient, for the

emergence and spread of ideas . . ." (Merton, op. cit.:478).

Similarly, for Scheler:

Ideas interact with existential factors which serve as selective agencies, releasing or checking the extent to which potential ideas find actual expression. Existential factors do not "create" or "determine" the content of ideas; they merely account for the difference between potentiality and actuality; they hinder, retard or quicken the actualization of potential ideas (Merton, *ibid*: 480, emphasis in the original).

These, then, are some of the theoretical antecedents upon which my investigation proceeds. The interview schedules and questionnaires have been consciously constructed to empirically measure the interrelationships between knowledge and social structure that Merton has articulated. In addition, I have drawn upon the work of Znaniecki, especially his concept of the "social circle," in developing the data instruments and in organizing the analysis. Znaniecki's work provides a degree of specificity to the generalizations about the relationships between knowledge and society through his notions of the "audience," "the public," and "the social circle" (Znaniecki, 1940).

Znaniecki's framework, concerned with the role of "men of knowledge" in society permits a theoretical and empirical refinement in the study of organized crime experts and their activities that few studies could provide. "In sociological studies of specialized persons," he writes "it is the connection between the individual and his social milieu which is the main object of interest; and his specialized activities are viewed with reference to the cultural setting in which they are performed" (Znaniecki in

Curtis & Petras, op. cit.: 313).

Law enforcement experts, crime reporters, and social scientists may be viewed as "specialized persons," as "men of knowledge." The findings presented in subsequent chapters will attempt to describe the social milieus of organized crime specialists, the problems which engage their interests, the special segments of society (audiences and publics) to which they professionally orient themselves, how their locations (occupations, ranks and statuses) affect and influence their choice and selection of pertinent problems, criteria of validity, and define their data. Clearly, the criminal justice system, and the public at large constitute elements in a highly complex and differentiated social system. Accordingly, the varied "publics" and "audiences" to which organized crime specialists address their "mental productions" help to promote a greater range of conceptual formulations and procedures for certifying claims to knowledge. By identifying typologically defined audiences it then becomes possible to develop a series of explanations accounting for variations and conflicts in perspectives on organized crime.

The lack of sensitivity to this kind of formulation as to why there are variations in knowledge aside from cognitive factors affecting research design and theory, is illustrated in a recent paper by Ianni (1977) in which he laments the fact that organized crime research has legitimated and established itself as an area, but not yet as a community of scholars and practitioners with unified interests. Differences in conclusions, objectives, descriptive and evaluative language and idiom, and most importantly for

Ianni, in ideology, separate and divide criminal justice specialists, journalists and social scientists. "If we do not share a common view of what organized crime is," Ianni says, "then it is meaningless to develop objectives toward which we can measure progress, and social indicators through which we may report success or failure of programs" (Ianni, 1977: 33). Earlier in his paper, he acknowledges that:

. . . there are fundamental differences between the analytic frameworks of the social scientist and the criminal justice specialist. Typically, the behavioral scientist is interested in a discrete number of selected aspects of the empirical phenomenon he is studying and so he deals abstractly and selectively with a small set of variables. The law enforcement specialist, on the other hand, must work in the real world, where he must be cognizant of all the variables in the situation (Ianni, *ibid*: 28-29, emphasis added).

Quite apart from his important admission as to the range of empirical subject matter criminal justice specialists and social scientists ordinarily attend to, I think Ianni's position suffers on at least two counts: first, from a confusion in the use of the term, "ideology," and secondly from his assumption that lacking a "common view" progress in the generation of knowledge, theory and ultimately in control and prevention is seriously impaired. Taking the second assumption first, I think it is reasonable to ask why, indeed, should scholars and law enforcement officials share "the same point of view" about organized crime. Their research objectives, methods (to some extent), language, number of variables entering analysis of data and its generation, audiences (in Znaniecki's sense), and foci (criminal actor in the case of law enforcement; and, perhaps, but not necessarily, organizational

structures -- a non-criminal entity technically and legally -- in the case of scientists) diverge here and there. This is not to say that the knowledge productions of law enforcement agencies and scholars are mutually exclusive. On the contrary, as Albini (1976) indicates and as official documents and some of my own findings show, many law enforcement specialists have integrated and assimilated a great deal of the scientific work on organized crime into their operational procedures and policies. Furthermore, it is immediately apparent to anyone who takes even a cursory glance at scientific studies of organized crime that they are heavily dependent on data developed from law enforcement sources despite acknowledged deficiencies.⁸ The lack of concerted opinion on a national scale, or the inertia gripping the body of organized crime experts to press government to put certain schemes into action, may have more to do with the professionalization of police functions and academic workers than with ideological differences or tensions between them.

Theoretical and methodological pluralism in the study of organized crime is, it seems to me, a sign of sophistication rather than an indication of intellectual morbidity.

While a consideration of Ianni's first claim that "ideological" commitments lay beneath the differences and disparities in thinking about organized crime between scholars and law enforcement officials may seem digressive here, it deserves serious attention because it goes directly to the nexus of the relationships between social structures, existential bases, and knowledge emanating therefrom. What does it mean to say that with respect to organized crime

criminal justice specialist are committed to a mode of thinking which precludes other forms of thought? What is the significance of the ascription of imputation of some ideology or ideological posture to some particular social group? The ideas imputable to a group are those ideas which derive from categories that are either peculiar to, or primary to, a given group. For an idea or set of ideas to be imputable to any given group it must prevail among members of that group as recognizably constitutive as a norm of the group. Under normal conditions, it seems doubtful that any group but a ruling class would possess any considerable body of ideas -- any more or less systematically articulated set of convictions, principles, beliefs and opinions -- of the nature which one terms "ideological." Mere vague attitudes hardly provide a promising subject for imputation. Rather, it is organized convictions, sets of ideas which one really wishes to impute. And the existence of such complex constellations may be found among national liberation movements in the Third World but scarcely among law enforcement officials. What does, or what can, imputation mean as imputation to a deliberately organized ideological group? Not even all the members of such an organized group can "possess" the entire ideology of that group.⁹

Considering the inevitable differences in educational level, cultural background, intelligence, etc., among law enforcement personnel -- notwithstanding the fact that criminal justice intelligence agencies do not tend to inculcate a monolithic set of principles into personnel -- it seems quite unreasonable to impute a dynamizing ideology to the criminal justice system and at the same time exclude

from this judgment the scholarly community. The legitimacy of labelling a group as ideological which is composed of self-conscious ideologists is not in question. The issue is what, with reference to the known facts, one can mean by imputing an ideological stance (with its drastic implications) to a bureaucratic entity such as the police. Ianni can only mean that within the more or less amorphous group of law enforcement organized crime specialists ideologists arise and promulgate their views which then exert influence on policy. This constitutes a verifiable claim for which empirical data can be assembled and examined. The data presented in the chapter on law enforcement will take up this question.

To close the discussion for the time being on how an occupational ideology might function as a factor inhibiting theoretical and methodological synthesis, Vernon Dibble's studies provide a precise expression of the issue. In discussing the conditions affecting the dissemination of ideas and perspectives closely associated with a particular social segment, Dibble, in line with C. W. Mills, argues:

A relevant factor (in the spread of ideas connected with an occupational group) is the range of strata and subcultures in the society with which an occupation has dealings. Collectively, lawyers, doctors, teachers, plumbers, and bureaucrats interact with virtually every stratum in society. Professors, interior decorators, astrologers, and governesses interact with people from very restricted subcultures. The greater the diversity of subcultures with which an occupation deals, the wider the range of opportunities it has to insinuate its ideas into other groups. What is more, the more heterogenous the collective clientele, the less likely it is that the occupational ideology will be parochial. Those who must come to terms with a wide variety of people must adjust their ideas accordingly

(Dibble, in Curtis & Petras, op. cit.: 442).

This means that in an important sense the audience with which a group interacts -- and law enforcement personnel deal with a larger and more variegated population than do social scientists -- affects the ecumenic tone and style of their ideas. Exercising more power, having easier access to popular communication channels than do academics, the police view of organized crime (of necessity streamlined for mass consumption) can easily be perceived as an ideological attempt to diffuse and perpetuate its positions.

Footnotes

1

Landesco's pioneering work, Part III of the Illinois Crime Survey of 1929 was based on the assumption that criminal patterns of behavior were rooted in the social patterns and values of poorer residential areas. The guiding question of his research in which he used survey techniques and field methods -- an unprecedented investigative procedure then -- was what is the bases of the relationships among gangsters, politicians and businessmen? In 1929, Chicago was caught up in a series of gang wars around bootlegging, illegal gambling and prostitution. The veil of obscurity that Landesco pierced was achieved through his practice of asking questions of all participants in the phenomenon and through systematic observation and critical analysis of data. Later writers codified this habit and imposed it on other data.

2

Details on my own experiences in conducting this research may be found in the introduction to Part II.

3

In Part II I discuss some of the problems encountered in gaining entre and access to police, prosecutors, journalists, and social scientists. Needless to say, police organizations present research problems quite different, at least initially, from those ordinarily faced in other formal bureaucratic organizations. Notwithstanding police sensitivity to recurrent charges of brutality, corruption, and incompetence, the paramilitary structure of its organization and, in the case of my work, the confidentiality of the data sought could only be expected to sharpen the boundaries of insulation and secrecy. Police departments share many characteristics with other types of organizations (e.g. hierarchial structure, specialization of function and work roles, rationalized decision-making processes, and so on). Their concern with maintaining clear-cut demarcation lines between outsiders wishing to study their operations and themselves creates special problems for the researcher needing to penetrate in Arthur Niederhoffer's words, "the blue curtain." In an article about issues in research access, Fox and Lundman have noted that:

Gaining research access may be conceived as a processual phenomenon involving a passage through two "gates." The first gate is manned by top-level administrators of the organization, while the second gate is controlled by the aggregate group of proposed subjects of one's study. Access is successful when each "gatekeeper" approves the research (Fox and Lundman 1974: 53).

The two "gates" that I had to negotiate with the Organized Crime Control Bureau of the New York City Police Department were the

Deputy Chief, Commanding and Executive Officers and members of the staff whose work involved all aspects of the organization's activities including records and files, field investigations and intelligence gathering, undercover work, data analysis, special projects, and interagency liaison. "Success" and *entre* was accomplished by first persuading the top administrative levels (gate #1) that the proposed research would not threaten the security of operations; next, confidence of lower-echelon personnel (gate #2) was developed after detailed discussions made clear the nature of the investigation and all potential participants felt assured that any information, be it impressions, opinions, rumors or simple gossip, would not be fed to superiors. Fox and Lundman observe that interactions and informational exchanges between subjects and researchers is often inhibited by the fear that information containing candid opinions on staff colleagues, organizational objectives, and the like, if revealed, might ruin careers. Exactly how trust was obtained is difficult to determine. Nor is it important. Trust is a psychological attitude; whether or not police, prosecutors, journalists, social scientists or organized criminals themselves with whom I talked truly believed that I would abide by the rules we arranged governing disclosure of information is less important than the procedures I utilized to check the reliability of their information. I confidently expected to be told as much of the truth about methods and operational procedures as was possible without endangering bureau techniques; anyway, whenever possible, I employed a "test-retest strategy" used and refined by Klockars in his work on "fencing" activities in The Professional Fence. Generally, this method entails interviewing subjects and informants on aspects of their lives and work and then after some time elapses, the interviewer repeats more or less verbatim the questions originally asked. Indeed, there are weaknesses in the procedure -- for one, informant recollections may erode over time, be faulty or in other ways not correspond with data ascertained earlier. Within the time span of an interview session which varied from one to two hours I would ask the same question several times rephrasing it differently or placing it in different contexts. But here too, the nuances of a question, however carefully constructed, depend for much of their meaning and import on what sort of repartee preceded and on the context in which it is raised. Though only an impression, I tend to agree with Klockars that the single-role relationship of interviewer-interviewee or researcher-subject is a fiction which limits the amount of information one may glean and negatively effects the conditions under which the researcher may check the reliability of informants. Multiple-role relationships as Liebow, Whyte, Goffman, Gans and Klockars have dramatically shown, appear to be most conducive in getting reliable data. Talking with informants about benign matters -- childhood, raising families, the economy, politics, friends and work experiences (during several sessions) engenders either an amicable climate of implicit trust in which facts were loosened up and information flowed smoothly or, in some cases, created an acrimonious atmosphere bringing out fundamental differences, prejudices, circumstances and reactions which terminated contact. Once an informant's "style" could be calculated, the researcher is in a

position to better evaluate the creditability and reliability of information.

4

Contrary to the prevailing myths, active, retired, exiled or disgruntled syndicate members have talked and recorded for posterity facts about their lives and activities. Many valuable works are available such as Gaia Servadio's Angelo LaBarbera: Mafia Boss (London, 1972), Nick Gentile's autobiography, Vita di capomafia (Rome, 1963), Martin Gosch and Richard Hammer, The Last Testimony of Lucky Luciano (Dell, 1975), Gay Talese, Honor Thy Father (Fawcett, 1971), Peter Diapoulos and Steven Linakis, The Sixth Family (Dutton, 1976) Vincent (The Cat) Siciliano, Unless They Kill Me First (Hawthorn Books, 1970), Micky Cohen (as told to John Nugent) Mickey Cohen, In My Own Words (Prentice Hall, 1975), Joey with Dave Fisher, Hit #29 (Playboy Press, 1974), Joey and Dave Fisher, Killer: Autobiography of a Mafia Hit Man (Playboy Press, 1973), Paul Hoffman and Ira Pecznick, To Drop a Dime (Putnam & Sons, 1976), and Paul Meskil, The Luparelli Tapes (Playboy Press, 1976). There is also enormous amounts of personal data on record surreptitiously obtained through electronic eavesdropping by the FBI from which biographies of some of the leading syndicate figures on the eastern coast have been prepared. See in the "Godfather Series" David Hanna's Bugsy Siegel: The Man Who Invented Murder, Inc. (Belmont Tower Books, 1974), and Henry Zieger's Sam the Plumber (Signet, 1970). With the exceptions of Meskil's, Don Carlo: Boss of All Bosses (Popular Library, 1973), John Kobler, Capone: The Life and World of Al Capone (Fawcett, 1971), Talese's Honor Thy Father and Hank Messick's Lansky (New York, 1971), this literature presents a rags-to-riches-to-calamity life history and lacks the poignancy, austere passion and apocalyptic imagination of Mario Puzo's The Godfather.

5

In a bibliographic note in his most recent work on organized crime, Humbert Nelli says that most of the literature concerning syndicate crime has been produced by journalists. And "(U)ntil recently, scholars have tended to shy away from entrepreneurial crime and criminals, with a few notable exceptions" (Nelli 1976: 303). Apparently social scientists and historians in particular have hesitated to study organized crime in the mistaken belief that "primary source data" is either quite limited in extent or is immensely difficult to locate, when in fact,

. . . a storehouse of information is available from interviews and in manuscript or printed form from the files of federal, state, and city agencies and archives; local, state and federal courts; police departments, prosecuting attorneys; grand juries; private police agencies; and labor unions (Ibid: 304).

With only one qualification I agree with Nelli. In my research among crime reporters they indicate that as a routine procedure they tap the informational sources Nelli enumerates above. However, crime reporters do not rely on governmental records as "primary source data." It was noted earlier that government documents tend to contain bowdlerized data and versions of events and persons, reporters utilize other sources to complement governmental/official sources. Given their shortcomings and doubtful reliability, no one to my knowledge would characterize the files of governmental investigative committees as "primary source data."

6

The fact that Curtis and Petras in an otherwise excellent reader overlook in this paragraph the brilliant contributions of Robert K. Merton's scintillating essays in the field is indeed unfortunate and perhaps is a portent foreshadowing future developments which still appear to be characterized by vociferous polemics (Gouldner, op. cit.) rather than orderly disquisitions on various styles of research and discourse in terms of their general connection with forms of social life.

7

The thmes of the study translated into empirical questions have been presented and reiterated numerous times in the introduction. The question, What are the grounds for the different kinds of conceptions of organized crime, its structure, organization and origin, encapsulates a central purpose of the inquiry, namely to set out these grounds as elements in a coherent structure of explanation. I must note parenthetically that I work with a largely unanalyzed conception of explanation, but I think it will become clear that the distinction between explanation and justification, between giving reasons with respect to facts at issue -- why something is the case (explanation) rather than reasons why something is said to be so or thought to be so (justification), needs no further discussion. My operational notion of explanation, to put it briefly, is this: an explanation -- a scientific explanation -- gives, or purports to give, accounts of actual facts in which reasons are adduced to show why these facts or events obtain rather than some other among possible alternatives. Clearly, this requires going beyond establishing that a set of facts, putative facts, events or processes are actually the case to showing that, in some sense, they have to be the case -- that it is necessary and inevitable, that it should be so -- or, at least, highly probable and expected that these facts, events and/or processes obtain.

Implicit in any discussion of the explanation of the social dimensions of human behavior are questions concerning the choice of methods. The debate turns on whether social science should or could model itself along the lines of natural science or independently develop methods of inquiry of its own. Max Weber is the best known exponent of the latter point of view. According to the positivistic

empiricist conceptions, the logic of concept formation, theory construction, and testing of hypotheses is the same in both the natural and social sciences. Any differences that exist between them, between the methods of the two kinds of science, pertain to procedures for discovering or finding out relevant facts, rather than to methods of explaining or justifying descriptive or explanatory claims about the facts.

According to the interpretationist view which received its clearest and most convincing articulation from Weber, the social sciences differ from the natural sciences with respect to the kinds of knowledge each produces. Details on the issue may be found in a collection of papers edited by Maurice Natanson, *Philosophy of the Social Sciences* (1963). Regarding the nature of societal knowledge (of which organized crime phenomena are a part), I side with Weber. Knowledge gathered by processes of sensory observation (where that is possible) or inference from data of sensory observation alone, is insufficient for sociological purposes. The sociologist must be concerned with people's actions and social practices, but these items are not immediately presented at all times to the senses of an observer. All that is presented to the senses are certain movements and sounds. What the sociologist is interested in must be described in terms such as beliefs, attitudes, expectations, social rules, and so on. Thus sociological knowledge involves, in addition to sensory observation, a process of interpretive understanding -- a process of interpreting events in the light of the social context in which they occur.

The notion of explanation (which stimulated this small excursion) employed here violates neither positivistic empiricist nor interpretationist views of explanatory adequacy. Whether the phenomena is molecules or organized criminals, interpretive explanations must be causally adequate.

8

The essence of my counter claim may be clarified by reference to an analogous set of circumstances found among another group of knowledge-producers: chemists. Biochemists and inorganic chemists generally agree on the logic of procedures for testing hypotheses and constructing theories even though they focus on different dimensions of chemical entities and processes. There seems to be a constantly growing gap between the technical conceptual schemes of specialized chemists and even greater cognitive distance between the chemist in the lab and the lay public. This situation might produce some anxiety in the more thoughtful public and governmental circles about a scientific elite autonomously operating without regard for the commonweal, but it tends to be tolerated for a number of reasons not the least of which is the conviction that chemistry has great usefulness and importance and because, if need be, a great scientific synthesis on the scale of the Newtonian or Einsteinian could, theoretically, be accomplished. Even more apt, might be the following: "pure" science of the kind practiced by social scientists may be defined as science which is primarily geared to the development of conceptual schemes including the

extension, revision, testing and establishment of provisional "truth." In contrast, "applied" scientific thinking on organized crime as practiced by law enforcement is science which may be characterized as that which tests, on the one hand, the pragmatic utility of "pure" conceptual models and, on the other hand, seeks to modify or develop models and operational theories useful in counteracting organized crime -- models which serve immediate social and organizational objectives as opposed to conceptual schemes which though logically elegant are often ends in themselves with little or no practical efficacy.

9

Even some Nazis revealed (or repented, as the case may be) their ambivalences towards the fascist swindle. Apart from its obscurantism which actually disqualifies it as a serious and sincere if not lethal attempt to explain and reorder the world, fascism, as with Bolshevik communism, can be construed as ideological insofar as it is truly believed.

10

C. W. Mills has made an excellent statement on the relationship between the individual and the social context to which he belongs. I can do no better than quote him.

The thinker does not often play an immediate active role in large social strata or institutional frames, and hence, does not build through direct action a generic pattern of habit and value which would constitute a selective detector of "problems," a background of mind. Nevertheless, there are two other modes by which he may come to be influenced by such residues. He may intentionally identify himself with an ethos rooted in a structure of social habits, thus vicariously participating in and articulating a particular social segment's interests; or, if his thought is appreciably diffused, members of his audience will possess mental characteristics built by direct social action. It is often through such audiences that a thinker is culturally claimed, because, when his doctrine and his further thought gravitate toward a responsive audience it means that he has responded to "problems" defined by the activities and values of his audience. A reflective response to a social environment, assimilated by its members, is always related to the "needs" of that particular environment (in "Language, Logic and Culture," *Power, Politics and People* (Ballantine Books 1963, pp. 430-443, emphasis in original).

In these sentences, Mills shows how structural factors create conditions conducive to involvement with a point of view -- (the putative ideological predilections of police and prosecutors) --

which may appear to result from purposively submissive acts when they may otherwise be explained as a reaction to pressures promoted by organizational contingencies rather than as intellectual fixations or affinities.

The history of the sociology of knowledge has centered around its emancipation from epistemology. But since a complete theory of knowledge must include more than social scientific elements, its freedom from philosophical subordination can only be partial. Once the philosophical and theoretical problematics have been set, knowledge then becomes open to study by specialist sciences.

It is appropriate here to state why Max Weber's sociological theories are somewhat antithetical to a sociology of knowledge -- meaning by this a theory with a basic postulate that a determinate relationship exists between social structure and knowledge. The major reason would seem to lie with Weber's intellectual heritage, particularly the neo-Kantian dimensions embracing his thought. That legacy enforces (perhaps unnecessarily or prematurely) a separation of knowledge and social/material elements which derives from the metaphysical Kantian division of phenomena and noumena on a priori grounds. In the matrix of Weber's thinking, suffused with Kantian categories, this distinction evolved into a methodological refinement (which Marx anticipated and sought to resolve by positing the notion of praxis as something transcending both mind and matter) promulgating the view that there was one set of methods for the natural sciences, open to causal explanations, and another set of methods for the cultural sciences which were dependent on intuitional criteria -- with explanation being carried out in a hermeneutical manner. The debate still rages on concerning the legitimacy of bifurcated methodologies. The essays of Nagel, Schutz, Kaplan and Levine are instructive on this matter (M. Natanson, *op. cit.*).

Chapter 2

The Ubiquity and Structure of Secrecy

Secrecy and organized crime have been wedded together by the mass media since the 1920's when the phenomenon began to receive attention in films, radio and mass circulation literature. Silence (sometimes referred to less generically as "omerta,"¹ concealment and reticence concerning the activities, associations and involvements of participants are major defining features if not the most distinguishing characteristics of illegal syndicate operations in the United States and Europe. But secrecy and silence of organized crime figures constitute only one plane of the social process and phenomenon: law enforcement officials withhold all sorts of information and intelligence they possess or develop about organized crime from general public circulation. Nor are journalists and social scientists inclined to divulge their sources and data freely and easily to the public. Thus, secrecy and its many complex variations in addition to being a rule of conduct affecting the participation of syndicate members permeates the professional groups concerned with the understanding and prevention of organized crime.

Secrecy as one element of an underworld "code of honor" and rule of law² has been described but not truly analyzed by a number of writers on crime.³ Whatever functional purposes have been ascribed to underworld norms and rules -- whether to maintain the internal order and system of relations and to minimize conflict

within the crime unit, or to preserve it from outside infiltration, threat and exposure, the problem for students has been and in large part remains how to get evidence about them.

Cressey outlined the manifold problems in the study of organized crime, especially the secrecy dimension, in a paper and later in his book, Theft of the Nation. He observes that:

The basic methodological problems stem from the fact that the society of organized criminals, if it is a society, is a secret society. The ongoing activities of organized criminals simply are not accessible to observation by the ordinary citizen or by the ordinary social scientist. Even to gain access to the observations made by law-enforcement and investigative bodies, one must have "connections" such as an appointment as a consultant to the President's Commission (Cressey 1967: 102).

And,

. . . the confidential nature of much information plagues any law-enforcement agency that would "educate" the public or supply data for social scientists. One element in good intelligence work is silence. Further, when a case is before a grand jury or in the process of trial, disclosure of information by the government could well result in dismissal. Libel and slander suits, and even political reprisals, are likely to threaten any policeman or investigator who tells what he knows about organized criminals. Part of what is known about organized crime has been learned by means of wiretaps and "bugs" and disclosure of information obtained in this way is against the law (Cressey, *ibid*: 105-106).

My own field experiences concur with Cressey's observations. During an interview session with police officials in the Organized Crime Control Bureau of the New York City Police Department, the executive officer cautioned my informants (members of the staff) about inadvertently "leaking" information about operations and investigations. He said that leaks -- from whatever source --

constituted a serious threat to both the successful conclusion of an investigation and to the physical safety of police undercover personnel. During the height of the heroin epidemic a few years ago, several crime reporters got hold of information that undercover police who were buying drugs in order to secure evidence for arrests and prosecution were equipped with "body wires" (recording devices attached to their bodies which could be monitored by other officers at a distant location). Once these facts were revealed in the papers, the efficacy of such instruments was seriously undermined -- let alone the increase in danger jeopardizing the lives of police officers and agents.

These facts of life -- the reluctance of police to freely disseminate information and the impenetrability of organized crime groups -- pose serious problems for the student of the phenomenon. Cressey's "solutions" to these problems depend upon several precarious assumptions most of which have been vigorously challenged by others. The critiques aside for the moment, Cressey says that at the methodological level, given the formidable obstacles the scientist must face at the most basic levels of the research process -- data gathering -- he must resort to techniques designed to cope with inaccessible materials and data.

. . . over the years archaeologists have created information and manufactured data by reasoning that knowledge about inaccessible affairs can be obtained from a consideration of affairs accessible to study. From bones, pots, tools, and other artifacts dug up by archaeologists, and from analysis of the relationships of these objects to each other, conclusions are drawn about the religious, political and economic affairs of extinct cultures. Intelligence agencies, of course, use the same kind of reasoning. Strategic intelligence consists, in

part, of making a lot out of a little (Cressey 1969: 164-165).

Thus, through inferential processes similar to those practiced by natural scientists, social scientists can begin to construct models of organized crime groups by tinkering and tampering with the available data. Needless to say, such procedures are fraught with problems: how, for instance, does the scientist test the reliability of his propositions and conclusions? More importantly, how does the scientist validate the data he possesses? How can he be certain that the information he obtains in a research atmosphere drenched in secrecy and deception squares with the facts?

While Cressey's ingenuity is laudable, the best that can be achieved using the techniques he proposes are approximations to knowledge. Another aspect of the problem, noted above, is that data culled from law enforcement sources focus on types of information necessary in obtaining indictments. Consequently, as many students observe, and as Cressey himself concedes, a principal handicap to understanding organized crime is exclusive reliance on police data which was never intended as research sources. Presumably though, the data, however weak, can be used to construct "models" of organized crime groups and operations. But a "model" is based not on a set of features but, more abstractly, on a structure or pattern of relationships. And the fact that the same pattern of relationships, the same structure, can be embodied in an endless variety of representations makes a powerful and dangerous thing of the model. The risks of fallacious inference

from inevitable irrelevancies and distortions in the model are present in an aggravated measure.

In searching for a generative theoretical analogue Cressey says that organizational theory can be used to formulate the available data. This is not a mere convenience of exposition, however. Basing his argument on information which prior to his research was largely inaccessible to social scientists, Cressey saw many isomorphic relations between organizational theory and its application to the area of organized crime. It may be more accurate to characterize Cressey's utilization of organizational models as conceptual archetypes -- that is, as systematic repertoires of ideas by means of which he describes by analogical extension the domain of organized crime to which those ideas do not immediately and literally apply. Thus, a detailed account of organized crime requires a list of key ideas, with statements of their interconnections and their paradigmatic meanings in the field from which they are originally drawn.

In this, unlike Ianni, I see nothing to be deplored on the ground of general principles of sound method. Cressey's archetype of organized crime, erroneous though it may be in places, is sufficiently rich in implicative power to be a useful speculative instrument. It is surely no mere coincidence that many students following Cressey have been stimulated into making all manner of interesting empirical investigations that bear his stamp (Salerno, 1969; Lasswell & McKenna, 1972; Homer, 1974). Of course, there is an ever-present and serious risk that the archetype will be misused, so that its consequences will be permanently insulated from empirical

disproof. The more persuasive the archetype, the greater the danger of its becoming a self-certifying myth. Nonetheless, Cressey's view of methodological approaches to the study of organized crime can, it seems to me, yield to the demands of experience and data.

Cressey recognizes the provisional and tentative character of our knowledge of organized crime. "Detailed knowledge," he writes, "of the formal and informal structures of the confederation of Sicilian-Italian 'families' in the United States would represent one of the greatest criminological advances ever made, even if it were universally recognized that this knowledge was not synonymous with knowledge about all organized crime in America. Since we know so little, it is easy to make assumptions that there is nothing to know anything about." (Cressey, 1969: 110). For reasons already indicated, data from law enforcement sources are often sketchy and much of it which concerns the internal organization of syndicates comes from wiretaps and informants who, with rare exceptions, are lower-level figures in criminal organizations.

Despite these limitations, Cressey's methodological recommendations are drawn from techniques widely used in the social sciences -- especially among anthropologists. For instance, aspects of structure can be deduced from studies of behavior of members and functions they perform; details can be learned by close observation of the interactions between participants. Following this line of analysis, Ianni's work, unlike many previous investigations, did not start out with any preconceived model of criminal-syndicate structure.

Instead of trying to define organizational roles in a crime "family" by borrowing from other systems, he tried to determine roles by seeing how people acted toward one another. This begs the question, how does the researcher gain access and entre to a group whose activities are illegal and whose operations are conducted in secrecy? Ianni (1972) tells us that while he could never be an insider with the crime family he studied, he was able to become part of the larger Italian-American social setting in which the family operated. And in all his encounters (many of which were unproductive) the relationships between observer and those observed were ones of exchange. As with participant-observer researchers before him (Whyte and Liebow, for example) he gave freely of his time and talent to those with whom he had developed an interpersonal relationship from which flowed much of his information.

Given the special character of the group he was studying, how could he rely on the validity of the data he developed? Were family members deceiving him? Did they perform naturally or did they mask their behavior? Needless to say, these are important questions and Ianni's techniques for coping with them require careful examination.

Regarding the issue of deception and dissimulation Ianni says that it would have been easier for his respondents to simply have refused to see him or permit him into the social world of the family. Deception and dissimulation could be costly; mistakes and slips are likely to occur; information could be transmitted unwittingly. Moreover, precautions were taken:

We cross-checked all data, so that unless two or more persons gave the same information or we could use other sources for checking, we did not include the data in our summaries (Ianni, 1972: 182).

And,

Since we were constantly comparing data as they were gathered, we also began building up a profile of how reliable our major informants were. . . . we assigned the informants to categories: "always reliable" where information from that source was consistently accurate in terms of factual checks or subsequent interviewing, "usually reliable" where the data usually but not always checked out, "reliability unknown" where we had been unable to check, and "unreliable" where later checking indicated that the individual seldom seemed to provide accurate information (Ianni, *ibid*: 188).

Ianni and his associates, ever sensitive to the problem of secrecy and its concomitants, faced a dual methodological problem in their research: how to assess the reliability of the sources, and how much validity to assign to the information itself.

Concerning the latter, the researchers created a validity scoring scale attaching the highest significance and validity to those data gathered by observation where they were involved as direct participants, the second highest score to data gathered by observation where they were not direct participants and the lowest validity scores to data gathered in interviews. Interview data which could be checked against standard, available documented sources -- arrest records, marriage records, home and business addresses, etc. -- received a higher rating. These techniques however, could only attest to the internal validity and consistency of the data.

Still, the question remains how much external validity, how generalizable, are these data? To what other crime families may the obtained results apply? Although no field data comparable with

Ianni's work on a New York-based crime family exists, data from other sources -- most notably law enforcement agencies -- indicates that the same basic patterns of organization are found in every major Italian-American syndicate family. Furthermore, Ianni's subsequent field work (1974) on non-Italian-American syndicates shows variations in organizational structure but no significantly different formational features. In a sense, Ianni's field work clarified in some instances and verified or disproved in others conclusions and perspectives about syndicate structure and function derived from law enforcement sources.

Opportunities for field work using participant-observation methods seem to be very limited and cannot be used as a major source of information on criminal syndicate structure and operations. Therefore, the thrust of research activity about organized crime must concern itself with developing sophisticated techniques for determining the reliability and validity of data derived from other sources -- the main source being law enforcement agencies.

Cressey's other "solution," his other technique, for circumventing the obstacles inhibiting research on organized crime is based upon reasoning by analogy. That is, rather than looking directly at the behavior of criminal syndicates and extrapolating structure and organization from the words and deeds of members, investigators try to apply rules, principles and guidelines drawn from observations of other groups. Arguing this way, Cressey contends that all illicit organizations including Cosa Nostra, wartime terrorist cliques, and inmate prison groups have striking resemblances because they are, " . . . products of a situation in

which an official and dominant government has lost or failed to obtain the consent of the governed" (Cressey, *ibid*: 171).

On the basis of information about inmate groups in prisons, resistance movements and on data gleaned from government sources about organized crime activists, it is possible, according to Cressey, after in-depth comparative analysis, to summarize the basic organizational principles stressed by Cosa Nostra and its minions. These are (1) extreme organizational loyalty; (2) honest relationships with other members; (3) secrecy about the organization; and (4) honorable behavior. These rules parallel the system of norms structuring the behavior of mafiosi as reported by Hess:

- (a) The duty of those associated to help one another to revenge in blood any affront suffered.
- (b) The duty to try to achieve the defense and freedom of any member who has fallen into the clutches of the judiciary.
- (c) The right of members to a share, in accordance with the wise judgment of the leader, in proceeds of extortion, robbery expeditions, thefts, and other crimes jointly committed.
- (d) The duty to keep a secret; the punishment for those violating it is death by decision of the competent adjudicating organ of the mafia (Hess, 1973: 98).

Strengthening Cressey's view are the findings of Ianni concerning the rules of conduct operating within the "Lupollo" crime family. Ianni found three basic ground rules structuring the framework of acceptable conduct with a number of informal rules subsumed under each. Briefly, they are: (1) Loyalty to the family; (2) "Act like a man;" and (3) the rule of secrecy (Ianni, 1972).

Other elements of the code of honor and conduct will be examined

later. In this chapter I want to focus on the rule of secrecy which most students have pointed to as a fundamental organizational principle of organized crime groups. An obvious reason for secrecy in organized crime groups is their involvement in illegal activities. But the degree of secrecy extends beyond the functional requisites necessary in successfully managing illegitimate enterprises and affects the social and personal behavior of members. Secrecy serves to differentiate members from non-members: those who are "in" share secrets; those who do not are outsiders. As Simmel observes about group-formation, a "code of honor" signifies:

The extent to which associations (based on interest) also form a tightly-knit group. Such a code would imply that every member of the group would feel that his honor was diminished whenever any member suffered an insult or a deprivation of his honor. . . . the feeling of honor suffices, in lieu of external methods of coercion, to make the individual conform to those norms which are required for the stability of the group (Simmel, 1964: 163, 165).

Secrecy preserves group integrity in several ways. As a peremptory rule it precludes outside intrusion and disclosure of group operations; secrecy reduces internal conflict and tension among members by regulating the conditions of violent reprisals for offenses and by insuring the silence of associates regarding the range and content of illegal activities. Secrecy can be imposed on clients thereby isolating them from recourse to another source of power and redress -- the state and its judiciary organs. And the prohibition against appealing to outside authorities actually concentrates power in the hands of syndicate leaders, enabling them to exploit clients, retainers, and associates.

Ianni mentions that secrecy serves as a means of establishing and maintaining dominance and social distance not only between "family" members and nonmembers but within the family as well. Cressey develops this observation that the elements of the code serve to protect and sustain the hegemony of the leadership.

Since the boss has the most to lose if his "family" is weakened by attack from outside, he enthusiastically promotes the notion that in an honorable society an offense against one is an offense against all.

The transformation of the principle of honor also encourages informing. The code admonishes members to be tight-lipped but, by insisting that members should not trespass on other's rights, it also encourages them to report on deviations (Cressey, 1973: 59).

The code in reality protects the personal power of the boss.

Cressey sums it up succinctly:

. . . the strong emphasis in the code on being loyal, on being rational, on being honorable, and on being inconspicuous is an emphasis which gives the rulers a monopoly of violence. The code denies to the individual his right to legitimate use of the coercive power of the state, while at the same time conferring upon his superiors the right to use illegitimate power to control him (Cressey, *ibid*: 66).

Paradoxically, if organized crime were in fact a secret society, it would be long defunct. Notwithstanding the need to advertise its goods and services to a willing and often rapaciously consuming public, even a weak and benign police force would have uncovered at least some of the names and details of its complex organization. Organized crime is not that secret: on the contrary, it thrives on publicity. Obviously, too much attention and publicity could also inspire (and periodically has) the outcry of politicians, provoke the more vigilant pursuit by the police, and

result in more subpoenas from the courts. What must be deftly manipulated then is "common knowledge" of where to play numbers, bet on horses, buy drugs and stolen appliances, secure loans, and so on, from becoming incriminating evidence. As will be seen in the next section, "organized crime" has become a portmanteau term to describe intricate networks of historical, social, and economic ways and attitudes.

So far, the research on illegal syndicates and their external operations and internal structures deriving from analyses of law enforcement data, field studies using participant-observation techniques, and journalistic accounts, has provided only a glimpse of these secretive, fluid, complex entities which govern and control considerable wealth and many lives. My own data, based on observations and interviews with crime syndicate operatives and associates, is equally fragmentary but when interwoven with current information and theory utilizing Goffman's notion of a "total institution" and the seminal analytical studies of Vilhelm Aubert on secrecy in wartime resistance movements suggest an interpretation of secrecy as a structural principle which will, hopefully, deepen our appreciation of how a criminal enterprise flourishes despite much concerted effort to eradicate it.

Goffman defines a total institution as, " . . . a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together have an enclosed, formally administered round of life" (Goffman, 1961: XIII). The concept finds its clearest

expression in terms of these organizational dynamics:

. . . all aspects of life are conducted in the same place and under the same single authority. Second, each phase of the member's daily activity is carried on in the immediate company of a large batch of others, all of whom are treated alike and required to do the same thing together. Third, all phases of the day's activities are tightly scheduled, with one activity leading at a pre-arranged time into the next, the whole sequence of activities being imposed from above by a system of explicit rulings and a body of officials. Finally, the various enforced activities are brought together into a single rational plan purportedly designed to fulfill the official aims of the institution (Goffman, *ibid*: 6).

Aubert outlines the essential features of an underground group (which according to Cressey, shares many of the same structural properties as organized crime groups) in a manner that suggests a "countermodel" of a total institution.

For it seems that with regard to a number of significant properties, the underground represents the exact reverse of a total institution. This is related to the basic structural condition for the emergence of an underground: a situation where all-important political goals cannot be pursued legitimately. Instead of a public definition of an organization with a purpose, personnel, and possibly even a "territory," the underground organization is only defined, internally, and even then in a very fragmentary way to each member. Secrecy is the basic weapon of the underground -- above everything else, secrecy about the borderlines of the organization, about who is a member and who is not (Aubert, 1965: 289).

In testimony before the McClelland Committee (1963), Joseph Valachi recounted some of the events of the "Castellammarese War" which began in the late 1920's and extended into 1931, recalling that until he became fully involved as a key triggerman names of bosses such as Reina, Gagliano and Marazano meant virtually nothing to him. In the celebration following the defeat of the Masseria

faction in April of 1931, Valachi testified that:

There was about 400 or 500 people in this hall. He (Maranzano) mentioned some names, names that I didn't know or never even heard of. They killed another name he mentioned which is Reina. I didn't know any of these men (Chandler, 1975: 154).

Dutifully pouring bathos into his testimony which was filled with his own vivid and appalling experiences, Valachi expressed disgust and bewilderment with the machinations of syndicate chiefs. He said that even after induction into full membership he was often baffled by the maneuvers and operations of various "families" -- much like a factory worker in a GM plant trying to deduce management policy from his desperate little post in the assembly line. Throughout the hearings Valachi fielded questions about his own role in major crimes with consummate skill and discreetly avoided replying to questions which could implicate him in assassinations. (His most important contribution in the hearings, however, was his characterization of organized crime -- that part of it with which he was familiar -- as a closed fraternity of quasi-kinsmen that impressed itself upon law enforcement as a new and illuminating paradigm). Valachi's view of organized crime as consisting of "crime families" became the operational idiom of police and prosecutors throughout the country. His ideas and observations were attractive because they were portable: carefully employed, they could be (and have been) widely applied to "explain" organized crime structures and activities.

In writing about the recruitment and training methods of the American Cosa Nostra -- an American version of Sicilian mafia -- Salerno and Tompkins observe that, "Cosa Nostra itself has

realized the value of having secret members without criminal records who are not even known to the police. Such people can, and often do, occupy positions of trust within the upper-world community where they can be of great value to the organization." (Salerno & Tompkins, 1969: 105). On occasion though, secrecy proves cumbersome. In his book, The Jersey Mob (1975), based on FBI wiretaps located in the offices of Simone (Sam the Plumber) DeCalvacante, reputed head of a New Jersey crime family, and Angelo (Gyp) DeCarlo, a top Northern New Jersey crime figure, Zeiger remarks that "Everybody in organized crime, every 'connected guy' belongs to somebody. But at the lower echelons it's a little tough to tell just who." (Zeiger, 1975: 205).

Secrecy pervades the social and personal lives of organized crime activists reaching down into their relationships with wives and children. Talese (1971) and Moore (1977) describe the life styles of women married to syndicate men as contradictions: tree-lined suburban homes which are really prison cells, family portraits and FBI mug shots. The "code" sharply circumscribes social activity. The life of a syndicate man's wife is one of isolation: rarely do they mingle because information might be unwittingly revealed in light banter about neighbors, jobs, relatives and homemaking. The only events of a social nature wives attend are wakes, weddings and funerals. One can speak of an Umwelt (Goffman, 1971), a social surround in which the organized crime activist is immersed. This surround, according to Goffman, provides cues and signals when the region of safety

and security is threatened. Guaranteeing integrity are "tie-signs" -- ratifying rituals through whose enactment a criminal knows what person or action is dangerous or safe. When uncertain about the criminal status of an individual, for example, several expressions might be used the correct replies to which indicate either an outsider or a confederate. The oblique language and argot of syndicate functionaries serves several purposes simultaneously: nicknames conceal real names; politely vague and baroque allusions in introductions such as, " . . . a friend of our friends . . ." make clear the relationships and confidences into which such a person is permitted; and the elliptical style of conversation with its deliberate obfuscations is designed to confuse anyone who is not a "member." Taken together, these routine procedures make members act somewhat like spies. Their tactics of concealment and confusion are habitual. Unlike spies, however, they are not trying to conceal their existence, but to eliminate or contaminate anything that might be used as evidence against them.

Aubert refers to the "social fronts" underground members must create and preserve if they are to avoid suspicion and detection. Similarly, to the extent that strategies of deception and subterfuge can be erected, organized crime figures disguise their illegal activities and enormous incomes by maintaining acceptable and often modest roles and identities in legitimate society. Joseph Bonanno was a cheese manufacturer, dairy owner and real estate entrepreneur; Carlo Gambino maintained a partnership in a labor consultant firm and owned interests in trucking, garbage

disposal and meat packing companies; and Al Capone early in his notorious career proudly listed himself as an antique dealer (Kobler, 1971). Cultivating two identities or more is a well known device. When it is possible, the organized crime figure uses the appearance of middle-class respectability as his "front." Possessing a legitimate image is another concealment strategy which has proven effective. For instance, managing a non-deviant impression, being a concerned parent, blending inconspicuously into the neighborhood, and being generous and sometimes active in community affairs, serve to mute harsh social response and protect a man from unwanted attention. Success in deception can be illustrated in the following excerpts about three leading underworld leaders:

Peter Joseph Licavoli is one of Tuscon's leading citizens and one of Arizona's wealthiest men, the patriarch of a family that owns large tracts of land and commercial property . . . (Newsday, Monday, March 28, 1977).

Actually, Licavoli was a leader of Detroit's infamous Purple Gang and was convicted of income tax evasion, contempt of Congress and bribery as well as being arrested for 15 murders. The perfect mask, however, was presented by Gambino -- if not to the police then at least to many of his neighbors and those unaware of his title, his chilling title: "Boss of Bosses." Upon his death (from natural causes) in October, 1976, one newspaper obituary noted that:

He was known as a devoted father to his three sons. He lived quietly in an expensive ranch house in . . . Long Island but was far from the most luxurious in the neighborhood. He also maintained a more modest apartment in Brooklyn (New York Post, October 16, 1976).⁸

Survivors of the bloody Capone era in Chicago told his biographer:

I think Al was a wonderful person. He took from the rich and gave to the poor, didn't he? Or a Negro doorman who remembered: They was swell guys, all of them. These folks 'round here never knowed who paid the rent, but it was Al . . . They was all fine boys and they was real good to me (Kobler, 1971: 219).

Recruitment procedures into organized crime groups offer other examples of the practice of secrecy. Standardized, measurable and visible criteria of selection widely utilized by legitimate upperworld organizations are of little value to illegal crime confederations. Open advertising for new members based on rational-legal rules is simply and obviously not possible. As with clandestine wartime partisan groups, friendship and personal sponsorship play a crucial role in the induction process of a crime family. Vouching for the reliability of a new member and establishing claims of personal acquaintanceship spreads responsibility across several members of a crime organization all of whom have a presumptive interest, it may be assumed, in sustaining their lucrative positions within it. Thus, selection is done with great care and circumspection.

Accounts by defectors of the process of initiation in Italian-American crime families suggest that the rites of entry are variations on old-world Sicilian mafia and Neapolitan camorra rituals. Once a man is accepted, once he demonstrates that he is willing to diligently obey the "code," he is formally presented by a "godfather" -- a sponsor who vouches for him as loyal and courageous -- to the leadership of the organization whereupon he takes an oath never to break the code of the organization (secrecy, loyalty, and rationality) unto death and then mingles blood

with his "godfather-sponsor's" dramatically binding him to his new "family."

As cohesive forces in crime organizations, friendship and real or fictitious kinship have functions going beyond the emotional and psychological commitments they might instill into a member. (Sicilian mafia is also known as, "the society of friends" (Pantaleone, 1966; Lewis, 1964). Friendship and kinship provide a general legitimation for encounters among people who have no other social contact with each other. Since friendship and blood relations transcend rational criteria for interaction, since there is no clear-cut and necessary rule for friendship and amiable kin relations to persist, and since they may cut across status and occupational differences and barriers, as well as age and sex, it is socially acceptable to maintain and strengthen them. Witty, cosmopolitan, impeccably well-dressed Frank Costello, an alleged underworld boss and major corrupter in New York politics, a man with a predilection for fine food, at home in the privileged worlds of Park Avenue and the patrician north shore of Long Island with its glamorous social trappings, often breezily explained and characterized his contacts with judges, politicians, businessmen, and other high status persons as based on life long friendships with persons who grew up in the same neighborhoods, had friends and relatives in common, and who shared similar childhood experiences. His defiance of the regnant pieties concerning the need for anonymity, however, almost cost him his life (Wolfe, 1974; Katz, 1973).

What is of more engrossing interest from the standpoint of

security are the steps preceding acceptance -- how a person is evaluated as a potential candidate for membership, and how qualities and talents required by a crime organization can be tested in advance of induction. Summarizing a mass of police intelligence data, Salerno and Tompkins describe three basic maneuvers used in scouting new members. First, aside from the need for "front" personnel -- those without records who provide cover as owners, proprietors, landlords, and managers, a candidate should have been involved in a crime in which weapons were used. With few exceptions this prerequisite screens out law enforcement infiltrators. The recruiter-observer evaluates performance and how potential candidates act under stress. Through this process, the stupid, impulsive and fearful are weeded out. Second, the prospect should have an arrest record which can be interpreted as a test of his psychological stamina under interrogation and jail. Third, having passed these "tests" the fledgling member is given small tasks -- legal and illegal -- to carry out. His resourcefulness, willingness, enterprise and obedience are carefully assessed. It may take some years but if he meets the standards of the recruiter, his reward is full-fledged membership which brings with it protection from the organization, access to lucrative money-making activities, and a host of other tangible rewards that only a crime organization can confer. Movement within an organization depends increasingly on a person's business skills and imagination and less on his ruthlessness and capacity for physical violence. If a man carries out orders perfunctorily and merely operates within the conventional roles and

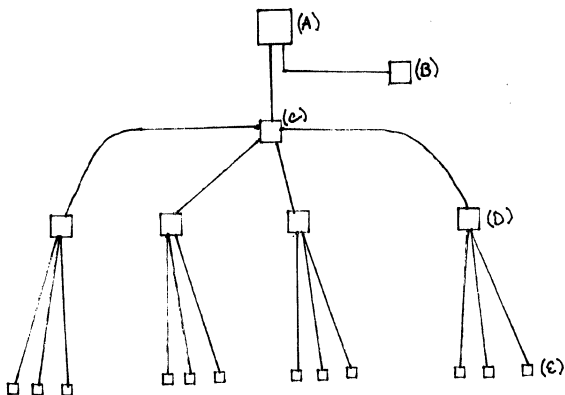
activities of a crime organization, he may be passed over, as Teresa (1973) indicates, for someone with brazen skills and creative moneymaking talents. If, for example, a lower-echelon member can develop a new criminal activity -- credit card theft, sophisticated methods for drug, jewelry and cigarette smuggling, theft of securities and airline tickets -- and if he can find new channels through which illegally earned money can be "washed" (in the tradition of Meyer Lansky) with, of course, a percentage of his profits shared with the leadership, then his advancement, prestige and mobility are assured. Nevertheless, traits such as trustworthiness, being a "stand-up guy," fortitude to do a prison term if necessary rather than disclose information damaging to the organization or its affiliates, remain the single most important criterion in evaluating potential members.

Ianni's research (1972) shows that recruitment for lower-level personnel in the crime family he studied is not as clear-cut nor supported by irrefutable evidence as Salerno and Tompkins suggest. Increasingly, boldness and bravura are left to street criminals who fill the ranks of street workers; membership into the organizational hierarchy, according to Ianni, is largely determined by blood and marriage and is not a competitive option for outsiders. If this is the case across the spectrum of crime syndicates: in the United States (which I think it is not), then the illegal operations of crime families are contracting rather than expanding into limited, soberly, safe activities such as financing, protection and coordination of criminal activities. But even if this is so, even if one does not need to "make his bones" (murder on order) in order to

obtain membership but must display instead organizational talents and skills in areas such as accounting, law, finance and commercial operations, the rules, the "code" applying to, and determining continuous membership in illegal sectors of family operations are basically the same as those invoked in recruiting new members as described by Salerno and Tompkins: secrecy, obedience and honor.

Another mechanism of secrecy and insulation from detection and exposure to law enforcement is built into the organizational structure of a crime family syndicate. In the 1967 Task Force Report on organized crime in the United States the hierarchial structure of an organized crime family was depicted as follows.

Figure 2-1: Structure of an Organized Crime Family

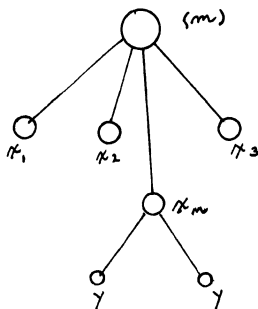


Source: Task Force Report: Organized Crime (Government Printing Office, 1967) p. 9

Key: (a) Boss
 (b) Counselor
 (c) Underboss
 (d) Lieutenants
 (e) Soldiers

The diagram in the Task Force Report is more elaborate but I want to examine the internal hierarchial structure of a crime family only to demonstrate how it is rationally constructed. Other types of crime syndicates and criminal groupings may be patterned differently, less formally as, for instance, Sicilian mafia "cosche."

Figure 2-2: A Mafia Cosca



Source: H. Hess, Mafia and Mafiosi: The Structure of Power, p. 76

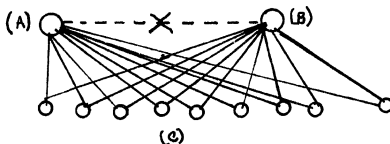
According to Hess, the mafia cosca is a

. . . multitude of dyadic relationships maintained by the mafioso(m) with persons independent of each other ($x \dots x_n$): instead of being a single person x can represent a small group, usually a family; in other words, via x , m reaches one or more further persons along a chain of dyadic relationships. None of the x persons regards himself as a member of an organization, i.e. as a member of a group which can survive after the leader is eliminated. As for the relations which bind x to m , these may vary considerably in character; the range extends from a businesslike exchange relationship to kinship (Hess, 1973: 76-77).

It should be noted that the representation of a Cosa Nostra crime family (Figure 2-1) has all the major aspects and characteristics of a mafia cosca but differs mainly in its need for some semblance of a "constitution," division of labor, and formal "membership." This is because the Italian-American organized crime activist has to engage and deal with an ethnically heterogeneous population which lacks the mafia mentality, which is not culturally intimidated, which does not naturally respect the law of silence, of personal revenge and does not feel, as a population, contempt for the government and its institutions.

Still other forms of criminal groupings:

Figure 2-3: Triad Society Syndicate Structure

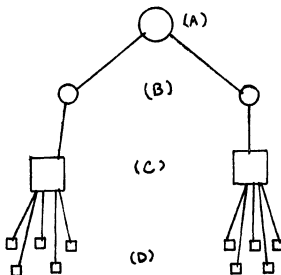


Source: Based on Wilmon Menard (personal communication).

Key: (a) (b) Co-leaders
(c) Workers

The Triads are international drug and illegal alien smuggling organizations based in Hong Kong and Shanghai with operations spreading through the Far East and into Western Europe. Members (c) are sworn to secrecy and act upon orders of co-bosses (a & b) who are usually located in several different geographical areas. Secret signs and code words serve to identify members.

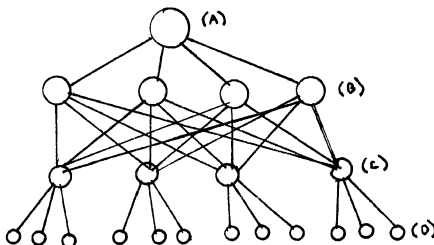
Figure 2-4: Chinese-American Tongs



Source: Based on interviews with Det. N. Mauriello, NYPD (4/4/77) and B. Cardoso, "The San Francisco Tong Wars: 1875-1977 in New Times, October 28, 1977.

Tongs (a) are groups of commercial entrepreneurs and quasi-legitimate businessmen organized in clan associations in Chinese-American communities. Through intermediaries (b) they arrange for the services of juvenile gang leaders (c) and their street gang members (d) to push drugs, extort money through protective associations, eliminate business competitors, protect gambling operations, collect debts and place illegal aliens in jobs.

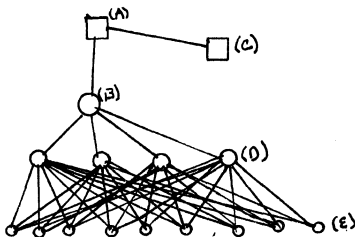
Figure 2-5: A Black Organized Crime Family



Source: Based on interviews with Det. O. Ford, OCCB, NYPD (2/24/77) and Sterling Johnson, Special Narcotics Prosecutor, NYC (2/24/77).

In a Black crime organization, (a) represents a boss but not in the Cosa Nostra tradition. Rather, he is a person with excellent drug-supplier connections, sources of capital and easy access to free-lance professional criminals including assassins, burglars and, most importantly, white syndicate leaders. (b) represents the secondary leadership, the lieutenants, the line staff of the organization many of whom are related to (a) by blood or marriage; (c) are street operatives and organizers: bookmakers, policy collectors and drug distributors who work with any of the subleaders in the organization; and (d) are the lower-echelon workers, the pushers, car thieves, small scale fences, and so on.

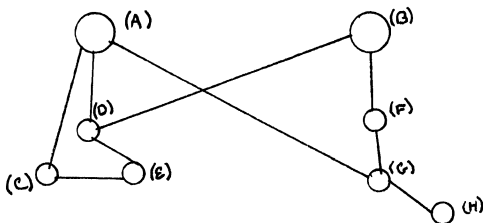
Figure 2-6: Unione Corse (French-Corsican Syndicates)



Source: Based on D. Chandler, Brothers in Blood; J. Cosson Conseiller a La Cour de Cassation, Paris (personal communication).

In this structure, (a) represents a council of elders who actually rule family operations (family membership -- i.e., positions at (b), (c), and (d) levels are based on blood and marriage). The boss (b) functions in the field (in many respects as a Cosa Nostra underboss (see Figure 2-1)) and makes all immediate decisions. Judicial proceedings are conducted by a council of advisors (c). The lieutenants (d) staff sub-leaders, like their Cosa Nostra counterparts, carry on day-to-day operations and contribute portions of their earnings for lawyers, widow's pension funds, and the like. (e) level personnel are not members but associates of members and work at street level in vice, drugs, gambling, hijacking, etc.

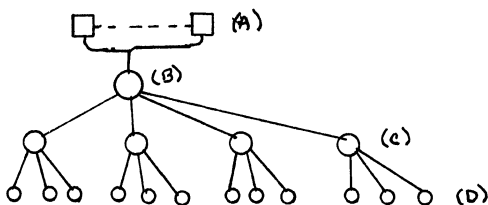
Figure 2-7: A Black-Hispanic Network: Central Harlem



Source: Based on Francis Ianni, Black Mafia (1974).

The still formative black-hispanic organized crime networks are more like small entrepreneurial businesses where illegal activities are carried out through a network of individuals who are usually known to each other. These groupings are not as sophisticated as either an Italian-American crime family or some well-established black organized crime families (Figure 2-5) which grew out of Italian-American dominated syndicate operations. In this structure, still evolving, which may, eventually, recapitulate structurally the early growth patterns and origins of more established crime syndicates, one man (a), (b), is basically in charge of a criminal enterprise or activity by virtue of the fact that he pays salaries for services rendered to others, to his accomplices and confederates (c), (d), (e), (f) who may employ still others (g), (h) to help them. The boss or center of the network is, in most cases, the only one in the network who has accumulated any risk capital. The network relationships, the web of affiliation, -- especially when these involve criminal activity (stealing autos, fencing, drug dealing, etc.) -- tend to be based on neighborhood associations, ethnicity, and prison contacts. At this stage of evolution, all participants tend to know each other and are, therefore, vulnerable to arrest.

Figure 2-8: The Outfit: Chicago Syndicate



Source: Based on, Brashler, The Don (1977); Murray, The Legacy of Al Capone (1975); Spiering, The Man Who Got Capone (1976); McPhaul, Johnny Torrio: First of the Gang Lords (1970).

Like its European-Corsican counterpart, the Chicago Syndicate of Italian-Americans and associates is composed of: (a) a "Board of Directors -- tutelary spirits, semi-retired former gang bosses, who lend their experience and knowledge to operations and participate in policy formulation; (b) the "boss" who manages (c) lieutenants, who, in turn, direct the activities of non-members (d) who are involved in drug selling, numbers running, theft, hijacking and a host of other illegal activities.

The structures of organized crime groups are designed or have evolved, as the case may be, to protect the organization and its leadership cadres. The reason why most of the top leaders are able to survive and flourish without going to jail is because they are carefully insulated from contact with crime. That is to say,

insulated from those who are active in the commission of crimes. Clearly, it is difficult to connect men in the higher levels of crime confederations with any specific crimes. The connection of leaders with the actual perpetrators of criminal acts, as can be seen in Figures 4, 3, 4, 6, and 8, is remote and runs through a chain of subordinates. Mafiosi (Figure 2-2) operate directly very often with their clients but do so against the background of a Sicilian cultural tradition -- omerta -- which proscribes recourse to legitimate authority. Those bosses who tend to be vulnerable to arrest (Figures 2-5, 2-7) function in a milieu lacking protective layers of buffers. Although a top organized crime figure may be known to the police, many of those in his own organization might never have met him or even seen him. At best, evidence against leaders in most instances when not fabricated is hearsay.

Interviewer: Do you know Colombo (an alleged Brooklyn crime boss)? Have you ever met him?

Respondent "R3": I know of him just like you do. Once, I was introduced to him at a reception . . . he came around to all the tables.

Interviewer: Has he ever asked you to personally do something for him?

Respondent "R3": No. I work with Joe Brewster, Greg Scarpa and "Chubby," not for Colombo. What they have to do with him, eh . . . that's their business, I don't know and I don't want to know, it's none of my business.

Interviewer: How, then can anyone say they're "with" (a member of his group) Colombo, or O'Neill (another crime boss)?

Respondent "R3": I never say, "I'm with Colombo!" If I have to show that I'm "good-people" (a crime family member), that I'm connected -- which is rare -- I drop a name of those I work with; usually that's enough.

Interviewer: But they're with Colombo?!

Respondent "R3": Maybe. I guess so.

Interviewer: So, anyone who puts say, "Chubby" with Colombo connects you with him too. Right?

Respondent "R3": I guess you could say that . . . That's one way of putting it, but I never worry about that.

(Interview "R3" 8/23/76)

Interviewer: Did Johnny (an organized crime figure) ever talk about Georgie Blair (a member of the Profaci family) or Gus (Frasca -- a caporegima in the Profaci family)?

Respondent "R2": He'd come home and curse the cops and even them but he never said anything that could hurt them -- do you know what I mean? -- nothing that, "they did this . . .," or "he shot him . . ."

Interviewer: Did Johnny have contact on a day-to-day basis with Profaci?

Respondent "R2": No . . . I wouldn't say that. The "old man" (Profaci) was never around and when he was he'd stay on 65th Street in the office or talk to the old timers. That's all. Maybe, once in a while Johnny would see him but they never did anything together. He's up there (gesturing) and Johnny's down here . . . are you kidding?

Interviewer: Why then was Profaci considered such a big man?

Respondent "R2": He was. You couldn't do anything without him. Alright, you could do a few small things that he would know nothing about, that's one thing but, let's say, you wanted to take book in the neighborhood. You got to get an OK from him or else you don't operate. He tells you who to pay off, where to set up; not him directly but you know it comes from him. Let's say you try to go on your own without informing him. You try to pay off the cops they'll arrest you; nobody will give you action (bets); you'll wind up with your head broken. Go to him, get an OK, and you're in business.

(Interview "R2" 6/21/76)

The Task Force on organized crime describes the internal structure of a crime family (see Figure 2-1) as headed by a "boss" whose authority is absolute, and:

Beneath each boss is an "underboss" . . . He collects information for the boss; he relays messages to him and passes his instructions down to his own underlings. Below the level of the underboss are the caporegime some of whom serve as buffers between the top members of the family and the lower-echelon personnel. To maintain insulation from the police, the leaders of the hierarchy avoid direct communication with the workers. All commands, information, complaints and money flow back and forth through a trusted go-between (Task Force Report, 1967: 7-8).

The hierarchial structures of crime families and syndicates are not unlike those of any legitimate business corporation. Hierarchies are highly restricted systems of communication with information coming into each position. The amount of information sent out and down the status system to subordinates is subject to the control of superiors. Likewise, Aubert notes that the leadership of underground organizations cannot rely upon legal

enforcement of its orders but has, instead, one extremely important resource at its command which is concentrated in the higher echelons: information. Further,

Secrecy implies maximal control of memory. Many things should be forgotten immediately, while other items of information ought to be retained at all costs. The need to avoid written messages and diaries put a very heavy strain upon the ability to memorize names of people, street names, telephone numbers, times of appointment, etc. (Aubert, op. cit.: 300).

Salerno and Tompkins state that:

The organization men of crime . . . generate no paperwork at all. In some respects the number of meetings they attend is a substitute for written communication, and the lack of records is a deliberate security measure (Salerno: 157).

Differential distribution of information both up and down the hierarchy is another property shared by both crime confederations and underground groups. However, selective attention to the details of lower-echelon activity appears to be contingent upon deliberate choices made by top leaders. In short, much goes on that they prefer not to know whereas the distribution of information down the system is based on another important principle of organization designed to insure the security of the leadership and with it the integrity of the organization as a whole. As with underground members, organized crime members obtain information on a "need to know" basis. Most members of underground networks or organized crime families only know (or should only know about) operations or activities in which they are directly involved or in which they have a concrete interest. The maxim, "What you don't know, can't hurt you" aptly characterizes this

organizational principle. Not knowing often affords a measure of safety; not knowing the activities of others preempts possible conflicts and mitigates against disputes motivated by greed, ambition, or, in the case of the underground, glory. Moreover, not knowing makes it almost impossible to betray one's associates or, again, in the instance of the underground, one's compatriots. Salerno mentioned in an interview that on one occasion two organized crime figures deeply involved in a dispute referred it to a higher authority whereupon they learned that they both belonged to the same gang. Thus, the hierarchy creates a cellular-type organizational entity divided into separate segments which, ideally, function independently of one another. A syndicate man or underground partisan's loyalty and allegiance is to his immediate and visible superior. These molecular structural features have much the same effect as geographical dispersion and inhibit the translation of distrust and dissatisfaction arising among subordinates into a mass revolt or protest against leadership if for no other reason than that of poor and inadequate communication and the difficulty of properly and accurately identifying top leaders. Secrecy structured in this way through a hierarchy of authority and command serves the leadership well -- it strengthens their hegemony over the reigns of control.

Those characteristics of total institutions which shape and support identity whether these be mental institutions, prisons, military or religious organizations are not attributes of secret societies and groups. Nevertheless, secrecy creates in Aubert's words,

. . . counterforces aiming at the establishment of an inner feeling of being shut off from the rest of society, of being a group set apart. Strong attitudes of organizational loyalty and emphasis upon subcultural uniqueness (the myths and rituals of secrecy) may accomplish what walls, locks, and spatial segregation accomplish among members of total institutions (Aubert, op. cit.: 306).

The coercive qualities of total institutions produce an erstaz, superficial cohesion and communality, in a somewhat paradoxical fashion, secrecy induces a like-mindedness in those sharing recondite and forbidden knowledge; a "we-ness" and "they-ness," a polar quality is injected into social life intensifying one's commitment and possibly supplanting fear and distrust with a sense of election, a sense of special superiority.

The analysis that unfolds in Part II will examine questions about how law enforcement groups manage to penetrate the atmosphere of secrecy that surrounds organized crime groups, how methods have been developed to get at the innards of crime syndicates.

Footnotes

1

In his alembicated writings on secrecy, Simmel (1964) observes in a wry fashion that the secret is an important element in what he calls individualization. However, "In a small and narrow circle," he writes, "the formation and preservation of secrets is made difficult even on technical grounds: everybody is too close to everybody else and his circumstances, and frequency and intimacy of contact involve too many temptations of revelation." (Simmel: 335). Nelli (1976) and Barzini (1977) point out how amazing it is how few secrets there actually are in that most secretive and mysterious society -- Sicily -- especially among those dedicated to silence: mafiosi. In American syndicate groups a structural solution to "informational leakage" has apparently been worked out through hierarchical structuring (Cressey, 1969) in which the higher echelons are many times insulated from contact with subordinates who commit street crimes.

In both its Sicilian and non-Sicilian contexts, omerta has another meaning and connotation that Barzini has described eloquently:

To turn to the authorities . . . for aid is considered dishonorable. This imperative, known as omerta, is a sacred duty, made even more sacred by the knowledge that people who talk to the police sooner or later are found riddled with bullets . . . (Barzini, 1972: 361).

This last remark is only partly frivolous. Cressey has erected full-blown structural-functional analysis of the "code of honor." For Cressey, the "code" is the underworld equivalent of a "rule of law" primarily serving the interests of the leadership and secondarily the interests of the organization and its subaltern members. "Those aspects of the code," Cressey says, "which prohibit appealing to outside authorities for help and justice also serve to concentrate power in the hands of the few and, hence, to enable leaders to exploit followers." Further:

The leader of an organized crime unit, whether it be an entire Cosa Nostra "family" or a small working group of thieves, has three classes of enemies -- law enforcement officers, outsiders who want his profits, and underlings. The code protects him from all of them (Cressey, 1973: 59).

2

Cressey uses the term "law" while Hess more accurately, I think, refers to codified behavioral rules deeply embedded in the culture as norms (in the meaning of Weber). To do justice to Cressey, he conceives of organized crime units as possessing a

specially available staff of enforcers who utilize physical violence and psychological coercion as part of their persuasive tactics. In the Sicilian mafia system, Hess rightly thinks of these norms as typical conventions guiding behavior because they permeate the entire Sicilian subculture and are not limited to, or exclusively associated with, any one particular segment of it. Cressey derives the rules governing organized criminals analogously -- that is, he works from a more or less open and observable set of rules operating among prison inmates and interprets data about organized criminals in terms of these. It must be noted that subsequent research by Ianni supports Cressey's position.

3

In a scathing critique of organized crime studies Dwight Smith writes:

The principal excuse for the lack of clarity (in distinguishing mafia and organized crime) has been secrecy: omerta. The excuse itself has added an extra pejorative kick to the basic rhetoric which, from 1950 to 1969, was largely expose-oriented and based on information obtained from a law enforcement point of view. Writings about Mafia and organized crime have been noted for emotional content, not for "disciplined objectivity." (Smith, 1975: 291).

Ironically, Schiavo's work, The Truth About the Mafia and Organized Crime in America (Vigo Press, 1962), whom Smith would refer to as an instance of "objective writing" has been denied the serious attention it deserves because it has been viewed as special pleading and apologetics. For example,

. . . where (did) Turkus (prosecutor of the notorious Murder, Inc. gang) gain his information about another Unione Siciliana in New York which he labels "the modern society of crime" without, however, furnishing one speck of evidence. Unione Siciliana means "Sicilian Union;" therefore, we fail to understand how Anastasia who Mr. Turkus admits was a Calabrian could have been a member of a Sicilian union . . . (Schiavo, 1962: 134).

Are we to understand from this that Albert Anastasia, a ruthless technician of death and mayhem, was egregiously victimized by blood-thirsty prosecutors? That he had no affiliations with syndicate crime because if Turkus is wrong about Anastasia's ethnicity, he surely cannot be correct about his criminal ties? Despite this histrionic display, Schiavo's writing on the American mafia issue (about which I think he is fundamentally right in spite of his outbursts) is comprehensive, critically tendentious, and often brilliant. His "passion" clouds his points and gives

away occasionally to meretricious argument but also allows him to penetrate into areas of the controversy hitherto neglected by other workers. Yet it also makes his work condescending and oddly parochial: his sense of the past merges all too readily with his sense of the present. However, Schiavo's most glaring defect is his unsympathetic, often brutal, estimate of law enforcement. And more than this, he too often transforms his insight into an indictment rendering his work only less palatable and, regrettably, less widely read.

4

Data from informants, electronic eavesdropping devices, undercover agents, immunity statutes (Organized Crime Control Act of 1970), and intelligence operations of law enforcement agencies, constitute the major sources of information for social scientists and others. In a paper describing his field work in Great Britain, ("Mafia As Method: A Comparison between Great Britain and the U. S. A. Regarding the Existence and Structure of Types of Organised Crime," International Journal of Criminology and Penology, 1975, 3, 295-305) Joseph Albin says that rather than lying within the realm of a secret phenomenon unattainable to social researchers, field studies of organized crime are possible. According to Albin, his own work and that of Hess, Ianni, and Chambliss has served to demystify the field. The social research in this genre that I have examined relies mainly on informants. So, for that matter, does law enforcement intelligence. Moreover, law enforcement agencies can and do surreptitiously tap phones (the major form of communication in the underworld) of syndicate activists and generate information on syndicate operations which are presumptively carried on in private. Obviously, such information is hardly "managed." With social scientists or non-law enforcement persons in general, informants are skilled at managing fronts and using effective dissimulation strategies and therefore cannot be assumed to be entirely truthful or candid in their opinions. It must also be remembered that researchers ordinarily have nothing to offer informants in exchange for information where even journalists have some inducements to offer.

I think Albin and others want to say that police tend to seek specific pieces of information about crimes (which they do) whereas, the social scientist, not constrained by the requirements of the legal code, may seek information on any aspect of syndicate activity and personnel. Whatever the status of the warrantability of this assumption, it needs further study. Undercover work carried on by police and other law enforcement investigators is typically underestimated in terms of its usefulness in getting information and the perils it involves. The fragile relationships and dangers inherent in clandestine work is dramatically illustrated in this passage about wartime clandestine intelligence activities in Europe:

. . . when days passed and the man did not report by radio to headquarters, his friends would begin to remark to each other, "I wonder if he could have turned." Perhaps distrust is the inevitable result of nerves and tension. Perhaps no men who are forced to make a trade of deceit can ever fully trust each other (Alsop and Braden, 1964: 53).

5

Epitomizing the spirit of silence are some Sicilian proverbs and maxims:

Cu e sudu, orbu e tack
campa cent 'anni 'mpaci
(He who is deaf, blind and dumb
lives a hundred years in peace)

Chiddu e lu bonu chi vidi e tack
(A good man is he who sees and keeps
silent) (Hess, 1973: 100-101).

A mafia killing must be publicized but untraceable. Everyone concerned must know why it was done and on whose behalf. Consequently, grim signs on the corpse explain the reason for punishment. This convention is a necessity: a mafia "trial" has to be secret. Therefore if the dead man was guilty of talking too much, his tongue would be severed, or a stone inserted in the corpse's mouth. A severed hand placed on the chest: the victim was a small thief operating against the wishes of the local boss. Testicles cut off and forced inside the mouth: the victim raped or tried to make love to the wife, sister or relation of the local "man of honor." Eyeballs torn out of sockets: guilty of having seen and then talked.

6

My own research with members of criminal syndicates shows that for many on the peripheries, membership (being a "made guy") is a source of envy fostering among members a sense of elite status which Simmel calls the "aristocratizing principle." It seems like small compensation, however, for the yoke of absolute power and regimen they must endure. One informant told me that he knows of many men who turned down opportunities for membership because the demands of time and energy and the constant threat of the capricious exercise of power by leaders was too much to live with.

In some respects, the stigma and discreditability by the larger society is reversed and employed as a "martyrdom of the elect," creating, simultaneously, a heightened sense of superiority and persecution. Unlike the gay world which is still to a great extent a subterranean phenomenon in which membership is secretive and discreditable, being identified as a "button man," "connected guy" or a "soldier" although officially deviant and criminal, confers prestige and power in those communities where criminal syndicates

are active and influential. One may be at once feared, hated, admired, and emulated.

7

Cressey's deductions and Ianni's ethnographic observations resulting in similar and mutually confirmatory conclusions serve, in some respects, as an analogue to experiment. Reaching similar results under different conditions of data collection has been analyzed by Erwin K. Scheuch, "The Cross-Cultural Use of Sample Surveys: Problems of Comparability" in Stein Rokkan, editor, Comparative Research Across Cultures and Nations (Mouton, 1968), pp. 176-209.

8

Not all criminals seek and crave anonymity. In one interview ("R2") I learned that a triggerman for the Genovese crime family alerted his victims in advance. James Mills (The Prosecutor Farrar-Giroux, 1970) in writing about this same underworld figure indicates that he used his reputation to terrify his intended, hapless victims into mistakes. This ghastly tactic made those destined for death facilitators in the execution of their own assassinations.

9

In a paper, "Mafia and the Web of Kinship" (Proceedings of the October 24, 1970 Conference) An Inquiry Into Organized Crime (American-Italian Historical Association), Ianni presents (p. 20) an intricate sociogram of marriage and kinship lines among 20 families in the midwest. These involve the major organized crime figures in Chicago, Detroit, New York, New Jersey, and New Orleans. Three of the five "bosses" of New York's families -- Gambino, Genovese, and Luchese -- had children who were married creating a series of complex alliances for systematic exchanges of services. The gratuitously violent Capone organization, however, was, at least, organizationally, a precursor of modern criminal syndicate structure with respect to clan/kinship relations. One observer of its evolution says that:

The Capone mob was not and never came near anywhere to being a "mafia" family or an extension of that underground Sicilian organization. Nor were its founders necessarily members of the Camorra or graduate Black Handers. Rather, the Capone gang was all of these and none of them. Much like an aggressive corporation, the gang flourished under disciplined leadership and by eliminating or overpowering its competition. Those who became part of it, those who took over after Capone went to prison were those tough enough to exert their own personalities, to take power and hold it (Brashler, 1977: 99-100).

Chapter 3

A Composite History of Organized Crime

1

Neither organized crime nor its history can be studied in paraphrase and precis. A satisfactory understanding of the methods of analysis used can be gained from original documents and insight into the everyday procedures employed by the research population. No attempt is made here to provide a second best to this but rather to give anyone who wishes to study documents and practices of knowledge production sufficient information to enable him to do so in a purposeful and methodical way. The danger of the generalized and composite outline of the history of organized crime is that it may foster an impression that there exists something of a consensus view of organized crime. Such an impression would, of course, be utterly mistaken. But it would be hypersensitive to allow the fact of conflict and variety in perspective to obscure the fact that a more or less general pattern of thought about organized crime can be discerned which it is helpful to examine both as a preliminary to the more detailed diagnosis of the perspectives of the research subsample and as a background against which the present pictures of organized crime can be understood. That is the objective of this short, highly condensed history.

Organized crime is hardly a Sicilian invention. Daniel Bell in 1953 noted that the ethnic identification of organized crime is related to immigration patterns: Irish syndicates were followed

by Polish syndicates which, in turn, were followed by Italian and Jewish syndicates and these are likely, according to Ianni (1974) and others to be replaced by Blacks and Hispanics. The patriarchs and overlords of organized crime today may be Irish, Polish, Italian, Jewish, Black, Cuban or any other red-blooded American who is also engaged in legitimate business, politics, or entrepreneurial activity. In any event, organized crime exists and flourishes because of persons attempting to acquire money or power through illegitimate means.

Much, but not all, of the success of organized crime in America and elsewhere is due mainly to the services they provide to a hungry and willing public. It appears that the greatest growth of criminal organization in the United States occurred during Prohibition when bootleggers such as John Torrio, Al Capone, Moe Dalitz and others created systems of procurement and distribution of illegal liquor.² When Prohibition was repealed the organizations that had emerged as a response to it shifted their supply of services to other illegal goods and activities -- prostitution, drugs, smuggling, gambling, labor racketeering, extortion and usury. Thus criminal organizations function to provide services that the public cannot otherwise legally obtain. Crime syndicates, it is widely agreed, could not survive without the public's tolerance.

The reality of public apathy, tolerance and indifference makes organized crime difficult to control because the victims are, to a great extent, willing participants, creating victimless crimes. It is the gambler who seeks out "action," the "John" who requires

a prostitute, and the "junkie" who needs a drug dealer with his supply. Who among the victims is likely to complain to authorities?

In many respects organized crime is a product of historical accident. As many writers have indicated, those, especially the impoverished, denied opportunities and access to the professions, business and government, readily embraced methods, even if these were criminal, for circumventing oppressive and discriminatory obstacles. Organized crime may be seen as a response to the disparities between tantalizing goals held out to individuals and the institutionalized means of their attainment. The extreme emphasis -- uniquely American -- upon material success actually invites the use of forbidden but nonetheless effective means for attaining and accumulating wealth.

Although a less traditional social and economic climate may have loosened individuals from a sense of conformity to law and social norms, a combination of coincidences may have made possible the development of large nationally organized syndicates: (1) the presence in the country of millions of oppressed, first-generation Americans; (2) the easy profits of Prohibition; (3) the onslaught of the great Depression in the wake of Prohibition leaving bootleggers with cash as banks collapsed; (4) the destruction of many big-city political machines under the New Deal (Blum, 1976); and (5) the decay and loss of traditional moral and social perspectives precipitated by the devastating events of the 20's and 30's:

Organized crime in . . . 20th century America is the product of an evolutionary process . . . Contrary to popular belief the centralization of crime did not begin with Prohibition, although the 18th Amendment provided a distinctive vigor and form to the syndicate. Nor did "crime incorporated" begin with the highly publicized Mafia, although individuals and groups commonly associated with it undoubtedly put their stamp on the underworld (Tyler, 1962: 88).

Organized crime, syndicated crime and racketeering refer to illegal activities and illicit business operations for the purpose of economic gain and power. Prior to the 20th century, organizations of criminals characterized by hierarchial structures using violence or the threat of it to maintain discipline, restrain competition and prevent intervention and interference from legitimate agencies of law and order were found in a range of societies and historical periods. According to Chandler (1975), one of the earliest about which evidence exists was the Spanish Campagna Della Garduna a forerunner of Sicilian mafia and Neopolitan camorra formed during the period of the Inquisition. None other than Cervantes wrote a profile of its leader entitled, Riconte et Cortadillo³ which became a popular sensation. Cervantes composed this piece while in jail on charges of embezzlement. Some criminal groups from structurally crude, ephemeral ones to those like the Campagna in the incipient stages of organizational sophistication instigated humanitarian changes and brought forth democratic trends in society; others degenerated into outlaw bands and criminal conspiracies preying upon the weak and helpless; and still others mixed a socio-political Robin Hoodism with depredations against the powerless (Hobsbawm, 1959). In the United States, the

physical and cultural frontier incubated gangs of outlaws and bands of mauraders many of which were well organized and maintained continuity over a span of years. But the real beginnings of syndicated crime and organized underworld elements were not present until the 1830's in the major urban areas. According to Albin (1971), it was not until the era of the Civil War when major syndicates made their appearance on the American scene. "Nineteenth century racketeers," writes Inciardi, "emerged from the street gangs in New York, Chicago, New Orleans, and other ports receiving the masses of destitute immigrants throughout the century." (Inciardi, 1975: 105).

With regard to crime, social history reveals a strong relationship among three variables -- immigration, ethnicity, and rapid, disruptive social change. Every major ethnic group -- the Irish, Jews, Poles, Italians, and, more recently, Blacks and Hispanics faced the same dilemma: how to escape poverty when the institutionally approved routes are blocked? Frequently, but not, of course, in all cases, crime offers the solution, the swift if perilous leap out of the ghetto and poverty. And the history of organized crime in America and Europe paints a compelling picture of the participants: typically the poor, the ignorant, the recently arrived, the oppressed, those caught up in the swirl of rapid technological, ecological, and demographic change. Irrepressible daring and ambition coupled with shrewd enterprise enabled many to successfully pursue deviant pathways to wealth.⁴ These ingredients and the catalytic Volstead Act (passed without conscious intent of its enormous implications),

created an explosive combination of forces and set the stage for the growth of organized crime in America.

The importance of Prohibition as a factor accelerating criminal syndicate growth in the United States cannot be underestimated. Above all, it enabled criminal gangs to experience what economists call a process of "capital formation." The illegal millions earned from bootlegging furnished the funds which were later used to finance other illegal activities and to penetrate and expand into legitimate business.

Before January 16, 1920, when the 18th Amendment of the Constitution took effect, prostitution, gambling, protection and extortion rackets were the mainstays of racketeers. Illegal liquor meant not only wealth for criminals but affected a change in the psychology of many people: bootlegging brought law abiding citizens into contact with criminals who provided a good desired by many; contempt for the law lead to tolerance of crime, mass evasion of the Volstead Act, a sense of indifference which produced more than simple toleration of the criminal but admiration and something bordering on a romantic approval of him. The repercussions -- the undermining of law and the corruption it bred -- are still felt today.

Toward the end of the nineteenth century, racketeers emerged from the street gangs of the major urban centers which were the first and usually last stop of destitute immigrants. Many of the top syndicate bosses of the 20's, 30's, and 40's came out of these ethnic-type street gangs located in the slums and squalid ghettos of large metropolitan areas. Gangs in this period often

sold their violent services to political machines in exchange for territorial control over gambling, prostitution and other activities. But by the turn of the century, according to Tyler,

the gangs began to substitute violence to business. The struggle between Monk Eastman and Paul Kelly -- a pitched battle in the streets of New York -- was far more than a battle between two individuals. The fall of Monk was the collapse of "all fist and no finance" style. The rise of Kelly was the beginning of the racket: the financier with the fist (Tyler *ibid*: 148).

One of the first deviant industries over which the underworld established its control was prostitution. Another was gambling. In both businesses, extortion was a relatively easy and lucrative subsidiary criminal enterprise. Bookies and brothel keepers had little recourse to the law.

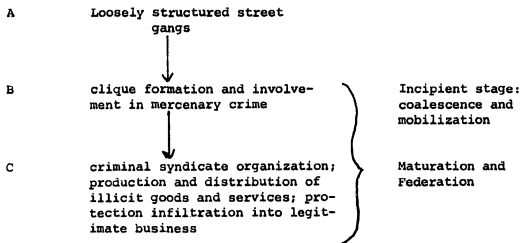
The gangs of Chicago were similar; and circumstances in other urban areas such as Boston, St. Louis, Philadelphia, San Francisco, Cleveland, Detroit and Kansas City resulting from high densities of lower-class and migrant populations, police corruption, incompetence and the power of city political machines, created conditions resembling those in New York.

Included in the pre-Prohibition crime organizations but not part of the network linking syndicates on an interstate, and in some cases national basis, were the Chinese-American tongs who remained deeply entrenched in the "Chinatowns" of New York and San Francisco where they operated gambling houses, opium dens, brothels, and exercised influence over the legitimate businesses in the Chinese ghettos.

Each tong had an administrative hierarchy, as well as professional warriors and assassins who acted as guards, collectors, enforcers, murderers, and infantrymen. These imposing bodies of hatchetmen or boo how doy were trained in the art of fighting with hands, feet, guns, knives, and hatchets, and remained relatively unmolested by conventional law enforcement groups due to the isolated cultural frontier in which they were active. As these organizations contrived to operate and defend illegal Chinese interests, their history is marked by numerous and bloody tong wars, which regularly defined the nature and boundaries of vice regions and power. In spite of their violence, the tongs endured into the twentieth century and remain in loose confederation as entrepreneurs of contemporary Chinese gambling interests (Inciardi, *ibid*: 105-106).

(The Roaring Twenties and Fallout from Prohibition: Consolidation and Maturation)

Figure 3-1: The Evolution and Development of Criminal Syndicates



Key: A: late 19th and early 20th century

B: Prohibition

C: the 30's

Many students look upon the Prohibition era as a milestone in the evolution of organized crime from a nascent stage of petty gangsterism to well-organized illegal cartels with international alliances (Albini, 1971; Tyler, 1962; Salerno & Tompkins, 1969). Johnny Torrio, the mentor of Al Capone, has been cited as the organizational genius behind the syndication of crime in the United States because it was he more clearly than most others who perceived the advantages and enormous profits to be realized from a cessation of mindless violence and intensive cooperation among the purveyors and competitors in all the illegal enterprises operating in Chicago. Many of Torrio's proposals, which were later implemented, served as a prototypical model for other groups in other regions of the country. In Chicago during Prohibition, Torrio, according to McPhaul,

... aimed to set up a deal with brewers. They would furnish the plants and manufacturing know-how. He would meet the new needs they would have as operators of an unlawful enterprise. They would get political protection from police and dry agent raiders, and gunmen to defend their trucks against hijackers (McPhaul, 1970: 141-142).

The depression of 1920-21 destroyed many retail businesses in Chicago; speakeasies moved into vacated stores. By 1924, Chicago had an estimated 20,000 illegal saloons. Further, where the legal bar and grill depended almost entirely on the adult male, the bootlegger and speakeasy operator, however, made no distinction as to age and sex (Merton would refer to this "innovation" in social patterns of participation as a latent function of a social practice). In view of the immense benefits derived, many gangs in Chicago quickly got into the illegal alcohol and speakeasy business;

in order to insure the security of operations and keep the public quiescent, Torrio and his protege Capone organized Chicago and its surrounding towns into territories or enterprises. More than this, gangs provided services for each other thereby limiting competition and ruinous warfare. Throughout this period, although liquor produced the bulk of illegal profits, the necessity for diversification became apparent to Torrio and other alert criminals. Thus,

During the twenties more than 200 different rackets flourished in Chicago under such brimming titles as the Concrete Road, Concrete Block, Sewer and Water Pipe Makers and Layers Union, Local No. 381; the Soda Dispensers and Table Girl Brotherhood; the Bread Cracker, Yeast, and Pie Wagon Driver's Union (Kobler, 1971: 221).

In all these imaginative and inspired undertakings, the experiences of the underworld made it peculiarly apt and expert for the job of monopolization of illicit goods and services as well as surreptitious movement into legitimate businesses and activities: they had the accumulated capital due to lax law enforcement (which they stimulated) and minimal accounting by the IRS; they had the right contacts with police and politicians (Capone, for example, estimated the total payoff to police from all sources at \$30,000,000 a year); and they felt no compunctions or inhibitions about using the available strong arm to eliminate competition.

The Prohibition era also coincided with the rise of Italians in the underworld. The lynchpin for success, whether in New York, Chicago or in Gary, Indiana had been the insidious connection of organized criminals and public officials -- a relationship assiduously cultivated today by syndicate men. Even in the faction-

ridden New York underworld dominated in the twenties by Irish and Jews,

. . . men like Genovese, Costello and Luchese had served as a kind of lubricant for the city's cumbersome machinery. Like ombudsmen from the nether world, they had been used by the city's respectable leaders, but rarely acknowledged. Their muscle had been employed by both unions and management during the garment, trucking and construction union organizing wars of the thirties (Pileggi, 1974: 39).

(Post-Prohibition: The Thirties and Its Aftermath)

A widespread myth was widely believed that the repeal of the 18th Amendment and with it the legalization of liquor sounded the death knell for organized crime. Syndicate men stayed in the liquor trade under new corporate names and used their positions as wedges for entry into ancillary businesses and other commercial activities. The underworld did not face a crisis but turned to industry, labor and real estate -- all three being natural objects of predatory criminals. By moving in at vulnerable points, by cleverly interdicting commercial enterprises in transportation, the waterfront, wholesale and retail market exchanges, and trucking, the underworld levied tribute or took control.

By the end of the 1930's syndicate criminals were involved or contrived to be in a multitude of operations. At the lowest levels of their organizations were the old violence-prone street gangs -- the enforcement arms of racketeers -- who were ready to extort from business, harass labor organizations, deliver votes and power to politicians, corrupt civil servants, and discipline dissidents within the maturing structure of the syndicates. One step above

the mayhem and violence of the street gangs were the illegitimate businesses: with dope, illegal alcohol, gambling and prostitution still important syndicate sources of income. At the highest levels were the trade associations (extortion rings) and unions under syndicate control from whose treasuries millions were looted.

As with the formation of modern states, the underworld needed to unify many competing and opposing forces. A system of treaties was arranged; some "laws" were established; a makeshift division of labor developed to harness and rationalize the use of talent; and an entente cordiale with the surrounding society had to be worked out. It was Torrio who initiated the idea of cooperation and ethnic diversity and lower-level criminals in New York such as Costello, Luciano and Lansky who attempted to bridge the ethnic gulfs separating many criminal organizations. But before violence could be channeled and muted and monetary factors assume precedence over blood and birth, New York experienced the "Castellammarese⁵ War" -- an intraethnic struggle among competing gangs of southern Italians whose outcome brought them to prominence in the underworld and eventually to the forefront of organized crime.

In Nelli's (1976) opinion, even before the 1920's New York was inhabited by several "mafia" bands none of whom managed to establish hegemony by subduing the others, although the Morello brothers' group occupied a prime position of power in Brooklyn. A member of that gang, Joseph (Joe the Boss) Masseria, through murderous machinations and sharp deceptions succeeded in gaining control of the organization by 1929. Other members of Masseria's organization -- notably Salvatore (Lucky Luciano) Lucania -- had

developed important connections and links with non-Italian underworld leaders in New York, Philadelphia, Boston, and Chicago. A series of conferences (Appalachian type meetings), attended by the now grise eminence of the underworld, John Torrio, produced major policies and working agreements on interstate levels among the most influential racketeers in the country. Masseria's hoary style of leadership and greedy intrusions into the business dealings of his men created an atmosphere of alienation and dissatisfaction. "Joe the boss" ruled in the tradition of a Sicilian capo mafioso and local village tyrant demanding a percentage of profits from all the businesses and rackets his retainers and gang members controlled. Luciano and Costello had succeeded in creating lucrative alliances with the Bugs and Meyer mob (which later evolved into the Murder, Inc. execution squad for the New York syndicates), the Dutch Schultz group, and the Louis (Lepke) Buchalter gang operating in the garment center of New York City.

The twenties also witnessed the migration (legal and illegal) of many mafiosi to the United States who were fleeing from Mussolini's anti-mafia campaign in Sicily. With them came Salvatore Maranzano, an articulate, well-educated mafioso with a Napoleonic complex who was determined to rekindle and recapture the prestige and power of mafia cosche in Sicily by bringing the American crime families and syndicates under one leadership -- his. Maranzano's authority (stemming from his apparent association with Vito Cascio-Ferro, a powerful mafioso in Palermo) was recognized by certain resident mafiosi and thus began the Castellammarese War ending with Masseria's execution artfully engineered by Luciano and others

who ardently wished an end to warfare and old world passions of vendetta.

In the spring of 1931, Maranzano presided at a meeting of some five hundred people during which he presented his plan of reorganization, one loosely based on Caesar's military command -- the individual gangs would be commanded by a capo, or boss, under whom would be a sottocapo, underboss, and beneath the underboss would be caporegimi, lieutenants, who would supervise squads of "soldiers." Each unit would be known as a family and would operate within prescribed territorial areas (see Figure 2-1). Overall the family bosses would be a capo di tutti capi, a boss of all bosses, and it was this title that Maranzano bequeathed to himself. However, Luciano, Genovese and others saw boss rule as obsolete let alone the ethnic purity Maranzano envisioned. Thinking that Maranzano had become, like Masseria before him possessed with a sense of singular power, they saw no solution but to plot against him. On September 10, 1931 some months after Maranzano had basked in the glory of his empire and in which time, incidentally, he had secretly arranged for the executions of those who supported him in his struggle with Masseria -- Luciano, Costello, and Genovese -- he was killed in his offices. The assassination was prepared by the very men he had intrigued against.

With Maranzano's death, the legacy of mafia was transformed into a more modern organizational scheme denuded of its archaic trappings and modeled on the recommendations of Torrio, Costello, and Lansky, and implemented by Luciano. Luciano refused the title

"boss of all bosses" agreeing with his non-Italian and Italian associates that no one boss should have the right to dictate to other bosses -- the individual bosses would be largely autonomous in their designated areas. Luciano was a consummate organization man whose approaches urged the suspension of vendettas and violence and recommended the more subtly aggressive tactics of large modern corporations which were quietly committed to profiteering within the free enterprise code of rules and restrictions. Turkus and Feder (1953) present some details on the modern crime syndicates -- called Cosa Nostra by some -- in a book based on the testimony of Abe (Kid Twist) Reles, a thug and professional assassin in the execution squad of the New York syndicates.

Each boss remained czar in his own territory, his rackets unmolested, his local authority uncontested. In murder, no one -- local or imported -- could be killed in his territory without his approval. Every mob leader now had behind him not just his own hoods, but a powerful amalgamation of all mobs. Every gang chieftain was guaranteed against being interfered with in his own area -- and against being killed by a rival mobster (Turkus & Feder, 1953: 219).

Not since 1934, according to Turkus and Feder, unless the execution was sanctioned, approved, and, in fact, directed by the gang leaders of the country, no top boss has been slain. However, in 1957 within several months an attempt was made on Costello, and Albert Anastasia and his underboss were murdered on orders of Vito Genovese.

The new criminal entity composed of Sicilian, Italian, Irish, Jewish and multi-ethnic gangs achieved a pax romana by linking themselves together through a "Commission" that supervised the

general movements of the united body and established rules and guidelines for solving problems between and among "families." Luciano also believed, in spite of his "Americanized" attitudes and highly modernistic outlook, that membership in a mafia-type organization should still be limited to men of Sicilian and Italian origin or heritage. Notwithstanding their differences and jealousies, the Sicilian-Italian element felt a rapport with one another they did not feel with outsiders.

Although a hotly debated issue in law enforcement and academic circles, it appears that except for a purported mystic continuity, the Italian-Sicilian "brotherhoods," ethnically tight and cohesive, function like modern corporations and regardless of personnel changes no one -- not even a boss -- is indispensable. And if in the course of a criminal firm's operations, leaders, soldiers and civilians (i.e. uninvolved citizens) are killed or maimed accidentally or by deliberate design, business goes on. Elements of bureaucratic design, a division of labor, organization of positions into a hierarchy, a consistent system of rules, an authority structure of power on a national scale, have truly revolutionized organized crime.

(Genesis of Criminal Syndicates)

The old mobs of Lansky, Costello, Schultz, Luciano, Dalitz and Capone even after confederation were more like interest groups in contrast to modern crime families which have practically achieved the cohesion of pressure groups. The old

mobster could hope for a favorable atmosphere with no harassment in his retirement but he could not demand anything. He was usually (if not always) at the mercy of the legitimate establishment. The modern syndicate functionary, on the other hand, lives in a kindlier era, reaches a larger and more significant public and takes full advantage of the conflicts among incumbent ruling elites and bureaucrats. Contemporary descriptions of organized crime in the popular press and in films tend to view conflicts among crime organizations as crusades: gang wars are treated as if they were a military expression of economic grievances rooted in deep-seated regional or racial/ethnic particularism or, more melodramatically, as the consequences of insatiable lusts for power or shifts in manpower alignments. It cannot be denied that these elements are present but they are not usually the major motivating factors stimulating dissension and strife. Dissatisfaction and internal frictions have erupted as a result of the closure of the traditional channels of mobility for lower-echelon syndicate members. The Gallo-Profaci war of the 1960's and the Gallo-Colombo struggle of the 1970's illustrates the
6
typical modern underworld powerplay.

As noted above, prior to Maranzano's accession and overthrow the criminal syndicates in New York had been paralyzed by the bitter divisions in the Italian underworld. Luciano acted with boldness and with a surprising degree of magnanimity, the combination of which enabled him to achieve agreement and peace for a relatively long period of time. Through his revolutionary measures and reforms he transformed the appearance and substance

of organized crime that was not merely radical but was also lasting. Differences in emphasis, of course, remained among syndicate leaders. In order to appreciate the shape taken by the transformation of syndicate crime one must bear in mind the goals and objectives that lay behind Maranzano's deposition. To a great extent, much of the power and life-and-death decision-making in particular, had been taken out of the hands of the bosses. (Luciano introduced the position of consigliere into the crime family structure which provided a mechanism through which disenchanted members could reach a boss or through which soldiers could complain about their boss). Equitable application of rules were assured. To ignore these profound modifications in structural format would be ingenuous for as Joe Valachi said, "Lucky made life more livable."

The semi-autonomy, decentralization of power and confederation structure to which Luciano subscribed was prompted by tactical considerations on a local level and by the ugly realities of underworld divisiveness in Chicago. While there were those who clung vainly to dying traditions, the social composition of organized crime, especially in New York, was dramatically realigned. After Luciano came to power, he unhesitatingly renounced it; Jews and non-Italians rose to prominent roles in the syndicates. One can say that Luciano introduced an achievement orientation into the underworld. Clearly, the spectacle of Chicago's bloody gangland wars made an indelible impression upon him and others: above everything else, the enmity that had driven Chicago's gangs into destructive battles from which few profited

or managed to survive had to be avoided.

This account of organized crime will provide a sort of social laboratory for a more thorough analysis of the scope, change and persistence of criminal syndicates over time. Few serious analytical studies in this country have addressed questions relating to the rise of criminal syndicates and the contexts and conditions in which they emerge and develop. Most of the work is limited to narrative reports of events and personalities or concerned with descriptions and ethnographies of crime organizations. In Europe, in-depth analysis has been undertaken by a few students who have sought, in the tradition of Weber, to discern patterns in historical events of crime and criminality. The danger of shrinking diversity to unity is always present, but the researcher must seek to ascertain with precision what the evidence tells him.

Conditions favorable for the formation of Italian-American crime families were present in the American ghettos:

All the social conditions and cultural imperatives which had led to the formation of Mafie in Sicily did, in fact, exist in the early ghettos. In their transplanted villages, the immigrants preserved their imported cultural models -- their strong family system with filial respect for the mother and obedience to the father, and their antagonism to police and state (Ianni, 1972: 61).

These circumstances and factors, however, were not sufficient in themselves to create a new American mafia. For one, the established networks of patrons and clients -- fundamental in mafia-type power structures -- had not had time to develop and mature. Secondly, until Mori's purge of mafiosi in Sicily not enough men had migrated

to America to re-establish the tradition of omerta and private
power.⁷ Third, the subordination of the individual to the
welfare of the family with its concomitant customs demanding loyalty and allegiance to the father -- a prerequisite for the inculcation of omerta, was not reinforced in the socialization processes of American schools and churches to which the children were exposed. But after 1920, Prohibition and the fascist attacks on Sicilian mafia welded together the immigrant kinsmen and their mafiosi brethren. Ianni's interpretation differs from the usual reconstructions in the emphasis he places on factors in the new American environment affecting the transmission and transformations of cultural impulses which serve as organizational guides for the creation of mafia-type Italian and American crime families. Militating against the recreation of mafia in America were the realities of Prohibition and the experiences this phenomenon produced -- namely, the socialization of the first generation and sons of Italian immigrants into non-Italian criminal settings.

A glance at the biographies of infamous non-Italian underworld figures show frighteningly similar social backgrounds affecting their gravitation into organized crime. The Sutherland-Cressey theory of Differential Association seems to be a particularly powerful theoretical tool explaining the movement into a criminal way of life: ghetto backgrounds, experiences of prejudice, little or no formal education, generally hostile xenophobic reactions to their presence, the slum dwellers alienation from the political process, and that peculiarly American attitude that so long as slum dwellers commit crimes against each other, crime in the

ghetto is not an American problem. This last, law enforcement indifference to the problems of minority crime, is the capstone in the process of deviant norms outweighing conformist norms.

In 1931, at the height of the Castellammarese War, Walter Lippman wrote a perceptive essay on the functions of the underworld. His analysis is especially useful as a piece of sociological thinking because it highlights the social functions provided by the underworld. For Lippman, certain socio-economic conditions actually encourage the existence of organized crime.

(the underworld) is integral to the policy which our laws have laid down, and to the assumptions upon which Americans have been taught to govern themselves. It is the creature of our laws and conventions, and it is entangled with our strongest appetites and our most cherished ideals. . . . the underworld performs a function based ultimately upon public demand (Lippman, 1931 in Ianni & Ianni, 1976: 163).

Lippman says that the underworld thrives because it solves the paradox of providing the public with the very services and goods it has legally proscribed. In addition to the other appetites to which the underworld ministers (drugs, sex, gambling and the whole panoply of forbidden commodities), it plays a part in the workings of the economic system. Racketeering has several important functions to fulfill in this regard.

First,

. . . racketeering . . . tends to develop where an industry is subject to excessively competitive conditions. Given an over-supply of labor and an industry in which no considerable amount of capital or skill is required to enter it, the conditions exist under which racketeering can flourish (Lippman, *ibid*: 165).

Lippman observes that racketeering seems to infest the small, unstable

disorganized industries suggesting that organized crime is a rather perverse effort to cope with the crises and insecurities endemic to highly competitive capitalistic economic practices. The underworld -- no matter how crude its devices -- offers a modicum of organization and stability in businesses de-stabilized by the normal operations of capitalist economies. George Vold goes a step further: "The underworld of crime and the upperworld of business and politics are . . . in many ways two sides of the same coin." (1958: 237). This statement concisely summarizes the point of view that contends that criminal syndicates are merely gross exaggerations of the free enterprise system.

Lippman's most compelling and trenchant remarks nicely elucidate the structural relationships between the upper and under worlds -- mainly that of functional interpenetration -- and are too eloquent to be paraphrased or restated.

The bootlegging trade is not the only friendly and profitable bridge between respectability and the underworld. It is indubitably true that gangs have not infrequently been employed and thus their existence encouraged by businessmen. They have been used in commercial warfare. It seems to me fairly certain that a history of gangs . . . would show that the present development of racketeering, which is essentially the levying by gangsters of ransoms upon small businessmen, is rather closely connected with payments to gangsters to break strikes and ruin commercial rivals. The relationship is more complex. The gangs do not merely prey; in some measure they also serve their victims. The business flourishes because there is a certain reciprocal profit in it (Lippman, *ibid*: 168).

In a brilliant discussion laced with rich detail, Blok adopts the substance of Lippmann's analysis. While the Camorra of Naples, like the Italian padrone in the United States, mercilessly exploited

immigrants (Nazzaro, 1970: 28), it was Sicily's historic disaster to have given birth to a "middle class" more precisely, "parasitic middle men" between the idle, decadent nobility, the absentee landlords who were the remnants of feudalism, and the urban/rural masses. The vacuum between the upper classes and the peasants was filled by the gabelloti, estate managers, men who rose from the ranks of the peasantry to whom also the nobility rented its fiefs. The gabelloti tended to be also established as the local strong men who exploited the peasantry even more than the aristocrats and who asserted their positions with displays of brutal force. Their method of solving problems and dealing with complaints was through violent means. While it might be argued that most middle classes shot their way to power or otherwise accumulated capital by dubious means, what is peculiar to Sicily is the rise to power not of a bourgeoisie as the term is commonly understood, not of economically and politically progressive groups which shocked the social order out of inertia and lethargy, but one which prospered by opposing reforms, by crippling the operation of legitimate governmental institutions and by enforcing stagnation.

The gabelloti, the mafiosi, were an enervating force in Sicilian life who battered on the peasantry and extorted money and concessions from the aristocracy. As with American gangsters who exploited and terrorized the slum dweller and did the bidding of the commercial and industrial classes, the mafiosi skillfully manipulated the callous cosmopolitan elites and drained the resources of the peasantry. In Sicily, another factor played a

role in the rise of mafia: the inability of the state to enforce its will, to monopolize the use of physical force in large areas of western Sicily. Similarly, in the United States the government could not administer much of its alcohol legislation. Bribery and corruption of law enforcement plus a public whose values did not coincide with the law weakened not only the will but the ability of the government to mobilize compliance with the law. It is only in this context that the development of American syndicate crime can be understood. Syndicate criminals are not merely local drug peddlers or illegal gamblers -- their influence reaches deep into the entrails of government. Thus we read in Blok:

Mafia was born of the tensions between the central government and local landowners on the one hand and between the latter and peasants on the other (Blok, 1974: 92).

. . . mafia issued from the tensions between local and national interests. In this way, mafiosi provided a code according to which the various groups in Sicilian society arranged themselves in conflict and accommodation. The new configuration which mafia helped create and in which it played a pivotal part by pragmatically mediating the tension-ridden relations between the antagonistic but interdependent groups, involved a *modus vivendi* between formal authorities and large estate owners, as well as patron-client relations between those who controlled the land and those who were dependent upon land for their living (Blok, *ibid*: 95-96).

And Hess has this to say:

The mafiosi must be understood as a phenomenon between the power-holder authorised to apply physical violence and the criminal (1973: 31).

The moral, social, economic and geographical conditions of Western Sicily, combined with the decisive political factor of a weak central power situated outside Sicily, thus led to the emergence and continued existence of mafioso self-help which stepped into the power vacuum and discharged functions whose performance the State had arrogated to itself since it was associated with the application of force (1973: 170).

For mafioso, serving both victimizer and victim is a special achievement; and having developed exploitative links in the worlds of the powerful and powerless seems to have produced a strange if not schizophrenic personality: the family, fictive and real, the realm of trusted associates becomes at once a man's prison and glory -- it is a mafioso's focal point, transforming his life into destiny; mafiosi are men capable of enormous cruelty and tenderness; of perverse ambition and a scrupulousness bordering on priggishness; they seem at once savage and evil, courageous and sensitive.

The ability to fill institutional gaps and provide services between separated strata in a social system fractionated by inept official policies, incompetent methods to redress grievances, and provide for the prerequisites of social order, confers power on mafiosi. They become a second government, a parallel system of authority, power and wealth, and, ultimately, the very source of the administration of power. Just as the European middle classes rose to power and government, so did the middle class of Western Sicily, which is mafia. This phenomenon of criminal middle men, power brokers lacking a legitimate authority base, seems to occur in developing social systems and in highly complex societies riddled with conflicts and tensions. Wolf notes that,

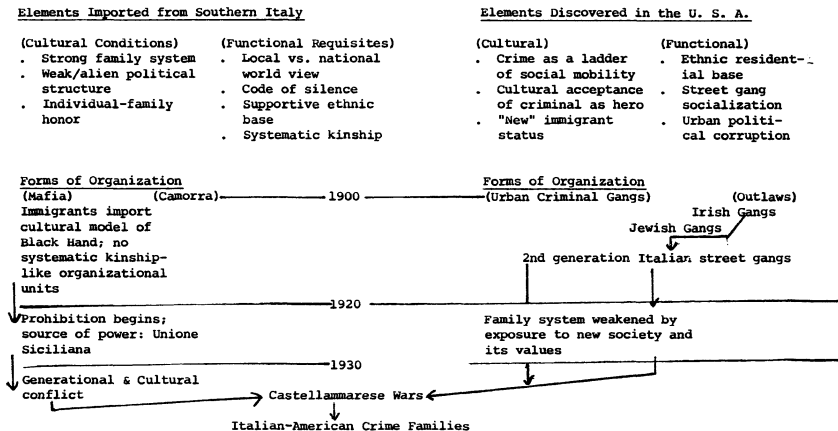
. . . there are . . . resources and organizations which it would be either too costly or too difficult to bring under direct control, and in these cases the system yields its sovereignty to competitive groups . . . Many organizations within the state generate and distribute and control power in competition with each other and with the sovereign power of the state. As examples one might cite the Teamsters Union of the United States, the Mafia or the American Medical Association (Wolf, 1966: 1-2).

As was seen above, American syndicate leaders, like their mafiosi counterparts, function as power brokers connecting different categories of people who depend on one another but who cannot establish direct effective relations. Social, economic and political brokerage has additional increments which serve to crystallize the autonomy and power of those who possess this kind of leverage. The Sicilian, Italian and European immigrant to the United States lived in worlds marked by severe social and economic dislocations, by the disappearance of local loyalties, by devastating contrasts of shameless luxury with abject poverty, and, perhaps, worst of all, by the insurmountable separation of self-indulgent elites crude in their attitudes and often brutal in the conduct of affairs, from the masses. American organized crime emerged out of the milieu of disillusionment and shattered dreams serving and exploiting the lower-classes and immigrant poor, and at the same time offering not informal but private means to government and business for the solution of problems precipitated by these disparities.

In an atmosphere of compromised authority, and in which their services have become indispensable to the public, organized criminals have insinuated themselves into all sectors of social, political and economic life. When not infiltrating businesses, syndicate

crime families have undersold them relying on the adroit use of tremendous capital resources acquired illegally through loan-sharking, extortion, hijacking and so on; unions have been either weakened or strengthened by strong-arm tactics and violence which has, in turn, either helped or hampered industries; votes are controlled; politicians neutralized by underworld financed election campaigns; and through graft and bribery some police have been perverted into supine instruments in the pay of the biggest bankroll. In short, through astute maneuvering syndicates have managed to become something of a parallel system of government and private power exercising formidable influence in the socio-economic structure of society. To a public glutted with the hypocrisies of private business and public justice, soured by political corruption and duplicity, the appeal of the underworld's philosophy -- we meet people's needs; everyone has a price; and, we don't do anything that corporations don't do -- is dangerous in a society whose brittle democratic ideology is little more than a gloss over massive concentrations of wealth and power located in a fraction of the population.

Figure 3-2: Developmental History of Italian-American Crime Families



Source: Francis Ianni, A Family Business (1972) p. 68

The present examination would be incomplete if I failed to explore in more depth patron-client relations -- a mafia structure deserving attention because its theoretical ramifications help to clarify the issues in the debate about the structure of organized crime. Above, mention was made of patron-client relationships as the bond of organized criminal interactions. As a systematic organizational property it appears to be a major component of syndicate structures in addition to mafia relationships. Alongi described it:

. . . it thus became necessary, I would almost say indispensable, to belong to a clientage from conviction or from fear, or, as they are called here, a partito. Private and public life can be understood not only as a life led within the realm of laws but invariably also as one lived within the partito. The honest man, even if he is rich but isolated, is exposed to the arrogance and chicanery of the first person who comes along while the common crook finds help in the partito and champions in the struggle against rival groups (Alongi, 1904: 135).

Albini is even more emphatic:

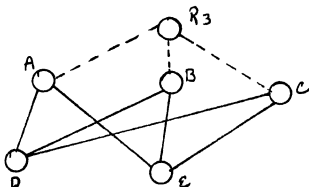
Our approach here is to describe the structure and function of syndicates as systems of power and therefore as patron-client relationships both between syndicate functionaries and legitimate society and among syndicate participants themselves (1971:264).

From this point of view, it is a small step to the conclusion that syndicate crime has no rigid formal structure; the boundaries are never explicitly defined since it makes use of whatever resources and persons necessary to reach objectives. Patronage and clientage that stabilizes over time may be misconstrued as a formal bureaucratic structure when, in fact, it is nothing but a prolonged ephemeral arrangement between or among persons in a reciprocal and,

presumably profitable, relation. For the moment, I wish to defer discussion of this matter until later chapters where evaluation of the evidence about Albin's most interesting thesis is appropriate. Partito refers to the circle of relationships -- usually dyadic -- forming the arrangement between supporters and opponents, mentors and subordinates in which mafiosi (or organized criminals) occupy a central mediating position. Two illustrations from my data will suffice for the time being to give some idea of the substance of this interactional pattern.

In my interview material reported earlier with "R3" he referred to his immediate associates for whom he works and on whom he depends for support. He seeks the aid of these others when it is necessary to dispose of loot, or find a "fence" for hijacked goods. Periodically, they provide money or arrange favorable terms with a loan shark until another score is made. Thus the patron-client relationship looks this way:

Figure 3-3: Patron-Client Relations



Key: A, B, and C: Syndicate men for whom "R3" works
 D and E: Persons with whom "R3" has no direct link
 but who provide services through the intervention
 of A, B and C

In Figure 3-3, A, B, and C provide economic services for "R3" and, as he implied, protective functions if necessary.

"R4": I came to this country in 1907 when I was 13 years old and started to work in a mill in New Orleans. Later, I worked on the docks and then we went to New York. In 1924, I started to run a grocery store, but my brother-in-law asked me to take over his bar and one of his businesses in Queens.

Int.: Why?

"R4": Well, the cops knew him and he did not want trouble. I had no record, so it would look good if I ran the business.

Int.: He didn't "give" you ownership, did he?

"R4": Oh no . . . no. I ran the business. I took a good salary but he would not give up a money-maker.

Int.: In other words, you were doing him a favor?

"R4": Yes. But I did well too. He helped me get here and he set me up.

(Interview "R4" 2/5/77)

The fluidity of the patron-client roles is illustrated here as well as their interchangeability. Reciprocal relationships are part of the fabric of criminal interaction systems in which exchange of services is a necessity since resort to legitimate authorities or bureaucracy is not possible.

If organized crime were a mere criminal conspiracy it would be easy to control and destroy. It would have been destroyed long ago. But it is more than that, as the foregoing discussion has sought to make clear. Organized crime is intertwined with all the institutions of society.

Footnotes

1

Mafia, the word and the phenomenon, has inspired a large volume of writing and has been the subject of millions of taxpayer's dollars supporting research and congressional investigations and has, as a result, taken on the sinister characteristics of a symbol of supreme evil. "Mafia," "Cosa Nostra," and "Crime Confederation" are terms referring to organized crime which have been and are currently being used interchangeably and promiscuously with the result that the literature on the subject is exceedingly involved and complicated. Among these complications several seem to stand out -- the most prominent being that between Mafia and Crime Confederation -- whether the two refer to the same phenomenon. The debate which has sprung from this distinction is more than trivial since proponents of the position of a mafia-dominated organized crime scene have transfixed not only public opinion but have been influential in shaping the government's perceptions of syndicate crime and policies towards prevention and control. In view of recent research, the mafia theorists' predominance and influence may be only a sentimental success.

The word "mafia" has an interesting etymology. It is a Sicilian word with Arabic roots. To be sure, it is right that the word should be Sicilian, for in Sicily the encounter of the people with various governmental establishments and landed elites was highly dramatic and often filled with tragedy: in 19th century Sicily, abuses of the peasantry and contadini were glaring enough to invite the most vociferous criticism and rebellious responses; at the same time, the machinery of repression was inefficient enough to permit mafiosi adequate room for maneuver. Sicily fostered a social type that has ever since been taken as the prototype organized criminal: the facile, cunning, shrewd, sociable, often articulate and compassionate, but always ruthless, man of affairs. The Sicilian mafiosi, being the most belligerent, was the purest specimen of social bandit and violent entrepreneur.

2

In, The Mobs and the Mafia (Ballantine Books, 1973), Messick and Goldblatt reproduce parts of Nicola Gentile's rambling account of his role in the beginnings of the bootleg liquor empire:

The law approving Prohibition was enacted on January 1, 1920. Before the law was put into effect I predicted that a bottle of whiskey would bring a large sum of money. I implored all my friends in Pittsburg and the surrounding communities to store the whiskey where they stored their fruit and I would pay them seventy-five cents a bottle. I established an agreement with Peppino Lonardo (of Cleveland) to arrange for the storage on large farms.

As soon as the Prohibition law was enforced . . . I found that I had hit the mark because the law of supply and demand . . . went into effect. The price of a bottle soared to \$10. According to my figures from the amount of bottles I had in storage, I estimated their value as being in the hundreds of thousands of dollars . . . (p. 43).

3

In the east, the Assassins, a secret order of an Islamic sect was formed in Persia in the 11th century. The thugs of India, a quasi-religious order was founded in the 13th century and was composed of Hindus and Moslems who specialized in the robbery of travelers. What these and other criminal societies shared in common was a secret membership and a complex structure of laws and positions of authority.

In his massive study of the Mediterranean world of the 16th century, Fernand Braudel describes the socio-political conditions in which organized brigandage and banditry thrived all through southern Europe. See, Fernand Braudel, The Mediterranean in the Age of Philip II, Volume 2, (pp. 739 - 745).

The true prototype for organized crime families may have its earliest origins in the kinship authority system of the first century Roman family -- the patria potestas which was, for all practical purposes, a state within a state. Until very late in the life of the Republic, the family bore responsibility for most individual offenses and the family head (always a male) was the prime agency of retribution for injuries suffered by any of its members. The structure of the patria potestas was a particularly useful form of organization in Sicily, a country beleaguered by centuries of invasion and colonization where distances are great, roads few, the police and courts relatively impotent, and public institutions practically non-existent. All these circumstances bred an atmosphere in which a man had to look out for himself. In such conditions a man's duty was clear; one Sicilian maxim puts it succinctly: Honore e famiglia (Honor the family; protect it; enlarge it; make it prosper).

In a lucid chronicle of the Medici statesmen who directed Florentine affairs without interruption from 1434 to 1537, Schevill clears away much of the political underbrush and describes the rise of Cosimo de Medici in terms suggestive of the climb to power of Vito Cascio-Ferro, Calogero Vizzini, Genco Russo (capomafia) or some major American syndicate criminals. Schevill's work charts the emergence of Cosimo, Lorenzo and Alessandro from a jacquerie into an oligarchy which evolved into an institution and finally became a reflex response in Tuscany -- a tradition. See Ferdinand Schevill, The Medici (Harper Torchbooks, 1949: pp. 56-85).

4

This account does not record the intrigues and organized criminality of the upper social strata mainly because that lurid history remains to be written. Suffice to say that few criminal syndicates operate without the indirect acquiescence of those nimble political and economic elites composing the ruling segments of society.

5

Castellammara del Golfo is a coastal locale near Palermo, Sicily where Salvatore Maranzano -- Masseria's rival -- had been born.

6

Several works of recent vintage by former law enforcement people close to the events surrounding the Colombo shooting and Gallo assassination suggest that the role of Carlo Gambino behind the intercince struggle has yet to be accurately portrayed. (Albert Seedman, Chief! (Fiedls Books Inc., 1974); Robert Daley, Target Blue: An Insider's View of the NYPD (Delacorte Press, 1973).

His shrewd separation of men, his ability to revive basic tensions and neatly divide them, has been a characteristic of Gambino's style of leadership. The corruption of police, politicians, judges, prosecutors and public officials -- reminiscent of the debt touches of Costello and Luciano -- had blunted law enforcement efforts to confront syndicate operations in New York City. Colombo, a protege of Gambino, who early saved the Don's life by warning him of an assassination plot hatched by another boss, Joseph Bonanno, later on in his career angered his patron Gambino with his unorthodox ventures into civil rights and personal publicity. Gambino may actually have precipitated the war which left Colombo incapacitated and Gallo dead by withdrawing his support of the former. Both parties in the Colombo-Gallo war contained coalitions made up of adversaries with close ties in each other's camps; the war was clouded by unstable treaties, treason within the ranks, moments of low morale and much blundering. See, Harvey Aronson, The Killing of Joey Gallo (Putnam's, 1973); Raymond Martin, Revolt in the Mafia (Duell, Sloan & Pearce, 1963); and Donald Goddard, Joey (Dell, 1974).

7

Mori's account of his activities, The Last Struggle With the Mafia (Putnam's, 1933), resembles that of a 16th century explorer. In chronicling his "adventures" in Sicily against mafiosi he had little if any knowledge of logical categories such as resemblances, subsumption, and replication -- all of which are second nature to the scientific mind. Hence, he never cleanly or clearly separated part from whole, reality from copy word, and rumor from fact -- all indispensable instruments of clarification, ordering and prediction. Like the sensationalist writers, proof and disproof are categories in a matrix of thinking alien to the mythopoeic mind.

With all these limitations, in his role as police prefect of Palermo and in his campaign against Sicilian mafiosi, Mori's book offers some illuminating observations on the structure and psychology of mafia which has been neglected:

Many people suppose that the Mafia is an association, in the sense of being a vast aggregate organised and incorporated on regular principles . . . The mafiosi know each other mainly through tradition and the law of omerta. There is no election of chiefs, for the chiefs arise of their own accord and impose themselves. There are no rules of admission. When a candidate has all the necessary qualifications, he is absorbed automatically (Mori, 1933: 39, 40).

8

Contemporary European studies (Blok, Hobsbawm, Hess, Lewis, and Servadio, for example) usually contain geopolitical maps of Sicily and southern Italy. Mafia cosche concentrations in various zones are typically designated by heavy black dots and markings which look like random stains on barren ground. But the work of Blok and Hess, in particular, is, above all, penetrating. All their cutting, epigrammatic edge, all their psychological finesse, is concentrated on a single task: to get behind surfaces; to strike through the mask of appearance (which mafiosi manage so well) to grasp the hidden realities.

9

To a great extent, the early street gangs -- progenitors of the highly sophisticated syndicates -- were largely composed of lower-class migrants and urban proletarians -- those, in a word, marginal to the social system. However, after the Southern European immigration peaked, participation in the underworld was once again more ethnically heterogeneous being composed of men of energy and some talent who were impatient with the struggle for success and who wanted more than the ignominious occupations available to their countrymen. Of course, not everyone debarred or excluded from meaningful social and economic opportunity by a stiff-necked establishment selected a deviant life style. Few paths were open: crime was one; sport was another; entertainment and the theatre a third.

Part Two

Chapter 4

Studying Law Enforcement Specialists

By now it has become de rigueur to prepare a statement chronicling field research experiences in the social sciences. The obligation to report on the events and problems encountered in the course of investigative activity and the influence these exert on the realization, modification and elaboration of themes and hypotheses is so intensely felt that a huge literature has been produced in response to it (Merton, 1962). Unfortunately, much of the writing is concerned solely with the ways in which scientists ought to think, feel and act and not with the ways in which scientists actually do think, feel and act in the research process.

With some notable exceptions such as Whyte (1955), Mills (1961), and Goffman (1959, 1961) some of whose most appealing and convincing discussions are actually asides to the main lines of his analyses, no systematic attempt was made to correct this deficiency in the social scientific literature until 1964 when Hammond collected a series of essays by some of the most celebrated sociologists in which each offered detailed accounts, blow-by-blow descriptions, of some of their most important research work. Recently, a whole movement has developed in Sociology variously referred to as Reflexive or Radical Sociology which insists that the process of research must be incorporated into the product of social inquiry implying, at least, that comprehension of the

methodology is a crucial component in establishing the meaningfulness of the work. While it is most desirable in the interests of replication to have the research apparatus made explicit and available for inspection, too often methodological appendices in which programmatic statements appear are little more than laudable sentiments disguised in the language of science with the result that the promise and utility of such documents is greatly diminished and, when lucid, their piquancy is principally emotional permitting the reader and apprentice-scientist merely a peek into the intellectual struggles permeating the research act. This is not to say that methodological precis and reports are valueless: helpful rules of thumb, details on the tactics and strategy of the research enterprise, and cautions against pitfalls to avoid "in the field" are abundant but the bulk of these seem so elusive, so highly personal and specific (if not eccentric) to a particular research focus that they lack -- as pedagogical and didactic devices -- sufficient generalizability to be really helpful to the beginner. Again, it was not that I simply refused to be guided and controlled by a communion of established views and academic traditions but rather that the greater part of the corpus of work in the qualitative genre was not particularly germane to my work. However, the writings of Becker, Blau, Geer, Dalton and Ianni contained important suggestions and recommendations concerning research designs, processes of data compilation, field work stratagems and so on. Most importantly, my committee neatly divided the labor of advice and direction that avoided the old-worn dichotomies -- armchair theorist versus

headcounter, Aristotelian versus Baconian, functionalist versus conflict theorist; they reiterated the main themes and identified for me the various ways in which knowledge production is a social activity involving institutionalized rules and behavior; and enabled me to achieve what clarity and simplicity (in the best sense of the word) the research contains.

What follows is an account of the emergence of the hypotheses, the major lines of argument, and the conditions under which a conceptual order was imposed on a pandemonium of information.

Primarily, this study represents a search for explanation and theory and is not merely an empirical research report. I was interested in studying a complex social reality, its impacts on the people who experienced it and who constructed it. Secondly, I wanted to develop insights that would make sense out of the actions of people located in different organizational worlds but who focused their energies on the same social phenomena: organized crime. One bias -- or theme -- underpinning the entire investigation -- one I share with Crozier and Allison¹ -- was to assume that everyone is rational, that everyone within an organization whose objectives were reporting on, or developing intelligence about, or controlling organized crime, or, finally, that those working in organizational contexts such as law enforcement specialists, no matter how incomprehensible or even irrational their behavior and points of view seemed, were in one way or another, reacting to what their situation and circumstances made available. In the course of the field work, my observations bore out this feeling that persons in large organizational hierarchies -- public

or private -- were limited by their circumstances. In addition to this, I wanted to develop dynamically-flavored concepts about the strictures and obstacles, options and opportunities, which the work of knowledge production set in motion.

After my initial formulations were developed I held discussions with organized crime specialists in the New York City² Police Department, organized crime informants (which I had carefully cultivated in conjunction with other research interests), several journalists, and some social scientists working in the area. From these resources I proceeded to refine my hypotheses and research agenda for pre-testing. Much of the information I gathered informally in the offices of the Organized Crime Control Bureau (OCCB) of the New York City Police Department and in District Attorneys' offices was in two forms: "war stories" about organized crime intelligence and operational activities, and retrospective accounts (office gossip) of persons and events in the law enforcement community. Although largely irrelevant to my concerns, I construed these conversations as indications of acceptance by those whose professional life is shrouded in secrecy and confidentiality.

Informational Sources

The devices and techniques used in developing concepts and in generating a data base for this study were:

- (1) A mail survey I designed of 44 persons out of a population contacted of 93. The sample size reflected the number of those to whom questionnaires were sent

3

who chose to return them. The survey was preceded by open-ended interviewing of persons in similar positions and performing related functions across my research group. One purpose of these pre-test interviews was to elicit from respondents typical kinds of questions they thought ought to be included in the survey. Details on core items may be found in Appendix B.

- (2) A content analysis of New York Police Department forms and procedural handbooks used in training and evaluating personnel in organized crime control work.
- (3) Group discussion recorded verbatim with New York Police Department organized crime specialists in precincts and field investigators and intelligence analysts of the Organized Crime Control Bureau. These meetings were explicitly defined as data collection sessions. Other meetings consisted of informal discussions with one or more persons in and around OCCB offices at Police Headquarters covering such topics as career aspirations, sources of frustration on the job, the realism of organizational objectives, and the skills, strengths and weaknesses of kindred organizations in other agencies. (Many of these taped discussions were reviewed by the Executive Officer of the OCCB before release to me).

- (4) Participant-observation in the field with organized crime affiliates and members. These occurred in bars, homes, apartments and social clubs. Usually my informant would provide non-incriminating life histories of individuals implicated in illegal activities. In this connection, I had opportunities to learn about the nature of the structural ties binding syndicate operatives and to observe something of their characteristic interactional styles. It was through these occasions and the anecdotal information I was able to glean from these encounters and some interesting episodes that I was able to develop valuable information, ideas, and a chance to check information obtained from other sources.
- (5) Personal participant-observation in newspaper city rooms, District Attorneys' offices, and interviews with staff. Attention was paid to, and field notes prepared of, official events and informal interactions.
- (6) An extensive set of documents. The bulk of these were both confidential and public documents including internal memos, pre-trial briefs (of cases disposed), newspaper articles, annual reports, commission studies, unpublished papers, and procedural forms used in a variety of programs and organizational activities dealing with organized crime.

- (7) Individual conversations. Apart from formal interviews, or, in the case of questionnaire respondents, letters, I tried to engage people knowledgeable about the object of my study into unstructured chats. My discussions with Mr. Ralph Salerno, an internationally recognized expert on organized crime were of particular benefit. Learning of my interests in law enforcement, methods in information assembly and verification, he raised many important questions and issues which were later incorporated into the design. Mr. Salerno's immense knowledge of organized crime and his ability to articulate it in the idiom of social science produced more than just "interviews;" it created open exchanges to the extent that he could easily be considered a co-researcher in this project.
- (8) A small group of people (journalists, social scientists, and law enforcement personnel) with whom I built close working relationships over the period of the research -- relationships which, in some instances, have taken the shape of permanent friendships and collegial relationships. Wanting to encourage scientific attention to questions about organized crime that have been neglected, these people were especially helpful. In particular, Mr. George Murray, formerly a journalist with the Hearst newspapers in Chicago, wrote many long and detailed letters concerning his broad experiences in

Chicago, Mr. Gene Batzer, formerly of the Long Island Press, discussed the dynamics of newsgathering and introduced me to organized crime experts in the Nassau County police and prosecutor's offices. My range and view of the phenomenon organized crime was considerably broadened because of these contacts. (M. Dalton called this technique, "conversational⁴ interviewing.")

Needless to say, I tended to record everything that I could that occurred in my presence. From several journalists I learned an interview technique which proved most helpful with police and prosecutors who were apprehensive about taping -- fearing unwitting disclosures of extremely confidential material. (The Chief Assistant District Attorney of Nassau County whom I interviewed on tape called me several days after our interview and asked me to delete a section of the interview in which he inadvertently revealed the exact size of the undercover task force operating out of his office). By memorizing the questions in the interview schedule (and then later, with the questions in front of me), it proved astonishingly easy to reproduce the very rhythms and colloquial styles of interviewees and to capture -- if not verbatim, at least in essence -- the substance of their replies.

My other important source of information in this study was, of course, the social scientific literature on organized crime. I constantly worked back and forth between the literature and the field permitting and encouraging each to critically inform and assess the other. In a sense, I felt like an intermediary

in a dialectical process of growth and formation whose job it was to merely properly pivot the questions and hypotheses.

Field Preparation

I spent several months reviewing the voluminous literature (treatises, monographic studies, sensational paperback biographies of famous and notorious criminals, histories of gang warfare, journalistic accounts, governmental reports, and the like) and then set about acquainting myself with the major law enforcement agencies in the United States and Western Europe whose work involved intelligence and control of organized crime. This included police departments and prosecutors offices in the twenty largest American cities, the Royal Canadian Mounted Police, the Bundeskriminalamt of the Federal Republic of Germany, Interpol, and the French Judicial system. Regrettably, knowledgeable Italian law enforcement officials, social scientists, and journalists although enthusiastic about the project could not or would not participate in the study for a variety of reasons. Perhaps they felt their contributions might fuel the obsessive prejudices against Italo-Americans and only add to the burdens of already egregiously victimized persons of Italian descent or surname, so they politely declined involvement. The FBI, Strike Force people from the Justice Department, the Internal Revenue Service, and members of various U. S. Attorneys' offices did cooperate.

My initial excursions into the law enforcement community put me in contact with police officers who contributed many interesting anecdotes and "war stories" about some of the more distinguished

ruffians of the 40's and 50's in the metropolitan New York area. Almost imperceptibly, these first contacts led to literally dozens of others: I met attorneys, detectives, crime reporters, criminologists and began experimenting and tinkering with themes, hypotheses, and instruments to be used in my research. Invitations to the office of the District Attorney of Nassau County, New York (occupied by a former Brooklyn Strike Force attorney), and the opportunity to visit the OCCB at Police Headquarters were major steps in gaining entree into the law enforcement community as well as occasions for the refinement of research themes and procedures.

Throughout this period of initiation my field observations and incidental impromptu interviews were focused on individuals and agency operations -- how they operationally defined organized crime and how offices and operations were organized and coordinated. My expectation that police and journalists shared one basically similar perspective about organized crime rather sharply (and, in some instances, bitterly) opposed to the apparently more influential models of organized crime invented by social scientists proved to be unfounded. I was also looking at the impact exerted by the social structure of the law enforcement community and how this affected patterns of conduct; the core concept I was examining was that of structural constraints. While my design was so ambitious that I could not possibly carry out all of my plans, I was able to select those items for completion that I and my committee considered most important. At the very least, my research schedule prevented me from inadvertently forgetting to obtain some information that was essential in terms of my theoretical framework.

Entry and Orientation

Studying and interviewing a group of private citizens can be conducted without official permission from anybody, but a field study of police agencies cannot be executed without the explicit approval of management. This poses special problems. Letters were submitted to law enforcement agency heads stressing my research objectives, study proposals and data collection techniques. Once approval was ascertained, I began visiting the offices of the OCCB, and District Attorneys in and around the New York metropolitan area. OCCB personnel knew, of course, that the Bureau Chief and Commanding Officer had given permission to conduct the study and this created another problem. As many anthropological and sociological field studies attest, the observer cannot easily escape identification with the leadership or management strata, since the assumption -- which is not unreasonable -- is that management must have a distinct interest in the study. Suspicions of this kind compound the problem posed by the presence of the observer since people become self-conscious and somewhat resistant when somebody unfamiliar pokes around and invades their territory even if he tries to do so unobtrusively.

In my first meeting with the Commanding Officer of the OCCB, he and his executive interviewed me. I was exhaustively questioned about my research goals and techniques; advised about the bureau's needs for confidentiality and secrecy and then, having been sufficiently indoctrinated and apparently passed on, introduced to key personnel in the office. Having made the rounds of the office, the Commanding Officer asked me to submit my questions in writing

and invited me back whenever I wished. Several weeks later, the executive officer urged me to meet with the Bureau's Special Projects officer (whom I later interviewed) and review responses to my written questions which I had submitted earlier upon request of the C. O. At this meeting (which was cordial) I obtained a copy of a rules and regulation manual and was granted permission to interview any agency member who consented. Thereafter, in subsequent visits which lasted from two to eight hours, I further explored the operations of the Bureau; abstracted information from some records; learned agency procedures in intelligence evaluation and field investigations; was instructed in the use of surveillance equipment; and continued interviewing bureau members.

The basic knowledge I acquired of police practices and later of prosecutorial procedures in District Attorneys' offices enabled me to translate my general research techniques into specific operational terms and to clarify the content and form of my questions. I cannot emphasize too strongly the values and utility of these preliminary field excursions: I learned technical matters involved in police investigation and criminal law procedure which facilitated the establishment of rapport with others in police work or in kindred occupations such as crime reporter and scientific investigator.

It hardly needs to be pointed out that the field situation is ripe with serendipity. Prior to field work and interviewing, I wrote many pages of notes filled with theoretical possibilities and hypotheses later to be discarded as a result of exposure to

real situations and events which can only be encountered in the field. It would be tedious to describe all the ideas which were derived from the literature and dropped as less than feasible in the post-field period. Suffice to say that the bulk of the concepts developed for testing in the pre-field period of the research were either abandoned or greatly modified as a consequence of the field work and interviewing experience.

Consultation and Contact

One of the major propositions to be examined in my study was that informal relations were pervasive throughout the law enforcement and journalistic communities. Repeatedly references in newspapers to "law enforcement sources," and, "highly placed police officials," led to the belief that organized crime reporters -- aside from their sources within the underworld -- had developed, surreptitiously or openly, extensive lines of communication deeply penetrating some of the highest echelons of the police and District Attorneys offices. But this fact, if true, would merely attest to the ingenuity of the journalist: I did not believe that law enforcement officials were entirely opposed to the idea: the press must have access and, more importantly, a sympathetic press favorably disposed towards the police and prosecutors could only enhance reputations and engender a healthy political environment for ambitious young prosecutors.

I specified the hypothesis that officials and journalists whose informal contacts were frequent -- those, for instance, who met together socially -- tend to exchange all sorts of information.

Actually, the exchanges which at first I could only glimpse turned out to be merely a fractional component of what I was to discover. I had in mind simple requests for information and did not nor could not anticipate the extent of the prevailing practices of informational exchange and consultation. Ironically, during interviews with OCCB personnel, many complained that their own intelligence division often balked or responded reluctantly to requests for information. As one officer put it, "It's easier to talk to the Royal Canadian Mounted Police than it is to people in intelligence!" (Field Notes)

Interviewing

Since the persons participating in the study possess the characteristics of elite members of their respective organizations and professions, I present here a fairly detailed account of how the interviews were obtained.

The first phase of contacting my respondents involved the tedious job of locating them. Fortunately, my respondents don't comprise a scattered group; they tend to cluster in certain governmental agencies, newspapers and universities.

Among law enforcement officials, of the 65 persons and agencies contacted regarding an interview or completion of a mailed questionnaire, 31 were not interviewed or could not fill out a questionnaire for the following reasons:

No reply to letters requesting interview	<u>10</u>
Too busy	<u>4</u>
Participation in the study constituted a viola- tion of organiza- tional policy	<u>17</u>

A typical letter of refusal read:

We regret we are unable to comply with your request. It is the policy of the Los Angeles Police Department to provide information regarding its data-gathering or investigative techniques only to other law enforcement agencies. Please be assured your interest in writing this Department is sincerely appreciated.

The head of the Denver Police Department's Intelligence Bureau was especially eloquent in his deft refusal. His "epistle" in part read:

I am in receipt of your recent letter of request in which you proposed certain salient and germane questions encompassing the multifarious ramifications of "organized crime" and law enforcement efforts at stifling it.

While I found your doctoral interrogatives most interesting and persuasive, I regret to advise you that departmental policy precludes responding to a questionnaire of this nature unless it is propounded by a bona fide law enforcement agency.

Accordingly, I must perforce refuse your request and I am therefore returning your questions unanswered.

Of 33 journalists contacted:

No reply to letters requesting interview	<u>13</u>
Too busy	<u>1</u>
Participation in the study would jeopardize sources	<u>1</u>

Three of the journalists not replying to my letters never, as a matter of principle, participated in research studies as I later discovered. A Washington-based reporter who wanted me to interview him did not think he could be of much help because, "Names of informants, sourcing methods, etc. must be closely held."

Thirty-two social scientists were contacted, twenty-seven of whom participated in the study. Four did not reply at all, and one who initially agreed to some involvement shortly thereafter was appointed Chief Counsel of the House of Representatives Committee on Assassinations and could not devote the time participation would require.

Despite some minor logistical problems in arranging times for interviews, those contacted and agreeable tended to consent promptly. On the average, only a week to ten days elapsed between the time of receipt of the first letter and the date of reply. When no answer to my first letter was received within a month, a second letter was sent. The average time between the date of receipt of the second letter and apologetic responses was about a week. Regarding specific dates and times for interviews, I experienced more difficulties with journalists. Apparently, the nature of their work -- coverage of breaking news stories -- makes

scheduling appointments and keeping them very difficult. One journalist explained:

The best place to interview me would be at the News, preferably between 11:00 a. m. and 1:00 p. m., as things begin heating up later in the day. My schedule is always subject to instant change . . . If convenient, I suggest that you come in on a Saturday or Sunday as this is usually the quietest period.

Contact Procedures

My first letters to all potential participants consisted of lengthy explanations concerning the nature of the study. It was clear from the short and terse replies that those contacted did not indulge in long and detailed correspondence. Typical examples are these replies:

Send on the questions. If they require more time than I'm able to spare, I'll tell you. Please don't expect me to write long essays.

And,

I have your note of January 26 (1977). I'm in the middle of a novel now, or more precisely, in the home stretch.

In a few weeks, at the end of February, please call me at the number above, and we can make a date to talk.

From a social scientist:

I agree that the survey method leaves much to be desired in your type of study but since time is of the essence, I would be happy to complete a questionnaire. I trust that it will be kept reasonable in length and that the questions will be of a general nature.

An internationally-known social scientific expert on organized

crime sent this brisk note:

Good to hear from you again. Give me a call about the middle of September and we'll arrange to get together.

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Initial request letters⁶ contained descriptions of the research themes, the university sponsoring the investigation, and a statement about the need for research on procedures for producing and verifying knowledge about organized crime -- research which had never been conducted in this area.

Most of those contacted replied to my first letter suggesting either that I call them for an appointment or that I send along my questionnaires. The replies that indicated a willingness⁷ to cooperate were, for the most part, simple acceptances, but the factors affecting receptivity of the idea of an investigation in the area of organized crime going beyond a review of the literature cannot be overlooked. The principal factors influencing a positive response to interview requests presumably were the pertinence of the articulated line of analysis briefly outlined in the letter; affiliations with City University, and the legitimacy such an institutional connection bestows upon the research. At some point during interviews or in responses to my letters detailing the features of the survey schedules, many respondents made evident the importance of each of these elements in deciding to participate.

With so varied a research population (consisting of subsamples of law enforcement personnel, journalists, and social scientists), the preparations preceding interviews were intensive, detailed and arduous. Preparatory steps included the following:

(1) I obtained as much information as possible about interviewees-respondents from newspaper sources, references in reports and by making discreet inquiries through an expanding contact network.

The patterns of interaction and communication in the contact network listed below are not formalized. To the best of my knowledge, realtionships are loose, causal and based upon self-interests: participants derive information, publicity and some other sorts of satisfactions from involvement in it. The graphic representation of the network makes it appear to be composed of discreet, dyadic relationships. However, the dotted lines indicate that persons are at least knowledgeable of each other's activities even though they may not have had opportunities to professionally consult with each other. Most of the contacts I made were precipitated by questions in the interviews or in correspondence. Interviewees and respondents would refer me to someone else whom they thought likely to answer questions which they could not handle satisfactorily.

Key: l -- Law enforcement
 j -- Journalist
 s -- Social Scientist
 p -- Private citizen

Figure 4-1: Research Contact Networks

Contact Network

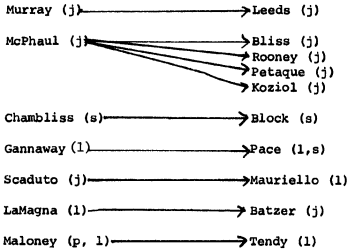
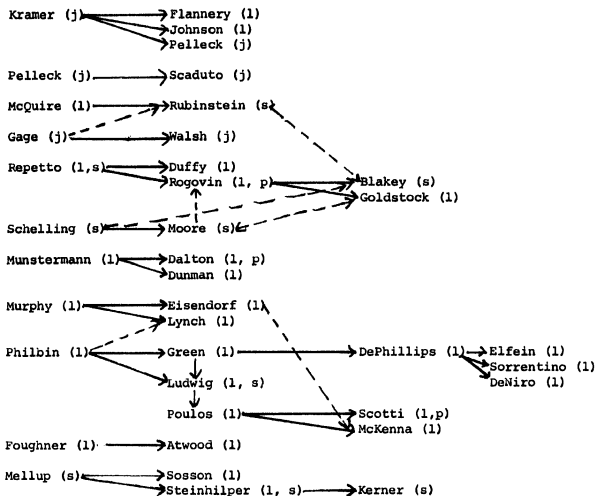


Figure 4-1: Research Contact Networks (continued)

Contact Network

The contact network functioned as a "gating system" either permitting or precluding entry into specific informational areas.

(2) By piecing together biographical data and reading anything my subjects had written, I was able to develop supplementary questions on their particular interests, achievements and careers which augmented the more general and impersonal interview schedule questions. With social scientists and journalists the task of acquainting myself with their work was tedious but relatively easy in comparison with law enforcement people who -- when they published at all -- tended to do so in obscure journals not pitched to lay audiences. (3) Preliminary bibliographies were then constructed for each respondent; (4) Finally, a summary and precis of each respondent's contributions and work was set up for the interview itself and questions based on it were interjected at appropriate places during the interview. With mail-respondents, an appendix of questions was attached to the questionnaires, usually containing open-ended narrative-type questions, concerning both specific and general queries about their work.

The interview process and rate of response from the mail survey was greatly facilitated by the preparatory work. The principal benefits appear to be that detailed knowledge of a respondent's work and contributions testified to the seriousness of the project which helped to legitimize the time demands made on very busy people.⁸ In addition, questions based on preparatory materials not essential to the hypotheses brought forth responses that would not have been otherwise elicited -- especially if I limited myself to the schedule. Prosecutors, police, reporters and research scientists immersed in their work are understandably disinclined to devote time and energy to topics they consider

trivial and questions about their work which are hazy or too speculative. Their commitment to the efficient use of time was often exhibited (sometimes brutally) through informational tests to which I was continually subjected in order -- presumably -- to ascertain my competence and commitment. My performance in these little quizzes clearly affected respondent willingness to continue as well as the quality and detail of response.

Just as they incessantly evaluate colleagues' work, my subjects continuously assessed both my knowledge of organized crime and my skills as an interviewer. An obvious indicator was the number of indirect statements made about the interview and interviewer. Usually, these consisted of simple off-handedly innocent interjections unrelated to prior remarks or not especially relevant comments on questions under discussion. Sometimes though, a respondent came right to the point; a former IRS agent wrote:

Reference is made to your letter of February 18. I would be happy to cooperate in your survey. However, you may not want to send me your questionnaire after reading the following. In my opinion your language (in the survey instruments as outlined in the letter) was accurate but inappropriate. It may have a place in a classroom but not when you are trying to communicate with experienced law enforcement officers.

A former organizer of the Texas Crime Commission:

I am returning the questionnaire with my views. You certainly asked a great number of excellent questions . . .

I hope I haven't been too hard on the sociologists.

From a Chicago journalist and biographer of a leading syndicate organizer:

Paradigms and methodology alarm this simple soul but if I can help I'm willing to try.

Often, in responses to questions an evaluation intruded itself into an interchange:

Interviewer: After you left Hogan's office (former Manhattan District Attorney), did you continue to set taps on "The Blade" (a syndicate figure in the Genovese Crime Family)?

Respondent: Yes; as a matter of fact I did until the investigation ended . . .
You know your history.

Appraisals were generated by questions -- apparently unanticipated by some and even startlingly to others -- pieced together from disparate bits of information. An example comes from an interview with the Chief Assistant U. S. Attorney for the Southern District of New York:

Interviewer: How did you manage to get the narcotics prosecution of the Cotroni family (a Montreal syndicate linked with the Bonanno family of N. Y.) and Galente (a syndicate boss) shifted to New York and out of the hands of the RCMP (Royal Canadian Mounted Police)?

Respondent: Well . . . not many people know that we were really after Joe (Joe Bonanno, a syndicate boss) . . . That's interesting. No one ever asked me about that, even his (Galente) attorneys.

Apparently, for some interviewees-respondents interviewer testing was designed to determine the extent of my knowledge.
For example:

Respondent: Have you ever heard of Frank Lucas (a prominent Black syndicate figure)?

Interviewer: Yes, of course.

Respondent: Good . . . Not many "social scientists" I've come across think there are any organized crime people but Italians.

And,

Respondent: How come you called me about this (an interview)?

Interviewer: I was told you're the expert on the Hip Sing/On Leong Tong struggles.

Respondent: I know something about it . . . sure, but most sociologists deal with the Mafia although the Dragons (A Chinatown gang of extortionists) are probably as dangerous as any group in the city. Fine . . . I'll talk to you.

Turning the tables, interviewing the interviewer, was not an uncommon experience and may be understood as an attempt to determine the appropriate level of response to questions. Secondly, but no less significantly, interrogating the interviewer served to reinforce the respondent's sense that the researcher was more than superficially informed about many aspects of organized crime. Regarding organized crime abroad, a surprised respondent appreciatively inquired:

Respondent: Are "families" operating extensively in Holland and Western Germany?

Interviewer: It seems so. According to people in the Bundeskriminalamt (German Office of Criminal Investigations) and the office of the Procureur-General of Metz, France, Western European countries have problems similar to those you confront here in the United States.

Respondent: Could I see your sources (of information)?

Interviewer: OK. I'll send you translations and citations along with the names and locations of my contacts.

Respondent: Great. I could use that information.

Another variation on role reversals in the interview situation concerned the intent of the questions asked. One instructive dialogue meandered this way:

Interviewer: Whether there is in fact a nationally-centralized Cosa Nostra or not seems to be a hotly debated issue nowadays . . .

Respondent: What do you mean?

Interviewer: Several writers, mainly social scientists, have raised serious questions about the structure of organized crime in the U. S. A. as to whether it is dominated by a Council or Commission of crime family leaders who create policy and resolve disputes. They (the scientists) seem to think that organized crime is more loosely structured and that the law enforcement view is incorrect in many ways as well as being oversimplified.

Respondent: (Defensively) But what about Apalachin (an alleged meeting of underworld leaders in 1957 in Apalachin, N. Y.)? They're (the scientists) not out there day in and day out dealing with these "wise guys" (organized crime figures). Phone calls are made from one end of the country to the other and multi-million dollar drug deals are negotiated as quickly and as efficiently as IBM or GE does business. If that's not a tight organization then I don't know what is! Do you?

Interviewer: Agreed. But the thrust and gravamen of their argument is that some aspects of organized illegal activities do, indeed, require nation-wide cooperation but from this fact law enforcement unjustifiably adduces a national conspiracy and generalizes that all local syndicate operations are subject to the control of a nationally-organized council of syndicate representatives. There is some evidence indicating that local syndicates function with a great degree of autonomy only voluntarily and occasionally linking up with other groups when it is in their interests.

Respondent: I see. First of all, you're confusing "syndicates" with organized crime; these are often separate groups (syndicates) sometimes connected with crime families and sometimes not. Perhaps that's the problem: you social scientists don't distinguish crime families and syndicates and when you see the operations of syndicates (from police files) you think it's really a case of a crime family operation. You're quite mistaken if that's your view. I do agree, however, that to some extent as yet undetermined organized crime operations are not as closely organized as a corporation but the fact remains that cooperation and centralization are increasing.

Two other types of testing endangered the interviewing itself or were geared to terminate the interview as quickly as possible. The head of the Department of Justice's Brooklyn Strike Force told me, confidentially, how he intended to use his office during his tenure. In the course of our discussion, he revealed the details of a Washington meeting of Strike Force chiefs in which it was decided that all the Strike Forces would concentrate their efforts on three priorities. The sensitivity of the disclosure which cannot be used as a research datum threatened the purpose of the interview. Finally, the head of the organized crime section of the FBI's New York Field Office caused a great deal of consternation and anxiety: initially he consented enthusiastically to an interview. Later, he indicated that he could not answer questions (some of which appeared answered in publications widely circulated here and in Europe) because they might ruin ongoing investigations. With some irritation and mutual antagonism the colloquy slowly degenerated and increasing resistance became obvious:

Respondent: You can't do this research because the people (criminals and police) who know won't tell, and those who tell don't know. I really don't think you can study law enforcement methods because you're an outsider and can't get clearances without bona fides, a "right" and "need" to know.

Interviewer: As you know, we all labor under misapprehensions and disadvantages. Others (social scientists named) seem to have either penetrated crime families or gotten cooperation from the FBI? I thought I made it clear in my letter and conversations with you that I'm interested only in techniques and not in names. You even agreed with me that exposure of methods would not necessarily impair their utility since they seem to be fairly widely known in some places already.

Respondent: You can do what you want outside of law enforcement. If it's any consolation, we don't even brief locals (police/prosecutors) unless we're absolutely certain that they can be trusted.

Interviewer: In other words, you don't trust me with confidential information?

Respondent: That's not it at all! I can't trust you . . . you're not a police official and what you are doing is open to public inspection. Sorry.

Not only was I discouraged and feeling betrayed by the rebuff of the FBI but saw the entire project which was at that point in its incipient stages collapsing.

As noted elsewhere, strict adherence to the interview guide was often inappropriate or impractical. Answers to questions by respondents tended to be elaborate and, as often as not, the guide interfered with rapport. Members of my subsample possess elite status in their respective occupations and are thus accustomed to being treated as individuals and are not receptive to perfunctory treatment as just other interviewees. They resented,

understandably, being pigeon-holed and encased in the straitjacket of standardized questions and replies. Wherever possible, I tailored questions to the particular biographical backgrounds and achievements of respondents but at the same time sought to retain the formal structure of the interview schedule even though the actual wording of questions was sometimes molded to the interests of respondents. My field notes regarding this issue are instructive:

I reminded each interviewee at the beginning of our talk of the main subject of the interview and the ground I wanted to cover. Then I began with some low-key questions. Occasionally, when an interviewee got off the track, I rephrased and repeated the question.

I plotted my questions in advance and tried to weave basically extraneous materials (for instance, the writings of the interviewee not germane to my research) into the major questions. (Field Notes, 3/16/77).

Likewise, attempts to make interviews strictly comparable by the use of fixed questions had to be more or less abandoned since it was unrealizable. It seemed more sensible to focus on issues relevant to particular respondents -- especially when the limited time allocated by respondents did not allow for intensive probing on all issues. In short, my research procedure consisted of two parts: the first, dealing with detailed and concrete information based on the respondent's work and professional contributions, and the second, comprised of relatively standard sets of questions covering areas delineated in my schedules (vide, Appendix B).

With few exceptions, all interviews were tape-recorded.¹⁰

The advantages of recording are obvious: it provides exact

transcriptions of what was said. Moreover, with my sample, the usual liabilities of recording were less apt to affect the taped interview because most of my respondents were familiar with tape machines and frequently used tapes in their own work.

Again, my field notes contain some baleful warnings about the interviews -- especially the taped sessions. The least of my worries concerned interviewee "freeze ups" when confronted with a tape recorder as most were quite familiar with their operation. For politically ambitious prosecutors, a taped session could be used by them as an opportunity to proselytize their own accomplishments at my expense. Not having the slightest inclination to promote the careers of respondents, I tried to weed out the chaff. The issue of interviewee self-aggrandizement was noted:

After several interviews it's clear that I am the victim of the professional "fronts" attorney-respondents are creating. In Goffmanian language, the interviews consist of my recording the formulation of the factual elements of attorney's verbal displays -- i.e. their professional line of argument and justification which explains the employment of some legal ploys and strategies rather than others. How highly verbalized fronts vary with different audiences -- the public, the customer-client, the court, etc. -- can be determined but only with much difficulty since time is important. Despite the affable style and willingness to participate, interviewees could be either astutely dissembling or disseminating a line favorable to their interests with which, unfortunately, the public and researcher have insurmountable problems checking against facts. (Field Notes, 10/23/76).

Tape recording was beneficial to both interviewer and interviewees: my full attention was focused on what was being said and interviewees talked easily in their normal cadence without stopping
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to allow me to transcribe notes.

Foreign Informational Sources on Organized Crime: Functions and Uses

During the preliminary phase of the study, I gathered as much information on organized crime outside territorial United States as I could. Leaving aside its value for comparative analysis, it enhanced my image as a serious student to display some knowledge of it in the interviews. Structuring my discussions with references to Western Europe and Asia invariably generated interest and lent an international flavor to the research. Coupled with the literature review it was necessary to undertake in advance of the field work, the systematic study of foreign data on organized crime enabled me to acquire some familiarity with the technical language of national and international law pertinent to organized crime. And when interviewees realized that I was not totally ignorant of technical legal terminology, they tended to answer questions in less patronizing tones and employed vocabulary more closely approximating their usual ones. My use of legal technical argot was intended not so much to convey a sense of expertise (nor was it perceived as such), but to make respondents feel that they were not talking to an alien and neophyte.

Conflicts

Among journalists (and notably less so among social scientists and law enforcement officials) some questions were clearly threatening -- those, ostensibly, that reminded them either of distressing events in their professional careers or those which made allusions to competitors working for other newspapers. When asked for an opinion on the collective effort of eighteen or so nationally-known

investigative journalists working to bring action in the Don
 12
 Bolles case in Arizona, a well-known reporter and expert on
 organized crime commented acidly that the Bolles project was a
 "circus":

Respondent: Nothing valuable will come of it.
 I was asked to get involved and refused.
 They'll be tripping over each other
 down there; anyone who knows anything
 will clam up.

Interviewer: Aside from the egos involved, don't you
 think that with more hands available,
 more ground can be covered, and more
 resources put into it? If nothing else,
 the influence of dozens of participating
 papers throughout the nation must have
 some impact on the Bolles Affair?

Respondent: Maybe. Maybe. I work alone; keep a low
 profile; quietly make contacts and pursue
 leads without unnecessarily arousing
 attention or making informants uptight.
 You'll see that they won't come up with
 anything that's not already known.

There were several occasions in the research when journalists
 made it clear that they would not answer a question. Many feared
 that they would jeopardize "sources" including police and under-
 world informants. Others, when they understood that I was inter-
 viewing some of their colleagues, expressed interest in their views
 and in some instances managed nasty or favorable remarks. Tension
 filled some of the sessions. In October, 1976, Carlo Gambino,
 the alleged "boss of bosses" of organized crime died and a flood
 of articles about him appeared in all the New York papers. In
 interviews with journalists conducted after Gambino's death, sev-
 eral could barely restrain themselves from commenting (often
 vituperatively) on their colleagues' views even though I did not

solicit opinions and judgments; these were offered gratuitously:

G's got one Fed (Federal Government agent) informer and a couple of marginal "wise guys" . . . With these "sources" he spins scenarios and embellishes so imaginatively that his articles are really fiction belonging in the drama section.

Another journalist observed about his colleagues that:

Some of these guys hang around police headquarters and take press hand-outs and never do their own investigation or cultivate sources to check the reliability of the releases.

I never rely on the police; I just don't trust their motives. I wrote a book about Gambino and never talked to anyone on either side of the law close to him.

Interviewer: Are police reports so unreliable?

Respondent: I'm not saying that they're absolutely worthless. But you can't rely on them alone. The police often have good strategic and tactical reasons -- from their point of view -- to bend the facts, if you know what I'm getting at, and I won't be part of their game.

Interviewer: What do you mean by "bend the facts"?

Respondent: Well, the police obviously don't want organized crime people to know what they know or what plans have been developed to stop the wise guys. Remember, the police are in the business of law enforcement not reporting. So, very often the police will conveniently leave out important information or provide misleading information which is then printed by some "journalists" as fact! Fine. The police have their job and I have mine.

A Pulitzer Prize winner:

I am not interested in who's the new boss of this "family" or that, or who got "hit" in the Bronx . . . Some reporters spend all their time on these blood-curdling war stories which is sheer nonsense. It is much more interesting and important to examine the conditions underlying corruption, infiltration into legitimate businesses, and the circumstances likely to encourage corrupt conditions in law enforcement, and the discrepancies between the laws on one hand, and public values on the other which breeds organized crime.

Interviewer: That sounds like sociology.

Respondent: So be it.

The bristling competitive spirit among journalists is probably related and heightened by their situation in which readership response and reaction plays an often decisive role in assignments and jobs as compared with law enforcement officials and social scientists. Prizes are awarded yearly to journalists by the Police, PBA and newspaper associations for excellence in reportage.

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Comments and observations by respondents indicated that they perceived me from at least three distinctive perspectives. For some, I was an expert in my field (criminology, sociology); others saw me as someone with more than a layman's knowledge of organized crime from a law enforcement-journalistic point of view -- but a layman nonetheless. Still others, particularly social scientists, saw me as a person doing a dissertation with some interesting hypotheses and propositions.

All study participants learned that I had seen or would eventually be interviewing their colleagues. Many, of course, knew each other. "What did A tell you about his investigative procedures," was a typical question which made the protection of

respondent anonymity difficult. Participants were curious about what others said and, as observed elsewhere, were often helpful in suggesting additional contacts and sources. A journalist suggested:

Respondent: Do you know F? You should talk to him and J; they're over in building X.

Interviewer: May I say you suggested that I contact them?

Respondent: Sure. Use my name. And if you need more, call me.

Interviews and, to a lesser degree, mail-telephone communications are social situations in which both parties develop sets of images of one another and use these as guides to behavior. In the context of the interview, however, there is no mutually equitable exchange of social and technical information; the respondent-interviewee is asked to give more information about himself and his professional activities and has fewer cues to employ in determining the content and style of his interactional performances. Many participants openly (and others no doubt tacitly) attempted to "size me up" by locating me socially and professionally and by inventing small tests to measure my seriousness and competence.

In general, it can be said that the majority of study participants replied freely to questions often amending them or qualifying replies with detailed references to conditions constraining their professional actions. And as a group, none seemed comfortable with loose generalizations but preferred instead to rely upon experience. The fact that I was a graduate student did not result in invidious treatment nor did that fact, as far as I can determine, weaken the seriousness of the project in the minds

of participants. Indeed, many sought appraisals of their interview performances. Typical remarks at the end of a session went this way:

How did I do? I hope I've answered your questions. If you want more information, just call me. I'd be interested in seeing your report.

The field work was greatly facilitated by the fact that most members of my sample were located in the upper strata of their professions or enjoyed considerable prestige among peers. They were, in general, accustomed to public exposure and quite familiar with the mechanics of interviewing -- that being an integral component of their own work.

From a perspective other than that of organized crime, the research may be viewed as an examination of the investigative professions. In the field work and interviews, I was able to vaguely specify the underlying paradigms common to police and prosecutors working on organized crime. What appears to be commonly shared is the assumption that conflicts of interests, values, and ideas pervade social and professional life. In terms of the investigative paradigm it is taken for granted that most people have reason to hide or conceal much of what they do, to lie, to dissemble, and to act evasively.

I have used the term "elite" to characterize study participants for two reasons: first, they tended to occupy high-ranking positions in their professional fields and, secondly, because they were accorded considerable prestige and enjoyed high esteem among peers and colleagues as measured objectively by references to their contributions and the

frequency with which their work, their office, and their publications were cited.

Sociologically, the majority of study participants experienced, one way or another, the positive and beneficial effects of accumulative advantage -- the Mathew Effect -- which refers to the process by which those who have done good work and earned the esteem of their colleagues get more recognition for new work and get it faster than they would were it not for their previously achieved status. Growing recognition tends to bring better opportunities for more effective work and a chance to tune into the social networks through which reputations are manufactured and transmitted.

Logistical Problems in the Field Work and Interviewing

14

Denitch raises an important question about research among elite groups which I believe has special relevance to this study. I quote him at length because he succinctly summarizes a number of critically important issues pertinent to the success of any research effort involving highly ranked social actors.

In recent years an increasing interest has developed in the use of interviews and survey methods to study elite groups, although experience in this regard is far too rarely systematized and preserved. This is unfortunate, since how one gets to interview an elite tells us a great deal about the elite and its society. Insights may be gained, for instance, about the relative status of social scientists in the society, the rules of the game necessary to get past gatekeepers, and the attitudes of elites toward social science in general and survey research in particular (Denitch, 1973; 3; *Emphasis in the original*).

In this section, I want to take up some matters concerning what Denitch calls, "the rules of the game necessary to get past the

gatekeepers," and, "how one gets to interview an elite . . ."

As indicated above, gaining access to members of the sample of the research population varied: the most difficult to reach were prosecutors who were either in the midst of investigations or in court. Usually, several phone calls after letters were sent to potential participants were required to set up an interview. Some law enforcement officials wanted to review my questions in advance in which case I accommodated them as I used the schedule in mail surveys so that nothing submitted in advance of an interview would seriously affect replies. Obliging respondents with pre-interview questions and copies of the schedule seemed one way of gaining entre.

Legitimizing the study in the eyes of participants became increasingly less problematic as the contact network expanded: at the conclusion of each interview I made a point of asking each subject if I might use their name in making other contacts or in arranging meetings. This helped enormously in breaking through the resistances of harassed and busy respondents. As a psychological tactic, however, it was not always successful. Several prominent law enforcement officials whom I contacted (a former Attorney-General of the U. S.; the head of the President's 1967 Task Force on Organized Crime; and a former District Attorney of Brooklyn who broke open the notorious "Murder, Inc." gang of the forties) declined involvement. The former Attorney-General never answered my letters; the Task Force convener felt that he had been away from organized crime work too long to be of much help in the data collection phase of the study but agreed to review the

results of my analysis; and the former D. A. thought his book (Murder, Inc.) said it all so that an interview was unnecessary.

By far, the most difficult group to either interview or from whom to obtain confirmations about questionnaire completion was the law enforcement sample. Many indicated that all sorts of official clearances were necessary, that requests had to go through channels, or that persons higher up in the authority echelon would have to approve the contents before any affirmations could be given. Often, too, because of limited manpower or because of the sensitivity of the questions law enforcement replies were perfunctory or pedantic -- a simple "yes" or "no" inserted neatly in spaces designed to encourage a more narrative reply. Journalists and social scientists, on the other hand, did not hesitate to raise questions even about the logic of questions, wording or topics and issues not adequately covered. My suspicion is that unlike law enforcement people, journalists and social scientists are less constrained by organizational commitments and legal restraints governing the dissemination of information. Furthermore, the cautions exercised by police and prosecutors are inextricably linked to the purposes for which they collect information: data is compiled and assembled by police and prosecutors mainly for litigation purposes and thus cannot be freely distributed or discursively manipulated in public communication channels.

Study Duration

The work on the project began in August, 1976. Over one hundred letters were sent to potential respondents throughout the United States

and Europe. High turn-over rates in police and prosecutorial agencies negatively affected the time between initial contact and the interview. Unfortunately, a developing "family war" demanded the time and energy of many journalists and many of the social scientists whom I corresponded with were away from their universities during the summer and early fall. I had, therefore, to get interviews when I could get them -- that is to say, when it was convenient for my respondents. This meant evenings, weekends, crowded squad rooms, busy city rooms of newspapers, bars, restaurants, and private homes as the space-time matrix in which the work was conducted.

Although it is ordinarily more economical to collect data through such efficient instruments as questionnaires which yield a great deal of quantifiable information, I found it equally important and necessary to complement the quantitative methods I employed with a variety of qualitative techniques to insure a rich and broadly representative set of data.

Footnotes

1

Michel Crozier, The Bureaucratic Phenomenon (Univ. of Chicago Press, 1964) p. 150; Graham Allison, Essence of Decision (Little Brown, 1971).

2

When contacted about an interview, a well-known prosecutor in the Manhattan District Attorney's office wrote back that the research tasks as outlined in my letter were in his opinion impossible to approximate much less realize. Nevertheless, he not only completed a questionnaire but offered many trenchant comments on its design and deficiencies.

During my second visit to the offices of the OCCB a detective wandered over and asked if I was "on the job" (police parlance meaning if I was a policeman,) and if so with what unit I worked. After a brief exchange in which he learned that I was a researcher (as I had displayed genuine ignorance of complex official regulations and operations), he proceeded to discuss his activities in great depth and at great length. Subsequent visits were productive: the staff had apparently decided that I was harmless enough and not only began to regard me as a tolerable outsider who occasionally was a nuisance, but as someone who was not part of the management hierarchy or worse, a member of the dreaded Internal Affairs Division of the NYPD. After I had become something of a familiar fixture and appeared somewhat sensitive and sympathetic to their problems, several persons solicited my help in matters dealing with non-job connected concerns. This developing cordiality led me to suspect that perhaps I was being conditioned to act like a trained seal. As my subjects became intimates to the point where we were on a first-name basis and socialized after work, I had to consider the potential shortcomings of my information-gathering techniques. I was determined to stick to my structured interview formats as these provided some modicum of standardization. In varying degrees, as Nett and Sjöberg (1968) point out, a uniform schedule of questions controls what each interviewer says and what each respondent hears thereby greatly increasing the likelihood that the measuring instrument will be reliable -- i.e. that it will yield comparable data when used with different subjects. Leaving aside the issue of the interview schedule, I had to weigh the weaknesses and advantages inherent in the research relationships I had created. Did, for instance, my presence disturb the very situation I was seeking to freeze for study? Given the pervasive secrecy of OCCB operations, had I unwittingly cultivated group fringe members and malcontents who may have presented responses distorted by bias and contaminated by discontent? Were my friendly relationships such that I unconsciously communicated the answers I wished to hear to my respondents? On the other hand, I had this to ponder: the rapport I had meticulously developed enabled me to ask disturbing questions; OCCB respondents-informants freely offered analyses of facts gleaned from others in kindred agencies. Moreover,

my intimacy with respondents represented a triumph of sorts in that the vaunted code of "omerta" (silence) reputedly the single most important organizational norm sustaining the famous cohesion of "crime families" seemed more ubiquitous and stringently enforced among syndicate protagonists -- the police. Getting inside and maintaining the insider's comfortable niche was an enormous task. Secrecy saturates the organizational climate of the OCCB and personally affects everyone; loyalty to the department and colleagues is an outstanding characteristic of police in this kind of work. With these considerations in mind and no matter how forbidding and methodologically dangerous the amiable relationships I had developed appeared to be, I decided in favor of the latter arguments and resolved to maintain an affable research image and posture if for no other reason than that it seemed the one most likely to generate the most data.

In an interview with a former nationally-known rackets prosecutor, Mr. Alfred Scotti, I found that I could not question him in any conventional sense. I strained toward detachment and tried to adhere to the agenda I had outlined for him, but Mr. Scotti chose to reminisce about his days as Rackets Bureau Chief in Manhattan under Dewey and Hogan. In retrospect, it was a rewarding experience: Mr. Scotti provided rich source materials laced with colorful anecdotes about famous prosecutions and the operations of his office. Other prosecutors were sometimes puzzled by my inside information -- thinking that I could only gain access to "official" information.

3

Several mail questionnaire respondents sent me replies which were really autobiographical narratives (McPhaul and Murray, in particular). As research documents they were invaluable. Precedents in the use of life-histories are not difficult to discover: Thomas and Znaniecki in their famous work, The Polish Peasant in Europe and America, utilized life-histories extensively. "We are safe in saying," they report, "that personal life-records, as complete as possible, constitute the perfect type of sociological material." (2nd Ed., Vol. 1, p. 832). Between 1918, when these words were written, and the 1940's, numerous sociological autobiographies and monographs employing personal documents were published; these included the well-known works of Shaw and Sutherland. Nevertheless, the growing interest in participant-observation, ethnography, and the enormous influence of quantitative research techniques such as panel studies and surveys, has led to the virtual exclusion of personal life-histories in all but a few instances. The personal document has, however, an important part in my research. I should like to briefly outline what I conceive to be their advantages. An author's own story provides a view of organizations and groups from the perspective of one who has dealt with them directly and intimately. And because the writer of a memoir has been a member of various subcultures during his lifetime, he may provide us with a description of the day-to-day segments of society about which we know very little. Furthermore, the autobiography is unique in allowing us to see the individual in the context of his whole life, from where he begins to the point at which we encounter him in his

work. Because of this, such an account can lead us to a fuller understanding of the stages and critical points in the process of development and also give us access to the social actor in relation to the history of his time and how he was influenced by the various social, economic, political and psychological currents present in his world. It permits us to glimpse the intersection of the life-history of men with the history of their society -- enabling us to better comprehend the choices, the contingencies, and options facing the individual. Finally, the life-history can contribute to our own understanding of the struggle between man and his society in that through the writer's eyes and recorded experiences we have before us something of the dynamics involved in making sense of a world that was not always congruent with what he thought it was or should have been. Coupled with other methods, it seems to me that through autobiographical materials we deepen our perceptions of the individual busy in the process of developing definitions of the world and of responding to reality constructs of groups with which he comes into contact.

4

Melville Dalton, Men Who Manage (J. Wiley, 1959), p. 280.

5

Although official records are usually rich sources of information which can be transformed by social scientists into research data, they are by no means always ideal for research purposes. The OCCB records consisted largely of technical arrest data and description material and observations recorded for specific purposes by non-social scientists who work in the framework of complex legal and administrative regulations.

6

A sample letter to a law enforcement official read as follows:

"This year I have begun the field work in my doctoral research on organized crime at the City University of New York. My study specifically focuses on an area of much needed investigation and analysis: the various ways in which law enforcement agencies, journalists specializing in crime reporting, and social scientists, generate and produce knowledge about syndicate crime.

Thanks to the work of law enforcement professionals like yourself, a great deal of information and intelligence has been accumulated about criminal syndicate structure -- so much, in fact, that I think it is no exaggeration to claim that at this point criminal syndicate structure may be regarded as a relatively completed body of theory. The study of methodologies by which such theory is constructed, however, is in its infancy.

My inquiry is intended primarily as an analysis of methods and one of its principal aims is to discriminate as many kinds of data-gathering and investigative techniques as are current. Following this line of examination, I want to first develop a definitive description of various perspectives on organized crime intelligence, reporting, and other empirical modes of information-gathering and assessment and then integrate these with an analytical treatment of the influence and impact which socio-cultural values, special interests, legal, professional, administrative, and editorial constraints make in shaping the techniques and paradigms governing the work of police and prosecutors, journalists and social scientific workers. Although some progress has been made, no fully satisfactory statement of methods and paradigms used in the study of organized crime seems yet to have been formulated.

My work is a methodological study and also a pragmatic one -- not an empirically empty disquisition on how things ought to be done. And despite the risks (one of the risks, needless to say, is being ignored or rebuffed by law enforcement officials, journalists, and by one's scientific colleagues), I've undertaken this project in the conviction that the deeply-needed elaboration of methodological issues in the understanding, control and prevention of organized crime is best accomplished in the resolution of particular problems.

I wish to emphasize that I accept the fact that secrecy, confidentiality and their many complex variations are nothing less than professional imperatives in your line of work, and, further that I acknowledge that the exposure of methods often leads to a loss of their utility. I am, therefore, fully prepared to function within the limits such strictures necessarily impose and entail. As for my request, I would like to interview you (send you and relevant members of your staff questionnaires) pertaining to your efforts in the area of organized crime investigation and prosecution.

With minor modifications, substantively similar letters were sent to journalists. If a response was not received within three weeks to a month, a second letter was sent requesting a reply. If a person responded favorably to my letter requesting access in the form of questionnaires, a transmittal letter accompanied the schedules. For law enforcement officials, it read:

Enclosed please find my questionnaires concerning investigative procedures relating to organized crime control, prevention and intelligence. One of the schedules contains policy questions designed for agency heads and executive officers; the other instrument refers to operations and has been constructed for staff and field personnel.

Where possible, I have constructed a fixed-choice response format in order to facilitate completion of the schedule. Clearly, there are issues and areas which do not readily lend themselves to simple check-off procedures. Respondents are, therefore, invited to elaborate on any question in any degree of detail they wish.

All answers will be strictly confidential and used only for the purpose of analysis. Needless to say, all respondents who choose to remain anonymous may be assured that no one, without their explicit authorization, will have access to the information they supply.

I want to re-emphasize that my research interest is limited to agency practices and procedures utilized in developing intelligence data and that I am not interested in sensitive or confidential information which would in any way impair, impugn, jeopardize, compromise, or result in a loss of utility through exposure of any techniques or methods routinely used by your office.

For social scientists, the transmittal memo varied slightly:

The enclosed questionnaire is divided into three general sections dealing respectively with theoretical, methodological matters and precepts, and state of the field questions concerning the study and analysis of organized crime. The second part contains questions about the actual research process involving problems of entre, access, reliability and validity; the last part of the schedule asks for biographical information.

The instrument appears long and somewhat ponderous because many of the questions are phrased as statements of issues and positions which can be answered in a relatively brief compass of time.

If desired, a report of the findings will be sent to you upon request.

7

Mr. William I. Aronwald, Attorney-in-Charge of the Justice Department's Joint Strike Force: New York - Newark, upon receiving my letter telephoned to arrange an interview on Election Day, 1976. "We don't suspend operations like any other organization on holidays around here," he said glumly. "It's one day that I can guarantee an uninterrupted hour or so." Even more unusual circumstances surrounding the conditions of interviewing come to mind: while questioning Det. Neil Mauriello on Chinese organized crime in lower Manhattan in the 5th Precinct squad room, a drug addict being interrogated about an assault fell off a chair and disconnected my tape-recorder. Having adroitly reset my machine as quickly as possible, the interview continued with Det. Mauriello remarking on my seemingly imperturbable composure in view of the many disruptive interludes to which we were subjected in the baroque and musty atmosphere of the 5th Precinct squad room. Actually, I was exhausted from traveling around the city all day. An interview with a journalist began at 1:00 a. m. at police headquarters in Mineola, N. Y. and continued through the night in various pubs and restaurants -- all part of any self-respecting crime reporter's beat. During a discussion of interview ground rules, Lt. Franeschini of the NYPD Intelligence Division stunned me with a question as to whether I carried a gun! The interview moved along productively despite the anxiety his extraordinary inquiry provoked. One final disconcerting episode deserves mention because it illustrates how easily the point of a research project can be misunderstood. "R5," a highly-connected syndicate figure tried to dissuade me from continuing with the research. "You could get yourself hurt," he ruefully observed. He told me that when he discussed the possibility of my making contact with some organized crime figures in the midwest and southwest they advised that I limit myself to less sensitive matters as others might not understand my purposes and construe the research as an expose of underworld activity. For a time after this conversation, knowing a bit about the underworld grapevine communication system, I experienced moments filled with trepidation and uncertainty when talking to other informants connected with the underworld.

8

Several respondents remarked that I had an excellent working knowledge of organized crime. Ironically, some skipped rather lightly over issues I thought important because they felt that I possessed in-depth knowledge of the issue. "Well . . . you know about the Colombo-Gallo war, so I won't get into that . . .," was typical of comments made with sufficient frequency to cause concern.

9

On the average interviews lasted approximately 1 1/2 to 2 hours. The shortest was 1/2 hour with a journalist; the longest 6 hours (with R. Salerno) in a two-session period.

10

Justice Department forbids taped interviews with attorneys. I had, therefore, no choice but to abide by this regulation. Several other law enforcement respondents -- prosecutors -- also demurred when the issue of taping interviews was mentioned so I resorted to an interview technique which I had recently learned from journalists. I memorized the questions and presented them sequentially by writing the number of the question in the schedule on a slip of paper I kept in front of myself. Later, when I had ample time and energy, I retraced the conversation using my interview schedule as a guide. I found that contrary to most advice about the need to record as quickly as possible given the rapid deterioration of memory, I worked best and recollected easily as late as a day or so after the interview. My field notes concerning interviews dependent on a prodigious memory are, however, less than optimistic:

On two occasions (Tharp & Murphy interviews) I could not use my tape recorder and conducted the interviews from prepared questions. I permitted the interview to develop spontaneously when that seemed right and tried to reconstruct the discussion some time later. While there are obvious and good reasons for adopting these procedures: (1) it almost guarantees an interview; and (2) respondents do not feel threatened into guarded replies and may consequently be more candid since they can always deny what was said, I was, in fact, collecting a mass of material based on fragile memories colored by reactions to personality, dimmed by time, and shaped by self-interest. Moreover, I was then faced with the task of accurately reconstructing the conversation and checking the substance of the interview against more solid documentation -- if that's possible.
(Field Notes, 12/10/76)

11

Not all interviews were as harmless as I thought. One incident made clear some of the stark realities of organized crime work. I have already alluded to an interview with some of New York crime family specialists in the OCCB. Midway through our discussions, the executive officer of the OCCB interrupted and asked that I cease taping and take notes. I agreed to turn over my tapes for review so that sensitive and confidential information could be deleted. At the end of the session it was explained that the interviewees were in conflict because they wanted to help but feared that something they might say might conceivably endanger an undercover man or informant. In effect, the information provided me had for the police life-and-death implications. All taped discussions with OCCB personnel were reviewed, subsequent to the episode, and returned to me.

12

The investigative journalist Donald Bolles was mortally wounded in retaliation, it has been alleged, for several articles he published in a Phoenix, Arizona paper implying organized crime connections among prominent businessmen, politicians and police officials. In reaction to his murder, Robert Greene and Thomas Renner, editors of Newsday, (a Long Island daily) organized a group of well-known crime reporters from around the country and spent two to three months examining the Bolles affair in Phoenix. Their efforts appeared in dozens of papers in the United States. Newsday published a 100,000 word series.

13

The comments and remarks assessing the skill of the interviewer are intended to convey a sense of what occurred and are embarrassing to the extent that they can be interpreted as showing a lack of modesty on the part of the researcher.

14

Bogdan Denitch, "Elite Interviewing and Social Structure: An Example from Yugoslavia," in A. H. Barton, B. Denitch and C. Kaduskin, Eds. Opinion-Making Elites in Yugoslavia (New York: Praeger, 1973), pp. 3-24. In passing, it is interesting to note that C. W. Mills confessed failure in trying to gain access to political, economic and religious elites in his study of power structures. See C. W. Mills, The Power Elite (New York: Oxford U. Press, 1956) Appendix.

Chapter 5

Law Enforcement Responses to Organized Crime

The central epistemological problem concerning organized crime for the social scientist, journalist and criminal justice specialist is how to wrest objectivity from one's overpowering subjectivity.

Especially for the social scientist, this problem is deeply embedded in a dilemma. The scientist confronts choices presenting difficulties: he must find his way between two persuasive but incompatible theoretical orientations: that knower and known are distinct, that there is a fixed reality capable of being studied and comprehended; and, on the other hand, a view which proposes that the knower and the known are inextricably intertwined, that our biographies, statuses and conceptual language mold our perceptions. While social scientists have amassed impressive evidence of bias in scientific writings, an equally impressive mass of evidence has been mustered to show that some distance between the knower and the known can indeed be obtained.

But unlike the social scientist or the journalist, the police officer is by definition a collaborator -- he must, in the normal course of his duties, cooperate with colleagues, superiors in his own highly complex bureaucratic organizations, district attorneys, and a number of agents from state, federal and other municipal offices concerned with organized crime (see Appendix C). In addition to his work as a pseudo-scientist gathering and

evaluating data and then developing policies in response to it, he must maneuver across the bureaucratic maze of rules and legal statutes consciously or unconsciously incorporating some of the caprices of superiors and positions stemming from his organization's official policy.

To a great extent, law enforcement perspectives on organized crime have been derived, with minor modifications here and there, from the 1967 President's Task Force on Organized Crime. The Task Force Report (1967) based its principal recommendations to combat and control organized crime on several interrelated strategic approaches. These were: (1) a courtroom campaign against racketeers and syndicates; (2) legislative provision for investigative grand juries; (3) flexible witness-immunity legislation to compel testimony; (4) extended sentences for persons convicted in organized crime cases; (5) strong perjury laws designed to discourage lying under oath and giving deceptive testimony; and (6) widespread use of wiretapping and electronic eavesdropping. According to its critics (Smith, 1975; Hawkins, 1972) while the Task Force pretended to offer explanations about organized crime, it actually engaged in mystification and begged the questions it purported to settle, thereby offending against the lucidity it promised to provide. Quite apart from these law enforcement tools the Commission urged on the government, the question of strategic intelligence was clearly a prominent issue. In its report the Commission argued that "a body of strategic intelligence information would enable agencies to predict what directions organized crime might take, which industries it might try to penetrate, and how

it might infiltrate." (Task Force Report, 1967: 15).

In 1967 most law enforcement groups in the United States had intelligence units keeping track of syndicate functionaries and monitoring organized crime activities. They tended to operate predominantly at a tactical level, searching for "hard" evidence admissible in court. Since then, police organizations in large metropolitan areas and those in regions of the country known to contain well-organized crime families and syndicates have developed with varying degrees of sophistication and effectiveness intelligence and control units (Appendix C provides a sample of law enforcement organizational structures designed to control organized crime groups operating throughout the country).

The main goal of police organization regarding organized crime is to diminish and restrain it. In order to achieve this objective, law enforcement must possess a capability to collect and evaluate data describing the nature and dimensions of organized crime. Preceding the development of intelligence activities designed to both enforce the law and control organized crime, however, a clear operational definition of the phenomenon is required, as Salerno and Smith (1970) point out, since the proper definition affects relative success or failure of control efforts.

The major attempt to define the nature and structure of organized crime emerged from the Oyster Bay, New York Conferences on Combatting Organized Crime which were arranged to provide an ongoing assessment of the New York State Identification and Intelligence System (NYSIIS) created in 1964 to coordinate information about criminal activity on a state-wide basis. The Oyster Bay

conferences, according to Ralph Salerno, one of the participants, brought together organized crime experts from all over the country most of whom were later to serve as consultants to the 1967 President's Task Force. The work of the conferences was important in several ways: a definition of organized crime was formulated; an agenda for the exchange of ideas about the nature, forms and impact of organized crime was evolved; intelligence experts created a communication network through which concepts of control could be discussed and examined; and the conference formats subsequently became the prototype for law enforcement comprehensive planning activities in other states and regions (Pace, 1975; Dunman, 1975; Texas, 1975; Georgia, 1975; New Jersey, 1974; Virginia, 1971; Illinois; 1971; New York; 1970).

The most important contribution of the Oyster Bay conferences was its definitions of organized crime. The definitions of organized crime, as Smith says,

. . . function as training aids, justifications for government programs . . . (as) support (for) investigative need to identify manifestations of organized crime. Definitions are tools: thus, a definition for training recruits might stress the aspects of organized crime he is most likely to encounter as a patrolman i. e. gambling, prostitution . . . whereas it might pass lightly over some features such as internal organization, rackets, labor management and infiltration of legitimate businesses. Also the functionality of the definition of organized crime can be illustrated when it is presented to the public. Here the definition might stress organized crime's vast untaxed income and the fear and violence constituting its power and the threat it poses of eroding the function of the local government (Smith, 1966: 6-7 emphasis in the original).

Definitional flexibility and contextual applicability characterize the Oyster Bay efforts. Obviously a loose, wide-ranging and vague

definition suffers from a fatal lack of precision; whereas a tight and narrow notion sharply limits attempts to prepare an adequate control response. Thus, after many attempts in which the available knowledge and experience could be brought to bear on the issue, the conferees arrived at the following:

Organized crime is the product of a number of criminals who join together in criminal activities for profit and who rely on these activities as a primary source of income. In its most highly developed forms, organized crime consists of criminal enterprises and conspiracies which attempt to arrange immunity through the imposition of fear, or corruption, or both in order to insure the continuance of their activities (2nd Oyster Bay Conference, Smith, *ibid*: 6).

Earlier the first conference produced a slightly different version of organized crime. It defined it as:

. . . the product of a self-perpetuating criminal conspiracy to wring exorbitant profits from our society by any means -- fair or foul, legal and illegal. Despite personnel changes, the conspiratorial entity continues. It is a malignant parasite which fattens on human weakness. It survives on fear and corruption. By one or another means, it obtains a high degree of immunity from the law. It is totalitarian in its organization. A way of life, it imposes its rigid discipline on underlings who do the dirty work while the top men of organized crime are generally insulated from the criminal act and the consequent danger of prosecution (1st Oyster Bay Conference, May, 1965 in Salerno & Tompkins, 1969: 296-297) (See Appendix G).

Comparing the two, the 2nd Conference definition is clearly the more legalistic. The strong, racy language of the 1st Conference definition (foul, malignant parasite, totalitarian, dirty work, and rigid discipline) is highly moralistic in tone -- a sense of fervor and outrage fills the phrases and sentences betraying perhaps the feelings of frustration of its harried creators. At

any rate, the 2nd Conference definition served as a progenitor for the Task Force Report's conception of organized crime upon which legislation, funds, aid and federal support to local law enforcement efforts were promulgated. "Organized crime," the 1967 Report stated in its opening paragraphs,

is a society that seeks to operate outside the control of the American people and their government. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits. The core of organized criminal activity is the supplying of illegal goods and services -- gambling, loansharking and other forms of vice -- to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods -- monopolization, terrorism, extortion, tax evasion -- to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials. What organized crime wants is money and power. Organized crime affects the lives of millions of Americans, but because it desperately preserves its invisibility many, perhaps most, Americans are not aware how they are affected, or even that they are affected at all (Task Force Report, 1967: 1).

The picture painted in these stirring sentences about the racketeer and organized crime activist is not one of a fumbling, inept, humorous, Runyonesque character who fawns on children, behaves beneficently towards the downtrodden, and occasionally acts ruthlessly with associates as in the manner of Al Capone. And while the Task Force Report's characterization is not charged with the potent feelings of the first Oyster Bay Conference definition, it does not transcend it in clarity and sobriety. The Task Force definition

lacks the crudity, vindictiveness and biting style of Oyster Bay but its ominous warnings of dire threat are still vivid, alarming and unmistakable -- reminiscent in many respects of the McCarthy crusade against communists. Organized crime is not a mere irritant to the public peace and well-being: the definition and characterization is subtly designed to arouse fear and set people on edge. Organized crime is subversive, treacherous if not traitorous, a desperate conspiracy of men who are coldly calculating and cunning. The definition is more like agitation against what it describes as cynical manipulators of the government and economy out to destroy the American way of life; it is designed to generate phobic and paranoid reactions in people creating a tendency to see the enemy -- organized criminals -- as unpatriotic men who resort to any expedients in order to attain their objectives and their organizations as part of a vast conspiracy to undermine America. Even though the definition without its inflammatory language may accurately describe the realities of organized crime in the United States, it is an excellent example¹ of ideological mobilization.

Notwithstanding its menacing and forboding warnings, the Report served as a catalyst, as an epochal event in the law enforcement response to organized crime. Many of its legislative, judicial, logistical, strategical and tactical recommendations were adopted by Congress and various administrators of the federal government (vide, Report of the National Conference on Organized Crime, October 1 - 4, 1975). To a great extent, current police work in the area of organized crime control is based on

Task Force recommendations.

For reasons of convenience and economy, the research reported below is divided into several chapters. In each, data is presented and analyzed based on field work conducted with police departments, prosecutors and federal law enforcement officials specializing in organized crime control and prevention. Interviews (some of which were taped) and questionnaires were the main instruments used in collecting data. (Details on the construction of the protocols may be found in Appendix B).

The Task Force's definition and conception of organized crime may be understood as a paradigm in terms of which current police activities in intelligence and control are modeled. Of course, not all police agencies subscribe to the Task Force's description and concept of organized crime in every detail. Yet in the majority of cases, as borne out by the data collected in the course of this research, major police organizations do generally accept the Task Force view and organize their efforts at control and mobilize their resources around it.² It is widely believed, for example, that organized crime is highly structured, that crime families do exist containing a hierarchy of authority and some semblance of a rational division of labor, and that a confederation-type national organization composed of the representatives or heads of major criminal families and syndicates does periodically decide on issues having national and international ramifications.

In sociological language the Task Force definition and conception of organized crime might be construed as an "interpretive paradigm," (Garfinkel, 1967) such a paradigm consists essentially

of identificatory processes in which an underlying pattern of structure is discerned from a series of appearances, events, and facts such that each appearance or manifestation is seen as referring to, an expression of, or a "document of" the underlying pattern. However, the underlying pattern itself is identified through its individual concrete appearances so that the appearances reflecting the pattern mutually determine one another in ways that "parts" and "wholes" mutually determine each other in a gestalt-type phenomenon. A central characteristic of documentary interpretation is that later appearances may force a revision in the perceived underlying pattern that in turn compels a reinterpretation of what previous appearances "really were." For instance, early in 1957 Frank Costello was almost killed by an assassin in the lobby of his hotel. Shortly thereafter, a reputed underboss in the Anastasia crime family was murdered in broad daylight on a Bronx street. In October of that year Albert Anastasia, alleged head of a powerful New York crime family, was shot to death in a midtown Manhattan hotel barbershop. At the time, these incidents were seen as outbreaks of mob violence and revenge. Police theorized that underlings in the Anastasia organization (of which Carlo Gambino was a reputed boss) were displeased with Anastasia's methods of recruitment and distribution of rewards and sought to topple him. Subsequent informant information, police intelligence and interrogations of the Apalachin meeting (November, 1957) participants suggested another interpretation. The attempted assassination of Costello and murders of Scalise and Anastasia were of a piece: Vito Genovese, the "reinterpretation" goes, wished to resume control of the crime organization he originally inherited

from Luciano when the latter was deported to Italy after World War II. In order to accomplish this grim objective, Genovese had to dispose of Costello (acting boss who was firmly in control and, therefore, unlikely to quietly relinquish power and leverage) and Anastasia, a loyal friend and close associate of Costello. Fearing Anastasia's notorious capacity for vengeance, Genovese had him and his chief subordinate, Scalise, assassinated but only after consulting with, and neutralizing Gambino, a capo in the Anastasia group. The Apalachin meeting in 1957 was, in part, devoted to the matter of Anastasia's execution. Apparently, Anastasia had violated the "rules" by selling crime family memberships to those with the price and had been guilty of using excessive violence in handling affairs. Aside from these issues, Genovese had himself broken a rule that no boss is murdered without the consent of the other bosses and he had to explain his actions (Salerno interview, 8/2/76).

Thus, as this example of a revised paradigm shows, seemingly unrelated events or appearances can be fitted together to form a more encompassing explanation when additional information is placed into a conceptual model flexible enough to assimilate it. Information derived from the Apalachin meeting and fed into the intelligence grid based on the Task Force definition provided law enforcement authorities with data which suggested that earlier events were misinterpreted or misperceived as to the nature and operations of
 3
 organized crime groups.

Another reason why the definition functions as a paradigm is because within its boundaries one finds a condition of theoretical

pluralism with differing theories (ethnic succession, national conspiracy, alien domination, etc.) often complementing rather than being inevitably opposed in a chaos of conflicting theories. In fact, characteristic of all analysts including prosecutors and federal agencies, as well as journalists and social scientists, is an approach based on the assumption that organized crime events consist of more or less purposive acts of relatively well-defined groups and that their behavior can be understood by rational analysis. Consequently, organized crime experts focus on developing data on the interests and goals of criminal syndicates and crime families searching for the courses of action available to them, and the costs, risks, benefits and profits entailed by each and its alternatives. An event or "appearance" has been explained, for example, when it can be shown how a murder or an alliance was a reasonable choice. Among law enforcement personnel, policy and control tactics develop by calculating, on the basis of evidence, the rational thing to do in a certain situation, given projected empirically specifiable objectives.

But this simplification -- like all simplifications -- obscures as well as reveals. In particular, it glosses over a persistently neglected fact of bureaucracy: that the decision maker is not one rationally calculating actor utterly free of the contaminating influences of emotions, but rather a conglomerate of actors and role occupants in all levels of the machinery of enforcement, advice and intelligence who often differ substantially about proper policy and strategies on any particular issue. As the law enforcement community has grown in size and function, so have the tensions, conflicts

and suspicions among them (Allison & Halperin, 1972). Recent analyses of subpoenaed FBI files reveal that the bureau had a great deal of detailed intelligence on criminal syndicate operations from surveillance, wiretaps and informant sources which it neither used nor distributed to local law enforcement agencies (R. Salerno to R. Kelly, 2/17/78). The worlds of the law enforcement specialist often intersect and impinge upon one another; and the Balkanization of law enforcement efforts partly due to FBI reticence and, according to some, fear of failure and a tarnished image (Cookin Warren, 1974; Unger, 1976) has divided what needs to be united.^{4, 5}

Throughout the discussion here and in other chapters the terms organized crime and syndicated crime are used interchangeably. In both cases the terms refer to structures of criminal associations in which a number of units are coordinated by a hierarchial center of decision-making. Some writers prefer the term syndicated crime to organized crime because the latter tends to obscure the fact that all crime is organized (Albini, 1971; Cohen & Short, 1976). This is a minor point. However, the distinction between criminal syndicates and crime families is one worth preserving because the latter refers to criminal syndicate enterprises in which ethnic, racial and kinship relationships are important components of the internal social systems of these groups (Ianni, 1972, 1974; Block interview, 2/28/77).⁶ Crime families may in themselves constitute criminal syndicates or, what is more likely, play prominent roles in syndicated criminal operations.

In the chapters which follow the constitutive features of law enforcement paradigms will be examined in terms of the model

developed by Merton (1957). As noted earlier, data was generated by survey questionnaires and interview protocols structured to elicit information on how law enforcement agencies develop information on organized crime, how the reliability of information is determined, how it is validated, and how raw information is transformed into intelligence upon which strategies of attrition and control are formulated. In addition, the research examines law enforcement inputs into the creation and restructuring of laws and statutes regarding organized crime control. This amounts to a formidable involvement, as will be seen in the discussion of the sociology of legislative committees and crime commissions.

Footnotes

1

Cressey provides a detailed analysis of the weaknesses in the Task Force Report: it lacks, in his opinion, a clear-cut definition of organized crime. In his book, The Theft of the Nation (1969), Cressey offers the following working definition:

An organized crime is any crime committed by a person occupying a position in an established division of labor, a position designed for the commission of crime, providing that such division of labor also includes at least one position for a corrupter, and one position for an enforcer (p. 319).

This definition of organized crime must be understood against the background of Commission recommendations for legislation against criminal syndicates. It was Cressey's work which persuaded the Commission that an organized crime group could only be distinguished from other criminal groups by the elements of corrupter and enforcer. These two roles differentiate organized crime from other types criminal activities.

2

The influence of the 1967 Task Force's conceptions of the phenomenon's dimensions is best exemplified by the agenda format of the 1975 National Conference. Topics, discussion panels, seminars and invited guests reflect not so much a re-evaluation of organized crime in the light of fresh evidence, new research and more concerted, sophisticated law enforcement activities, as it does a refinement of the original model and the successes and failures stemming from its use. The meetings were devoted in the main to progress reports about police and prosecutor efforts structured almost entirely upon the 1967 concepts.

3

Since January, 1978, eight murders of organized crime figures in the New York area have generated another series of interpretations about underworld activities. A little more than two years after the death of Carlo Gambino (alleged "Boss of Bosses"), the police announced that the struggle for control of New York's crime families continues unabated. In other words, a new gang war has erupted over leadership among the five families. As reported in the press, police sources have revealed that at least two sets of motives lie behind these grisly murders: first, those being killed have been loyal supporters of either two warring factions -- the remnants of the various Gambino factions allegedly headed by Paul Castellano, Aniello Dellacroce, Joseph Gallo, Ettore Zappi and Paolo Gambino, and members of Carmine Galante's organization. One newspaper account (T. Renner, Newsday, 3/24/78; 3/25/78) suggested, based on police information, that the murders represented an attempt by

underworld boss Frank (Funzi) Tieri to consolidate his leadership by ridding his organization of unreliable and disloyal elements. The murders were internal affairs in the Tieri (formerly Genovese family) group and were a form of "spring cleaning." Contrary to these speculations were Daily News reports (Kramer, Meskil, Hirschfield, 3/23/78; 3/24/78; 3/25/78) which suggested, again based on police reports, that the murdered men were dissident elements who resisted absorption into a crime family re-organization involving the Galante-Tieri (Bonanno-Genovese) groups. Still another police report indicated that the murders signaled a struggle among local leaders for the coveted title "Boss of all Bosses." The police model or grid is flexible enough to encourage and sustain several competing explanations of underworld events: based on the 1967 Task Force notion, the major components of an underlying pattern are not difficult to discern. First is the assumption (widely promulgated in the 1967 report and subsequent government documents) that organized crime leadership in New York (and elsewhere) is centralized. Secondly, when a boss is eliminated or dies, such an event triggers a struggle for power in satellite organizations. Therefore, murders or deaths are "appearances" (in Garfinkel's sense) of a phenomenon's structure and the underlying patterns of activity governing phenomenological instances of it. In a sense, the police are committed to what Nagel in The Structure of Science (1961) called the "ontological thesis" -- several phenomena are taken to be patterns of interrelated actions of individuals.

4

In view of recent disclosures from FBI files, the critiques of some social scientists (Schlavo, Smith and Hawkins) and malicious skepticism of others is understandable given the sparse data available. Anyhow, it seems unlikely that the dauntless apparatus of organized crime scholarship will be affected one way or another.

5

The FBI policy of discreet silence and tight control over the dissemination of information might be justified if there is any substance to the charge of widespread corruption (as there seems to be) among local law enforcement agencies. Withholding information has produced what amounts to a worse evil -- the duplication dilemma. In the absence of a nation-wide comprehensive plan of which the FBI would be the centerpiece, information and activity is fragmented with criminal justice specialists wasting much of their time repeating and reproducing each other's work (Dulles, 1963: 80; OCCB interviews: 1/27/77; Franceshini interview: 4/4/77).

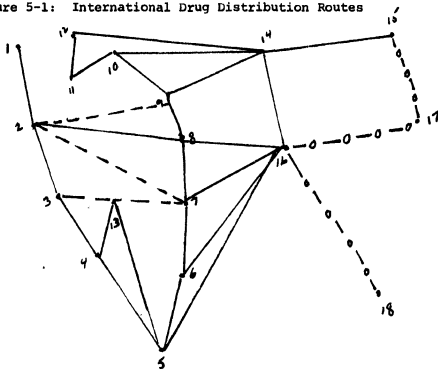
6

Syndicate crime is exceedingly variable: differences may be found in the levels of authority and control, organizational size, territorial "jurisdictions," the variety of activities embraced, and the types of mechanisms utilized in exercising control and maintaining hegemony (see Moore, 1975; Schelling, 1967; Buchanan,

1976; Rubin, 1976).

The extent to which crime is controlled and managed from a centralized hierarchy of authority depends upon a number of factors, the most critically important of which is the degree of dependency groups have on some core cadre of individuals for essential goods and services ranging from money supply, information and corruptive influence -- all of which are designed to maximize profits and limit risks. For instance, the illicit importation of drugs requires considerable coordination, capital and power to neutralize law enforcement agencies by means of clever deceptions or corruption. Consequently, the supply, financing and management of such an operation is likely to be controlled by a few persons with large financial resources and powerful leverage. Persons providing supplies and services exercise virtual monopoly control of an illicit commodity like drugs. A distribution route resembles the following:

Figure 5-1: International Drug Distribution Routes



Key: (Morphine Base): -o-o-o
 (Heroin): _____
 (Hallucinogenics): -----

(1) Seattle	(8) New York	(15) Frankfort
(2) San Francisco	(9) Montreal	(16) Marseilles
(3) Los Angeles	(10) Detroit	(17) Istanbul
(4) Mexico City	(11) Chicago	(18) Beirut
(5) Curacao	(12) Toronto	
(6) Havana	(13) Houston	
(7) Miami	(14) Paris	

Source: Redrawn from Pace & Stiles (1975) p. 153

The nature of the criminal associational form -- the links among participants -- is also highly variable. Some organizations approximate bureaucratic corporate structures or military organizations, with a table of organization, a chain of command, and a salaried work force (Cressey, 1969; 1972; Martin, 1964). Others function more like corporate holding companies where one tightly-knit group has financial interests and, therefore, exercises some control over a number of operating firms (Lasswell & McKenna, 1972; Messick, 1971; Lynch, 1975); still others are structured along the lines of franchise systems where the central office -- high echelon syndicate functionaries -- advance capital, set individuals up in business, and share profits with their criminal backers (Tyler in Blumberg, 1974; Maas, 1968; Pittman & Cordosco, 1977; Meskil, 1973; Yeager, 1973; Penn interview, 12/6/76).

The success of criminal syndicate operations in the U. S. A. has often been attributed in great measure to the inefficiency or corruption of law enforcers (Knapp, 1972). Recently Patrick Murphy, a former police commissioner of New York, Detroit, Syracuse and current President of the Police Foundation, said in his memoir that "eliminating or reducing police corruption was always more important than convicting organized crime figures, even the overlords -- the dons. The minimization of corruption opportunities came first." (Murphy, 1977: 211). However, stamping out corruption and increasing the prohibitions on illegal goods and services has not seemed to eliminate trade in drugs, gambling or other activities. It is not a foregone conclusion, contrary to Murphy's view, that vigorous efforts in law enforcement (which anti-corruption policies necessarily entail) will substantially curtail, even if they do not eliminate, the offending behavior.

The emphasis on control of police corruption as a strategy of interdiction and eradication of syndicate crime might be exaggerated and perhaps even misguided. According to Moscow, the lack of success in coming to grips with heroin trafficking in Marseilles had more to do with the comparative resources of the antagonists than with the moral determination and quality of the police:

If only because they outnumbered them, the narcotics merchants of Marseilles (the Benucci-Savelli Corsican syndicate) were able to keep better tabs on the police arrayed against them than the other way around. The Narcotics squad of the Surete in Marseilles numbered twelve detectives, and this was a fourfold increase over the force during the 1950's (Moscow, 1968: 96).

The data collected in this study indicate that the overwhelming majority of respondents felt that their efforts to cope with organized crime are impeded mainly by: (1) lack of manpower, (2) lack of trained experts, and (3) inadequate technical equipment and resources. Corruption, while acknowledged as a threat to police efforts, was not considered to be a major obstacle in combatting organized crime -- at least in professional law enforcement groups.

Chapter 6

police Orientations: Methods and Procedures

The discussion of police techniques presented here is derived from the following agencies and persons:

- . Organized Crime Control Bureau (OCCB) of the Police Department of the City of New York
- . Criminal Investigations Division, Boston Police
- . Detroit Police Department
- . Organized Crime Bureau, Public Safety Department, Miami, Florida
- . Police Department, Suffolk County, New York
- . Intelligence Bureau, State Police of New Jersey
- . Det. Neil Mauriello, New York City P. D., 5th Pct.
- . Mr. James A. Poulos, Chief Investigator, New York State Select Committee on Crime
- . Lieut. Remo Franeschini, Intelligence Division, NYPD
- . Mr. Denny F. Pace, Head Department of Public Services, Long Beach College, CA.; formerly Texas State Law Enforcement Council on Organized Crime Planning
- . Mr. Ralph Salerno, Investigator, House Committee on Assassinations; formerly Supervisor of Detectives Central Bureau of Intelligence, NYPD; consultant to the President's Task Force on Organized Crime.

All of the major police departments in the United States where organized crime flourishes were contacted. The Cleveland and Philadelphia departments declined participation on rather practical grounds -- neither could expend the necessary man-hours in completing questionnaires; the Los Angeles, St. Louis, Kansas City, Atlanta, Denver, State Police of New York and Nassau County, New York departments

refused because information of the sort requested was provided only to law enforcement agencies and then only on a need-to-know basis. The Chicago Police department's Intelligence division was involved in a civil action in which their division records were impounded which precluded even limited access to their data. Nevertheless, the agencies and persons which did provide information are sufficiently representative to ensure that the analysis and discussion is neither eccentric nor biased.

Clearly, the largest and most important organized crime police effort in the United States is the New York City PD's OCCB. Fortunately, this agency fully cooperated and has provided a great deal of information on its operations. The OCCB was established in November, 1971 and concentrated the department's resources against organized crime in four major areas -- narcotics and dangerous drugs, gambling, prostitution, and internal security. At the time of its formation the bureau employed approximately 1,200 investigators operating throughout New York City. Each functional division (see Figures 1 through 8, Appendix C) -- Narcotics, Public Morals, Field Control and Special Services -- has city-wide jurisdiction. When the Bureau was organized, Commissioner Murphy was attempting to restructure what he considered to be a largely inefficient detective division. According to Murphy,

The new OCCB was going to be involved not only with organized crime outside the department but also with organized crime inside the department -- whether the monthly pad, the entrepreneurial shake-down, or the unsolicited but accepted bribe. Thus, under one bureau and one new deputy commissioner, both sides of the fence would be under surveillance (Murphy & Plate, 1977: 211).

Whether in fact the OCCB functioned as an anti-corruption agency as well as an intelligence and control unit was not determinable during the time period of the field work. In 1976 - 77 when the field work in the OCCB began, the bureau's stated objectives were outlined as being, "directed at the hierarchy of organized crime" and, "to provide the required unity of command necessary to concentrate at high level operations within the structure of organized crime." (OCCB memo & questionnaire, p. 29). In the past, the department's efforts tended to be fragmented and did not achieve the intended impact against organized crime. Before 1971, the Central Intelligence Bureau of the NYPD handled organized crime intelligence and cooperated with the Narcotics and Public Morals division as well as federal and state agencies (Salerno interview, 1/5/77). But these groups functioned under separate commands and authority which impaired the department's overall effectiveness in coping with organized crime. As mentioned above, of the six agencies participating, the OCCB is the largest and most structurally complex.

Table 6-1: Manpower Allocations in Organized Crime Units*

<u>Agency</u>	<u>Size</u>
NYPD, OCCB	900
Boston PD	13
Miami PD	100
Detroit PD	84
Suffolk, N. Y.	-- n/a (no answer)
N. J. State Police	30

*(Police and field investigative personnel assigned to prosecutor's offices and organized crime bureaus are not included.)

There seems to be no relationship between the size of the police effort against organized crime and the seriousness of the problem. While it can be argued that New York City has more crime families and syndicates than any other in the country, Boston Detroit and New Jersey, as documented in a number of studies and governmental committee hearings, do possess powerfully organized criminal syndicates. In response to question 17, Part A (Policy Questions . . . , questionnaire)¹ which asked what are the major obstacles to effective law enforcement against organized crime, the Boston and Detroit agencies replied that a short supply of experts; a lack of criminal intelligence analysts; insufficient funds for an informant program; inadequate electronic surveillance equipment; deficient evaluation programs and methods; poor cooperation and coordination between police and prosecutors; and legislative prohibitions on electronic eavesdropping, were factors affecting efficiency.

Table 6-2: Factors Affecting Organized Crime Control (Question #17)

<u>Agency</u>	<u>Response by Item*</u>						
	1	2	3	4	5	6	7
OCCB (NY)	-	-	X	X	-	-	X
Miami	-	X	X	-	-	X	-
Boston	X	X	X	X	X	X	X
Detroit	X	X	X	X	X	X	X
Suffolk	N/A						
Texas	X	X	X	X	X	X	X
New Jersey	-	-	-	-	-	-	-

* See Policy Questionnaire, Question #17 for item identification.

The OCCB (NY) has enough trained manpower and sophisticated evaluation programs to determine the efficacy of its strategies and tactical policies. It also enjoys a good cooperative relationship with prosecutors -- many of whose investigative staffs are manned by OCCB personnel. However, the impact of recent financial crises (layoffs, transfers, and loss of trained undercover personnel) has forced the agency to reduce the scope of its operations.

What is especially interesting is the response of the New Jersey State police. The intelligence division of thirty men carries on strategical and tactical operations over the entire state which means that its staff is thinly dispersed over a large geographical area. Its manual (1975) indicates that it makes provision for inter-agency liaison and does supply bonafide law enforcement agencies external to New Jersey with intelligence data

and it, presumably, relies on other agencies for information and assistance (p. 11). One New Jersey agency, the State Commission of Investigations (SCI), conducts organized crime investigations and may be sufficiently equipped (subpoena power) to supplement State police activities. As a matter of fact, one measure of its power in dealing with organized crime has been demonstrated in recent news reports that many New Jersey organized crime figures have begun to emigrate to Pennsylvania and Florida which seem less hostile and less equipped to control syndicate operations.² In a television interview in 1977, Mr. Joseph Rodriquez, chairman of the SCI said that his commission aggressively confronts organized crime in the state in three ways: First, in conjunction with federal agencies (FBI, U. S. Attorneys, Department of Justice Strike Forces) and state police, it conducts "paper trail" investigations to uncover racketeer infiltration into legitimate businesses looking behind apparently "clean" business fronts examining bank accounts, commercial ownerships and ferreting out criminal elements. Secondly, with its subpoena power the SCI brings known organized crime figures before it in hearings offering immunity against self-incriminatory evidence and jails those refusing to answer hoping thereby to disrupt operations in the underworld. Thirdly, the SCI has recommended that the state Casino Gaming Commission be empowered to do investigative and enforcement work against syndicate elements. Mr. Rodriquez felt that budgetary increases in all state enforcement and investigative agencies were mandatory if the response to organized crime was to be meaningful ("Casino Gaming and Organized Crime" WCBS-TV).

Even if the recommendations of the SCI were approved, they may be too late or too little because it appears that criminal syndicates already have penetrated into the economic and political system of New Jersey. An in-depth probe by the New York Times revealed that the Bruno (Philadelphia), Gambino (N. Y.), Genovese-Tieri (N. Y. - N. J.), Luchese-Corallo (N. Y.), and Calvalcante (N. J.) crime families are deeply involved in New Jersey rackets and legitimate businesses and are busy laying the groundwork for infiltration into the economic infrastructure of the casino gambling markets. Moreover, former members of the SCI have applied for employment with Resorts International, Inc., a recreation and leisure firm suspected of links to the Lansky crime organization. And what makes matters seem completely hopeless are disclosures that the Governor's choice as head of the gaming commission was made against the advice of the state police because of his embarrassingly close but indirect associations with leading organized crime figures. The Byrne rebuff of the State Police prompted the reopening of an investigation of the governor -- obviously, even he is not wrapped in a cocoon of inviolability (Blum & Gerth, 1978).³ At any rate, despite these vicissitudes and notwithstanding the State Police's sophisticated structure and deployment of manpower (see Figure 9, Appendix C), in terms of sheer numbers, its response to the problems it must confront with the advent of casino gambling seems wholly deficient and inadequate.

The Detroit police are seriously undermanned too. U. S. Department of Justice Strike Forces and the FBI have described a powerful crime family (Zerilli) operating in Detroit and its

suburbs. According to federal sources, the Zerilli organization has been diversifying -- buying real estate in the metro area of Atlanta, Georgia (Leff interview, 9/14/76).

The lack of attention by the public and its officials as indicated by the low level of resources allocated to organized crime control in these two major metropolitan areas illustrates an approach to the problem which Salerno and Smith have characterized as the "ostrich practice." The reasons for such a posture are not difficult to discern:

. . . community leaders and public officials try to avoid bad publicity for their city; they want to remain convinced that organized crime is not a local problem. Most people would like to believe that their community is not an attractive market for the forms of vice with which organized crime has been historically associated. Finally, there is the harried chief of police who is doing the best he can, despite public apathy and the lack of sufficient resources . . . He may feel that he cannot afford to advertise his lack of success (Salerno & Smith in Ianni & Ianni, 1976: 338).

Police find themselves in a dilemma: to confess failure because of public apathy and inadequate resources may be interpreted as a rationalization to justify incompetence or cover up corruption. In its 1972 study of organized crime in Illinois, the Chicago Crime Commission found that 65% of those surveyed in the Chicago SMSA area believed that police are engaged in corruption with organized crime figures (Organized Crime in Illinois, 1972: 171, Table 4.12.2). Given these findings, it is no wonder that police may be reluctant to arouse a deeply suspicious public about the extent and impact of organized crime in their communities.

Concerning the professional training and experience police

bring to organized crime work or acquire during their tenure in specialized units, Table 6-3 shows the background of policemen and the kinds of socialization they undergo in the course of induction into their specific roles.

Table 6-3: Career Data and Background Information - Part G (Policy & Operations Questionnaires)

		<u>Agency*</u>					
	<u>OCCB</u> <u>(N.Y.)</u>	<u>N.J.</u>	<u>DETROIT</u>	<u>BOSTON</u>	<u>MIAMI</u>	<u>TEXAS</u>	<u>SUFFOLK</u>
<u>A) Recruitment</u>							
1. Volunteer	X	X	X	X	X	X	X
2. Dept. Rotation in Units	X					X	
3. Org. Cr. Schools		X			X		
4. Analysis & Intell. Training	X	X			X		
<u>B) Decisions for Participation</u>							
1. Personal Satisfaction		X					
2. Challenging Work	X	X					
3. Professional Development	X	X			X		X
4. Career Phase	X	X					
<u>C) Background & Preparation</u>							
1. High School	X	X	X	X	X		X
2. College (BA, MA, PH.D.)	X	X			X	X	
3. Accounting		X			X	X	
4. Civil Law					X	X	
5. Investigative Field Experience	X	X	X	X	X	X	X
6. Good Records	X	X	X	X	X	X	X

* Includes data for administrative and field personnel

Organized crime units in police departments tend to be elite units. No one is assigned to work in them but must volunteer or be recruited. Det. Olga Ford, a black organized crime specialist in the OCCB (N. Y.) worked in the Narcotics Division and other investigative units for eighteen years before joining the OCCB (Ford interview, 2/25/77); Lieut. Remo Franeschini worked as a detective, sergeant and lieutenant in Harlem for fifteen years before assuming command of the organized crime unit in the Intelligence Division of the NYPD (Francheschini taped interview, 4/4/77). With others in the OCCB, their experiences are similar:

Interviewer: How did you become part of the OCCB? Were you assigned, recruited or did you volunteer?

Elfein: I came in 1971. I volunteered.

Interviewer: How about the others?

Sorrentino: All of us did . . . we volunteered, no one is assigned.

Elfein: It (OCCB) was formed in 1971 because of corruption in the Narcotics and Public Morals divisions. But its changed since then. Internal Affairs actually handles corruption. If we see it in any way or even the possibility of it in our analysis work, we inform them. What we do is investigative work.

DeNiro: In order to get in the bureau everyone is thoroughly screened, interviewed by the bosses (Commanding Officer & Executive) and then an investigation is done on you. Most of the guys here are college educated or going to college. Some have their master's.

Sorrentino: The men here today are here because they want to be. When I came lots of men left because it wasn't for them. Our work is investigation and analysis.

DeNiro: They (OCCB personnel) tend to work on their own. There's lots of latitude; some prefer patrol work to this. It's easy to go from here to patrol but not the other way around.

All: We work with precinct level personnel. Each precinct and borough has an intelligence officer who feeds up organized crime information to us. Some are good, others aren't. We analyze their information and then provide it to those who need it: the DA's, FBI, Intelligence (NYPD), officers working cases, etc.

(OCCB taped interview, 1/22/77)

In terms of manpower, organized crime units tend to have a disproportionately large percentage of higher-ranking personnel as compared with other divisions within their respective departments suggesting that opportunities for career advancement are greatly enhanced in such units. In the OCCB, for periods of time personnel are assigned to the various operational units within the bureau in order to familiarize them with the work of the bureau as a whole (see Figures 1 - 8, Appendix C).

The circulation of personnel through the labyrinthine-like structure of the OCCB provides experience with a broad and diverse range of police work. Obviously, this kind of socialization into a variety of work roles equips a man with skills and knowledge unattainable in ordinary patrol work. In turn, the potential for career development is accelerated as most promotional examinations in police departments are geared to knowledge of all kinds of police activity. Similarly, for administrative personnel, work in organized crime units is a pathway to movement up the ladder of status and authority in the department. While both administrative and field staff cited the nature of the work (challenging, personally satisfying, etc.) as a motivation for volunteering, it also

is a phase in professional and career development.

As in most large-scale complex organizations the work roles inhabited by personnel in the OCCB, and to a similar extent in other kindred agencies, are organized into a fairly strict hierarchy of authority and control with roles at each level coming under the supervision of another level of roles higher in the structure. Authority -- the right to give commands and expect them to be obeyed -- is clearly delimited and vested in a status position, not in the individual. Moreover, the allocation of interlocking roles is based on the assumption that job specialization (e. g. tactical field work, narcotics, analysis, strategic planning, etc.) will lead to or eventuate in increased competence in a limited sphere of activity. It also has the effect of freeing the organization from unnecessary dependence on the unique skills of individuals. However, periodic reinforcement of organizational goals -- bringing official and operative goals into some sort of congruence -- seems to be necessary:

Francheschini: I try to emphasize with my men that in intelligence work we do things in a rather unique way. We're not operational; we do support work . . . work which is as important as operational work . . . otherwise we would be an ineffectual fancy operational unit. (Francheschini taped interview, 4/4/77).

For the OCCB some of its organizational problems concern the establishment and refinement of procedures which would standardize investigative technique and develop more efficient communication channels whereby intelligence could be exchanged between, say, Narcotics and Public Morals where investigative responsibility

overlaps. The same basic bureaucratic problems face other agencies. The issue of organizational goals and responsibilities often creates serious dilemmas.

Francheschini: We don't have a genuine commitment against organized crime. Whether it be the violations of the Hobbs Act or something else. When we get involved in an organized crime case it sometimes involves narcotics and then we had to back off because that's DEA (Drug Enforcement Administration) work. So what happens then? It's only human nature . . . you back off a bit and stay within your narrow scope. However, if we really had a commitment to deal effectively with organized crime, it wouldn't matter if its narcotics or loansharking, counterfeiting or murder. Same with the DEA. As things are, lots of intelligence is lost. (Francheschini, op. cit)

In their questionnaire responses, the Detroit, Boston, Miami and Texas law enforcement units refer to problems in the application of official operating norms, coordination of information and difficulties inherent with investigations in multijurisdictional cases. Salerno noted that in his experience there is little effective coordination among law enforcement agencies. An atmosphere of mistrust and suspicion prevails (Salerno interview, 8/2/76). Too often, according to local law enforcement officials, information is disseminated to federal agencies -- the FBI, in particular -- and no reciprocal flow of data on disposition, outcome or supplemental material concerning a case or an individual is received. Apparently, the competition among law enforcement groups and the literal application of rules determining an agency's responsibility and involvement, which are designed to bring order and efficiency to procedures and ensure that the whole structure operates predictably,

result in frustration and a fragmented, piecemeal effort.

Within the table of organization and formal set of rules in the OCCB and other agencies such as the State Police of New Jersey, communication proceeds through well-defined channels. Reports, requests, orders and policy decisions are all passed from one level of hierarchy to another and almost everything must be put in writing (see Appendix E). Although rules enable an organization to operate smoothly, it is when the organization transmits data across jurisdictions, when it exchanges information on an interagency level rather than intra-agency sphere, that problems occur. From a purely structural point of view, the problem may be due to a lack of similitude and structural semblance among organized crime intelligence groups; or, as the groups participating in this study exhibit, a lack of manpower and resources inhibits the handling of inter-agency communications and informational exchanges. More importantly, perhaps, the suspicion and mistrust affecting interagency relations referred to above may have its origins not in a paranoid view of widespread corruption among law enforcement organizations wherein information released to an agency is leaked to those illegal groups or individuals to whom it pertains -- a sufficient number of instances have occurred to justify extremely precautionary security measures. What appears as more salient an issue concerning problems of security in the exchange and communication of information -- sensitive, confidential information, in particular -- is the different interpretations used by law enforcement agencies of the criterion, the need and right to know, to protect their data. "As long as the supplying

unit does not control the use of information," according to Smith, "and as long as unfortunate violations of the restricted character of sensitive information occur, intelligence units will be rightly apprehensive concerning those to whom they give information." (Smith, 1966: 70).

For the OCCB, a requesting agency whether in or out of the New York City police department must comply with departmental regulations. The Investigative and Analysis Section of the Intelligence Unit contains records, files and analysis modules which process requests for information. In 1975, 101 Intelligence reports were processed and forwarded to other units and agencies; 536 FBI and DEA communications were recorded along with the preparation and filing of index cards (see Appendix E). Before information is supplied, a requesting agency must indicate not only the type of data it requires but why it is needed. Thereupon, before such information is released, a verification of the requestor is made. The Miami system is much the same: before release of information confirmation of the status of the requesting agency is made. Ordinarily, Miami furnishes data to members of the Law Enforcement Intelligence Unit (LEIU) and the statewide Florida Intelligence network. No information is distributed outside these channels.

As with Miami, the New Jersey Intelligence unit categorizes information in terms of its sensitivity. And depending on the degree of sensitivity, decisions are made either to distribute or withhold information. The New Jersey Bureau Chief decides on dissemination on the basis of four considerations:

- (1) The accuracy and reliability of the data;
- (2) Whether the dissemination of the data would compromise the identity of a source of information;
- (3) The type of information being requested, i.e. criminal history, general intelligence data, etc.;
- (4) The requestor's right and need-to-know
(N. J. State Police Intelligence Manual, 1975: 25).

While the New Jersey police have institutionalized the dissemination procedure and defined (for their purposes) the criterion -- the right and need to know, other law enforcement agencies rely more on the subjective judgments of supervisory personnel. There seems to be no generally agreed definition or concurrence about the meaning of "the right and need to know" among law enforcement groups. Nor is information systematically classified as either "confidential" or "sensitive" by generally agreed to, universally accepted, criteria. Thus, what one agency may consider extremely sensitive, another may regard as routine and permit its general circulation.

To summarize the discussion so far, it seems reasonable to observe that within organized crime bureaus there develops what might be called cognitive consensus, meaning that situations and actions are not construed as merely discreet events but are treated and comprehended through the organizational structures, procedural mazes and matrix of definitions as to what is or is not organized crime data -- in a word, events are transformed into matters of bureaucratic routine. These bureaucratic structures interpose themselves between the social-actor role-player and the phenomenon mediating his perceptions of its characteristics and dynamics.

Each organized crime unit has procedures for classifying events as to their relevance and importance. Since different procedures exist and different rules of classification are typically invoked, organized crime events, the reality of organized crime, is highly relativized. Within units the particular features on which a classification is based are demonstrably recognizable by any competent member of the unit. Interagency cooperation, however, is less than perfect because all organized crime units do not share nor use the same classificatory schemes nor utilize the same confirmation procedures. Finally, organized crime units as large or as sophisticated as the New York, New Jersey and Miami departments have the manpower and resources to institute security checks on information flow and can accurately chart their distribution of intelligence. The same cannot be said for the Detroit and Boston departments or
5
others like them.

The criteria, "the need and right to know," are defined precisely and technically and refer mainly to other law enforcement agencies. What usually is transmitted under these criteria is worthy of some note. When requests are made, say, about John Doe, not merely is descriptive information supplied detailing arrest record, age, residence, etc., but evaluative data on associations, colleagues, methods of operation and business affiliations. What is not provided are specifics on the methods by which such information has been ascertained (OCCB memo, p. 40). No information is provided as to whether wiretaps, undercover agents, informants or a combination of these were used in securing intelligence data. It may be presumed that the requesting agency is not especially

interested with technique in acquiring information but only with substantive content.

Another point. As far as I was able to determine the supplying agency makes no demand from a requestor as to how information is to be used or integrated into its files and records; nor is it the case that in the initial application for data must a requestor specify for what purposes information is desired. Of greater significance sociologically are the implications of these bureaucratic formalities: First, organized crime units build up compendia of information through two major procedures -- their own investigative efforts and through the equally important process of exchange and transmission of information with other law enforcement groups. All police organizations in my sample indicated that information derived from journalists, social scientists, private citizens and investigative legislative bodies was infrequent and usually uninformative. Secondly, new information obtained through interagency channels considerably broadens police knowledge of syndicate operations and individuals and supplements existing data by providing knowledge about persons or activities in different locales, settings and milieux. In this way a police agency can anticipate, in a sense, future developments and potential involvements by individuals or groups under investigation or surveillance.

The range of roles played by members of organized crime units in those agencies which are both operational and analytical vary widely. Table 6-4 illustrates the types of activity engaged in.

Table 6-4: Operational Roles in Organized Crime Units

<u>Role Description</u>	<u>Agency</u>					
	<u>OCCUB</u>	<u>N. J.</u>	<u>DETROIT</u>	<u>BOSTON</u>	<u>MIAMI</u>	<u>TEXAS</u> <u>SUFFOLK</u>
Undercover plants	X	X			X	
Confidential assignments	X			X		X
Work in secrecy	X	X	X	X	X	X
<u>Specialization & Expertise</u> <u>in Investigative Work</u>						
(a) Specialize in organized crime activities	X	X			X	
(b) Expertise in groups & individuals						
(c) Combination of (a) and (b)			X	X		X
<u>Utilization of Criminals in Operations</u>						
(a) Standard Procedure	X					
(b) Frequently						
(c) Infrequently						X
(d) Never			X	X		
(e) When circumstances permit		X			X	

In New York, New Jersey and Miami, the three largest units in the sample, police engage in undercover work, carry on investigations in secrecy and, in the case of the OCCB, assign personnel to work alone on special assignments -- that is, their activities are known only to their immediate supervisors and the commanding officer. In all cases, progress reports are submitted on a weekly or monthly basis. These reports are reviewed by immediate supervisors and the commanding officer of the unit concerned. With major cases the pertinent facts are crystallized into summaries of each month's activities. This procedure provides the administrative hierarchy with concentrated, relevant information which is centralized and maintained in a binder to facilitate easy perusal when the need arises. All existing security precautions, restrictions and controls are applicable to such documents.

As the table shows, only the OCCB utilizes criminals in its operations. The New Jersey and Miami units do so but only occasionally not as a matter of operational policy and only under conditions deemed highly favorable. As might be expected in delicate operations of this nature, the OCCB procedures are rigidly systematized. Given the comparatively small size of other units, it is not surprising that they have not implemented an intelligence strategy involving the cooptation of criminals: most of their resources are devoted to intelligence gathering and evaluation even though they are operational.⁶ The rationale behind resorting to offenders for use in operations is simple. With narcotics, for instance, an arranged "buy" can be observed; similarly, a "fencing" operation (i.e. possession and sale of stolen property, see Appendix D)

involving undercover personnel and offenders provides the hard evidence which can be used in arrests and prosecutions. When a field investigator wishes to initiate a "Buy Operation," he notifies his supervisor who in turn requests the Undercover supervisor to assign an investigator. After the investigator is assigned and an informant recruited, two folders are prepared to record buys for review by supervisors. Only confidential informants registered with the department are utilized by the OCCB. These informants are registered with the Narcotics and Public Morals Field Control division after review and recommendation by the commanding officer of the member requesting it (see discussion below on informants) (OCCB memo: 28-29).⁷

The commanding officer of the OCCB also described an undercover operation carried out jointly with the FBI and IRS against bookmakers and loansharks in the metropolitan area of New York which he called "Operation Jab." After some preliminary undercover surveillance and infiltration, the OCCB contacted the FBI and IRS informing them of the estimated income of those under observation. The federal agencies then proceeded to do audits of tax returns of those individuals under suspicion and then, with OCCB personnel, confiscated cars, houses, and clothing impounding them for net worth assessment. Shortly thereafter, the IRS prosecuted for tax evasion in civil court. Making it costly to operate gambling and usurious lending enterprises, according to Philbin, is one way to drive out the fringe elements in syndicates or to develop into informants those who are threatened with heavy fines or long jail terms (Philbin interview, 8/25/76).

The techniques and methods used by organized crime units in developing and acquiring information leads directly to questions about processes in the production and verification of knowledge. We have seen something of the bureaucratic structures of police agencies: the degrees of sophistication in the division of labor, the specialization and interlocking allocation of roles, and how role occupants systematically manipulate the organizationally pre-defined environment of persons and events -- all of which are arranged to advance formally defined goals. It is in developing sources and in organizing information for evaluation that raw facts are transformed into intelligence data upon which policies for control may be formulated, analyzed and restructured.

Included in the discussion on police information techniques are data from prosecutors' offices. Two reasons account for the incorporation of information from prosecutors into the analysis of police methods. First, investigative staffs attached to prosecutors' offices are composed mainly of individuals drawn from police agencies who are trained in police procedures. Second, apart from arrest (when the criminal prosecution process begins), the work of investigative staffs assigned to prosecutors closely parallels, with minor departures, traditional police techniques. Federal agencies, however, such as the IRS and the Strike Forces of the Department of Justice, do not recruit investigative personnel from local police departments nor do they operate within the same criminal codes and laws. For this reason their methods, procedures and techniques will be treated separately. The District Attorneys of Los Angeles, Boston, Manhattan, Bronx, Queens and Richmond counties of New York

have been added to the sample. Each of these prosecutors has a rackets investigation bureau or an equivalent organized crime staff. Also, material from the office of the Special Prosecutor of New York City (Drugs) will be inserted where appropriate.

Information about organized crime figures, groups and activities is obtained from a variety of sources. As Table 6-5 shows, a fairly large amount ($X = 39.1\%$) of intelligence is developed from clandestine and undercover sources. These include police personnel and informants who have worked in syndicates or been on the fringes of them and, in the case of police, penetrated syndicate structures. Interestingly, there seems to be no relationship between the extent of organized crime activities in a region and the size of police undercover operations. While the Detroit agency is small, over 50% of its covert information collection plan is ascertained through a combination of informants and undercover agents which means that a sizeable proportion of its manpower is involved in tactical work in the street, leaving fewer personnel for evaluation and analysis of information and still fewer for planning control and prevention strategies. Paradoxically, the Detroit force does not assign much significance to crime defector accounts (Table 6-6), yet apparently does not assign many men to interagency communication and informational exchange (Table 6-9) -- a crucial source of data from federal and other police agencies. Raw information is being manufactured on the streets around the clock so, clearly, there must be a reception point adequately staffed to sift through and evaluate it. Moreover, organized crime groups know neither geographic boundaries nor jurisdictional limitations and an intelligence and control unit must be geared for external

relations with other law enforcement agencies; it must have a capacity to do business effectively beyond its suite of offices. Nevertheless, the lack of size in the Boston and Detroit agencies has not affected the organizational scope of either: the activities carried on by the Boston and Detroit police are similar to those of the OCCB of New York. Thus, the roles played by officers in the Detroit and Boston units may be more flexible, encompassing a wider range of activities, providing them with a more comprehensive picture of organized crime when compared with the more highly specialized role structures found in larger organizations such as the OCCB. The outcome of small size while restricting overall prevention efforts has a positive latent function in that, by creating situations in which personnel are required to inhabit a set of roles with great latitude, staff members acquire more general knowledge about organized crime than⁸ would otherwise be possible.

Table 6-5: Percentage of Intelligence from Clandestine and Undercover Sources

<u>Agency</u>	<u>Percentages*</u>
OCCB (A)	50
N. J. (B)	50
Detroit (C)	50
Boston PD (D)	50
Miami (E)	15
Texas (F)	20 - 30
Suffolk, N. Y. (G)	NA
Los Angeles, DA (H)	50
Boston, DA (I)	50
Manhattan, DA (J)	NA
Bronx, DA (K)	30
Richmond, DA (L)	20
Queens, DA (M)	40

* These estimates are approximations.

The OCCB, on the other hand, is deeply enmeshed in a network of complicated liaisons and dependencies with other law enforcement agencies. It has undercover operations, a well-organized informant program, and a pattern of communication links with federal, state, municipal and foreign groups.

In many instances the complaints of private citizens are the starting points of investigations. Though less frequent, other situations come to light through disaffected members of crime families and syndicates. As was observed above, a factor limiting the amount of information which law enforcement agencies can obtain is the difficulty of effective penetration. Undercover men cannot become members of the top echelons of criminal groups because the criterion for admission and acceptance is commission of a felony; the undercover man cannot perform even minor duties such as driving a car since he could find himself inadvertently an accomplice to a major crime. This limits severely the usefulness of undercover operations. More of an alternative than a supplementary technique to undercover work is the informant program and other information collection methods, such as electronic surveillance and informational exchange. Together, the processes of collection in which information is gathered, evaluation and intelligence production in which information is sifted, sorted and judged as to its creditability and pertinence, and dissemination where findings are communicated to policy planners and relevant others -- constitute the cycle of intelligence and knowledge production.

The collection stage involves the procurement of information from many sources using many different techniques and instruments. The informant programs of most police agencies are vital components in the intelligence process (see Table 6-7). Of the 13 agencies comprising the sample, 12 have policies in which personnel develop informants. The Richmond county (N. Y.) district attorney's office relies on the OCCB and Intelligence Division of the NYPD for most of its informational sources. According to William Murphy, Chief Assistant, "We don't have what you might call 'steady stoolies.' In each case there tends to emerge an informer -- if at all -- on whose information we don't act immediately until it's checked and in order to avoid suspicion. The mob doesn't produce too many informers." (Murphy interview, 10/22/76).⁹ Also, 9 of the 13 agencies register informants. In this connection, the OCCB, while not necessarily typical of most police departments in regard to its informant policy, provides an excellent illustration of the process. Its procedures are designed to protect investigators and informants and to create a mechanism through which the reliability of information can be determined. Since informants tend to be less than upstanding citizens or pillars of society, reasonable administrative controls must be established to protect sources and the integrity of the department. In view of these needs the OCCB has implemented the following guidelines. A confidential informant is defined as an individual: (1) who supplies relevant information to the bureau; (2) who provides significant services to personnel of the bureau, e.g. making introductions in a narcotics buy operation; (3) who receives any consideration for such information or service

such as direct cash payment or request for leniency in a pending criminal trial.

In order to use an individual as a confidential informant an investigator must first confer with and obtain authorization from his supervisor. Then, two copies of the informant's current criminal record (if any), accompanied by photographs, are placed in the Confidential Informant File, access to which is limited to personnel who demonstrate a need to know information ascertained from the informant. Prior to approval as a confidential informant, an individual must be completely debriefed by the investigator making application, an intelligence officer and the supervisor of the section. A complete report of the debriefing, together with the assessment of bureau personnel as to the value of the informant and their recommendations, is submitted up the chain of command to the Intelligence sections and Administrative Division of the OCCB. It is here that a decision to register the individual as a confidential informant is made. The Commanding Officer of the Intelligence Section of the Administrative Division of the OCCB is responsible for debriefing informants. He establishes special debriefing teams and develops special interrogation methods to assist field personnel (OCCB memo: 42 -43).

Sgt. DePhillips of the OCCB provided some details on the processes of debriefing and registering informants.

Interviewer: In generating information, you mentioned that there is an informant register. Why are informants registered?

DePhillips: You're dealing with unsavory characters usually. To make the information he gives you reliable you have to have documentation.

Interviewer: What actually is involved in registering? Extensive background checks?

DePhillips: Lots of people want to buy or bargain their way out of an arrest or jail. Or let's take the bookmakers: one informs on the other to put him out of business. You have to be very careful with the people you're dealing with. We normally assign two men to an informant.

Interviewer: Why?

DePhillips: One man may get sick, die or transfer; with at least two men an informant will continue even if one officer is no longer around.

Interviewer: Do you share informants with other agencies such as the FBI?

DePhillips: No. We hope to keep confidentiality. If an informant has information we think might interest the feds we'll discuss with him and then if his usefulness to us isn't great we arrange for him to talk with federal people.

Interviewer: Is it true that an officer may develop a network of informants who'll only talk to him?

DePhillips: It happens on occasion but not so much up here (in the OCCB). Most of the time our men are exhaustively debriefed. And we check out every informant very carefully. We show him pictures of people we know in organized crime from his neighborhood or in the area he's active in like drugs, gambling, shylocking or fencing hot stuff.

Interviewer: And if he can't identify top people, he's meaningless to you?

DePhillips: Right. Unless you want to build your way up: say we get a pusher and he knows he's going away (get convicted and do time) we debrief him to see what he knows and if he's telling us the truth. And then for court consideration (after the DA is informed) he gives us information on his sources and so on. Also, someone else up here in the bureau has to know what's going on.

Interviewer: In working your way up the ladder you don't work alone. Then how is this set up?

DePhillips: The C. O. (Commanding Officer) must know what's going on. How can he administer? What if you get sick? What happens if you're working alone -- nobody else knows -- what happens if you transfer or die . . . the investigation goes with you? (Sgt. A. DePhillips taped interview, 12/20/76).

A candidate for the registered informant category is grilled and tested for reliability by relays of detectives who specialize in this sort of determination. The final exam comes when the informant or his information is turned over to a team of street detectives who obtain warrants to raid premises or search them physically or with electronic eavesdropping equipment in which the informant specifies that criminal activity is taking place. If the team succeeds, the informant is registered. He receives a number (his actual name is rarely used in police reports or elsewhere) and he is judged reliable enough to work on the street with an undercover agent. Usually, the informant is promised immunity from prosecution or court considerations if his information results in arrests and prosecutions.

Debriefing methods are most important in information gathering.

Interviewer: Does the agency (OCCB) have a format or standard debriefing procedure?

Sorrentino: Yes, anyone who debriefs uses a set of standard methods. It's good to create a relaxed atmosphere.

Elfein: When you debrief is important: we debriefed a fellow about to be released and he gave us nothing. When we asked who's "Joe Blow," where do you fit in, he was very vague. It's best to debrief someone before they go to trial.

Sorrentino: I debriefed a guy getting paid and he couldn't tell you enough (laughter).

Elfein: Reports are made up of sessions with informants and these are gone through periodically.

Interviewer: How do you act on informant information?

Elfein: Say an informant says something is going on at this location. A field unit will go out and watch this location for a week or two, just watching. They'll gather intelligence -- take down license plates, photograph people going in and out -- and give it to whichever unit has jurisdiction (could be narcotics, gambling or public morals) then the district puts manpower on it and we give them any information that could help them (OCCB taped interview, 1/21/77).¹⁰

Det. Ford, a field investigator and analyst for over eighteen years with the New York police described her techniques this way:

Interviewer: How do you gather information and develop information on organized crime activities?

Ford: Until recently, I would go into the field on investigations and use my skills in photography to conduct surveillances and build up files on organized crime figures. Nowadays, I tend to limit my work to debriefing field investigators. In debriefing I tell the officer, "I think this has happened or is happening in Barnes' group, what do you think?" I then compile and assemble all the information I've collected

during the debriefing sessions compare it with informant information and from this develop a tentative picture of what's going on.

Interviewer: How do you develop or recruit informants?

Ford: Well, we often "turn over" or "flip" wise guys (criminals) into informants. Many times informants walk in off the street; many are concerned citizens who are outraged by activity in their neighborhoods; others are girlfriends or partners who've been burned (cheated or double-crossed).

Interviewer: How do you determine the reliability of informant information?

Ford: With the underworld informant a check of his reliability depends on the purpose for which his information is used. First, we debrief them. I rely on my personal knowledge to see if there is a "fit" between what I know and what the stool is saying. One good way of checking out someone who says, "I can give you Barnes or Lucas!" (Black syndicate bosses) is to display photos; if he can't identify them we ignore his information but don't tell him to get lost. No . . . we don't discourage anyone from talking or let them get an idea of what we know. If the information seems good, we set up street surveillance; check informant's information against our files; and very important -- get street names since few use their real names. Then we circulate the information out to others in the NYPD or other agencies and departments. All the time I concern myself with someone "doing a dance" on my head (deceiving or lying) and caution field investigators likewise. We have to make sure someone isn't talking just in order to get off a rap or to eliminate competition, settle a grudge or make a living as an informer. With the underworld informant, we try to flip him and set up an undercover (police agent) to get intros (introductions) to, say, our informant's drug source and up the ladder we go: informant → undercover → bust (arrest); turn the busted guy into an informant → infiltrate → bust.

Interviewer: What is the strategy in a word or two?

Ford: Our strategy is to find out what can be bought and who deals. Then we try to make buys (drug purchases) -- small at first, until our undercover gets known -- and then using recording devices, move up the ladder. This is sensitive and dangerous because we have our men in the street.

(Det. O. Ford interview, 2/25/77)

The debriefing process is not merely an information generating method but a security technique as well. Debriefing must be exhaustive not only because the informant might possess information which he considers trivial that the police, however, might deem important, but also because a complete debriefing makes it difficult for the informant to learn about police investigations and interests. If the interrogation is limited to those topics and areas about which the informant wishes to talk, he might conclude that the police are interested in specific individuals or criminal activities and inform against the police.

While some intelligence officers think that it is essential for field personnel to blend into communities in order to collect information, others indicate that ethnic or racial similarity need not be a prerequisite for effective information gathering and intelligence. Det. N. Mauriello, a specialist in Chinese-American syndicate crime (The Tongs), a "wide eye" (white man) cop, has established himself in the Chinatown area of New York City as a threat to the gangs and tongs.

Interviewer: What success have you had in penetrating the tongs here?

Mauriello: They think we know more than we know and they tell us things. Some tell us about rival groups. We go to the Ghost Shadows on Mott Street who can't go to Pell Street (the territory of the White Eagles and Flying Dragons -- toughs employed by the Hip Sing Tong) where we do. So they all think we got a lot of information and give us even more.

Interviewer: Is there an exchange with other police agencies?

Mauriello: Always. Los Angeles has an Asian Task Force. Some persons who created problems here are doing so there, so I put together a report and send it out. If we see someone we don't know, we contact Frisco or L. A. If we can get a photo we can solve a case usually.

Interviewer: What are your informational techniques?

Mauriello: We go back into arrest records -- four or five years -- get photos and see if a pattern emerges as to who's who. We also go onto the street and see people; we take surveillance photos and circulate these to other departments like Toronto, Chicago, Frisco.

Interviewer: Do you have informants?

Mauriello: Yes. We can be trusted. We get people calling us who we don't know. And then every cop on the beat if he sees something unusual fills out a summary report which we see and inform OCCB of the locations. Somewhere along the line we come across interesting things. Let's say a cop reports a new car on Pell Street. Let's say a crime happens on Canal and Mott at 6:00 p. m.; a shooting occurs. It's very interesting that a cop reported a new car and plate at that location at 5:30. We then show a potential witness 20 or 30 faces instead of 300. Also, our files help us protect people. Say someone comes in and says "X did it" but we have a report that X was seen at such-and-such a location at that time. He can't be the guy. This protects us from being used by Tongs to harass each other.

Interviewer: Have Chinese journalists ever given you any information?

Mauriello: They used to print rumors. Now it's gotten better . . . they're more aware of what's going on. Have they helped us? Yes, definitely now. I told some we're formulating a program on gangs. We don't use wiretaps. We set up a tape recorder and it's accepted. We set up extortion cases with recording devices and transmitters. We put people (police) in key positions with marked money; you pay the guy making the demand and we move in and make the arrest. But extortion among criminals is high. You're doing dope; someone holds you up; you're not coming to me.

(Det. N. Mauriello, 11
taped interview, 4/4/77)

Loughery observed (taped interview, 2/9/77) that, "every police officer who has worked in plain clothes develops informants. And he gets to know these people. Basically, their relationship amounts to a simple issue: What are you willing to do or pay for information?"

Much of the work of the organized crime investigator as contrasted with prosecutorial activities involves hearsay -- the kind of information by which most of us live and through which we govern most of our daily life. While it would be utterly useless in court, separate pieces of hearsay information from entirely independent sources, which triangulate on the same subject or events, may point to guilt with a euclidean exactitude (Harney and Cross, 1968). Gutterman has stated succinctly the importance of the informer in the criminal justice process:

Any defense of the informer privilege must unquestionably accept the view that the informant is vital in society's constant effort to combat crime. Once this view is accepted, the assured anonymity of the informant appears as the only effective method of preserving the informant system and of protecting those individuals who have participated in the process (1967: 102).

Table 6-8: Methods for Coping with Underworld Secrecy and Evasion

	<u>Agency</u>												
	A	B	C	D	E	F	G	H	I	J	K	L	M
(a) <u>Surmounting Underworld Secrecy, Dissimulation & Evasive Tactics</u>													
Use of Informants	X	X	X	X	X	X	X	X	X	X		X	
Wiretaps	X	X			X	X	X			X		X	
Physical Surveillance	X	X	X	X	X	X	X	X	X	X		X	
Undercover Infiltration	X	X	X		X	X			X	X		X	
Intelligence from other sources	X	X		X	X	X	X	X	X	X		X	
Other*		X											
(b) <u>Code of Silence Adherence by Organized Crime Figures</u>													
Completely	X	X		X	X								
Infrequently												X	
Rarely						X							
Depends on position in organization hierarchy									X	X			
Don't know			X				X	X					
(c) <u>Conditions Affecting Disclosure of Criminal Activities</u>													
Depends upon position in criminal hierarchy		X	X		X	X		X	X	X	X	X	X
Informing is weighed against likelihood of gang reprisals and/or conviction	X	X	X	X	X		X		X		X	X	X
(d) <u>Value of Informant Programs</u>													
Strongly agree	X		X		X			X			X	X	X
Agree		X		X		X	X		X	X			
Strongly disagree													
Don't know													

* Other includes plea bargaining (Texas, OCCB, DA's of N. Y.); Telephone TOLL Analysis (N. J.)

The value police agencies attach to informant programs and informer information is illustrated by the responses to item d, Table 6-8. All law enforcement groups in the sample agree that informant programs are important components in the overall intelligence and control process.

Whatever motives stimulate informants -- revenge, fear, self-importance or money -- we have seen that police seek to cultivate basically two kinds of informant sources. The first is a chain of communicators whose information leads eventually to important criminal figures at the nexus of an illicit operation. Actually, this type is most often an ephemeral structure which does not persist beyond a specific case or arrest. The other, more familiar, type of source might be called a reticulated informational system consisting of a network of "steady stoolies" who maintain an exchange relationship with police and other law enforcement officials. The exchanges that informants negotiate with law enforcement ordinarily take the form of monetary payments or court considerations for information (see item c, Table 6-8). However, some of the most sensational disclosures of underworld activity revealed by organized crime figures were motivated by revenge and hatred rather than personal safety or money. In 1963, Joseph Valachi, whose testimony before the McClelland Senate Committee investigating labor racketeering was called by Attorney-General Robert Kennedy the greatest breakthrough against the underworld in history, said, very simply and sorrowfully, "what I am exposing to you, the press and everybody . . . this is my doom." ("The Underworld: A Portrait in Power," WABC-TV, 7/28/77).

Valachi talked, broke the code of silence, because a contract had been put out on his life -- wrongly, he believed -- and the only way he could retaliate was to divulge his knowledge of the inner workings of the mob. Similarly, Vincent Teresa, considered by many law enforcement officials to be at one time the number three man in the New England underworld, informed against his associates, putting as many as fifty syndicate men in jail because they did not abide by the "rules."

Interviewer: Vincent, what made you break the code and talk against the mob?

Teresa: First, I went to jail for stolen securities. I had a lot of money on the street (loansharking business) and they (former partners and associates) never took care of my family; they even tried to kill my wife. They didn't pay for my silence so I did what I had to do to get back at them -- I talked.

("The Underworld" WABC-TV, 7/28/77)

The interview data with police officers suggest that their interrogation techniques cast them into two roles: that of observer and judge. As observers, police interrogators record information and closely scrutinize the demeanor of informants, noting everything and assuming nothing; as judges they evaluate the worth of information they receive or generate and integrate it into the extant body of intelligence data.

Surveillance activity is another very valuable investigative tool. In police work, surveillance can be described as discreet observations of persons, groups or locations. A surveillance log in which most observable activities of subjects are noted including dates, times, physical descriptions, arrivals, departures, etc. is a necessary part of the activity (Horgan, 1974). Further, in

surveillances, unlike most other investigative techniques, the initiative is held by the subject. Without advanced knowledge of a subject's plans, police officers must be governed by his movements. In other words, the police react rather than act as they^{12, 13} do in debriefings and interrogations.

Another network of information available to law enforcement agencies is the intricate system of communication that has evolved within the criminal justice structure including local and federal groups. Table 6-9 suggest the range and method of data transmissions among participating organizations. Although local police complain about the lack of reciprocity with federal agencies -- information is avidly accepted by them while information from them is sluggishly returned. The diffusion of data on organized crime activity is, in the opinion of those most closely concerned with the problem, absolutely essential for effective control. As early as 1956, the Law Enforcement Intelligence Unit (LEIU) was created, as an indirect result of the Kefauver hearings, for the purpose of encouraging and assisting in the gathering, recording and exchanging of information. By 1975, LEIU consisted of 225 member agencies which include municipal police and sheriff's departments, district attorney's offices and state police agencies throughout the United States and Canada.

In 1967, the President's Commission on Law Enforcement and Administration of Justice criticized law enforcement for its failure to develop strategic intelligence. The Commission observed that the emphasis had been primarily concerned with tactical intelligence -- collecting evidence with prosecution as the immediate objective. The Commission recommended that:

A body of strategic intelligence would enable law enforcement to predict what directions organized crime might take, which industries it might try to penetrate, and how it might infiltrate (Commission Report, 1967: 199).

It also urged that police departments in every major city develop an intelligence unit solely to control organized crime activity. Major William Baum of the New Jersey State Police said at the 1975 National Conference on Organized Crime that "the crisis to crisis or case by case methodology routinely used by police agencies with little long range or follow-up planning or objectives rarely has any adverse effect upon syndicated criminal activity." (National Conference Report: 78).

The OCCB (NYPD) has a direct tie-in with the New York State Identification and Intelligence System (NYSIIS) and utilizes it often to obtain criminal records.

At the federal level, the 1967 Task Force recommended that the federal government create a central computerized office into which each federal agency would feed all of its organized crime intelligence. The Commission also suggested that the Department of Justice provide financial assistance to encourage the development of efficient systems for regional intelligence gathering, collection and dissemination. In response, in 1970 under an LEAA grant, a computerized intelligence information storage and retrieval system in cooperation with and under the direction of the Organized Crime and Racketeering Section of the Justice Department, which became known as OCRIS (Organized Crime Intelligence System), was formed.

The main OCRIS data base, known as Profile, which receives intelligence information from over 25 investigative, regulatory and prosecutive agencies at the federal, state and local levels, is designed to reference every target of a current federal level organized crime investigation. . . . the data base also contains information . . . such as aliases, criminal organizations, residences, etc. To assist with the maintenance of this centralized organized crime data base, the OCRS created field intelligence analyst positions . . . whose prime responsibility is to gather data relevant to the organized crime drive . . . (National Conference Report, 1975: 11).

And in an address before the Bundeskriminalamt of West Germany, William Cleveland, former Assistant Director of the FBI, stated that the Bureau,

. . . has not only benefited substantially from information developed by other agencies but, during the past year (1974) supplied data enabling other Federal, State and local agencies to make nearly 3,300 arrests of organized crime subjects; confiscate more than \$40,000,000 worth of cash property, narcotics, and wagering paraphernalia; and assess tax liens against \$15,000,000 worth of property stemming from Federal gambling cases (Organisiertes Verbrechen, 1975: 40). 14

At the international level, INTERPOL functions in much the same way as LEIU and equivalent informational systems (J. Nepote to R. Kelly, 1/19/77). In France, while there is no central clearing-house or data consortium on a continent-wide basis which pools and integrates information on criminal syndicates (reseaux), there are agencies which collect information on crime syndicates -- much like the U. S. Department of Justice Strike Forces and OCRS; information integrated by national agencies can be transmitted to other European countries through INTERPOL (J. Cosson to R. Kelly, 6/17/77).

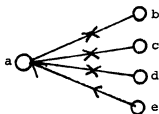
Most respondent groups in the sample indicated that occasionally there is international cooperation with respect to informational exchanges. Canada, Mexico, Latin America, Italy, France and,

increasingly, the countries of the Middle East have provided American law enforcement with data relevant to investigations involving narcotic operations and international smuggling. (item b, Table 6-9).

In some instances, agencies engage in what might be characterized as "gift exchanges" in which information is provided not with an explicit understanding that information of equal value or significance be received in return, but rather with an implicit understanding that the giver will receive, whether tangible or intangible, information or advice of approximately equal value in return sooner or later.

The need and right to know criterion prescribes the conditions under which most data and criminal reports are disseminated. Little or no bartering, where one specific item of information is exchanged directly for another, occurs. Bartering is more common with criminals and journalists, with the former giving information for court considerations and the latter in return for information for stories.

Figure 6-1: Informational Exchanges



Key: (a) a law enforcement agency	(d) criminals
(b) other law enforcement agency	(e) private citizens; public at large
(c) journalists	

Reciprocal bartering exchanges occur among law enforcement agencies (a, b); with journalists (c); criminals (d), but not with private citizens whose relationship with law enforcement groups is one of non-reciprocated information dissemination.

Table 6-9: Interagency Patterns of Communication and Exchange

		<u>Agency</u>												
		A	B	C	D	E	F	G	H	I	J	K	L	M
(a)	<u>Patterns of Cooperation among Law Enforcement Groups</u>													
	Utilization & exchange of personnel	X				X	X			X				
	Equipment allocations		X			X	X		X					
	Intelligence Data transmissions	X	X		X	X	X	X	X	X	X	X	X	X
(b)	<u>Foreign Agencies</u>													
	Frequent cooperation	X							X					
	Occasional cooperation		X	X	X	X				X	X			X
	No cooperation at all													
	Other			X										
(c)	<u>Data Transmission Mechanisms</u>													
	Confidential memoranda	X	X		X			X		X	X			
	Criminal records	X				X		X		X	X		X	X
	Committee reports and testimony	X				X				X				X
	Other		X				X		X					
(d)	<u>Methods of Information Exchange</u>													
	Uniform communication pattern	X					X		X			X		
	Irregular communication		X	X	X			X					X	X
	No communication pattern													
	Other modes of exchange									X				

Footnotes

1

Aside from developing data on official policy vis-a-vis operations, another reason for creating two law enforcement survey instruments was to adjust to what Selznick (1966) isolated as a managerial bias in reports on organizational structure and functioning. With OCCB personnel, it was possible to gain some insight into the actual operations of organized crime police units in addition to the bureau's "line" regarding its work. Selznick's study of the TVA demonstrated that bureaucracies are adaptive and always present to the outsider a "front," a "scheme" of operations which may or may not correspond to the dynamics of everyday activities. Above all, the organizational view of itself and its activities is always someone's view. Selznick located the source of this "scheme" (for the TVA) in the managerial echelon. Thus, I sought information from individuals situated below the managerial hierarchy in the OCCB and other police agencies so that my picture of the organization and its work would conform more closely to its actual functioning rather than its official image.

Edward Sagarin warned me during the early phases of the data collection before the raw materials were shaped into rough models to be singularly suspicious of information provided by respondents because many would tell me what they wanted me to hear rather than learn what really was -- a caution, with minor variations, of a precept enunciated by Adam Smith which might be called "invisible-hand explanations." ("Every individual intends only his own gain, and he is in this, as in so many other cases, led by an invisible hand to promote an end which was no part of his intention.")

2

In its 1970 Report on Organized Crime, the Pennsylvania Crime Commission stated that:

In 66 of 67 counties the district attorney is not required to be a full time official. There is neither the requirement nor the incentive for the district attorney to devote all his energies to prosecutorial duties. Moreover, only three police departments in the state have organized crime units: Philadelphia, Pittsburgh and the State Police (Report, 1970: 76, 86).

David Breen, director of Field Operations of the Pennsylvania Crime Commission and former FBI organized crime specialist who served as a consultant to the Governor, indicated that conditions in the state have slightly improved since the 1970 report which detailed the deficiencies in the state's program of organized crime control. He thought that the New Jersey SCI was very effective and has done much to reduce crime syndicate spread in New Jersey. In his view, the main problem in Pennsylvania is that no state agency is equipped to really learn anything about organized crime operations. First, there is very little training of local constables or police in

organized crime intelligence. Second, state laws are excessively restrictive regarding electronic surveillance thereby preventing proper intelligence gathering. Third, the attitude and psychology of local police is such that where they will cooperate fully in a murder case, they will offer only perfunctory assistance with an illegal numbers bank investigation or, what is worse, they might "drop a dime" (inform the individual under surveillance), as local police do not see numbers as a serious crime. Fourth, the state police is overworked throughout the state: it contains a small Bureau of Criminal Identification but must do police work in 67 counties hence its resources are severely strained. In addition, tradition keeps the State Police out of the large cities and population centers where organized crime thrives. Mr. Breen noted that wherever organized crime operates local law enforcement knows it. And, further, since the Pennsylvania crime syndicates and families operate across state boundaries (the Philadelphia underboss of the Bruno organization lives and is headquartered in New Brunswick, New Jersey; Bruno's group picks up the six surrounding counties of Philadelphia and spreads into Trenton and Camden; and the Gambino (N. Y.) and DeCalvalcante organizations do business in Pennsylvania), it is difficult to coordinate effort across three states. (Breen interview, 2/28/77).

3

Concerning corruption of politicians:

Rl: Ernie (Rupolo, a freelance triggerman in the New York underworld) knew "Bayonne" (Joe "Bayonne" Zicarelli, an associate of the Caetna, DeCarlo and DeCalvalcante crime syndicate). Bayonne would come to the city (NYC) and tell the "Hawk" (Rupolo) about those politicians (NJ), how greedy they were. What's this guy, the Italian . . . before the "Yam" (Italian slang for an eggplant used as a pejorative reference to Blacks) became Mayor?

Interviewer: Hugh Addonizzio?

Rl: Right! Ming . . . was he hungry! That rag took from everybody, everybody. Ernie would laugh at Bayonne because he got so hot. "That fuckin' mutt . . .," Bayonne would say, "he even steals from us and we put him in. Everybody wants to earn, but this geek (ethnic slur) thinks who he is." And what happened? What's he do now? He went away (Addonizzio was convicted and sent to prison on corruption charges). (Rl taped interview, 6/18/76).

The tart observations and unabashed hostility filling these comments indicate that Addonizzio violated the Aristotelian principle of harmonia.

4

Major Steven Bertucelli, Commander of the Organized Crime Bureau in Miami, was a major participant in the 1975 National Conference on Organized Crime sponsored by the U. S. Department of Justice and the Law Enforcement Assistance Administration. His training and investigative experience cover the gambit of contemporary strategical and tactical law enforcement work.

5

Salerno comments instructively on the distribution of intelligence:

(The) LEIU . . . screens its membership; many police forces are not accepted. Application must be made by the head of the Intelligence unit who is the only one who can attend LEIU working meetings. The application is circulated among the membership who comment off-the-record- on the integrity of the police department and the individuals concerned. If the application is rejected it is often refused "because we have adequate geographical coverage in your area." Not only is it difficult to join the police intelligence community but continued membership is not automatic. When the head of a member department or the commander of an intelligence unit leaves by promotion, retirement or death, the membership is suspended and there must be re-application and a re-evaluation before it is activated again (Salerno & Tompkins, op. cit.: 286-287).

6

The Michigan State Police and Boston's prosecutor's office do employ investigative personnel in operations involving criminals who assist in making contacts for the purchase of stolen goods, narcotics, etc. But even here situational contingencies and the exigencies of particular cases determine whether informants or criminals are used.

7

Salerno and others at the local law enforcement level complained that they are inadequately budgeted to pay for information. Mr. Salerno stated that in his experience with the CIB (Central Intelligence Bureau) of the NYPD, 700 detectives had an informant budget of \$35,000 a year, whereas the FBI and other governmental agencies work with a great deal more. Salerno also averred that if every detective had \$100 a month to pay for information (or \$700,000 for the department) a profound impact could be made on organized crime (Salerno interview, 8/2/76).

8

The combined force for the Boston Police Department's Intelligence unit and the Boston's district attorney's investigative staff, excluding trial attorneys, is 27. Neither agency is concerned exclusively with organized crime activities so that the amount of manpower for organized crime work is quite small given the size of Boston's metropolitan population and the intensity of criminal syndicate activity. I was not able to learn if non-supervisory personnel in other agencies were circulated through the various jobs in their agencies; supervisors occupy a variety of jobs as part of their training and socialization.

9

District Attorney Murphy's view that the code of silence instills fear in potential informers is true to a degree. "Murder Inc." was exposed through an informant -- Abe (Kid Twist) Reles; "Cosa Nostra," its structure and characteristics was revealed by Joseph Valachi; Vincent Teresa provided information on the New England Patriarca organization and its links in New York, New Jersey and Florida with loanshark operations and security frauds; Peter (Pete the Greek) Diapoulos has talked about the Gallo faction and its bloody relationships with two bosses of a Brooklyn crime family: Joseph Profaci and Joseph Colombo; Vincent (The Cat) Siciliano has written about his experience in the metropolitan area of New York; Joseph Luparelli has revealed to reporter Paul Meskil his role in the Gallo assassination; and Ira Pecznik, a gunman for the Campisi family of Newark, N. J., talked to law enforcement agents and two journalists: Paul Hoffman (To Drop a Dime) and Harvey Aronson (Deal).

10

Training in investigative methods is not limited to local police forces but is to be found in all law enforcement agencies including those of the federal government. Andrew Tully in his account of U. S. Department of Treasury activities recalls the preparation agents received:

The trainees study constitutional law and rules of criminal procedure, and get instruction in search and seizure, arrest, handling of prisoners, interviewing, interrogating, conduct in court and report writing. Under the course on "Technical and Scientific Investigative Aids" the agent gets a kind of basic training in the use of electronic devices, learns how to take fingerprints and how to use a crime laboratory . . . and learns the fundamentals of photography. Because a good agent must be articulate when he is interrogating witnesses, the students also get a short course on public speaking (Tully, 1958: 30).

11

The Ghost Shadows, White Eagles and Flying Dragons are youth gangs in the service of the two major tongs in Chinatown: the Hip Sing of Pell Street and East Broadway; and the On Leong which controls the territory around Mott Street. These youth gangs guard the gambling houses and provide muscle for the age-old restaurant-protection racket -- not to mention considerable "free lance" extortion on the side. The gangs also act as runners and couriers in the Chinatown Connection heroin trade, bringing the stuff across the Canadian border and spreading it throughout New York.

Originally formed as protection societies for Chinese without strong family ties, the tongs set themselves up as "night mayors" of Chinatown. They control the illegal activities in a community where just about everyone feels outside the law. With their hatchet-men they struck a precarious parity that still holds. On Leong has more money and prominent members -- especially with those from Chiang Kai-Shek's Nationalist government. The proletarian Hip Sing, which is known as the friend of the seaman for its ability to land illegal Chinese aliens and place them into menial jobs, has more members and branches (Jacobson, 1977).

12

All interrogations except those conducted under grand jury immunity grants are guided by the June, 1964 Supreme Court ruling commonly known as the Escobedo and Miranda opinions. The Miranda warning guidelines structure interrogations: informants, or those subjected to interviews, must be informed of their rights. Generally, before interrogations commence, police must identify themselves to their subjects, advise them of their rights to remain silent, and their right to an Attorney (A. Aubrey & R. Caputo, 1972). With informants, however, the conditions and circumstances under which police elicit information are substantially different: informers willingly furnish information; they are under no duress from police, nor is information coerced physically, or likely to be used against them in a prosecution.

13

Photo surveillance is an important technical feature and integral part of intelligence gathering and analysis. Det. D. McGuire of the OCCB, a specialist in illegal gambling, pointed out the utility of photo surveillance in field investigations:

Interviewer: When you conduct surveillances, what tools do you use?

McGuire: We use photo surveillance. We don't take pictures of everything, obviously. However, when lots of interesting people gather at a location which we are watching we take pictures because the individual officer at that location might not be able to identify everyone involved. He comes back with the film, and with the help of other officers we're usually able to pin (identify) them.

(Det. D. McGuire, taped interview 4/1/77)

14

On the international level organized crime data is, to some extent, standardized. INTERPOL, for instance, has a similar storage and retrieval system as that of LEIU. On intelligence systems see J. Carroll, Confidential Information Sources (1975).

In a personal communication, M. Jean Cosson, Conseiller a la Cour de Cassation (Supreme Court Judge), provided information on the French Criminal Intelligence agencies which closely parallel American law enforcement organizations. They are: La Brigade Nationale de Recherches Criminelles; and, La Brigade Criminelle a la Prefecture de Police, Paris.

Chapter 7

Prosecutorial Techniques and Procedures

Prosecutors have other ways of eliciting information from individuals which the police do not possess. By means of immunity grants and recommendations on sentencing for cooperative witnesses facing jail terms, prosecutors can bargain for information with otherwise recalcitrant witnesses and defendants. In some instances, the possibility of a long jail term persuades individuals to reveal criminal confederates and associates (see item c, Table 6-8; Appendix F). Mr. Andrew Maloney, formerly an attorney with the Federal Narcotics Bureau offered these observations.

One way (of determining the reliability of information and informants) was after developing a lower-echelon pusher, for instance, was to make the "cross-roads speech" -- i.e. we got you now and its a second rap; you're going away for 25 years. Talk to us, no one will know you informed; we will avoid making you a witness if we can; we will seek court consideration and if you must testify in order for us to get a conviction, we will relocate you, etc. If this works, our man "rolls over" he leads us to the next dealer-pusher and higher echelon people (A. Maloney interview, 1/14/77).

Experienced prosecutors tend to be more pragmatic than most other criminal justice professionals, more interested in Realpolitik. It would seem that, for the most part, they are preoccupied with the tactics and techniques demanded by the concrete problems in their investigations. "Prosecutors," write Schwartz and Jackson, "have more power than any other agents in our criminal justice system, more power than the police, the judges, juries, prison or parole authorities." (1976: 75). A strong statement to be sure, perhaps

even an overstatement of the prosecutor's importance in the criminal justice system, but one which dramatically draws attention to the pivotal role prosecutors play in the process.

The federal, state or local municipal prosecutor decides whether there shall be a case; he seeks evidence and decides what -- if anything -- will be done with it; and, when presented with evidence by the police (in those instances where the prosecutor's investigative staff has not collected it), it is the prosecutor who decides what crime the state or people shall claim occurred. The flexibility and latitude of the prosecutor's position is apparent in still other ways. A case attracting a great deal of publicity or one the prosecutor is likely to win, might call for the most serious charges applicable (as with Dewey in the Luciano case); a case that is weak in evidence, on the other hand, might be bargained down to a much less serious offense (Wilson in the Capone case). And at any time in the course of a prosecution, the people's attorney may exercise his discretion and move to dismiss a case.

Theoretically, the prosecutor is a neutral agent in the judicial process and since he claims to act in the interest of the public, there are few restraints on the exercise of the office. In short, the office of prosecutor affords tempting opportunities for an occupant to play the role of avenging angel in the name of the people or seek to enhance his personal reputation. (Cunningham, 1977).

The purpose of the criminal trial, the final stage after arrest and indictment, is not to fully air all the facts -- it is

much more confined. The prosecutor's power is too heavy a weapon to be used in aid of a generalized inquest into wrongdoing -- rather, the trial process is more narrowly focused. Rules of evidence limit the kind of proof that can be used to establish the defendant's guilt. Some rules even exclude proof that common sense tells us is highly relevant to the jury's decision -- because it is deemed to be insufficiently trustworthy or more inflammatory than probative of guilt. Even within these limits "all the facts" are seldom brought out. The trial is an adversary proceeding, a contest of persuasion in which facts are the ammunition. Each side naturally wants to exploit only those facts that will convince the jury to decide the case in its favor. The audience in this contest is the jury.

It is the lawyer's job not so much to bring out all the available facts as much as it is his purpose to dramatize the evidence, to breathe life into it, to fashion some coherent impressions about the defendant's conduct that can be communicated to the jury within the legal constraints imposed on the trial process (Mills, 1969).

Despite the importance of the prosecutor's role in the criminal justice system, most come to the job with little or no experience (Flannery interview, 2/15/77; Scotti interview, 3/17/77; Rosett & Cressey, 1976). R. Tharp, formerly head of the Bronx county district attorney's Rackets Bureau, stated unabashedly that he secured his appointment as an assistant district attorney because,

. . . when Burton Roberts was DA he was friendly with my dad who was DA in St. Lawrence county (upstate New York). Roberts promised my father he'd appoint me. So, I went into the Bronx county trial bureau and in two years -- which is really unprecedented -- I went to homicide -- a prestigious job.

Roberts then approached me and said he needed his "best man" in his newly formed Rackets Bureau. I had no choice; here I am. I don't particularly like the job but it's a step in my career (Tharp interview, 10/29/76. Quotation marks in the original.)

On-the-job training for new staff is not untypical in prosecutors' offices. As Rosett and Cressey point out:

The prosecutor often had to find out what he was supposed to do by asking an experienced police officer, a court clerk, or one of the secretaries in the office. Mostly, he relied on his colleagues, all of whom had been in similar circumstances not long before. They encouraged him and seemed to expect that as a new man he would come to them for help.

Gradually . . . (he) became aware of the gap between "the way things are done around here" and the law as stated in the books (Rosett & Cressey, 1976: 87; quotes in the original).

In the research population of this study, however, approximately half of the attorneys come with some law enforcement experience -- usually as police officers.

One of the most famous organized crime prosecutors, Thomas E. Dewey, did not hesitate to hire men who had no previous experience in trial or prosecutorial work (Scotti interview, 3/17/77). Aware of what Rosett and Cressey call "courthouse customs" -- unwritten informal rules, understandings, working arrangements and cooperative attitudes regarding procedures shared by defense attorneys and prosecutors -- Dewey organized his special prosecutor's office in a manner that precluded leaks and more or less insulated his staff from contacts with their adversaries -- the underworld, their attorneys, and corrupted law enforcement officials. The precautions Dewey institutionalized might seem by today's standards somewhat paranoid, but in the 30's in New York City the power and enormous

influence of the underworld was, apparently, more insidious and blatant. Dewey forbade staff members from maintaining private practices; there were to be no discussions of cases outside the office nor discussions between staff members working on different cases; and certainly no consorting with criminals or photographs with defendants (Dewey & Campbell, 1974: 179).¹ A special, untappable telephone cable was installed in Dewey's offices; all stenographic work was done in a large room under constant supervision; special locks replaced standard ones on filing cabinets; and, (somewhat portentously perhaps) the last security measure, burning all scrap paper and working notes, insured against theft

Of interest are some of Dewey's innovative trial and evidence collection tactics. For instance, in developing the case against Charles (Lucky) Luciano, for every piece of hearsay testimony five solid witnesses were available; against Louis (Lepke) Buchalter, notorious garment center labor racketeer, and one of the masterminds behind "Murder Inc.," Dewey's staff initiated the practice of serving subpoenas requiring the production of materials "forthwith" in order to avoid the sudden disappearance or destruction of records.

"Freezing" witnesses was another Dewey novelty. Every prosecutor knew that witnesses would be approached by defendants. Therefore, prosecutors attempted to get as many witnesses as possible that the defense might call on record before a grand jury so when an indictment was handed up, and the defense started to look around, they would find that all the witnesses who were in any way knowledgeable about the case had already been before the grand jury and were committed to a story under oath. If witness testimony was,

in fact, exculpatory or exonerating, the indictment would not be handed up. If, on the other hand, a defendant was guilty and all the witnesses who had any material information about the case were brought before the grand jury, then the defendant could not suborn perjury. "Freezing" meant, in other words, that the prosecution had to "take the role of the other" and anticipate the defense (Dewey & Campbell, op. cit: 294-295).

Ordinarily, a cooperative working relationship exists among police and prosecutors. However, since each functions in a different organizational setting, each experiences different pressures in fulfilling respective role responsibilities. For example, the evidence sufficient to justify an arrest is not necessarily enough to obtain a conviction. From the first step of the criminal process -- the arrest -- to the last -- the judge's or jury's verdict -- there are intervening reviews of the evidence, and with each of these intermediary steps, the quantum of evidence required to hold a suspect grows. Further, for the overworked police officer the confession represents a ready-made short-cut to conviction, a way of avoiding the dreary business of long hours of questioning witnesses, pinning down details and interviewing persons -- work for which few officers have the training, inclination or patience. The pressure on arresting or investigative officers to obtain confessions is immense. A confession facilitates routine police work; it also justifies the arrest -- especially when the arrest was made on less than probable cause. To secure confessions, police need as much time as possible between the arrest and the initial presentation of the suspect before a magistrate or municipal court judge, whose

duty it is to inform the arrestee of his right to remain silent, to obtain a lawyer, and to make bail. While such occurrences are rare today, they are indicative of interagency problems common in the pre-Miranda period and shortly thereafter (Cray, 1967).

"Rackets Buster" Alfred Scotti, formerly chief of the Manhattan District Attorney's Rackets Bureau from 1947 to 1974, and a member of the 1967 President's Task Force on Organized Crime, described some of his work routines with detectives. He always worked in close collaboration with the detective squad assigned to Dewey's and then Hogan's office, spending many hours explaining the purpose of the investigation so that they would not waste time on matters not germane to the case. Concerning the information collection methods used by the DA, Scotti allowed that there were two indispensable investigative devices in dealing with organized crime -- electronic eavesdropping, and the right to compel testimony under immunity before a grand jury.

Scotti: . . . you can have all the information in the world but if you don't have live witnesses to give testimony you don't prosecute because you can't prosecute on what everybody believes in. Sure "Joe Blow" writes policy, but what good is it? You might be able to write on the sociological implications of numbers in a particular area but it will not help a prosecution. Not easy. You need testimony. How do you get it? From the mouths of those who are implicated, who deem it necessary to communicate over the telephone. Then, when you get that information, you determine who to call before the grand jury and force them to testify.

(A. Scotti, taped interview, 3/17/77).

Scotti goes on to say that he was the one who first prosecuted (the Louis Saperstein - "Little" Augie Pisano case) not for refusal to answer, but for evasive answers which amounted to a refusal.

Professor F. Ludwig, a former member of the NYPD and an assistant DA in Queens county, described in detail the immunity procedure:

Interviewer: How do immunity grants work?

Ludwig: You're asked a question before a federal grand jury, for instance, and give no responsive answer but claim the privilege of self-incrimination (5th Amendment). At that point, the government's lawyer makes application to the U. S. Attorney; if the attorney is a Strike Force man, he still goes through the local U. S. Attorney who, in turn, applies to the Attorney-General in Washington for permission to grant you immunity for the answer to the question.

Interviewer: Why is the procedure so involved, so complicated?

Ludwig: The reason for that requirement is because of the danger of giving a person what is called a "bath." You might be wanted in LA for questioning about gambling and your being questioned about gambling in the southern district of Manhattan. You might be happy to get a "bath" because of more serious charges in LA. Immunity takes you off the hook. Therefore, 96 copies of the application (for immunity) are circulated around the country asking if anyone has objection to granting immunity to "Joe Blow" for answers he might give. It takes time but when it comes back you get immunity from the U. S. District Judge. You go before the judge who tells you, "I direct you to answer the question under penalty of contempt because you have immunity." The witness answers the question whereupon he is a cooperative witness. The consequences of his not answering lead to

federal penitentiary -- no bail; he's tried in 30 days on the question of whether or not he's guilty of contempt.

Interviewer: No bail?

Ludwig: Now, you say the 8th Amendment requires that there be a bail. But the court takes the position that this doesn't violate the Constitution because you have the keys. Answer the question and you're out. (2)
If you answer, what the U. S. Attorney will do for your own protection is this: He'll throw you in the can to delude organized crime people into thinking you didn't talk. If they see you walk, then you talked.

Interviewer: But how effective is the immunity grant? Isn't the contempt citation good only for the life of the grand jury?

Ludwig: Yes, up to 36 months. They can keep sending you back. Generally, the prosecutor takes the position that it's futile to leave you in jail forever.

Interviewer: Are there options to immunity grants which allow criminals to go free?

Ludwig: The strategy is a simple one: the person we want is a man who can supply information on bigger people. You don't call Al Capone before a grand jury and grant immunity so he will talk about his chauffeur driving without a license. It's buying information. The Supreme Court sustained the immunity provisions of the Organized Crime Control Act of 1970. The New York State statute gives plenary immunity -- transactional immunity -- general immunity.

(F. Ludwig, taped interview, 1/31/77).

The general immunity statute to which Professor Ludwig refers is contained in 18 U. S. C. 6001 - 6005, enacted in 1970 as part of the Organized Crime Control Act. Unlike prior existing so-called "transactional immunity" provisions whereby absolute immunity from

prosecution for that transaction was required to supplant the fifth Amendment privilege, the current "use immunity" statute, while prohibiting the use of any information directly or indirectly derived from an order to testify or provide documents, does not immunize a witness from a subsequent prosecution based on evidence derived entirely independent of the evidence he was compelled to disclose.

The practical advantages of the immunity statute as a prosecutive tool are that, first, under a use restriction statute more reliable and useful information is likely to be obtained from an immunized witness. Transaction immunity encouraged witnesses to provide testimony to as many offenses as possible without at the same time making it appealing to them to provide details of offenses to the government in the prosecution of others. It has been pointed out that under transaction immunity statutes, witnesses often revealed just enough information so that immunity would attach but would then behave evasively and disclose no additional information. Under a use immunity statute, once a witness is compelled to give testimony the incentives are strong that he or she divulge as many details as possible in order that the sweep of the immunity will be as great as possible. Secondly, government attorneys have been reluctant to utilize transaction immunity for fear that the witness granted blanket immunity might turn out to be more deserving of prosecution than had been anticipated. Finally, there is always the chance that after a witness had been granted immunity against prosecution, evidence might be developed independently by other authorities connecting the witness to serious crimes not

previously suspected. Such problems are sharply reduced under a use immunity statute since a testifying witness may still be prosecuted for offenses revealed in his testimony if it can be clearly established that evidence wholly independent from that developed from compelled testimony is, in fact, the basis for a contemplated
 3
 prosecution.

Granting immunity is not without its problems. Like the public, legislators look with circumspection upon testimony given by witnesses testifying under a grant of immunity. After all, the witness who is giving testimony and has immunity is valuable to the prosecutor only because he has intimate knowledge of the offense and persons involved so that his participation in the crime is apparent. Moreover, the immunity grant, whatever its importance to a case, smacks of special privilege and discriminatory treatment in which fair and equal treatment before the law is suspended: the jury and public at large are asked to disregard the criminal acts of the immune witness. Prosecutors, ever sensitive to public clamor and discontent, are under pressure to select the proper subject to either immunize or prosecute. He must somehow balance the effectiveness of the witness in terms of prior involvement, demeanor, candor, extent of culpability, and the importance to the community of the failure to prosecute the individuals (Mills, 1969; Hoffman, 1976; Aronson, 1978). Lastly, in granting use immunity, conflicts develop between the state and federal government. Use immunity precludes the prosecution of any immune witness by use of the testimony received in either state or federal court. It seems certain that conflicts have and will continue to arise where the state or federal government finds the need to grant immunity

but the other jurisdiction desires to prosecute (National Conference on Organized Crime, 1975). However, cooperation in cases involving state and federal law enforcement groups is frequent and often effective even though they do not concern questions of prosecution and immunity. Blacksbury of the Queens county DA's office who organized arrests and prosecutions of fences using undercover men, photo-surveillance and other methods, observed that, " . . . the Feds will defer to us (in a joint operation) if the crime is greater. For instance, arson with explosives draws 25 years to life in Queens county, so they turn it over to us." (Blacksburg taped interview, 12/7/76).

Plea bargaining is another device prosecutors utilize in developing information on organized crime activities and individuals. The practical realities of overworked, overburdened offices, the need to peacefully coexist with defense attorneys and other interested parties, to pacify conflicting and competing groups pressing to have their interests implemented in the courthouse; all are important stimulants in developing and maintaining systems of arranged guilty pleas to lesser or reduced charges (Rosett & Cressey, op. cit.). Although "negotiated justice" has met much damning criticism from groups who want adversary procedures that would maximize the amount of punishment meted out to criminals, prosecutors are involved in decisions not to prosecute because, quite apart from the reasons listed above, the accused in any case involving organized crime could be useful to law enforcement. Fences, for example, are crucial factors in handling cargo thefts, hijacked goods and stolen property. Similarly, small time drug peddlers and

low-level government officials who take bribes might be "turned over" to provide information, damaging information, against higher-level accomplices and associates, or persuaded to testify against bigger syndicate functionaries. William Aronwald, attorney-in-charge of the New York-Newark Joint Strike Force of the Department of Justice supports plea bargaining for precisely this reason.

Interviewer: You were quoted in the newspapers as saying you supported plea bargaining. Did you mean by that statement that you'd give or make a request for court consideration if someone divulged information leading to the arrest and prosecution of someone else higher up in the organized crime structure?

Aronwald: Sure. Plea bargaining in the sense where we have a man on several indictments and he agrees to plead guilty to one count and the others are dismissed. Another form of bargaining is where a man provides information in return for some consideration which is dependent on the information he provides. If all he is willing to do is provide information without testifying to it, the consideration he gets from us is less than would be if he's prepared to testify. Because unless someone is willing to testify in court he can sit there and tell you all the greatest stories in the world but if you don't have evidence to bring a case into court, the evidence is worthless. That's plea bargaining. We don't get into it where it gets to sentencing recommendations. It's (plea bargaining) a reality of life, it can be abused. As a practical matter, it's an important element of the criminal justice system. Without it, the system would fall by the wayside. We don't have the resources to go out and try everyone. Responsible plea bargaining is an exchange; a contractual agreement: the government is getting a fair plea in which the court is provided with adequate scope for punishment and the defendant gets something. Plea bargaining saves the government money, time, and resources. (Emphasis added).

(William Aronwald, taped interview, 11/2/76)

general guidelines for judges in sentencing racketeers and organized crime activists have been set forth in the Model Sentencing Act (1963) and in sections 1961 - 68, 18 U. S. C. (Organized Crime Control Act of 1970). Both statutes permit the court to include in the special "dangerous offender" category a defendant who is being sentenced for the crime of extortion, compulsory prostitution, selling or transporting narcotics, or other felonies committed as part of a continuing criminal activity, "in concert with one or more persons." The National Council on Crime and Delinquency which published "Guide to the Judge in Sentencing Racketeering Cases (Crime & Delinquency, April, 1968), makes in the foreword a very strong position regarding organized crime cases. The Council has taken a stand in favor of treatment, probation, rehabilitation, and other alternatives to imprisonment for the ordinary offender. But with respect to persons involved in organized crime, Milton Rector, Director of the NCCD, declares, with cool equanimity, that, " . . . the predominant consideration (in organized crime cases) must be their removal from free society." (emphasis added). Within the scope of criminality, those in the rackets, those who meet public demands for illegal goods and services, are stigmatized as unrehabilitative.

It has been pointed out above that in popular discussions of organized crime, relatively little attention has been directed to the view that it is an integral and vital part of the American way of life. Few question the efficacy of increased severity of penalties, centralization and improved coordination of the presently fragmented and overlapping police agency efforts that touch on

aspects of organized crime, greater investigative freedom for grand juries, increased use of wiretapping, and so forth. However desirable such a lavishly equipped arsenal of legal and judicial weapons may seem, in themselves they simply will not suffice as ways to root out, or, failing that rather idealistic goal, suppress organized crime. The dangers inherent in the adoption of these measures may in the long run outweigh the benefits. When viewed as an adjunct to our private profit economy, supported by a sizeable segment of the population, the hypocrisy behind stiff penalties becomes plain. Al Capone himself clearly perceived the duplicity of the system. "I call myself a businessman. I make money by supplying popular demand. When I sell liquor it's bootlegging. When my patrons serve it on a silver tray on Lake Shore Drive, it's hospitality." (Kobler, op. cit.).

Section 1962 of Title 18, United States Code, has made it a twenty year felony for anyone to participate in many continuing illegal businesses. In addition, section 3575 provides for "enhanced sentencing" of recidivists, expert habitual criminals, and "main" participants in conspiracies. Since its passage in 1970, no constitutional challenges to various sections of the Organized Crime Control Act (RICO) have been upheld (Atkinson, 1978). Hopefully, challenges might be mounted on several grounds including vagueness, double jeopardy, and cruel and unusual punishment, in order to ameliorate in Atkinson's words, " . . . the most sweeping criminal statute ever
4, 5
passed by Congress." (1978:1).

Before turning to a consideration of some of the sociological implications of methods, I want to present another tactic by which

prosecutors are able to elicit information and simultaneously test its trustworthiness.

In Table 7-1, the main methods by which informant reliability is decided are two: through independent tests which entails ascertaining whether information fits into the extant patterns of data; whether other sources can confirm it; and whether it can be acted upon successfully. Secondly, informant allegations and claims about persons, events and activities should be congruent with existing intelligence. Informant information is not disqualified from serious consideration or automatically exempted from analysis if is discontinuous with current bodies of information but must await upon other information -- confirmed information -- which effects its validity and utility. Clearly, no matter how reliable an informant's previous performance, his information is never taken on its face value. The New Jersey State Police have formalized and codified classes of informants. There are those who are completely reliable, those who are usually reliable; others who are fairly reliable; informants who are not usually reliable and, lastly, those whose reliability cannot be judged (N. J. Manual, 1975: 15). Experience with, and investigations predicated on informant information, appear to be the means by which law enforcement agents assign confidence to their sources.

Table 7-1: Determining Reliability of Informant's Information

		<u>Agency</u>												
		A	B	C	D	E	F	G	H	I	J	K	L	M
(a)	Independently verify Informant's information	X	X	X		X	X	X	X	X	X		X	X
(b)	Determine if informant's information coincides with existing reliable data	X	X	X	X	X	X	X	X	X	X	X		
(c)	Accept information only if it can be checked independent of source		X	X						X				
(d)	Other	X			X	X					X			

Other includes debriefing informants and evaluating information against operational results (e.g. drug buys, arrests, prosecutions, etc.); knowledge of informant's activities; and in general by their performance.

Sterling Johnson, Special Narcotics Prosecutor of New York City, has a formidable weapon at his disposal to test the credulity of informants and others anxious to bargain for reduced charges. In Johnson's estimation, the most potent incentive for talking and extracting information, truthful information, are the draconian drug laws of New York State (see Appendix F).

Johnson: What has been a boon to law enforcement have been the State Drug laws . . . which say that if you are convicted for the sale of heroin or cocaine, you are subject to conviction from 15 years to life. The penalties are severe. The scenario goes like this upon conviction: "I sentence you," the judge would say, "to jail for the rest of your natural life. The mandatory sentence you must serve before you are eligible for parole is 15 years." Faced with this -- and we try to get as good a case as we can . . . getting sales on videotape, bugs, still photos, and the words memorialized on tape -- we get the defendant and give him a copy of the law (with people in the drug business you usually don't have to because they know the law) and ask them to cooperate without any promises and their cooperation enables them to plead to an A-2 -- 6 years instead of 15. If they do an outstanding job we let them plead, maybe, to an A-1 -- 1 year. Then the law allows the prosecutor the discretion of whether to give a person lifetime probation. The judge can't grant probation, nobody can but the prosecutor. So if a case is big enough, and the cooperation good enough, then I can grant probation.

These state laws are the harshest in the country, so when someone gets caught under them they cooperate because there is nothing else to do. The cooperation can take the form of testimony of prior dealings . . . and we might turn it over to the federal authorities because their conspiracy laws are more flexible than ours and easier to prove; or, if a person is arrested in such a way that nobody knows about it and

they're cool they can be arraigned and put back on the street . . . then they will introduce an undercover officer to their source or connection and we go up the ladder.

. . . we also have people who cooperate for money. We have paid informers who make a living at it.

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(S. Johnson, taped interview, 2/25/77).

The data reported in Chapters 5 and 6 have tried to present some detail regarding selected aspects of the law enforcement community -- the tissue and fabric of the social world of the organized crime specialist as it is subjectively experienced. The elements of routine which surface in the data highlight an integral structural arrangement among specialists first isolated with great analytical vigor in an entirely different social setting and context: forms of exchange in archaic societies which create conditions of social equilibrium and solidary (Levi-Strauss, 1969; Mauss, 1967). Similarly, following the famous lines of analysis in The Gift and The Elementary Structures of Kinship, studies of organized crime groups indicate that, in southern Italy, mafia cosche depend heavily on exchange mechanisms for power, prestige and influence (Hess; Blok; Servadio); in the United States through bribes, corruption and the infiltration of legitimate business, criminal syndicates have managed to establish themselves firmly in many communities (McKenna and Lasswell, 1972; Chambliss, 1967). By neutralizing and restraining law enforcement through corruption and graft, by contriving to exploit the powerless, by transposing violence and influence for informal licenses to operate in contravention of the law, and by trading illicit commodities for money, organized crime groups have

flourished.

As I have explained, my purpose is to understand the dynamic relationships, both formal and informal, binding the law enforcement community together, so to speak, into a more or less efficient network of communication and informational exchange. Data is transmitted through the system about phenomena labeled or referred to as "organized crime;" as the pieces are melded together, a picture, sometimes partial and blurred, at other times clear and comprehensive, emerges of a criminal operation or conspiracy. These "pictures" constitute knowledge which may not meet the stringent requirements of scientific theory, but are sufficiently coherent and useful to act upon, to plan policy and strategy against organized crime groups.

Law enforcement groups need not completely agree on all details about the structure and function of organized crime, or, to put it in other words, share the same paradigmatic assumptions about the phenomenon, in order to communicate with each other. What might be relevant and important to, say, the Justice Department, may be trivial to local police or prosecutors. Differences in style and sophistication in the differentiation of resources and intelligence activity may mitigate against effective communication but do not preclude it. Empirically the issue is moot, since most law enforcement agencies at all levels of government share a working consensus⁷ as to the nature and structure of organized crime (see Table 9-1).

The provisional, and largely schematic sociological formulations which follow, take up one feature and one point of view regarding the bureaucratic organization of law enforcement agencies and the

ways in which these impinge upon and influence the behavior and thinking of law enforcement officials. It will be argued that the constitutive components of agencies perceived mainly as tools for the implementation of specific goals represent the epitome of rationality for transmitting data; on the other hand, as instruments in their local spheres of responsibility, agencies may clash with others in competition for support, manpower, resources, clients, patrons and protectors.⁸ In addition, the sheer size and multiplicity of an organization's external relations, and the proliferation of internal subgroups may result in the subversion of its mission and purpose through costly conflict among members for survival.

Attention to informational exchange returns us to the original theme of the investigation -- knowledge production. For law enforcement in general organized crime is neither a mythical entity nor a convenient fabrication to generate fear and insure jobs. Rather, it is a genuine reality "out there." It is governed by factors accessible to detailed and subtle investigation, but the capacity to apprehend its structure and function is restricted by the nature of the apparatus through which law enforcement does the apprehending. By noticing how law enforcement groups apprehend the nuts and bolts of organized crime, by observing the qualities of the schemes and classifications which they use, and the manner in which they manipulate the resulting categories, we are able to infer facts about the mechanisms of knowledge production.

The law enforcement community is composed of individuals who are social actors in relation to one another. These individuals communicate with one another -- for example, as "donors" or

"recipients" of information -- by exchange; they exchange information; they exchange, to a lesser degree, resources.

Exchange takes many forms. There are prestations of data and prosecutorial material -- mainly cases (Johnson; OCCB; Blacksbury interviews) -- in which information is passed onto a bonafided law enforcement group with jurisdiction which can most profitably exploit it. In "restricted exchanges" (to use Levi-Strauss' phrase), data is disseminated with the understanding and assurance that the donor's request for information will be honored in kind. In generalized exchange -- really another form of reciprocal information sharing -- the donor assumes that he will receive, when requested, information of the character and quality he supplied. Together with mutual-ity -- sharing common resources -- the mechanism of informational exchange broadens the scope and effectiveness of participating groups. Oblique exchanges, informant programs, involve the passage of information for money or other considerations between rule enforcers and rule-violators, as we have seen. Plea bargaining in which charges for offenses are negotiated represents another modality of exchange necessitated by the need to cope with the many obtrusions interfering with the conduct of the prosecutor's office.

Permeating the entire system of information giving and receiving is the element of trust. Agency A supplies Agency B which provides Agency C, which, in turn, furnishes Agency A with data. As noted above, criteria for entry and participation in the system of circulating intelligence information do determine who participates and how they may function. However, once an agency is admitted to the relatively small fraternity of law enforcement intelligence groups,

they become an integral part of the formula for inter-organizational operations which can be widened indefinitely to include even foreign law enforcement groups such as the RCMP and INTERPOL.

It was pointed out in preliminary discussions of cooperation among law enforcement groups that while they may not share similar assumptions about organized crime, the factor which most conduces toward effective joint action, that demands some uniformity is the mechanism of communication -- language. Obviously, if criminal intelligence networks are to function meaningfully, it is necessary that they share a common "language." Of equal importance, perhaps, is the frequency of reporting among agencies effecting statistical analysis upon which resources and manpower are allocated, and strategic and tactical policy decisions reached.

The language of the law enforcement community transcends specific and highly particularistic notions and models of organized crime, since it is embedded in, and draws its substance from, the legal statutes and penal codes describing and defining various offenses as typical organized criminal activity.

Although the precise scope and content of the law enforcement idiom regarding organized crime is difficult to specify (see footnote 4), it transmits sound knowledge, nonetheless. It would be wrong to infer from these remarks that law enforcement simply reacts to a set of statutes and rules governing its activities and patterns of cooperation and communication. It does not merely respond passively to legislative mandates and administrative fiats; the input into the creation of legislative and administrative machinery is considerable, yet suprisingly little is known about how law enforcement lobbies

for laws and resources and what impacts pressure politics have on the official response to organized crime. A vast amount of thoughtful empirical investigation is still required. The lines of analysis such an investigation might pursue have been articulated for bureaucratic studies by Merton, Lipset, Coleman, March, Blau, Gouldner, and Simon, among others.

It is fair to say that interagency communication demonstrates that no law enforcement group which addresses itself to the problem of organized crime is self-sufficient. Rather, something resembling an organic relationship among law enforcement groups prevails. Furthermore, the system is far from perfect. The Illinois Crime Reporting system (I-UCR),⁹ for example, utilizes eleven parameters in its reporting; as of 1971, the Virginia State Police had not yet begun to set up a criminal information network (Virginia State Crime Commission Report: 1971, p. 8). However, the National Crime Information Center of the FBI, in addition to the OCRS of the department of Justice, spans all 50 states and is available to the RCMP. The NCIC, a model for regional and state systems, is a nationwide computerized index that dispatches information, on a yearly average, that results in the arrests of more than 3,000 organized crime figures (FBI pamphlet, 1975).

Table 6-9 enumerates the types and frequencies of communication patterns. In addition to the formal structures of communication, many respondents in the sample indicated that they prefer an informal touch. Those in the OCCB, for instance, seek to establish a personal relationship with their counterparts in other agencies. Thus, contact networks are forming, deepening and reinforcing the cohesion created

by information exchange activities. The bonds embrace, as we have seen, not only data transmissions but resources including equipment, advice (both formal and informal), manpower and expertise. Transferring information on a continuous basis in terms of agreed upon rules -- the need and right to know, in other words, the "gatekeeping criterion (see Table 7-2) -- creates alliances and understandings among law enforcement groups.

table 1-2: Protection Against "Leaks"

	<u>Agency</u>												
	A	B	C	D	E	F	G	H	I	J	K	L	M
No response										X			
No special formal procedures	X							X			X	X	X
Only approved information released	X				X		X		X		X	X	X
Personnel with access to confidential data selected for honesty and integrity		X				X						X	
Follow public information guidelines and rules	X				X	X					X	X	X
Access to information controlled	X		X		X	X					X		X

* Murphy, chief assistant DA in Richmond, indicated that if a leak occurs or even if there is a suspicion of a leak, the procedure to track down the source is to check backwards into each step of the information transmission process letting out incorrect information to selected persons (e.g. informants law enforcement personnel, personnel assigned to the DA's office and court), and then to observe those who respond to it, and what their links and tie-ins are (Murphy interview, 10/22/76).

Also, see Appendix E which describes the management of access to confidential information.

It became apparent in some of the interviews that a small clique or coalition of law enforcement experts, specialists on organized crime, had been and was developing. Names of other interviewees that might be mentioned during the course of a meeting would be met with nods of approval or other gestures of familiarity and acquaintance. Perhaps organized crime specialists in law enforcement recognize that they share similar occupational fates which differentiates them from others; they also seem eager to cultivate new contacts and potential supporters both in and out of the law enforcement community; and they concern themselves with building relationships or protecting their positions within departments, bureaus, and offices. These ends can best be accomplished by developing association and communication networks which, in addition to providing a steady stream of work related information, also affords opportunities to create informal personal ties that can be used to strengthen occupational interests and secure careers. While it would be gratuitous to point out that the growth of organized crime specialist groups in law enforcement developed around the 1967 Task Force and its report¹⁰ which spurred the attention to organized crime as a serious crime problem and which resulted in the expansion of specialist activities, it is also clear from the data that a literature and tradition is not sufficient in itself to insure continuity and stability. Basic to the maintenance and longevity of organized crime specialists within the law enforcement community is a continuous and healthy communicative apparatus which entails: (1) a permanent exchange of information between groups of experts; (2) some consensus on what organized crime is and what are

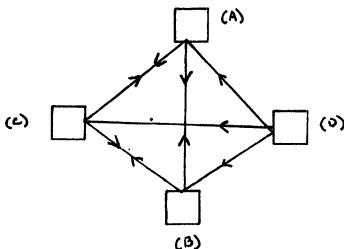
the proper approaches to its control and prevention; and (3) relative administrative and bureaucratic autonomy with reduced dependence on the caprices and changes of governmental policy. If the specialist's professional "life space" is situated in interlocking systems of communication or close to them, he becomes a frequent donor and recipient of information. When, however, the individual's contacts are restricted to a circumscribed segment of the structure (exclusive reliance on state police agencies, for example), the likelihood of developing adequate organized crime intelligence is retarded and that which exists is likely to stagnate.

Another result derivable from the data on interagency liaisons concerns the conceptual impacts and effects on the working paradigms of organized crime utilized by law enforcement groups. Frequent interaction in which paradigm innovators engage in textual exegesis, and regularized communication patterns, broaden perspectives, promoting the modification and revision of organized crime models as fresh, additional information is pumped into the intelligence system. Figure 7-1 schematizes these interconnections. Finally, it is worth repeating that the very nature and ubiquity of organized crime as a social phenomenon was bound to foster a nationwide response -- one which presses toward organizational uniformity with respect to collection, assembly, analysis and dissemination methods. With the passage of time, the working models of organized crime used by law enforcement groups become more sophisticated. In the process, they are matched to the phenomenon at an increasing number of points and with increasing precision. Put differently, the number of facts and

issues to which the models can be applied clearly grows with time.

These generalizations and tentative conclusions are only the beginning. We know, for example, little about what a group of specialists will sacrifice in order to achieve the gains that a new theory or perspective invariably offers. My own impression, though it is no more than that, is that law enforcement experts on organized crime will seldom or never embrace a new theory unless it helps in the resolution of most problems that have persistently resisted solution when other perspectives and models were applied in analysis work. Another issue concerns whether, despite growing uniformity (which will press current perspectives to their explanatory limits), with the increase in the number of specialists and organizations there will develop incompatible viewpoints. Unity among specialists seems to be a commonly shared value, but for what will they give it up? Already it should be clear that an explanation of knowledge production among law enforcement groups must, in the final analysis be, in some ways, sociological. It must, that is, be a description of a value system together with an analysis of the institutions through which that system is transmitted and enforced. Knowing what organized crime specialists face in terms of organizational guidelines and rules governing action, helps us to understand what problems they will undertake and what choices they will make regarding areas of interest. I doubt that another sort of viable answer can be found.

Figure 7-1: Scheme of Informational Exchange



Key: (a) Federal law enforcement agencies
 (b) State law enforcement agencies
 (c) Local, county, municipal law enforcement agencies
 (d) private citizens, criminal informants, members of the underworld

In Figure 7-1, the information network and system of reciprocal exchanges are depicted. It will be observed that law enforcement groups, at any level, do not share information with private citizens, informants, or members of the underworld. The press, social scientists, and other members of the public do, on occasion, gain access to information from the law enforcement community. Table 7-3 presents data on the interrelationships between the various segments of (d) --

the private sector -- and law enforcement groups. Of the agencies reporting on the knowledge-ability of police operations by organized crime figures, only one thought that criminals were not fairly well-informed (item a, Table 7-3). Another respondent suggested that "after some arrests, interrogations and trials, you get pretty knowledgeable about the law and police procedure." (Leff taped interview, 9/14/76). Earlier, in Table 6-6, it was observed that most police thought that journalists had developed their own fairly reliable sources of information (item c, Table 6-6), but still depended upon police for information or corroboration of underworld sources. Among segments of the private sector (section "d" of Figure 7-1), journalists seem to be the most useful and helpful source of information to the police (item d, Table 6-6). Less than half of the law enforcement sample thought that legislative committees were useful sources of information on underworld activity. Typical responses were comments such as, " . . . government committees are good at getting the public informed of the extent of the problem." (DePhillipps interview, op. cit.).

(continued from page 291)

[illegible]

Table 7-4: Effectiveness of Legislative Committees as
Informational Sources

<u>Agency</u>	<u>Very Helpful</u>	<u>Helpful</u>	<u>Not Helpful</u>	<u>Don't Know</u>
A			X	
B			X	
C		X		
D				X
E			X	
F		X		
G				X
H		X		
I				X
J			X	
K				X
L		X		
M		X		

Others were uncertain as to the role of such committees despite the sensational publicity generated by the Kefauver Hearings (1957), the McClelland Committee hearings (1963), and the New York State Commission of Investigation hearings of 1969 - 1970 on Racketeer Infiltration into Legitimate Business. The Kefauver and McClelland hearings which "discovered" evidence of national syndicates and interlocking ties and alliances among regional organized crime groups in labor racketeering, gambling, etc., accelerated the establishment of centralized intelligence networks such as LEIU.¹¹ It is worth noting that these committees which began with assumptions of a national syndicate structure managed to gather evidence substantiating their initial objectives -- an example, par excellence, of the self-fulfilling prophecy.

The creation of uniform intelligence information networks has other organizational ramifications deserving examination. Law enforcement groups wishing to participate and, incidentally, wanting to qualify for federal funds to improve the administration of justice in their locales, tend to elaborate a structure aligned to, or parallel with those of federal agencies. Once a functionally specific group such as an intelligence unit dealing with organized crime evolves, even though it is embedded in a larger police agency or prosecutor's office, its members develop a vested interest in proselytizing two incompatible perspectives on organized crime in order to perpetuate the life of their unit. They foster the view that organized crime is a major threat for which highly specialized and trained control and prevention units are mandatory, and, secondly, that notwithstanding its power and threat to the community, the

public should be neither vexed nor disillusioned because law enforcement is able to curtail growth and development of organized crime if resources are increased or at least maintained at current levels. The "moral crusade" against organized crime as a malignant social parasite has paid off.

There exists two informational channels disseminating news and intelligence data: a public information system which transmits information to the press and the public at large, and the interagency exchange network used exclusively by law enforcement organizations. The first, the public information system, is by the nature of the case highly sensitive to political tensions and can advantageously exploit public concerns about lawlessness by shaping information to feed public apprehensions about the extent and seriousness of organized crime. Governmental agencies, in particular, such as congressional committees, have had enormous success in getting press coverage.

Table 7-5: Press Coverage of Organized Crime 1950 - 1973*

<u>Year</u>	<u>Number of References</u>	<u>Year</u>	<u>Number of References</u>
1950	5	1962	2
1951	11	1963	67
1952	1	1964	57
1953	2	1965	81
1954	3	1966	98
1955	3	1967	148
1956	0	1968	182
1957	4	1969	359
1958	11	1970	319
1959	10	1971	246
1960	4	1972	268
1961	1	1973	160

* The data are drawn from New York Times Indices and taken from D. Smith (1975: 292).

An analysis of the data indicate that immediately after major congressional hearings (1957, 1963, 1967) reportage increases dramatically. In the 1969-1970 period, the height of references and stories about the mafia and organized crime, the federal Strike Forces were expanded and events in New York City surrounding the creation of the Italian-American Civil Rights League by Joseph Colombo, an alleged crime family boss in Brooklyn, captured the public's attention. The Kefauver hearings, the Valachi testimony, the Apalachin incident, the Gallo-Colombo war, the 1967 Task Force which was the first national effort to define and explain the problem of organized crime, were duly dramatized in the press. As symbols and signals to the public, the government got its message across with the cooperation of the press. But often the imagery in the press, popular magazines and paperback books of the "secret rulers," the "brotherhood of evil," the "silent syndicate" and the "conspiracy

of death" exacerbated fear and confused public awareness rather than informed it. This policy of mobilizing and intensifying public opinion is not necessarily willfully callous or contemptuous of the public's right to know. Obviously, the press doubtlessly embellished information supplied by official spokesmen and government agencies. Nevertheless, the government did little to disown sensational accounts and exposes of organized crime. From the point of view of the government, from the point of view, that is, of specific agencies and bureaucracies within government, promulgating frightening impressions of organized crime as a major social malaise serves to enhance their role as crime fighters and as the public's sole source of protection against crime. Above, it was suggested that bureaucracies typically engage in marshalling support outside their formally defined environments. Historically, before the watershed year of 1967, government engaged in the manipulation of the press in order to inflame the popular imagination about the threat of organized crime. In 1962, for instance, Attorney-General Robert Kennedy dispatched 100 FBI agents (accompanied by sympathetic journalists) to raid an otherwise quiet dice game in Reading, Pennsylvania in order to advertise the new Kennedy anti-crime legislation (Epstein, 1977). Transforming a social problem into a plague threatening all requires the artful use of the media to propagate a simple but terrifying set of stereotypes: the modern syndicate man must be depicted as a contemporary version of a medieval vampire and tyrant ineluctably driven to commit crimes; the victims must be shown as vulnerable and innocent; and the law enforcement officer must be shown as the only effective instrument for curbing the voracious appetites of racketeers, as the only force capable of

halting the contamination of society.

Whereas the majority of respondents in the sample disavowed the practice of "leaking" information to the press as a method of informing the public, there is reason to believe that this method of disseminating information is widespread. Once a leak had been an accidental seepage -- a loose-tongued remark picked up by an astute journalist, a report, record or document gone astray, an official's unwary anecdote about this or that case or investigation. Today, the leak has been turned into a verb -- a bureaucratic practice, something consciously done to enhance someone's position, to promote a viewpoint, to float a trial balloon, or, more insidiously, to torpedo an individual's reputation or career.

Leaking may vary from a telephone tip to a full-scale discussion. In some respects, leaking has been institutionalized and taken on the characteristics of a cottage industry. Perhaps it was inevitable that leaking should become so important a means for transmitting information since the real audience for law enforcement are journalists and the media. It seems that the expanding influence of the news media with its investigative reporters, white papers, and documentaries has contributed to the expansion of leaks.

Though the responses to item f, Table 7-3 indicate otherwise, leaking information has semi-official approval as a policy among law enforcement agencies. Actually, there exists two informational channels controlling the flow of organized crime information: the public information system traversing the interface between the public and law enforcement; and the interagency exchange system, an internal

mechanism not subject to public exposure, used for communicating exclusively within the complex skein making up the law enforcement establishment. The first, the public information system, is, by the nature of the case, highly sensitive to social and political tensions and, therefore, inadvertently shapes information to suit the interests of law enforcement agencies in the light of public pressure. The rationale for leaking starts with the premise that since organized crime groups are part of the public or, better, woven into the public sector of society, it behooves law enforcement agencies to deftly manipulate their information lest it fall into the hands of the very persons and groups who could exploit it to their own advantage and frustrate police control efforts. Smith goes directly to the heart of this delicate question and reaches the conclusion that

If no avenue is available for legitimate use of the information when it is inadequate to prosecute -- especially when racketeers have moved into legitimate businesses -- the information can be given to the press as a "controlled leak." An information leak can ruin the life of a private citizen. The OCRS (Organized Crime and Racketeering Section of the Department of Justice) makes use of controlled leaks, but only when a specific situation warrants it. It is not immoral to let the public know what is going on when dealing with the top racketeers. The intelligence investigator may have a duty to give out the information concerning organized crime if the only way it can be combatted is through disclosure. The investigator should not sit back and watch an industry being taken over without informing the members of the industry what changes are being posed to their existence by the criminal element. The pertinent question for the intelligence unit is whether it -- or even whether its controlling department -- should have authority to disclose information (Smith, 1966: 63 -64, 66).

One has to ask: By what criteria one decides that "a specific situation warrants leaking information" potentially ruinous to

careers and reputations? Clearly, if evidence is insufficient to prosecute does not the presumption of innocence until proven guilty take precedence? Who, and by what yardstick, is a "top racketeer" labeled? Is a drug dealer who earns sizeable amounts of money as important as a less brash, less conspicuous, more modest, labor union racketeer who sets up "sweetheart contracts"? And is it not "the duty" of the law enforcement officer to withhold rather than disclose information about an individual's relationships and interests which has not the status of evidence? These astounding remarks by Smith at the very least would justify what may be tantamount to smear campaigns bordering on an even more virulent abuse -- vigilantism.

Ironically, the Organized Crime Control Act, Title XII, Section 1204 stipulates that the National Commission on Individual Rights (created by Public Law 91-452, 84 Stat. 922) is authorized to

. . . consider other federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission shall determine which laws and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States (U. S. Code Cong. & Adm. News, 91st Cong., 1970: 1120).

But even here the ambiguity of the phrase "whether effective" suggests that certain procedures may be acceptable if, in fact, they yield results. Some of the extraordinary provisions of the Organized Crime Control Act have been discussed above (see footnote 4), and while it remains to be seen just what constitutional infringements are built into the law, I have not uncovered any information in official documents aside from the Smith report of the Oyster Bay

Conferences recommending policy, which states baldly that as a matter of policy "controlled leaking" is an acceptable strategy in combatting organized crime. Needless to say, without the cooperation of the press, the quasi-legal informational war against organized crime cannot be carried on. The extent to which the press cooperates with "controlled leaking" is a serious issue needing careful study.

Perhaps the most controversial issue of all regarding methods of controlling organized crime concerns wiretapping and electronic eavesdropping in general. The issue has sharply polarized those both in and out of government who are concerned with constitutional rights and oppressive police tactics. In my sample, the overwhelming response has been in favor of wiretapping and its use in other areas of law enforcement as well as organized crime.

Table 7-6: Uses & Importance of Wiretaps and Consensual Monitoring of Telephonic Communications

	<u>Agency</u>												
	A	B	C	D	E	F	G	H	I	J	K	L	M
Wiretaps are extremely important	X	X			X	X	X	X	X	X	X	X	X
Wiretaps are useful			X	X									
Wiretaps are not essential													
Wiretap data distributed to requesting agencies	X	X				X			X		X	X	
Wiretap data not used beyond cases for which gathered					X		X	X		X			X
Consensual monitoring widely practiced		X			X				X	X	X		X
Consensual monitoring used occasionally	X			X		X	X	X				D	
Consensual monitoring never practiced													
Don't know			X										

In an appendix to the 1967 Task Force Report on Organized Crime, Robert Blakey offered a tightly argued case for electronic surveillance contending that it was and remains an essential tool of law enforcement organizations at all levels of government.

In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act (Public Law 90-351) which included a body of law concerning wiretapping and electronic surveillance known as Title III, section 402(b). Briefly, Title III provides for a painstaking warrant procedure calling for the approval of the Attorney-General or his designee, a written sworn application containing a complete statement of facts establishing probable cause, a statement in the court order specifying the period of time during which the interception is authorized (usually 30 days), recording on tape all interceptions to protect the recording from editing or alteration, and, within 90 days, notification to those persons against whom the order was issued.

Many of the respondents in the sample believed that the controls contained in Title III have actually helped law enforcement make more discreet and effective use of wiretaps. Since so much essential evidence is simply not available through other means, it is important to the law enforcement community that electronic surveillance be kept alive at whatever costs. Salerno points out, for instance, that electronic surveillance has furnished 80% of what police intelligence know about organized crime (Salerno, 1969). A study conducted by Samuel Dash in the late fifties concluded that indiscriminate use of wiretaps by the NYPD was both abusive of individual rights and unproductive; only one out of five taps, Dash and his associates

found, generated enough evidence to make an arrest. During that time, the NYPD was tapping anywhere from 13,000 telephones without court order. Evidently, taps were used solely to turn up leads to evidence which might be used in court, or as evidence which might be used to show a judge why a wiretap should be legally installed on a telephone (Dash, Knowlton & Schwartz, 1959). Used without Title III strictures, eavesdropping and "gypsy" wires constitute no more than a form of exploratory search, a quest for evidence or, what seems more likely, for leads to evidence. However, in the early sixties significant changes were introduced in the NYPD. A request for a wiretap first had to clear the police department legal section and a ranking officer before submission to a district attorney and a judge. The request had to show that on the basis of evidence already in hand that the wiretap was necessary for the apprehension of a criminal or the prevention of a crime. If the court granted the tap, the telephone company had to be informed (Martin, 1963).

Between 1969 and 1974, according to data from the National Conference on Organized Crime in 1975, only 74 law enforcement units in the 24 authorized states availed themselves of wiretaps. Law enforcement units in New York and New Jersey accounted for approximately 74% of the 650 state intercepts installed in 1974. Considering the hundreds of law enforcement units in the remaining 22 states, it is clear that the wiretap statutes were underutilized.

Table 7-7: Advantages & Disadvantages of Wired Surveillance Systems

<u>Advantages</u>	<u>Disadvantages</u>
1. Unlimited range	1. Prior access to premises required
2. Operating time not limited by battery life	2. Lack of mobility
3. Not subject to radiated electromagnetic interference	3. Outlawed in some states, court order required in others to use telephone system
4. Not detectable by electromagnetic sensors	4. Installation requires highly skilled people
5. Personal contact with subject not required	

Table 7-8: Advantages & Disadvantages of Body-Worn Transmitters* & Receivers

<u>Advantages</u>	<u>Disadvantages</u>
1. Completely portable and lightweight	1. Limited period of operation
2. Quickly installed	2. Limited & uncertain range of operation
3. Highly versatile	3. Can be located by electromagnetic sensors
	4. Will not relay information when surrounded by a conducting shield (car, metal case)
	5. Personal contact with subject required
	6. Quality of transmission may vary; reacts to interference

* (Based on taped interview with J. Poulos, 1/21/77).

Besides body-worn transmitters worn by informants and used in undercover work, there are other devices available to law enforcement but it is wiretapping which has generated so much heated debate and controversy.

The data in Table 7-6 suggest that respondents in the sample strongly agree that wiretaps are indispensable in their work. In

sociological terms, wiretaps are a form of pure observation, the scene and social action remaining free from the contaminating influences of outsiders. The wiretap is a way of acquiring information unobtrusively by skirting the informer. Its advantages over other methods of developing information are that the information is ordinarily reliable -- more so at least than that from informers who may dissimulate, deceive, mislead or misrepresent for a variety of motives. Nevertheless, electronic surveillance as a practice has been subjected to serious attack from many sectors of society and from within the government itself. Most notably, former Attorney-General Ramsey Clark, in his book, Crime in America, and in many public statements has been a vigorous critic so much so, in fact, that he entitled the section of his book in which he discusses wiretapping as, "The Wiretap: Destroyer of Integrity." It is worth quoting him at length because what he says is indicative of the lack of knowledge many people possess about the purposes of wiretaps and the controls imposed on their use. Clark says that,

. . . in several cities where organized crime is most severe, police and prosecution have in the past used wiretaps without inhibition. It has not been effective. Organized crime still flourishes in these communities.

How will wiretaps help law enforcement control organized crime? Police know where numbers are sold, they know who's running the dice game, they know the bookies and prostitutes -- they don't need a bug to tell them. They know the big shots, too. Most have criminal records. Their activities are knowable and known without wiretapping. If we really want to eliminate organized crime, we will not be distracted from the major effort necessary by cheap and degrading proposals to wiretap (Clark, 1970: 288, 289).

It is most appalling to find a former chief law enforcement officer of the United States display his ignorance about the law. "Knowing," as anyone with even an elementary understanding of the criminal law knows, is not enough to arrest and convict. Perhaps it is in the Soviet Union or in Nazi Germany. Evidence admissible in court is required. Notwithstanding Clark's fulminations, he misunderstands the fundamental purpose of wiretapping: it should not be judged by its ability to "eliminate" organized crime; we have not disbanded the police because they have failed to "eliminate" crime.

More serious opponents of wiretapping have charged that it is an "easy" substitute for other forms of police work; that "it is a form of rummaging . . . a dragnet procedure violating civil liberties. . . . a tap on a phone (means) that anybody using that phone is automatically under surveillance." (Ludwig interview). Obviously, wiretapping without Title III controls can be the penultimate instrument of terror representing the suspension of civil rights. Despite these truly dangerous potentials of abuse, the fact remains that the most damaging information available about organized crime was gathered by wiretaps and could not have been obtained in any other way. Supporters are equally emphatic in their endorsement of wiretaps as are opponents resistant.

Aronwald:	It is inconceivable to me that any man (reference to R. Clark) who has anything more than passing knowledge of the criminal justice system can honestly believe that criminals should be permitted to use the phone as an instrumentality of crime and that the government should be prohibited. I am totally in favor of wiretaps. On the other hand, I am totally opposed to wiretapping without court orders.

Interviewer: But how effective are they? Knowing of the use of wiretaps by law enforcement, X or Y won't use it because of the taps.

Aronwald: A bookmaker must use the telephone. It's a necessity. Following Clark and those who support him, every bookmaker in New York could operate with impunity. The phone is a tool by which criminal business is conducted.

12

(Aronwald taped interview, 11/2/76).

Doubtlessly, before Title III and its precise provisions, wire-taps as a means of intelligence-gathering had precarious status: they produced a great deal of corruption, extortion, bribery, blackmail and fraud. A police officer could hook up a "Gypsy wire" (i.e. a wiretap installation without court or departmental authorization or supervision), gather a lot of information -- often incriminating -- and make an arrest claiming superior detective work; or, what is worse, blackmail the tapped parties, or get involved in their rackets. Maloney considered that before Title III controls, Director Hoover, fearing the possibility of massive corruption of his agents by organized crime figures, stayed out of organized crime control work (Maloney interview, 1/14/77).

Footnotes

1

Two accounts will suffice to indicate (but in no way incontrovertibly establish) the influence of organized crime activists on the politico-legal systems before and immediately after World War II. Mickey Cohen, a Chicago and California underworld figure, asserts that he exerted telling pressure on the Mayor of Los Angeles in the 40's and early 50's. He also remarks that Senator Estes Kefauver had taken payoff money and should not, therefore, be regarded seriously as a crime fighter (Cohen, 1975: 96, 147-148). Leonard Katz in his biography of Frank Costello says that some prominent New York City politicians, Vito Marcantonio, Mayor Vincent Impellitteri, and his police commissioner, were the creatures of Thomas Luchese -- a powerful crime family boss (Katz, 1973: 92, 123).

2

Brashler describes the dilemmas of the organized crime figure faced with immunity. In his book, The Don, Brashler relates an incident in which Sam Giancana appeared before a grand jury. At first, he agreed to talk and then refused. If he talked under immunity there was little chance that he could keep from perjuring himself and if he talked honestly, without lying, the mob would undoubtedly assassinate him. If he refused, he would be cited for contempt and held liable. Giancana, weighing all the circumstances and contingencies, decided to remain silent. The judge informed him that, "You have the keys to your cell. Whenever you decide to obey the lawful order of the court, notify the U. S. Marshal." (1977: 272).

3

Title II of the Organized Crime Control Act of 1970 was upheld by the Supreme Court in United States vs. Kastigar 406 U. S. 441 (1972).

4

In a devastating examination of Title IX sections 1961-68, 18 U. S. C., known as "Racketeering Influenced and Corrupt Organizations" (RICO), Atkinson points out that the statute sets an extremely dangerous precedent and alters a traditional principle of statutory construction. "This principle," he writes, "is that penal statutes shall be subject to strict interpretation, or, at the very least, that their words be given no more than their normal meaning." (p. 5).

RICO, in contradistinction to legislative custom, provides that sections of the title may be liberally construed to effectuate its purpose. Coupled with the vagaries of its language, its truly extraordinary cruel penalties, and its attempt to "outlaw" membership in organized crime when the notion itself is not clearly defined, the statute may prove far more harmful than helpful to law enforcement.

5

Tempering and, in some sense, militating against some of the authoritarian tendencies creeping into the laws and penal codes are The Freedom of Information Act of 1966 and the Privacy Act of 1974. Briefly, the Freedom of Information Act was enacted for the purpose of making information in the possession of the Executive Branch more accessible to the public by mandating disclosure upon request. Congress provided exemptions from the disclosure requirements of the Act but placed the burden on relevant agencies to justify these. The Privacy Act is designed primarily to reduce disclosures of personal data both within and without of government. It prohibits disclosure of information without an individual's consent except in several circumstances -- these being rap sheets, investigative files, and other criminal records which might identify a confidential source. The Act authorizes the subject of information generated by Federal agencies to obtain access to it.

6

On April 24, 1978, fourteen months after the Johnson interview, an article appeared in the Daily News about Frank Lucas, a top heroin trafficker in the Harlem heroin markets. It was reported that Lucas who is serving a 70 year term is ready to testify against 13 men and women who allegedly managed his heroin importing operation.

The economist, Paul Rubin, has attempted to develop an explanation of the ways in which heroin can be reduced through a mathematical analysis of the factors affecting its importation. According to Rubin, in order to reduce the degree of organization in heroin distribution and, presumably, to reduce the supply, society must effect a reduction in the capital requirements of the importers by creating pressures to diminish the optimal size of each shipment. Rubin expresses this mathematically in the following equation:

$$AC = \frac{T + Aq + p(F + Aq) + r(Aq)}{q}$$

where AC = average cost per pound

T = transactions cost

A = price per pound outside USA

q = number of lbs. per shipment

p = probability of capture or seizure

F = cost to criminal if caught (jail terms)

r = interest rate on illegal funds

Society controls variables p and F. By making F, the penalty an increasing quadratic function of q (which the New York State laws of 1973 seem to have done) this will make smaller shipments cheaper vis-a-vis larger shipments reducing thereby the need for capital which, in turn, reduces dependence on illegal money suppliers and organizations. Whether increased penalties also reduce the amount of heroin imported is another question (Rubin, in Rotterberg, op. cit.). The thrust of Rubin's analysis may be quite wrong. Criminals dealing heroin have to pay attention to two variables -- the total amount of heroin imported and the size of each shipment. If x = the number of

lbs. per shipment, and n = the number of shipments, then for any level of heroin, q , imported, traffickers want to minimize the total cost of importing lbs. of heroin.

Thus,

$$(1) \min TC = nT + Anx + np(Fx + Ax) + rAn$$

n, x

subject to

$$(2) q = nx$$

giving

$$(3) \min TC = nT + Aq + p(Fq + Aq) + rAq$$

From (3) traffickers will choose to import the heroin in one shipment which is independent of the amount of heroin they wish to import. Rubin's view -- shared by Rockefeller who pressed and got increased penalties as a way to stem the tide of heroin importation -- that increased penalties, F (a function of q) will negatively effect the market seems incorrect. As Johnson suggests, a severe penalty structure may possibly reduce the organizational set up or make operations more hazardous creating greater costs and risks but it also may increase the financing of heroin import markets such as the bribery of more officials, increasing retaliatory threats on informers by hiring contract killers which may very well produce an overall rise in criminality.

7

Raymond Martin, formerly assistant Chief Inspector, Brooklyn South Detectives, NYPD, concisely put the question into its proper perspective:

. . . in the endless argument that goes on among police officials as to whether there is a national syndicate or Mafia, those who believe in the hidden control of organized crime have an advantage. Police generally are skilled hunters of criminals but without a workable hypothesis as to how the mobs operate they can be more puzzled by an obvious clue than a deer hunter. The syndicate theory may, as its opponents argue, be unscientific or only provisional, astrology rather than astronomy, but at least it provides a basis for action. I believe in the theory, and my belief is based on my experience as a police official (1963:26).

Police officials, like physicians, often refer to their field (clinical) experience with regard to criminal phenomenon to the consternation of scientific researchers.

8

In the interviews, many police and prosecutors shared their misgivings about the uncertain future of organized crime intelligence work while others simply displayed diffident attitudes -- suggesting a growing cynicism about the public's commitment to meaningful law enforcement. Several perceived a decline in public support of specialized law enforcement work in this area and were alarmed at the expression of political attitudes towards eliminating agencies, bureaus and offices, such as theirs, as mere "luxuries" which taxpayers could ill afford given other pressing needs.

9

Local and regional criminal justice intelligence systems are not as well organized as federal programs. In its 1976 report, for example, the New Jersey State Law Enforcement Planning Agency concluded that: (1) data collection, retrieval and dissemination among the various subsystems within the state network are not effective; and (2) the state's intelligence network for the investigation, detection and prosecution of organized crime is not sufficient to meet all the demands for its services. "A comprehensive communication plan," the report noted, "should be established . . ." (Criminal Justice Plan for New Jersey - 1976, Dissemination Document #21: 80). And the Georgia State Crime Commission Report for 1976 observed that, " . . . public prosecutors are not provided with the investigative resources necessary to adequately prepare a case for trial and must utilize staff attorneys as detectives." (Criminal Justice Standards and Goals for Georgia, Georgia Crime Commission, 1976:45). In other state reports (Virginia, Texas, Florida) the same criticisms and suggestions are echoed. One insidious aspect of law enforcement communication has to do with the selling of confidential information to the underworld. Often hinted at in official reports, few have openly made a point of the issue. In his book, The Pleasant Avenue Connection, David Durk contends that, "the selling of information to mobsters by corrupt court personnel (e. g. issuance of search warrants and wiretaps) was a well-known racket." (p. 159).

10

Paradigm exhaustion as measured by a decline in the number of new bureaus, organized crime intelligence agencies, task forces and commissions, does not seem to have occurred at this time. The "contagion process," the discovery of organized crime touched off by the Congressional hearings of the late 50's and early 60's culminating in the 1967 Task Force does seem to have abated, however. The Strike Forces continue more modestly than four or five years ago, and state governments have gone beyond funding plausibility studies for organized crime police agencies.

In the academic community in which significant interest in organized crime was stimulated originally by the 1967 Task Force and maintained by research grants from LEAA and other government agencies, students are moving towards more sophisticated formulations of the phenomenon, away from the "Cosa Nostra myth" -- still the predominant metaphor in the law enforcement community -- towards conceptual positions best characterized as one of paradigmatic pluralism.

11

In the United Kingdom several factors similar to those precipitating the creation of LEIU played a role in the establishment of a centralized criminal intelligence information system. Increased organized criminality, especially in London and other urban areas, plus the realization that experienced officers retiring, transferring or leaving the police services took with them detailed and intimate knowledge of numerous criminals and their operations, made it painfully clear that law enforcement was being denied valuable informational resources. It was essential, therefore, that if this information was not be wasted, it had to be channeled into a central pool. In 1960, the Criminal Intelligence Branch, the equivalent of LEIU, was created in Scotland Yard to collect, evaluate and disseminate information about organized crime. According to Commander D. Dilley of New Scotland Yard:

. . .the introduction of what is known as the Collator System has proved a very great help as an information gathering agency for all criminal intelligence branches. At each police station in London, and many in the Provincial forces, an officer has been selected to act in this capacity. His job is to clean and record information from his colleagues and other contacts and sources about persons who commit or who are engaged in criminal activities.

. . . The CIB can supply the collator with details of specific individuals . . . which will ensure that all information . . . can be channeled into the central source . . . (Dilley, 1975: 59-60).

12

James Poulos, Chief Investigator of the New York State Select Committee on Crime, formerly with the NYPD assigned to the Manhattan's DA's office as a wiretap expert, provided a great deal of technical information on the installation and operation of wiretaps and other electronic devices. Wiretaps are quite simple to install. Besides showing me innumerable "bugs," Mr. Poulos remarked on the legal ramifications of wiretapping:

. . . if you go on a wire with a court order and you don't have evidence you must get a renewal. After two times, the judge won't renew. After that, the DA has to inform the party being tapped that for two months they listened in on his phone. OK. The party we listened to gets an attorney and asked why he was listened to. The DA has to show probable cause, why the judge signed the authorization, and all the evidence on this person. Therefore, the DA is reluctant to go in on flimsy information from the police. There are many controls as a result there are few wires." (J. Poulos, taped interview, 1/21/77).

Chapter 8

The Federal Response to Organized Crime

One law enforcement agency has been blatantly conspicuous, until relatively recently, in its absence from the list of organizations which contributed to the fight against organized crime: this agency, the biggest and most powerful of all in law enforcement, was the FBI. As late as 1959, FBI Director Hoover still denied the existence of any national criminal syndicate activities. Various theories have been advanced to explain Hoover's stubbornness on the issue of organized crime. The least important, and, indeed, most vicious were those which claimed that Hoover's addiction to gambling compromised him to such an extent that he could not engage the agency in any meaningful way. Some organized crime activities, Hoover argued, involved local rather than federal crime so he scoffed at the idea of creating a national crime commission or any other centralized group that would coordinate investigative efforts in various parts of the country (Ungar, 1976).

Prior to 1961, the FBI had very limited jurisdiction with respect to organized crime and its two major sources of illicit revenue: gambling and loansharking. Then in 1961, President Kennedy signed into law three statutes covering interstate transmission of gambling information. In 1964, 1968 and 1970 other statutes were created concerning bribery, extortionate credit and large-scale intrastate gambling operations. As a result, the FBI got into the picture (FBI Report, 1975). This is the "official" version explaining the bureau's reluctance to participate in organized

1
crime control.

Many experts, however, are not persuaded that the FBI merely waited on Congress and the Executive before assuming some responsibilities in prevention and intelligence -- that would be most uncharacteristic of its dynamic director. Fred Cook, a veteran crime reporter, adduced an explanation based on Hoover's obsessive preoccupation with statistics. According to Cook, Hoover built a myth of perfectability about the bureau on the claim that they get 96% to 98% convictions based on their investigations and arrests. However, syndicate crime is sophisticated and concentrating on such adversaries who cover their tracks carefully and engage expensive legal talent could well dilute the image of infallibility the bureau under Hoover's leadership so diligently sculpted (Cook in Watters & Gillers, 1973). Hank Messick, the organized crime investigative reporter, is more truculent in his criticism of Hoover:

For a half a century John Edgar Hoover, . . . had the power to destroy the infamous syndicates of organized crime. He failed to use it. Instead, as crime grew into the nation's biggest business, Hoover used his power to enhance his reputation and that of the FBI. . . . perhaps his greatest disservice has been to confuse the American people about the real nature of organized crime. Instead of admitting it was an economic problem, he described it as a moral issue and assured the public that it did not pay. It did, handsomely, and largely because of him (Messick, 1972: 154).

On these matters Hoover himself wrote that,

Four and a half years ago, in . . . 1961, the FBI was empowered to launch a concerted drive against the organized underworld. Some of us in law enforcement knew, of course, that syndicated gambling and other vices had been organized for a number of years. But there had been no effective Federal laws under which the FBI could proceed . . .

When the FBI was charged with investigative jurisdiction of the three interstate gambling and racketeering laws passed in 1961, it moved with deliberate speed to determine who was behind these nationwide underworld operations (Hoover in U. S. News & World Report, 1966: 102 - 104).

Plausible, but not characteristic. In any case, after 1961 the FBI dramatically stepped up its electronic surveillance and began to cooperate with and supply other agencies with information on organized crime figures. With its considerable resources, the agency was able to cultivate informants within the syndicates and, in some instances, resort to strong tactics bordering on harassment. In Chicago, for instance, the FBI "lockstepped" Sam Giancana -- that is, it put him under a constant 24 hour surveillance so that he could no longer even hope to meet privately with associates. Neutralizing underworld figures seems to be a preferred method of the agency (Ungar, 1976, op. cit.).

In 1963, under prodding from Attorney-General Robert Kennedy who had served as a counsel on the McClelland Sub-committee investigating labor racketeering, the weak and understaffed Organized Crime Section of the Justice Department was strengthened: the legal staff was quadrupled. But then, in 1964, when Kennedy left Justice to run for the Senate, the number of attorneys in the OCS of Justice shrank from 63 to 54 in one year (Salerno, 1969). Under Attorney-Generals Katzenback and Clark in the Johnson Administration, the OCS was further weakened. Then in 1966-67, the Johnson Administration was under attack for its ineffectiveness against organized crime. To counter this criticism, Clark established the first Strike Force.

It was through the efforts of two men in Justice that the Strike

Force concept materialized: Robert Peloquin of the "Hoffa Squad" and Henry Petersen. The idea was to construct a group made up of seasoned people from many federal agencies and to organize them on a geographical base. It would exert pressure on one city after another heavily infiltrated by underworld activities in order to focus the combined expertise and contacts of its composite team on digging up indictments and vigorously prosecuting these cases in the courts. Before the advent of the Strike Forces, bureaus and agencies were duplicating each others efforts, refusing to share information and generally operating at cross-purposes (Mollenhoff, 1972; Waller, 1976). Clark, who inaugurated the idea at the top levels of government, viewed the Strike Force as a super information-gathering mechanism, as a strategic intelligence group, rather than² as a tactical operational unit.

In January, 1967 the first Strike Force became operational in Buffalo, New York. Most of the federal agencies assigned personnel and investigators including the Bureau of Customs, Narcotics, IRS, Treasury, Secret Service, and the Labor Department (Lynch in National Conference Report, 1975). The successes achieved in Buffalo, where high ranking members of the Maggadino crime family were prosecuted and convicted, led to the expansion of the Strike Force concept; forces were fielded in Detroit, Brooklyn, Philadelphia, Chicago, Miami, Los Angeles, and other major cities with organized crime problems. Working under and through the Organized Crime and Racketeering Section of the Justice Department, which directs the field activities of the Strike Forces, are four deputy section chiefs who supervise the activities of the Strike Forces in various

geographical locations (Attorney-General's First Annual Report, 1972).

Organizationally, Strike Forces may be viewed as anti-crime cadres, compact versions of federal agencies in the field which can be expanded or contracted as a situation demands. Recently, controversy broke out over the Strike Forces -- as to whether, among other things, they are as effective as their supporters and sponsors have claimed. In 1977, a General Accounting Office report indicated that in a period of ten years the Justice Department has spent \$800 million to combat racketeering through its Strike Forces but has had little success in curtailing the nationwide activities of organized crime.

The GAO study argues that the Strike Forces have been ineffective because they have been hobbled by a lack of a coherent national strategy and a precise definition of what organized crime is (Newsday,³ 3/18/77). The GAO report fueled an already blazing battle within Justice concerning the relationship between local U. S. Attorneys and Strike Forces operating within their jurisdictions (Anderson & Whitten, Daily News, 12/11/77).

Briefly, a key dimension of the dispute (involving no doubt, personal vanities) centers upon whether the Strike Forces should operate independently of local U. S. Attorneys. Most U. S. Attorneys want to bring the Strike Forces under tighter control -- that is, under their control. Attorneys in charge of Strike Forces, on the other hand, look upon subordination to the offices of the local U. S. Attorneys as a measure which will reduce the effectiveness of their organized crime programs. Michael DeFeo, attorney-in-charge of the Los Angeles Strike Force, stated bluntly that the majority

of U. S. Attorneys simply lack the capability of conducting sustained drives against organized crime because of the multitude of conflicting obligations they must attend to, their fixed terms in office, and the high turnover rate among personnel -- factors of minimal importance in the Strike Forces (Personal communication, 5/18/77). Thomas Puccio, attorney-in-charge of the Brooklyn Strike Force, believes that the Strike Forces, quite apart from their alleged failures and shortcomings (with which he takes sharp exception), promoted a strong sense of camaraderie among law enforcement professionals at all levels of government. According to Puccio, lack of morale and a corrosive cynicism had been developing among criminal justice specialists who had warned of organized crime's growing strength and influence. With good budgets, dedicated professional staffs, and a limited set of investigative and prosecutorial objectives, the Strike Forces are, in Puccio's estimation, the perfect antidote to the comparatively ineffectual efforts of other federal agencies who are required by law to deal with other forms of criminality as well as organized crime (Puccio interview, 6/24/77). William Tendy, chief assistant U. S. Attorney in the southern district of Manhattan, the man who successfully prosecuted Carmine Galante and members of the Cotroni crime family of Montreal on narcotics violations and on whom Vito Genovese put out a murder "contract," disagreed that the Strike Forces were necessary in the war against organized crime as either important informational and intelligence apparatuses (as envisioned by Clark), or as useful tactical field units.

Here in the southern district we don't need a Strike Force because it overlaps and duplicates the work of this office. Where U. S. Attorneys are either not doing their jobs or have too much to do, then a Strike Force could be useful. The first Strike Force was put in Buffalo because Maggadino was running rampant and had corrupted most of the police force. A Strike Force was needed in Buffalo. But, setting up autonomous groups around the country which must come to us anyway because we are the government's law enforcement agents, it is a mistake. A Strike Force, now and then, where a need for it is obvious is a good thing; but establishing them on a permanent basis is a waste of effort (W. Tandy interview, 2/4/77).

Robert Peloquin, the former Justice Department official who headed the first Strike Force in Buffalo, pointed out that the original concept was one of a mobile team that would move into problem areas, do its job and then move onto the next trouble spot. The concept of the Strike Force as a mobile unit was changed by the Nixon Administration which made Strike Forces permanent fixtures in certain districts. "Such action," in Peloquin's words, "assured eventual conflict with the United States Attorney(s)." (Personal communication, 3/30/77). Salerno supports the Strike Force idea mainly because of the structural liabilities inherent in the U. S. Attorney's office which inhibits prosecutorial activities against organized crime.

Salerno: The biggest argument and the best for the Strike Forces is that they are out of the area of political concern. The Strike Force leader is sent into Cleveland (for example) and he's from Oklahoma. He is not interested in the effect on his possible practice of law in Cleveland and what he does in the Strike Force: he is concerned about running for office in Oklahoma. I'm not saying the U. S. Attorneys are bad people because with a change in Washington they are obliged to resign; I'm simply saying that

they are political patronage persons (and there are many excellent prosecutors among them); they are not the kind of people to fight organized crime. Many do good jobs. By having the man in charge a recipient of political patronage, is not the way to deal with organized crime.

4

(R. Salerno taped interview, 1/5/77).

The Strike Force controversy is a good example of how knowledge production and its natural consequences -- convictions, prosecutions, and effective control of organized crime -- can be relegated to secondary importance in the bureaucratic struggle over authority and power. The issue is a classic illustration of goal displacement. Preoccupation with rights, responsibilities and jurisdiction seemed inevitable, as Peloquin indicated, once the Strike Forces were perceived as potential competitors for prestige, resources and power by the U. S. Attorneys.

The implications underlying the dispute are indicative of some critically important social processes affecting the generation and distribution of organized crime intelligence and knowledge. Students of complex organizations might construe the debate over the Strike Forces as one involving segmentation (as developed by Durkheim and later extended by Blau in various works) and social exchanges. Both the U. S. Attorneys' office and the Strike Forces are subunits of the Justice Department. The Strike Forces in their current stable form (as distinct from Task Forces created for specific objectives which, when accomplished, are dissolved), represent increased functional specialization within the department, and with this, some degree of functional autonomy. In anything less than a completely

monolithic organization, control of activity can be partial leaving some latitude to component parts to act on their own within, of course, broadly and flexibly defined limits. Although, as Tendy says, Strike Force personnel must coordinate prosecutions and investigations with local U. S. Attorneys, they do possess autonomy even though their investigative staffs are drawn from other federal agencies (see Appendix C, Figure 13).

This means that at least two major structural conditions affecting relationships and interactions between the U. S. Attorneys' offices and the Strike Forces emerge: that of functional specialization and autonomy (Gouldner, 1959) -- mutually contradictory processes since, as each subunit of the larger, overarching organization -- the Justice Department -- becomes increasingly specialized, it must relinquish self-sufficiency and its concomitant power. The U. S. Attorneys' office would, almost by default, become more narrowly specialized in leaving the field of organized crime control to the Strike Forces which are specifically designed to deal with it. It follows that the office of the U. S. Attorney would experience staff reductions, work with a smaller budget, and suffer a decline in its overall influence on policy making. In actual practice, though, the two conditions appear to coexist to some degree. This may or may not be an accidental outcome of poor organization, as Peloquin apparently thinks. Both conditions raise numerous problems of communication, coordination and control for the department (Justice) as a whole. From the U. S. Attorney's perspective (Tendy, for example) absorption of the Strike Forces is not only desirable but vitally important for organizational survival, whereas, increasing the

scope and extent of Strike Force operations -- extending, in other words, their functional autonomy -- will prove detrimental to the department. Tendy, (and others as well), fear that gains in autonomy by Strike Forces will produce organizational segmentation. If the Strike Forces were to strengthen their positions and become entrenched as permanent agencies within the Justice Department, the prestige and power of the U. S. Attorney's office would erode, or significantly diminish; internal conflicts which have already erupted are likely to increase making a bureaucratic "detente" or truce among subunits that much more problematic. And the integrity of the department as a whole could be threatened with disintegration if it cannot cope with emergent pervasive conflicts. If the issue is not satisfactorily resolved, it seems reasonable to assume that much of the department's administrative energy will turn on the management of tensions and conflicts and the maintenance of approximate power equality among its competing subunits.

The thrust of the pro-Strike Force position revolves around the issue of vulnerability to outside influence on investigations and prosecutions conducted by the U. S. Attorney's office -- in a word, political corruption. Table 8-1 reflects the extent of agreement on the threat and impact of corruption on law enforcement. The majority of respondents in the sample agree that the political environment in which law enforcement must operate is an important factor affecting the likelihood of corruption. This is consistent with responses to a question (Policy Questionnaire, Part A, #18) as to whether organized crime requires political protection or a receptive political atmosphere in which to operate. The majority

of respondents disavowed personal knowledge of corrupt influences but knew of, and could cite examples of, cases in which "pressures" were brought to bear. One respondent was particularly strident in his reply: according to him, lawyers have usurped the control of the criminal justice system and abused their professional privileges. Mr. D. Pace, a former state and federal-level organized crime intelligence unit organizer, made himself unmistakably clear on the issue of corruption and the factors precipitating it:

. . . I would like to see a legal prohibition of attorneys in any branch of government except the judicial branch and in technical (non-decision roles in other branches). The separation of power doctrine has become so bastardized through inter-fraternization that no case of importance in law is decided -- it is bargained and negotiated. I view this as the number one problem in ever making an impact on organized crime. Corruption at the local level in police agencies will continue as long as they see honest efforts bargained and dealt away by (a) corrupt judiciary (Personal communication, D. Pace, 1/12/77, emphasis in the original).

I do not take these remarks to mean that Mr. Pace is unalterably opposed to plea-bargaining in the courts. Rather, it seems to me, he is referring to the strains faced by all organizations employing professionals. Inter and intra-organizationally, the dilemma of administrative versus professional authority and allegiance is not new. The reference group for attorneys employed in criminal justice is not necessarily the organization in which they work, but their professional group and its values which may or may not be at odds with those values of the organizations in which they work. Etzioni put the matter plainly: "When people," he writes, "with strong professional orientations take over managerial roles, a conflict between the organizational goals and the professional

orientation usually occurs." (1964: 79). Attorneys anxious for political careers -- and employment in the criminal justice system is a step up the ladder -- are more likely to be sensitive and receptive to outside forces which may affect judgments or decisions to terminate an investigation, pursue a prosecution, or seek advice from non-criminal justice officials on the ramifications of a case⁵ in terms of its political repercussions.

Table 8-1: Political Corruption and Organized Crime

	<u>Agency</u>												
	A	B	C	D	E	F	G	H	I	J	K	L	M
(a) <u>Organized Crime Control</u>													
<u>Act of 1970 adequate</u>													
<u>for control</u>													
Very adequate													
Adequate	X	X			X				X				
Inadequate				X		X							
Very inadequate													
Don't know			X				X	X					
(b) <u>Factors disposing law</u>													
<u>enforcement agencies</u>													
<u>towards corruption</u>													
Internal characteristics													
of agency			X		X	X			X				
Political environment in													
which agency must function	X	X	X	X		X	X	X	X				X
Inadequate laws and													
resources for detection													
of corruption	X	X	X			X							
(c) <u>Relationship between</u>													
<u>political corruption and</u>													
<u>organized crime</u>													
Yes	X	X	X	X	X	X		X	X	X	X		X
No													
Don't know							X					X	
(d) <u>Investigative Procedures</u>													
<u>against corruption</u>													
Special Investigations	X	X	X	X	X		X						
Grand Jury	X				X					X	X		X

However, the "we-feeling" and self-aggrandizement at the expense of public interest, the collusions, compromises, "arrangements," and the granting of special considerations reflecting the influence of powerful interests on policy, is mirrored at all levels of the criminal justice system. Obviously, what angers Pace and others is the exploitation of position by attorneys that presumably are denied others. Whatever justification can be made for "selective and adjusted justice" in the courts has been stated by Cressey and Rosett (1976). It must be pointed out that as with prosecutors, police engage in enforcement policies designed to cope with pressures from inside their departments, from the newspapers, governmental bodies, business and community organizations, which may give the appearance of compromise but does not necessarily make them corrupt (Rubinstein, 1973; Knapp Commission, 1972: 125-233).

As with most large-scale, complex organizations the office of the U. S. Attorneys and Strike Forces overlap and cross-cut each other forming a somewhat precarious social web. Above, the research yielded the finding that law enforcement agencies in general, and those specifically concerned with organized crime, participate in extensive and intricate informational exchange relationships. From Blau's (1964) formulations on conditions affecting exchanges, it is possible to characterize theoretically the likely consequences of protracted conflict among units in the Justice Department on the transmission and interchanges of information -- an indispensable relationship among criminal justice agencies if they are to function even adequately.

Guiding informational exchanges is the "need and right to know"

doctrine which shapes the terms of intra and inter-agency transactions. As Blau points out, many exchange relationships tend to become unbalanced through time, as one group acquires more resources (bigger operating budgets for informants, personnel, etc.) than another, or as one group becomes overdependent on another -- a complaint made by local police in the sample about the FBI. The result, according to Blau, is a differentiation of power between the participants, so that the relationship shifts from reciprocal influence exchanges to unilateral control exertions (1964: 116). The IRS intelligence unit chief reports that the FBI has only token representation in the St. Louis office because most other agencies refuse to work with them (Personal communication, J. Dalton, 4/5/77).

The importance of systems of exchange, whether formalized or not, and the interdependence among law enforcement agencies can be seen from Table 8-2 where, in addition to electronic surveillance and informant sources, interagency intelligence data is the most important source of information in determining who belongs to crime families and criminal syndicates.

Table 8-2: Determination of Membership or Rank in Crime Families or Crime Syndicates

	<u>Agency</u>												
	A	B	C	D	E	F	G	H	I	J	K	L	M
Informant Information	X	X			X	X	X	X	X	X	X	X	X
Electronic Surveillance	X	X			X	X	X		X	X	X	X	X
Interagency Intelligence Data	X	X	X	X	X	X	X	X	X	X	X		X
Observed Criminal Associations and Affiliations	X	X	X	X		X		X	X	X	X	X	X
Other*	X	X			X	X							

*Other includes sworn testimony in congressional records, committee hearings.

The creation of a climate of mutual trust among participants in an exchange relationship is an absolute requirement if that relationship is to persist for any length of time. Thus, when conflicts both within and with other groups develop, imbalances occur, and the relationship is threatened or weakened. Consequently, the agency's ability to generate intelligence, which is a prerequisite for control, is attenuated. When trust builds through helpful exchanges, the scope and depth of a relationship expands. One OCCB member, for example, averred that, "I like to get on a first-name basis with the guys I deal with from other departments and those in the NYPD who come to me." (Sorrentino, taped interview, 1/21/77). As described by Blau:

By discharging their obligations for services rendered, if only to provide inducements for the supply of more assistance . . . the gradual expansion of mutual service is accompanied by a parallel growth of mutual trust. Hence, processes of social exchange, which may originate in pure self-interest, generate trust in social relations through their recurrent and gradually expanding character (1964: 94).

To initiate an exchange transaction it is not necessary that the agencies share any common norms or views about organized crime. Table 9-1 suggests the varied range of opinion on this issue. But ongoing exchange relationships can be strengthened considerably and stabilized by the emergence of shared social norms. The most important norm, imbedded in the "need and right to know" doctrine, is reciprocity which says that an agency which receives some datum of information from another is obligated to reciprocate that action in some manner. According to Gouldner (1960), the essence of reciprocity is that social actors (or groups) are obligated to return benefits to those

from whom they have previously received some benefits -- although the norm does not necessarily require perfect equity in these exchanges, it provides some minimal grounds for confidence and thus promotes a willingness to initiate action. While Gouldner thinks that reciprocity is universal and basic to all complementary relationships, Blau has argued, meanwhile, that even this minimal norm of reciprocity is not necessary, and that simple exchange transactions can be initiated through a cumulative series of conditional reciprocated actions that slowly generate mutual trust among participants (1964: 95). This position seems almost trivially true but it is an important insight into the socio-psychodynamics of interactions among law enforcement personnel.

The antipathies and conflicts between the Strike Forces and U. S. attorneys may well be inimical to the overall federal effort to deal with organized crime because, following Blau and Gouldner, whichever agency suffers the most in the struggle for legitimation (Strike Forces) and power, will attempt to challenge or destroy any vestige of an interrelationship, implying dependence, in order to escape subordination and loss of power. With strained relationships between them, the outcome seems clear: fewer combined operations, less intelligence data exchanges, and, therefore, a crippled effort against organized crime.

As soon as the first Strike Force began to function in Buffalo in 1967, it became obvious that there would have to be heavy use of informers and that some coherent system would be needed to protect them after they testified -- or after they provided information which could seriously hurt syndicate operations. Most mob "hits" are

against informers. As early as 1961, Robert Kennedy stressed the need to convince witnesses that if they came forward to testify in violation of the rule of silence they would be protected. The reasoning was simple enough: each informer kept alive was an advertisement selling the benefits of cooperation to the next man picked up on charges, or the man who heard some grapevine information that he was marked for death because he displeased his bosses. Soon after his appearances before the McClelland Senate Subcommittee, it was reported that Joseph Valachi, the most celebrated mob informer, had a murder contract placed on his head for \$100,000 by Vito Genovese (Maas, 1968). If Valachi was murdered, the underworld would have shown that its vengeance was inescapable. As it turned out, Valachi died in protective custody of natural causes. Since Valachi, others have informed under the provisions of Title V, sections 501-⁶ 502 of the Organized Crime Control Act of 1970.

Since informant information is such a vital source of knowledge about organized crime and, further, since the 1967 Task Force recommended that the federal government establish protective facilities to insure the safety of witnesses against reprisal, the Department of Justice pursuant to the authority contained in 28 USC 524 began to allocate funds in 1968 to complement the protective services of the U. S. Marshals Service in providing for the personal safety of prosecution witnesses. The Organized Crime Control Act of 1970 expanded and formalized the program. According to the 1975 National Conference on Organized Crime Report " . . . 1,400 witnesses have been admitted into the program. Approximately 250 witnesses are receiving financial aid during any given month; the expenditures

being for subsistence, travel, medical care, documentation and protection." (1975: 8). The Witness Protection and Relocation Program -- a derivative and refinement of the protective services mentioned above -- was developed by Attorney-General Mitchell of the Nixon Administration and it contained measures which reorganized relocation to include an "alias" program, a scheme to provide witnesses and their families with new identities after which they could be infiltrated back into society as ordinary citizens in communities remote from the scenes of their crimes and their testimonies (Graham, 1977).

The Witness Protection and Relocation Program is a major part of the federal government's attempt to combat organized crime. In exchange for information and testimony, the government engineers an identity change providing valid birth certificates, licenses, passports, and social security cards as well as assistance in finding employment.⁷ A special liaison with the Department of State enables the program to arrange discreet asylum in foreign countries, if desirable. The highly specialized operation is geared toward one objective: keeping a man alive, his family safe, not just between the time he establishes contact with law enforcement but even after he steps down from the witness chair and melts into anonymity.

The size of the Witness Program (250 witnesses a month) attests to its importance and centrality in the government's anti-crime campaign first as a means of obtaining intelligence, and, secondly, as a prosecutorial weapon. The logic behind the program depends upon the role informers play in the organized crime effort: obviously, take away informers and there would be few arrests and even fewer

indictments and convictions. This being the case, the Witness Program, the immunity protection gambit, is likely to be expanded with more men of no identity or fabricated identities infiltrating into society. Several writers have looked into the program and isolated some of its problems. Graham's analysis, for instance, suggests that the government's ineptitude, its halfway measures, and the difficulties it experiences in manipulating all the variables impinging upon a person's past, has weakened the program making it less attractive to potential informers. Relocating people means fitting them into life-styles with which they are familiar and accustomed, but in different and often strange locales. Moreover, the reality of identity in modern society makes such placement almost impossible: persons attempting re-entry into middle-class life-styles encounter an intricate set of obstacles involving credit references, bank records, college degrees, insurance records and medical histories -- "all of which are capable," Graham observes, "of exposing the lie of the second identity." (Graham, 1977: 79).

Leslie Waller traced the lives of a mob informant, his girlfriend, her kids, and her estranged husband from whom the whereabouts of his children were concealed. Waller's criticism of the program looks at another of its dimensions. In his view,

. . . a new caste is forming -- a subculture of law and crime. In this stratum of society, the same techniques and technicians are used. Both sides cooperate, exchange personnel and, more importantly, money. At stake is the core concept of allowing an offender to escape punishment by informing on his confederates and then at public expense to be injected into the community under an alias based on forged documentation (Waller, 1976: 264-265; 272).

In a TV broadcast, Graham demolished the complacent supporters of the program:

Graham: You people relocated a mass murderer -- Ira Pecznik, a contract killer who executed five people for money in order to get members of the Campisi mob. And the men who went to jail on his testimony got very light sentences. Meanwhile Pecznik is now a college student. What sense is there in this!? The U. S. is the only country in the world which has an alias program. It's not working for two reasons: most relocated witnesses are hardened criminals; the government says 10% are re-arrested; secondly, Justice has cut back on relocation funds, so the original intent of the program cannot be realized.

A relocated witness, a man not a member of the underworld, but an associate of organized crime figures in counterfeiting and stolen car operations, talked about his experiences in the program rather bitterly:

Interviewer: How long have you been in hiding?

"Marvin": Five years. The first two years was a living hell: I had no friends, a lousy job, no money, and I lived in constant fear. No one cared.

(WNEW-TV, "The Witness Relocation Program"
David Susskind, 10/16/77).

Implicit in the Witness Relocation or Alias Program is a theory of socialization and identity formation, the kernel of which is that a new social setting and new identity tags can refashion a personality and character molded over years of experience in a deviant context. Indications (Graham and Waller) are that the program is not working out. Secondly, the government is deliberately involved not so much in rehabilitation as it is in de-deviatizing work, in creating strategies to conceal stigma. Not everyone is capable of sustaining a sudden transformation of their life from that of a deviant (criminal) to that of a normal (law abiding citizen).

The fact that in most cases the transformations can be sustained, suggests that our socialization equips us to handle both possibilities. A new alignment, a new frame of reference -- at least from the government's perspective -- a new social adaptation in mid-life is possible for everyone.

Witness Relocation ratifies to some degree Goffman's view that:

The stigmatized and the normal are part of each other(.) For in imputing identities to individuals, discreditable or not, the wider social setting and its inhabitants have in a way compromised themselves: they have set themselves up to be proven the fool (Goffman, 1963: 135).

In short, the government purchases knowledge and proffers the eradication of a blemished identity for normalcy. The mutual benefits of the exchange remain to be seen. In general terms, knowledge and personality take on certain market characteristics, as susceptible to variations in supply and demand, as subject to considerations of marginal utility. One's life is transformed into a commercial entity. Through its witness relocation program, the government reveals its theory of society. The central source of social solidarity is underneath culturally structured social roles, behind the established social institutions, it rests upon what men get from and give to one another.

Other government departments and agencies have been mobilized against organized crime in recent years besides Justice. Within the Treasury Department, for example, Internal Revenue Service agents have sharply stepped up the conviction of organized crime figures for income tax evasion (Personal communication, J. Dalton); the Postal Inspection Service has expanded its efforts in investigating organized

crime involvement in postal-related offenses. And the Securities and Exchange Commission has assigned personnel to organized crime Strike Forces around the country (Aronwald, taped interview, 11/5/77).

Footnotes

1

The IRS was instrumental in bringing Al Capone to justice. However, after Capone's conviction and imprisonment, most syndicate men meticulously arranged to report income and show assets roughly commensurate with their life-styles. Those with huge illegal incomes turned to the expert "money-launderers" such as Meyer Lansky or to legitimate "front men" who could invest these monies without arousing much suspicion (see M. Gartner, ed. Crime and Business (Dow Jones Books, 1971)).

2

Clark wrote in Crime in America that:

. . . a Strike Force gathers and analyzes all available police intelligence about organized crime -- its leaders, subordinates and activities -- in a target city. By collecting relevant data possessed by all law enforcement agencies operating in an area, an immediate and substantial reservoir of information is available for designing a plan of attack (p. 79).

3

A definition of organized crime and an operational description of its typical participants has been and continues to be problematic. For example, the 1972 report on "Organized Crime in Texas" describes a motorcycle gang known as "The Bandidos" as a group which, while not part of "the national crime syndicate" engages in illegal gambling, narcotics, stolen cars, and so on.

The Bandidos attend meetings regularly, pay dues, and ride motorcycles in order to retain membership in the group. At one time, approximately 500 to 600 persons were believed to be dues-paying members of this group (Texas Report, 1972: 8).

Technically, the Bandidos may be organized criminals. They certainly do not fit into the images developed by law enforcement of organized crime activists, nor do they quite resemble the Gambino organization by their conspicuous lawbreaking.

4

J. McKenna, chief counsel of the New York State Select Committee on Crime and a former federal prosecutor, was asked about the crisis in the Justice Department over the Strike Forces:

Interviewer: The U. S. Attorneys feel that the Strike Forces are a dangerous precedent; that they ought to be put under the control of the local U. S. attorney. Do you agree?

McKenna: That's based on the assumption that the U. S. attorney is a very effective law enforcement official. I don't believe they are.

Interviewer: Do you, then, support the expansion of the Strike Forces?

McKenna: I'm more suspicious of political appointees than Strike Force people -- the majority of whom tend to be career civil servants.

(J. McKenna, taped interview, 11/2/76).

D. Pace of Texas on the issue of the Strike Forces:

In my opinion the placing of the Organized Crime Task Forces under the local U. S. attorney will reduce the effectiveness of the units. Local U. S. attorneys should assign agents to a task force but I think direction and control must come from a central office and be designed to include state and local agencies (Personal communication, 1/12/77).

5

What is political patronage? What are its effects on law enforcement? Salerno provided an example of how leverage can be exercised on prosecutors. Some time ago, an assistant U. S. attorney in the eastern district of New York uncovered the fact that Thomas Luchese, a crime family boss in New York City, had extensive real estate holdings in lower Manhattan which were grossly undertaxed. Suspecting collusion in the city Department of Real Estate, the attorney approached his supervisor about the possibility of opening an investigation. When told that Luchese had partnerships in several shipping firms which made substantial contributions to local political campaigns and that, in any case, proving corrupt influence in the Department of Real Estate would be next to impossible because assessments are based on the subjective judgments of assessors (they could always claim they made a mistake in their assessment!), the assistant dropped the matter.

6

Sections 501-502, Title V, P. L. 91-452 authorize the Attorney-General of the United States to provide for the security of government witnesses and their families. To fulfill this mandate, the Attorney-General is empowered to purchase housing facilities and to otherwise offer protection for the health, safety and welfare of witnesses.

7

In his column of Friday, September 24, 1976 in the Daily News, Jack Anderson describes another feature of the program which offers even more inducements to cooperate:

Now the department (Justice) helps to rehabilitate underworld defectors. They are even offered psychiatric counseling to help them adjust to Chevrolets after a life of Cadillacs. (Justice attorneys) are calling on the top executives of 150 major firms . . . (urging them) to take a chance on hiring ex-Mafia men. One southern bank gamely employed a former bank robber. He is doing so well that his community wants him to run for city council. (Underworld contacts) confirm that the new program has made godfathers from Boston to Los Angeles more uneasy than they have been in decades.

A recent book about the rise of the Black and Hispanic drug syndicates points out that informing against criminal compatriots and associates is not considered the supreme offense an underworld figure can commit:

The mortality rate among informers was higher, although . . . the black mobs made bigger allowances for human frailty than their Italian counterparts. To do time when you could avoid it by handing over to the authorities a couple of minor functionaries you probably wanted to get rid of anyway, or better still, an enemy or competitor, was considered, not honorable but dumb.

And, yet another strategic purpose behind informing:

As an alternative to bribery, snitching was the only effective means of dealing with straight cops and prosecutors, and as such, an accepted business practice. But it had to be used with discretion. The big operators usually covered themselves by means of bilateral treaties, one promising not to inform on one another in return for the same consideration, and both would commonly unite to liquidate any lesser third party who threatened either one of them from below (Goddard, 1978: 164).

Chapter 9

Commissions and Committees

The landmark 1967 Task Force on Organized Crime was not part of the original agenda of the President's Commission on Law Enforcement and the Administration of Justice (Salerno taped interview, 1/5/77). In May, 1966, nine months after the Commission had started its work, it was decided to add a Task Force on organized crime (Salerno, 1969). In writing about Commissions and their relation to public knowledge and public policy, Merton tells us that,

. . . whatever their historical origins and their manifest and latent functions, commissions of inquiry are -- commissions of inquiry . . . they are publicly committed to make a search or investigation directed toward uncovering germane information and knowledge; they are, in short, institutionally committed to research (Merton, 1976: 162).

Be that as it may, Salerno, a commission staffer, in reminiscing about the slovenly manner in which the Organized Crime Task Force was put together gives cause to wonder about the Johnson Administration's or, for that matter, any administration's, commitment to a social problem.

Salerno: The organized crime study group in the United States was funded \$30,000! After secretarial staff salaries, Rogovin (project director) had \$13,500 left. Rogovin conned Donald Cressey into working for nothing; Rogovin got the Russel Sage foundation to finance Gardner's work; he recruited Blakey; Schelling wrote a paper for nothing; I used vacation time to work with Cressey. It was all free. And what if people decided to work for money? What sort of a report could possibly have been produced?

(R. Salerno taped interview, 1/5/77).

In his book (1969), Salerno wrote that once the organized crime Task Force got under way and word leaked that its work was going to be a significant departure from what could be expected of Commission work in general, the White House liaison man made it clear that the President wanted to be briefed on developments because of some areas of "particular sensitivity." One was in pinpointing geographical areas as hotbeds of organized crime controlled by democratic incumbents; another was the focus (not malicious or deliberate) on Italian-American crime syndicates which might (and subsequently did) generate strong protests from Italian-American groups and hurt the Administration at the polls in the election of 1968. Finally, the Task Force recommendations on wiretapping and electronic eavesdropping clashed with the President's 1965 executive order banning all Federal eavesdropping except in cases of national security.

Interestingly, the patchwork, spontaneous character of the Task Force may have been instrumental in enabling it to avoid the normal tendentious pressures and constraints affecting most commissions charged with the manifold objectives of reviewing and recommending public policy. A structural defect in the organization of the group -- one which affects all scientific workers on commissions -- was that the social scientists on staff faced implacable deadlines in getting their research done: Cressey (1969) reports that he spent the summer reviewing materials not coming from his own research but from federal, state and municipal law enforcement agencies.

Because the Task Force was something of an afterthought, its membership was not hand picked and chosen to represent the major interest groups and constituencies that could be adversely affected

by either its conclusions or recommendations, so that internal conflicts in the Task Force were minimal. Other than the few social scientists, the staff was composed mainly of law enforcement officials. A spirit of amity and unanimity pervaded the workings of the group (Scotti taped interview, 3/17/77). Further, since little scientific work had been financed on organized crime prior to the Task Force, the social scientists on staff had to rely, more or less, on evidence produced by law enforcement officials, by policemen and prosecutors whose styles of work, intellectual perspectives, and conceptions of evidence, differ somewhat from those of social scientists. Whereas social scientists typically prefer surveys, interviews, observations and other kindred techniques which provide quantitative data capable of testing and replication, they had little alternative but to depend upon data developed by their criminal justice colleagues -- depositions, eyewitness accounts, and so on. Thus, the Task Force did not experience much of the strife ordinarily found in bodies in which a theoretical pluralism prevails, or in which divergent conceptions of evidence and cognitive values would come into play.

Given the rather homogeneous makeup of the staff as compared with other Presidential Commissions (Merton, 1976), it is no wonder that the Task Force group selected as its principal foci problems materially connected with law enforcement rather than other possible targets for investigation such as the relationship of poverty and organized crime, or social mobility and crime. The police recommendations which emerged, therefore, and the rationales for implementation were law enforcement oriented. That is, the recommendations dealt

almost exclusively with control (as a cursory glance of the Report's Table of Contents reveals), and not with, for example, etiological factors affecting the genesis, growth and persistence of organized crime.

In the closing paragraphs of Merton's close and informed analysis of the relationship between social knowledge and public policy he says that a common circumstance confronting commission-type inquiries is that they have no accumulated backlog of research from which to draw. Much of the research is produced under the pressures of unrealistically short timetables and tends, consequently, to lack depth and breadth.¹

Research and investigative work conducted by, or sponsored by, governmental bodies while ostensibly designed to gather as objectively as possible information for drafting legislation necessary to correct faults or fill lacunae in existing statutes, must abide still other tensions and exigencies. Moore's detailed study of the Kefauver Committee (1974) suggests that Kefauver's interest in organized crime was whetted by his ambitions to attain high political office and to circumvent the seniority system of the senate, and at the same time quickly achieve national prominence. Notwithstanding the opportunism of the committee leadership, Kefauver relied heavily on journalists for areas of investigation.

Upon arriving in an area, investigators, as a practice approached local newspapermen and crime reporters, solicited intelligence, and in exchange for temporary secrecy promised complete details when the results of the Committee's investigation became public. With the possible exception of the press, the citizen's crime commissions continued to be Kefauver's greatest outside help, and quite understandably, the Senator recommended creation of similar groups throughout the country (Moore, 1974: 83, 85).

Kefauver's investigative procedures put him in contact with the press and law enforcement agencies which opened up important political contacts. The Committee did perform some public service, even if, in Moore's opinion, the Committee's conclusions about a national crime syndicate were unwarrantable on the basis of the evidence gathered and evaluated.

By a convincing margin, the law enforcement sample in my research population agreed that legislative committees do perform some necessary, if limited, public functions -- namely, awakening public interest in social issues by dramatizing the problem, by placing it in the public arena, by putting the prestige of important national legislative bodies behind the work and recommendations of their staffs. Other than that, little real investigative activity goes on. Similarly, with the McClelland Committee, after 270 days of public hearings, 1,526 witness, and a volume of testimony amounting to 46,750 pages in the typewritten record (McClelland, 1962: 208 - 209), not one academic expert, appeared before the committee during the three years of its life. Instead, both the Kefauver and McClelland committees relied on law enforcement officials, crime commission personnel, local politicians, alleged criminals, and, informally, members of the press. By interpreting organized crime simply as a violation of law, by ignoring the economic and social conditions giving rise to it, committees could see merely one facet of the phenomenon, they saw the underworld as an alien, corrupting atavistic, conspiratorial group and not as an outgrowth of, or part of the fabric of, American life. Moore's poignant assessment of the Kefauver Committee's legacy cannot be gainsaid:

Created in the midst of rampant fears and rumors about the politico-criminal conspiracies, the Committee not so much investigated the problem as it dramatized the perspectives of the crime commissions on national crime syndicates and of the Narcotics Bureau on the Mafia. Because such groups as the press and academic community failed to point out the weaknesses in the Committee's overblown and unfounded statements the public accepted them, buttressed by the "proofs" of the Kefauver Committee (Moore, 1974: 134, quotes in the original). (2)

Over the years since the senate launched its sensational headline-catching probes, the intellectual inheritance has not worn thin despite many studies reporting findings acutely critical of those of the committees. Ian Lennox, executive Vice President of the Citizen's Crime Commission of Philadelphia, indicated that the available evidence supports the position first elaborated by Kefauver in the post-war era, reinforced by McClelland, and given the authoritative stamp of fact by the 1967 Task Force, that there is a Cosa Nostra which is a centrally organized national body of criminals with a governing board representing prominent crime families across the country (Personal communication, 12/27/76).

Most, if not all congressional investigating committees addressing the problem of crime, are inspired by politicians hoping to capitalize on public interest. Dewey and Kefauver, both Presidential candidates, proved that an anti-crime crusader who stimulates a xenophobic reaction in the American people could make himself a political power.

Were there any tangible achievements of the Kefauver Committee and those following in its wake? Not unexpectedly, many journalists think that the Kefauver Committee made a difference. Hank Messick, an organized crime investigative reporter, thinks so. "Frank Costello," he writes, "became useless to the Syndicate . . . Lansky was forced

to shutter his illegal casinos and Joe Adonis . . . was deported to Italy (in 1956)." (Messick & Goldblatt, 1972: 173).

One tentative conclusion emerges from these considerations which bears on my initial questions on production of knowledge about organized crime. It is true on the one hand that commissions of inquiry comprised of "well-balanced" representative members of various economic, political and social groups may deteriorate into disputatious cliques producing only superficial results. Yet it is clear as well that selection of personnel sharing similar perspectives will also yield one-sided and, to that degree, shallow findings. The kinds of questions asked and elaborated by commissions or other bodies convened for policy purposes depend in large part upon the personnel chosen to serve. Such personnel in turn, we evaluate in terms of the body of insight and understanding they possess about social phenomena and problems. The body of knowledge a person brings to a problem his grasp of its implications and features, is directly related to his professional life, his niche in an occupational setting which permits him access to information and a special perception of an issue.

Are these reflections mere conundrums or do they signal an impasse suggesting the impossibility of deeper, more accurate knowledge of organized crime? I wish to defer discussion of this question until the concluding chapter and merely point out now that more collaboration among various groups of professionals interested in organized crime seems essential.

Figure 9-1 illustrates the informational matrix from which law enforcement units develop their knowledge and perspectives on organized crime. How one goes from raw information to informed intelligence,

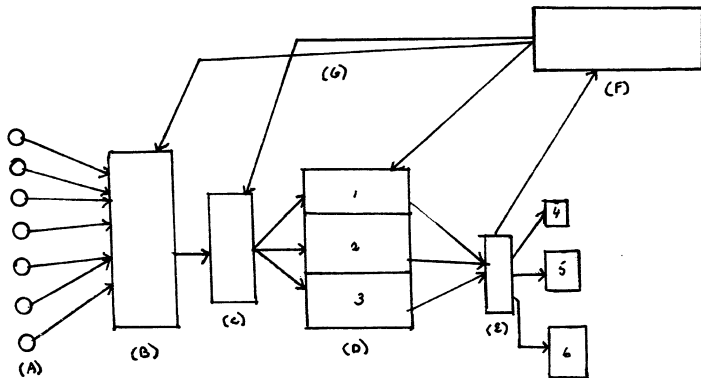
from bits of isolated information to useful knowledge depends upon several steps. From a wide variety of sources (A) including undercover agents, informants, newsmen, public records, interagency informational exchanges, wiretapping, and physical surveillances, a complex array of information is collected and assembled for evaluation (B) as to its usefulness, reliability, creditability and origin. At stage (C), data is indexed and referenced for (D) -- analysis in terms of trends and developments among criminal groups (1); studies (2) of organizational changes and activities, and (3) building criminal cases against individuals identified as syndicate functionaries. Reports, studies and analytical memoranda are periodically submitted to bureau and intelligence unit commanders (E) for dissemination to the agency chiefs (4), other groups in the agency (5) -- for example, in the NYPD, from the chief of the OCCB to the commander of the organized crime section of the department's Intelligence Division, and to other law enforcement agencies (6) requesting information. The executive staff re-evaluates (F) the flow of information, its implications as to staff deployments, the effectiveness of the analyses vis-a-vis other sources, and the likely results of police intelligence operations in areas recommended by analysts. The final process in the cycle, stage (G), involves recommendations for adjustments in the collection plan -- e. g. the need for new sources, the elimination of others, etc., setting new objectives and foci for the analytical assessment of information for purposes of case building and developing data on new or impending underworld activities. These management prerogatives usually affect the collection process which is a necessary activity in creating

knowledge and intelligence. It is worth noting that in stage (D) reports of organized crime activities usually contain confirming evidence by means of which a case is established for a trend in the underworld. The re-evaluation procedure (stage F) typically requires that supporting evidence be educed rendering the recommendations of analysts more tenable.

In schematic form the processes may seem smooth and almost flawless, minimizing evaluational errors and mistakes. However, in spheres of investigation such as organized crime, which is hidden to a great extent, the cutting edge of the evidence concept is less keen as compared with other criminal investigations. Thus, legitimate disagreement can arise regarding the validity of the analyses in the face of agreement regarding the evidential basis for statements of policy. Despite agreement on "the facts" different constructions or interpretations can be placed upon them -- particularly if the scope of agency discussion is speculative, i.e. on a level several removes in generality and abstraction from "the facts."

In a context of this sort, the requirement that a position or statement agree with "the facts" ceases to be an effectual criterion of validity because a significant area of assertion lies beyond the discriminatory power of this criterion. But then such rules, deriving from the canons of reasoning of classical scientific systems such as mathematics and physics, should not be carried over unchanged into logically less tidy areas and into realms of activity such as criminal intelligence where they have or should have limited applicability.

Figure 9-1: The Cycle of Knowledge Production



Source: Adapted from Basic Elements of Intelligence: A Manual of Theory, Structure and Procedures for Use by Law Enforcement Agencies Against Organized Crime, E. Godfrey & D. Harris (LEAA, Department of Justice, November, 1971)

Table 9-1: Theories and Paradigms of Organized Crime

		<u>Agency</u>												
		A	B	C	D	E	F	G	H	I	J	K	L	M
(a)	<u>Theories of Ethnic Succession</u>													
	Strongly agree													
	Agree	X	X	X			X					X		X
	Disagree							X	X		X		X	
	Strongly disagree				X	X				X				
	Don't know													
(b)	<u>Explanation of Syndicate Persistence</u>													
	Large-scale corruption		X	X					X	X				
	Pressure-group politics	X	X											
	National conspiracy of criminal syndicates		X					X		X				
	None of these													
	Other*	X			X	X	X							X
(c)	<u>Technological Factors Favoring Growth of Crime</u>													
	Strongly agree					X	X							
	Agree	X	X	X	X			X	X	X		X	X	X
	Disagree													
	Strongly disagree													
	Don't know													
(d)	<u>Cosa Nostra as a National Conspiracy of Crime Families and Syndicates</u>													
	Evidence warrants perspective		X		X		X	X	X	X		X	X	
	Evidence does not warrant perspective	X		X		X				X				

Table 9-1: Theories and Paradigms of Organized Crime (cont.)

		<u>Agency</u>												
		A	B	C	D	E	F	G	H	I	J	K	L	M
(e)	<u>Mafia is a Myth</u>													
	Strongly agree													
	Agree	X												
	Disagree		X	X	X			X	X			X	X	X
	Strongly disagree					X	X							
	Don't know													
(f)	<u>Albini Paradigm of Organized Crime</u>													
	Strongly agree E-C													
	Agree E-C				X	X		X						
	Disagree E-C													
	Strongly disagree E-c													
	Don't know													
	Strongly agree D-A													
	Agree D-A													
	Disagree D-A													
	Strongly disagree D-A													
	Don't know													
	Some combination of E- /D-A	X	X											
(g)	<u>Emerging Black/Hispanic Crime Syndicates</u>													
	Yes	X	X	X	X	X	X	X	X	X		X		X
	No													
	Don't know												X	

Table 9-1: Theories and Paradigms of Organized Crime (cont.)

		<u>Agency</u>												
		A	B	C	D	E	F	G	H	I	J	K	L	M
(h)	<u>Minority Syndicates</u>													
	<u>Struggling with Dominant White Groups</u>													
	Yes		X	X	X		X					X		X
	No					X				X				
	Don't know	X		X				X	X		X		X	
(i)	<u>Assimilation of Black/Hispanic Organized Crime Figures into Syndicates</u>													
	Yes	X		X										
	No													
	Don't know							X		X	X		X	

*Other: Syndicate persistence a combination of large-scale corruption, pressure-group politics and a national conspiracy of organized crime groups (Boston PD, Miami, Texas and Queens DA).

A satisfactory theoretical account of organized crime must encompass at least four tasks: (1) it should elucidate the linkage or types of linkage that exists between that which is to be explained and the mechanism of explanation; (2) it should provide, at least in generic form, the principal considerations bearing upon the correctness and the relative strength of explanations; (3) it should furnish the materials for distinguishing between different types of explanations, bringing out conceptually illuminating distinctions of significantly different sorts; and (4) it should illuminate the place of theory in clarifying the scope and limits of its exploratory power, establishing its relationship to procedures such as prediction and retrodiction (Merton, 1957).

A range of theoretical accounts concerning the origins, growth patterns, persistence and trends in organized crime were presented to the law enforcement subsample (see Table 9-1, items a, b, c, d, f and g). Some of the most heated debates about organized crime concerns the existence of Cosa Nostra, an Italian-American dominated, national crime syndicate. What the theory of Cosa Nostra reduces to, in terms of the theoretical requirements laid out by Merton and others, is a taxonomic scheme of participants with empirical and analytical ramifications more or less amenable to empirical verification. It also entails other formulations as well. The perspective subsumes the theory of ethnic succession articulated by Bell (1960), but stops short of the conclusions and predictions Bell presents which other writers, Ianni and Albin, for example, have endorsed. The version of organized crime as an ethnic conspiracy of crime families presupposes some general antecedent conditions and implicitly assumes

a set of sufficient grounds which must exist for the emergence and persistence of criminal syndicates. A sample of opinion will make the dimensions of the debate clear.

Interviewer: Do you subscribe to Bell's theory of ethnic succession?

Salerno: Yes . . . but with some strong qualifications. Bell I think is partially correct. (One of the conditions behind his view) is that if criminal industries remained the same (gambling and bootlegging stayed as cottage enterprises) various minorities would move in and out of organized crime. But it doesn't work because if Bell's ethnic succession works, the Italians should have been out of it ten or fifteen years ago. The Italians have overstayed.

Interviewer: Aren't there some cultural traits peculiar to Italian culture which help to explain their predominance for so long?

Salerno: No . . . not really. If booze and prostitution had remained the same, then succession would have occurred, but since prohibition these criminal industries and others like them have expanded enormously. Gambling is a billion dollar business and nobody is going to leave it. Volume is growing, legal sanctions decreasing, public apathy . . . no way they're going to get out. Loansharking, credit, money moving . . . these factors make it (organized crime) different. Bell sees it only as a sociologist; Schelling sees it as an economist. If Bell turned to Schelling and asked about economic factors, his approach would be different.

Unlike those who preceded them, the Italians were the only ones who had a membership organization. Nobody else had that. Why is this important? Because a membership organization can outlive its members. A gang doesn't do that.

Interviewer: In order to compete, what must the rising Black and Hispanic organizations do? Must they model themselves as criminal firms rooted in kinship?

Salerno: Ianni suggests the Cubans are like Italians -- so are the Mexicans. (3)

Interviewer: Do you think that as syndicates become more complex and must rely less on violence and strong-arm tactics and more on professionals -- accountants and lawyers -- to help them in their businesses, that they are more vulnerable?

Salerno: Yes, I do. If that trend, in fact, continues. But Ianni says look, after 3 or 4 generations most Italians, most males from crime family backgrounds, are in legitimate businesses. He doesn't say that they run these businesses legitimately or that they have removed themselves from connections with illegitimate businesses. They're out of businesses which are illegal per se, but not out of organized crime.

(R. Salerno taped interview, 1/5/77).

Salerno's observations are based on his years in the NYPD detective bureau where he specialized in organized crime. William Aronwald, of the New York Strike Force, also believes in a Cosa Nostra based on wiretap information. He also agrees with Salerno that Italians will not get out of organized crime or relinquish substantial control because it's too lucrative. Interviews with crime family specialists in the OCCB tend to confirm Salerno's views:

Sorrentino: If you look back far enough, it's true: there are fewer Italians involved but they are not completely disappearing from the scene. The pattern is not logically clear-cut.

DeWiro: The Italians are getting back into some areas that they had abandoned because of the money at stake.

Interviewer: Do you see organized crime as synonymous with mafia? Is it the same thing?

4

Sorrentino: No. A lot of Blacks are involved.

(OCCB taped interview, 1/21/77).

Others who are critical of the national crime syndicate position think that the taxonomy is too rigid. They believe there is structure but not of the kind depicted in popular press accounts of in films about organized crime. Maloney:

Concerning organized crime families, I think the movie version is just that -- a movie. I don't buy the idea of tight structures. . . . I believe that many of these men know each other, do business deals together, cooperate, but I'm inclined to believe on the basis of my experience, that they form, at best, a loosely organized confederation.

I think the Cressey charts, diagrams and models of syndicates and families, with this group linked to that and this character a capo and this one an underboss, is really a structural imposition on a phenomenon which is probably quite different organizationally than we suppose. It's a cultural bias to say that the Gambino family is a microcosmic version of IBM! That's how WASP and middle-class America wants to think.

After some experience in law enforcement I came to see that it isn't that way at all. You have organization and discipline, loyalty and respect but all of these are subject to inside and outside pressures. . . . the organizational structure is really dependent on the rackets and illegal activity: for instance, in numbers and gambling and narcotics there is a great deal of organization -- as there must be. But in loansharking, extortion there isn't, because fewer people are involved.

(Maloney interview, 1/14/77).

Salerno's analysis points up some interesting features of theory formation and confirmation. First, as with others advocating a weak Cosa Nostra theory (i.e. the organization which exists is not as tightly organized as a business corporation), Salerno notes that Bell's theory ignores some central economic factors affecting participation in organized crime. The same realities which attracted

many Italian-Americans into organized crime are keeping them in it: enormous profits in illicit goods and services. Moreover, Salerno emphasizes a cultural artifact of Italian-American criminal organization which has largely been overlooked. Italian-American gangs routinized charisma, they rationalized membership as opposed to the structure and practices of other ethnic gangs which tended to dissolve when a forceful leader was deposed or otherwise removed. The data also speak to another issue of importance regarding the promulgation of images of organized crime participants. Many respondents in the sample indicated that press accounts tend to exaggerate the importance of one ethnic group in organized crime -- the Italian-American -- leaving the impression that other ethnic groups play only minor or subordinate roles in syndicate crime in the United States. With some justification Kuehn (1977) observes:

The extreme involvement of some segments of Italian-American neighborhoods in syndicated crime occurred coincidentally with the rise of journalistic and social scientific interest in organized crime. Had American curiosity prompted investigations fifty or a hundred years earlier, a myth of Irish or Jewish crime syndicates might have grown, and the problem might have been blamed on their homelands (1977: 164).

A close examination of Salerno's view concerning the rise of Italian-American pre-eminence in organized crime mitigates against Kuehn's point, however. Irish, Jewish and WASP crime syndicates were not the subject of police or journalistic attention because, in part, these organizations were non-existent; the economic, social and political conditions were not as prevalent and conducive to the syndication of groups dealing in illegal goods and services. More importantly, Salerno's position calls to task not so much Bell's theory as it raises questions

about the efficacy of logico-deductive models used in the analysis of social phenomena. Proponents of logico-deductive theories argue that any assumptions about reality implicit in theoretical propositions are basically irrelevant insofar as an erroneous theory will be invalidated by the "facts." This approach, of which Bell's theory is characteristic, presumes a social world of independent facts; evidence generated by the approach tests the theory. In other words, the predictions of the theory -- in Bell's case, that Italian-Americans will eventually discontinue their involvement in organized criminality -- serve as a check of the theory. The theory assumes fixed relationships between minority status, upward mobility and criminal participation. It predicts that as changes occur in status, criminal participation declines. Even if there has been a precipitous drop in Italian-American participation in organized crime (about which there is much opinion to the contrary), this would confirm the hypothesized relationships but would not demonstrate that these relationships are "independent facts of social reality." The particular relationships may have resulted from the conscious, purposive efforts of powerful individuals or groups to move out of conventional organized crime activities. Bell's theory seeks to describe a social dynamic which is subject to the manipulation of those involved. Moreover, his theory may shape the confirmatory evidence. The domain assumption (to use Gouldner's term) underlying Bell's theory is that human beings are the product of forces over which, as social actors, they have little or no control. Human beings are assumed to be merely manipulated objects -- an assumption having major consequences for theory because it shapes the kinds of evidence

admitted as being capable of testing theory.

About the only theoretical consensus found among law enforcement groups and individuals, the single formulation tolerated by all in the sample, is to be found in a theory as to the emergent causes of organized crime and the conditions which sustain it. The theory evolved out of the Chicago Crime Commission study of 1971 conducted in Illinois. It focuses on the short-term dynamics -- a "middle-range theory" in Merton's theoretical scheme -- and its basic outlines can be summarized as a set of covariant propositions.

According to the theory, organized crime thrives when the society's moral climate deteriorates, and it declines when the moral climate is high. When discrepancies exist between popular values and legal statutes, organized crime gains support. Laws proscribing activities, goods and services desired by large segments of the public provide the necessary conditions for the appearance of criminal conspiracies which seek, for profit, to fulfill public demand for services and goods legally prohibited (1971: 87-88). In a TV interview, Ramsey Clark said that, " . . . three conditions are essential to (organized crime's) existence: mass poverty, overcriminalization -- that is, laws against things people want that government can't enforce, and . . . corruption of government itself." (WABC-TV, 7/28/77).

The relationship between corruption and what Clark calls "overcriminalization" has been subjected to field study by John Gardiner. His findings, in line with those of the Chicago Crime Commission, are that the first requisite for corruption is a substantial conflict over the goals of the legal system, Gardiner's study confirmed McMullan's theory that high levels of corruption result from

divergence in the attitudes and methods of government and those of the society in which it operates (McMullan, 1961). Without some homogeneity in value orientation between government and its people, Gardiner found, corruption develops. Item c, Table 9-1 refers to this issue. Simply put, the technological determinism alluded to, relates to Cressey's argument that as criminals get wealthier, because of a combination of enforcement incompetence, public apathy, and an ever increasing demand for illegal goods and services, they use their resources to improve their operations and buy immunity from arrest and conviction. There was considerable agreement among respondents on this point on the matter of public apathy and the public's voracious appetite for gambling, prostitution and drugs -- all of which are proscribed by law.

The theoretical orientations of the law enforcement group in the sample are wedded to the criminal justice system's framework of laws, responsibilities and intelligence machinery. The conceptual emphasis focuses on unenforceable laws, the contradictions between public demands for illegal goods and services and their regulation, and the plight of disenfranchised ethnic and racial minorities. It is a comprehensive perspective embracing many of the social scientific statements on organized crime in the United States.

Footnotes

1

An overwhelming number of the recommendations of the 1967 Task Force were implemented by federal agencies or written into law by 1970. See the National Conference on Organized Crime Report, 1975.

2

The Knapp Commission in its report on police corruption cited organized crime as a major contributor to the decay of morale and as an element in the equation of declining allegiance to duty among police officers. But it did not take an exclusively conspiratorial view on the matter. Part of the problem, it argued, stemmed from the incredibly entangled codes, ordinances and statutes -- often contradictory -- which the police must enforce. Singling out the construction industry as an example, "(the) heart of the problem," the Commission stated, "is the dizzying array of laws, ordinances and regulations governing construction in the city. Putting up a building requires a minimum of 40 to 50 permits." (Knapp, 1972: 125). The incentive to skirt the law is obvious but in order to do so, police complicity is required and can be obtained easily when the codes are so confusing. Thus, it is the cumulative weight of unviable laws which conduce to corruption.

3

In a series of articles in Readers Digest, Nathan Adams has detailed some recent developments in the evolution of drug syndicates based on reports from federal agencies. See, N. Adams, "America's Newest Crime Syndicate -- The 'Mexican Mafia'" Reader's Digest, November, 1977, and by the same author, "New Kings of Heroin", Reader's Digest.

4

In a recent book on Black and Hispanic organized crime, Donald Goddard develops some of the history of black criminal syndicate evolution. He says that for many years black criminals and racketeers had to have an "IBM" -- an Italian Business Man, i.e. a top Italian-American syndicate figure -- behind them in order to finance illegal operations especially in drugs. All of that is beginning to change, however. For many reasons, which are not clearly understood, although speculation abounds, white crime syndicate monopoly on the drug business became shaky in the late fifties and early sixties perhaps, if I may indulge in some speculation, the stiff penalties associated with the harsh drug laws gave pause to many adventurous deviant entrepreneurs who decided the risks were not worth it. Anyhow, the distribution system of drugs was taken over in Black and Spanish-speaking areas by the people who lived there. They also began to organize themselves in much the same way as the Italians did in the twenties. These were the first tentative steps toward what some refer to as the Black/Hispanic mafias. Ianni (Black Mafia) thinks that other cultural traits must be present besides a lucrative economic enterprise if other ethnic minorities are to organize themselves as well as Italians.

Chapter 10

Law Enforcement Specialists as Professionals

At the end of the discussion in Chapter 9 the question was left unanswered as to whether it was the case that interest groups and knowledge specialists, such as law enforcement officials, journalists and social scientists are not only epistemic communities but power structures as well? Ianni warns of a tendency toward knowledge autonomy, towards eventually the politicalization of knowledge as a special preserve of a privileged few. Such an outcome, is counter-productive to public interest in that competing and conflicting pictures of the nature, structure and function of organized crime create mass confusion leaving both the public and its policy makers bereft of coherent information vital in the formation of control programs.

Ianni pleads for cross-fertilization of data and broader access to the distinctive pools and repositories of information possessed by each respective group. Confounding the issue are the special boundaries and restrictive channels of communication which exclude those not certified for access or participation (the "need and right to know" doctrine, for example), or which circumscribe participation in each epistemic domain. Even social science with its canons of peer review, universalism and communality -- characteristic features of the scientific enterprise (Barber, 1962) which putatively render secrecy and restricted access impossible still present obstacles, insofar as gatekeeping credentials such as university affiliations and advanced degrees are prerequisites for research activity.

The formulations of the issue, however, may be simplistic, more

apparent than real in light of the data in Table 9-1, item D. Ianni's appeal for openness, his advocacy of informational exchange, seems based on a conception of the criminal justice system as a community in which the members agree on "the" proper perspective for the construction of the reality of organized crime. In the law enforcement "community," the journalistic "community" and scientific "community," the conditions of reliability and validity of reality constructs are widely known. Within such epistemic communities, we may speak of shared modes of reality construction. But rarely is such cooperation prevalent on a society-wide basis. In fact, the law enforcement and journalistic "communities" are highly differentiated and often experience serious internal contention. Respondents in the sample, for example, are split on the issue of whether the evidence incontrovertibly establishes the existence of Cosa Nostra as a national criminal syndicate. Criminal justice specialists across the country inhabit similar roles but these are not neatly meshed to form a "community" which is unified by a common frame of reference and a commonly shared body of information. There seems little doubt that the pronounced structural trend in law enforcement is toward a collectively shared orientation and interlinked occupational roles. Moreover, the machinery of intelligence within law enforcement, which is standardizing both the quality and quantity of processed information, is a factor creating conditions of homogeneity (see figure 9-1). At the present time, though, law enforcement specialists are more likely to participate in various ways in many different epistemic communities to which they are connected by their roles and channels of communications. Appendix C

suggests the range of roles and organizational structures within law enforcement intelligence operations. If it is the case that the diversity in the modes of reality construction is related to the scope of diversity among organized crime specialists, then it can be argued that the three groups are not tightly closed constellations of specialists separated by insurmountable barriers.

It may be true with regard to criminal justice specialists and social scientists -- the practitioner in the real world and the man of ideas, respectively -- that their symbolic systems -- their modes of communication, orientation, and rules regulating the management of information flow dispose them towards separateness and distinctiveness. Conscious attempts to keep certain knowledge secret, to control the flow of information emanating from law enforcement groups can be understood within the contexts of a power structure. Yet, the Freedom of Information Act, for example, mitigates against the impenetrable nature of the system and loosens up the experiential base upon which law enforcement reality constructs of organized crime rests. From the epistemological point of view this is the pivotal difference: access to the experiential base.

The ramifications for the organized crime specialist in whatever professional setting or whatever background are momentous. To some extent, law enforcement groups have acknowledged the need and obligation to provide information not merely to those most inclined to proselytize their positions about the problem of organized crime, but to allow other interested parties -- scholars and journalists among them -- partial access. It is clear that promotional strategies which, if they do not endear the law enforcement establishment

to its opponents and detractors, at least demonstrates that its relationships with its surrounding social environment are a matter of grave concern. The 1975 National Conference reiterated the 1967 Task Force recommendation that newspapers assign a reporter to organized crime news on a regular basis. And the recent Bolles investigation in the Southwest is indicative of some movement in the direction of openness and rapprochement. Generally, law enforcement overtures to scientists and journalists suggest the growing realization that conceptions and images of organized crime are mainly "representations" of it. There is a Simmelian quality to these signs of rapport: perhaps the partial relaxation of regulatory machinery forbidding access depends upon the insight that the rules governing law enforcement procedures in the generation and organization of information transforming it into pragmatic, workable knowledge are only depictions of one aspect of the phenomenon. Disagreements among law enforcement officials, journalists and social scientists as to the "nature" of organized crime suggest a variety of possible cognitive perspectives about the phenomenon; rules structuring roles for the expert enable them to fashion fragments of information into coherent pictures. To the extent that rules are determinative of activity, they are instrumental in "producing" the phenomenon. A comprehensive picture of organized crime, therefore, depends upon synthesizing perspectives, integrating many strands of information into a comprehensive, cognitive map of the phenomenon.

Information cannot be simply dispersed, however. The demand for entre and unrestrained interchanges of data, while desirable, is fraught with problems. The least of which appear to be the

jargons and idioms besetting the communication channels of the police and the network of scientists. These do not pose serious challenges and unresolvable problems because specific conventions and protocols governing the transmission of information can be developed. To date, the most drastic protective measure of communication channels in law enforcement has been its secrecy policies. Its mechanisms of dissemination have been structured (properly so, in my opinion) to screen messages and data, if only to protect individuals against unanticipated consequences and ruinous accusations. But even here secrecy can be slackened without endangering the operational integrity of law enforcement intelligence operations. In similar ways, the language of social science is approximating the status of law enforcement codes of dissemination to the extent that much of what is communicated is generally unintelligible to the public. The effect, though not the intent, is roughly the same: preemption of lay interference and unqualified receivers of information. It is the bewildering array of critiques, theories and perspectives which Ianni thinks leave the public befuddled, disoriented and incapable of making informed judgments.

Cast in slightly different terms, the situation may be roughly analogous to that of the role and limits of professional knowledge and authority between physician and client-patient to say nothing of the paradigm confusion to which the public is exposed. Freidson (1970) observes that autonomy was an important structural property of medicine enabling it to make great advances in knowledge, but one which has over time made the profession increasingly irresponsible to its clientele. Autonomy among intelligence units within law enforcement may be necessary if they are to produce good

information, but it can also insulate them from public review with the resulting callousness towards the public interest. But in strengthening the role of the public and its many groups (scientists and journalists among them), ~~is there~~ the real danger that such involvement will interfere with effective intelligence work by loosening, for example, the controls over information? And what of the power structures associated with law enforcement groups, how willing are they to allow others access to their domains of information and data? In science, the practitioner must try to influence others by the persuasiveness of the evidence supporting his conclusions and assertions. But in the case of law enforcement units their institutional arrangements function to minimize the necessity to influence by persuasion. Again, in order for the scientist to establish and maintain his authority as an expert in some area of inquiry, evidence of technical competence in reaching concrete recommendations is required. With law enforcement personnel, the only qualifying credential is membership in a law enforcement agency. Thus, the role of technical competence in professional authority is different from technical competence in scientific authority. There is a crucial difference between the roles and responsibilities of the police and the scientist in terms of their respective relationships with their audiences, their "consumers" of knowledge. The point bears reiteration: the scientist must persuade his peers and others of the competence of his results on the basis of available evidence; law enforcement personnel, to a great degree, rely upon the authority vested in their status to which competence is imputed and who, therefore, do not feel obliged to present evidence in support of

their policies and actions beyond the requirement to protect the rights of individuals. Ianni argues that the criminal justice specialist is caught in a dilemma: by limiting access he has closed off alternatives for policy and action to the public he is sworn to protect and serve. And what are these alternatives? Privileged access by some segments of the public -- notably scientists and journalists -- rather than the continuation of a policy of blanket exclusion. Actually, if offered opportunities to peruse and explore the range of information police possess, these two groups may either eagerly endorse and thereby strengthen police conceptions of organized crime, or bring their own special resources and accessories to the problem of theory construction and policy formation which would only enrich and refine our knowledge of organized crime.

The policy issue is clearly a delicate one demanding careful deliberation. I have drawn an analogy between the authority of the physician and the law enforcement official with regard to the parallel features of their work roles because each is both a knowledge-producer and applier whose authority to generate knowledge and apply it is formally sanctioned, licensed, by society at large. However, as Freidson says with respect to physicians, " . . . autonomy in developing the knowledge embodied in the context of (the physician's) work may be appropriate, but autonomy in determining the practical modes of applying that knowledge is not." (1970: 358)

The research data in the law enforcement sample indicate that journalists do provide law enforcement with information now and then; to a lesser degree, police have utilized knowledge developed

by social scientists, but their primary focus has been on the criminal act and the criminal actor. The social scientific perspective which looks upon organized crime as a symptom of the American economic system, which in other ways prefers to concentrate on organized crime as an institutional arrangement, albeit illegal and deviant, or as a social mobility mechanism for minorities, has not penetrated much into and informed the law enforcement perspective. To say that the police are only concerned with violations of law is to belie the fact that in recent years much of their strategy has turned on attrition -- on policies to nip organized crime in the bud, so to speak. It is the police, those who are formally sanctioned agents of social control, who can more than any other group influence public policy on techniques to combat organized crime.

Thus, knowledge about organized crime emerging from criminal justice specialists which fails to consider the systematic relationships between and among criminal syndicates and their markets, clients and publics, should be received with skepticism as no single, one-sided orientation should dominate policy formation insofar as policy formation reflects the dynamics of bureaucratic politics as briefly sketched above. Exchange of information, research techniques and perspectives among professional groups interested in organized crime is likely to take on the characteristics of a dialectical process in which scientists learn to see organized crime as refracted through criminal justice models and, alternatively, criminal justice specialists may come to recognize the efficacy of scholarly research methodologies. An approach which mixes techniques would not mean the

vindication of either perspective at the expense of the other; rather, the dialogue could only inform police inquiries into organized crime as a social problem. Finally, the fact that knowledge of organized crime is not easily accessible to anyone, even the police, that it is hidden and surrounded in secrecy makes it that much more imperative that cognitive bridges be established among specialists groups.

There are some suggestive features in the development of the law enforcement response to organized crime developed here which permit its classification as a life cycle phenomenon -- as a social movement. We saw, for instance, that it passed through an incipient phase -- the Kefauver hearings, the McClelland Committee and 1967 Task Force -- in which early advocates and experts formulated essential definitions and orientations. This was followed by a period of popular excitement in which the goals, and orientations of innovators gradually spread through relevant segments of the law enforcement establishment -- the period in which the Justice Department set up its Organized Crime and Racketeering Section, Strike Forces and in which the FBI formally acknowledged organized crime as a criminal justice priority. At some point, as students of social movements point out, coalescence occurs. One or more groups form around charismatic leaders (experts) and develop patterns of formal organizations -- organized crime intelligence units, institutes for research and training, and the like -- in which goals are specified, norms, operating procedures articulated and a division of labor refined. As these groups interact with other criminal justice personnel and promote their point of view, institutionalization

begins to take shape and what was a movement within law enforcement becomes a recognized part of law enforcement itself.

Chapter 11

Conclusions

" . . . as a question becomes more complicated and involved and extends to a greater number of relations, disagreements of opinion will always be multiplied, not because we are irrational, but because we are finite beings, furnished with different kinds of knowledge, exerting different degrees of attention, one discovering consequences which escape another, none taking in the whole concatenation of causes and effects . . . each comparing what he observes with different criterion, and each referring it to a different purpose." (Samuel Johnson, Works, Vol. II, pp. 441 - 442).

As I have tried to show throughout this study, it is not enough to demonstrate that particular conceptions of organized crime are the products of deeply rooted prejudices or biases that criminal justice specialists may feel towards certain ethnic or minority groups. Instead, I offer an example of how research ought to go further to discover the sociological genesis of these attitudes within the system with which law enforcement persons find themselves confronted as well as the accepted currents of thinking apparently pervasive in their occupational groups which contribute to the support of such perspectives. My underlying methodological assumption is that isolation and analysis of these elements seem to be necessary first steps in arriving at an adequate sociological explanation.

Of particular concern is why in certain social settings, which include organizational situations, specific aspects of organized criminality are stressed more than others. The question is not asking about the relationship between thought products and the external facts to which they refer, but rather addresses itself to

social-organizational factors that influence the selection of particular items of a phenomenon by those who make statements about their experience. For example, one of the concerns in this study was, "How does the organizational context of law enforcement groups condition their preoccupation with the issue of highly centralized criminal syndicates and crime families?" And, "Why do organized crime units gravitate toward national conspiracy theories of organized crime, if in fact they do, rather than some other formulation of the phenomenon?" To attempt answers to these questions, one must examine the organizational context in which they are generated. The work settings and locales of organized crime specialists in the larger matrix of law enforcement groups permit the creation of the social reality of organized crime. As Berger and Luckmann suggest, in order to comprehend a socially constructed reality, it is essential to ask in addition to "What?" the sociologically mundane, "Says who?"

Extrapolating empirically testable questions from the considerations raised above led to the formulation of the following query: To what extent does knowledge production about organized crime by criminal justice specialists reflect internal organizational needs rather than official agency goals and objectives? In the course of the research, it became clear that members of law enforcement agencies modified, in varying degrees, their own personal values, subordinated these in the interests of the organization and responded to the demands and requirements of their agencies. Therefore, part of the explanation of knowledge production lay in defining the basic requisites by which agencies maintain themselves

in a bureaucratic climate enveloped by competition and conflict over maintenance resources. Thus, the formulation and construction of organized crime as a social reality, as a law enforcement problem, might then be explicable in terms of what law enforcement personnel have to do in order to perpetuate and insure the continued existence of their positions and activities.

The research for this study was based on the following sources: observations of police intelligence operations; structured interviews with organized crime investigators, analysts and prosecutors in federal, state and municipal agencies; informal discussions and interviews with journalists and social scientists specializing in organized crime news reporting and research; and reviews of official records, memoranda, manuals for training, and documents related to organized crime control activities.

Since the bulk of the field research was conducted in 1976 - 77, the facts, figures and participants in the study reflect conditions in those years. While there have been minor changes in personnel and policy since then, the basic structures and policies remain essentially the same.

What are the effects of the organization of law enforcement agencies on its conceptions of organized crime? This is one of the major questions addressed in the study. In both Part One and Part Two, evidence was developed and presented suggesting that the construction of the social reality of organized crime is not an ineluctable reproduction of reality; rather, it is shaped and casted by police and prosecutors to no small extent in terms of their special needs and interests.

But the study does not hold that pictures of organized crime are entirely determined by the pressure of organizational factors. Obviously, individuals affect their environments as well as being creatures of them. And despite their fleeting and evanescent qualities, organized crime events do take place and may be seen in different ways by different experts. The data indicate, however, certain consistencies in generating and evaluating information about organized crime as well as similarities in the formulation of responses to it -- all of which appear to be related to organizational needs of this or that occupational group. For example, the frequency and intensity of intra and inter-organizational informational exchanges suggests that organized crime is a constructed or resurrected social phenomenon molded to fit the logistical needs and requirements of those organizations whose task it is to control it.

A widely held view of law enforcement activity regarding organized crime is that events -- not criminal justice organization -- determine the content of work. From this perspective, law enforcement merely reacts to crime in much the same way that journalists do no more than mirror reality -- however disquieting it may be (Epstein, 1973; Fisher, 1976). But to conceive of police and prosecutorial work in this way is to be blind to the influence that organizational division of labor and routines exercise on the phenomenon.

In short, law enforcement does not merely reflect organized crime. Information about events, persons and groups is constantly evaluated. Such a procedure requires a prognosis of the probable

future consequences and outcomes of events, some idea of who is and what is -- and what is not -- part of a general pattern of illegal activities. Unlike a simple reflection of copy of processes and occurrences, organizational actors going through their normal routines shape the image of organized crime. Thus, a description of organized crime reflected through the criminal justice prism as one which faithfully and accurately mirrors the actual phenomenon itself involves seriously neglecting the significance of informational processing, evaluating, and decision-making carried out both before and after the facts by staff and administrators.

Professionalism and Its Ramifications

Increasingly, a position has been advanced regarding the status of law enforcement groups which contends that criminal justice specialists are professionals and as such they perform their work and formulate policy independently (to a great degree) of the needs and expectations of the organizations which employ them. They are, in a sense, similar to scientists whose values are rooted in the standards and values of their disciplines. According to this point of view, law enforcement officers must operate within the strictures of the law and penal codes and must abide by the terms of the oath they swear. Aside from these contingencies, the autonomy they enjoy in defining the terms of their own work is relatively broad and flexible. If indeed it is the case that professional autonomy is one of the chief characteristics of organized crime experts in the criminal justice system, then it follows that they conduct their work in accordance with professional norms and an examination of

knowledge production processes amounts to no more than the clarification of professional norms and rules.

But are law enforcement specialists in situations analogous to that of , say, social scientists who also work in organizational settings, such as universities and research institutes, but who are, nevertheless, guided by the standards governing their professions and disciplines? As with scientists, the latitude built into the role of the organized crime police expert is relatively wide-ranging because it is presumed that in order to conduct their work and develop a fairly thorough and complex body of intelligence (knowledge), many of the routine checks and constraints customarily imposed on others must be relaxed. The meticulous division of labor in the OCCB of the New York City police department suggests that individuals can and do manipulate detailed information attempting to shape it into a body of creditable knowledge over a range of matters including gambling, narcotics, loansharking and extortion. Law enforcement specialists may have the trappings of the professional, but their focus -- the criminal act and the criminal actor -- is practical and prescribed by law. The scholar-scientist, on the other hand, is usually without responsibility (codified in law) for everyday affairs and may direct his analytic frameworks and energies to a discreet number of selected aspects of organized crime dealing abstractly and selectively with a small number of variables.

The analysis of contravening cases, the development and testing of hypotheses, and the stringent assessment of validity standards -- the normal concerns of the scientist -- are not only ordinarily beyond the scope of prescribed activities but something of luxuries

for the law enforcement expert. Not that the "facts" are any more or less true for either, but rather that the scientist's role permits him to examine the facts in many different ways, to attend to and penetrate beyond their immediacy, to explore their nuances and apply a set of explanatory interpretations to them. Although he may consult with scientists (as he is more prone to do today), the law enforcement specialist has neither the resources nor capabilities to subject his information about the underworld to the analytical tests that the scholar does. Moreover, law enforcement specialists are not likely to devote staff and budget to studies on, for example, the dynamics in the evolution of underworld criminal firms as to whether they are short-lived, relatively durable, flexible and diversified, specialized and complex, or rudimentary. Nor does it matter much that the conventional wisdom of organized crime as a homogenous phenomenon of similar groups may not square with the facts about its structure. Again, the emphasis of the law enforcement specialist vis-a-vis the scientist-scholar is on the criminal act and actor, on violations of the law and with the prosecution of criminals. Notwithstanding educational and other background factors, it is the specific task orientation and bureaucratic roles inhabited by law enforcement specialists which distinguish them from scientific workers.

In still other ways the work of the intelligence expert and others can be compared. For one thing, selection for intelligence work and evaluations of competence are guided by criteria which carefully measure an individual's skills, and abilities certifying whether they possess the requisite technical knowledge and qualifications.

For another, the work of the intelligence expert is periodically reviewed by administrators in the organizational hierarchy. These assessments and interventions are the rule rather than the exception. Administrators decide on the deployment of personnel and resources; select what investigations to initiate, continue or terminate; and supervise the preparation of reports -- all of which taken together circumscribe the sphere of individualized control exercised by organized crime experts.

Thus, criminal justice experts conduct their work according to the dictates of their organizations. Implicit in a formulation of this sort is that all members of organized crime units share certain outlooks on the nature of organized crime and generally agree on the main constitutive features of the phenomenon. As another statement of a pervasive professionalism, this perspective tends to ignore the fact that there are sharply drawn differences in the roles and responsibilities of members of law enforcement groups. Appendix C provides an illustration of the complexity of the task orientation of several organized crime units.

Administrators and executives are responsible for seeing that projects and unit outputs meet budgetary expectations; unit commanders monitor operations making sure that they conform not only to budget but to quality and policy guidelines. These different kinds of duties necessarily create tensions between some of the values of staff and supervisors. The research data are also suggestive about higher echelon structural controls: administrators and executive officers are subject to constraints that make the realization of whatever professional values to which they might be committed most difficult

to achieve. As Wilson (1978) has shown, in task oriented public organizations, the nature of the task shapes the administrative procedures and organizational ethos rather than, as has been conventionally thought, the other way around, where tasks are what administrators define them to be. Managerial preferences are almost as narrowly prescribed as are the options available to staff.

Conceptualizations of organized crime knowledge production by law enforcement groups erected upon constructs such as "mirroring the phenomenon" and "professionalism" tend to obscure actual work procedures. Moreover, these metaphors may have the effect of discouraging attempts to intervene and influence criminal justice activities. In order to understand how organized crime experts operate, it is necessary to look inside their organizations and probe their inner workings, arrangements, role relationships, and the implied understandings shared by members.

All of the considerations discussed above may be telescoped into a relatively straightforward question: Does intelligence work in organized crime units lend itself to analysis?

It might still be maintained that the organizational structure, the routine procedures and work decisions made by members of such units tend to be idiosyncratic -- that is, the work of knowledge production is based, in the final analysis, upon personal judgments which vary with events, persons and contexts and that, therefore, the pursuit of a more general logic underlying the systematic creation of intelligence is bound to prove futile. True when taken alone individuals within organizations, as the data demonstrate, seem to function independently, making decisions and evaluating

information based on personal judgments. Yet my data demonstrate still that the total aggregated output of intelligence work is largely determined by general rules and policies.

Evaluations of information coming from variegated sources coupled with decisions to initiate investigations or seek indictments are usually made after events have occurred or a sufficient body of information has been assembled to proceed along these lines. But this view of intelligence operations neglects other decisions made in advance of information flow and analysis as to what individuals or activities to focus on, and how manpower is to be deployed -- decisions which are based on the perceived needs and expectations of the organization. To coordinate the efforts of many specialized role players, many of whom function under dangerous conditions (undercover) or who handle very sensitive confidential information, and in order to produce intelligence which, in turn, results in effective control, organized crime units require rules and stable expectations.

In the OCCB of the New York City police and in other agencies as well, internal rules are codified and formally stated so that the virtually limitless supply of information can be structured into manageable dimensions and smoothly meshed into the operational components of units. Commanding officers and deputy executives require formulae for putting together reports and evaluations of the overall effort and effectiveness of their units; field investigators and analysts must have clear precepts about the formats for collecting and evaluating pieces of information; and, finally, other units in a department must have fairly clear ideas about the function and

purpose of organized crime units so that they can feed information to them and, when circumstances demand, draw intelligence from them.

Although operational guidelines of the groups studied here do not strictly predetermine the collection of organized crime information, they do define the more general characteristics of organized crime knowledge by stipulating in rough outline the amount of time, manpower and resources which should be mobilized for investigations, and the areas in which the heaviest concentration of effort will be made. What is accessible to study are these organizational properties proceeding from the logic and needs of organized crime units, and not members' individual choices. It is the elements of organization which structure and shape procedures for acquiring, evaluating and transforming information into knowledge.

A Framework of Explanation: Reconstructing the Reality of Organized Crime

Organized crime is essentially protean in character. It can be presented in a multitude of different ways and takes on sometimes radically different appearances in different presentational forms. Alternative ways exist for organizing information, and events themselves do not ineluctably determine the forms in which they are presented. For instance, law enforcement groups often present the reality of organized crime by emphasizing a cast of criminals and their illegal activities while many social scientific accounts focus on organized crime as a developmental adjunct to our general system of private profit economy conceptualizing it as a business system providing goods and services which happen to be proscribed under our

legal and social codes.

There are many ways to think about and study organized crime. It has been examined as an economic system, as a set of illegal activities, as a socio-cultural phenomenon, and as a political system. Within each of these frameworks there are many concepts that could and have been used to describe organized crime and as many methods of so doing ranging from pure archival research to the rather hazardous participant observation techniques. Yet research on organized crime is plagued by many methodological pitfalls and, in some instances, personal dangers. A glance at some transcriptions of testimony before Congressional investigative committees shows that those who are involved or connected with some aspect of it, feel constrained to conceal those facts and are likely to suppress vital information about themselves and their associates.

The main issues I sought to confront is how our knowledge, which is diverse and often conflicting and even more frequently unreliable, gets produced; how a particular group accounts for it and pictures organized crime. A concern of this sort might be thought trivial if organized crime were merely incidental to the functioning of society -- as a few writers have suggested (Clark, 1970; Hawkins, 1970). But it is not; organized crime is, in the opinion of those who have devoted some attention to it, a major social problem. And as a significant social problem, it seems important to have some understanding as to how our conceptions of it are constructed and composed. My research has tried to uncover and examine what factors, assumptions, and techniques enter into the creation of this social reality.

In this context one of the main findings of my study is that law enforcement pictures of organized crime are molded to a great extent by organizational considerations. To maintain themselves in a competitive bureaucratic atmosphere, organized crime units impose sets of prior restraints, rules and conditions on the conduct of field and intelligence activities. Work is carried on in a milieu structured by budgetary factors and general policies relegating responsibilities and duties. To satisfy these requirements -- and to insure the survival of the organization -- administrators formulate procedures, systems and policies intended to reduce the inevitable uncertainties characteristic of organized crime information gathering and analysis to manageable proportions. To some degree, these impositions and standards make organized crime information predictable.

The law enforcement groups examined in this study do basically the same things with slight variations. They experience similar pressures and undergo similar conflicts so that the overall version of organized crime emerging from them is approximately the same. The main features of organized crime conceptions and images can at least be partly explained in terms of the demands made upon the creators of the ideas. In these respects, several critical pressures affect the scope and form of organized crime notions.

There is little incentive to look into all possible facets of organized crime activity because other agencies at various levels of government are charged with that responsibility. Thus, information, intelligence and logistical assistance are regular patterns of interaction among law enforcement groups. Secondly, but no less

importantly, it is widely recognized among organized crime specialists in and out of the law enforcement community that public interest and reaction to organized crime is sustained through easily identifiable and palpable images of arrests and criminals. Simply put, an aroused public is a supportive public. For good or bad, media coverage seeks out the sensational event: the arrest of underworld bosses, mob executions, and so on. Thus, complicated investigations which cannot be reduced to such fascinating and dramatic dimensions, which cannot be embodied in simple human terms are underreported. Lack of press attention may threaten the power position of the agency and open it to criticism that it is not "doing its job." To avoid the possibility of poor press, less emphasis is placed on investigations of this nature. Up to a point, then, knowledge production conforms to public opinion and pressure.

Clearly, the conceptions of organized crime created and promulgated by law enforcement groups cannot be entirely explained in terms of organizational imperatives. No matter how strict departmental controls, personal views of experts affect image production to some degree. Nonetheless, the organizational requisites of law enforcement units and the logic which proceeds from these demands play an unmistakably important role in the fabrication of the phenomenon's image. The data show some consistency in the transmutation of local differences and variations into generalized national representations.

Critiques of law enforcement activity which suggest that the emphasis is misplaced, that it concentrates on the effects rather

than on the causes of organized crime fail to take note of the matrix of constraints on criminal justice specialists. Furthermore, proposals and remedies seeking to change recruitment standards and personnel assume that changes in personnel will substantially modify the product. The evidence does not support this position.

More serious criticisms come from the social scientific community. These assert that law enforcement groups create images of the phenomenon for public consumption which do not accurately correspond with the empirical data. The same critics imply that if law enforcement availed itself of scientific resources or emulated the techniques employed by scientists, or employed them as consultants, a more realistic version of the reality of organized crime would result.

The main problem with this approach is that law enforcement groups must attend to violations of law and cannot address issues pertaining to the causes of organized crime such as the discrimination against minorities, and the discrepancies between public values and legal statutes. My evidence does show that when opportunities arise, law enforcement experts do attempt to influence legislative bodies and have been quite successful. Given their mission, however, militant politicizing for social reform is largely precluded.

The implications of the research presented here on the structural properties of law enforcement groups and their impacts on producing knowledge are not that organizational configurations should be radically changed. Tampering with task orientations, and power positions within departments and criminal justice systems might mean that the contours of concepts of the phenomenon would be propelled in different perhaps even more problematic directions.

This necessarily incomplete study has shown that under practically no circumstances can law enforcement groups realistically hope to produce a model of the reality of organized crime which flawlessly represents all of its dimensions and complexities.

I have strived to show how law enforcement specialists impress some order and coherence -- however debatable or problematic -- on the phenomenon of organized crime and how the machinery of orderliness is itself rooted in organization.

To think of the development and amplification of knowledge about organized crime as a kind of value-free, purely objective undertaking by law enforcement specialists is a delusion. The needs and objectives of their organizations are paramount and exercise an immensely powerful determinative influence on what they do.

The study points out that the creation of knowledge about organized crime does not merely take place in an organizational context affected by any number of contingencies -- that much is obvious. What is interesting is how structure affects thinking and action. And investigation of "how" was the thrust of the research presented in the preceding chapters. The challenge lay in the exploration of various aspects of criminal justice systems from the perspectives of the sociology of knowledge, complex organizations and work in which the insights of each discipline could be brought to bear on a single problem.

Put in general terms, the study concludes that the objects of social knowledge cannot be separated from the instruments of knowledge. It is not entirely feasible to think of the object of social knowledge as constituting a reality which is revealed to us by certain mechanisms and apparatuses which are distinct from their outputs,

but the two together, object and instrument, constitute a whole so intimately knit that it is difficult to think of object and instrument separately. Thus, the elements comprising the phenomenon of organized crime are not really "there" in the traditional epistemological sense; they are, rather, indeterminate and known only as an agency of investigation "creates" them. It is a superficial view that the social reality of organized crime is to be found by "studying the facts." It is trivial because no investigation can get under way until a problem is identified which then guides the search for some order among the facts.

The larger implications of the study are that it has cast some light on the meaning and consequences of membership in a specific community as this relates to knowledge production. By looking into the language of the law enforcement group, the ways in which organized crime phenomena are perceived and conceived, the facts, events and pieces of information that are taken for granted, where these are problematic, where disagreement, discrepancy and alternative interpretations appear, and the manner in which community members go about deciding what is and what is not to be accepted as constituting knowledge, sharpens our grasp of the relationships between forms of knowledge and the tools basic to their invention. And by looking at the structures of work environments, at the pressures exerted by employers, governmental bureaucracies and agencies, our understanding of the conditions surrounding the creation of the concept, "organized crime" can only be enhanced.

Law enforcement specialists formulate and use a special corpus of knowledge which contributes to the official conception of organized

crime. The substance of their creations arises from their experiences. And the experience of the knowledge-producer is a function of the perspective they have gained by virtue of their training and location in special work environments -- a position which is authoritative and privileged.

Finally, it must be asked in what ways this study may be said to differ from earlier work on organized crime. Or, to put the question differently, what contributions to the field of sociology sets off this investigation from other pieces of research?

In large part, the answer lies in the sociology of knowledge and other realted planes of analysis -- namely, the sociology of complex organizations.

In terms of the sociology of knowledge, I am aware of no other study of organized crime and law enforcement specialists in the United States which singles out and stresses what I do here. None, in short, has considered closely the effects of existential bases of work environments -- that is, the institutional or organizational modes, constraints and routines -- on the way law enforcement officials as a group conceive of and produce their knowledge of organized crime. Indeed, some research work has taken for granted the findings of criminal justice specialists, has started with law enforcement knowledge as a given, and proceeded along other lines of analysis. But no one has examined the problematics involved in the actual work of knowledge production by criminal justice specialists in this area.

Turing to the sociology of complex organizations, the research has examined a segment of the criminal justice structure as a system of differentiated and coordinated activities which welds together

resources into a whole that exhibits a character of its own. Organized crime units were seen as adaptively rational systems adjusting and responding to a variety of internal and external constraints. The research suggests that organized crime control groups in law enforcement organizations are composed of a number of subunits and bureaus with diverse interests. Decisions have to allow for these interests. But what guidelines or rules set the limits to decisions? And far from having perfect knowledge about organized crime, they appear to act on very small portions of the total available. If this is so, and the data indicate that it is, then the means by which these small selections of information come to be screened out are critical. How are they affected by internal conflicts and other pressures?

Part of the research sought to examine the manner in which organized crime units cope with internal management coordination, the uncertainties of external environments, and their capacities for generating, assembling, analyzing and utilizing knowledge.

The findings here are similar to those derived from the sociology of knowledge perspective: the essentially bureaucratic nature of law enforcement specialists groups affects their mission, compelling administrators and staff into predetermined lines of activity. To understand how law enforcement groups function as producers and and validators of sound knowledge, it is necessary to understand the operation of the components of their organizational matrices. Unlike private bureaucracies, public bureaucracies such as law enforcement groups, work under many constraints on their authority so that the implementation of criteria such as efficiency and rationality are not

clear-cut. Moreover, the generation of reliable knowledge is complicated by the elements of secrecy pervading the underworld and the law enforcement community at large.

The research sheds some light on the nature of criminal firms. They are not merely violence-prone organizations catering to the vices of the public. They operate as power brokers in the upper and underworlds occupying a position in the social halfworld between legitimacy and deviance, expropriating both the victims and victimizers of social injustice.

An effective organized crime program can be accomplished only if it combines a campaign against crime with a struggle against its causes. Without social reform measures, organized criminality cannot be suppressed successfully.

APPENDIXES

Appendix A: Study Participants

There were 63 interviews conducted in the course of this study. The lists below identify persons interviewed and those who responded to questionnaires.

The dates in parentheses are the dates of the interviews. Occasionally, an interviewee, either because of personal preference or organizational policy, would not permit the use of a tape-recorder. In such instances notes were taken. Asterisks (*) following names indicate that a taped interview was made.

Law Enforcement Officials

William I. Aronwald*	Attorney-in-Charge, Joint Strike Force, New York - Newark, Organized Crime & Rac- keteering Section, Department of Justice. (11/6/76)
Steven Bertucelli	Commander, Organized Crime Bureau, Public Safety Department, Miami, Florida
A. Brent Blackburn*	Asst. District Attorney, Investigations Unit, Queens County, N. Y. C. (12/7/76)
Donald F. Bowler	Chief, Bureau of Investigation, Office of the District Attorney, County of Los Angeles, Los Angeles, California
David Breen*	Director of Field Operations, Pennsylvania Crime Commission; formerly FBI organized crime specialist (2/28/77)
Kenneth Conboy	Asst. District Attorney, County of New York, New York, N. Y.
Jean Cosson	Conseiller a la Cour de Cassation, Paris, France
Edward Cunningham	Special Agent, Federal Bureau of Investigation, N. Y. C. Field Office, Department of Justice (10/29/76)
James J. Dalton	formerly Director of Intelligence Division, Internal Revenue Service, St. Louis, Missouri

Michael A. DeFeo	Attorney-in-Charge, Organized Crime & Racketeering Section, Department of Justice, Los Angeles, California
Francis DeNero*	Sgt., New York Police Department, Intelligence Analyst, Organized Crime Control Bureau (1/21/77)
Alfred DePhillips*	Sgt., New York Police Department, Special Projects Officer, OCCB (12/20/76)
Justin J. Dintino	Capt., New Jersey State Police, Chief of Intelligence Bureau, Department of Law and Public Safety
John F. Doyle	Superintendent of the Bureau of Investigative Services, Boston Police Department, Boston, Massachusetts
James Druker*	Chief, Rackets Bureau, Nassau County, N. Y. District Attorney's Office (6/8/77)
Thomas E. Dwyer, Jr.	Special Asst. District Attorney, Suffolk District, Boston, Massachusetts
Frederick Elfein*	Det. 1st Grade, New York Police Department, Intelligence Analyst, OCCB (1/21/77)
John P. Flannery, III	Asst. U. S. Attorney, Southern District of Manhattan (2/15/77)
Olga Ford	Det. 2nd Grade, New York Police Department, Field Investigations and Analysis, OCCB (2/24/77)
Jim Foughner	Executive Director, Organized Crime Prevention Council of Georgia, Atlanta, Georgia
Remo Franceschini*	Lieut., New York Police Department, Chief, Intelligence Division, Organized Crime (4/4/77)
W. P. Gannaway	Program Coordinator, Criminal Justice Division, Austin, Texas
Eugene Green	Lieut., New York Police Department, Executive Officer, OCCB (8/3/76; 12/20/76; 2/24/77)
Sterling Johnson*	Special Narcotics Prosecutor, New York City; formerly Regional Asst. Director, Drug Enforcement Administration (2/24/77)

Thomas F. Jones	Director, Division of Law Enforcement, Waterfront Commission of New York Harbor, New York, N. Y.
Clifford L. Karchmer	Staff Director, Organized Crime Control Council, Commonwealth of Massachusetts
Ronald T. Knight	United States Attorney, Middle District of Georgia, Department of Justice
Lawrence Leff*	Executive Asst., District Attorney, Nassau County, N. Y., formerly Detroit Strike Force, Department of Justice (9/14/76)
Ian H. Lenox	Executive Vice President, Citizens Crime Commission of Philadelphia, Philadelphia, Pennsylvania
Andrew Maloney, Esq.	Formerly organized crime specialist, Federal Bureau of Narcotics (1/14/77)
Neil Mauriello*	Det. Investigator, New York Police Department 5th Precinct, Chinese-American organized crime specialist (4/4/77)
Donald McGuire*	Det. 2nd Grade, New York Police Department, field investigator (gambling specialist) OCCB (4/1/77)
Jeremiah McKenna*	Chief Counsel, New York State Select Committee on Crime; organized crime specialist U. S. Attorney (3/25/77)
William L. Murphy	Chief Asst. District Attorney, Richmond County, N. Y. (10/22/76)
Jean Nepote	Secretary-General, International Criminal Police Organizationa (Interpol) Paris, France
Robert D. Peloquin	President, INTERTEL; formerly Director of the Buffalo Strike Force, Department of Justice
Michael Philbin	Capt., New York Police Department, Commanding Officer, OCCB (8/3/76; 8/11/76; 3/25/77)
James Poulos*	Chief Investigator, New York State Select Committee on Crime; formerly investigator District Attorney, New York County (1/21/77)
Thomas Puccio	Attorney-in-Charge, Brooklyn Strike Force, OCRS, Department of Justice (6/24/77)

Ralph Salerno*	Consultant on Organized Crime, President's Task Force; formerly Intelligence Bureau, New York Police Department (8/2/76; 1/5/77)
Alfred J. Scotti, Esq.*	Formerly Rackets Bureau Chief, Office of the District Attorney, Manhattan County, N. Y. C. (3/17/77)
Thomas B. Smith	Lieut., Suffolk County New York Police Department, Commanding Officer, Administration Bureau
Ralph Sorrentino*	Det. 1st Grade, New York Police Department, Intelligence Analyst, OCCB (1/21/77)
William Tendy	Chief Asst. U. S. Attorney, Southern District of Manhattan (2/4/77)
Russell C. Tharp, Jr.	Chief, Rackets Investigation Bureau, Bronx County, N. Y. (10/29/76)
Fred Williams	Commanding Officer, Public Information Unit Department of Police, Detroit, Michigan

Journalists

Gene Batzer*	Long Island Press; New York Post (2/14/77)
George Bliss	Chicago Tribune
Michael Dorman*	Free-lance writer; formerly Newsday (5/23/77)
Nicholas Gage*	New York Times (11/17/76)
Marcia Kramer*	New York Daily News (2/7/77)
Anthony Marco	Newsweek, Washington Bureau
Jack McPhaul	Formerly Chicago Sun-Times
Paul S. Meskil*	New York Daily News (12/19/76)
George Murray	Free-lance writer; formerly Chicago Herald-Examiner
Carl Pelleck*	New York Post (2/15/77)
Stanley Penn*	Wall Street Journal (12/6/76)
Nicholas Pileggi*	Contributing Editor, New York Magazine (12/3/76)

Thomas Renner*	Asst. Editor, Newsday (2/10/77)
Edward Rooney	Chicago Daily News
Paul Sann	Executive Editor, New York Post
Anthony Scaduto*	Free-lance writer; formerly New York Post; UPI (2/23/77)
Wallace Turner	San Francisco Bureau Chief, New York Times
Leslie Waller*	Free-lance writer; formerly Los Angeles Times (3/7/77)

Social Scientists

Dr. Joseph Albini	Department of Sociology, Wayne State University, Detroit, Michigan
Dr. Annelise Anderson	Stanford University
Dr. Alan A. Block*	Department of History & Criminal Justice Program, University of Delaware, Newark, Delaware (2/28/77)
Dr. David Caputo	Department of Political Science, Purdue University, West Lafayette, Indiana
Dr. William Chambliss*	Department of Sociology, University of Delaware, Newark Delaware (2/28/77)
Dr. Donald R. Cressey	Department of Sociology, University of California, Santa Barbara, California
Dr. John A. Gardiner	Department of Political Science, University of Illinois, Chicago, Illinois
Dr. Henner Hess	Institute of Criminology, University of Heidelberg, Heidelberg, Federal Republic of Germany
Dr. Frederic Homer	Department of Political Science, University of Wyoming, Laramie, Wyoming
Dr. Francis A. J. Ianni*	Director, Horace-Mann Institute, Columbia University (2/15/77)
Dr. Luciano J. Iorizzo	Department of History, Oswego College (SUNY), Oswego, N. Y.

Dr. Lawrence Kaplan*	Department of Economics, John Jay College (CUNY) (3/2/77)
Dr. Hans J. Kerner	Department of Criminology, University of Bielefeld, Bielefeld, Federal Republic of Germany
Dr. Carl B. Klockars	Department of Sociology, University of Delaware, Newark, Delaware
Prof. Leo Loughery*	Department of Criminal Justice, John Jay College (CUNY); formerly Lieut., New York Police Department (2/9/77)
Prof. Frederick Ludwig*	Department of Criminal Justice, John Jay College (CUNY); formerly Capt., New York Police Department; Asst. District Attorney, Queens County, N. Y. C. (1/31/77)
Wilmon Menard	University of Hawaii
Dr. Mark Moore	John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts
Dr. Humbert S. Nelli	Department of History, University of Kentucky, Lexington, Kentucky
Prof. Denny F. Pace	Department of Public Services, Long Beach City College, Long Beach, California; formerly Asst. Director, Texas Crime Commission
Dr. Deborah Offenbacher*	Department of Sociology, Brooklyn College (CUNY), Brooklyn, New York
Prof. Ned Polsky*	Department of Sociology, Stony Brook (SUNY) Stony Brook, N. Y. (2/15/77)
Dr. Jonathan Rubstein	Research Director, New York State Select Committee on Crime, N. Y. (6/17/77)
Dr. William B. Sanders	Department of Sociology, University of Florida, Gainesville, Florida
Dr. Thomas Schelling	John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts
Dr. Hans J. Schneider	Institute of Criminal Sciences, Department of Criminology, Willhelms University, Westphalia, Western Germany; member of the Bundeskriminalamt
Dr. Dwight C. Smith	Director of Institutional Research, State University of New York at Albany, Albany, N. Y.

Organized Crime Members and Associates

(For obvious reasons, the identities of the persons listed below must be suppressed. The respondents are coded and their status in criminal syndicates or degree of participation in organized criminal activity briefly described.)

- "R1" --- affiliate of two Brooklyn-based crime families; gambling and bookmaking. (6/18/76)
- "R2" --- female, peripherally associated with prominent members of a Manhattan and Brooklyn crime "family." (6/21/76)
- "R3" --- a "soldier" (i.e. full-fledged member) in a Brooklyn-based crime family specializing in hijacking, cargo theft and arson. (8/23/76)
- "R4" --- formerly a "capo" (i.e. a boss) in a Brooklyn crime family who specialized in illegal gambling and illicit production and sale of alcohol. Also functioned as a front man in the operation of cocktail lounges owned by racketeers in the New York metropolitan area. (2/5/77)
- "R5" --- a "capo" in a Brooklyn-based crime family. Syndicate activities include nation-wide involvements in illegal gambling and loansharking in Southwestern United States. (8/26/76)

Distribution of Interviews and Respondents

Police/Prosecutors:	34
Law Enforcement (IRS, FBI, Foreign law enforcement)	8
Journalists	18
Social Scientists	27
Organized Crime Members/Associates	<u>5</u>
Total Respondents:	96

Appendix B: Research Instruments

The questionnaires and interview schedules designed for the law enforcement sample in the study were pre-tested on small groups prior to both their use during the data collection phase of the investigation and later in interviews and mail questionnaire survey. Dr. Dwight Smith, Mr. Clifford Karchmer, Mr. George Murray and Mr. James Dalton offered many helpful suggestions about the format and structure of the protocols. Each commented on the relative differentials of sociological sophistication likely to be encountered in law enforcement circles. Their collective pressure for modifications in format and style produced tools for data-gathering which contained less complicated questions and queries more pertinent to the hypotheses being explored in the study. Needless to say, Professor Charles Winick's scrutiny was invaluable.

For the research population of law enforcement officials, two separate instruments were designed. The construction of items for the group, its style of work, organizational environments and general objectives in generating knowledge about organized crime, necessitated the development of two different but conceptually related instruments. The decision to construct these tools to create data for analysis was not based on intellectual presuppositions or whim but on a thorough review of the literature on organized crime coming from law enforcement officials, journalists and social scientists, coupled with preliminary discussions with representative persons from each group. This preparatory groundwork revealed, to a degree that could not be ignored nor relegated to the operation of fortuitous factors, that

my population had developed if not distinctive paradigmatic orientations towards the phenomenon of organized crime, then, at the very least, characteristic lines of analysis, idiom, conceptual foci and social constructions of the reality of organized crime.

The largely fixed-choice format of the law enforcement schedules was arrived at as a consequence of the results obtained in the pre-test phase of the study. Inadequate responses to narrative-type, open-ended questions (despite repeated assurances that all answers would be strictly confidential and used only for purposes of analysis), and a lack of travel funds for interviews outside the metropolitan New York area were decisive factors in forcing a re-consideration of the structural features of the instruments. (Several field trips, however, were undertaken: to the headquarters of the Pennsylvania Crime Commission; to the University of Delaware; to Lake Ronkonago, New York; and to District Attorney Rackets Bureau Headquarters in Plainview, New York). Evaluation of pre-tests results further showed that the poor response rate was attributable to several interrelated circumstances. First, the length of the questionnaires (approximately 100 questions respectively in the instruments) and the rather ponderous nature of the items (e.g. the unqualified utilization of scientific variable language) negatively affected responses -- especially from law enforcement personnel. Second, given the elite organizational status of the population and the attendant pressures on time and energy, it is no wonder that many replies were perfunctory or superficial. Third, quite apart from the fact that study participants tended to occupy policy and managerial positions and were thus typically overcommitted

and overextended in their work roles, the fear that confidences might be jeopardized or that informational sources compromised undoubtedly played a role in determining the kind of answers supplied and the degree to which respondents elaborated on answers to questionnaire items. With respect to law enforcement personnel, many of the questions were phrased in such a way that if they were to be answered adequately they could be construed as requests for information which would, on the one hand, violate operational procedures of office, and, on the other, transgress on the professional code of protecting sources at all costs.

With completion of the pre-test phase, the problems of data comparability and standardization were confronted. Inevitably, standardizing the instruments would result in some loss of complexity in the answers obtained. In order to insure that thorough and exhaustive responses could be obtained concerning practices and procedures in generating knowledge about organized crime, several questions were left open-ended despite the dangers inherent in such a technique as many methodologists have taken pains to point out. Although precarious, it was essential that respondents be given ample opportunity to answer questions about their methods in an unrestricted format. Moreover, since the populations in the study were not very large, it was possible to examine responses in detail; most importantly, comprehensiveness was sought. Wherever possible, a fixed-choice item was constructed in order to facilitate completion of the schedules. However, there are issues and topics which do not readily lend themselves to a simple check-off procedure and respondents were, therefore, invited to elaborate on any question in

any degree of detail they wished.

The assumptions underlying the structure and organization of the questionnaires and interview schedules are based upon the analysis of the pre-test experiences and results which reveal that although the research population has distinct, and to some extent, different, purposes in constructing concepts about, and producing knowledge about, organized crime, its respective techniques and methods did not vary radically with those of other specialist groups. Leaving aside for the moment the use of the instruments as means of delineating the organizational and bureaucratic structures in which members of the law enforcement community function, the questionnaires and interview schedules contain categories representing the specification of the dimensions and characteristics of the process of knowledge production and of the concept of organized crime. Furthermore, the instruments are designed to develop information on agency resources, manpower levels and other factors affecting the ways in which the phenomenon of organized crime is conceptualized. A major expectation of the research was that the instruments would yield sufficiently comprehensive data on informational gathering and assessment routines so that similarities and differences in the population could be carefully examined and compared.

The attached schematic diagram represents and displays which pieces of data were to be compared. The scheme is presented mainly to show which aspects and elements of knowledge production were to be explicated and then analyzed. The results obtained suggested major revisions in the structure of the instruments: for example, fewer open-ended questions were built into the protocols designed for law

enforcement officials operated with a definition of organized crime derived from the criminal code.

The questionnaires and interview schedules which finally emerged after the analysis of the pre-test data may be divided into the following sections:

- A) Background and Career Information;
- B) Procedures for Acquiring Information on Organized Crime;
- C) Sources of Information about Organized Crime;
- D) Tests and Criteria of Reliability about Information Received and Obtained;
- E) Bureaucratic Methods Used in the Compilation and Organization of Information;
- F) Interagency Patterns of Communication and Informational Exchange;
- G) Paradigms and Theories of Organized Crime;
- H) Presentation of Organized Crime Information.

Other items included sets of questions pertaining to the structure and organization of organized crime and rackets investigation units.

The instruments reflected the divergent interests of the research population and the hypotheses being explored in this investigation.

It should also be noted that the same instruments were used in interviews and in self-administered settings where personal contact could not be arranged. My techniques for insuring that interviewees did not deviate substantially from the schedule are detailed in the introduction to Part II.

Figure B-1: Areas and Categories for Data Comparison -- Pre-test Instrument

<u>Interview Schedule Category</u>	<u>Police, Law Enforcement</u>
*Procedures in the Acquisition of Information	#3a
Sources of Information on Organized Crime	#3b, d, e, g, j, m
Tests and Criteria of Reliability	#3c, f, i, k, #4n
Assembly and Organization of Information	#4a, b, c, d, i, j, m, n
Decision Processes and Formats for the Presentation of Information	#3l, #4f, k
Interagency Patterns of Communication and Exchange	#4e, g, h, l
Background, Experience, Structure of Work Settings, Professional Training	#1, #2a-f, #3h

* All items may be found in the Interview Schedules

Law Enforcement Questionnaire and Interview Schedule

The law enforcement instrument was divided into two parts: one containing policy questions designed primarily for agency heads and executive officers; the other, containing questions constructed for staff and field personnel.

B-2 (Policy)

<u>Categories</u>	<u>Questions</u>
(A)	21
(B)	12
(C)	5
(D)	2
(E)	3
(F)	7
(G)	5
<u>Total</u>	<u>55</u>

Total # of questions: 108

B-3 (operations)

<u>Categories</u>	<u>Questions</u>
(A)	4
(B)	15
(C)	9
(D)	8
(E)	5
(F)	9
(G)	3
<u>Total</u>	<u>53</u>

Organized Crime: Policy Questions Concerning Investigatory and Methodological Procedures

A. Structure and Organization of Organized Crime and Rackets Investigations Units and Agencies

1. What is the table of organization of the unit (agency)?
2. How much manpower is allocated to it? Are manpower assignments predicated on need (i.e. the intensity of syndicate operations, or available personnel, or a mixture of both)?
3. Are members of the unit (agency) equally knowledgeable about the work of their colleagues?
4. Do any unit personnel ever work in secrecy? If so, under what circumstances?
5. Have any unit (agency) members ever been "planted" in syndicate operations or in "crime families"?
6. To the best of your knowledge, are organized crime and rackets investigations bureaus in other police departments and attorneys' offices organized, structured and managed in basically the same way as yours? (Check)

All _____ Some _____ Don't know _____

Most _____ None _____

7. Generally, do personnel specialize in organized crime activities (e.g. drugs, loan-sharking, gambling, labor racketeering, hijacking, etc.), or do they develop expertise in particular organized crime groups and individuals? (Check)

Specialize in organized crime activities _____

Develop expertise in groups & individuals _____

Combination of both _____

8. Briefly, what are the criteria by which a decision is reached to begin an investigation or determine that certain cases should be worked?
9. Are the work routines and activities of personnel built around a "case-working" role?
10. What, if any, is the overall "battle plan" of the unit (agency)? Who sets goals and objectives?
11. Is the unit (agency) geared toward what might be called a violation response (i.e. investigations are initiated when sufficient evidence has been collected about a suspect)? Or is the approach of the unit (agency) one of attrition response (i.e. the unit participates with other governmental departments and agencies and mobilizes its data and manpower seeking a statute for which sufficient information has been gathered to prosecute and obtain a conviction)? (Check)
- Primarily violation response orientation _____
- Primarily attrition response orientation _____
- Combination of both _____
12. How often, if ever, does the unit (agency) resort to, say, the use of drug addicts to arrange and execute a narcotics purchase which can be observed, or participate in setting up a "fencing" operation so that hard evidence (possession and sale of stolen property) can be obtained? (Check)
- Standard procedure _____
- As often as possible _____
- Infrequently _____
- When circumstances permit _____
- Never _____
- Don't know _____
- Other (Specify) _____

13. Do you agree with the substance of the contention that organized crime units (agencies) are oriented mainly (and sometimes solely) to the major syndicate people -- the organizers of numbers operations, interstate smuggling, and international narcotics traffic -- and that, therefore, there seems to be a tendency to leave street operators and lower-echelon criminals alone -- using them, perhaps, as possible sources of information? (Check)
- Strongly agree _____ Disagree _____
- Agree _____ Don't know _____
- Strongly disagree _____
14. What are the fundamental steps in the preparation, organization and implementation of an organized crime investigation?
15. What are some of the unique organizational and administrative problems organized crime units (agencies) encounter?
16. Do you think the provisions of the Organized Crime Control Act of 1970 which calls for Special Grand Juries, Witness Immunities (Title I), and Dangerous Special Offender Sentencing (Title 10) are adequate for effective control? (Check)
- Very adequate _____ Inadequate _____
- Adequate _____ Do not apply _____
- Very inadequate _____ Don't know _____
17. The Pennsylvania, Virginia and Chicago Crime Commission studies observed that among the many obstacles to effective law enforcement against organized crime are: (1) a short supply of organized crime experts; (2) a lack of criminal intelligence analysts; (3) a lack of sufficient funds to support an adequate informant system; (4) a lack of funds for adequate and modern surveillance equipment; (5) inadequacy of current evaluation programs; (6) lack of cooperation and coordination between police and prosecutors; and (7) legislative prohibitions on electron surveillance. In your opinion, are any or all of the above impediments to the effective operation of your unit?
- All of the above _____
- None of the above _____
- Some of the above _____ (please specify).

18. Every study of organized crime states that the purchase of political protection is absolutely necessary for the continuation of racketeering and illegal syndicate activities. To the best of your knowledge, is this condition still prevalent? What special investigative procedures, if any, are implemented when high-level political, judicial or police corruption is uncovered or discovered?
19. How much knowledge do you think organized crime figures and syndicate operatives possess about the structure and organization of your unit (agency)? (Check)
- | | | | |
|------------------------|-------|--------------------------|-------|
| Very knowledgeable | _____ | Not knowledgeable at all | _____ |
| Knowledgeable | _____ | Don't know | _____ |
| Not very knowledgeable | _____ | | |
20. What procedures have been developed to protect against "leaks" about investigations and operational practices?
21. (a) Are you adequately budgeted and equipped to carry out effective work against organized crime? (b) What would ideal conditions be in terms of manpower, equipment, and cooperation from other agencies and the public?
- B. Interagency Patterns of Communication and Exchange
1. (a) Are any personnel assigned to local Strike Forces?
(b) Under what conditions are unit members assigned to liaison duty with other local law enforcement agencies?
2. What are the typical patterns of cooperation among law enforcement agencies locally and regionally? For example, what kinds of interactions occur with Federal, State, county and metropolitan police and District Attorneys? (Check)
- | | |
|---------------------------------------|-----------------|
| Utilization and exchange of personnel | _____ |
| Equipment allocations | _____ |
| Intelligence data transmissions | _____ |
| Other | _____ (Specify) |

3. The Chief of the California Criminal Intelligence Bureau has indicated that dissemination of information concerning syndicated crime is limited to law enforcement agencies which can demonstrate both a "need" and a "right to know." (a) Is the policy of your unit basically the same? If not, how does it vary? (b) What guidelines are used to determine whether a requestor has both a "need and a "right to know"?
4. To what extent has your understanding or conception of organized crime been modified through contact with other police, prosecutors, journalists and social scientists? Among these, which group, if any, has been most influential? (Check)
- Greatly modified _____ Most influential _____ (Specify)
- Somewhat modified _____ Least Influential _____ (Specify)
- Unchanged _____
5. Could one illustration be offered of a typical situation in which several agencies of government (e.g. Federal, State, County and Municipal) might coordinate their actions and pool their resources?
6. Does your unit (agency) ever have occasion to cooperate, lend assistance, and exchange information with, law enforcement agencies outside territorial United States? (Here, I have in mind law enforcement agencies in the United Kingdom, Canada, Mexico, France, Italy, and the middle eastern countries). (Check)
- Foreign Agencies & Organizations _____ (Please specify)
- Frequent cooperation _____ No cooperation _____
- Occasional cooperation _____ Other _____
7. (a) How frequently and under what circumstances does the unit make use of the state Identification and Criminal Intelligence System? (b) What other networks such as the Law Enforcement Intelligence Unit (LEIU) are similarly utilized? (Check)
- Regular use _____ Other criminal intelligence networks used _____ (Specify)
- Occasional use _____
- No use _____

8. What are the normal mechanisms by which organized crime intelligence data from other governmental agencies is transmitted? (For instance, from IRS, Congressional & State Commissions). (Check)

Confidential memoranda _____ Committee reports and testimony _____
 Criminal records _____ Other _____ (Specify)

9. Do the various agencies of government authorized to develop information and policies on organized crime exchange information on methods which have been found to be either effective or useless? (Check)

Uniform communication pattern _____
 Irregular communication pattern _____
 No communication pattern _____
 Other modes of exchange _____ (Specify)

10. Is information related to organized crime received from journalists? If so, how is this information communicated and integrated into agency intelligence? (Check)

Always _____ Never _____
 Sometimes _____ Don't know _____

11. Is information related to organized crime received from social scientists? If so, how is this information communicated and integrated into agency intelligence? (Check)

Always _____ Never _____
 Sometimes _____ Don't know _____

12. In your opinion, how can liaison among various organized crime intelligence and control agencies, bureaus and units be improved?

C. Procedures in the Acquisition of Information

1. What are the processes by which raw data is refined into criminal intelligence?
2. Apart from statutory regulations governing the installation of wiretaps and electronic eavesdropping equipment, what discretionary latitude is permitted authorized personnel? (e.g. overhearing conversations concerning other crimes not covered by the court order).
3. Even when information gathered by electronic equipment does not lead to arrest, prosecution and conviction, to what use is it put, if any?
4. In addition to physical surveillance, use of informants and electronic eavesdropping, what other methods of acquiring information on organized crime activity are available and used?
5. What legal trends and bureaucratic obstacles, if any, have inhibited the more effective utilization of modern, sophisticated electronic listening equipment?

D. Sources of Information on Organized Crime

1. What percentage of intelligence on organized crime comes from undercover men and clandestine sources?
2. To your knowledge, just how helpful have legislative committees (congressional, state, municipal and county) been in uncovering syndicate operations? (Check)

Very helpful	_____	Not helpful	_____
Somewhat helpful	_____	Don't know	_____

E. Presentation of Organized Crime Information & Intelligence

1. Does the unit (agency) often solicit information about organized crime activities and figures from private citizens and other sources not tangibly connected with law enforcement? (Check)

Very Often	_____	Hardly ever	_____
Sometimes	_____	Don't know	_____

2. What are the most effective ways to make the public aware of organized crime activities?

3. In your opinion, how effective have the various national crime commission studies and reports been in alerting the public? (Check)

Very effective	_____	Not effective at all	_____
Effective	_____	Ineffective	_____

F. Paradigms and Theories of Organized Crime

1. Do you agree with some popular theories of organized crime called, "theories of ethnic succession," in which it is suggested that organized crime tends to be dominated by the poor, upwardly mobile ethnic groups who, after achieving some status and adopting a middle-class value orientation, move out of organized crime and into legitimate business leaving their former criminal operations open to other lower-class minorities? (Check)

Strongly agree	_____	Strongly disagree	_____
Agree	_____	Disagree	_____
		Don't know	_____

2. How is the extraordinary fact of syndicate persistence to be explained? In part, is it due to large-scale corruption, bribery and subornation? Is it perhaps a matter of pressure-group politics of power and influence of the kind wielded by non-criminal lobbies? Or, finally, is the staying-power of syndicates understandable in terms of an enormous and ramifying conspiracy, a confederation of criminal syndicates throughout the United States? (Check)

Large scale corruption	_____	National conspiracy	_____
Pressure-group politics	_____	None of these	_____
Other	_____	(Specify)	

3. How much validity is there in criminologist Cressey's account of organized crime in which he contends that a technological determinism is at work favoring the growth of crime. Simply put, his argument advances the view that as criminals get wealthier, because of a combination of enforcement incompetence, public apathy, and ever-increasing demands for illegal goods and services, they use their resources to improve their operations and buy immunity from arrest and conviction. (Check)

Strongly agree	_____	Strongly disagree	_____
Agree	_____	Disagree	_____
		Don't know	_____

4. To what extent is the underworld itself influenced by press speculation and by dramatic testimony of witnesses before governmental committees and commissions? (Check)

Strongly influenced	_____	Influenced to some degree	_____
Moderately influenced	_____	Not influenced at all	_____
		Don't know	_____

5. Many accounts of the Cosa Nostra describe it as a centrally organized national entity with a governing board representing prominent "crime families" across the country. In your opinion, does the existing body of evidence support this view? Is it more reasonable to conceive of organized crime as rather a fluid system of power relationships among syndicate criminals who change with time, place and criminal activity?

6. Briefly, how do syndicate groups organize themselves in the large urban ghettos? Is there, in your opinion, the beginnings of what some criminologists refer to as a "Black Mafia" or "Hispanic Mafia"?
7. Sociologist Joseph Albini has elaborated two perspectives on the origins of syndicate crime in the United States which he believes underlies the different approaches to its understanding. The first, the Evolutional-Centralization approach assumes and concludes that criminal syndicates in the United States represent the evolution of an organization that had its roots in Sicily where it was called "the Mafia." Once established in the United States it evolved into a national association with a centralized structure. On the other hand, the second perspective, the Developmental-Association approach views the origin and development of syndicate crime in the United States as emerging from social conditions and factors within American society itself. This development was not uniform. This approach views the structure of syndicate crime as including not one national centrally organized syndicate but many syndicates which may or may not cooperate with one another. (Check)

Strongly agree with the Evolutional-Centralization approach _____

Agree with the Evolutional-Centralization approach _____

Strongly disagree with the Evolutional-Centralization approach _____

Disagree with the Evolutional-Centralization approach _____

Don't know _____

Strongly agree with the Developmental-Association approach _____

Agree with the Developmental-Association approach _____

Strongly disagree with the Developmental-Association approach _____

Disagree with the Developmental-Association approach _____

Don't know _____

Some combination of the two approaches seems more likely as an explanation of the rise of syndicate crime in the United States _____

G. Career Data and Background Information: Professional Training and Experience

1. What sort of educational preparation did you undergo in order to qualify for your present assignment and position?
2. With inception into the agency (unit), what special orientation is provided new members and what special skills, if any, must they acquire in order to work in organized crime investigation and prosecution?
3. Are personnel screened for background which would especially equip them for organized crime work? Are there any special characteristics or talents an individual must possess in order to join the agency?
4. (a) Are personnel recruited for work in the agency? _____ (yes, no)
(b) Do they voluntarily apply? _____ (yes, no)
(c) Do people drift into it? _____ (yes, no)
(d) What proportion, would you estimate, decline entry into the job? _____
5. Briefly, could you describe the factors which played a role in your decision to do organized crime investigative or prosecutorial work?

Organized Crime: Operational Questions Concerning Investigatory and Methodological Procedures

A. Interagency Patterns of Communication and Exchange

1. To what extent has your understanding or conception of organized crime been modified through contact with other police, prosecutors, journalists, and social scientists? Among these, which group, if any, has been most influential? (Check)

Greatly modified _____ Most influential _____ (Specify)

Somewhat modified _____ Least influential _____ (Specify)

Unchanged _____

2. Is information related to organized crime received from journalists? If so, how is this information communicated and integrated into agency (unit) intelligence? (Check)

Always _____ Never _____

Sometimes _____ Don't know _____

3. Is information related to organized crime received from social scientists? If so, how is this information communicated and integrated into agency (unit) intelligence? (Check)

Always _____ Never _____

Sometimes _____ Don't know _____

4. Many studies of organized crime suggest that a lack of morale was, and to a great degree remains, a major detriment to the efficiency and effectiveness of organized crime units. Quite apart from their rather spectacular successes against organized crime figures and operations, do you think that an important and in some ways largely unanticipated outcome of the Strike Force concept was and is to promote and foster a strong sense of camaraderie and a fraternal-feeling among law enforcement people? (Check)

Strongly agree _____ Strongly disagree _____

Agree _____ Disagree _____

Don't know _____

B. Procedures in the Acquisition of Information

1. What does intelligence data (or case data) relating to organized crime cover? (a) Does it detail methods of operation, associations, conflicts, business affiliations, group activities, etc.? (b) Is this information in any way standardized? (Check)

(a) _____ (please specify)

(b) If standardized, (specify) _____

2. According to some organized crime experts, wiretaps are not as effective nor as important as many of their advocates make them out to be. It has been pointed out, for instance, that the persons in whom law enforcement agencies are most interested -- syndicate leaders and organizers -- rarely use the telephone in the normal conduct of business or in illegal transactions. In your opinion is this criticism valid? How beneficial and valuable are electronic devices in securing vital information on organized crime figures and syndicate operations? (Check)

Wiretaps are extremely important crime control tools _____

Wiretaps are useful crime control tools _____

Wiretaps are not essential in organized crime work _____

Don't know _____

3. In developing intelligence, are any special interrogation techniques which differ from the more conventional methods practiced by police and prosecutors employed? (Check)

No special interrogation techniques _____

Special interrogation techniques are used
(please briefly describe) _____

4. Even when information gathered by electronic equipment does not lead to arrest, prosecution and conviction, to what use is it put, if any? (Check)

No use _____ Don't know _____

Distributed to requesting agencies _____

5. How are informants recruited? Are they discovered or "developed"? (Check)

Informants generally volunteer information _____

Informants are developed by personnel _____

Informants exchange information for consideration in court _____

Don't know _____

6. To what degree does the unit (agency) rely on informant information? (Check)

Unit operations depend heavily on informant information _____

Unit operations depend only slightly on informant information _____

Unit operations do not depend on informant information _____

Don't know _____

7. How much of the unit's (agency's) investigative (prosecutorial) process is initiated on the basis of information information? (Check)

Almost all _____ Very little _____

Some _____ Don't know _____

8. How are informants maintained in their roles as informants? (Check)

Payment is offered for information _____

Informants are registered with the unit (agency) _____

Identities of informants are protected in court proceedings _____

Other (Specify) _____

9. Must unit (agency) field personnel reveal or disclose their methods and techniques in getting information or in developing informants? (Check)

Always _____

Only when informant is to serve as a witness _____

Sometimes _____ (Specify)

Never _____

Don't know _____

10. In order to deal from a position of strength, do personnel usually investigate prospective informants as if they themselves were the subjects of major cases? (Check)

Always _____ Never _____

Sometimes _____ Don't know _____

11. How often and, in your opinion, how widespread is the practice of "consensual monitoring" in gathering evidence? (Check)

Widely practiced _____ Never practiced _____

Seldom utilized _____ Don't know _____

12. How does the unit (agency) cope with, and surmount the secrecy, dissimulation, and other evasive tactics to which organized crime groups and individuals ordinarily resort? (Check)

Informants _____ Undercover infiltration _____

Wiretaps _____ Other (Specify) _____

Physical surveillance _____

Intelligence from other sources _____ (Specify)

13. In general, how helpful have journalists and newspaper articles been in the development of leads or in opening up new areas of investigation? (Check)

Very helpful _____ Not helpful _____

Somewhat helpful _____ Don't know _____

14. To the best of your knowledge, do journalists possess independent sources of information on organized crime? (Check)

Seem to rely on police (prosecutor) agencies and sources _____

Seem to have access to organized crime informants _____

Don't know _____

15. In general, what seem to be the major weaknesses, shortcomings, and inadequacies with procedures for obtaining and developing intelligence on organized crime?

C. Sources of Information on Organized Crime

1. In your opinion, how effective have legislative committees (congressional, state, county and municipal) been in uncovering syndicate operations? (Check)

Very helpful _____ Not helpful _____

Somewhat helpful _____ Don't know _____

2. How is a person's rank or membership in a "crime family" or syndicate operation determined? (Check)

Observed criminal associations and affiliations _____

Informant information _____ Electronic surveillance _____

Interagency intelligence data _____ Other (Specify) _____

3. Several Federal and State investigative commissions have reported that there has been an acceleration of syndicate money into legitimate business. How is information and intelligence of this sort established? (Check)

Normal intelligence and investigative routines _____

Utilization of other law enforcement agency intelligence _____ (Specify)

3. (cont.)

Informant information _____

Wiretap and electronic surveillance _____

Other _____ (Specify)

4. How much importance is assigned, if any, to crime defector accounts and disclosures of organized crime activity such as those of Valachi and more recently Teresa? (Check)

Very significant information source _____

Significant informational source _____

Not very significant informational source _____

Sources provide little intelligence not already known _____

Don't know _____

5. Assuming that informants have a variety of motives and any number of personal interests in divulging information, what mechanisms have been developed to determine whether such persons are concealing, censoring, exaggerating, or in other ways distorting their information?

Independently verify their information _____

Determine if it coincides with existing, reliable intelligence _____

Accept only information which can be checked independent of source _____

6. When discrepancies arise over facts, and conflicting interpretations of events appear in the press, to what extent are these differences the outcome of different methods used in gathering and evaluating information? (Check)

Almost always _____

Sometimes _____

Don't know _____

7. To what degree is the vaunted code of silence actually adhered to by organized crime figures (Check)

Completely _____ Rarely _____
 Infrequently _____ Don't know _____

8. On the basis of your experience, will organized crime figures reveal facts on illegal activities in order to reduce sentences? (Check)

Always weigh the consequences of informing against
 reprisal and the likelihood of conviction _____
 Depends on their position in the syndicate
 hierarchy _____
 Don't know _____

9. Concerning syndicate infiltration of brokerages, banks, and commercial establishments, do other law enforcement agencies both furnish and solicit information? (Check)

Regularly _____ Never _____
 Occasionally _____ Don't know _____

D. Assembly and Organization of Information

1. Are the taxonomies, charts and diagrams of organized crime "Families" which appear in the press and popular books essentially accurate? (Check)

Very accurate _____ Very inaccurate _____
 Accurate _____ Inaccurate _____
 Don't know _____

2. What terms guide the evaluation phase of the intelligence process? (Check)

Is the analysis of intelligence data made in order to predict probable consequences of alternative enforcement (prosecutorial) policies _____

Is the analysis of intelligence data made in order to decide upon certain recommended policies _____

Is the analysis of intelligence data made in terms of a combination of the above _____

3. A great many studies of organized crime indicate that informant programs are critically indispensable to the success of any control and prevention program. (Check)

Strongly agree _____

Strongly disagree _____

Agree _____

Disagree _____

Don't know _____

4. From available sources of information, do ranks in a "crime family" ("Boss," "Capo," "button man," "soldier," etc.) actually denote a position in the organization? (Check)

Yes _____ No _____ Don't know _____

If yes, do such ranks entail specific duties, responsibilities, rights and power? (Check)

Yes _____ No _____ Don't know _____

If no, to the best of your knowledge, are criminal relationships more flexible and less stable over time -- being based primarily on a complex mixture of friendship, family ties, money and contacts?

Yes _____ No _____ Don't know _____

5. According to journalistic accounts based on reliable law enforcement sources, many men are being inducted into "crime families" in the United States. Comparing these newspaper accounts with your own experience and knowledge, are the descriptions of the initiation process into a "crime family" essentially accurate? (Check)

Very accurate	_____	Very inaccurate	_____
Accurate	_____	Inaccurate	_____
		Don't know	_____

6. Briefly, what are the procedures by which informant reliability is established and information derived from them verified?
7. Briefly, what are the debriefing procedures of field investigators?
8. (a) Who evaluates intelligence data? (b) To whom is intelligence data disseminated?

E. Presentation of Organized Crime Information and Intelligence

1. Many investigative journalists and researchers appear to have their own sources of information within syndicates and organized crime groups. How reliable would you estimate these sources to be? (Check)

Very reliable	_____	Not very reliable	_____
Reliable	_____	Unreliable	_____
		Don't know	_____

2. To what extent is the underworld itself influenced by press accounts and speculation concerning its activities and by dramatic testimony of witnesses before governmental committees and commissions? (Check)

Strongly influenced	_____	Influenced to some degree	_____
Moderately influenced	_____	Not influenced at all	_____
		Don't know	_____

3. In your view, to what extent is it likely that after World War II journalists tended to see national patterns and conspiracies within the underworld because they increasingly exchanged information among themselves on a national level? (Check)

Very likely	_____	Very unlikely	_____
Likely	_____	Unlikely	_____
		Don't know	_____

4. Do reporters on the "crime beat" regularly check with unit (agency) personnel for information on investigations, prosecutions, etc.? (Check)

Yes	_____	No	_____	Don't know	_____

If yes, are reporters required to put their requests for information through official channels (or a public information officer)? (Check)

Yes	_____	Don't know	_____

5. In your opinion, how widespread is the practice of "leaking" information or informally briefing reporters and investigative journalists? (Check)

Very widespread practice	_____	Not very widespread	_____
Widespread practice	_____	Not practiced at all	_____
		Don't know	_____

F. Paradigms and Theories of Organized Crime

1. Do you agree with some popular theories of organized crime called, theories of ethnic succession, in which it is suggested that organized crime tends to be dominated by the poor, upwardly mobile ethnic groups who, after achieving some social and economic status and adopting a middle-class orientation, move out of organized crime and into legitimate business leaving their formal criminal operations open and to a greater or lesser extent available to other, lower-class minorities? (Check)

Strongly agree	_____	Strongly disagree	_____
Agree	_____	Disagree	_____
		Don't know	_____

2. How is the extraordinary fact of syndicate persistence to be explained? In part, is it due to large-scale corruption, bribery and subornation? Is it perhaps a matter of pressure-group politics of power and influence of the kind wielded by non-criminal lobbies? Or, finally, is the staying-power of criminal syndicates understandable in terms of an enormous and ramifying conspiracy, a confederation of criminal syndicates throughout the United States? (Check)

Large-scale corruption	_____	National conspiracy	_____
Pressure-group politics	_____	Other (Specify)	_____
		None of these	_____

3. How much validity is there in criminologist Cressey's account of organized crime in which he contends that a technological determinism is at work favoring the growth of crime. Simply put, his argument advances the view that as criminals get wealthier, because of a combination of enforcement competence, public apathy, and ever-increasing demands for illegal goods and services, they use their resources to improve their operations and buy immunity from arrest and conviction. (Check)

Strongly agree	_____	Strongly disagree	_____
Agree	_____	Disagree	_____
		Don't know	_____

4. Aside from the fact that corruption might be minimized by a reduction in the conflict between popular values and formal legislation, what factors appear to affect the likelihood that a law enforcement agency will be disposed toward corruption? (Check)

Internal characteristics of the agency _____ (Specify)

Political environment in which agency
must function _____

Law and agency resources available
for the detection and harassment of
corrupt officials and their cor-
rupters _____ (Specify)

5. Many accounts of the Cosa Nostra describe it as a centrally organized national entity with a governing board (a "commission") representing prominent "crime families" across the country. In your opinion, does the existing body of evidence support this perspective? (Check)

Evidence warrants perspective _____

Evidence does not warrant this perspective _____

Don't know _____

If no, then, in your opinion, is it more reasonable and more in line with the extant body of knowledge of syndicate operations and organized crime activities to conceive of it as a fluid system of power relationships among syndicate criminals who change with time, place and criminal activity? (Check)

Yes _____ No _____ Don't know _____

6. Research reports and newspaper accounts have described the beginnings of what some criminologists refer to as the development of a "Black Mafia" and/or "Hispanic Mafia" in the large urban ghettos and inner cities. On the basis of your experience and knowledge are such groups indeed beginning to appear in the ghettos? (Check)

Yes _____ No _____ Don't know _____

If yes: (a) are these criminal groups modeled on the lines of the current "crime families"? (Check)

Yes _____ No _____ Don't know _____

(b) do you expect Black and/or Hispanic "crime families" to struggle with the dominant white groups for control of ghetto crime operations? (Check)

Yes _____ No _____ Don't know _____

If no: are emerging Black and Hispanic organized crime figures beginning to assume more important roles in syndicate and crime family leadership structures? (Check)

Yes _____ No _____ Don't know _____

7. According to some social scientists, the "Mafia" is a myth. These researchers claim that journalists and many law enforcement officials are the major protagonists in sustaining and nurturing the myth. (Check)

Strongly agree	_____	Strongly disagree	_____
Agree	_____	Disagree	_____
		Don't know	_____

8. Aside from the provision of illegal goods and services if organized crime consists mainly in the systematic organization of racketeering which, in turn, consists of the extortion of a private tax on the exchange of goods and services at some point in the economic process, then why has there been so much emphasis on ethnic and subcultural participation?

9. Sociologist Joseph Albin has elaborated two perspectives on the origins of syndicate crime in the United States which he believes underlies the different approaches to its understanding. The first, the Evolutional-Centralization approach assumes and concludes that criminal syndicates in the United States represent the evolution of an organization that had its roots in Sicily where it was called "the Mafia." Once established in the United States it evolved into a national association with a centralized structure. On the other hand, the second perspective, the Developmental-Association approach views the origin and development of syndicate crime in the United States as emerging from social conditions and factors within American society itself. This development was not uniform. This approach views the structure of syndicate crime as including not one national centrally organized syndicate but many syndicates which may or may not cooperate with one another. (Check)

Strongly agree with the Evolutional-Centralization approach	_____
Agree with the Evolution-Centralization approach	_____
Strongly disagree with the Evolutional-Centralization approach	_____
Disagree with the Evolutional-Centralization approach	_____
Don't know	_____

9. (cont.)

Strongly agree with the Developmental-Association approach _____

Agree with the Developmental-Association approach _____

Strongly disagree with the Developmental-Association approach _____

Disagree with the Developmental-Association approach _____

Don't know _____

Some combination of the two approaches seems more likely as an explanation of the rise of syndicate crime in the United States _____

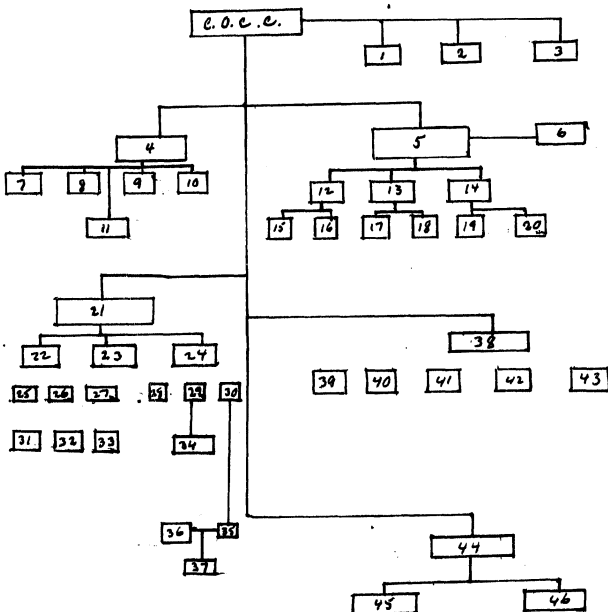
G. Career Data and Background Information: Professional Training and Experience

1. What sort of educational preparation did you undergo in order to qualify for your present assignment and position?
2. Could you briefly describe your duties and routines in your unit or agency?
3. Could you describe some of the factors which played some role in your decision to do organized crime investigative or prosecutorial work?

P-*

Appendix C: Law Enforcement Organized Crime Units: Organizational Structures

Figure 1: Organized Crime Control Bureau, New York City Police Department



Key: C. O. C. C. -- Chief, Organized Crime Control

- (1) -- Intelligence Evaluation and Analysis Section
- (2) -- Planning Section
- (3) -- Personnel Section
- (4) -- Administrative Division
- (5) -- Narcotics Division
- (6) -- Quality Control
- (7) -- Complete Reporting Section
- (8) -- Fiscal Section
- (9) -- Material Section
- (10) -- Clerical Section
- (11) -- Confidential Identification Section
- (12) -- Enforcement Office, Manhattan
- (13) -- Enforcement Office, Brooklyn, Queens & Staten Island
- (14) -- Enforcement Office, Administration & Bronx
- (15) -- Manhattan North
- (16) -- Manhattan South
- (17) -- Brooklyn, Staten Island
- (18) -- Queens
- (19) -- Administration
- (20) -- Bronx
- (21) -- Public Morals Division
- (22) -- Field Operations Section
- (23) -- Administrative Section
- (24) -- Central Investigation Section
- (25) -- Manhattan North
- (26) -- Manhattan South
- (27) -- Bronx
- (28) -- Loan Shark Investigations
- (29) -- Special Operations Section
- (30) -- Central Gambling Unit
- (31) -- Brooklyn North
- (32) -- Brooklyn South & Staten Island
- (33) -- Queens
- (34) -- Central Tactical Enforcement Unit
- (35) -- Policy Investigations
- (36) -- Obscenity Investigations
- (37) -- Bookmaking Investigations
- (38) -- Field Control Division
- (39) -- Field Intelligence Affiliation Unit
- (40) -- Special Investigations Section
- (41) -- Inspection Section
- (42) -- Administration Section
- (43) -- Intelligence & Self-Generating Investigation Section
- (44) -- Special Services Division
- (45) -- New York Drug Enforcement Task Force
- (46) -- Unified Task Force

Total Personnel: 899 (as of October, 1975)

Figure 2: OCCB, N. Y. P. D.

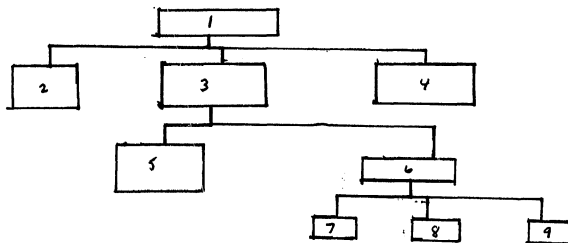


Figure 3: Administrative Division

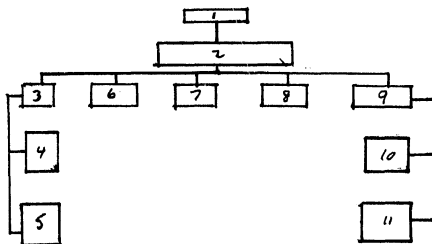


Figure 2: Key

- (1) -- Chief of Organized Crime Control
- (2) -- Planning Unit
- (3) -- Intelligence Section
- (4) -- Personnel Section
- (5) -- Field Investigations Unit
- (6) -- Research Analysis Unit
- (7) -- Analysis Unit
- (8) -- Records Unit
- (9) -- Special Projects Unit

Total Personnel: 65

Figure 3: Key

- (1) -- OCCB
- (2) -- Administrative Division
- (3) -- Complete Reporting
- (4) -- Operations Desk
- (5) -- Reporting Review Unit
- (6) -- Confidential Identification Section
- (7) -- Clerical Section
- (8) -- Materiel Section
- (9) -- Fiscal Section
- (10) -- Fiscal Section
- (11) -- Fiscal Review Unit

Total Personnel: 51

Figure 4: Field Control Division (OCCB, N. Y. P. D.)

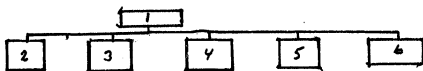


Figure 5: Investigative and Analysis Section (OCCB, N. Y. P. D.)

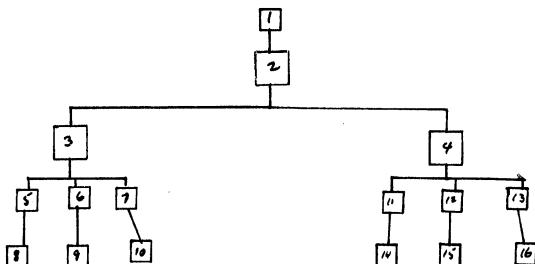


Figure 4: Key

- (1) -- Field Control Division
- (2) -- Field Intelligence Unit
- (3) -- Special Investigations Section
- (4) -- Inspection Section
- (5) -- Administrative Section
- (6) -- Intelligence and Self-Generating Investigations Section

Total Personnel: 60

Figure 5: Key

- (1) -- Commanding Officer
- (2) -- Executive Officer
- (3) -- Commanding Officer, Research and Analysis Unit
- (4) -- Commanding Officer, Field Investigation Unit
- (5) -- Records Supervisor
- (6) -- Analysis Supervisor
- (7) -- Special Projects Supervisor
- (8) -- Records Clerical Unit
- (9) -- Analysis Unit
- (10) -- Special Projects Unit
- (11) -- Squad Supervisor, Debriefing and Confidential Identification
- (12) -- Squad Supervisor, Photo Surveillance and Gambling
- (13) -- Squad Supervisor, Investigations
- (14) -- Debriefing & Confidential Identification Squad
- (15) -- Photo Surveillance and Gambling Squad
- (16) -- Investigations Squad

Total Personnel: 45

Figure 6: Narcotics (OCCB, N. Y. P. D.)

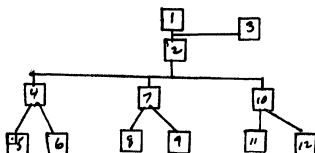


Figure 7: Public Morals Division (OCCB)

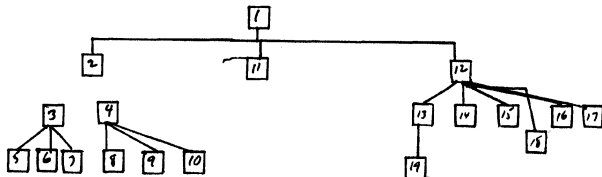


Figure 8: Special Services Division (OCCB, N. Y. P. D.)

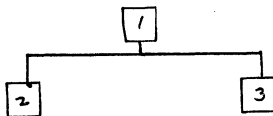


Figure 6: Key

- (1) -- Narcotics Division
- (2) -- Executive Officer
- (3) -- Quality Control
- (4) -- Enforcement Officer
- (5) -- Manhattan North
- (6) -- Manhattan South
- (7) -- Enforcement Officer, Brooklyn, Queens, Staten Island
- (8) -- Brooklyn and Staten Island
- (9) -- Queens
- (10) -- Enforcement Officer, Bronx and Administration
- (11) -- Bronx
- (12) -- Administration

Total Personnel: 452

Figure 7: Key

- (1) -- Public Morals Division Chief
- (2) -- Central Investigation Section
- (3) -- Special Operations Section
- (4) -- Central Gambling Unit
- (5) -- Loan Sharking
- (6) -- C. T. E. U.
- (7) -- Special Operations Section
- (8) -- Policy
- (9) -- Bookmaking
- (10) -- Obscenity Section
- (11) -- Administration Section
- (12) -- Field Operations Section
- (13) -- Manhattan South
- (14) -- Manhattan North
- (15) -- Brooklyn and Staten Island
- (16) -- Brooklyn North
- (17) -- Bronx
- (18) -- Queens
- (19) -- Prosecutor's Enforcement Unit

Total Personnel: 291

Figure 8: Key

Personnel in these units vary with need and resources

- (1) -- Special Services Division
- (2) -- New York Drug Enforcement Task Force
- (3) -- Unified Intelligence Division

Source: Interviews with Sgt. A. DePhillips (OCCB, NYPD); memorandum prepared by OCCB for this study.

Figure 9: New Jersey State Police Intelligence Bureau

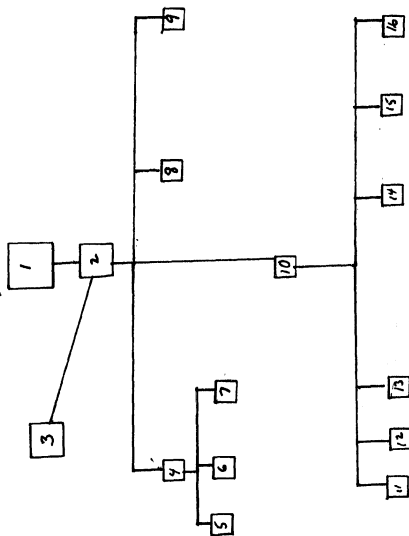
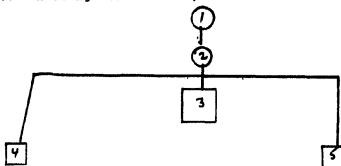


Figure 9: Key

- (1) -- Bureau Supervisor
- (2) -- Assistant Bureau Supervisor
- (3) -- Aid to Superintendent
- (4) -- Analytical Units
- (5) -- Strategic Intelligence Unit
- (6) -- Tactical Intelligence Unit
- (7) -- Telephone Toll Unit
- (8) -- Electronic Surveillance Unit
- (9) -- Administrative Unit
- (10) -- Collator
- (11) -- Northern Field Investigation Unit
- (12) -- Central Field Investigation Unit
- (13) -- Southern Field Investigation Unit
- (14) -- Intra-Agency Liaison Unit
- (15) -- State-Wide Intelligence and Strike Force Liaison Units
- (16) -- Labor Stocks, Bonds Unit

Source: Based on information submitted by Justin J. Dintino,
Chief, Intelligence Bureau, New Jersey State Police

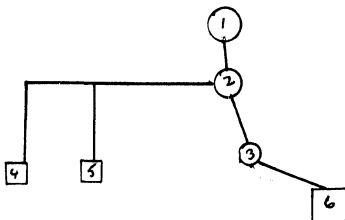
Figure 10: Intelligence Division, Internal Revenue Service Field Office

Key:

- (1) -- Head Lawyer
- (2) -- Subordinate Attorneys
- (3) -- Representative Investigators from all federal agencies except FBI
- (4) -- State Investigators
- (5) -- Local (county, municipal) Investigators

Source: Based on questionnaire data submitted by James J. Dalton, Manager, Intelligence Division, Internal Revenue Service, St. Louis, Missouri Field Office

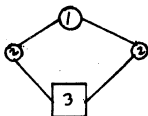
Figure 11: Bureau of Investigation, District Attorney, Los Angeles

Key:

- (1) -- Commanding Officer (Capt.)
- (2) -- Executive Officer (Lieut.)
- (3) -- Supervising Investigator
- (4) -- Security Section
- (5) -- Special Investigators Section
- (6) -- Field Investigators (13)

Source: Based on questionnaire data submitted by Donald F. Bowler,
 Chief, Bureau of Investigation, Office of the District
 Attorney, Los Angeles County

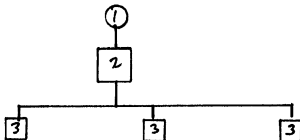
Figure 12: Bureau of Investigative Services, Boston Police Department

Key:

- (1) -- Officer in Charge
- (2) -- Assistants to Commanding Officer (2 Sgts.)
- (3) -- Detective-Investigators (12)

Source: Superintendent John F. Doyle, Chief, Bureau of Investigative Services, Boston Police Department, Based on data from questionnaire

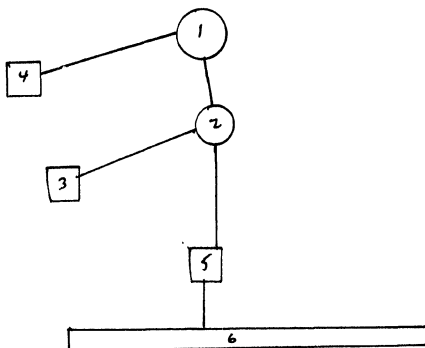
Figure 13: Los Angeles Strike Force

Key:

- (1) -- Attorney-in-Charge
- (2) -- Attorney Personnel (U. S. Department of Justice) (10)
- (3) -- Investigative Personnel (All Federal Agencies)

Source: Based on data from questionnaire submitted by Mr. M. DeFeo, Attorney-in-Charge, Organized Crime & Racketeering Section, U. S. Department of Justice, Los Angeles Field Office.

Figure 14: New York-Newark Joint Strike Force

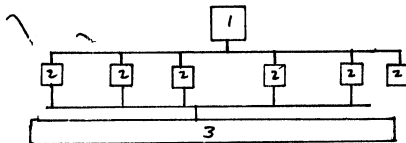
Key:

- (1) -- Attorney-in-Charge
- (2) -- First Assistant Attorney-in-Charge
- (3) -- Intelligence Unit
- (4) -- Securities Exchange Commission Attorneys and Investigators
- (5) -- Attorney Personnel (15)
- (6) -- Investigative Personnel from all Federal Agencies except Drug Enforcement Administration

Total Personnel: 50

Source: Based on interview material with Mr. William I. Aronwald, Attorney-in-Charge, New York-Newark Joint Strike Force, Organized Crime & Racketeering Section, U. S. Department of Justice

Figure 15: U. S. Attorney's Office, Southern District of Manhattan



Key:

- (1) -- Chief Assistant U. S. Attorney
- (2) -- Attorney Personnel (Corruption, Bribery, Labor Racketeering,
Organized Crime Families, Narcotics, Fraud (SEC))
- (3) -- Investigative Personnel Pool (Representing all Federal Agencies)

Source: William Tendy, Chief Assistant U. S. Attorney, Southern District of Manhattan, John P. Flannery, 2nd Ass't U. S. Attorney, Southern District of Mannattan interview material.

Appendix D: Preliminary Procedures and Pre-trial Disclosure
Motions in Organized Crime Cases

The attached document illustrates some of the methods used by police and district attorneys in organized crime cases. Videotapes and voice recordings were made during illegal transactions by police posing as "fences" who operated a business which was a cover for the purchase of stolen merchandise.

Prior to the use of sophisticated undercover work, investigative and prosecutive agencies could only concentrate on hijacking and fencing at the bottom of the criminal pyramid. In an address to the 1975 Conference on Organized Crime, Peter R. Richards, Deputy Attorney General in Charge, Division of Criminal Justice, State of New Jersey, observed that:

At the operational level, investigations normally are conducted of individual specific losses, with the focus on recovery of goods and prosecution of the most insignificant thief or drop guard. The traditional approach is to pay an informant for the details of an upcoming theft or for the location of a drop, and then catch the thief in the act or to conduct a raid of the drop. Law enforcement has become wedded to this recovery-of-goods syndrome, to such an extent that success in the field is measured by the total dollar value of the returned merchandise. This approach can have no long term effect -- it could be likened to the police purchasing the largest possible amount of illegal narcotics in an endeavor to stop the drug traffic.

. . . existing sophisticated techniques can, if used creatively, be applied to major theft investigations to penetrate beyond mere recoveries of goods . . . Electronic surveillance is merely one good example -- the same results may come from the employment of high-quality undercover work . . . (Richards, 1975: 44, 45).

The undercover procedures used in the fencing operation outlined in the motion show cooperation between the district attorney's office and the police at its best. Moreover, such strategies undermine the confidence thieves have in the trustworthiness of fences -- those indispensable in the process of distributing the goods and paying the thieves. The document also illustrates the ability of law enforcement agencies to develop an attrition response to crime in addition to the more passive violation response which has been the traditional posture (as Richards indicates) of law enforcement.

Office of the District Attorney
of Queens County

THE PEOPLE OF THE STATE OF NEW YORK

—against—

WILLIAM JOHNSON
RICHARD GUY
JAMES SMALL

Defendants

IND. NO. 2298-74

VOLUNTARY PRE-TRIAL
DISCLOSURE

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

I, A. BRENT BLACKSBURG, being an attorney at law admitted to practice in the Courts of this State and an Assistant District Attorney of Queens County, in charge of the preparation for and the trial of the indictment herein described, of counsel to NICHOLAS FERRARO, District Attorney of Queens County, attorney of record for the People of the State of New York, do hereby affirm the statements herein to be true upon information and belief, which matter I believe to be true.

FIRST: Between April 1, 1974 and October 15, 1974, the New York City Police Department operated a store located at 31-83 36th Street, Astoria, Queens, N.Y. The business installed there by the police, as a cover for the operation, was called Superior Oil Service. The undercover detectives posing as "fences", passed the word around through various means that cash was available for stolen merchandise, and then sat back and waited. Without soliciting anything, they purchased over \$700,000 worth of stolen property, in over 475 separate incidents, from more than 100 persons.

SECOND: The defendant was one of the persons who possessed and sold stolen merchandise. Although the People have information that the defendant was involved in more than one incident, to facilitate the orderly prosecution of an operation of this magnitude, without placing an undue burden upon the Criminal Justice System and to minimize the inconvenience to the civilian complainants (the owners of the property), the only charges against the defendant, at this time, are shown in the indictment. In the interest of justice, the People are now disclosing all of the incidents in which the defendant was involved.

THIRD: The alleged crimes charged in the indictment(s) were committed as follows:

Count # 1 & 2

Date: September 28, 1974

Approximate Time: 8:10

Location: in the premises of and in the vicinity of 31-83 36th Street, Astoria, Queens, New York

Count#

Date:

Approximate Time:

Location:

Count#

Date:

Approximate Time:

Location:

FOURTH: The defendant was arrested:

☐ pursuant to a felony arrest warrant, issued , 197 , following the handup of the indictment(s) in this case.

☒ by a police officer who was involved with this operation, was familiar with the defendant's identity, and with knowledge of the crimes alleged to have been committed by the defendant, on:

Date: September 28, 1974

Approximate Time : 10:00 P.M.

Place: Queens

~~XXXXXX~~: In addition to the charges contained in the indictment, the People allege that ~~XXXXXX~~ defendant, WILLIAM JOHNSON, was involved in the commission of the following crimes:

CRIME	APPROX. DATE & TIME	LOCATION	OVERT ACT
CPSP-1°	9/4/74 3:05 PM	31-83 36th St., Astoria Queens, N.Y.	Unlawfully possessed and sold a quantity of checks, total value more than \$1,500.00, stolen from and belonging to another.
CPSP-2°	9/9/74 4:30 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/10/74 4:20 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/12/74 4:45 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/16/74 4:15 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/19/74 3:35 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/20/74 3:05 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/23/74 4:28 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/25/74 3:15 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.
CPSP-2°	9/26/74 3:50 PM	"	Unlawfully possessed and sold a quantity of checks, total value more than \$250.00, stolen from and belonging to another.

FIFTH: The People believe, at this time, that the only charges against defendants RICHARD GUY and JAMES SMALL are set forth in the indictment; and, that they were not involved in the commission of any other crimes associated with the operation set forth in Paragraph "FIRST," supra.

SIXTH: The People intend to offer into evidence all of the items, whether or not contraband, taken from the defendant during the commission of the alleged crimes together with the following items seized from the defendant's person or possession:

SEVENTH: The following police officers were vitally involved with the operation stated in Paragraph "SECOND", supra, together with the arrest of the defendant and all of the police work connected therewith:

P.O. Richard Ledda, #24326, Q.D.A.

Det. Joseph Fasullo, #1805, Q.D.A.

Det. Stephen Kurz, #3931, Q.D.A.

Det. Gary McDavitt, #3100, Q.D.A.

P.O. Ronald Meehan, #24631, 105th Pct.

P.O. William Coombes, #6487, 105th Pct.

under the supervision of Deputy Chief Edwin Dreher, and under the immediate direction of Lt. Ronald Fenrich and Sgt. Walter Melnick.

EIGHTH: The People intend to introduce statements made by JAMES SMALL defendant, to a law enforcement officer or to the District Attorney and the People have proceeded in accordance with CPL §710.30(1)(a).

Yes ☒

No ☐

NINTH: The People have proceeded against the defendant on the basis of the following identification:

- ☒ The alleged possession and sale of contraband, under this indictment, was made to and observed by police officers, and identification of the defendant was known by the police prior to and the time of his arrest.
- ☐ The defendant (is)(was) and personally known to the complainant and to prior to and at the time of the commission of the crime charged in the indictment.
- ☐ A witness who has previously identified the defendant(s) as the person(s) who committed the offenses charged in the indictment, in the following manner:
 Type of prior identification:
 Date prior identification made:
 Place of such identification:

☐ The People intend to offer at trial testimony of said identification and have complied with CPL §710.30(1)(b).

TENTH: Attached hereto, as exhibit shown, is a copy of the following:

Exhibit (	)	Medical Examiner's Report
Exhibit (	)	Narcotics Report (with the name of the undercover officer deleted)
Exhibit (	)	Ballistics Report
Exhibit (	)	Fingerprint Report
Exhibit (	)	Serology Report
Exhibit (	)	Handwriting Analysis
Exhibit (	▲)	Defendant's Criminal Record (in the form now in the Prosecutor's possession)

The reports marked Exhibit(s) are known to exist and will be supplied in approximately (days)(weeks).

ELEVENTH: The People's investigation, to date, revealed:

☒ No available evidence which is obviously exculpatory in nature or other information, which may be helpful to the defendant; however, if defense counsel is aware of any particular matter which tends to exculpate the defendant, which the defendant or counsel is unable to obtain, and he identifies the same, and the People are able to obtain it, we will do so and permit the defendant to inspect, copy or photograph it.

☐ The following information which is exculpatory to the defendant (Brady material):

TWELFTH: Upon reasonable request, and at a suitable time, the defendant may have an expert examine the physical evidence in this case consisting of:

THIRTEENTH: There were one or more search warrants executed in this case: Yes _____ No ☒

_____ A copy of the search warrant and the underlying affidavit(s) are attached hereto as Exhibit

FOURTEENTH: There were one or more eavesdropping devices used in this case: Yes _____ No ☒

_____ A copy of the warrant, together with the underlying affidavits, and an opportunity to hear tapes, will be provided no later than ten days before trial.

FIFTEENTH: Tape recordings (other than as in Paragraph "FOURTEENTH", supra) and motion pictures were made in this case during the course of the crimes ~~set forth~~ ^{set forth} in Paragraph "FIFTH", supra:

✓ Yes No
 Opportunity to hear the tapes and view the motion pictures will be provided no later than ten days before trial.

SIXTEENTH: A Part of the People's proof embraces documentary evidence (other than the subject matter of the crimes charged or items listed in Paragraphs "EIGHTH", "TENTH" and "FOURTEENTH"):

- ☒ Not apparrant at this time.
- ☐ The documents are appended as Exhibit
- ☐ The documents are substantial, but will be made available for copying at defense expense.

SEVENTEENTH: The People have no objection to permitting the defendant to review the physical or scientific tests and experiments made in connection with the case, except internal documents or work papers, which the People intend to offer into evidence against the defendant and will advise the defendant, in due course, of such material.

EIGHTEENTH: The People will advise the defendant of any additional information or exhibits which it receives pursuant to CPL §240.40.

NINETEENTH: The defendant ~~S()~~ (did not) testify in the Grand Jury in connection with the subject indictment.

 The defendant's testimony is available upon payment of stenographic fees and upon an oral Order of the Court, to which the People consent.

TWENTIETH: Please take notice that the District Attorney is moving under CPL §240.20(4) for reciprocal discovery.

TWENTY-FIRST: Pursuant to CPL §250.20, the People hereby demand that the defendant supply the District Attorney's office

with (a) the place or places where the defendant claims to have been at the time of the commission of the crime and (b) the names, residential addresses, the places of employment and the addresses thereof, of every alibi witness upon whom the defendant intends to rely to establish his presence elsewhere that at the scene of the crime at the time of its commission.

Dated: Kew Gardens, N.Y.
November 18, 1974

A. Brent Blackburg
A. BRENT BLACKSBURG
Assistant District Attorney

TO:
James Mulvaney, Esq.
Attorney for Defendant JOHNSON
1104 Jerico Turnpike
New Hyde Park, New York

~~Supreme Court of the State of New York~~
~~County of New York~~

Bernard Mazur, Esq.
Attorney for Defendant GUY
258 Broadway
New York, New York 10007

Ira D. London, Esq.
Attorney for Defendant SMALL
547 86th Street
Brooklyn, New York

Clerk of the Supreme Court
Criminal Term

Appendix E: Confirmation Procedures and Information Control
Organized Crime Control Bureau, NYPD

During the period of this research, Sgt. J. Pierson was in charge of the records and files modules of the OCCB (NYPD). When Sgt. Pierson was brought into the bureau he was asked to integrate Gambling and Narcotics records into OCCB intelligence data. The work required an overhaul and re-organization of the entire system. Sgt. Pierson laments the fact that the manual system he constructed is not computerized; if it were, he could "play" with the data in the files.

The System

Every officer or bonafide law enforcement official from outside the NYPD fills out a form (see attached) which is also a method for checking frequency of inquiries on particular persons and a control against soliciting information without authorization. Every inquiry made is noted on an index file containing data in summary form of information in folders. No one outside of office personnel may gain access to files.

In addition to alphabetical listing the files are cross referenced by precinct (arrest), race and offense category.

OCCB keeps what it calls "functional intelligence records" which are all newspapers, books, papers, magazine pieces about organized crime and organized criminal activists. These data are read, evaluated and filed. In addition, Pierson sets up each year a 100 Major Violator case file on which an OCCB module of six

investigators will work intensively. An inactive file of organized crime figures is kept until a man dies.

Periodically, Pierson prepares a booklet on major offenders in gambling, narcotics and loansharking containing photos, biographical data, location of activities, arrest record, etc. which is circulated to precinct commands and intelligence officers at both precinct and borough levels in which the violator operates.

From: C. O., Investigative/Analysis Section, Org. Crime Control Bureau
 To: Commanding Officer,
 Subject: VERIFICATION OF RECORD CHECK AT I. & A. SECTION, O. C. C. B.

1. On the indicated date below, Officer _____ assigned to your command, made an inquiry at this office in connection with an official investigation being conducted by your command.

2. You are directed to verify that the officer was on an official investigation in ALL cases. After certification IN PARAGRAPH 3 BELOW, return this report IN ITS ENTIRETY promptly to Commanding Officer, Investigative/Analysis Section, O.C.C.B., One Police Plaza, Room 1200-A.

3.

(Certification of Commanding Officer)

MICHAEL J. PHILBIN, Captain

INQUIRY - INFORMATION REQUEST (fill out in ink)

DATE: _____ TIME (IN) _____ (OUT) _____

RANK NAME (print legibly) SHIELD COMMAND (spell Command out in full)

CASE# _____ COMMAND ADDRESS: _____
 (If in a precinct building, what precinct?)

INQUIRER'S SIGNATURE: _____ (Command Phone No.)

PRINT LEGIBLY all information requested below. If any information is unknown, put a question mark (?) below caption. LET NO CAPTION GO UNMARKED.

SUBJECT'S FULL NAME		DATE OF BIRTH or	RESIDENCE, include	B# K.G.#
Last name, First Name	SEX	RACE	APPROX. AGE	Boro, City, State etc.
1-				
2-				
3-				
4-				
5-				
6-				

RESULTS OF INQUIRY: _____

IF IN PERSON INQUIRY, INFORMATION GIVEN BY: _____

IF TELEPHONE INQUIRY, VERIFIED BY: _____

Revised July, 1976

REQUEST #E _____

Appendix F: New York State Drug Laws

Based on the interviews with the Special Narcotics Prosecutor of New York City, Sterling Johnson, it is apparent that he feels that the harshness of the penalties works as both a deterrent and as an instrument in extracting information. What prompted a discussion about the statutes under which his office functions had to do with the ways by which he determined the reliability of information he obtained from those awaiting trial or those arrested by investigators. A cursory glance at the laws suffices to show the pressures individuals are under to cooperate -- that is, inform on those higher in drug operations echelons.

[illegible][illegible]

NOTES

* Prior due convictions including attempts and Conspiracy - victims of Article 22a

1 Conspiracy to commit any felony is a B'felony. Attempts to commit B, B, B, is the same as the completed crime.

2 Retention against "the defendant" is only after indictment for B'felony. See also predicate felony cases below (tentative #)

3 Absorb and take receive is a B'felony (Sec. 200.04 PL.)

4 Receiving and receiving is reward, for official misconduct, in due case is a felony (Class I) Sec. 200.02

5 No probation in "B" and "C" due felony cases, except misdemeanors (Sec. 65.05 PL. and Sec. 65.05 PL.)

6 No conditional discharge in due felonies [Sec. 65.05 (a)]

7 Imprisonment is mandatory in Class I felonies except misdemeanors

8 Upon conviction the B'felony is not a B'felony (Sec. 22a.45) No stay of indictment pending appeal, see Sec. 95a.50 L.P.L.

9 Informants activate for life probation, if approved by the Commissioner, does not see "trial value" Sec. 65.05 (a) and (b) PL.

10 B'case required for information leading to arrest and conviction, in Class I' due felony including attempts. Remanded by Division of Criminal Justice Services

11 Felony reporting an incident in "I" [Class I' due felony] = "I" felony. [Sec. 22a.50 PL.]

12 Criminal possession of precursors of controlled substances is an E'felony. See Sec. 22a.40

13 Criminal infection of narcotic drug is a Class I' felony. See Sec. 22a.46

14 Criminal possession of a hypodermic instrument is an A' misdemeanor. See Sec. 22a.45

15 Criminal possession of a hypodermic instrument is an A' misdemeanor. See Sec. 22a.45 and 22a.55.

16 Misdemeanors include committed offenses and minors. I. M.L. is a misdemeanor (Sec. 200.04)

17 A. A. A. is now a sentence to Probation. 3 yrs for a misdemeanor, 5 yrs for a felony. [Sec. 65.05 (a) PL.]

18 Criminal Court judges now have discretion to send a convicted addict to jail or to D.A.C.

19 Criminal Court judges now have discretion to send a convicted addict to jail or to D.A.C.

20 Upon commitment, maximum stay "in house" is one year, unless removed, and in commitment to a private program under D.A.C. permission

21 Upon commitment, maximum stay "in house" is one year, unless removed, and in commitment to a private program under D.A.C. permission

Non - Due Information

1 Predicate felony in conviction, when the last report, excluding sentencing, is in any State where the sentence could have been more than one year.

2 All B' and C' and certain E' felonies require imprisonment for 1st offender. [Presidents, Laborers, Democrats] (Sec. 65.05 and 70a)

3 Probation may not be imposed for any 2nd felony offender [PL. 65.05 (5)]

4 A defendant with a prior predicate felony conviction - if indicated for a felony, must plead to a felony (Sec. 65.05 (a) PL.)

Sec. 65.05 (a)

John Doe

Appendix G: The Metaphors of Organized Crime

Many of the key metaphors embedded in the descriptions of criminal justice efforts (campaigns) against organized crime are drawn from the language of warfare. "Combatting organized crime," " . . . the war against the underworld" are familiar expressions. Organized crime groups do not simply proliferate and expand, they "infiltrate." Organized crime has been described in various places as parasitic, as a cancerous growth in the social order.

Control methods and techniques are depicted with similar militaristic flourish: "Strike Forces" and "Task Forces" (creating the impression of a determined and dedicated group of protectors of society) are assembled to interdict the criminal syndicates; battle-weary attorneys complain of local (colonial) interference from police and public officials, and so on.

This rhetoric of warfare and seige while undeniably providing a striking authority to criminal justice efforts actually distorts the causes and nature of organized crime. The metaphors of warfare mislead; they create a barricade psychology; they imply that organized crime is a foreign threat and importation, alien to the American way of life. In short, these compressed similes lend weight to the view that organized crime is dominated by a conspiracy of foreigners -- most notably, Sicilian mafiosi.

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