

1970

The Use of Strategies in Organized Crime Control

Dwight C. Smith

Ralph F. Salerno

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Dwight C. Smith, Ralph F. Salerno, The Use of Strategies in Organized Crime Control, 61 J. Crim. L. Criminology & Police Sci. 101 (1970)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE USE OF STRATEGIES IN ORGANIZED CRIME CONTROL

DWIGHT C. SMITH, JR. AND RALPH F. SALERNO

Dwight C. Smith, Jr. is presently Director of Institutional Research at the State University of New York at Albany. From 1965 to 1967 he served as Assistant Deputy Director for Systems Planning & Research with the New York State Identification and Intelligence System. He has also served as a Visiting Associate Professor at the John Jay College of Criminal Justice.

Ralph F. Salerno has, since his retirement in 1967, been a consultant to several legislative and investigative groups. He had served for twenty years in the Central Investigations Bureau of the New York City Police Department investigating major racketeers and organized crime. In 1963 he was assigned to work with the U. S. Senate Subcommittee on Investigations, and in 1966 was the only police office to serve as a consultant to the Task Force on Organized Crime of the President's Crime Commission and is coauthor with John Tompkins of *Crime Confederation*.—EDITOR.

An earlier article in this journal described briefly some research efforts undertaken in New York State from 1965 to 1967 for the purpose of developing a theoretical framework for organized crime control.¹ This project was initiated in conjunction with a series of conferences, held at Oyster Bay, Long Island, on combating organized crime.² The discussion at those conferences, as well as in the research project itself, began with an effort to define organized crime in terms that would contribute to effective control responses. Its activities and outward appearance were described—the nature of its crimes and the style of its members. But it soon became apparent that descriptions of personal behavior and appearance, though ultimately important, were not the key to control. Those descriptions might help in the process of identifying, apprehending, convicting, and punishing individual members of organized crime, but would do little to restrict or contain the organization itself. Consequently, the focus shifted to the organization of organized crime, as a phenomenon whose functions and internal rationale are more significant to a theory of control than the individuals through whom it operates. Subsequent studies by Cressey, Gardiner, and Schelling³—

each concerned with different aspects of the organizational phenomenon—support this change of focus and suggest different ways of approaching the definition question that will contribute substantially to the ultimate effectiveness of control efforts.

A logical second step in the development of a theory of control would be to determine what society's—and particularly law enforcement's—response should be to the phenomenon defined. The lack of an adequate functional definition of organized crime has restricted this step considerably; but preliminary efforts suggested that the definition of alternative actions depended also on a better understanding of the tools available for control activities. In particular, a better understanding clearly was required of the nature and use of information in organized crime control. Accordingly, New York State undertook a study of the manner in which national intelligence theory and practice might be modified to meet the circumstances of organized crime. Through that study, which was prepared for the Third Oyster Bay Conference, three concepts were identified that have a significant bearing upon potential control measures: the concept of strategic intelligence as a tool for determining and reviewing long-range programs; the concept of a set of inter-jurisdictional mechanisms for exchanging information and coordinating policy and action among separate agencies of government; and the concept of an active, analytic intelligence capability at the heart of strategic intelligence operations.⁴

¹ See SMITH, *Cooperative Action in Organized Crime Control*, J. CRIM L., C. & P.S., December 1968.

² The first two conferences were described in *COMBATING ORGANIZED CRIME, a Report of the 1965 Oyster Bay Conferences on Combating Organized Crime* (Albany, New York: Office of the Counsel to the Governor, April 1966).

³ CRESSEY, *The Functions and Structures of Criminal Syndicates*; GARDINER, *Wincanton: the Politics of Corruption*; SCHELLING, *Economic Analysis of Organized Crime: President's Commission on Law Enforcement and Administration of Justice, TASK FORCE REPORT: ORGANIZED CRIME* (Washington: Government Print-

ing Office, 1967). Also CRESSEY *THEFT OF A NATION* (New York Harper & Row 1969).

⁴ See *A Theory of Organized Crime Control: A Preliminary, Statement* prepared by the technical staff

With this preliminary description of the nature of organized crime and the basic intelligence tools that would be required for an effective control program, the question of response returned to the foreground. What can, and should, be done about organized crime? The act of stating the question in advance of action implies, of course, that the response is (and will be) a series of deliberate decisions based upon prior investigation and analysis, not an automatic or mechanical reaction to a particular stimulus. The respondent tries to understand and define (particularly in terms of criminal law) the organized crime problem; identifies an objective—such as successful prosecution for a specific crime—to be achieved; and deploys resources to meet that objective. In other words, existing methods of operation employ strategies, however simple and rudimentary they may be. The focus, then, is not upon defining a new tool but upon understanding better (and thereby increasing its potency), and utilizing more effectively, an existing tool.

CURRENT STRATEGIES.

The purpose of any strategy is to provide a planning and action framework in which existing knowledge and resources can be utilized for effective achievement of stated goals. The goal in this instance is control of organized crime. In brief, present strategies employed in law enforcement activities can be summarized as being aimed primarily at the individuals in organized crime, rather than at the organization itself. That focus arises from the fact that law enforcement's response to organized crime has, by and large, been merely an extension of its response to other, "unorganized" crime. But, as will be noted later, the peculiar nature of organized crime necessitates different responses than those appropriate for ordinary crime.

Current strategies fall mainly into four categories: attrition, exposure, harassment, and the "Ostrich" practice. A brief description of each category follows.

1. *Attrition.* The most commonly employed strategy is that of attrition, in which individual suspects are apprehended and prosecuted for specific alleged crimes under due process of law. The intensity of effort devoted to organized crimi-

nals in contrast to that applied to incidental or street crime may be varied, of course, depending upon assessment of local conditions. The main approach has been and continues to be the apprehension of a person who is violating (or has violated) the law by means of penalties calculated to remove him from society and, using his confinement as an example, to deter others from similar activities. Investigating and prosecuting agencies strive to put individual criminals in prison for the most serious charge on which a case may be made. Often for lack of sufficient court admissible evidence, law enforcement agencies must be content with obtaining contempt or perjury indictments via investigative commission or grand jury hearings.

This traditional approach is certainly best suited for coping with individual criminals. But in the case of organized crime, such losses can be absorbed; even higher attrition rates than are now obtained by present efforts could probably be sustained, because this is essentially an attrition of nonentities as far as organized crime is concerned; it scarcely touches the "higher-ups." Except for the increased business overhead occasioned by the need to provide lawyers and maintain families during incarceration of their supporters and by consequent disruption of the daily activities of affected members, the organization is not harmed by attrition. Individual units continue to function unimpaired. Even important decisions can continue to be rendered from within prison walls. The strategy would have to be applied more frequently and involve "successful" convictions (i.e., convictions that will survive appeals to higher courts—presently a discouragingly negative factor in application of the attrition strategy) and sentences for much longer prison terms entailing more isolated confinement before it would be likely to be at all effective.

In absolute terms, however, the potential effectiveness of attrition remains low. The primary limitation can be illuminated by reference to the stimulus of the attrition strategy. The investigation, arrest, and prosecution cycle that is characteristic of current attrition policies is almost always a reaction to an overt act and the reaction tends to be directed primarily at the perpetrator of the act. While this is desirable and necessary, organized crime is managed and directed from one level of the organization while the actual crimes are carried out by personnel within another level. Thus, reaction to an overt act currently results in

and consultants of the New York State Identification and Intelligence System, as a background paper for the Third Oyster Bay Conference (Albany, New York: NYSIIS, April 1966).

a majority of the available law enforcement resources being expended on the least valuable, most easily replaced members of the organization. Moreover, since the levels of authority within the criminal organization are very thoroughly insulated from one another, any attempt to expand the prosecution to superiors and other members of the organization usually ends in failure.

2. *Exposure.* A second strategy frequently employed is exposure. Congressional investigating committees, state investigating commissions, and citizen crime commissions have been powerful means for focusing public attention on the problem. Often tighter legislation and stricter application of the attrition strategy is obtained as a by-product of such investigations. However, public interest invariably subsides upon the conclusion of an investigation. Without sustained application, or utilization of related actions when appropriate, the strategy is ineffective in the long run. Indeed, in some instances exposure may be self-defeating as a strategy. A notorious public reputation—increased by public attention—aids coercive activities and creates fear in all who are affected by the subject. He may become so notorious that he never has to actually use threatening words; his victims all “think” to the same effect.

3. *Harassment.* To the distress of many citizens concerned with fair and equitable application of law, a strategy of harassment has sometimes been employed. The strategy may use the technique of frequent arrests for vagrancy or other relatively minor charges; it has many other techniques. For general purposes, the strategy probably costs more than it is worth in law enforcement resources, and it may also produce undesirable public relation side effects. Recent changes in the New York State Penal Code have, in any event, eliminated many of the pertinent offenses (other than indirect harassment, as with traffic violations), such as vagrancy, that might be used within that state.

4. *The Ostrich Practice.* Another practice—primarily defensive or passive in outlook—is to ignore organized crime and to stoutly maintain that it is nonexistent in a given jurisdiction. There are varied reasons for this practice. Most 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. Then, too, the local sense of propriety is offended. 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 his-

torically 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, to combat organized criminals operating in his city. He may feel that he cannot afford to advertise his lack of success. Unfortunately, this practice, whatever the reason for its use, operates in most instances against the public interest rather than against organized crime, since it effectively undermines nearly every obstacle that law enforcement might be able to raise.

PROBLEMS IN DEFINING STRATEGIES

Current law enforcement measures directed against organized crime as an entity apart from incidental or predatory crime are largely ineffective. The members of one work group at the Second Oyster Bay Conference on Combating Organized Crime concluded that “The percentage of convictions in cases involving the leaders of organized crime is so low as to cast some doubt upon the value of further prosecutions.” At the same time, they noted that “where prosecution has been active, organized crime . . . definitely may be curtailed. . . . (Consequently, every) available legal means should be employed to continue prosecution in appropriate instances.”⁵

The ineffectiveness of present measures is due largely to the fact that law enforcement is confronted with a real dilemma in its choice of strategies to deal with organized crime. By definition, and by all available proof, its adversary is well organized. In contrast, law enforcement is constrained by fragmented authority, procedural limitations, and a conventional approach to law enforcement in which action is directed essentially against isolated individuals rather than the organization to which they belong.

It is apparent that the traditional law enforcement approach of prosecuting individual criminals for specific crimes must not only be drastically improved but must be supplemented with new strategies and techniques that weaken the effectiveness of criminal organizations, while maintaining a basic posture that is consistent with existing procedural law.

But how well can new strategies be defined? At the outset, several comments about “strategies” in relation to organized crime may be pertinent. First, there are several levels at which strategies may be identified. Indeed, the concept can be ap-

⁵ COMBATING ORGANIZED CRIME, *op. cit.*, p. 40.

plied simultaneously to a broad goal, such as reduction in the volume of gambling activity in a community, and to a major segment of that plan, such as the development of criteria for determining where, when, and how to initiate continued surveillance of certain aspects of the suspected gambling operation. The multi-level nature of strategies need not be confusing in practice if they are clearly defined in terms of objective and context.

Second, there is a wide range of strategies which can be combined in different measures for different circumstances. Some may relate directly to specific enforcement activity, such as a surveillance that is intended to lead to apprehension; some may be concerned with intelligence collection or analysis as a prelude to enforcement action; some may be concerned with counter-measures that would deny success to an organized crime activity without directly suppressing it; some may involve resource development, such as the training of specialized manpower for organized crime control. Even the simple listing of some categories of strategies suggests their range and potential interrelationships.

Third, every strategy depends upon available knowledge of organized crime. Such knowledge today is fragmentary (particularly in the light of the lack of mechanisms for sharing the data and analyses that do exist); accordingly, the ability to identify the best or optimum strategies is limited. With proper nurture knowledge of organized crime will grow, however, and with it should come the development of greater sophistication in defining and utilizing strategies. In the foreseeable future, the parallel growth in understanding and capabilities will be clear.

Fourth, strategies must be dynamic in order to keep pace with a dynamic adversary. There will be a continuing process of defining, testing, evaluating, and modifying. Thus, even if intelligence concerning organized crime were highly developed, specific strategies would be difficult to define in any final sense.

Fifth, strategies can be defined meaningfully in terms of public policies which are by no means clear today. What is society's ultimate objective concerning organized crime? Do we intend to eliminate it in the long run? (parenthetically, if it is the objective, how realistic is it?) Or do we intend to control its activity, either at existing levels or at some earlier and lower level? If the real objective is some level of control rather than elimination, how can mechanisms be identified, studied, and

utilized—as others have suggested in relation to international affairs⁶—through which “tolerable” levels of organized crime activity and behavior can be defined and monitored? Alternatively, should the public focus be upon modifying present legal sanctions on human behavior, or present restrictions on corporate action, that lead to the frictions that nourish organized crime? How can the public be persuaded that the functions of organized crime are neither beneficial nor harmless, so that its excursions into legitimate society will be rejected or blocked at the outset? Whatever objective, or group of objectives, are chosen will clearly influence the kinds of strategies that might be adopted.

Sixth, the range of strategies available will be governed by what is legal. For example, selective assassination might be a highly useful (and even appealing!) strategy in some instances, but it would not be legal. The same could be said for provisions governing excessive detention, confessions, admissibility of evidence, etc. If organized criminals could be handled as enemies in time of war, rather than as citizens with the rights of due process, they might have been eliminated long ago. The privileges of citizenship, as exemplified by “due process,” are fundamental to our form of government, however, and must be preserved even if their enforcement appears to give undue protection to persons who have rejected the responsibilities of citizenship.

Finally, the range of useful strategies will be governed by the mechanisms available to support them—preliminary intelligence, subsequent action mechanisms, public support, and governmental resistance to corruption. Strategies depend upon the amount and level of available intelligence concerning the object of their attention; the extent to which strategies can be implemented will depend upon available directing and action agencies, public approval and support, and honest government in all areas concerned with criminal justice. These mechanisms are not automatically available to the dedicated opponent of organized crime. They cannot be obtained by law enforcement acting solely on its own initiative and authority. Indeed, the manner in which they can be obtained needs to be the subject of considerable, intensive analysis and strategic planning.

As these comments indicate, this paper cannot

⁶ For example, SCHELLING AND HALPERIN, *STRATEGY AND ARMS CONTROL* (New York: Twentieth Century Fund, 1961).

possibly cover all, or even many, of the strategies that are pertinent to organized crime control. In any case, the discussion that follows is within the context of an assumed definition of organized crime that clearly needs further analysis and refinement. Some strategies pertinent to law enforcement can be described, however, to demonstrate the general usefulness of the concept of "strategies" as an analytic and planning tool; and through the law enforcement situation, the potential significance to organized crime control of high-order intelligence resources and interjurisdictional coordination can be demonstrated. That demonstration may contribute to the larger problem of obtaining adequate support mechanisms.

Organized crime derives its strength from an effective organization much as trained infantry gains its strength under stress from unit cohesion and esprit de corps, and not from the mere addition of the firepower of its rifles. For both types of organizations, individuals including top leaders are expendable. The effects of constant attrition can be overcome, unless the rate of attrition is quite high. If, as is frequently conceded, the current active strategies of attrition, harassment, or exposure, are not succeeding, if we cannot attack organized criminals as though they were a foreign enemy in the field, and if the underlying strength of organized crime is to be found in its organization, then it seems evident that new strategies directed against the organization itself must be devised. These strategies must be designed to exploit the potential limitations to organization strength that arise from the peculiarities of individuals or groups or that take advantage of weaknesses in their organizational code.

As previously noted, the strategies and techniques currently in use will curtail organized crime to some extent when they result in successful prosecution but to have any lasting or significant effect, the rate at which criminals engaged in organized crime are brought to prosecution must be increased. Because it is not practical to multiply current efforts (and concurrently multiply their costs) in order to increase the prosecution rate, new strategies and techniques must be developed that will produce higher attrition rates for the effort expended or will disrupt the equilibrium of the organization sufficiently to reduce its strength.

Five potential strategies may be suggested that would attack the *organization* of organized crime as well as its individual members:

a. *Subversion*: tactical actions calculated to

breed internal dissention, to capitalize on existing dissention or to create distrust and suspicion.

b. *Alienation*: a wide variety of tactics devised to demonstrate and emphasize the disadvantages of membership in organized crime, and to alienate aspirant members from recruiters.

c. *Disruption*: concentrated effort to disrupt or dislocate organized crime activities, thus reducing the return on investments or, alternatively, increasing the cost of the enterprise.

d. *Penetration*: efforts to buy information or informants, or to penetrate organized crime with law enforcement representatives.

e. *Blocking*: the use of public education to assist concerned persons to confine or eliminate further organized crime activities in their fields of interest.

The utilization of any of these strategies must be based on a recognition that due process of law must be observed at all times. In addition, considerable study, preparation, and realignment of available resources will be required. The legal aspects of new strategies and techniques must be carefully considered to protect the civil liberties of those involved and to ensure that all resulting law enforcement activities remain within the law. When aggressively used, however, in combination with the attrition and exposure strategies, the new strategies will place the initiative, the prerequisite to successful combat, in the hands of law enforcement personnel.

The strategies suggested here are useful to the extent that they illustrate the nature of a strategic approach to the problem of organized crime control. But the utility of any strategy—and, to a degree, the value of the strategic approach—depends upon its relationship to the real world. To test these relationships, three tactics can be analyzed that are used in organized crime control—raids, intensive investigations, and cooperative actions—through which the usefulness of new strategies may be illuminated.

THE APPLICATION OF STRATEGIES

1. *The Raid*. As noted above, anti-organizational strategies "must be designed to exploit the potential limitations to organization strength that arise from the peculiarities of individuals or groups. . . ." One such potential limitation lies in the fact that organizations require some degree of direction which, in anything short of an absolute dictatorship, means occasional policy meetings of individuals (or their representatives) occupying

power positions within the organization. In the case of organized crime, with its basically decentralized structure of operations, the central function may be mediative or judicial in purpose.⁷ If those meetings can be discovered and disrupted, the ability of the organization to function effectively may be impaired. The key to success is knowledge about an intended or existent meeting. It is apparent that organized crime requires such meetings; two policy meetings that were discovered and disrupted under different circumstances were the Apalachin meeting of November 14, 1957, and the La Stella restaurant meeting of September 22, 1966.

The Apalachin meeting was discovered by then-Sergeant Edgar Crosswell, of the New York State Police as part of his one-man intelligence effort to watch the activities of Joseph Barbara, Sr., a local resident whom he knew to have an impressive criminal background, and whom he suspected of certain legal violations. Crosswell's immediate interest on November 13th was a chance circumstance of observing Joseph Barbara Jr. making motel reservations for expected guests. The chance nature of Crosswell's discovery is emphasized by the state of law enforcement intelligence activities within New York State at that time. The only law enforcement body within the state which had a functioning intelligence unit was the New York City Police Department. The Federal Narcotics Bureau, in enforcing laws over which it had jurisdiction, did gather some intelligence information in the State about known and suspected violators; but the Federal Bureau of Investigation did not have similar jurisdiction in areas relating to organized crime until (primarily) new legislation was enacted in 1961.

Discovery of the La Stella meeting, on the other hand, followed years of gathering and analyzing intelligence concerning the current organized crime scene, and field operations undertaken in response to intelligence conclusions. It had been known for some time that Thomas Luchese (alias "Three-Finger Brown") had been hospitalized for surgery to remove a brain tumor, and that his prognosis was not good. This knowledge, related to other knowledge concerning the procedures and methods of the Cosa Nostra, led to the following analysis:

It would be likely that Luchese's illness would lead to discussions about an interim leader and/or eventual successor. The leaders (or trusted

associates) of the several Cosa Nostra groups in the New York City metropolitan area would have to meet for such discussions and a subsequent decision that could be relayed to the rest of organized crime. If the decision had in fact already been made, surveillance might reveal who had been selected for a new and more important role.

A group of people were identified who might attend such a meeting, or whose activities would indicate the identity of a new leader already chosen. Surveillances were established within the limitations of manpower available; through one such surveillance the New York City Police Department was led to the La Stella Restaurant meeting.

A significant difference between the two meetings concerned their respective locations. Since the Apalachin meeting took place on private property, police action was limited. The two State troopers and two agents of the Alcohol Tax Unit of the Treasury Department who conducted the raid, had to defer all action until the attendees departed the private premises and reached a public road in the now infamous "hurried departure." Because of this technicality, only 63 persons were identified as being present, when later evidence indicated the true number to be over 100.

The Queens meeting, on the other hand, was in a public restaurant where police action was not similarly inhibited; and the detectives concerned knew the identity of many of the attendees, including some of those from out of town, before any action was taken.

Another difference related to legal circumstances. In the Apalachin case, legal opinion was that there were no clearcut grounds for arrest or detention beyond routine requirements such as identification of motor vehicle operators. Nine years later in the La Stella case, consultations between the District Attorney and police intelligence personnel confirmed that the 13 persons apprehended could be expected to have information of value to a grand jury investigating several crimes of violence; they were thus ordered to be taken into custody as material witnesses.

Following the earlier meeting perhaps the most effective action taken was by the State Commission of Investigation which subpoenaed a number of the delegates and jailed four of the principals for contempt of court because of their refusal to answer questions. The contempt detentions were for as long as 16 months, longer "sentences" than they

⁷ See CRESSEY, *op. cit.*, pp. 33-34. THEFT OF A NATION, p. 111.

had obtained in cases where they had been indicted for murder.

The primary action of the federal government took the form of prosecution for conspiracy to obstruct justice. The attorney in charge of the case had to identify all the law enforcement personnel who had conducted interviews either on November 14, 1957 or subsequently, when the conspirators had returned to their own homes. Written reports had to be gathered where they could be found; in some jurisdictions there were no written reports of interviews because of an underestimation of the importance of the event.

In Queens county in 1966, however, there was an immediate coordinated gathering of personnel and reports which could be helpful to the District Attorney. In addition to the New York City Police, the state police, F.B.I., Federal Narcotics Bureau, U.S. Marshal's Office, U.S. Immigration, and other agencies participated in a review of pertinent information. District Attorneys' offices with parallel interests and previous experience with the parties concerned also cooperated fully.

The final test in either case is its results. Twenty-one attendees at the Apalachin meeting were tried in federal courts with 20 convicted; but the convictions were reversed in the appellate courts. In The La Stella case, since Grand Jury questioning had to be limited to crimes in Queens County, the five dinner guests from out of town were excused after satisfying the Grand Jury that they had no direct knowledge of local crimes. Of the eight other diners, one was excused for health reasons; the remaining seven were indicted for criminal contempt of court for refusal to answer questions of the grand jury. In either case, then, has there yet been significant and lasting success in applying the *Attrition* strategy. But in terms of "increasing the cost" of directing organized crime, it would appear that something was gained in terms of a *Disruption* strategy. Even that gain was limited, however, because the strategy has not been systematically and continuously followed. The successful utilization of intelligence data and analysis at several stages in the La Stella case indicates that the strategy could be exploited if there were (a) continuing intelligence concerning organizational behavior on the part of organized crime, including intelligence regarding its tactical adjustments to counter the strategy; (b) an interjurisdictional mechanism for coordinating the disruption of similar policy meetings wherever they might occur; and (c) further research and analysis to test the validity

of the underlying assumption that the strategy has value, or to study whether gains other than organizational disruption are really more significant in this form of combat. The latter point is particularly important, because there are serious questions to be asked about the value of any raid. It may be that the real business of organized crime is more decentralized and that the only significance of apprehending a gathering of known and powerful members of organized crime is a short burst of publicity, not a significant disruption in policy coordination. A more useful strategy might be to allow the meeting to occur and to attempt to obtain and utilize as soon as possible the conclusions of the meeting. For example, identifying a newly chosen leader, and exposing that knowledge at an occasion embarrassing to the new boss, might be an effective way of undermining organized crime's confidence in its invulnerability. But if the publicity attendant upon a raid undermines the confidence of subordinates in their leadership (an assumption that also would require careful exploration before it could be accepted), a different and useful form of disruption and organizational impairment might have been served.

In any event, it is clear that current assessments of strategy are limited by our lack of knowledge concerning the organization and behavior of organized crime and by the absence of tested evaluation techniques for measuring the effect of a particular strategy.

2. *Intensive Investigation*. A law enforcement officer was assaulted by a group of persons including Carmine Lombardozi, a known and powerful member of organized crime. The assault precipitated an intensive effort by the officer's agency to apprehend and punish publicly the attackers, the objective being to discredit Lombardozi among his friends. Many members of Lombardozi's "family" were detained for questioning; during the course of the investigation an attempt was made (and discovered) by the "family" to intimidate a principal witness.

The investigation was conducted in a way that would emphasize the role of the initial assault, and Lombardozi's part in it, in spurring the investigation. No one in his family could miss the point that it was Lombardozi's "fault." This led, as intended, to disenchantment on the part of many of Lombardozi's associates, and to his demotion within the "family" because of all the attention, or "heat," that he had brought upon his fellows.

Thus, *Alienation* and *Subversion* strategies em-

ployed by law enforcement reached the point where the target's value to his organization was seriously questioned. There were even discussions of violent, punitive action that the organization might take against him. Without question, this resulted in *disruption* of his usual activities, as well as the activities of others. He lost his usual aplomb and, together with a loyal friend, fell into a behavior pattern which became the basis for their being sent to prison for violating a parole given as part of a suspended sentence for an earlier court conviction.

So far, the strategies appeared successful. They were based upon sound intelligence and an appreciation of what would happen if sufficient pressure and notoriety were brought to bear on a vulnerable, or potentially vulnerable, member of organized crime.

But then, the strategy backfired. In an effect, the law enforcement agency had "told" organized crime that assaulting a law enforcement officer was beyond the line of tolerable conduct. In the "telling," the organized crime family came off second best; but the law enforcement unit failed to consider what counter-move organized crime might make. The nature of the investigation—the persons interrogated and the questions asked—demonstrated to organized crime not only that one of its members had misbehaved but, more importantly, that there had been some previous *penetration* of the organization. Someone on the inside had been talking. The organized crime group realized that their defensive structure needed mending, and they responded by analyzing law enforcement's intelligence information. They noted which of their men were interviewed, how much information could be determined from the questions asked of them, etc. Their analysis was successful: they identified a person who had penetrated their ranks, and they closed the gap by killing him.

There may be several lessons to be learned from this experience, but certainly two of the most important ones are that increased use of sensitive information requires delicate handling, and that there is an absolute necessity to think beyond immediate circumstances. What organized crime might learn about the extent of law enforcement information must be kept to a minimum; and the chain of responses and counteractions that may follow any situation must be recognized and anticipated. The lessons are similar to the ones already familiar to the district attorney or detective who may need to convince a witness, by skillful questioning, to admit to information previously un-

known or otherwise unobtainable to the questioner. In unorganized crime the risk of revealing as much information as is elicited is seldom high, because the convicted defendant cannot immediately use what he may learn. But the member of organized crime has supporters and a continuing mechanism available to pursue his cause for him. Unlike "unorganized" crime, the game is not called after the first out.

3. *Coordinated Actions.* Although not in itself a strategy, coordination of effort as a strategic principle can be of great benefit. It can result in a tremendous increase of manpower and other resources applied to a particular case without individual agency expenses rising unnecessarily. Conversely, the lack of cooperation can lead to interagency friction, expensive duplication of effort and, more significantly, the exposure of each separate project as the total amount of uncoordinated activity becomes visible. For example, two or three separate surveillances in a relatively quiet neighborhood are more likely to arouse suspicion concerning *some* surveillance (no matter how many) than one, well conducted surveillance.

Unfortunately, there are cases on record where more than one agency has been found to be conducting a surveillance of the same person or event without any effort being made at coordination. A joint effort between three agencies could lead to savings of 50 % to 66⅔ % of manpower, with each of the three agencies obtaining the same amount of information through the use of two pieces of carbon paper to type three copies of the same report.

There are some examples of useful cooperative action. At the present time, for example, airport coverage is provided at Toronto and Montreal by three-man teams representing the Royal Canadian Mounted Police, the Provincial (State) Police, and the local metropolitan police department. Their inquiries for cooperation on the American side of the border, however, have made it evident that similar coordinated and cooperative efforts seldom exist in the United States.

Another example of cooperative action may be found in the raid, conducted on May 8, 1967, on a restaurant meeting of organized crime personalities (and others) in Buffalo, New York. In this case, the local police and the FBI jointly conducted the raid, with representatives of the State Police on hand as observers. Since the action involved 23 law enforcement officers, the opportunity to share manpower costs was a clear economic benefit to each agency.

Another real but seldom recognized return from cooperative action may be its deterrent effect on corruption. Although it can be argued that a security risk is taken when two or more law enforcement agencies engage in joint planning and operations, it is equally true that cooperative action increases the risk of exposure inherent in corruption. Law enforcement is not alone in having some secrets it wants to keep; the corrupter from organized crime is equally uninterested in discovery. If two agencies engage in routine exchanges of information concerning investigative actions, the chances are increased of discovering the signs of corruption, such as the suppression of data, the showing of "favoritism," or a pattern of systematically ignoring or failing to pursue signs of organized crime activity. Knowing that their efforts are being reviewed might help both units to maintain a standard of integrity and objectivity; also, the routine exchange of information could help each unit to evaluate its own personnel.

The latter point was demonstrated in the 1965 suspension of two vice squad detectives in Rochester, New York. The detectives had made a secret, unauthorized visit to the hangout of a local organized crime figure. Their visit was observed by an FBI surveillance team; the Rochester police department learned of the visit when the FBI asked why it had not received the customary copy of the vice squad report which detectives would have prepared if their visit had been a legitimate one. The case, which was explored extensively by the State Investigations Commission,⁸ illustrates the maxim that a person's standard of behavior can be governed by whether he believes his actions will be seen and reported.

Perhaps the most important value of cooperative action, however, is one which unfortunately can never be measured. To what extent is the possibility of cooperative action precluded by the lack of opportunities or mechanisms for them? Without question, the potential for cooperative action has hardly been tapped; that untapped potential is a real loss to organized crime control. As suggested previously in this journal, "Some law enforcement representatives understand the problem of organized crime and have invested significant resources in control activities. But their effectiveness all too often is discouragingly small because the activities

of organized crime often are so much wider than the jurisdiction of enforcement agencies. . . ."⁹ The answer—which cries for recognition—is cooperative action.

CONCLUSION: THE INTELLIGENCE PROCESS

The preceding three examples of the uses of strategy in organized crime control do not in any sense cover the range of applications that would be possible in a well-planned and executed control program. Nevertheless, they say enough about the subject to demonstrate how strategies and strategic concepts can be used and how dependent they are upon an adequate understanding of the intelligence process.

That process, as it applies to organized crime control, was described in the working paper noted earlier in this article, prepared for the Third Oyster Bay Conference on organized crime. For our present purpose it is sufficient to note that its overriding requirement, as exemplified in the situations presented here, is a constant ability and willingness to *think*. Although it may sound trite, it is clear that law enforcement has yet to discover the practical limits of thinking—as the heart of intelligence analysis and as a prelude to planning and action.

It is particularly clear that more attention must be given to anticipating the countermove in the development of any specific action strategy. Organized crime does not want to lose; it is flexible, and willing, in most instances, to adjust its activities to protect its future. The "Raid" tactic discussed earlier is perhaps a case in point. The Apalachin meeting was attended by representatives of all of the major organized crime families that are understood to be represented on the "Board of Directors." Consequently, final policy decisions could be made at that time. But at the La Stella meeting, only five families were represented. Where were the others? There is no clear evidence, but it seems possible and likely that representatives of the other families met elsewhere and that some mechanism had been arranged to consolidate the views of the two groups into a single policy position. This suggests a significant difference between 1957 and 1966 in the pattern of high-level meetings. The difference does not appear to be one of convenience, but rather an adjustment to a higher level of risk occasioned by increased unfavorable publicity and increased law enforcement activity in the decade between the two meetings.

⁸ State of New York Commission on Investigation, *Report of an Investigation of Certain Organized Crime Activities and Problems of Law Enforcement in Rochester, New York* (New York: State Commission on Investigations, September 1966).

⁹ SMITH, *op. cit.*

It is clear that these two patterns are not the only mechanisms through which national policy is established within organized crime. The Apalachin meeting illustrates a traditional pattern followed by an organization not fearful of discovery or disruption (that such a feeling was justified may be shown in the fact that the only previous occasion that a meeting was disrupted was in Cleveland in 1928, nearly thirty years before). Ray Martin has suggested that another pattern was observed in Miami Beach in 1962:

"The Mafia anticipated that its conclave would be under surveillance. The dons did not intend to repeat the debacle at Apalachin, where they were trapped in the home of Joseph Barbara long enough to be held up for embarrassing national inspection. Their new tactics were simple but ingenious. The crime delegates checked in at different fashionable hotels and motels at the height of the vacation season. They convened in no single hotel suite, conference room, or auditorium. Instead, they met in pairs by prearrangement. They gathered in cocktail lounges and coffee shops. They discussed their business quietly, came to fundamental understandings, and parted. They reached agreements by chain-letter techniques. Even if tails had been attached to every mobster and taps placed on every telephone—which could not and did not happen—it would have been impossible for outsiders to learn precisely who said what to whom. The syndicate had business to attend to and it was determined to attend to it. . . ." ¹⁰

The conclusion that policy communications in organized crime are responsive to fear of discovery is, of course, tentative; it rests on very slim evidence. But there is enough surface logic to suggest that someone should be studying the patterns of communication in organized crime more intensively, in order to determine (a) what further pattern shifts might occur; (b) how those shifts would be tracked; and (c) what is the most effective way to disrupt the establishment of high-level policy—i.e., what *strategy* should be followed in a dynamic environment.

In addition, there is room for greater law enforcement appreciation for anticipating and preventing organized crime activity. Current practice is often to react to an accomplished criminal act or a continuing criminal situation, such as a gambling joint. The ultimate aim must be to achieve a

system which can predict accurately the moves of organized crime, in advance; it then would be possible to take preventive action in advance of the overt criminal activity. Space does not permit a full exploration of the values derived from anticipating and forestalling criminal action; its significance in "unorganized" crime cases is generally recognized, and parallels can be drawn from them.

It is also clear that law enforcement should be concerned about "getting the most for its money." This principle has several aspects, only one of which is the need for cooperative action, as discussed above. Another aspect is the value of extensive use of intelligence analysis. The best investment an agency may make is to have the right person sitting in an office and "just thinking." He may not appear productive, in terms of arrests being made and beats being patrolled, but his efforts can increase substantially the productivity of the entire agency. A third aspect of this principle is that of protecting intelligence, in order to obtain the most from it. The less organized crime knows about the nature and content of law enforcement intelligence, the less it can adjust its activities for self-protection. The Lombardozi incident demonstrates the point. If the law enforcement agency concerned had attempted to determine what organized crime might learn from the investigation,

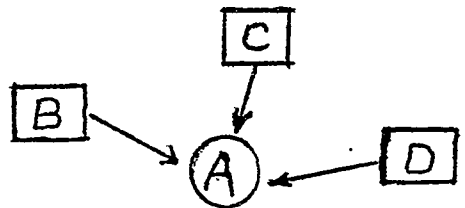


FIGURE 1

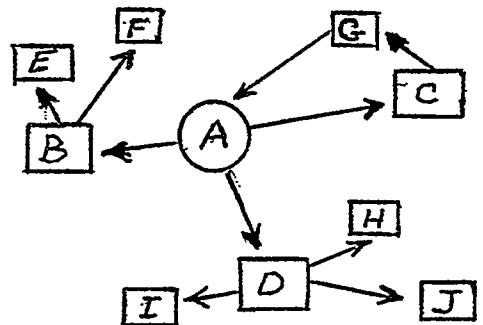


FIGURE 2

¹⁰ MARTIN, REVOLT IN THE MAFIA (New York: Duell, Sloan and Pierce, 1963), pp. 222-223.

and had taken greater efforts to camouflage the role and identity of its informant, the final consequence of his exposure might have been avoided.

A fourth aspect of this principle of economy concerns the intelligence process itself. At the present time targets for intelligence investigation are selected on an uncoordinated, or random, basis. Manpower is directed at targets "B" and "C" and "D". When information is gathered and analyzed revealing that the three targets are connected to "A", the result is considered an effective intelligence product (fig. 1).

But note that the flow of information is from the three to the one. A better way of linking associates, interests, and relationships would be a "radical" system, which would produce a greater yield, with less usage of manpower and in a shorter period of time (fig. 2).

In this instance, the prior focus is on predicting where information is likely to cross, and in which directions it may move. Where this approach has

been attempted, more and better intelligence information has resulted because the analysis has moved from the central target "A" outward along lines which clearly led to "B" and "C" and "D". From them, additional lines have been developed to other satellites, with perhaps a return flow from some of them to "A". With this approach, more targets are covered, the development of investigations is more orderly and better patterns develop: in sum, an intelligence operation has been created which can be given high marks for productivity and performance.

This discussion of the uses of strategy in organized crime control can be summarized by noting its emphasis on sophisticated planning for development of resources, based upon a broad understanding of the *intentions and capabilities of the adversary*. He is organized, dynamic, and self-perpetuating; in response, our government strategies must be flexible, sustained and grounded in effective intelligence operations.