

ity trends as a basis for developing public policy. One such organization is the Center for Strategic and International Studies (CSIS). It has experts on international finance, U.S. domestic and economic policy, and on foreign policy and national security issues. The organization can be reached through the Internet and it is presently engaged in a major project with seven task forces on information technology security, terrorism, the nuclear black market, financial crimes, the narcotics industry, Russian organized crime, and Asian organized crime. The CSIS reports that organized crime has entrenched itself in the international economic and financial systems, and that the globalization of their operations presents a significant challenge to the intelligence and law enforcement capabilities of national and international law enforcement (Global Organized Crime, 10 Oct., 1996).

The National Fraud Information Center (NFIC) is another non-profit organization with a toll free telephone number (1-800-876-7060) usable from both Canada and Puerto Rico, its own Web site on the Internet, and it is the result of a partnership between the National Association of Attorneys General, the Federal Trade Commission, and the National Consumers League. The NFIC is active in disseminating fraud prevention information and it maintains its own database of incidents of fraud reported by the public. Reports of these incidents are electronically passed on to the National Electronic Fraud Database of the Federal Trade Commission and the National Association of Attorneys General. These reports are also forwarded to various federal and state regulatory and enforcement agencies, such as the FBI, Secret Service, U S Postal Inspectors, Securities and Exchange Commission, and US Attorneys.

The NFIC maintains updated alerts on its Internet web page on credit card scams, fraud involving investment schemes advertised in the media, fee for loan offers, identity theft, and on 27 February 1996, started a campaign to combat fraud on the Internet.

While law enforcement agencies are generally subjected to the shackles of an inflexible bureaucracy, individual law enforcement officers can more readily bridge the absence of formal agreements, by informally sharing information on criminal organizations. From 29 April to 3 May, 1996, the members of the International Association of Asian Crime Investigators held an International Asian Organized Crime Conference in Anaheim, California, with an attendance of 1700 law enforcement officers from Europe, the United States, and many Asian countries (Brongiel & Builta, 1996). Their promotion of networking among officers, analysts, educators and pri-

vate sector persons who come in contact with Asian crime, and the exchange of their experiences, may well accomplish more than formal treaties and high level telephone calls. The timely contact between individuals who are in the trenches in the war against organized crime can be much more effective than a formal written request which has to travel through the chain of command and may be useless by the time it is fulfilled.

A private organization with an international focus on fraud is the World Business Organization (ICC) has its own Commercial Crime Bureau, which began operations in January of 1992, and focuses on fraud prevention and increased cooperation between commerce and law enforcement agencies in fighting fraud. The Bureau maintains its own database involving all types of commercial fraud and in spring of 1996 began the process of establishing a Consolidated International Database for banks. Members of the CCB receive information on fraud schemes and monthly bulletins on International commercial crime.

### **E. Government Commissions and Committees**

Commissions and committees are a common method for pooling the intellectual resources of experts and policy makers with diverse backgrounds to focus on a pressing problem. The commissions generally issue findings and make recommendations, such as creating new task forces, finding new units, making organizational changes, and utilizing new tactics in the fight against crime. The absence of any authority by these commissions to ensure the implementation of their recommendations, however, attenuated some of their benefit. The result was that successive committees studied essentially the same problem, arrived at similar conclusions, and made recommendations reminiscent of earlier committees.

In 1951 the Kefauver committee found organized crime to be entrenched and a nationwide problem in the United States. The committee findings spurred the creation of the Organized Crime and Racketeering Section (OCR) within the FBI to encourage the prosecution of organized crime figures. Attempts to bring about an institutionalization of an intelligence program to combat racketeering were unsuccessful, however, due to problems in coordinating federal agencies and a lack of interest (1968 President's Commission).

A lack of adequate funding for the OCR also caused difficulties in gathering and evaluating intelligence data, along with the added factor corrupt law enforcement and political systems by organized crime. The Com-

mission stated while the extent of organized crime cannot be readily determined, it can only exist in conjunction with corrupt government officials. The Commission further opined that to successfully combat organized crime it is essential to know in detail the exact structure and operations of these organizations and recommended that:

The Department of Justice should give financial assistance to encourage the development of efficient systems for regional intelligence gathering, collection and dissemination. By financial assistance and provisions of security clearance, the Department should also sponsor and encourage research by many relevant disciplines regarding the nature, development, activities and organization of these special criminal groups (Challenge of Crime in a Free Society, p.479).

The Commission additionally proposed that the federal government provide increased technical, operational, financial, and training assistance to state and local law enforcement agencies, and encouraged individual states which have organized crime groups to establish their own organized crime commissions. The importance of the news media in informing the public about the nature, extent, and threat of organized crime was highlighted, and the commission felt that only a unified approach by all sectors and the public itself could lead to success in the fight against the insidious problem of organized crime. Current efforts, though they are not a direct result of that commission's findings, mirror the suggestions made by the 1968 commission and it is my impression that the impetus for the current strategies is a collective assessment that the functions of democratic government and the way of life in the United States and other countries can only be guaranteed by mounting a unified and resolute attack on organized crime, before it overwhelms the ability of governments in general to maintain a stable and safe economic, social, and political environment.

The 1986 President's Commission on Organized Crime re-examined many of the same issues addressed by the 1968 Commission, but its focus was exclusively on organized crime and drug trafficking. In summary, recommendations made by this commission are the continuation of criminal sanctions against illegal drug use, a coordinated response by the federal government, the setting of an ultimate objective for the National Drug Enforcement Policy Board and for the enforcement effort generally. Included in the report was some criticism of agency infighting, the lack of cooperation between intelligence and law enforcement agencies, the absence of a single standard of success, and the modification of data due to political

considerations. The commission advocated military drug-related intelligence gathering outside of the United States, and more coordinated drug enforcement strategies of South American countries with periodic meetings of intelligence and police officials to address common problems (The President's Commission on Organized Crime, 1986).

Legislation permitting the intelligence community to exchange information with U.S. law enforcement agencies certainly has addressed part of the recommendations made by the 1986 Commission. The infighting between Federal law enforcement agencies, however, has not been resolved. The setting of a national policy for the drug enforcement effort addressed by the 1986 Commission may be inadequate, since most law enforcement occurs at the state and local level and any effort overseen by the Attorney General or a "drug Czar" is therefore likely to be fraught with pitfalls, given the sovereignty of individual states.

#### **4. Comparative Evaluation of Various Anti-Organized Crime Measures**

Individual anti-organized crime measures cannot be successful if the objective is the total eradication or significant reduction of the problem. Investigative efforts have to be supported by quality intelligence gathering, collating, evaluating and dissemination to law enforcement, prosecution, related government agencies, the private sector and the public. Investigation of organized crime in turn has to be a cooperative effort by all affected agencies. It is furthermore imperative that Intelligence information and operational command be centralized. National efforts have to be supplemented by assisting and engaging in joint operations with foreign agencies in their efforts to combat organized crime, since criminal organizations do not have to be located here in the United States in order to victimize its residents. Nigerian advance fee fraud directed from that country and victimizing persons living in the U.S. and other countries, is one such example (Leach, 13 Oct., 1996).

The ability to engage in the necessary interaction between the United States and foreign justice systems, is enhanced when officials in affected countries have an understanding of the functions of American law enforcement and are adequately trained to participate in joint investigative and prosecutorial efforts. Since organized crime is a global problem, it is essential that countries help one another in the development of an effective criminal justice system. To that end, the U.S. Department of Justice provides train-

ing and assistance to numerous countries through the Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP).

The success of any efforts mentioned so far may also depend on Witness Protection programs, and the U.S. Marshal Federal Witness Security Program is one of the government's most potent weapons against organized crime and drug traffickers (US Dept. Of Justice, 1995, Making America Safe, Chapt. 1). The success of any individual investigation of a criminal organization is affected by a multiplicity of factors, some of which cannot be controlled. The geographic re-location of a criminal organization and flight of wanted individuals to foreign countries cannot be stopped unless other governments are willing to take action. The President's Commission in 1968 focused on the need for a nationally directed and unified effort by law enforcement to combat organized crime, but today we must change the term "nationally" to "internationally" to reflect the more global impact of organized crime.

### **5. Proposed Measures Including New Legislation to Combat Organized Crime**

New legislation has been drafted to bolster existing enforcement and prosecution efforts. Among them is Senate Bill 735, the Anti-terrorism and Effective Death Penalty Act of 1996, expanding the authority for Alien Smuggling investigations (Sec. 434), the Expansion of Criteria for deportation for Crimes of Moral Turpitude (Sec. 435), authorizing state and local law enforcement officials to arrest and detain certain illegal aliens (Sec. 439), and Criminal Alien Removal (Sec. 440) which makes a final order of deportation of an alien who has committed certain, including predicate offenses, not subject to review by any court.

Efforts are also underway to add penalty enhancements to existing statutes when their violation involves organized criminality, and to extend additional authority to state and local agencies when encountering certain illegal aliens. Other legislation sent to the President includes:

House bill H.R. 497, creating the National Gambling Impact Study Commission, and providing that the commission thoroughly study the impact of gambling on society and the economy, the relationship between gambling and crime, and the national and international impact on gambling by electronic means through interactive technology and the Internet. House bill H.R. 3723, the Economic Espionage Act of 1996, which provides for penalties of up to fifteen years of imprisonment for the theft of trade secrets

in interstate or foreign commerce. This act specifically addresses the downloading of computer data, the transmission of privileged trade and product information, and conspiracies to commit those offenses.

Senate Bill S. 735, Sec. 439, part of the Antiterrorism and Effective Death Penalty Act of 1996, authorizes state and local law enforcement officials to arrest and detain illegal aliens who have previously been convicted of a felony in the United States and deported or left the United States after such conviction. Under this bill, the penalties for counterfeiting of U.S. currency outside of the United States will be enhanced, and the posting of U.S. Secret Service agents to overseas posts will be expedited. Under Section 321 of Senate bill S. 735, any Resident or U.S. citizen engaging in a financial transaction with any foreign government supporting international terrorism may be punished by up to ten years of imprisonment. Section 303 includes a prohibition on fund raising or providing material support to designated foreign terrorist organizations. Section 435 provides for the deportation of aliens for conviction of a crime for which a sentence of one year or longer may be imposed.

Section 443 provides for the extradition of aliens who have committed a crime or violence against U.S. citizens in foreign countries, even if no extradition treaty is in existence between the country where the offense occurred and the United States. To improve the ability of the FBI to combat terrorism, Section 811 authorizes all additional 468 million dollars for that purpose during the next four years. To Border patrol is adding 1,000 new officers by the end of this century, and the number of physical barriers at the border are being increased with better equipment and technology. United States Law Enforcement Agencies are given wiretap authority for alien smuggling investigations, and the offense of alien smuggling is now classified under the RICO statutes. Tougher penalties are provided for alien smuggling, and fraudulent use of government-issued documents, more prosecutors are being hired, and new restrictions apply for employers.

Other changes described in the U.S. government's annual report include the establishment of the Office of Investigative Agency Policies which coordinates the activities of law enforcement agencies within the Department of Justice, a Business Anti-Smuggling Coalition led by a private toy manufacturer and the Customs service, the building of an alliance between licensed gun dealers and the Bureau of Alcohol Tobacco and Firearms, and the redesign of the \$100 bill to stay ahead of counterfeiting technology.

## 6. Conclusion

Criminal Justice agencies in the United States are confronted with highly adaptive and economically powerful international criminal organizations. Rapid and unexpected political, economic and technological changes are allowing criminal organizations to exploit newly created opportunities to expand and diversify their activities on a global scale. Criminal Justice agencies are constantly playing “catch-up” as criminal organizations quickly employ new methods to elude government countermeasures. At the same time, law enforcement paradoxically points to increased drug seizures and the successful prosecution of organized crime figures as signs of success.

Much of the increased strength of international criminal organizations is due to its ability to network and develop cooperative relationship with other criminal organizations, and its skill in exploiting societal and governmental weaknesses. To have any hope of stemming the threat of international organized crime, governments must reach a similar level of national and international cooperation. American efforts are presently under way to accomplish this. What is missing, however, is a substantial emphasis on “forecasting” future trends in organized criminality. This would allow governments to become more pro-active, rather than waiting for new developments in organized criminality and then developing counter-measures.

The increased focus on intelligence gathering and better coordination of criminal justice agencies on a local, state, national and international scale, are one step in the right direction. It is also important to supplement enforcement efforts with a greater focus on government corruption at all levels, and to increase the education of the public in order to enlist them in the fight against organized crime.

### References

- Arango, M. (1988). Son el soporte de un país en crisis. *Semana*, 26 September, p.34.
- Brongiel, J. and Buita, J., Asian Crime Investigators “Network into the 21st Century.” *CJ International Online*, 11 October, 1996.
- Cassidy, W.L., *Fei-Chien, or Flying Money: A Study of Chinese Underground Banking*.
- Dempsey, R. (1987). *The Integrated Approach to Combating Organized Crime*. *The Police Chief*, April, pp.47-49.

Farah, D., Tracing Colombia's Nigerian Connection, Washington Post, 21 June, 1996, via washingtonpost.com.

Collins, J.F., Crime in the New Independent States: The U.S. Response, Statement before the Senate Select Committee on Intelligence. U.S. State Department Dispatch, 3 April, 1995.

Flourishing business of slavery (the), (1996). The Economist, 21 September. (On Line)

Garcia-Márquez, G. (1996). Noticia de un Secuestro. New York: Penguin Books  
Godson R. And Olson J. (1995). International Organized Crime. Society-Journal, Jan/Feb 95, pp.18-29.

Greek, C.. (1991). Free Inquiry in Creative Sociology, Vol.19, No.1, Is this the end of RICO? Or only the beginning debate over the expanded use of criminal and civil RICO. (pp.11-21).

Group Exposes Trans-Border Sex Slavery Between Nepal and India, 1995 Women's Health Weekly, 4 September, pp.9-10.

ICC Commercial Crime Services (URL><http://www1.usa1.com/~ibnet/icccbhp.html>).

Johanson. C., Webster, B., and Connors E. (1995). Prosecuting Gangs: A National Assessment National Institute of Justice Research in Brief, February.

La Europol empezara a funcionar en 1996 (1995). El Pais, 7 September, p.7.

Leach, J., Leach to Iowans: Beware Nigerian Organized Crime Scheme, House Bulletin, 13 October, 1996.

Ley contra "lavado" de dinero ya cuenta con media sanción (1996). NoticiasOnLine, 25 October.

President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, 1968.

President's Commission on Organized Crime, 1986.

Promoting the Rule of Law and Combating Crime (1994). US Department of State Dispatch, Joint statement released by the White House, Office of the Press Secretary, Washington, D.C., 28 September, p.41.

Reynolds, B. (1995). Corrupt criminal justice system invites crime, chaos. USA Today, 8 September, p.11A.

Rasor, R., Capitol Hill Hearing Testimony of Robert Rasor, Deputy Assistant Director of Investigations, United States Secret Service, 11 October, 1995.

Samper niega tener vínculos con narcotraficantes, (1996). La Estrella Star-Telegram, Sept 27, p.4H.

Section 1, Public Law 91-452, Congressional Statement of Findings and Purpose Singleton. L., Security warns of Nigerian mail scam; INEL Quality Security Edu-



cation and Awareness Team Newsletter, 12 Dec., 95.

Torres, C. (1996). Hay que combatir los apoyos de la delinquencia. NoticiasOnLine, 3 October.

Yoon, Y. (1996) International Sexual Slavery, International Law Review, vol. 6, part 7.

### **Legislation and Laws**

H.R. 497 Sec. 3. National Gambling Impact Study Commission (Sent to President)

H.R. 3723 Sec. 1831-1839. Economic Espionage Act of 1996 (Sent to President)

H.R. 3259 Intelligence Authorization Act for Fiscal Year 1997 (Sent to President).

Sec. 804. Transnational Threats.

Sec. 814. Assistance to United States Law Enforcement Agencies by Intelligence Community.

S. 735. Antiterrorism and Effective Death Penalty Act of 1996 (Sent to President).

Sec. 439. Authorizing State and Local Law Enforcement Officials to Arrest and Detain Certain Illegal Aliens.

Sec. 440. Criminal Alien Removal.

Sec. 321. Financial Transactions with Terrorists.

Sec. 303. Prohibition on Terrorist Fundraising.

Sec. 435. Expansion of Criteria for Deportation for Crimes of Moral Turpitude.

Sec. 433. Extradition of Aliens.

Sec. 811. Federal Bureau of Investigation.

Sec. 807. Combatting International Counterfeiting of United States Currency.

Sec. 813. Immigration and Naturalization Service.

Sec. 726. Commission on the Advancement of Federal Law Enforcement