

CHAPTER 10

AN ATTACK ON ORGANIZED CRIME

: A WORLD PERSPECTIVE

VIA SYSTEMS OPERATIONS “LESAOC”

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The Writers will present a hypothetical approach to organized crime via an operational operational system identified by the acronym “LESAOC” (Law Enforcement Systems Attack on Organized Crime). First, the “Systems Approach” will be addressed by definition and its operational characteristics. Followed by “LESAOC’s” analysis of organized crime and its established criteria for it.

Next, the “Systems Operation” will be discussed focusing on a specific OC Family utilizing various investigative techniques. Additionally, a reality perspective will be taken by comparing, and contrasting functional systems vs. dysfunctional Systems. The writers will conclude with the focus on integrity over production in that it is essential to our efficient and effective system’s operation.

Participants’ recommendation:

Investigative experts harmoniously working together and utilizing the advancements of law enforcement from both a legal and investigative perspective, will be the most recognizable deterrent to Organized Crime.

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1. Introduction

Organized crime is an international problem. There are no simple solutions. Here the writers will present a hypothetical approach on organized crime investigations via an operational system identified by the acronym: “LESAOC” (Law Enforcement Systems Attack on Organized Crime). The writers have a wealth of experience in combating the criminal element as “humps” a.k.a. “worker bees” not as administrators. They present the approach from a realistic perspective not only an idealistic view. They have known numerous professional colleagues who have lost their lives to violence perpetrated by organized crime. For example, in 1989 the authors had a personal interest in the FBI’s Top Ten Most Wanted List. They had lost two close friends, Police Chief Greg Adams and DFA-Special Agent Everett Hatcher. The two had been gunned down on the streets in isolated incidents while performing their law enforcement duties. The two gunmen appeared on the FBI list. Hatcher’s killer, Gus Farace, was eventually killed by his own people. Adams’ killer, Gary Eugene Webb, remains on the Top Ten List. This is a personal issue for the writers. A total of 162 United States law enforcement officers died in the line of duty in 1995: a number greater than in any other year in this decade according to the National Law Enforcement Officers’ Memorial Fund (The Eighteen Eleven).

“LESAOC” is an idealistic view but a realistic goal if administrators are able to set aside their egos. A harmonious ensemble operating as an efficient and effective system. The systems’ morphology will be presented and punctuated by the components’ responsibilities. The operations will outline the system’s logistics and attempt to present a clear understanding to the reader as depicted in the exhibits. This section will also address the organization’s work plan and the method of operation, i.e. participative management.

The clear working definition of “Organized Crime” will be established, followed by an exhibit portraying the structure of an OC system. The system’s method of targeting an investigation will be introduced. First, the identification process is explained and will be finalized by outlining a systematic investigative attack with a focus on the ‘OC’ weaker links enabling penetration into the sophisticated illegal system. The last two sections will reveal current cases and conclude with the emphasis of integrity over production.

2. Defining “Systems Approach”

This research project will utilize the “Systems Approach” definition as presented by Dr. Simon Ramo (1969). Dr. Ramo identified it as follows. The “Systems Approach” is a mobilization of science, technology, and sociology as all intellectual discipline attacking complex, large scale problems in an objective, logical, complete, and thoroughly professional way. It begins by defining the goals and ends with a design of a harmonious, optimum ensemble of the required men, women and machines with such a corollary network of flow of information and materials as will cause this system to operate to solve the problem. The approach takes the following steps; 1) assemble and process the necessary data. 2) develop alternative approaches to the solution, 3) compare the alternative approaches and evaluate their relative benefits and shortcomings, 4) provide compromises, 5) make quantitative analysis and predictions where they are appropriate, 6) seek out judgments from additional experts in the area and welcome feedback, and 7) implement the best solution with follow-up analysis. The “Systems approach” is a reasoned and total look at problems rather than a fragmentary look. It seeks to push confusion and hit-or-miss decision making into the background and leans heavily upon rational, concrete judgments.

Dr. Ramo implied the ingredients for an efficient and effective system’s operation are experts from the various fields such as but not limited to tech-

nology, political science, sociology, psychology, and criminology. He further identified the operational process as:

“The right procedure is to apply the Systems approach competently to complex problems, seek to get the facts, use the analytical tools where they apply, and add wisdom and flexibility of choice to the decision-maker who should inject, for integration with the rest, the best assumptions, with proper weights, on the non-quantitative factors that has unfettered and enhanced judgment will permit.” (p.110)

The systems approach will be an intermingling of a number of agencies and the relevant professionals from each organization. The systems operation will be a team concept. Team is defined in Webster's Third New International Dictionary as “a number of persons associated together in work or activity”. A team consists of individuals or groups joining together to get things done in a work environment. William Dyer provides a more complete definition of the term team as it applies to management in *Team Building: Issues and Alternatives*: “A team is a unified cohesive group of people who have special functions, but each person needs the resources and support of others to get the job done. Team effort will continue as long as humans must rely on others to achieve results”. In order for the systems operation to be efficient and effective it must be as a team. The team must develop clear, concise goals. The first challenge would be to generate voluntary commitment to a vision and direction expressed by the desire of the work group to succeed. As Warren Bennis and Burt Nanus stated in *Leaders: The Strategies for Taking Charge*: “A vision cannot be established in an organization by edict, or by the exercise of power or concern. It is more an act of persuasion, of creating an enthusiastic and dedicated commitment to a vision because it is right for the times, right for the organization(s), and right for the people who are working on it.”

This paper will provide a hypothetical attack on organized crime focusing on a world perspective via systems operations. The emphasis here will be the systems approach involving a team operation. It will require numerous agencies to operate as one. This will be on an international level, therefore, it may include a number of national law enforcement agencies to work in “legal” concert with one another. Legal is emphasized for a criminal investigation is NOT successful unless it leads to the conviction(s) of the criminal offenders. Additionally, the national agencies may also incorporate local, county and state agencies. The laws and rules of the particular jurisdiction where the violators will be prosecuted must be strictly adhered

to during the investigative stages. They will be required to share technology but more importantly share investigative information to achieve a common goal, i.e. an efficient and effective systems operation. The system will be identified as "LESAOC" (Law Enforcement Systems Attack an Organized Crime).

One of the authors had spearheaded several international investigations while employed as a Special Agent (SA) with the Drug Enforcement Administration (DEA); resulting in successful prosecutions. A case of notable significance targeted OC figures in California involved in a sophisticated plan to import precursor drugs for the illicit manufacture of methamphetamine. The importation route began in Europe via England and Canada then into the United States. The investigation involved law enforcement agencies in Germany, Great Britain, Canada and the United States. Within the United States, several DEA offices were involved as well as a number of local and state agencies from California and New York. The end result was a successful prosecution in the US Federal District Court, Eastern District of New York, an' example of an efficient and effective systems' operation at work.

3. Essential Characteristics of an Efficient and Effective Systems Operation Attacking Organized Crime

The writers will assume the systems operations approach will proceed with the involved agencies operating on a team concept. The ""LESAOC"" will consist of a number of agencies; all in a mutual agreement that a problem does exist, i.e. organized crime. The purpose of the organizations joining forces in a systems approach will be to initiate a forceful proactive attack on organized crime. The overall goal will be to eliminate an organized crime system(s).

The systems approach will be most efficient and effective if at the onset it welcomes creative thinking from all investigative agencies. The Department of Justice will serve as the facilitator or coordinator for the United States. ""LESAOC"" Headquarters (HQ) will be located in Washington, DC and will operate on a regional basis. It will be spearheaded by the Department of Justice (DOJ). The federal agencies involved will be the following (Exhibit #4): Department of Justice Headquarters (DOJ-HQ), the United States Attorney's Office (USAO) Federal Bureau of investigation (FBI), Drug Enforcement Administration (DEA), Customs, Internal Revenue Service (IRS), Environmental Protection Agency (EPA), Department

(5) Regional Offices (ROs)

West	Central	Midwest	Southeast	Northeast
L.A., CA	Dallas, TX	Chicago, ILL	Miami, FLA.	New York, NY
San Francisco	Houston	Detroit	Atlanta	Boston
San Diego	Las Vegas	Cleveland	Charlotte	Newark
Seattle	Phoenix	Green Bay	Knoxville	Pittsburgh
New Orleans	Buffalo			

The International Section (IS) will operate out of the same space as the HQ's unit. It will consist solely of federal personnel from the various agencies. They, will not conduct investigations. Their sole function will be to serve as international conduits for proper informational flow. They will handle all international inquiries whether it be for Interpol DEA or FBI legal attaches or any foreign law enforcement agency throughout the world. For example, "'LESAOC's'" Northeast Regional Office (NERO) identifies their targeted group is involved in an international money laundering scheme. All NERO international inquiries must be channeled through the IS. The IS will conduct the foreign contacts. Under no circumstances will any regional office bypass the IS in initiating foreign inquiries. This will be imperative for the "LESAOC" System to function effectively and efficiently.

The IS will have established contacts throughout the world and will promote joint international investigations between "'LESAOC'" and other foreign investigative agencies. IS in conjunction with HQ will be responsible for the proper dissemination of international information. The HQ unit will be responsible for 'overseeing' the proper dissemination of international information. This will be in compliance with Dr. Ramo's first step which was previously presented, "assemble and process the necessary data".

The state and local agencies will be identified and designated as components of the systems operation by the respective USAO. Any state or local law enforcement officer participating in the operation will be deputized as a U.S. Marshall as in other related federal task forces.

The reporting system will function as one and documentation will be in compliance with DOJ rules and regulations. The paper process will incorporate all relevant DOJ forms. To reduce redundancy, agency reports will be processed, however, only with the appropriate DOJ cover sheet with the required indexing. The purpose for this will be for further organiza-

tional analysis and computer input.

An international meeting will be held to trigger the operation and explain policy. The program will be mandated from the Presidential Office and require total compliance from each agency. As previously stated, coercion will not unite a team. Therefore, the goals, as well as the accompanying objectives will be defined by the team. Regional objectives may vary as long as there is no deviation from the ultimate goal. This is in compliance with Dr. Ramo's second step, "develop alternative approaches to the solution". The systems concept will generate on a national as well as a regional component. All investigative information will be processed through HQ and disseminated to the appropriate regions.

Action will be classified in two categories, Class I and Class II (Exhibit #6). Class I will have international/national ramifications, i.e. affecting more than one region. All Class I action will have prior approval from the HQ's unit. Class II action will be limited to the pertinent region initiating the action. This determination will be made by the respective regional office supervisory analyst. Said analyst will have complete access to all investigative agencies' computer Systems to conduct the appropriate inquiries resulting in a valid decision-making process. The aforementioned process along with the preceding methods will be in compliance with Dr. Ramo's later five steps.

Action will be identified as any proactive or reactive response to investigative information which may be developed by a region(s).

Examples of such action may be the following:

- a) Electronic surveillance - which may initiate with the activation of a pen register on a target and proceed to a complete wiretap program consisting of 'tapping' the target's relevant locations such as his/her residence, business, and/or locations frequented. Further electronic measures may also be pursued, however, will not be discussed due to their sensitivity.
- b) Utilization of Confidential Informants (CI) - in various capacities ranging from intelligence gathering to active participation within the organization and/or with any illegal activity having obtained prior governmental authorization, such as purchase of contraband.
- c) Insertion of an undercover agent (UCA) into the organization either peripherally for intelligence purposes or direct involvement with the organization.

- d) Conducting interviews/interrogations and/or subpoenaing potential witnesses/subjects to the Grand Jury.
- e) Execution of any arrest and/or search warrants.

Ex. #6		
	TYPES OF ACTION	APPROVAL
CLASS I	affecting more than one region with emphasis on international ramifications	HQ
CLASS II	limited to a particular region	Respective USAO
EXAMPLES OF ACTION		
A. Electronic Surveillance		
B. Utilization of CI		
C. Insertion of UCA		
D. Interviews/Interrogations/Grand Jury		
E. Execution of Arrest/Search Warrants		

The organization will develop a work plan to pursue its mission. It will consist of defining the problem, which has been previously identified, organized crime, as well as establishing and assigning work tasks along with time/effort and cost estimates. The work plan serves two basic functions; presents an overview as to what will be involved in the total work effort and it will help guide the systems operation in the correct direction (Ruchelman, 1985). Goals, objectives and criteria will be established. The goals will provide the following; 1) legitimacy, "Raison D'etre (reason for existence) 2) basis for measurement of success and 3) motivation and direction. The system's goal can be defined as a broad statement of purpose or intended achievement. The systems objectives will be a more specific statement of intent that serves to achieve a stated goal. The goal will cover long term space. An objective must be accomplished in order to achieve a goal. Performance 'criteria' must be defined for each objective and the criteria will be used to assess progress toward the objective.

The System's operation "LESAOC" will promote participative management. The entire operation will proceed on a group process granting each regional office autonomy and encouraging creativity. It will not be an autocratic, punitive process. The leaders will serve as facilitators encouraging the respective agencies involvement. As W. Edward Deming's process

encourages; give the workers empowerment, involve them in the decision-making process, and get rid of quotas. Employees should be listened to, for they are an abundant source of knowledge. The organization must develop a management system that promotes interdependence between the regional offices. Subsequently, any agent or investigator assigned to the organization will be evaluated on their performance via the organization's standards and not the agency/department they belong to. The organization will develop performance standards evaluating all those involved on a system basis. Therefore, due to the complexity of the investigation as well as the longevity. anticipated to culminate an investigation, there will be no "quota system" and performance will be evaluated on a team perspective. The organizational emphasis will be on attacking organized crime through a viable national network of investigative agencies functioning as one system. The key to the successful implementation of cross functional teams will be the development of strong cooperation amongst "LESAOC's" investigative agencies (Chaudron, 1995).

4. Defining Organized Crime

Abadinsky (1990) in his book titled, *Organized Crime*, defines organized crime as crime committed by a criminal group or gang that is non-ideological, hierarchical (has a vertical power structural), exists in perpetuity (the group does not depend on the presence of a particular individual, but continues on even as personnel change), and monopolistic (there are attempts to destroy competition in a given area or industry). Membership is limited and exclusive, they utilize violence and bribery, are specialists and governed by some sort of fairly explicit rules. This definition does not include terrorists or a group of burglars. Neither, does it include a serial murderer whereby this author believes LESAO may be re-structured to attack all facets of organized criminals as well as "organized crimes" Dean Harper (1991) does not totally agree with Abadinsky's definition of organized crime and senses it is criminal activity conducted by a sizable number of individuals working together and who typically have gained some degree of control over law enforcement officials. The Sicilians call it the "sistema del potere": the system of powers.(Viviao, 1996).

There is no clear concise definition of Organized Crime nor is there one specific group. Adam Johnson (1996), acknowledges various criminal organizations throughout the world: Italy - La Cosa Nostra; America - Mafia, various ethnic crime organizations; Southeast Asia- Triads; China, Hong

Kong and Taiwan -Tong; Japan - Yakuza.

The Federal Organized Crime Control Act of 1970 (P.L. 91-452, October 15, 1970) does not specifically define the phenomenon; the Federal Safe Streets Act of 1968 (42 U.S.C. 3701) does. The United States National Advisory Committee on Criminal Justice Standards and Goals' Report of the Task Force on Organized Crime (1976, p.7) stated for their report no single definition is believed inclusive enough to meet the needs of the many different individuals and groups throughout the country that may use it as a means to develop an organized crime control effort. Instead the Task Force proposed a description of organized crime which attempts to (1) explain something of the nature of organized criminal activity, and (2) dispel some of the myths and eliminate some of the stereotypes surrounding organized crime by indicating what it is not.

The following are definitions of "organized crime" by various US law enforcement agencies.

The Federal Bureau of Investigation (FBI) defines organized crime as: any group having some manner of formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of violence or threats of violence, corrupt public officials, graft or extortion and generally have a significant impact on the people in their locales or regions or the country as a whole. One major crime group which epitomizes this definition is the La Cosa Nostra.

The Bureau of Alcohol, Tobacco, and Firearms (ATF) defines organized crime as: those self-perpetuating, structured and disciplined associations of individuals or organizations who have combined together for the purpose of obtaining monetary or commercial benefits, or power, wholly or in part by illegal means, utilizing a pattern of corruption violence and threats of violence to achieve their goals and protect their activities.

The Pennsylvania Crime Commission defines organized crime as: the unlawful activity of an association trafficking in illegal goods or services including but not limited to gambling, prostitution, loan-sharking, controlled substances, labor racketeering or other unlawful activities or any continuing criminal or other unlawful practice which has as its objective large economic gain through fraudulent or coercive practices or improper governmental interest.

For this presentation, the writers will limit "LESAOC" to address Organized Crime defined as any or informal system that is involved in any form of illegal activity for personal gain and has been identified by any

federal law enforcement agency as an Organized Crime Group by the relevant agency. Examples of Organized Crime Groups targeted by US federal law enforcement agencies are the following.

Ex.#7		
La Cosa Nostra	Jamaican Posses	Black Organized Crime
Chinese Tongs	Hispanic Organized Crime	Cuban Organized Crime
Puerto Rican Groups	Colombian Cartel	West African Groups
Japanese Yakuza	Motorcycle Gangs	S. E. Asian Triads
An illustration of an OC System is present in Exhibit #3		

* The authors believe "LESAOC" may be utilized in all types of investigations, be it targeting an organized group of individuals involved in illegal activities or an individual involved in a series of organized crimes such as a serial murderer or serial rapist. The former OC group is obvious, however the latter, series of crimes, may not. Reflect on Dr. Ramo's definition of the Systems Approach - a mobilization of science, technology, and sociology as an intellectual discipline attacking complex, large scale problems in an objective, logical, complete and thoroughly professional way. A harmonious optimum ensemble of people, machines and information flow resolving the problem. Now ponder, for example, on the notable solved serial murder cases as well as the resolution of the Montana Freeman in Spring 1996. These are indicative efficient and effective systems operation with different hierarchical structures in pursuit of various types of criminals.

EX. #8 STRUCTURE OF AN OC SYSTEM (FAMILY)				
BOSS				
COUNSELOR - usually attorney(s)				
UNDERBOSS				
# of soldiers and captains dependent upon the organization	CAPTAIN	CAPTAIN	CAPTAIN	these are OC members
	SOLDIERS	SOLDIERS	SOLDIERS	
The "Soldiers" operate with and through				
# of associates & fronts	ASSOCIATES & FRONTS			These are non- members

dependent upon the organization

OPERATE			
LEGITIMATE INDUSTRY	ILLEGITIMATE ACTIVITIES		
Meat distribution	Waterfront	Alcohol	Prostitution
Vending machines	Realty	Gambling	Extortion
Labor Unions	Restaurants	Narcotics	Shylocking
Garment Industry	Garbage Disposal	Labor racketeering	
Liquor Bats & Clubs			

Targeting Investigation

The "LESAOC" will target its investigations on subjects/groups. The regional U.S. Attorney's Office members assigned to "LESAOC" along with the supervisors from the respective federal agencies will develop a list of organized crime groups in their territory and prioritize the groups in order of their law enforcement notoriety. It will be recommended each regional office initiate investigations on no more than the top three groups. Ideally, each regional office would target only one group. An emphasis will be placed on groups that are promoting their illegal enterprises in multiple states and/or on an international level. Thus promoting the systems operation whereby the regional offices would be conducting joint investigations. However, the final determination will be made by the "LESAOC" HQ Unit. The USAO will submit a detailed case initiation report on each group they intend to open an investigation on to "LESAOC" HQ's unit for approval. The HQ's unit will evaluate each case opening and attempt to identify potential "overlapping" investigations by the various regional offices. The more regional offices involved in the "targeted group" the higher the investigative priority rating a case receives. Cases with international ramifications will receive "top" priority.

Another method of investigation is targeting a particular crime such as drugs or illegal gambling. The "LESAOC" will not focus on any specific crime rather than on particular illegal systems (groups). This is where it will also differ from other national task forces such as the Organized Crime Drug Enforcement Task Force (OCDETF) which focuses on a particular violation, drugs. However, once a targeted group is identified the investigation may focus on a specific illegal aspect of the group's activities such as narcotics or illegal gambling.

5. The “Systems Operation” in the Operational Mode at a Regional Office (RO)

Idealistically, “LESAOC’s” RO would concentrate on organized crime systems with the goal of prosecuting entire organizations through the application of the Racketeer Influenced and Corrupt Organization (“RICO”) statute, 18 U.S.C. 1961-1968; the Continuing Criminal Enterprise (“CCE”) statute, 21 U.S.C. 848 and the civil forfeiture under 21 U.S.C. 881. Realistically, “LESAOC” would pursue the identified OC system under various criminal avenues attacking their most vulnerable links.

The objective for the “LESAOC’s” ROs would be:

- a) operate effective coordinated investigations against major organized crime groups with the ultimate objectives of disrupting and dismantling the illegal systems, prosecuting their leadership, and seizing their illegal profits through forfeiture proceedings involving the OC legitimate and illegitimate businesses
- b) develop a systematic local/state/national/international OC intelligence base
- c) utilize all facets of the “LESAOC’s” system operation, i.e. federal, state and local law enforcement agencies along with the intelligence community as well as with foreign law enforcement agencies
- d) utilize a multiple systems approach employing the Enterprise Theory of Investigation to obtain evidence of the illegal activities of the criminal organization. Focusing on their major illegal activities while pursuing their weakest links such as gambling to initiate penetration into the OC system.
- e) gather evidence to support application of criminal and civil RICO Statutes or in drug cases utilize the criminal forfeiture under the CCE statute or the civil forfeiture under 881 to eliminate the OC systems targeted via their respective power bases such as labor unions and associated businesses.

The core of “LESAOC’s” operation will be the recognition that the greatest impact on OC systems is achieved by concentrating investigations of domestic criminal systems and regional systems as well as their international involvement which has direct impact on segments of legal and illegal activities in the United States. The “LESAOC” system will promote investigative resources in an organizationally based, intelligence driven ap-

proach to disrupting and dismantling criminal organizations, rather than concentrating investigative efforts on specific violation or individuals. The investigative emphasis will be on money laundering and financial flow activities leading to seizures forfeitures. However, the initial attack may begin on trivial offenses such as gambling, a weak link, to penetrate the complex OC system. The following section will identify the operational procedures within a “LES AOC” Regional Office.

A. Group Identification

The RO will select OC system based upon the criminal recognition by the respective federal agencies in the particular location. Upon identification of an OC system, the RO will first develop an extensive portfolio of the selected OC group. The purpose of the report will be to develop an historical documentation of the OC group’s members and associates to be utilized in evaluation of the case opening by “LES AOC”-HQ. It will also be used to promote continuing aggressive investigations of the OC group and effective prosecution of the groups members and associates.

The portfolio will include separate profiles of individuals who have an influence on a particular OC system’s activities. The portfolio will include only individual profiles that comply with “LES AOC’s” criteria to be identified as a member or associate of the OC system. The “LES AOC” criteria will include 1) an unquestioned status as a member or associate of an OC system as confirmed by law enforcement agencies with which “LES AOC” is involved, and 2) personal and criminal background data that could be verified from official records. The following data should be compiled for each profile:

Name (complete)

Aliases

Personal Background

Address; County; Residence Phone; Height/Weight; Eyes; Hair; DOB; POB; Employment; Bus. Ph.; Motor Vehicle Data; SS#; Law Ent. ID #'s; SS#;

Criminal Background

Crime-Organization Status/Subordinate to; Area of Operation (geographical); Prior Criminal Activity; Current Criminal Activity Criminal Associates; Family and Relatives (affiliated criminally); Business affiliations; Miscellaneous

Date Prepared

Preparer's Signature and Badge

Each portfolio will contain a members profile index, associates profile index, and an affiliated business profile index.

**This portfolio would be extremely helpful to the Japanese Law Enforcement agencies in enforcing the Act for the Prevention of Unlawful Activities by Boryokudan Members. The Act went into effect March 1, 1992 (Shinnosuke 1992).

B. Implementing the "LESAOC" Investigation Attack

The RO will identify a particular OC system and then prepare the group's portfolio for submission to "LESAOC" HQ for request for authorization of a case initiation on the particular OC system. Upon authorization to initiate an investigation, the RO will commence its investigation on the particular OC system. In practical terms, the RO will focus on the OC group. However, for simplicity in presenting a hypothetical approach, the writers will skip to the next step and present potential areas of illegal activity the OC system may be involved in. They will then present a brief description of the illegal activity and proceed with the "LESAOC" investigative process.

The RO targets the VOWEL Family (hypothetical). The VOWEL family is a legendary criminal institution in the RO jurisdiction and is involved in the importation of drugs, international moneylaundering, gambling, extortion, plus numerous other illegitimate as well as legitimate businesses. To date, law enforcement is unable to eradicate their criminal enterprise. The RO may target one of the weaker tentacles of the organization, i.e. gambling businesses, or it may attack their main business, illegal drug trafficking. An intelligent strategy is to identify the opponent's vulnerable spots. Often, the OC family does not consider gambling a high risk venture for it is lucrative yet not eagerly pursued by the criminal justice system.

Illegal Gambling Operations Ex. #10

"LESAOC" will first establish if there is federal jurisdiction covering the illegal activities of the targeted group. Regarding gambling violations in addition to the well recognized RICO (Racketeer Influenced and Corrupt Organizations) Act, the following is a brief synopsis of related gambling statutes.

- Interstate Transportation of Lottery Ticket (18 USCS 1301 {1948})
- Interstate Transportation of Gambling Devices (15 USCS 1171-1180 {1951})
- Interstate Transmission of wagering Information (18 USCS 1081, 1084 {1961})

- Interstate Transportation in Aid of Racketeering (18 USCS 1952 {1961})
- Interstate Transportation of Wagering Paraphernalia (18 USCS 1953 {1961})
- Illegal Gambling Business (Syndicated Gambling) (18 USCS 1955, 1511 {1970})
- Removing or Destroying Gambling Evidence (18 USCS 2232)
- Action which Opposes, prevents, Impedes, or Interferes with the Lawful Confiscation of Gambling Evidence (18 USCS 2231)

The aforementioned statutes would provide justification for a federal investigation Through the “LESAOC” systematic attack a targeted group would be identified. The systems approach would utilize the so-called experts in the gambling ring. An example would be as follows:

- | | |
|------------------|--|
| TARGET | individual gamblers, books offices, runners, etc.
* most likely identified by the local police (deputized U. S. Marshals) |
| ACTION | initiate CI and/or UC action into the illegal gambling organization

* pursued by locals along w/FBI... additionally involve IRS as well DOL-OLR into the financial analysis of the legitimate businesses of the illegal organizations, consider tapping into DEA or any other agencies in “LESAOC” to develop a pool of informants to penetrate the target. |
| RESULTS | arrests with the intent of developing additional CIs as well as development of additional facts to obtain search warrants to gather additional evidence in furtherance of the investigation.
* initiate a federal grand jury probe with the intent of establishing further evidence linking the targeted group to the illegal gambling operation as well as any other legal and/or illegal activities the “enterprise” is involved in for financial gain. |
| FURTHER PURSUITS | Civil Forfeiture.....
in conjunction with the criminal investigation “LESAOC” would also pursue civil forfeiture under such statues as: |
- Title 187, USCS 1955 (d) (Prohibition of illegal Gambling Businesses)
any property including money used in violation of the statue which prohibits conducting, financing, managing,

supervising, directing, or owning an illegal gambling business

IS SUBJECT TO CIVIL FORFEITURE

- Title 15, USCS 1177 (Transportation of Gambling Devices)
any gambling device transported, delivered, shipped, manufactured, reconditioned, repaired, sold, disposed of, received, possessed, or used in violation of the law
IS SUBJECT TO CIVIL FORFEITURE
- Title 18, USCS 981 (Money Laundering)
any property, real or personal involved in a transaction or attempted transaction in violation of [S 981 (a) (I) (A)]
- Title 31, USCS 5313 (a) - cash transaction in excess \$10,000.
- Title 31, USCS 5324 - structuring each transaction so as to evade reporting requirements of 5313
- Title 18, USCS 1956 relating to monetary instruments
- Title IS, USCS 1957 - relating to monetary transactions in property derived from specified unlawful activity.
any proceeds/property, real or personal as a result of illegal activity which is TRACEABLE to property involved in a prohibited transaction in violation of the aforementioned statistics or TRACEABLE to a violation of [S 981 (a) (1) (C)]

The aforementioned statutes depict “LESAOC’s” action toward the targeted group in a systematic approach. Additionally, during these pursuits, “LESAOC” would work in conjunction with the various agencies forensic science laboratories such as: questioned documents, ink dating, typewriter/adding machine identification, cryptic deciphering, computer analysis, print identification. Also the respective units would be conducting a financial analysis of each member determining each violator’s net worth in concert with a detailed analysis of all relevant assets to the organization along with the members as well as their affiliation with individuals identified in the financial analysis. The “LESAOC” leaders will have a clearly identified mission, i.e. attack a specific identified group either criminally and/or through civil action. Most importantly, the “LESAOC” leaders will be at the helm not supervisors with a commitment to one of the involved agencies. The “LESAOC” leaders will have in their vision prosecution not only arrest and seizure.

The organized crime structure would be promoting the illegal gambling

business as well as other illegitimate activities through the intermingling with legitimate business activities. "LESAOC's" goal is the elimination of the OC system. Through the utilization of the "LESAOC" experts familiar with various investigative techniques, they will have the capability of pursuing "spin-off" investigations identified through the illegal gambling operation. Two potential areas which are often intermeshed in some capacity with illegal gambling are discussed in the following.

Ex. #12

a) Illegal Check Cashing Industry

Privately operated check cashers serve vital and economic functions by providing a service to thousands of people who do not or cannot use regular banking facilities; commonly these individuals are also involved in some form of illegal gambling. Being this alternative banking method is the only way many people can obtain cash many states have begun to regulate the industry with the primary objective of assuring stability and integrity within the industry. The regulatory process involves licensing, bookkeeping and reporting requirements and audits. The regulatory program govern an industry that generates a remarkably large volume of business by a relatively small number of businesses. This invites the evil-playing non-bank check cashing. Due to the fact they may be few in number but constitute a huge dollar business with a constant cash flow it presents a potent temptation for fraud, loansharking and other criminal activities. An example of check cashing violations would involve an elderly citizen on a limited income with no mobility being charged excessive and illegal fees for the cashing of his/her social security check. A second example is a check kiting incident. Here the check casher generates cash based on a series of checks negotiated at banks. The check casher utilizes funds which actually don't exist in his/her account during the three or four day "float" before checks clear. A prosperous check casher may handle about a million dollars worth of transactions a month.

The selected OC system by the RO is involved in the aforementioned illegal check cashing scheme; identified through the gambling investigation. The RO will assign 'experts' in this area to concentrate on the OC group's check cashing business. The 'LESAOC' experts will conduct a detailed audit as well as begin to conduct interviews of potential victims dealing with the OC system. Note, the emphasis will be on the OC group. Additional investigative facts relevant to other illegal check cashing ventures not pertaining to the selected OC system will be properly disseminated to the pertinent enforcement and/or regulatory agencies. The "LESAOC"-RO will pursue criminal as well as civil sanc-

tions against the OC system. The goal will be to prosecute those involved in OC echelon and seize its assets. This investigative pursuit may be done independently by the RO or in a joint investigative attack on multiple illegal facets of the OC system.

b) Illegality in Garment Industry

The organized crime system may have tentacles reaching out into legitimate business areas. The aforementioned "LESAOC"-RO began to investigate the illegal check cashing scheme by the particular OC system. During the course of the investigation with its emphasis on the group not the violation, the RO discovered that many companies in the garment industry were cashing what seemed to be a large amount of checks payable to their own businesses through the aforementioned illegal check cashers. An advantage of cashing the checks with a check casher is that it generates a cash flow without leaving a record on the business account. Many regulated banks will not cash business receivable notes but instead require that they be deposited in a firm's account. The cash generated via the check casher can be used to promote further illegal activities such as paying workers under the table. The RO investigation disclosed the OC system had hidden interest in several garment businesses.

Additionally, as might be expected, the trucking firms handling the transportation of goods were also controlled by the OC system. The RO will then direct a multiple violation offensive against the OC system comprised of experts in the related fields. Additionally, the respective investigators will initiate contacts with confidential source in the different industries focusing solely on the OC groups. Here the systems approach will be utilized to the fullest being cognizant of the international ramifications. The goal will be to dissolve the OC group in its entirety via criminal and civil sanctions

6. The "Systems Operations" Maximizing the Attack on an International Level

"LESAOC" would attempt to penetrate the OC system via any viable investigative avenue such as presented in the aforementioned sections. However, the main emphasis and the ultimate goal would be to eliminate the targeted "OC" structures. This would be through the successful prosecution of the illegal organizational hierarchy. The OS Congress provided the law enforcement community with a powerful tool when in 1970 it passed the Organized Crime Control Act (P.L.91-508), which contained the Rocketeer

Influenced and Corrupt Organization Statute aka “RICO” (Title 18, U.S.C., Sections 1961, 1962, 1963). “RICO” provided a method to target and prosecute structured criminal organizations for all of their criminal activities. The “RICO” statute carries criminal penalties of a minimum 20 year sentence and provided for the criminal forfeiture of property as well as pursuing civil action to provide expanded remedies against the criminal enterprise.

Following the passage of the “RICO” statute, Congress then enacted the Continuing Criminal Enterprise (“CCE”) Statute, 21 U.S.C. 848. It was modeled upon the “RICO” statute. These are considered the most powerful tools the government has for combating organized crime. They were both enacted in 1970 and reflected an economic approach to the problem of large-scale group criminality.

Title 18 U.S.C. 1963 (a) states any person(s) who is/are convicted on the “RICO” statute forfeits its to the United States - “(1) any interest he/she has acquired or maintained in violation of section 1962, and (2) any interest in, security of, claims against, or property or contractual right of any kind affording a source of influence over any enterprise...) in violation of section 1962.

In drug cases the prosecutor will have a choice of seeking criminal forfeiture under the “CCE” statute or civil forfeiture under 21 U.S.C. 881. Under 21 U.S.C. 848(a) (2) any person convicted on a continuing criminal enterprise forfeits to the US government the profile gained by the enterprise as well as any interest stemming from such enterprise. In November 1978, Congress added subsection (a) (6) to the civil forfeiture provisions of 21 U.S.C. 881. This amendment provided considerable impetus to forfeiture in the narcotics area.

“LESAOC” will pursue the criminal enterprise’s financial power base through assets seizure and forfeiture actions as well as money laundering investigations. Money laundering is the conversion of the financial gains of an illegal system into funds with a legal source. Generally, there are three stages of laundering: placement, layering and integration.

First is the placement stage. Here the illegal system begins to “clean” the money taking the dirty money (illegal proceeds) and converting placing the cash into a US financial system or get the cash out of the United States.

Next, the OC system must insulate these funds from their illegal activities and develop a legitimate channel for the cash flow, This is accomplished through layering. Here one establishes a facade of legitimate finan-

cial transactions often as a result of the transactions frequency, volume or complexity. Here the launderer would be developing a complex financial path which would remove the cash from its illegal source and at the same time develop an untraceable legitimate financial path. The final stage is integration where the clean money is integrated into the normal economy. Here the dirty money will appear to be derived from a legal source.

“LESAOC” would utilize the following enforcement tools to attack the laundering cycle. The Currency and Foreign Transaction Reporting Act, aka Bank Secrecy Act [BSA] (1970), requires financial institutions to file Currency Transaction Reports (CTRs) on customer cash transactions exceeding \$10,000. Those importing or exporting cash or other bearer monetary instruments exceeding \$5,000 are required to file Reports in international Transportation of Currency or Monetary Instruments, aka CMIRs. The BSA also requires the reporting of currency transactions at casinos and the holding of foreign bank accounts. The BSA was to attack the financial side of the criminal activity and did not criminalize money laundering. It created a paper trail when the reports were filed. This requires the cooperation of the financial community.

The US legislators took two major steps in the 80's to strengthen the BSA and to acknowledge the seriousness of money laundering. In 1974, the US enacted 26 U.S.C.S. 6050l, which requires trades and businesses to file IRS Form 8300, report of Cash Payments Over \$10,000 Received in a Trade or Business. In 1986, money laundering was criminalized by passage of the Money Laundering Control Act (MLCA). The MLCA made it illegal to conduct any financial transaction involving dirty money (Proceeds from illegal activity). The US Customs maintains an automated retrieval system known as TECS (Treasury Enforcement Communication System) which contains the financial database stemming from the BSA and Form 8300 information.

An example of the investigative pursuit was recently reported in the New York Times, 11/12/96, A-3 - “Mexican Aide’s Millions: US Charges Drug Link”. Here US prosecutors assert that \$9 million seized from Texas bank accounts held by Mexico’s Deputy Attorney General, Marion Ruiz Massieir, were assets gained through drug trafficking. The World Ministerial Conference of Organized Transnational Crime acknowledged the importance of making money laundering a crime and requiring greater transparency of financial institutions. They also called for the establishment of laws providing for the seizure of organized crime assets (Wall, 1995). The

illegal system's financial power base must be attacked to reduce their ability to function and ultimately, to exist.

7. Reality: Functional Systems vs. Dysfunctional Systems

William S. Sessions, former director, Federal Bureau of Investigation, delivered a speech at "A Symposium on Organized Crime", hosted by the Bavarian Interior Ministry, Federal Republic of Germany, December 4, 1992 (Sessions, 1992). Mr. Sessions said law enforcement must find ways to concentrate on developing a concentrated collaborative global attack on the spreading disease of organized crime. The Commissioner of U.S. Customs, George J. Weise, acknowledges the aim of the U.S. Customs is to utilize intelligence and technology to better target their traditional enforcement methods, whereby, enhancing the deployment of resources and ultimately, doing a better job to law enforcement and interdiction (Weise, 1996). The Department of Justice (DOJ) unveiled 14-State Midwest Strategy to Stop the Spread of Methamphetamine (DOJ release, 9/26/96). Seventeen US Attorneys from Midwestern states form an alliance together with DEA, INS, FBI, and US Customs Service as well as state and local law enforcement agencies. The US Attorney's offices will coordinate the investigations.

The Durham, North Carolina's Herald Sun (Margasak, 1996) reported a Nigerian women's drug cartel busted; international probe leads to 34 arrests spanning global. US Jury convicts Mexican, Juan Garcia Abrego, of 22 counts of money laundering, drug possession and operating a criminal enterprise. Prosecutors said the Gulf drug cartel smuggled more than 100,000 kilograms of cocaine and 46,000 pounds of marijuana from Mexico into the United States in the past 16 years (NY Times, 10/17/96, p.A-3).

Some may contend these are examples of an efficient and effective systems operation. The writers argue these are not an illustration of "LESAOC". For example, the Attorney General in the DOJ release 9/26/96 presents a strategy. The authors, having worked on a numerous federal, state and local task forces argue this is just another task force. The premise being it is questionable if it will be a harmonious ensemble of resources. The US Attorney's Offices will serve as coordinators. They will lack a specific leader, one to be at the helm, one responsible for the overall actions. "LESAOC" will have designated DOJ personnel in charge.

Other examples of current, real life situations which lack the direction of "LESAOC" are as follows. The New York Times (Jan. 29, 1996, pg.A-13) reported authorities arrested 26 in raids on 14 gambling operations in

Brooklyn, Staten Island and Queens. The locations operated independently of each other, but were controlled by organized crime families. Brooklyn District Attorney, Charles J. Hynes estimated the amount wagered through illegal sport-betting operations in New York City is as much as \$15 billion. From a “LESAOC” perspective, imagine the potential from these raids via informants, corroborating, evidence as well as new investigative leads as a result of these raids provided a pool of experts pursued the investigation with focus only on the “organized family”.

The New York Attorney General, Dennis C. Vacco, sharply criticized the New York State Organized Task Force. Vacco called for less analysis of the Mafia and more prosecutions (NY Times, Mar. 24, 1995 pg.B-4). “LESAOC” would consist of both, investigators and prosecutors, with a clearly defined mission to prosecute the “LESAOC” targets; avoiding a dilemma where a unit becomes an intelligence unit versus a prosecutive unit.

The DOJ personnel spearheading “LESAOC” would be knowledgeable in both the investigative as well as the prosecutorial perspective. “LESAOC” would initiate the investigation and ensure the entire investigative process in sanitized. Eliminating possible contamination such as the New York FBI’s action. FBI Special Agent, R. Lindley DeVicchio of the New York Division operated Gregory Scarpa, Sr., an acknowledged Colombo family captain, as an FBI informant. Leaked information from the FBI office helped the Mafia’s informant’s criminal career as well as his son’s, Gregory Scarpa, Jr., mob career. Subsequently, seven suspected members of a Colombo faction were acquitted of conspiracy to murder members of a rival family. One of the jurors stated the ambiguity of the two men’s relationship contributed to the seven acquittals (NY Times, July 7, 1995 pg.B-3). “LESAOC” leaders would squash the zealot bureaucrat’s actions concentrating on a sanitized investigation resulting in a successful prosecution.

8. “LESAOC” Integrity over Production

The writers acknowledge the institute is more important than the individual. However, their belief is “Integrity over Production”. The “LESAOC” leaders will be one element removed from the investigative process whereby, having control of the power zealots in the investigative process, if some were to surface. Three of the most noteworthy cases illustrating the zealots activity are: the bombing at the US Olympic Park this summer; the Ruby Ridge incident and the FBI special agent challenging the credibility his or-

ganization and his colleagues. The authors contend these are indicative of an unharmonious ensemble of resources.

The strange saga of Richard Jewell, the Olympic bomb suspect, who found himself being pursued by the powerful antagonists, the FBI (Collins, 1996). The alleged FBI's deceit during Jewell's interview/interrogation process was a violation of the Miranda warning. One must understand his/her Miranda rights. Trickery and deceit must not be tolerated in any stage of the investigation. The investigative process determines the prosecutive outcome.

In 1995, the Justice Department paid 3.1 million dollars to the Randy Weaver family to settle its wrongful death claims (Labaton, 1996). Michael Kahoe, a senior executive of the FBI pled guilty on 10/30/96 to destroying an internal report critical of the agency's performance in the 1992 standoff. Amazingly, Kahoe, a convicted felon, remains on the FBI payroll after having admitted to the felony count of obstruction of Justice (Johnston, 1996). The institution must acknowledge its faults and in no way conclude internal wrongdoing.

Elizabeth Gleick (Time, 1996) reports, "Explosive Charges: A rouge agent alleges wrongdoing in FBI labs." The rogue agent is FBI Supervisory Special Agent Frederic Whitehurst, who is assigned to the FBI-Headquarters Forensic Laboratories. Whitehurst charges his FBI colleagues with following improper procedures in the FBI laboratory and with bowing to political pressure to solve cases. Whitehurst, a combat veteran who earned four bronze stars in Vietnam, has a Ph.D. in chemistry from Duke University and a law degree from Georgetown University. Regardless of his achievements and experience, the FBI supervisors ordered him to undergo a psychiatric evaluation for his current stance. He was found fit for service.

These examples are presented to illustrate an efficient and effective system must operate with integrity. The harmonious ensemble will not materialize unless the internal operations are ethically controlled. "LESAOC's" motto would be > "Integrity Over Production: the institution will serve all individuals fairly". The FBI is presently under scrutiny for the investigation of TWA-Flight 800 Crash. The National Transportation Safety Board (NTSB) and the FBI split the cause of the crash (Revkin, 1996). This lack of cohesiveness presents opportunities for further scrutiny such as the report a Navy missile downed the TWA jet (Ganley, 1996). Since the FBI's integrity is in question, is this latter theory regarding the Navy downing the jet plausible?

An efficient and effective system must not tolerate any hint of internal

wrongdoing. The system must be held accountable by an external system. "LESAOC" would be independent, yet overseen by a number of external controls such as the DOJ-OPR and the FB-OPR. The FBI's problem is its policies itself.

9. Conclusion

This hypothetical approach to organized crime investigations focused on the "systems approach" assuming the involved agencies would function as a team pursuing a definite goal, i.e. elimination of an organized crime system. It is acknowledged this is an idealistic assumption: one which would require bureaucratic egos be set aside, not a realistic likelihood. The law enforcement system has an abundance of resources available in various fields such as investigations, computers, international tracking, electronic monitoring technology and others, however, often it is not a system operating in concert but rather a dichotomous entity, separated by individual egos. The organization's mission becomes blurred as a result of independent objectives overshadowing the ultimate goal. That is why in this particular system the unit responsible for spearheading the activities is an entity outside the law enforcement system but in an integral part of the Criminal Justice System, i.e. the Department of Justice.

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