

# Organized Crime

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THIRD EDITION



HOWARD ABADINSKY

# **Organized Crime**

Third Edition

**Howard Abadinsky**

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Text Design: Claudia von Hendricks  
Illustrator: Cynthia Schultz  
Photo Research: Stephen Forsling  
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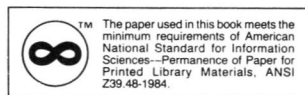
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## **Organized Crime**

## Nelson-Hall Series in Law, Crime, and Justice

Consulting Editor: Howard Abadinsky  
*Saint Xavier College, Chicago*

To Donna, Alisa, and Sandi

# Preface

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In 1964, fresh out of college, I was sworn in as a New York State parole officer. Soon afterwards, equipped with a badge and a .38, I was assigned to the waterfront section of South Brooklyn known as Redhook. As I struggled to become familiar with the neighborhood, I noticed that my presence on certain streets seemed to generate a great deal of curiosity (I am six feet, one inch tall and in those days I was an athletic 200 pounds) and, at times, activity—windows opening and closing, people on the streets suddenly melting into doorways or shops. I discussed Redhook with my more experienced colleagues and some of my naivete faded.

Redhook was dominated by a faction of one of New York City's five organized crime "Families." Prior to my arrival, this faction had been involved in a conflict with the rest of the Family, and Redhook was the scene of a great deal of violence. A tentative truce was in effect when I appeared on the scene. I became familiar with such terms as "wise-guy" and "made-guy," *capo* and *caporegime* and names like "Crazy Joey," "Blast," "The Snake," "Punchy," and "Apples."

After fourteen years as a parole officer and supervisor, I left for Western Carolina University and an academic career. My interest in organized crime continued, and I began to teach a course on the subject. However, a single text, that was both comprehensive and accurate, was unavailable. Like so many others presenting courses on the subject, I had students purchase the classics by Ianni (1972), Cressey (1969), Albin (1971), and Nelli (1976). Nevertheless, there were still gaps, particularly with respect to emerging organized crime and the statutes and techniques used in organized crime law enforcement.

The first edition of this book (1981) was the result of a need for a basic text that covered all of the important dimensions of organized crime and its control. But organized crime changed; hence a second edition was produced in 1985.

Since 1985, organized crime has continued to change. Efforts to combat one aspect of the phenomenon, traditional organized crime,

have reached new levels of prosecutorial success. And emerging criminal groups are becoming an even more serious threat than in the past. This new edition reflects the changes that have occurred:

- A chapter on emerging organized criminal groups, including cocaine families, prison gangs, Asian organized crime, crack gangs, and Sicilian Mafia groups operating in the United States
- Analyses and comparisons of investigating committees and commissions, including the President's Commission on Organized Crime
- Expanded material and analysis of the history and structure of organized criminal groups
- An expanded chapter on statutes and organized crime law enforcement
- Expanded material on organized crime policy issues, particularly with respect to the domestic and international dimensions of drugs and drug trafficking.

For more efficient classroom use, this edition has been consolidated into ten chapters that follow a curriculum format, and each chapter has review questions.

The author encourages correspondence about his work and can be reached at Saint Xavier College, 3700 W. 103rd Street, Chicago, IL 60655.

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# 1 | Definition and Structure of Organized Crime

The walls were clear; there were no systems or dogs. We moved into the compound and checked each window of the house. Only servants were home. I entered from the balcony, the French doors were open, locked the hall door, and found nothing in the dressing room. I entered the master bedroom and saw this big elegant piece of furniture. . . . I began taking out the velvet cases and placing the jewelry in a pillowcase. I dropped the pillowcase off the balcony to Don, unlocked the hall door after sliding the back of the dresser under the bed. Everything was left real neat and we made our way back to the boat for the return trip to Connecticut with about \$200,000 in jewels. (Abadinsky 1983: 44)

I gave Harry one end of the rope, and I hold the other end. Puggy is kicking and fighting. He is forcing his head down, so we can't get the rope under his throat. Bugsy holds his head up, so we can put the rope under. Then me and Harry exchange the ends, cross them, so we made a knot, a twist. Then we cross them once more. Then we rope around his throat again, to make two loops.

Bugsy gets Puggy by the feet and me and Harry get him by the head. We put him down on the floor. He is kicking. Harry starts finishing tying him up. I am turning him like, and Harry gets his feet tied up with the back of his neck. He tied him up like a little ball. His head is pushed down on his chest. His knees are folded against his chest. His hands are in between. The rope is around his neck and under his feet. If he moves the rope will tighten up around his throat more. (Turkus and Feder 1951: 308–9)

Two felony crimes—burglary and murder—but the motives are as different as the perpetrators. In the first example, Pete and Don are professional jewel thieves. Their goal is simple and direct: To se-

cure their victim's jewelry and sell it to a fence. Along with their getaway driver, they were dubbed (by the newspapers) the "Dinner Set Bandits." In the second example, Abraham ("Kid Twist") Reles is describing how he, Harry ("Pittsburgh Phil") Strauss, and Martin ("Bugsy") Goldstein murdered "Puggy," an ex-fighter and small-time gambler, at the behest of syndicate boss Albert Anastasia. They were part of a murder unit dubbed "Murder, Inc." The Dinner Set Bandits ended with incarceration of the leader, Pete Salerno. The syndicate, organized crime, continues—the death or incarceration of Abe Reles or Albert Anastasia does not end its operations. This is one of the characteristics that makes organized crime a distinct form of criminality.

The criminality of persons in organized crime differs from that committed by conventional criminals "because their organization allows them to commit crimes of a different variety [labor racketeering, for example], and on a larger scale than their less organized colleagues" (M. Moore 1987: 51).

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## Defining Organized Crime

Whether researching or investigating organized crime, one is faced with the problem of defining the phenomenon. Oddly enough, a great many works on organized crime (OC) avoid this problem, as if the obvious need not be defined. The Organized Crime Act of 1970 (discussed in chapter 9), for example, fails to define organized crime. "The problem in defining organized crime," states the President's Commission on Organized Crime (hereafter PCOC), "stems not from the word 'crime,' but from the word 'organized.' While society generally recognizes and accepts certain behavior and actions as criminal, there is no standard acceptance as to when a criminal group is organized. The fact that organized criminal activity is not necessarily organized crime complicates that definition process" (PCOC, *The Impact*, 1986: 25).

The lack of an adequate definition is highlighted by the Task Force on Organized Crime (1976), which noted the inadequacies of state efforts at defining OC. These range from the simple definition of the state of Mississippi—"Two or more persons conspiring together to commit crimes for profit on a continuing basis"—to the more elaborate definition offered by the state of California, which stresses the types of activities that fall under the term "organized crime":

Organized crime consists of two or more persons who, with continuity of purpose, engage in one or more of the following activities: (1) The supplying of illegal goods and services, i.e., vice, loansharking, etc.; (2) Predatory crime, i.e., theft, assault, etc. Several distinct types of criminal activity fall within this definition of organized crime. The types may be grouped into five general categories:

1. Racketeering—Groups of individuals which organize more than one of the following types of criminal activities for their combined profit.
2. Vice-Operations—Individuals operating a continuing business of providing illegal goods or services such as narcotics, prostitution, loansharking, and gambling.
3. Theft/Fence Rings—Groups of individuals who engage in a particular kind of theft on a continuing basis, such as fraud and bunco schemes, fraudulent documents, burglary, car theft, and truck hijackings, and associated individuals engaged in the business of purchasing stolen merchandise for resale and profit.
4. Gangs—Groups of individuals with common interests or backgrounds who band together and collectively engage in unlawful activity to enhance their group identity and influence, such as youth gangs, outlaw motorcycle clubs, and prison gangs.
5. Terrorists—Groups of individuals who combine to commit spectacular criminal acts, such as assassination and kidnapping of public figures to undermine public confidence in established government for political reasons or to avenge some grievance.

Criminologists, too, have their definitions. Donald R. Cressey (1969: 319) is concerned less with the criminal activities than with their perpetrators and the relationships among them. His definition has practical importance in law enforcement since it is used by the Federal Bureau of Investigation:

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

Michael Maltz (1976) is also concerned more with organization than the actual criminal behavior. He points out a problem of semantics: we call a specific behavior or act organized crime, but when we refer to organized crime in the generic sense, we usually mean an entity, a group of people. In his “tentative” definition of organized crime (1976: 76) Maltz is especially concerned with the dynamics of such groups—their means and ends:

A crime consists of a transaction proscribed by criminal law between offender(s) and victim(s). It is not necessary for the victim to be a complainant or to consider himself victimized for a crime to be committed. An organized crime is a crime in which there is more than one offender, and the offenders are and intend to remain associated with one another for the purpose of committing crimes. The means of executing the crime include violence, theft, corruption, economic power, deception, and victim participation. These are not mutually exclusive categories; any organized crime may employ a number of these means.

The objective of most organized crimes is power, either political or economic. These two types of objectives, too, are not mutually exclusive and may coexist in any organized crime.

There are a number of *manifestations* that objectives may take. When the objective is political power it may be of two types: overthrow of the existing order, or illegal use of the criminal process. When the objective is economic power, it may manifest itself in three different ways: through common crime (*mala en se*), through illegal business (*mala prohibita* or vices), or through legitimate business (white collar crime).

This definition is quite broad—it fails to provide a basis for distinguishing between the James Gang (of “Wild West” fame) and the Capone organization (of Prohibition fame). While our predilections permit us to accept Al Capone as an “organized crime figure,” Jesse James does not seem to fit the conventional model. Indeed, when Jesse was killed in 1882 by Robert Ford (a former member of the gang and “the dirty little coward who shot Mr. Howard,” Jesse’s alias), that ended the “James Gang.” When Al Capone was imprisoned in 1932, the “Capone Organization” continued, and in its more modern form (called the “Outfit”) continues to operate in Chicago. Perhaps what is needed is a definition that includes Al Capone and excludes Jesse James. In this book, the term “organized crime” refers to groups of criminals having all or most of eight attributes.

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## Attributes of Organized Crime

While there is no generally accepted definition of organized crime, there have been a number of attributes identified by law enforcement agencies and researchers as indicative of the phenomenon. There is a practical purpose for proposing these attributes: (a) they provide a basis for determining if a particular group of criminals constitutes organized crime and therefore (b) needs to be approached in a different

### Definition of Organized Crime

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**Organized crime is a nonideological enterprise involving a number of persons in close social interaction, organized on a hierarchical basis, with at least three levels/ranks, for the purpose of securing profit and power by engaging in illegal and legal activities. Positions in the hierarchy and positions involving functional specialization may be assigned on the basis of kinship or friendship, or rationally assigned according to skill. The positions are not dependent on the individuals occupying them at any particular time. Permanency is assumed by the members who strive to keep the enterprise integral and active in pursuit of its goals. It eschews competition and strives for monopoly on an industry or territorial basis. There is a willingness to use violence and/or bribery to achieve ends or to maintain discipline. Membership is restricted, although nonmembers may be involved on a contingency basis. There are explicit rules, oral or written, which are enforced by sanctions that include murder.**

way than one would approach other groups of criminals. Organized crime

1. is nonideological
2. is hierarchical
3. has a limited or exclusive membership
4. is perpetuitous
5. uses illegal violence and bribery
6. demonstrates specialization/division of labor
7. is monopolistic
8. is governed by explicit rules and regulations.

Let us examine each of these attributes.

**Nonideological.** An organized crime group does not have political goals nor is it motivated by ideological concerns; its goals are money and power. While political involvement may be part of the group's activities, its purpose is to gain protection or immunity for its illegal activities. This distinguishes groups of persons who may be organized and are violating the law to further their political agenda—for example, the Klu Klux Klan—from organized crime.

**Hierarchical.** An organized crime group has a vertical power structure with three or more permanent ranks, each with authority over the



level beneath. The authority is inherent in the position and does not depend on who happens to be occupying it at any given time.

**Limited or exclusive membership.** An organized crime group has significant limitations on who is qualified to become a member. These may be based on ethnic background, kinship, race, criminal record, or similar considerations. Those who meet the basic qualification(s) for membership usually require a sponsor, typically a ranking member, and must also prove qualified for membership by their behavior—for example, willingness to commit criminal acts, obey rules, follow orders, and maintain secrets. A period of apprenticeship may range from several months to several years. If the OC group is to be successful, there must be more persons who desire membership than the OC group is willing to initiate.

**Perpetuitous.** An organized crime group constitutes an ongoing criminal conspiracy designed to persist through time, beyond the life of the current membership. Permanence is assumed by the members, and this provides an important basis for interesting qualified persons in becoming members, thus perpetuating the group's existence.

**Use of illegal violence and bribery.** In an organized crime group, violence is a readily available and accepted resource. Access to private violence is an important element that allows the group to remain viable and carry out its goals. When necessary, the OC group will resort to bribery in order to protect its operations or members. The use of violence or bribery is not restricted by ethical considerations, but is controlled only by practical limitations.

**Specialization/division of labor.** An organized crime group will have certain functional positions filled by qualified members. Given the nature of an OC group, the position of *enforcer* is often crucial. This person carries out difficult assignments involving the use of violence, including murder, in a rational manner. The enforcer may use members or nonmembers to accomplish the assignment. He may turn over assignments for murder to specialists, persons holding the position of *executioner* (for example, Murder, Inc.). Less difficult assignments involving violence can be carried out by any member. The enforcer does not act independently but receives assignments, directly or indirectly, from the head of the OC group.

If the group is sophisticated enough, it may also have positions for *fixer* and *money mover*. The fixer excels in developing contacts with criminal justice and/or political officials and, when appropriate, ar-