

# Federal Probation

Are Probation and Parole Officers Liable for Injuries  
Caused by Probationers and Parolees? ..... *Richard D. Sluder*  
*Rolando V. del Carmen*

The Influence of Probation Recommendations on  
Sentencing Decisions and Their Predictive Accuracy ..... *Curtis Campbell*  
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Home Confinement and the Use of Electronic  
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# Federal Probation

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## This Issue in Brief

### ACQUISITIONS

**Are Probation and Parole Officers Liable for Injuries Caused by Probationers and Parolees?**—The number of offenders on probation and parole has risen; inevitably some offenders will commit other crimes during their terms of supervision. A growing concern for probation and parole officers is whether they can be held civilly liable for injuries caused by probationers and parolees under their supervision. While case law in this area is still developing, there are enough cases to indicate when an officer might be held liable. Authors Richard D. Sluder and Rolando V. del Carmen provide a categorization of decided cases and sketch a broad outline of when officer liability might ensue.

**The Influence of Probation Recommendations on Sentencing Decisions and Their Predictive Accuracy.**—Using data on all serious cases concluded in 1 year in an Iowa judicial district, authors Curtis Campbell, Candace McCoy, and Chimezie A.B. Osigweh, Yg. explore the disjuncture between sentencing recommendations made by the probation department and sentences actually imposed by judges. While probation personnel and the judiciary usually agreed on appropriate dispositions for first-time offenders, they strongly disagreed on recidivists' sentences. Probation officers recommended incarceration for recidivists almost twice as often as judges imposed it.

**Home Confinement and the Use of Electronic Monitoring With Federal Parolees.**—Authors James L. Beck, Jody Klein-Saffran, and Harold B. Wooten evaluate a recent Federal initiative examining the feasibility of electronically monitoring Federal parolees. Although technical problems were experienced with the equipment, the authors conclude that the project was an effective way of enforcing a curfew and supervising the offender in the community. The success of the project has served as a foundation for expansion of home confinement with electronic monitor-

ing in 12 Federal districts.

**Twelve Steps to Sobriety: Probation Officers "Working the Program."**—Working with chemically dependent offenders is indisputably a challenge of the new decade. Addiction treatment is complex and, by its very nature, engenders phi-

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# African-American Organized Crime, An Ignored Phenomenon

BY FREDERICK T. MARTENS

*Past President, International Association for the Study of Organized Crime*

**F**EW SUBJECTS evoke as much emotion and mysticism as crime, and more particularly organized crime. We have been treated to novels, autobiographies, and movies that continue to reinforce the ominous power and influence of the Mafia—a group of Italians who have been responsible, in part, for organizing crime in the United States and Italy. We have, on the other hand, ignored to a large extent the other ethnic/racial groups that have been a part of the organized crime landscape in America for decades. Chin's recent book, *Chinese Subculture and Criminality* (1990), Dubro and Kaplan's *Yakuza* (1986), and Ianni's controversial *Black Mafia* (1974) have attempted to fill this void.

There is today a justifiable concern toward treating organized crime in ethnic/racial terms. Certainly, our experience with Italian-American organized crime demonstrates how misleading and damaging such treatment can be and often is (Martens & Niederer, 1985). Nonetheless, the paucity of solid, credible research into these other forms of organized crime and their relationship to ethnicity/race is noticeable, particularly given the growing evidence that significant changes have occurred in the underworld.<sup>1</sup> Repeatedly, law enforcement officials have warned of "new" and emerging groups comprised of Vietnamese, Colombians, and Chinese that are filling the void created by the incarceration and deaths of Cosa Nostra members (P.S.I., 1988). Noticeably absent is any credible discussion about African-American organized crime. This may of course suggest it does not exist, it is not recognized, or both. It may also suggest that it is one topic that dare not be discussed, for fear of racism being attributed to the discussants. The truth perhaps lies somewhere in the middle, as is often the case.

## *The Ambiguity of Defining Organized Crime*

One of the great ironies in discussing organized crime is its lack of definition or, more appropriately, the plethora of definitions (Maltz, 1990, pp. 109-122; Blakey, 1981). For example, we have seen organized crime defined as "two or more people engaged in crime" at one end of the spectrum and elaborate definitions that describe complex organizational structures that are similar to, if not identical with, General Motors (Cressey,

1969) at the other end. Within this definitional malaise lies what is best described by Moore (1987) as "organizing assets"—criteria that is essential to organizing crime. For our purpose, it is better that we *describe* organized crime than *define* it, for definitions are relatively inexact, perhaps too rigid, or more than likely far too ambiguous. What is perhaps more important is to describe the assets (Moore, 1987) that organizing crime requires.

*Violence or the Fear Thereof.* Criminal markets require enforcement of rules, norms, and territories through agreement with competing groups. Absent such agreements, or when these agreements are violated, the market will become disorganized. Violence will likely ensue in order to organize the market. Equally as important, the fear of violence may be sufficient to organize the market (Reuter, 1982). What makes organized crime violence unique, however, is that it is selective, symbolic, and exacted for a distinct business or protective purpose.

*Access to Political Institutions.* The ability to corrupt is essential to the "peaceful" organization of crime. Public institutions, namely the police and the courts, are often used by the more adept racketeers to eliminate competition and exact "tribute." Moreover, through corrupt relationships with the police, dissidents and rule breakers can be sanctioned by the more adept racketeers (Furstenburg, 1976; Dintino, 1982; Faris, 1989).

*Control/Access of Financial Assets.* Access to financial institutions (e.g., banks, savings and loan associations, minority business grants, etc.) is another essential characteristic of an organized crime network. Those racketeers who can "lay their hands" on cash are more likely to corner a market than those who cannot. For example, the loanshark who can use the resources of a bank is in a more advantageous position to exact market control than one who does not have such access.

*Experience.* Success in any business is dependent upon experience or, more appropriately, a unique expertise. Persons with skills such as bookmaking, narcotics trafficking, or legitimate business investments will have a distinct advantage over those who lack such skill.

By applying these assets to new and emerging criminal groups, we may be in a better position

to gauge, with some degree of specificity and credibility, the likelihood of these groups posing a real, *vis-a-vis* perceived, threat.

### *Super-Imposing the La Cosa Nostra Model*

In 1967, the late President Lyndon B. Johnson commissioned a task force on organized crime. With the assistance of four credible researchers—John Gardiner, G. Robert Blakey, Thomas Schelling, and the late Donald Cressey—a report was issued which was both visionary and illustrative of the implications and consequences of organized crime on the body politic of society (*Task Force Report: Organized Crime*, 1967). It remains the classic piece on organized crime and will be recognized as such for decades. This report said nothing whatsoever about other forms of organized crime, focusing primarily on Italian-American organized crime. It did discuss organized crime from a broader theoretical perspective, however.

In 1976, the National Advisory Committee on Criminal Justice Standards and Goals examined, once again, the issue of organized crime. This body of authorities on organized crime attempted to shift the focus of organized crime from La Cosa Nostra (LCN) but was regrettably unsuccessful. According to the Advisory Committee,

Organized crime is not synonymous with the Mafia or La Cosa Nostra. . . The Mafia image is a common stereotype of organized crime members. Although a number of families of La Cosa Nostra are an important component of organized crime operations, they do not enjoy a monopoly on underworld activities. Today, a variety of groups is engaged in organized criminal activity (National Advisory Committee, p. 8).

The report, however, fails to describe these groups, nor does it make any attempt to address the unique qualities of these other criminal groups.

In 1983, former President Reagan, in what was to be a region by region analysis of organized crime, announced the formation of a Commission, headed by Judge Irving Kaufman, a distinguished member of the Second Circuit Court of Appeals and the judge who tried the attendees of the now infamous Appalachian Conference in New York. Kaufman and the majority of this Commission remained at odds throughout the 3 years of the Commission's existence, issuing a final report that was ultimately rejected by 10 of the 19 remaining Commissioners. While this Commission made some respectable inroads into areas of organized crime that were heretofore ignored (e.g., corrupt attorneys and labor unions, money laundering, Colombian networks), it too failed to address African-American organized crime in any substantive degree. The final report did refer to the Black

Guerrilla Family, which was not organized crime in the pure sense of the term, but rather a political extremist group. This occurred despite the fact that Leroy "Nicky" Barnes, a notorious black gangster in the seventies, testified before this Commission, outlining what was clearly an African-American crime syndicate. This omission (among others) prompted 10 of the 19 Commissioners to state, "The Commission. . . has failed to address the roles of American black and Jewish organizations in organized crime" (President's Commission on Organized Crime, 1985, 1986, pp. 79, 177).<sup>2</sup>

One of the few to address the issue of African-Americans and crime is New York City Police Commissioner Lee Brown. Brown (1988) addressed this volatile issue of street crime and drugs in the African-American community. Unfortunately, Brown makes no connection between African-American criminal syndicates, drugs, and street crime. This apparent inability to see organized crime from a broader, more comprehensive perspective has in fact blinded us to the variations and diversities that characterize the underworld. This situation may be analogous to earlier refusals to accept La Cosa Nostra, despite the evidence amassed to the contrary (Powers, 1987; Schlessinger, 1978).

### *What Should We Have Known?*

One need only research the literature to reach the conclusion that Smith did in 1971: There is more to organized crime than La Cosa Nostra (Smith, 1971). Short of spending millions of dollars, an investment of time at a library would be a most prudent course of action. For example, Haller, a most respected historian on organized crime, had devoted considerable research to ethnic specialization and organized crime (Haller, 1971-72). In addressing the issue of blacks and organized crime, Haller stated,

There has, in fact, long been a close relationship of vice activities and Negro life in the cities. . . In the operation of entertainment facilities and policy rackets, black entrepreneurs found their major outlet and black politicians found their chief support (Haller, p. 221).

Lasswell and McKenna, in what was a pioneering study into the rackets in New York, provided the 1983 Commission with what was certainly a probative document on black criminal syndicates (Lasswell & McKenna, 1972). They concluded that next to the Federal government, numbers, an activity in which black syndicates were principally involved, was the largest employer in Bedford-Stuyvesant (New York). This study was conducted 11 years prior to the 1983 Organized

Crime Commission, and 4 years before the 1976 Advisory Committee Report, yet it was cited in neither.

In 1983, the New York City Police, in testimony before the Senate Judiciary Committee testified,

The American blacks have been employed within the Italian organized crime structure primarily at the lower levels of gambling operations in the inner-city areas. . . Many law enforcement agencies have come to recognize that black organized crime is growing into a distinct, clearly definable structure that must be dealt with in those terms (Senate Judiciary Committee, July 1983, pp. 18-19).

The numbers racket was, of course, invented and controlled by the blacks after World War I (Haller, 1971; Light, 1977). Blacks maintained a predominant position in the gambling rackets, clearly superior to La Cosa Nostra (LCN). This was supported by a "made" member of the Philadelphia LCN Family, who acknowledged that in 1929, when he initially began booking numbers in Philadelphia, he turned in his "action" to a black "banker" from Camden, New Jersey (H-79 Interview). In 1939, the policy rackets in Chicago's southside were estimated to be an \$18 million a year industry, employing 5,000 blacks. The stories or legends of the late Madame St. Clair, Edward P. Jones, James Tooley, William "Woogie" Harris, and others clearly demonstrate the control of gambling exercised by black criminal syndicates, most of which were relied upon by political candidates for contributions as well as protection (Hardy, 1986).

After World War II, the picture changed dramatically. Jewish and Italian racketeers began to control the numbers rackets, using the police through corrupt politicians to raid black gambling operations. Extortionate demands were made of black racketeers, who ultimately succumbed to the political superiority of white racketeers. This situation manifested itself in a speech by the late Representative Adam Clayton Powell (who represented Harlem) alleging that police were being used to aid the Italian-American crime syndicates in monopolizing the independent black lottery operations. Powell concluded that the police were targeting independent black rackets. He argued that "the Negro [should have] the same chance as the Italian" in the numbers racket (Powell, p. 9).

Newark, New Jersey was of course another illustrative example. There, the late Mayor of Newark, Hugh Addonizio, was owned by LCN caporegime Ruggiero Boiardo. Boiardo was able to maintain a virtual monopoly over the numbers rackets in Newark, using the corrupt police to make raids on those who refused to pay "tribute"

to "the mob." This ultimately resulted, in part, in a major race riot in 1967, as not only were legitimate opportunities blocked for blacks, illegitimate opportunities were as well (Lilley, 1968; Short, 1984).

Today, numbers is a declining source of relatively safe revenue to black gambling syndicates. State lotteries are effectively competing with the scarce, but nonetheless always available, gambling dollar in the black community. We are witnessing, however, a shift from gambling to narcotics—a far more lucrative, albeit risky, racket.

### *Contemporary Black Criminal Networks*

In an earlier article, a point was made of the fact that African-Americans have used kinship as an organizing theme (Martens and Longfellow, 1982, pp. 3-8). This point was in direct refutation of Ianni (1974) who concluded, "Among the Italian-Americans in organized crime these links were formed by the family and kinship system that dominate the culture. . . Among blacks and Hispanics the family seems less important" (p. 312). With respect to kinship, it is of interest to note that Leroy "Nicky" Barnes refers to an "oath of brotherhood" in testimony before the 1983 President's Crime Commission concerning a council of high level drug dealers (1983 Commission, pp. 194-244). The Jeffers narcotics organization (1972) is referred to as "The Family" (Rudolph, p. 1); and there is Bartlett's Philadelphia based "Family." This is complemented by the term "Black Mafia" coined in Philadelphia in the early seventies (*The Inquirer*, September 17, 1974, p. 1); the organization headed by Frank Lucas, "The Country Boys," a family in the blood-relative sense of the word (Taplin, 1975); and of course the emergence of an organization known as the Junior Black Mafia (JBM) in Philadelphia, suggesting a kinship relationship among its members analogous to Cosa Nostra, but perhaps not as powerful (e.g., junior). This desire to establish kinship as a bonding agent among these black criminal organizations is, of course, a technique used to instill loyalty and bonding among the members which transgress routine and ordinary associations. It is not at all different from other legitimate groups, who often refer to themselves as brothers—fraternal, police, religious and union groups. It ensures, *to the extent possible today*, that a common bond unites the group, one based not only on a common goal, but more importantly, a blood tie or kinship relationship.

What is of further interest in attempting to explore the theme of kinship or family is the

number of successful African-American racketeers that were born in the South and organized their enterprises around the family. For example, Roland "Pops" Bartlett, a heroin trafficker who headed a heroin distribution network referred to as "The Family" and a successor to Tyrone Palmer's "Black Mafia," was born in Georgia (Caparella, 1987). Frank Lucas and his brothers, Vernon Lee, Lee Van, Larry, and Ezell, were born in North Carolina (Taplin, 1975); Frank Moten, a premier policy racketeer and loanshark, who was termed "The Black Godfather" by his criminal organization, was born in Thomasville, Georgia (Moten, 1977); the legendary Frank Matthews, a fugitive from justice, was born in Durham, North Carolina; and of course, the Chambers Brothers organization (e.g., Billie Jo, Larry, Otis, and Willie Lee Chambers) originated in Marianna, Arkansas, and established a quite sophisticated drug network in Detroit, Michigan (Wilkerson, pp. 1, 42). This common birthplace and the cultural mores of the South *may be* significant in several respects.

First, the notion of kinship as put forth by Ianni (1972, 1974) was perhaps no less stronger in the agrarian South than it was in southern Italy, or in the Italian-American culture. Said differently, the black family in the South was just that, a family based on both an extensive extended family structure and a very tightly organized nuclear family. Oblinger (1978) seems to re-enforce this conclusion,

From our findings, we get the feeling that what gave particular strength, endurance and shape to black culture and the feeling of community were the kin networks. Especially important were long-term obligations and reciprocal relationships in southern based communities based on these kin networks. I would even go so far as to say that there was an *absolute interdependence* [emphasis his] with kin when it came to feeding, clothing and sheltering families (p. 22).

The organization of many of these black criminal networks relied upon the family unit as the bonding agent.

Second, the southern African-American has a rich history in the organization of people to achieve a common goal. Organization among blacks in the South can best be illustrated by the civil rights movement, which was a southern-born and southern-based movement. It demonstrated quite vividly the ability of African-Americans to organize. This organizational ability was uniquely related to the southern experience, which relied upon both church and family to create a movement that changed the course of a nation.

Lastly, the rural work ethic, indicative of the southern culture, stressed individual initiative and essentially attributed failure to the individual

vis-a-vis the system. Thus, success as measured in American society by wealth was a result of one's individual initiative, creativity, and energy. This can be best illustrated in an interview with a 79-year-old black policy boss from Paterson, New Jersey, who too was born in Georgia.

Well, a kid in the south, he lives with his mother. She's home, she feeds him, she shows him how to fry eggs, how to boil water. She shows him everything a home should have. The average kid in the north, he's too busy in the street, finding out what's happening. So he don't learn. Half the guys can't fry eggs. . . In the south, you count the ones who don't go to church. In the north, you count the ones that do go. That's the difference between the north and the south.

He further articulated the values that were instilled in him as he was growing up in the North, careful to point out that these values were those of his parents (who were raised in the South).

I grew up in Englewood (New Jersey). We moved there when I was four years old. I moved in a white neighborhood, all Italians. Those same people are living there today. And if I went down the street and met Mrs. Gulliane, Mrs. Pecki, Mrs. Covini (phonetic), I had to say good morning or they would slap me behind the head. At night, at nine, ten, or eleven o'clock, and you were out and one of them asked you where you were going, son, you'd better tell them. Today, the kid is never wrong. We got kids here in Paterson, nine and ten that never have been in school a day (C-47, 1981).

Hence, the notion of family and kinship among the southern-born or bred black *may* suggest an organizational motif around which both legitimate and illegitimate networks are born, nurtured, and perpetuated.

### *Loansharking and Legitimate Business*

There is an inexplicable relationship between a mastery of gambling, loansharking, and legitimate business entrepreneurship among the traditional African-American racketeers. Light was certainly attuned to this relationship, stating, "in many cases, numbers gamblers and loansharks are the same individual. . . [and] have been the largest investors in black-owned business or ghetto real estate and the chief source of business capital in the ghetto real estate and the chief source of business capital in the ghetto (Light, 1977, p. 898).

In an analysis of 54 major black racketeers in the New York metropolitan area, the following findings emerged:

- Legitimate investment in businesses were noted in the case of 84 percent of the violators mentioned.
- Business investment included restaurants, delicatessens, car washes, nightclubs, racing

shops, automobile leasing companies, sporting goods stores, towing ships, liquor stores, record shops, cab services, social clubs, cleaners, laundromats, stationery stores, grocery stores, and apartments.

It becomes readily apparent to those who have access to the intelligence files of African-American racketeers that investment in legitimate business is an essential part of their illicit operations. The concept of individual entrepreneurship and ownership, sometimes using "fronts," is not at all alien to the African-American experience, particularly when contrasted with their past exclusion from government and certain sectors of the legitimate economy. The "mom and pop" store, the local "watering hole," or the various service business that populated our black urban neighborhoods spoke well for the entrepreneurship of African-Americans. The case of Willie Price, an African-American racketeer, according to the Pennsylvania Crime Commission, is illustrative of this point.

Willie Price, 56, is a racketeer in Chester, Pennsylvania, a small community in southeastern Pennsylvania. He was a boxer; had been involved in the killing of a black Muslim, who he claimed had broken into his home; and was involved in a small grocery business, in which he conducted his gambling and loansharking operations. He also financed his cousins, Philip and Warner Brooks, in narcotics operations. A local folk hero, Price provided loans to local residents and workers at the local Penn Ship Yard. He "bankrolled" enterprising businesses in Chester and maintained a business partnership in a video poker and vending company with Joseph Iacona. Iacona was a close associate with Santo Idone, a "capo" in the Bruno/Scarfo LCN Family, who also maintained a gambling operation in Chester. Iacona was also in a business relationship with the former mayor of Chester, John Nacrelli, a convicted racketeer. The relationship of Price with both the political structure and the black community in Chester allowed him to exercise his power and influence in the illegitimate economy of Chester with no interference whatsoever from law enforcement. Price cleverly and skillfully built an enterprise that afforded him community support and protection by reinvesting in the community. He represents a classic example of how African-American racketeers, much like their white counterparts, are able to apply business and organizational skills to the management of a criminal enterprise. Price also illustrates how "the rackets" are integrated into the social, political, and economic fabric of a

community. Successfully prosecuting and incapacitating Price, while certainly a necessary and worthwhile goal, would not alter the demands that must be met and aren't by legitimate institutions (Pennsylvania Crime Commission, 1988).

### *Differences Between Criminal Enterprises*

There is an underlying belief among some in law enforcement and the research community that African-Americans lack the necessary assets to organize crime. Italian-Americans clearly possessed these assets, as did the Jewish before them, and the Chinese and Colombians which have followed, these critics would argue. For example, the organizational structures of African-American enterprises do not exist distinct from the criminal activity they are engaged in. La Cosa Nostra or the Bamboo Gang exist distinct from the criminal activities. Nor do they see the investment in legitimate business as extensive and pervasive as that found with members of La Cosa Nostra or Japanese Yakuza. And certainly corruption of the police and political institutions is nowhere as endemic as that found by Italian-American crime syndicates. Inevitably, the comparison is made to crime syndicates that have their roots in centuries of tradition and culture, cultures that encouraged the emergence of secret societies. The African-American experience is certainly far different, making for a different organizing motif. Furthermore, while we seem to be fixated to these bureaucratically and rigidly structured organizational models that may be more fancy than fact, there is credible research that challenges the rigidity of these views (and structures) (Haller, 1990; Chin, 1990; Reuter, 1983; Block, 1980; Chambliss, 1978; Albin, 1971; Smith, 1975).

There has been little credible research conducted on the differences that exist within what are perceived as relatively homogeneous criminal syndicates, such as Yakuza or La Cosa Nostra, and other criminal enterprises. We know so little about the organization of Colombian, Vietnamese, Chinese, or Cuban criminal enterprises that comparisons and analyses are relatively meaningless. Even within Cosa Nostra, virtually every family is modeled and/or operates differently, with local exigencies often affecting both the model and the method(s). La Cosa Nostra, the evidence seems to support, is not homogeneous in its structure or operations. Geographic differences and variations do exist.

African-American criminal enterprises, many of which can trace their roots to the early numbers

and policy rackets, represent the organization of crime. The organizing assets are clearly present: violence will be used when appropriate; corruption exists and is usually systemic; a mastery of this skill is clearly evident; and there is access to financial resources, albeit the loanshark. These enterprises may "lay off" to "mob-affiliated" or controlled banks, but they can, and often do, remain independent, so long as "political muscle" is not necessary. If "tribute" is exacted by Cosa Nostra members, it is usually for "political muscle," a factor that is becoming less and less important today than in the past. While formal positions as "consigliere," "caporegime," and "soldier" do not dominate the lexicon of the African-American racketeer, there is little doubt among these racketeers who exercises what power—in other words, who can get what done. These more stable and relatively safe "investments" in gambling are, of course, yielding to a new and relatively risky source of revenue—drugs. Here we are seeing criminal enterprises, some of which use family members and relatives and many of which do not, reshaping the African-American racketeers landscape. The type of person attracted to this market may be, and usually is, quite different from those who entered the numbers rackets. He (or she) is likely to be younger, less mature, and more willing to resort to violence. Systemic avenues for corruption are less developed, and the likelihood of a successful prosecution are enhanced by the nature of the business (e.g., highly visible), the immaturity of the participants, and, of course, the expanding use of a law, R.I.C.O. (Racketeer Influenced and Corrupt Organizations). Thus, African-American racketeers involved in the drug trade are certainly more vulnerable but quite successful, providing success is measured in relatively large amounts of cash being generated over relatively short periods of time, at a young age. Certainly Leroy "Nicky" Barnes, a multi-millionaire at the age of 40 (and who happened to be on the cover of *The New York Times Magazine* [June 5, 1978]—a right reserved for only the rich or famous), Tyrone Palmer, a millionaire at 24 (Faso, p. 3), and Garland Jeffers, who at 25 reaped in millions annually from heroin trafficking (Smothers, p. 12), represent that never-ending legion of African-American racketeers who sought a way out of the "chains of poverty" (Freeman, 1986; Hughes, 1988; Jaynes, 1989). These criminal entrepreneurs, who were in fact "bosses" of large narcotics enterprises, certainly represent a form of organized crime that has lacked any systematic, careful examination.

Prostitution rackets, loansharking, and fencing are equally as worthy of inquiry, for again we will uncover arrangements and accommodations between and among African-American racketeers that mirror what Haller (1990) and others are increasingly finding in studying La Cosa Nostra: criminal partnerships, in which the organization is often less important than the personal charisma of its leader or the money-making skills of the members.

African-Americans have a rich and compelling history, of which "the rackets" are a part—but certainly not the overriding part. Our historical treatment of organized crime has been one of denial, skepticism, mystification, acceptance, and over-reaction. Organized crime was perceived in its early years as nothing more than Italians killing and/or extorting Italians. When it was finally acknowledged—some 40 years later—it was entrenched in the economic, political, and social fabric of society. It was seen as the only form of organized crime, and the hysteria which followed while perhaps cathartic, was no less damaging to the Italian-American culture. Unfortunately, and regrettably, history is being repeated.

#### *A Cautionary Concern*

The recent conviction and sentencing of former Washington, DC mayor, Marion Barry, brought to the forefront an issue that underlies our notions of justice in American society. The use of the criminal law as an oppressor of African-American (and minority) interests has taken currency in the last decade. There is certainly a perception, and some would argue undeniable evidence, that African-Americans suffer the effects of the criminal law disproportionate to other ethnic/racial groups (Safire, 1990; Rohter, 1990; Zuckerman, 1990; Krauthammer, 1990; West, 1990; *Sunday Star Ledger*, 1990). Accenting and distinguishing African-American organized crime from other forms of organized crime only serves to advance the negative stereotypes and images that are currently portrayed by the media, law enforcement, and the larger society in general. This is certainly a real concern, and its implications are quite serious in terms of public policy. What then are the alternatives? Denial, conscious neglect, distortions, all of which will result in ill-founded public policy? Or creating a meaningful and accurate understanding of organized crime in the African-American community, which may begin to tell us something important about creating legitimate incentives to a rapidly increasing disenfranchised segment of society? Might we learn

important lessons about organizing and mobilizing African-American communities, many of which are plagued with predatory crimes, by studying the organization of the rackets in the black community? Might we shed racist and ethnic prejudicial beliefs by recognizing the important and sometimes pivotal role racketeering plays in social mobility, assimilation, and legitimacy in American society? Is it not intellectually dishonest to consciously ignore and disregard the functional role of the racketeer whether he or she be Asian, Italian, etc., in the economic, political, and social lives of the disenfranchised in our society? And might not government be more responsive to addressing the incentives needed if we are to respond affirmatively and intelligently to the spiraling disaffection of young African-Americans? Does not the inability and/or unwillingness of government to recognize what is a well-known phenomenon in the African-American community only serve to reinforce the omnipotent power and aura of organized crime?

Cynicism in government does nothing more than alienate an already disenfranchised segment of society. When racketeers serve as role models for youth; when hard-working, legitimate members of society are witness to the social, economic, and political mobility of racketeers; and when government ignores and dismisses the reality of organized crime, regardless of its origins, the message is clear: money buys dignity.

#### NOTES

<sup>1</sup>Ethnicity/race has become a recognized variable in treating illness. As Dr. Robert Murray of Howard University recently stated, "the idea of emphasizing ethnicity in medicine came up before. . .but it was downplayed because some felt the racial climate was too charged. . .Now people are beginning to say we have to address this because you get better results with your patients if you do (Leary, p. C 1)." Does not the same analogy apply to our study of organized crime, the origins of which are traceable directly to culture?

<sup>2</sup>The Commission also ignored Jewish organized crime despite a book on this very topic written in 1980, 3 years before the Commission began its work (Fried, 1980).

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