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Shadows of Substance: Organized Crime Reconsidered—Authors Martens and Longfellow discuss contemporary perceptions of organized crime and how they affect public policy. Arguing that organized crime is neither parasitic nor exclusively functional to the maintenance of the social order, they suggest that organized crime must be perceived as a process. At historical times, organized crime is functional and at other times it is exploitive. The authors assert that contemporary research is empirically weak, ethically biased, and inappropriately focused by a poor data collection methodology.

Organized Crime, RICO, and the Media: What We Think We Know—RICO was legislated to combat Mafia-style organized crime. Authors Wynn and Anderson maintain, however, that the precise Congressional intent is unclear. BICO provides a formal notion of organized crime whose key is the proof of a "pattern of racketeering activity." But this means only the commission of two predicate offenses within a 10-year period. One result is a body of cases whose only common denominator is unfettered prosecutorial discretion. In addition, Federal jurisdiction and surveillance powers are greatly increased.

Adolphe Quetelet: At the Beginning. — Professor Sawyer F. Sylvester of Bates College reveals that an empirical approach to the study of crime can be found in the history of criminology as early as 1831 in the writings of the Belgian statistician, Adolphe Quetelet. In his work, Research on the Probability of Crime at Different Ages, Quetelet makes use of government statistics of crime to determine the influence of such things as education, climate, race, sex, and age on the incidence of criminal behavior. He not only establishes relationships between these factors and crime but, in so doing, develops a methodology for the social sciences which is still largely valid.

Behavioral Objectives in Probation and Parole: A New Approach to Staff Accountability—Many probation and parole agencies have initiated programs of risk and needs assessments for clients in an effort to manage caseloads more effectively.

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reports Dr. Alvin Cohn of Administration of Justice Services. By taking such programming one step further, namely by developing behaviorally anchored objectives, workers can maximize available resources in directing clients toward realistic and relevant outcomes, he states. Workers can thus be held accountable in the delivery of specific services.

The Use of "Third Sector" Organizations as Vehicles for Community Service Under a Condition of Probation.—The increasing use of community service as a condition of probation has provided probation officers with improved opportunities to use such assignments as a way of teaching responsible citizenship as well as achieving community improvement. This article, by Deputy Chief Probation Officer Jack Cocks of the U.S. District Court in Los Angeles, reflects some of the recent developments in formalizing service programs in public benefit "third sector" organizations designed to carry out new strategies of networking.

Not Without the Tools: The Task of Probation in the Eighties.—Traditionally, the role of the probation officer has been viewed as dichotomous with supervision involving maintaining surveillance and helping the clientele. This dilemma is likely to remain with us in the next decade as the field of probation faces the challenge of stiffer sentencing policies. Authors Marshall and Vito outline some of the difficulties to be faced by probation officers and suggest some methods of dealing with them.

Inside Supervision: A Thematic Analysis of Interviews With Probationers.—This article by Dr. John J. Gibbs of Rutgers University contains an analysis of taperecorded and transcribed interviews with 57 probationers in two New Jersey counties. The interviews were structured to elicit the clients' perceptions of probation and to explore their concerns. Each subject was asked to describe his probation experience, and to respond to an orally administered Self-Anchoring Striving Scale, a measure of satisfaction.

Writing for the Reader—Nancy Hoffman and Glen Plutschak of the Maryland Division of Parole and Probation discuss the pitfalls of the bureaucratic style of writing often developed by criminal justice professionals. Such writing is generally characterized by poor organization, extremely long sentences, over-used jargon and unnecessarily complex words. The results are documents which are difficult to read. The authors stress the importance of writing readable communications which are clear, concise, and to the point.

Issues in Planning Jail Mental Health Services.—One impact of deinstitutionalization of state mental hospitals noted by many authors is an increased need for mental health services in local jails. Given current fiscal constraints and community attitudes, program development in the 3,493 jails in the United States is often very difficult. In this article, Messrs. McCarty, Steadman, and Morrissey assess the range and structure of mental health services in a national sample of 43 jails.

Victim Offender Reconciliation: An Incarceration Substitute?—Howard Zehr and Mark Umbreit describe the Victim Offender Reconciliation Program (VORP) operated by PACT in Indiana. The program allows for a face-to-face meeting between victim and offender in which facts and feelings are discussed and a restitution contract agreed upon. Trained community volunteers serve as mediators. VORP can serve as a partial or total substitute for jail or prison incarceration. Eighty-six percent of all cases represent felony offenses, with burglary and theft being the most common.
Organized Crime, RICO, and the Media: What We Think We Know

BY SIMON WYNN AND NANCY ANDERSON, Ph.D.*

Organized crime has long been a topic of intense interest to the media, which has in turn, fuelled and moulded public attitudes towards racketeering. The enactment in 1970 of RICO (the inspired acronym for the Federal Racketeer Influenced and Corrupt Organizations Act), however, has substantially changed both the law relating to organized crime and Federal enforcement practices. In this article, we examine the operation of the new racketeering law and some responses to it. We argue that there has been a failure to assess the implications of the legislation, and that the media has continued to provide a picture of organized crime that conceals reality and hinders informed criticism.

It is now a sociological truism that mass media plays an active role in shaping the news and images that it disseminates. (Tuchman, 1973; Connell, 1978; Fishman, 1978) Questions of simple error, censorship, or overt political partisanship aside, it is a widely accepted notion among students of the media that occupationally, institutionally and conceptually, newsmakers cannot be neutral or naive about their business and its product, reportage. Let it be stated at the outset; we are uninterested in flogging the horse of news "objectivity"; that, if not dead, will take us nowhere. Our study, instead, relies on newspaper coverage as much as a resource for our examination of organized crime and RICO as a subject of critical scrutiny.

In particular, we are concerned with the coverage of "organized" crime (typically described as the Mafia, the Mob, La Cosa Nostra or crime families) in contrast to news items on "organizational" crime (usually an ad hoc collection of white collar crimes, or industrial and governmental misconduct). This duality reflects conventional views regarding criminal agency, types of infractions alleged or committed and the practicality of enforcement. Such duality, together with the logic of its categories and descriptions of its boundaries, is unquestioningly, if implicitly, disseminated and thereby fostered by news accounts. Collapsing together conventional wisdom, sociological perspectives on crime and juridical categories and strategies of enforcement can only increase public confusion about crime, law enforcement and their consequences.

Such confusion is particularly alarming at a time when the Reagan administration is calling for an expansion of local and Federal police powers and a contraction of judicial scope and discretion. The administration also fosters a political climate that stridently insists upon the failures of "liberals" on the bench and in academia to deal adequately with crime in the United States (New York Times, 1981). Rather than offer light on the relationship between the state and crime, mass media and the state perpetuate a gap.

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Oct. 15 and 30, 1981). We do not assert that the American press is always the mouthpiece of the state. Rather, it is maintained that the conservative political and institutional forces which seek to monopolize the public discourse on crime and society will go unchallenged. Still, the informed concerns from which such challenge may arise is not best served by current news accounts of "organized" and "organizational" crime. Indeed, the process of evaluating our knowledge in this area is, we believe, hampered by the failure of the media to reassess its own knowledge.

If, to borrow from the positivist tradition in legal philosophy and the labeling tradition in sociology, there is an essential aspect of crime or organized crime (see Blakey, 1980) is to be seen in the activity of the state in terms of legislation, pattern or at least defined, by sociologists (see Abadinsky, 1981; Cressey, 1968). We do not assert that the American press is always the mouthpiece of the state. Rather, it is maintained that the conservative political and institutional forces which seek to monopolize the public discourse on crime and society will go unchallenged. Still, the informed concerns from which such challenge may arise is not best served by current news accounts of "organized" and "organizational" crime. Indeed, the process of evaluating our knowledge in this area is, we believe, hampered by the failure of the media to reassess its own knowledge.

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This usage encompasses not only convictions involving persons who do not fit the traditional conception of organized crime, such as the Weather Underground, but also defendants in racketeering cases. Thus, the business crime, misconduct and a host of other cases which have as their only common element the fact that prosecutors have exercised their unfettered discretion so as to characterize the criminal behavior as a pattern of racketeering activity taking place in association with an enterprise, defined again by the volume of cases.

By 1979, however, well over 200 criminal prosecutions had been instituted and perusal of the later law reports reveals an ever-increasing conviction rate. This is probably due to the fact that the legislation to the executive has, in fact, already been used to extend the reach of the RICO act.

Unfortunately, in this regard the concerned public is hindered by a number of factors. First, there is very little known about the nature of organized crime at any level which does not come from the police (see Reuter, et al., 1981). The police, understandably, enlist close ties with the legal profession. Outiders have thus far been either unwilling or unable to generate alternative information sources.

Second, and perhaps more important, is the concentrated effort of the public in general, and the media in particular, with the Mafia. Now it is of course beyond question that the Mafia exists and is important. But the evidence adduced by RICO cases above indicates, however, that the government view’s the Mafia as only a part of the racketeering scene. Yet, the media continues to cast its reports in terms which suggest that only Italians and labor leaders (together with a few religious and Jewish businessmen) are subject to racketeering law. A simple example is the press treatment of the conviction, in a jailhouse, of two officials of a major telecommunications company. This case grew out of the investigation of the collapse of the Westchester Premier Theatre in Tarrytown, New York, in which Frank Tieri was associated. Mr. Tieri was convicted under RICO of being the head of a Mafia family (the first case ever made in which the enterprise of the Mafia was proved in criminal court. It was so known to all those aware of the case in involving the two executives that the Federal RICO Strike Force was involved. Yet the newspaper accounts do not mention RICO, restricting themselves to the predicate offenses covered by the plea.

This attitude is not restricted to the news media. In a recently broadcast episode of Today’s P.B.I. the crooks wound up being arrested “under the RICO statute.” This presumably indicates that the producers believed that the name “RICO” would be recognized by the public. The crooks were, naturally enough, Mafia members and labor racketeers. It is worth noting also that this program is produced in the support of the P.B.I.

We remain unconvincing in the logic and application of the law. In a RICO case, the state has power not only to define the crime (through both the wording of the legislation and in dictating) but also to shape and define the enterprise involved. On the one hand, this enterprise may be made up of only those persons charged with racketeering while, on the other hand, the if offenders are part of a larger organization then the nature and legal status of that organization need to be studied. There are very few formal or informal organizations in the United States in which membership per se is illegal. The conviction of Frank Tieri as a member of the Mafia is almost unique. For clarity, let us contrast the Mafia with the Ku Klux Klan; much of the Klan’s activity is reprehensible, illegal, or both. But it is not against the law simply to belong to the Klan.

Furthermore, if the definition of an enterprise constituting an enterprise are members of formal, legitimate organizations, such as business corporations, labor unions, etc., the prosecutor’s goal is unlikely to be the complete destruction of -organizations, but rather the economic sanctions in such cases, in particular what of forfeiture? Whatever one’s personal or political sympathies may be, it is clearly illegal and probably impossible to seize the assets, let us say, of General Motors in the event that some stockholders are engaged in activities allegedly associated with organized crime. The wealth of legitimate activities in which a business corporation is engaged makes it unlikely that a conviction for racketeering will also result in forfeiture of the corporation assets.

Finally, RICO adds to governmental investigative, surveillance and prosecutorial power by failing to set out precise parameters by which to determine identity and boundary of an “enterprise” or of “racketeering.” We remain unconvinced that, given the extension of RICO to cases of occupational and tribal crime as discussed above, there are now or ever have been serious defects in either the evidence-gathering process or in substantive law which would prevent a sufficiently-motivated
Federal Government from pursuing such cases. What we are convinced of is that there has been an effective redefinition of racketeering by the state. We do not yet know what that new definition is, and will not know until there is a full analysis of the processes of prosecutorial decisionmaking in this area. But it is now clear that it is time for a speedy re-examination of everything we think we know about organized crime.

REFERENCES
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