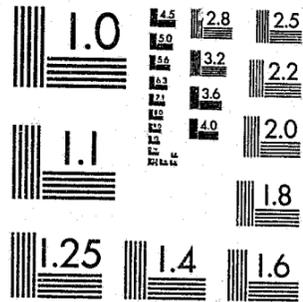


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ORGANIZED CRIME AS A POLITICAL ENTITY:
POLICY IMPLICATIONS OF SIMILARITIES TO CLOSED STATE SYSTEMS

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I. INTRODUCTION

Many studies of organized crime have sought to use insights from other disciplines to understand why criminal groups are brought and held together, as well as why and how they function. Implicit in these analyses is the conviction that they might not only contribute to our understanding of the nature and modalities of organized crime, but can also be of practical use to enforcement agencies and legislators in the multi-faceted efforts to combat organized criminal group activity: prevention, detection, prosecution, adjudication, protection of potential or actual victims, and incapacitation of offenders. In the present study, we are attempting to examine organized crime from a perspective that draws on knowledge of the nature of closed political systems.

Our inquiry was based on the premise that there are similarities between the structures and interactions of organized criminal groups, and those observable in other closed political systems. The parallels become evident even after relatively superficial examination. If our assumption is justified that these analogies are not mere happenstance, then certain conclusions can be drawn, with significant implications for tactical enforcement operations, and even more for the development of broad, long-range strategies. The latter could involve the planning and implementation of enforcement options to exploit specific and identifiable vulnerabilities that derive from the behavior patterns customarily associated with--and mandated by--the characteristics of such systems.

Closed political societies display a number of common denominators, all present to a greater or lesser degree. These are recognizably part

of a political process within organized criminal groups no less than within more conventional political units, such as certain states and governments. These characteristics relate primarily to: (1) authority, or degrees of respect for, deference and obedience to the power or jurisdiction of individuals or groups; (2) power transfer, or the ability to effect the inheritance of authority or to guarantee the line of succession in predetermined manner; and (3) line-up, or the shifting alignments between actors during a power transfer.

As far as these criteria are concerned, effective performance in closed political systems cannot rely on naked force alone. Power of course, is the product of largely perceptual factors, on the international scene no less than within states and other institutions. These psychological aspects are enhanced by the absence of time-honored, established, and accepted methods for the transfer of power, guidelines that are required to confer and uphold legitimacy (i.e., written or unwritten constitutions and an unbroken tradition of accountability to a constituency that upholds its code and values its privileges).

Many of the characteristics of closed political systems can best be understood within the context of the manipulation of perceptual factors in an effort to assert a substitute legitimacy, since genuine legitimacy is lacking. No society or institution (and they all are political in terms of behavior patterns) can be governed without some degree of legitimation. Paradoxically, the more violent and arbitrary the origins--and the exercise--of power in a state or other political entity, the more eager the wielders of that power are to obtain legitimation--even if it can be achieved only by rewriting the past.¹

If all political institutions have characteristics in common, we can note similarities of particular significance among those leaderships that share a non-legitimate origin and resort to arbitrary (usually violent) measures to remain in power. This perspective reveals the resemblances between states to which these criteria apply, e.g., "totalitarian" leaderships, and the political organism generally subsumed under the title of "organized crime." Here it should be stressed that some professional analysts of Soviet affairs have found that the behavior of the Russian elite follows consistent patterns, while the factional struggles of the Soviet leadership provides a potential fissure for manipulation by adversaries.²

At this juncture, it may be helpful to note that some of the resemblances between organized crime and the Kremlin relate to "style," while others concern modus operandi: Even a superficial glance at these two entities reveals interesting similarities: (1) the need to be seen as rational, "scientific," and business-like; (2) redundancy and other safeguards designed to limit the dangers with which delegation of enforcement power and custody of vital resources is fraught; (3) the building of internal patron-client linkages or factions based on personal ties and goals, as opposed to "business" (policy) objectives; and (4) behavior determined by the need of those in power and those claiming power to assert legitimacy.

Thus, it is noteworthy that the Soviet leadership prides itself upon its unsentimental, coldbloodedly rational, even "scientific" approach to decisions. This style resembles the outlook and rhetoric of organized crime figures who reputedly draw conclusions, occasionally of a very

final nature from considerations that are supposed to be strictly business rather than personal--indeed, a leader who confessed to acting upon personal rather than business motivations would be writing himself off as a serious figure.

In theory, the power structure in closed political systems, such as the Soviet chain of command, is highly centralized and relatively straightforward. There are similar tables of organization (usually diagrams drawn by outsiders) purporting to show the lines of authority in organized crime groups. Actually, however, there is a great deal of planned duplication, overlap, and redundancy in both cases, particularly where "enforcement" (armed force and security) and intelligence are concerned. The reason, of course, is that the leader cannot permit a monopoly of or even a predominant influence over these potentially lethal functions to fall into the hands of a nominal subordinate. Such a monopoly would enable the subordinate to endanger both the power base and the life of the boss. Consequently, the leader may have to deal with this problem by creating an artificial balance whereby enforcement, bodyguard, and spying activities are divided among mutually antagonistic personalities, whose animosities can be relied upon to keep them in check and to keep the boss informed of any deviation or developing threat to his power. Therefore, institutions that pride themselves upon their essentially monolithic character, themselves create factions that tend to undermine efficiency in particularly important functions, as well as ensure that there will be a violent succession struggle the moment the present leader dies, falls ill, or loses control for other reasons.

Organized crime resembles other closed societies like the U.S.S.R. in the character and purposes of its individual and group interactions.

Linkages between personalities, particularly within factions, are strangely feudal, unlike open societies where alliances are frequently motivated by common goals and by members sharing similar viewpoints on issues. In closed systems, bonds are more likely to be of an intensely personal nature, with leaders bestowing fiefdoms (by way of appointments, promotions, "livings," etc.) in return for "service" and "allegiance," precisely as in the Middle Ages. Issues do play a role, of course, but as "ammunition" rather than as objectives, as a way of enhancing the strength of a faction, gaining new allies, and demonstrating superiority over antagonists.

Legitimation, as noted earlier, is sought ardently, both to maintain existing authority and to smooth the path to power of contenders; (it is even more necessary when leaders or contenders for power resort to violence against each other--requiring ex post facto justification.) Such legitimation efforts, both in the U.S.S.R. and in organized crime, can take the form of manipulating hierarchical symbols and rituals (for example, the lineup on the Red Square reviewing stand or ceremonial display of the "icons" of Soviet leaders, on the one hand, and capos presiding over a soldier being "made," on the other), as well as establishing ideological norms or codes of behavior to sanctify leadership; in the U.S.S.R., observing this code may result in the appellation of faithful implementor of Leninism; within organized crime, it will result in a reputation for "doing the right thing for his men," or acting "for business--not for personal reasons". Over the long run, however, such artificial attempts to establish legitimacy are generally unsuccessful.

Maintenance of authority, either in organized criminal groups or in closed state systems, cannot be separated from the exercise of physical power or from the ability to orchestrate and manipulate alliances of individuals and factions (plus the ability to provide an infrastructure, or services, resulting in "trickle-down" economic benefits). There is little evidence of protracted rank-and-file genuflection before the carefully nurtured and inherent entitlement to leadership or authority in either of these closed societies.

The dilemmas of legitimation are more readily seen when transfer of (and succession to) power is at stake. Transfers of power are problematic since these closed political organisms lack time-hallowed, equitably implemented rules for picking successors. There is a limit on the types of transfer of power mechanisms that can be devised in the absence of rules sanctified by centuries of impartial practice. Theoretically, three categories could be envisaged: inheritance, laying on of hands, or selection. Transfer by bloodlines, (i.e., inheritance) is subject to the vagaries of genetics and to accident. What if the heir is incompetent, a minor, or otherwise so clearly unsuitable that he cannot command respect and thus cannot be legitimated? Laying on of hands (i.e., designating an heir-apparent who is unrelated to the present power wielder) has proven itself distinctly dangerous, since it means anointing a rising sun, who will inevitably draw power away from the incumbent, but who will not be protected by familial taboos as would a blood descendant. Finally, "selection" (i.e., choice by some arbitrarily intervening collective body) in a closed society invites overt factional conflict, since such decisions in institutions unhallowed by time and practice are rarely accepted peacefully by acquiescing to a mere majority

vote. Each new generation of leaders has to "relegitimize" itself, since such transfer of power mechanisms are fundamentally flawed and power is seized, in the end, by violent and arbitrary means.

These attributes of organized criminal groups, reflecting their resemblance to other closed political entities--duplication of functions, the factional nature of the power elite, and the omnipresence of power struggles--should present real opportunities for law enforcement. Too little attention has been devoted to the organic political weaknesses and vulnerabilities from which such closed systems tend to suffer. Exploiting these aspects may have implications not only for in-depth planning of efforts against organized crime groups but even more for determining the type of intelligence that is essential for decisionmakers. It is generally true that the posture of law enforcement agencies has been essentially reactive; they have had to be concerned primarily with intelligence of a tactical type which is useful in anticipating surprises that might be sprung by the other side or, at least, in preparing effective countermeasures or collecting evidence to be used in assisting prosecution. On the other hand, a state or other political entity that is prepared to exploit vulnerabilities inherent in the system of its adversaries, requires multidimensional, long-term analysis of the behavior pattern of the antagonist, or strategic information.³

The analogies with efforts to combat organized crime discussed below are by no means as remote as might appear at first glance. Law enforcement agencies, under the pressure of the immediate tasks, have to perform in a manner that is essentially reactive and tactical. In other words, the initiative lies with the other side: it has to break the law

in order to set countermeasures in motion, including attempts to detect, arrest, and convict. Basically, such reactive enforcement actions flow from information of a primarily tactical nature.

A very different concept comes into focus when one addresses organized crime as a political phenomenon, a totality (or "Gestalt") that can be combatted not merely reactively, but also preemptively. In order to implement such a policy, or, at least, to prepare the options for doing so, the nature of the phenomenon has to be investigated in terms of its long-term trends, structural peculiarities, and politico-military aspects. This requires the patient acquisition and interpretation of strategic intelligence.

It was to answer the need for such strategic insight into organized crime as a closed political system that the present effort was undertaken. In this exploratory work, the approach (or methodology) is outlined, parallels between the world of organized crime and other closed political systems are considered in terms of specific material, and the implications of the study for future research and practical law enforcement operations are discussed.

II. APPROACH

This study is primarily conceptual. At the present stage it does not rest on the systematic assemblage and analysis of empirical data. It is based, rather, on literature that includes transcripts of electronic surveillance of organized crime activities. The data also rely on knowledge derived from the protracted study of closed political (state) systems, and the consideration of analogies between the two. The purpose is (a) to determine the significance of the analogies, (b) to expand on

these analogies, (c) to consider the potential impact of these comparisons, and (d) to propose ways in which these perspectives can be implemented.

Given the exploratory nature of this effort, steps were taken to broaden the breadth of the inquiry, rather than to deepen it. These included: Reviewing organized crime literature for the presence of pertinent materials; discussing the hypotheses with enforcement officers, particularly officials most likely to be aware of relevant data and able to assess critically the potential of the approach taken. These steps provided the backdrop against which the results of a major long-term electronic surveillance were considered. Finally, the results were reviewed in light of what is known about the operational dynamics of closed (state) political systems.

It is important in considering some of the materials that were utilized to understand why and how they were employed. Their primary value for this research differed from their significance for conventional law enforcement purposes, or for analysts concerned with the literal accuracy of specific information found in these sources. For example, the reliability of the details found in the electronic surveillance material studied was not of primary relevance. Rather, as noted below, it was significant as evidence that interminable gossip characterizes the behavior of actors in closed systems, and is endemic to their environment. The honesty or accuracy of specific statements contained in such gossip, or in testimony or memoirs from protected witnesses, is irrelevant. As in the case of Soviet defectors, such material is more important in pinpointing areas for inquiry and alerting analysts to the types of transactions for which they should sift their information.

III. THE ROLE OF INFORMATION FLOW IN CLOSED POLITICAL SYSTEMS

Fortunately, as far as the acquisition of pertinent data is concerned, a major discrepancy exists between reality and the popular stereotypes of organized crime members as taciturn, grim figures who conform consistently to a code of silence. In fact, it is remarkable to what extent these persons, irrespective of their rank within the organization, are inclined to gossip, for hours on end, about the activities presumed or known, of the "bosses," "capos," and mere "soldiers." This is not as strange as one might suppose. In fact, it is basic to the character of closed political systems.

To start with, knowledge of the goings on is a serious component of power in such systems. Gossip about these matters, therefore, is a way not only of eliciting knowledge but also of intimating to a peer, a subordinate, or even a superior just how much in the know the speaker is, and how much respect he deserves as a consequence. As in other closed political systems, machismo plays a significant role, and, in this instance, boasting is one of its major manifestations, (especially boasting of the familiarity that one has with the "mighty ones" and their most intimate dealings). The Penkovskiy Papers contain illuminating examples of the importance of this factor in Soviet military intelligence circles.⁴

However, there is an additional, human element: the enormous amount of time spent by members of organized criminal groups, high or low, simply waiting around for something to happen; waiting means boredom and that is alleviated most easily and agreeably by gossip. Hence, the interminable telephone conversations and endless lunches replete with gossip which leads to astounding indiscretions, even with persons who

otherwise show keen awareness that their conversations may be "bugged." As a result, great care may be exercised toward operational matters (i.e., tactical intelligence), but far less toward broader issues that may be unrelated to a specific crime or planned activity (i.e., strategic intelligence).⁵ As in all such cases, it is not easy to differentiate between genuine information and "background noise," particularly since, like most institutions, organized crime has developed its own jargon. However, what is encrypted can be deciphered and, in fact, has been many times without undue difficulty. In the case of the U.S.S.R., of course, Aesopian terminology, developed originally as camouflage for the Tsarist police, has become institutionalized and provides most rewarding material for the few Western content analysts who have broken this code.

What applies to gossip that can be overheard applies no less to the "protected witness." He too feels the need to boast, if only to impress those in his new environment with the degree of inside knowledge and power he has had (i.e., his value to his protectors). Moreover, there is a serious morale problem: He is living in an environment of relative social starvation, having lost contact with the persons with whom he had spent his previous life. After he has given the testimony that leads to conviction, he may be left idle, alone in the company of his fears and anxieties for his future safety. It is very important to show that his usefulness is not exhausted, and to engage him in protracted discourse about the broader operational modes of his former environment, perhaps even encouraging him to set down his reminiscences and analyses on paper to utilize him as a source of strategic intelligence. Of course, caution is required when assessing reports from mere soldiers, especially those

in large organized crime families who may have been removed by several links in the chain from the bosses.⁶

Fortunately, it is often possible to check various pieces of information against each other, including transcripts of electronic surveillance, oral histories from informants, particularly protected witnesses, and, possibly, inside knowledge from undercover agents and other well-placed sources. In the case of the U.S.S.R., of course, "ELINT"--electronic surveillance by national technical means from space --supplements "HUMINT"--human intelligence from undercover agents defectors, and elite members, turned against the system. Content analysis, primarily of printed and broadcast material, is a third source.

It is apparent that, properly used, the flow of available organized crime communication information can contribute to strategic evaluation of organized crime structure, internal stresses and imperatives, and the vulnerabilities they create. The sources of such information are available frequently from persons in the Federal Witness Protection Program, from "incidental data" in court-authorized electronic surveillance (often aimed at a more specific, tactical target) and from informants, including undercover agents within organized crime.

In an effort to alleviate the self-inflicted vulnerabilities of this particular closed system, organized crime families attempted to prevent law enforcement infiltration by commanding that the various families cease to "make" additional soldiers. This attempt failed, however, because some of the families could not withstand the temptation to gain unilateral politico-military advantages by taking in additional recruits while their rivals were complying with a self-denying ordinance.⁷ The difficulties experienced by organized crime in trying to enforce

limitations on the recruitment of new soldiers are reminiscent of the problems encountered by states attempting to verify compliance with arms control agreements--both soldiers and weapons can be made in secret.

IV. HIERARCHICAL AUTHORITY AND CONTROL

In the context of hierarchical authority and control, as much as in the case of information flow, there is a vast discrepancy between popular stereotypes of organized crime and practical realities. The simplified and "idealized" public notion posits a straightforward command, with a "boss of bosses presiding over a carefully selected and all powerful "supreme council," which gives commands that cannot be questioned to the "bosses" of the individual "families," who, in turn, pass unalterable edicts down the chain of command, through an "underboss," via the "capos" to the various "soldiers." The soldiers remain in distant awe of the "bosses."⁸ Moreover, it seems to be assumed that somehow this particular closed system has obtained miraculous dispensation from the general laws of politics and power, enabling each leader to settle the question of his eventual successor so that he can take over smoothly. What is more, the popular image assumes that a strict code of behavior, including not only omerta, (i.e., silence), but a whole series of other do's and don'ts, which govern the lives of all levels of this hierarchy, neither can be nor is challenged with impunity.⁹ Of course, enforcement agencies have been skeptical of this image.

Closer examination reveals very little reality in this perception. If there ever was a boss of bosses, that has certainly not been the case for some four decades. There appears to be a "national Commission", but its composition, as well its power over the individual organized crime

families fluctuates. Its membership has varied from about one dozen in earlier years, to nine and, subsequently, to six;¹⁰ at least three tiers of power and prestige of "bosses" of the various families can be discerned. In recent years, only about three of the members of the Commission have enjoyed real authority, whereas several others were apparently clients or satellites who took no initiative other than at the behest of one of the real leaders.¹¹ Some dozen or more other bosses of course, have not sat on the Commission at all and have depended either on the advocacy of one of its members or on being invited for some special (usually ominous) occasion to speak on their own behalf.¹²

Theoretically, the Commission is supposed to act as a kind of United Nations Security Council to keep the peace between sovereign families; however, as in the case of the U.N., this can work only to the extent that the superpowers, the three or four most powerful of the families, are not directly involved themselves since, de facto or de jure, they enjoy a "veto" and cannot be stopped from armed conflict if they are determined to do so. In this sense, the Commission enjoys more of a judicial than a legislative or executive function in that disputes or conflicts within or among families are referred to the Commission for arbitration or mediation, while it seems to lack independent lawmaking or enforcement powers of its own. The Soviet equivalent of organized crime families represented on the commission consists of factional leaders who are members of the Politburo and the Secretariat; their disputes usually end in demotion, ouster from power, or worse.

Constitutionally, the Commission is not supposed to interfere in the internal affairs of a family, unless such a degree of anarchy has been reached that it threatens the system as a whole. In reality, like the

superpowers, the most powerful members of the Commission attempt to extend their influence by supporting favored personalities within less exalted families and by practicing a form of subversion whenever they feel it can be done with impunity. In the case of the Bonanno Family, the Commission intervened not only to unseat the recognized boss but also to decide how that family was to be governed after he was deposed.¹³ This created unbearable dilemmas for his capos who felt their first loyalty should be to their country--their boss, not to the U.N.--the commission. Moreover, it meant gross interference in deciding just how the business of the family was to be run and which of the capos would run it.¹⁴

In this, as in many other instances, the theoretical chain of command was sidestepped deliberately by powerful figures on the Commission not merely for the security for the system as a whole, but for self-aggrandizement by gaining "inroads" in another family. Moreover, at times, individual capos, perhaps even mere soldiers have appealed to the Commission over the heads of their own "bosses" to be transferred from one family to another. When granted by the Commission, such requests have been honored by the boss whole family is being abandoned, but grudgingly, with future reprisals in mind. In these instances, "order" has been violated, not only in the vertical chain of command, but also in horizontal territoriality; for example, a member of a Los Angeles family was transferred to the Chicago family while continuing to operate out of San Francisco, California.¹⁵ In the case of the Soviet Union, factional "families" have established territorial fiefdoms not only within the U.S.S.R.--e.g., Kirov or Zhdanov in Leningrad--but also in the East European client states--e.g., Zhdanov in Bulgaria or Malenkov in Hungary.

The analogy cannot be taken too far, however, since there are no known cases of Kremlin-sanctioned "transfer of allegiance" from one faction to another.

In organized crime, the political hierarchy very frequently bears no relationship to economic "activities," which crisscross both the horizontal and the vertical order. We have examples of "business" operations located in the territory of one family, involving one of its members and someone from another family, with one a "boss" and the other a mere "soldier". In one of these instances, the soldier rescued the boss of a rival family with an instant loan of--preinflationary--\$15,000 to pay off a gambling debt. The subordinates of that particular leader, if they knew of the deal, could have been forgiven for wondering what this kind of relationship might imply for the integrity of their family.¹⁶

Encroachment upon territory also poses a constant threat to the stability of the organized crime system, as it does to its international counterpart. "Territory" in this context refers not only to geographical spheres of influence, but also to areas of illegal economic activity. For example, Fratianno, when appointed "acting boss" of the declining Los Angeles family, attempted to reassert his family's power, expanding its turf by taking over independent local pornography operations. Fratianno tried also to extort protection money from Sidney Korshak, a labor lawyer who worked out of Los Angeles but allegedly enjoyed the protection of the Chicago family.¹⁷ Fratianno's efforts led to tension between the Los Angeles and Chicago families, and may have moved those families eventually to put out a contract on Fratianno.¹⁸ In an analogous Soviet case, after World War II, the Zhdanov faction, hoping to establish a

fiefdom in Eastern Germany, put an end to the economic activities there of Malenkov and Beria, who were dismantling German industry and transporting its components to the U.S.S.R.¹⁹

In the organized crime, as in the international, system, territorial conflict is not mitigated by the artificial creation of neutral or international zones. Just as World War II erupted (at least nominally) over international Danzig, and World War III nearly resulted from conflict over international Trieste, so open territories, whether Las Vegas or Atlantic City, have not succeeded in avoiding violence. The violence has even spilled out beyond city, county, or even state boundaries, with some executions occurring in Philadelphia rather than Atlantic City.²⁰

V. ISSUES OF INSECURITY AND SUCCESSION

Closed systems are beset with anxieties and suspicions that lead to violence as acts not merely of aggression, but of preemptive self-defense. Hitler, for example, staged the bloody "Night of the Long Knives" in 1934 against his erstwhile friend Roehm in part because he thought that the disappointed S.A. brownshirts, who had hoped to replace the elite German Army as the main military force, might replace Hitler with their Chief of Staff, Roehm. Organized crime business, by its very nature, reinforces insecurity. A boss may have many millions of dollars, but does not necessarily possess legal title over such property--it may be anonymous working capital on the streets. If he goes to jail, his money may disappear by the time he reemerges. While he may suspect who has it, he may be unable to recover it.²¹

This factor not only adds to the problem of succession in general but also complicates temporary replacement, for example of a boss about

to be imprisoned. The boss may return not only impoverished, but without means to recover his position. Of course, a strong boss may be able to maintain his position in the hierarchy even from prison if his family associates perceive his leadership as essential to their well-being.²²

The issue of permanent succession poses far graver perils. No aging or sick leader can afford a "rising sun," a younger, healthier heir apparent, to coexist; otherwise power, which follows its own laws of gravity, and flows to the one most likely to exercise it, inevitably will shift from the boss to the successor, endangering the boss if he "lingers" too long. Therefore, an underboss who is not necessarily an heir apparent if he has any sense of self-preservation, will remain obsequiously in the shadow of his leader.²³ The same lessons emanate from the Soviet Union, where Stalin had a whole series of such potential crown princes, but killed the first two, Kirov and Zhdanov, once they became too assertive; Khrushchev drove his "underboss," Kirichenko, into the political wilderness, but was eventually ousted himself by another heir apparent, Brezhnev.

Since there is a strong disincentive, therefore, against designating an heir and thereby bestowing at least a limited measure of legitimacy upon him, succession is bound to result in struggle and, possibly, physical violence. At the very least one may expect a measure of disorder, intervention from the Commission, from rival families or from extralegal juntas created by capos to achieve domination.²⁴

Thus, each time power passes from one generation to the next, the transfer is likely to precipitate prolonged instability, with consequent vulnerability to forces outside the system (including law enforcement agencies); an emerging boss may need to spend many months imposing his

rule, often by brutality. In the Soviet Union, it took Stalin almost a decade to entrench himself fully, Khrushchev four years, and Brezhnev over a decade.

Thus, the system is bound to suffer continuous seismic shocks, disturbing both vertical and horizontal order. This factor, as well as the cultural tendencies evident in the patterns described (which are not necessarily Sicilian or Calabrian, but rather "urban American ethnic"),²⁵ make for more and more closures of the system, both vis-a-vis new blood from below, e.g., the prolonged attempt to veto the "making" of further "soldiers," mentioned earlier, and for the younger "capos" already within the family. Gerontocracy becomes endemic, therefore, both for sound political and cultural reasons--such as "respect" for age. For analogous reasons, the same gerontocracy has become the hallmark of the Chinese and Soviet leaderships. The weight of this factor is indicated by Joe Bonanno, who precipitated the beginning of the end, when he elevated a mere "fledgling," his 35-year old son Bill, to the position of consigliere, thus violating taboos of both age and consanguinity. (Civilian blood family members are supposed to be protected from violence, since all organized crime figures would be vulnerable to threats against wives and children; consequently bosses are ill-advised to elevate one of their offspring to a position of power in the crime family because it removes that immunity.)²⁶ The leadership of states that are closed polities has also apparently found it irresistible to attempt establishing bloodline dynasties. Korea's Kim Il-sung and his son, Bulgaria's Zhivkov and his daughter, Romania's Ceausescu and his wife, brother, and other family members are illustrative.

VI. SYSTEM STRESSES AND CODES OF BEHAVIOR

The inbuilt atherosclerosis discussed above leads to periodic uprising by Young Turks, whether against "Mustache Petes," some half-century ago, or against a Colombo or Bruno in more recent times. Impatience eventually impels these aspirants into rebellion. This factor may be exacerbated by a growing gap between leadership and technology, giving the young members a convenient battle cry of "inefficiency." Neither in "business," nor even in enforcement, have the bosses paid much heed to sophisticated state-of-the-art methods--garrote, the shotgun, and dynamite continue to dominate enforcement, while simple "skimming off the top" remains typical of "business." There has not even been very much willingness to employ technical specialists in their limited capacities, perhaps because of ignorance, discomfort in the face of inadequately understood techniques, and disinclination to open up even a corner of the system. Of course, it might be argued that Meyer Lansky was a technical expert of sorts, at least in the financial arena. At any rate, there is no indication of an influx of specialists into the core "politico-military" power structure of organized crime.²⁷ Interestingly, the same holds true of the U.S.S.R., despite all the prophesies of Soviet-American "convergence" along technological lines. Genuine technocrats, as opposed to party bureaucrats who may have had a brief technical education decades ago, have remained a miniscule element in the Soviet Communist Party's Central Committee.

To what degree can the organization's inherent instabilities, mentioned in Section IV, be mitigated by a "code of behavior"? There is no doubt that repeated attempts have been made to create and enforce such a code, and perhaps even to reduce it to writing. It appears that

in organized crime, as well as in the U.S.S.R., the more illegitimate and violent a system, the more it thirsts for a cloak of respectability, i.e., a measure of legitimation. Solzhenitsyn, in his First Circle, describes the tragicomic situation in which a prisoner who has committed no offense is about to be sent to GULAG, where he is likely to perish. However, the KGB officer in charge of the case is persuaded to give back a book of poems to the doomed man, on the grounds that its confiscation--an act that pales in comparison with the fate to which the man himself has been condemned--is inconsistent with Soviet legality!

It is this factor, no doubt, that makes conversations between organized crime figures replete with such terms as "he is not doing the right thing," "I am trying to do the right thing," "you are sincere," "he is not supposed to be doing that," "he is a good [honest!] cop," and other expressions that contrast starkly with the frequently brutal nature of these individuals and their operations.²⁸ The beginnings of a code are inherent in the oath of each soldier upon being made not to hurt the (blood) families of other members, not to deal in drugs, to be loyal, etc.²⁹

However, as time has progressed, almost ludicrously formalistic laws have made their appearance (the main problem, of course, is that they can be made to stick only if backed by superior force). Bonanno, for instance, refused to appear when summoned by the Commission, on the grounds that the summons had not been delivered "legally" by at least three members of the Commission.³⁰ This rule probably was a safety measure introduced to prevent a prominent boss from being set up by a rival pretending to represent the whole commission.

When the Commission, having finally deposed Bonanno ("illegally," i.e., without the consent of the capos who had not requested outside intervention, as the code stipulated), and placed the family under an administration (political receivership), two of the competitors who felt left out tried to appeal. In one of their conversations, these presumably rather brutal persons, in all seriousness discussed the proper parliamentary procedures for tabling motions, seconding them, etc., in an effort to reverse the verdict.³¹ These somewhat pathetic attempts to create legalities, and their inevitable failure to mitigate violence, because of the stark reality of the rule of force, illustrate the ongoing sense of vulnerability and instability of this and other closed systems. Thus, it is significant that Nazi officials who were in charge of mass murder during the Holocaust, took great care to use bureaucratic and legalistic terminology in their paper-work, even though these documents were top secret and were not expected ever to see the light of day. In the same spirit, Adolph Eichmann, during his trial, stressed that he, unlike some of his colleagues, was not corrupt because he followed regulations and would not take bribes to let a few victims escape death!

There is yet another tension between, on the one hand, the implied obligation of a boss to follow the code by doing the right thing toward subordinates (i.e., implicitly courting popularity), since they may try to appeal over his head to the Commission if he transgresses constantly, and, on the other hand, the macho insistence of the same boss to be treated with respect by subordinates, punishing brutally all disrespect. De Cavalcante, succeeding in the former criterion, failed fatally in the latter.³² The result of this tension is that bosses, needing flattery and feedback as much as they need to resort to threats and force, spend

hours exchanging excessive and presumably insincere compliments with men theoretically at their beck and call. These tensions may be latent or overt, but they never seem to find satisfactory solutions.

VII. POLICY IMPLICATIONS

In view of such basic instability, and the attendant insecurity, fear, and suspicion that are characteristic of closed political systems, these systems are likely to be susceptible to manipulation from the outside, especially at crisis points (succession struggles; usurpation of power: whether by the Commission or by a junta of capos; territorial conflicts; etc.). Law enforcement agencies, of course, must decide whether to exploit these vulnerabilities by weighing the benefits of the tactic against other imperatives and constraints. These would include resource costs, striking a proper balance between the obligation to react to current challenges and anticipated longer-range strategic benefits, and the complex of legal and ethical constraints that limit government action in a free society. Nonetheless, even an open system must consider all options, if only to determine whether the possible advantages of a proposed course of action are so great that they justify exploring ways in which to resolve such dilemmas. In this section of our report, we consider possibilities for law enforcement action while heeding the complications of the other issues mentioned above.

The anticipation of crises within organized criminal groups (irrespective of whether they lead immediately to specific crimes), and the analysis of the forces arrayed against one another (including just who is likely to fear what from whom--and precisely how he is likely to cope with the perceived threat), are the necessary ingredients for successful exploitation. Such anticipation and analysis is possible only

where systematic strategic intelligence is gathered and used. With the relevant data in hand, active (rather than merely reactive) policy options become practical. These could include the deliberate leakage of information (including misinformation), with a view to intensify or mitigate an impending power struggle or a disequilibrium among competitors.³³ It is up to law enforcement agencies whether they decide to act as covert "peacemakers" in order to avoid a bloody gang war, or to exacerbate suspicions in order to keep families so busy with one another that criminal "business" decreases. In addition, the agencies can decide whether they prefer to deal with one strong leader (who is a known entity and whose dealings can be monitored with less personnel) or with Balkanized crime organizations, rival mini-entities. Given the suspicions and weaknesses described, an outside power with a clear policy could greatly affect the outcome of a specific conflict, e.g., by the ways in which prosecutive policies are exercised and targets selected.

In order to develop the strategic intelligence necessary to manipulate the functioning of organized crime, operative personnel would use questionnaires (protocols) developed especially to glean political information from transcripts and tapes (electronic surveillance), from persons in the Federal Witness Protection Program and from informants. Ideally, such protocols would be submitted to analysts, who would write frequent "situation reports" based upon the material, and who would be able to request operatives to devote special attention to acquiring important supplemental information.

VIII. OPERATIONAL IMPLICATIONS

Law enforcement agencies and their intelligence units engaged in direct action against organized criminal groups often encounter opportunities to gather substantial additional information, beyond the narrow confines of specific case materials. That they do go well beyond these parameters is evident. Intelligence files are replete with information about the reported activities, associations, business dealings, and personal relationships of organized crime figures. To some extent, data that would be relevant to the type of political analysis suggested in this report are already in hand. However, much more information than the material available now must be gathered and organized.

Intelligence agencies should first inventory their sources. In general, such material is likely to consist of (a) existing intelligence files, (b) investigative case files, (c) informants, including "turned" witnesses and participants in the Federal Witness Protection Program, (d) the products of exchange relationships with other law enforcement agencies, and (e) public record sources, such as regulatory agencies, land title offices, and public registries of business information. In most instances it will not be cost effective to review all existing files or to activate all sources to construct a body of information that would render such strategic analyses possible. However, it is quite feasible to start by exploiting ongoing intelligence and enforcement operations.

This will involve a guided, informed effort to gather organized crime political information as part of new and continuing data collection and analysis, and to organize this material and supplementary data culled from existing files for strategic purposes.

Such an approach will require a deliberate effort to interrogate informants and to record materials, as the opportunity and need arise, so as to answer questions of the type suggested below. This list is an illustrative rather than comprehensive set of questions. It must be expanded in actual practice as an ongoing, more routine effort is implemented.

Law enforcement agencies and their intelligence units must be major actors in the formulation of protocols, or guides to the administration of such interrogations. These protocols (questionnaires) should follow guidelines established by the agencies that use them. Information obtained in this manner should form the basis of regular "situation reports" prepared by trained analysts. To enhance the quality of this product, analysts should request specific supplemental information from the operatives gathering such data.

Effective and productive administration of such interrogations will depend on frequent orientation sessions with analysts to familiarize operatives both with the overall strategic purposes of the program (as outlined in this report) and with the specific utility of particular questions that may be posed. In-depth comprehension is essential if such a strategic thrust is to be effective.

THE PROTOCOLS

Many relevant questions presently asked for different reasons in interrogations are omitted here because they would be redundant.

Terms used, such as "National Commission," and "family," obviously refer to La Cosa Nostra, but can be related easily to analogous structures that may exist in other organizations.

To serve the special purposes of political analysis, questioners of informants and reviewers of file information should gather and give appropriate weight even to gossip and essentially subjective impressions that reflect attitudes. As noted in this report, these elements play a part in the organizational dynamics of criminal groups and bear upon possible future leadership control and behavior; understanding them will thus help analysts to anticipate developments.

A. Organizational Structure

Informants and other intelligence sources should be questioned regularly about the organizational structure of criminal groups. Sources should be interrogated not only about the organizational levels with which they are most familiar, e.g., their position on the organizational ladder, but also about those levels above and below them. Special attention should be given to changes or developments in organizational structure. Questions should go to such points as:

- whether there are any ongoing discussions concerning developments at different organizational levels, such as at the National Commission, management of the family, and/or sub-units of the family;
- whether the formal titles, e.g., "bosses," "underbosses," "consiglieri," "capos," "soldiers" (or their equivalents in new or other groups) are indicative of the powers or functions exercised by their holders. If not, where is the locus of real authority, what is the cause of any discrepancy, and in which direction does power appear to be flowing?
- whether structural or hierarchical changes are under consideration. Are authorities of higher or equal rank (competitors) attempting to intervene in an organization (family) and have they established links

with sub-units within that organization? Is such an organization disintegrating into feuding sub-units? (In other words, is there infiltration, subversion, or Balkanization?) Are there different tiers of authority at the apex (e.g., families with a seat on the National Commission who dominate other National Commission members, as well as represent families denied membership, as opposed to members who lack such status and families altogether unrepresented in the Commission)?

- whether there are signs of special interest in the activities of a family or other intermediate organization on the part of a higher level authority, such as the National Commission;
- whether there have been any changes in the direction or leadership of the entities that are the subjects of inquiry. For example, who is now directing individual projects or managing businesses controlled by the organization? Has anyone started to move up within the organization, e.g., by suddenly becoming the intermediary who regularly passes on orders to underlings or informs those higher up in the organization of its activities?
- whether operations are conducted jointly with other organizations, or by groups within the family, and, where that is the case, which organizations take the lead;
- whether individuals outside the immediate organization seem to be aware of or have influenced decisions to undertake criminal or "legitimate" business operations;
- whether horizontal (territorial) and vertical (functional) lines of demarcation coincide. Are they being observed? If not, what conflicts arise as a result? What problems are caused in the chain of command by "business" linkages between persons of unequal rank and status from different families? To what extent do ethnic strains and rivalries undermine organizational structure?
- whether new members are being "made" (i.e., is there room for new blood?). If it has been agreed not to do so, is this decision being obeyed or are some taking unilateral advantage of such a self-denying ordinance? Are there generational tensions and conflicts?

B. Personal Relationships, Commitments, and Antagonisms

It is important to learn about personal and business linkages, commitments, and rivalries within organized crime structures, both at the same and at different levels of power and authority. Thus, interrogations should address points such as:

- significant life events, e.g., marriages among (blood) families involved in the organization or those who are their more distant relations by blood or marriage, ritual designations such as "best man," or (literal) godfathers of the children of family members;
- dissolution of personal ties, marriages, or other relationships that would normally affect those who work or play together;
- roles played by family members in the sponsorship of new members;
- reasons that might exist for bitterness among family members, e.g., dissolution or deterioration of business relationships due to disputes over the apportionment of profits or losses;
- conflicts over who is to be hired or fired;
- where conflicts exist or are developing, who appears to be siding with whom, and why; whether organized crime figures outside the immediate organization are becoming involved in such disputes, and if so, how?
- joint ownership of properties for investment purposes or business operations, or ownership of adjacent homes or recreational/vacation properties;
- any strains likely to cause severing of personal bonds or to precipitate a feud, with particular focus on resentment based on envy or perceived humiliation or injustice?

C. Stabilizing Efforts and Trends

This segment focuses particularly upon possibilities of shifts in the location of authority, and potential changes in power relationships. Therefore, questions should be directed to such issues as:

• whether attempts are being made to institutionalize a transfer of power mechanism? If any such effort is being made, to what extent has it helped to ameliorate succession struggles in anticipation of the decline of a leader or following his incarceration, illness, or demise? How do alignments for such struggles affect the horizontal or vertical relationships between the various elements in the organizational structure?

• what other codes of behavior are being imposed, successfully or otherwise (e.g., concerning discipline within individual families, the right to order executions, the ability to summon heads of families before the Commission, the penalty for indiscretion, the proper procedure for making decisions at the top, what a leader may or may not do to his subordinates, and the inviolability of blood relations or organization leaders)? What is the price for transgressing the code?

• what trends pose potential challenges to such stabilization efforts? For instance, what strong contenders for power are emerging at various levels of the hierarchy and how extensive are their ambitions? What is the impact of technological innovation (in business or execution methods) and how does the emergence of experts affect the hierarchical structure or control over criminal operations?

D. Organizational Administration of Business

In the area of criminal organizational administration of business particular attention should be paid to such issues as:

• changes occurring in the direction of individual projects or businesses controlled by the criminal organization. Is someone moving up rapidly within the organization, passing down instructions from the leadership and passing up information on the activities of subordinates (not to mention bypassing personalities nominally senior in the hierarchy)? What insights, participation in, and control of criminal or legitimate business activities are other organizations acquiring and what likelihood does this present or over conflict?

• utilization of technological innovations and experts (in business or in executions) and their impact upon (a) the hierarchical structure, and (b) working control over criminal operations.

E. Cross-Organizational Relationships and Conflicts

Organized criminal operations are obviously affected by relationships among families and with other organizations. Many of the questions raised above will also relate to analysis in this area, but, in addition, protocols or guides should seek to shed light on:

- . subversion and infiltration of families or similar organizations by rival families or organizations, or by the National Commission or other supra-family bodies;
- . territorial arrangements, rearrangements, and rivalries between families, and individual transgressions of such arrangements;
- . ethnic rivalries and tensions;
- . cross-currents between business and hierarchical/territorial structures.

F. Impact of Law Enforcement

The decisions and behavior of law enforcement agencies and their operatives inevitably will create tensions, which will either strengthen or weaken contending forces within and among organized criminal groups. The most obvious example would be incapacitation of a key individual through investigation, prosecution, or incarceration. Any and all questions that could shed light on this area should contribute to the design of law enforcement programs and the setting of priorities. Such questions should seek information on:

- . changes in work assignments or responsibilities because of feared or anticipated government enforcement action;
- . changes in business plans or priorities because of current or anticipated enforcement operations;

the effect on current organized crime leadership of an enforcement focus upon particular organizational activities. Has that leadership been strengthened because enforcement agencies have concentrated on matters other than its chosen area of operations, or has it been weakened, because those agencies focused on these very operations, creating a leadership vacuum to be exploited by "Young Turk" contenders for power?

Within the constraints mentioned, the collection of strategic intelligence clearly could be of significant value on various levels. Its implications even for tactical operations are evident. Information concerning points of conflict between individuals, alliances in place (or coalitions perceived by one of the parties to be betrayed), and insecurities concerning an individual's position or status, can all be of major utility to law enforcement agencies contemplating undercover operations or seeking the cooperation of "inside" witnesses, especially those under law enforcement agency pressure. It might be argued that such purposes are fully served already by existing programs for interrogating individuals and by other sources, such as electronic surveillance. We doubt it. It is one thing to attempt gathering information about a specific current criminal activity, or plan. It is an entirely different task to collect intelligence about an entire politico-military structure, in order to understand crucial relationships and vulnerabilities that may offer leverage to affect the environment in which organized crime operates.

On the strategic level, law enforcement is beset by the many dilemmas of resource allocation and conflicting objectives. The decisionmaker must assess where, when, and how his efforts will be most effective (i.e., where they will pay off in terms of protection of the

public and implementation of our laws). When such decisions are made, therefore, the potential for success of any effort obviously must be a significant consideration. The need to be able to predict success makes it essential to understand the vulnerabilities of organized crime. If the drive toward proactive law enforcement in this area is to be more than mere rhetoric, targeting and encouraging those vulnerabilities, and exploiting the crises that occur within organized criminal groups must be major elements in any meaningful enforcement program. Although much of this study is based on material about the Mafia, in analyzing this material we have attempted to discern universal patterns of behavior in closed political systems. Ideally, this approach will aid law enforcement agencies in attacking new and emerging criminal groups as well as traditional, well-established groups.

1. The classical political theorists distinguished between tyrannies and other autocracies by characterizing tyrannies as states governed by usurpers, i.e., non-legitimate rulers.

2. See Uri Ra'anani, "Soviet Decision-Making and International Relations," in Problems of Communism 29 no. 6, (1980): 41-47.

3. Failure to develop strategic intelligence has been cited as a weakness in government efforts to control organized crime. President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Organized Crime, (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 15, 114-115.

4. See Oleg Penkovskiy, The Penkovskiy Papers (New York: Doubleday & Company, Inc., 1965).

5. The lengthy conversations between Fratianno and Johnny Roselli, a leading organized crime figure during the 1950s and 1960s, recorded in Demaris (whose book essentially is an edited transcript of Fratianno's problematic but highly illuminating reminiscences), provide a good case in point. Both confided in each other on intimate "family" details concerning criminal activities, "family" infighting, relations with other "families," and the vulnerabilities of their respective "families." Ovid Demaris, The Last Mafioso: Jimmy "The Weasel" Fratianno (New York: Bantam Books, 1981), pp. 120-36, 146-52, 227-44, 308-27, 388-93.

6. Donald R. Cressey, "The Functions and Structures of Criminal Syndicates," in Task Force Report: Organized Crime, Appendix A, p. 33

7. Frank Tieri, "boss" of the New York Genovese family, told Jimmy "The Weasel" Fratianno, an executioner-turned-informant, that "since the Apalachin meeting [where some 70 organized crime figures were arrested in a raid by authorities] we've been careful about "making" new members." Ovid Demaris, The Last Mafioso: Jimmy "The Weasel" Fratianno, (New York: Bantam Books, 1981), p. 407; see also Donald R. Cressey, "The Functions and Structures of Criminal Syndicates," Task Force Report: Organized Crime, Appendix A p. 54. For information on the violation of the order not to "make" new "soldiers," see FBI transcripts of electronic surveillance of telephone and office conversations by Sam "The Plumber" De Cavalcante, March 7, 1963, p.4. These recordings were made by the FBI between March of 1963 and June of 1965. De Cavalcante later was convicted of extortion connected with his construction contracting firm. The dates cited are those that appear on the FBI memoranda, rather than the dates of the actual conversations.

8. The popular image of a reasonably well-ordered organized crime regime may reflect very superficial comprehension of such works as the novel The Godfather, by Mario Puzo (New York: Putnam, 1969), and subsequent motion pictures based on the book; the media contribute to this image as well: Demaris cites a Time Magazine article, of May 15, 1977, that reports a struggle between dons for the position of "capo di tutti capi," Demaris, pp. 452-53.

9. Cressey points to similarities between the code of behavior of organized crime and that found among prison inmates. Among the common maxims are, "Never rat on a con; don't be nosy; don't have a loose lip; . . . don't exploit inmates; . . . don't break your word; don't steal from cons; don't sell favors; don't be a racketeer; don't welsh on bets; . . . don't weaken; don't whine . . ." See Cressey, Task Force Report: Organized Crime, p. 41. Reviews of pertinent documents such as Demaris or the De Cavalcante files would suggest, however, that indiscrete gossip, pervasive suspicion, and treachery are more appropriate descriptions of the code of behavior found among organized crime figures.

10. The commission is believed, at present, to include the five principal New York families and the one from Chicago--see Demaris, pp. 348-453. It should be noted that this commission contains only representatives of Italian-American organized crime families; thus, presumably, it has direct influence only upon Mafia families, although it may have some impact on other organized crime families, such as Mexican, Black, Greek, and Vietnamese.

11. Sam De Cavalcante, himself a client of Carlo Gambino, told one of his soldiers, Louis Larasso, of the clientelism reflected in the commission: ". . . Now Tommy Brown [Thomas Lucchese] has got the vote from Mooney [Sam Giancana] and Jose Zerilli. Ange [Bruno] will do what Don Stefano [Magaddino] tells him . . . And Joe Colombo is like an echo for Carlo [Gambino]. It is a three man thing . . ." See the De Cavalcante files, March 4, 1965, pp. 4, 5. De Cavalcante pointed out in the same discussion that some bosses had accumulated excess power in the commission because of the length of their tenure on that council: ". . . I don't think all the other bosses are satisfied with the way things are going, because the Commission is supposed to be changed every five years. And the way they're working it, New York has had five steady guys there, no matter who the bosses want to belong to the commission."

12. Captains and soldiers of a family also can be summoned to appear before the commission, or can request to be invited to air grievances. See De Cavalcante files, September 25, 1964, p. 16. Failure to appear before the commission when summoned could be grounds for expulsion and revocation of recognition of boss ranking, as happened to Joe Bonanno. See De Cavalcante files, September 9, 1964, p. 2 and September 25, 1964, p. 2.

13. Information on the Bonanno Family case was obtained from transcripts on telephone and office conversations of Sam "The Plumber" De Cavalcante recorded by the FBI between March 1963 and June 1965.

14. The De Cavalcante files show that the Commission engaged in subverting the Bonanno Family by backing a Bonanno caporegima named Gasparino once it had officially withdrawn recognition of Joe Bonanno as boss. See De Cavalcante files, September 25, 1964, p. 5. Later, the Commission named a junta of ranking family officers, who eventually were to pick a new boss. See De Cavalcante files, December 30, 1964, p. 3. The Commission's favorite, Gasparino, emerged as the new "boss." See De Cavalcante files, June 8, 1965, p. 13. In the absence of a recognized

leader, the Commission may also interfere in the internal affairs of a family. De Cavalcante told Joe "Bayonne" Zicarelli: "When [Joe] Profaci died, Joe Magliocco took over as Boss. They threw him right out! . . . When we had trouble in our outfit, they came right in and says 'You people belong to the Commission until this is straightened out.' They done the same thing in Pittsburgh . . ." See De Cavalcante files, September 25, 1964, p. 14. In this context, the Commission's behavior is comparable to the actions of major powers toward the governments of client states e.g., the imposition of foreign dynasties upon Balkan states by the "Concert of Powers" about a century ago, or the imposition by Moscow of puppet rulers upon Czechoslovakia or Afghanistan.

15. This was the case with Jimmy Fratianno. However, in an apparently unique instance he was later transferred back from Chicago to Los Angeles, when he was offered the position of acting "boss" while the permanent "boss" was serving a prison sentence. See Demaris, pp. 146-47, 336-42.

16. Sam De Cavalcante, a "boss," borrowed from Joe "Bayonne" Zicarelli, a soldier in the then disintegrating Bonanno family. See De Cavalcante files, February 5, 1965, pp. 4, 5.

17. Demaris, pp. 369-81.

18. Ibid., p. 490.

19. See Gavriel D. Ra'anan, The Formation of Soviet International Policy, Hamden, Conn.: Archon Books, 1983.

20. Fratianno recalls that he obediently lured a murder victim from Las Vegas to Upland, California in order not to violate a Commission ruling that no "hits" be made in the state of Nevada. See Demaris, pp. 81-2. The recent string of organized crime executions in Philadelphia, moreover, is said to stem from efforts to gain control over Atlantic City, reportedly declared an open city when gambling was legalized there. See William Robbins, "Philadelphia Crime 'Family' Thrives after Turmoil," New York Times, 22 March 1982.

21. Fratianno, for one, was incarcerated three times and was released from each without the economic base or hierarchical position he had enjoyed before entering prison. See Demaris, pp. 515-16. (Also see Michael Libonati and Herbert Edelhertz, "Study of Property Ownership and Devolution in the Organized Crime Environment," Organized Crime Research Program. (Washington, D.C.: National Institute of Justice, 1983).

22. ". . . Some law enforcement officials . . . say he [Nicodemo Scarfo] could run the [Philadelphia crime] organization from a prison cell," William Robbins, "Philadelphia Crime 'Family' Thrives after Turmoil," New York Times, 22 March 1982.

23. Carlo Gambino, apparently the most powerful member of the Commission during the 1960s, dismissed his "underboss," Joe (Bandy) Biondo in 1965, when Bandy attempted to outmaneuver him in a garbage collection scam the family was negotiating. See De Cavalcante files, March 21, 1954, pp. 1, 14.

24. Op. cit., supra note 11.

25. Cressey points out several ways in which the Sicilian Mafia differs from its American counterpart, which, for cultural reasons and operational powers, assumed rather different organizational characteristics from its Old World progenitor. See Cressey, Task Force Report: Organized Crime, pp. 26-27.

26. Although Bonanno vexed the Commission in a variety of ways, including his "making" new "soldiers" without consulting Commission members and his refusal to attend meetings, it appears that the proverbial last straw was naming his son as consigliere. Sam De Cavalcante told one of his "capos," Joe Sferra: "The Commission don't like the way he [Bonanno] is comporting himself ... he made his son consigliere ... and they want to throw him out of the commission." See De Cavalcante Files, September 9, 1964, p. 2. Bonanno's appointment of his son to this position clearly aroused the ire of some family members. Joe "Bayonne" told Sam De Cavalcante of his reaction to the move: "I told him [Bill Bonanno] to his face. I said, 'You got three strikes against you kid.' He said, 'What are they?' I said, 'One, you can't talk to everybody on their level; number two, you're the boss's son; and number three, you're too young and inexperienced. These are the three strikes that are gonna destroy you.' I told him that the day they made him consigliere." See De Cavalcante Files, January 1, 1965.

27. Cressey argues that, as illicit operations become more complex, some power will shift to technical experts. See Cressey, Task Force Report: Organized Crime, pp. 50-54.

28. The last reference, in particular, reflects statements by organized crime figures showing a peculiar affinity for "idealistic" values seemingly inconsistent with their own practices. Joe Shimon, a former District of Columbia police inspector, recalls Sam Giancana, Chicago area boss during the 1960s, telling him: "There's nothing I hate worse than a crooked cop. I wouldn't wish one of those sonovobitches on decent people for all the tea in China. . . . You know, Joe, I've spent a lot of money to find out you were a straight cop." See Demaris, p. 240. In a rather similar vein, Roselli tells Fratianno: "You know Jimmy . . . I couldn't be a cop or a private dick. They deal with the scum of the earth." See Demaris, pp. 231-32.

29. Fratianno recalls that, at his initiation, his boss told him: "There are three laws you must obey without question. You must never betray any of the secrets of this Cosa Nostra. You must never violate the wife or children of another member. You must never become involved with narcotics." Demaris, p. 2. It is noteworthy that in new and emerging groups such codes are being formulated, and even reduced to

written "constitutions." See Constitution of La Nuestra Familia, Report to the California Senate from the Senate Subcommittee on Civil Disorder (March 1975).

30. Sam De Cavalcante, Angelo Bruno, and Joe Zerilli, all family bosses who sat on the commission, personally went to Joe Bonanno's family to request that he appear before the commission. They were received by Bonanno's son and his underboss. The younger Bonanno replied by telephone the next day that his father would appear before the commission if the three returned to invite him personally. The same three could not be assembled, providing Bonanno with a convenient escape from the commission summons. See De Cavalcante Files, September 24, 1964, p. 4.

31. Conversation between Joe Zicarelli and Sam De Cavalcante in De Cavalcante Files, December 23, 1964, p. 10.

32. De Cavalcante was complimented by his men for being an open boss compared with his predecessor, and for even trying to assemble his family for a picnic one Sunday to obtain their feedback. See De Cavalcante Files, October 16, 1964, p. 5, and April 1, 1965, p. 1. On another occasion, however, De Cavalcante complained to capo, Louis Larasso, that he had been derided in the commission for "being a slave in my own family," i.e., catering to the petty concerns of his soldiers. See De Cavalcante Files, December 24, 1964, p. 4.

33. Federal law enforcement agencies may be in the best position to manipulate leakage of information or misinformation, since they seem to enjoy a reputation of infallibility, or at least omniscience, among some organized crime figures. De Cavalcante had the following exchange with one of his soldiers: "The Federal men, they know everything that's happening; . . . Well, did Louie tell you that when he was in Washington . . . they had a chart, like a map of the United States, and they had me as Profaci's lieutenant in Trenton [that was De Cavalcante's position before becoming boss]. They had my name on there!" See De Cavalcante Files, March 7, 1963, p. 7. In addition, guileful use of strategic and tactical intelligence by FBI agents was largely responsible for the defection of Fratianno, then the highest level informer to join the Witness Protection Program. See Demaris, pp. 469-522.

END