

## DEFINING ORGANIZED CRIME

For almost one hundred years, speculation has flourished regarding the true nature of organized crime in the United States. During that time, countless investigations and governmental studies have convinced some members of law enforcement and the media that organized crime is dominated by (but is not exclusively) a single, monolithic criminal organization made up of criminals of Italian descent—the Mafia. In contrast to this view, academics and scholars who have studied the phenomenon have countered that there is no single, dominant crime organization (Italian or otherwise) and that organized crime is composed of numerous ethnic and transnational groups operating together or apart and in conjunction with legitimate business and political entities.

In addition to depictions by the entertainment industry and the media, much of the public's understanding of organized crime stems from televised congressional hearings and presidential task forces during the 1950s, 1970s, and 1980s (discussed later). In these hearings for the most part, organized crime was identified as the Mafia and characterized as a predominantly Italian-American phenomenon. This official view was first expounded by Cressey (1969) in an influential work based largely on official data collected by federal agencies. Cressey, who held the view that "if one understands the Cosa Nostra, he understands organized crime in the United States," was criticized sharply for his overreliance on official data, which tended to misrepresent the nature, structure, and function of criminal groups. Both his theory of organized crime and the methodology he employed are still criticized.

In fact, much to his credit, Cressey himself raised questions about his work, pointing out that in exchange for the data he was allowed to use, he had to compromise his role as a scientific investigator and become something of a publicist for the federal law enforcement agencies with which he was working. Cressey also pointed to some difficult research issues with regard to organized crime. For example, he noted that the most dangerous hurdle to understanding organized crime is the secrecy surrounding it. Organized crime groups are difficult to identify and harder to scrutinize by virtue of their covert nature. Also, the more violent or well organized a group is, the more difficult it is to examine.

Smith (1990) criticizes Cressey's view of organized crime by suggesting that in understanding only Italian-American crime families, one understands only part of the problem—and not necessarily the most important part. He argues that the so-called Mafia mystique was created by headlines crediting law enforcement with crippling many organized crime organizations through the successful prosecutions of its elderly Mafia leaders. According to Smith (1990), "We could almost sleep well, except for the two concurrent crime stories that command our attention: (1) our national failure to control a drug trade in which the major traffickers are not Italian; and (2) the rise in exorbitant white-collar crimes, either proven or still under investigation on Wall

Street and the defense industry. Put them next to the Mafia and ask yourself: What is organized crime—really?" Smith summarizes his hypothesis of organized crime by suggesting that the phenomenon be looked upon as enterprises occurring along a spectrum of legitimacy. In Smith's view, illicit enterprise, or illegal business, should be the focus of organized crime studies and research. Such focus would avoid stereotypes and emphasize similarities between criminal groups and legitimate enterprises.

Compounding the task of defining organized crime, is the serious problem concerning evidence (Morris and Hawkins, 1970). Authors of these studies often have little or no direct experience with organized crime, and they focus on events visible to outsiders, such as murders of reputed mob leaders, or material made available by law enforcement agencies, such as transcripts of wiretapped conversations between organized criminals (Best and Luckenbill, 1994). Although such evidence is of considerable value in understanding organized crime's activities, it also can be subject to different interpretations. In an effort to clarify the issue, we consider in this chapter both historical and empirical interpretations of what constitutes organized crime.

Media accounts of organized crime can be helpful, but the tendency of journalists to oversimplify the issues and to emphasize the sensational creates problems for criminal justice students who are attempting to understand this phenomenon. Often, the press prepares reports that are not independent in nature but merely summarize government reports.

Autobiographies by former mobsters suffer from some of the same shortcomings in addition to questions of reliability. Studies of such works reveal numerous contradictions, a tendency for authors to vindicate themselves, and an inclination for self-glorification (Potter, 1994).

In addition, there is no guarantee that government reports, court files, and data collected by regulatory bodies are free of bias or concentrate on the most important problems relating to organized crime. Furthermore, access to such information is not always possible, and law enforcement agents do not always cooperate with researchers seeking information. After all, the primary goal of law enforcement agents is to prosecute offenders rather than to assist theorists and researchers. In addition, it is highly unlikely that an official law enforcement agency would give researchers information contradicting its official position on organized crime. As a solution, Cressey (1969) has recommended borrowing methods from intelligence sources, geographers, and anthropologists who attempt to understand the present by looking at the past.

Perhaps the greatest problem in understanding organized crime is not the word *crime* but the word *organized*. In fact, although the public, criminologists, and the research literature often agree as to what constitutes criminal behavior, little agreement exists regarding what constitutes organized criminal activity. To illustrate this point, we consider a group of shoplifters who systematically steal merchandise from a particular department store on a reg-

ular basis. Can this be considered organized crime? In another case, does a murder spree by two psychopathic killers that takes place over a three-month period constitute organized crime? What about a well-planned bank robbery involving robbers, a professional auto thief to secure the getaway car, a wheelman to drive the getaway car, and a money mover to get rid of the cash? After all, it could be argued that in all of these examples, the crimes are not only organized but also well thought out and committed with the explicit intention of avoiding detection.

### **PROBLEMS CAUSED BY ORGANIZED CRIME**

Organized crime is more insidious than the preceding examples indicate. Its members are calculating and sophisticated and realize that their actions not only have criminal consequences but also are constantly under scrutiny of law enforcement agencies. This scrutiny causes the criminals to be secretive, cautious, and furtive.

If we can assume that every crime has a victim, who are the victims of organized crime activities? After all, crimes such as prostitution, drug trafficking, and gambling involve a buyer and a seller, each of whom is a willing participant. So who is the victim? It could be argued that the public is the most visible victim of organized crime. Whenever the organized criminal makes money through thievery, violence, or swindling, the public loses. Clearly, criminal associates are often victimized by organized crime members, but law-abiding citizens are also victimized in a number of ways. First, citizens are sometimes the direct victims of organized crime enterprises (violence, extortion, intimidation, etc.). Second, billions of dollars of tax revenue from organized crime go uncollected (estimated at \$37 billion in lost taxes every year), resulting in higher tax rates for law-abiding citizens. Third, expenses related to law enforcement, criminal prosecution, and imprisonment of convicted members create a substantial drain on the economy of any community.

Organized crime's participation in the realm of legitimate business, which has occurred since the early 1930s, has resulted in an additional economic impact. For example, if the owner of a small business must pay "insurance" to an organized crime member, that cost is passed on to the legitimate consumer. If organized crime is successful in monopolizing a business or product, the consumer once again must help pay the price. Furthermore, if organized crime members are successful in corrupting public officials, the citizenry's tax dollars support a less effective and less efficient government. These factors suggest the importance of identifying and understanding organized crime. We now consider some common characteristics of many organized crime groups.

## ATTRIBUTES OF ORGANIZED CRIME

To develop a workable definition of the term *organized crime*, a number of characteristics or attributes can be used to describe the function and structure of the phenomenon (Hagan, 1983; Maltz, 1985; Abadinsky, 1990). Understanding these characteristics is helpful in developing a workable definition of the term. A practical purpose for identifying these characteristics is that they provide a basis for determining whether a specific group is part of organized crime. Investigation and study of organized crime groups should be approached differently than those of other criminal groups. Various scholars, have stated that organized crime groups can be described as follows:

- Are nonideological (have no political goals)
- Have a hierarchical structure
- Have a limited or exclusive membership
- Are self-perpetuating (continue over time)
- Use violence (or the threat of it) and bribery
- Demonstrate a specific division of labor
- Are monopolistic
- Are governed by explicit rules and regulations (including a code of secrecy)

We should point out that none of these characteristics can serve as a definition of organized crime, but collectively, they give insight into the organized crime group. We next consider each of these characteristics.

When a criminal group is nonideological, it possesses no political agenda of its own. Unlike some terrorist groups, for example, that espouse very specific political motives, the nonideological criminal group is motivated by profit.

Experts widely agree that organized crime groups are structured in a hierarchical fashion with an order of authority. More controversial is the question of how highly structured these groups are. Such groups are headed by a few top leaders, and low-level and subservient rank-and-file members represent the majority. The Italian La Cosa Nostra, the Hell's Angels motorcycle gang, and the Black Guerilla Family prison gang are all considered organized crime groups that have a set hierarchy of command.

A limited or exclusive membership is another characteristic of organized crime groups. Criminal leaders select who becomes a member. After all, if it is not careful, the crime group could accidentally recruit police informers, undercover agents, or rebels working on behalf of other criminal organizations. As a rule, this characteristic refers to ethnic background, kinship, race, long-time friendships, prison relationships, or other variables that make the recruit an attractive candidate for membership. A person's abilities to keep secrets, to follow orders, to fight, and willingness to engage in criminal acts are also important to organized crime leaders.