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The Rise and Fall of Organized Crime in the United States

ABSTRACT

The Italian American Cosa Nostra crime families are the longest-lived and most successful organized crime organizations in US history, achieving their pinnacle of power in the 1970s and 1980s. The families seized opportunities during the early twentieth-century labor wars and under national alcohol prohibition from 1919 to 1933. Control of labor unions gave them power to determine the companies that could operate in various sectors and enabled them to establish employer cartels that rigged bids and fixed prices, and provided opportunity to exploit pension and welfare funds. The racketeers were urban power brokers. The families also profited from gambling, illicit drugs, loan-sharking, prostitution, and pornography, and they extorted protection payments from other black marketeers. For decades they faced little risk from law enforcement. FBI Director Hoover denied the existence of a national organized crime threat. Local police were corrupted. After Hoover's death, the FBI made eradicating organized crime a top priority. Relentless law enforcement coincided with socioeconomic and political changes that greatly weakened the Cosa Nostra families.

As the second decade of the twenty-first century draws to a close, the Cosa Nostra crime families are shadows of their former selves. Relentless investigation and prosecution of Cosa Nostra members and associates, legalization of gambling, increased competition in other black markets,

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dramatic decline of private sector unions, waning influence of urban political machines, disappearance of Italian neighborhoods, and emergence of new organized crime groups have all contributed to the decline of the Cosa Nostra families. In this essay I describe their rise and fall.

The academic and popular treatment of organized crime in the United States, including in this essay, overwhelmingly focuses on Italian American Mafia or Cosa Nostra “families.” This is justified by their longevity; alliances with political, business, and law enforcement elites in numerous cities; political and economic power; headline-making assassinations; and colorful depictions in print, movies, and television series. There is no denying Italian American dominance among organized crime groups, at least since the late 1930s, although non-Italian American groups have sometimes competed and sometimes cooperated with a Cosa Nostra family. The mostly Irish American Winter Hill Gang in Boston, which flourished from the 1960s to the 1980s, is a good example (Lehr and O’Neill 2001). During roughly that same period, the Westies, an Irish American New York City gang, engaged in extreme violence, sometimes at the behest of one of the Cosa Nostra families, often in furtherance of drug trafficking (English 1990). Throughout the twentieth century, black organized crime groups have been active in gambling, prostitution, and other rackets (Schatzberg 1993). In the 1970s, for example, Nikki Barnes established a seven-man African American syndicate to control heroin distribution in Harlem (Barnes and Folsom 2007). Russian and Russian American crime groups rose to prominence in the 1990s (Finckenauer 1994; Handelman 1995). Vyacheslav Ivankov built an international operation that included narcotics, money laundering, and prostitution. He forged ties with Cosa Nostra groups and Colombian drug lords in Boston, Los Angeles, Miami, and New York. Chinese triads or tongs have long operated in Chinese American neighborhoods of some American cities (Chin 1990, 1994).

Colombian drug traffickers, Jamaican posses, and Central American gangs are well-entrenched in many parts of the United States (Kenny and Finckenauer 1995). In the twenty-first century, MS-13, a gang with one foot in the United States and the other in Central America, has been heavily involved in drug trafficking and extortion (Progressive Management 2017). In the 1990s and 2000s, Armenian Power attracted major law-enforcement attention, at least in Los Angeles. In 2011, a hundred people associated with Armenian Power were charged with crimes ranging from identity theft to kidnapping, fraud, extortion, loan-sharking,

robbery, witness intimidation, and drug trafficking. In 2015, a shootout in Waco, Texas, between the Bandidos Motorcycle Club and Cossacks Motorcycle Club left nine dead. In its wake, the US Department of Justice (DOJ) labeled seven motorcycle gangs as highly structured criminal enterprises (Duara 2015). Despite recognizing all this organized crime diversity, I deal exclusively with the Cosa Nostra crime families, no small challenge given their long history and their presence in at least 24 cities.

The families operate independently, but often cooperate, especially in “open cities” like Miami and Las Vegas. Since 1950, there have been no wars between the families, each being recognized as having exclusive jurisdiction in its city except New York City. Relations are more complex for the five New York City families, but they too have largely respected one another’s territory, interests, and operations. There is no national body that governs all the families.

The families are organized similarly. A boss or “godfather” dominates each. The boss appoints an underboss, the *consiglieri* (counselors), and a number of *capos* (captains). Each captain oversees a crew of soldiers and associates. Soldiers are full members of the family (“made men”), but associates are not. The capos and soldiers pursue their own underworld and upperworld opportunities. They are entrepreneurs in crime. The boss is entitled to a percentage of each subordinate’s earnings.

Members of Cosa Nostra have been involved in myriad schemes and businesses. Labor racketeering has been especially important. Control of a union makes possible extortion of employers and employees and establishment of employer cartels that rig bids and fix prices. Cosa Nostra members have or have had ownership interests in all sorts of companies. They are active in black markets in drugs, gambling, prostitution, pornography, and loan-sharking.

Until the 1970s, the Cosa Nostra families were not seriously threatened by federal, state, and local law enforcement. The Federal Bureau of Investigation (FBI) under J. Edgar Hoover did not regard the local families as a federal problem. Local police did not have the resources or expertise to support systematic investigations and make cases against members of the families. Besides and importantly, many urban police departments were corrupted by the crime families. The occasional successful prosecution had little, if any, effect on the families’ businesses and operations. New members could easily be recruited to replace imprisoned colleagues.

Federal law enforcement’s view of Italian American organized crime changed radically in the 1960s. Cosa Nostra attracted the attention of

powerful congresspersons who warned especially of organized crime's role in unions and the legitimate economy. Consequently in 1968, Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968. Title III provided for electronic eavesdropping pursuant to court orders. Wiretaps and bugs became the most important investigatory tools for combatting organized crime. In 1970, Congress passed the Racketeer Influenced and Corrupt Organizations (RICO) Act, which facilitated organized crime investigations and made possible the simultaneous prosecution of multiple members of each crime family. It made membership in an organized crime group an offense and authorized lengthy prison terms and substantial financial penalties. In 1970, Congress created the Witness Security Program, which offered protection and relocation with a new identity to Cosa Nostra defendants who became cooperating government witnesses.

More importantly, the FBI reinvented itself after Hoover's death in 1972. Hoover defined the FBI's top priority as internal subversion by Communists, socialists, and other left-wingers. His successors and the Criminal Division of the DOJ made organized crime control a top priority. In 1968, the DOJ established more than a dozen organized crime strike forces in jurisdictions where Cosa Nostra was thought to be strongest. The strike forces, reporting directly to the DOJ headquarters, were independent of the US Attorneys' offices in those jurisdictions. Thus, they focused full time on investigating and prosecuting organized crime without responsibility for dealing with other crime problems.

In 1975, after Cosa Nostra's assassination of former Teamsters Union president Jimmy Hoffa, labor racketeering became the principal focus of the federal effort. A few important prosecutions were brought in the 1970s, followed by a torrent in the 1980s. Practically every Cosa Nostra boss, and usually their successors, were convicted. Hundreds of Cosa Nostra members were imprisoned. In addition, a civil remedy, wielded by federal prosecutors, enabled lawsuits to bring organized-crime-dominated unions under the remedial authority of federal courts. By 2000 Cosa Nostra was severely weakened everywhere and in several cities eradicated.

Here is how this essay is organized. Section I describes in more detail the inter- and intra-organization of Cosa Nostra families. Section II describes their infiltration and exploitation of unions, business, and politics. Section III examines the Cosa Nostra crime families' black market operations. Section IV focuses on their political influence and role as a power broker in urban America. Section V sketches the evolution of the federal, state, and

local organized crime control campaign. Section VI surveys the law enforcement strategies wielded by federal, state, and local law enforcement and by local governments. Section VII reviews the reasons for Cosa Nostra's decline and speculates on its current and future prospects.

I. The Organization of Italian American Organized Crime

The origins of Cosa Nostra date from the nineteenth century in Italy and later in the United States. Its prominence, visibility, and a widely shared organizational structure date from the twentieth century.

A. *Cosa Nostra Families*

Each family is headed by a boss, sometimes called the “godfather.” How bosses are chosen or choose themselves is not clear. There is most likely no single method. Perhaps in some cases, as in the *Godfather* movies, the incumbent boss chose his successor. This would have required acquiescence by at least a substantial proportion of the family's membership. Perhaps in other cases the underboss, consiglieri, and capos, after negotiation and deal making, reached a consensus. Leadership succession is sometimes determined by intrafamily warfare as occurred in the Bonanno wars of the 1960s in New York City (DeStefano 2006). In theory, the boss exercises nearly absolute authority over the family; receives a share of his subordinates' revenues; oversees payoffs to politicians, police, and other officials; and takes care of the families of imprisoned (and sometimes deceased) members. Reality often differed. Imprisoned members' families were frequently not provided for adequately, if at all. Ambitious subordinates disagreed with a boss's policies or appointments and otherwise felt mistreated or disrespected.

Bosses of two dozen Cosa Nostra families operating over three-quarters of a century necessarily varied greatly in intelligence, energy, competence, and ambition. Since the mid-1970s, bosses have faced significant threats of arrest and prosecution. It would have been challenging for bosses tied up in criminal litigation to effectively govern their families. That challenge would have been even greater after conviction and during a lengthy imprisonment. There appears to be no standard practice or rule about when leadership must be relinquished.

Each family has an underboss, consiglieri, and several capos. The boss appoints this leadership team without the need for advice and consent, but subordinates' approval or at least respect for the underboss, consiglieri, and capos would likely be important. Each capo has authority over a "crew" comprising soldiers, sometimes called "good fellows" or "wise guys." All members must be males of Italian descent (Sicilian according to some writers). The consanguine definition of "Italian descent" is not clear. Are two "full-blooded" Italian parents required? John Gotti's wife, Victoria, had a Russian mother and an Italian father, so her son John Gotti Jr., Gambino boss for several years, was not full-blooded Italian. What counts as qualifying Italian lineage—"fully" Italian mother, father, or both—is not clear and probably varies between families and over time.

An individual must be invited to become a made member, almost always after years of being associated with the family. Prominent defector Joseph Valachi, a member of the predecessor of New York City's Lucchese family, testifying before Senator McClellan's Permanent Subcommittee on Investigations, described the secret Cosa Nostra induction ceremony. It included an oath of fealty to the family and its code of *omerta* that requires silence about the family's organization, membership, and activities (McClellan 1962). Blood is drawn from the initiate's hand (usually the trigger finger). Then a picture of a saint is burned in that hand (Fresolone and Wagman 1994; Maas 1997). Subsequent defectors confirmed Valachi's description of the ceremony. FBI agents, using an eavesdropping device, in 1989 recorded the initiation of four men into New England's Patriarca family (*United States v. Bianco*¹). The following year, George Fresolone, cooperating with the FBI, recorded his initiation into the Bruno-Scarfo family (Fresolone and Wagman 1994). Fresolone claimed in his autobiography that the Philadelphia family's failure to provide financial assistance to his family when he was incarcerated led to his disillusionment with Cosa Nostra and ultimately to his violation of *omerta* (Fresolone and Wagman 1994). His information contributed to racketeering indictments in 1991 against 38 reputed mobsters, including Nicodemo Scarfo, the Philadelphia-Atlantic City boss (Cox 1989).

Cosa Nostra crews include "associates" who work for and with made members. A 1998 estimate of the size and composition of New York's Genovese family calculated that there were four or five associates for

¹ See the appendix for full citations of all cases cited in this essay.

every made member, of whom there were approximately 250 (Raab 1998c). Associates need not be Italian.

A high-earning associate can be highly influential within the family leadership. Meyer Lansky, a principal in the development of Las Vegas as a gambling center, became one of Cosa Nostra's most powerful figures, although he himself could never become a made man. Nor could Murray Humphries, Red Dorfman, and Stanley Korshak, major figures in the Chicago family in the 1950s, 1960s, and into the 1970s. Nor was Moe Dalitz in Cleveland. Benjamin Siegel played a key figure in establishing Cosa Nostra's Las Vegas gambling empire.

Cosa Nostra members and associates function as criminal entrepreneurs, seeking out profitable legal and illegal opportunities; the legal businesses were typically run in illegal ways (Jacobs and Panarella 1998). Members and associates must share revenues with the family's leaders, but there are no hard-and-fast accounting rules or fixed percentages. Presumably, the sizes of payments to capos, consiglieri, underbosses, and bosses are individually negotiated. Financial disputes are not litigated in lawsuits; a subordinate suspected of cheating the boss can be assaulted or killed.

B. Relations among Families

Despite the late Donald Cressey's (1969) assertion that Italian American organized crime constituted a nationwide conspiracy, Cosa Nostra has never been a single organization. Since the 1930s, at least 24 Italian American crime families have operated independently, each with exclusive jurisdiction in its own geographic area (except in New York City, where five families operate). Each family chooses its own leaders, members, and associates; launches and conducts its own criminal enterprises; invests in legitimate enterprises; and divvies up revenues. Retired Bonanno family boss Joseph Bonanno claimed in his autobiography that the families were governed by a nationwide Cosa Nostra "commission" established in the 1930s by Charles Luciano (Bonanno and Lalli 1983). However, other than a bungled 1957 conclave in Apalachin, New York, attended by dozens of Cosa Nostra figures from all over the country, there is little evidence to support the existence of a national governing body (*United States v. Bufalino*). A nominal commission with representatives from some families may have met occasionally to discuss mutual interests and inter- and intrafamily disputes, but if so it did not in any meaningful sense "govern" the organized crime families.

Cosa Nostra families sometimes cooperated on ventures. Several families, for example, cooperated in skimming from Las Vegas casinos in order to avoid taxes. Several families operated in Miami, which apparently was considered “an open city.”

Indictments in the 1986 “commission case,” which brought charges against the leaders of four of the five Cosa Nostra families in New York City, charged the existence of a commission comprised of the heads of the five families (Bonanno, Columbo, Gambino, Genovese, and Lucchese). According to the prosecutors, this commission “regulated and facilitated the families’ interrelationships, promoted and carried out joint ventures, resolved actual and potential disputes, extended formal recognition to new bosses and, from time to time, resolved leadership disputes within a family, approving the initiation or ‘making’ of new members or soldiers, keeping persons inside and outside La Cosa Nostra in fear of the commission with threats, violence, and murder” (*United States v. Salerno*, indictment; see Jacobs, Panarella, and Worthington 1994). To the extent that the commission existed, it is not clear how it enforced its decisions. Most likely, the New York City bosses met from time to time on an ad hoc basis to discuss issues of common concern, for example, the 1960s warfare within the Bonanno family. There was no commission office, no staff, no budget. We know nothing about the alleged commission’s decision-making procedures. Was unanimity required? If not, did bosses in the minority acquiesce to the will of majority?

There is lore that commission approval was needed before members of a family could depose (assassinate) their boss. However, no information has surfaced that John Gotti, a Gambino family capo, sought, much less received, commission approval to assassinate Gambino boss Paul Castellano. Surely Gotti would not have risked disclosing his plot to the other families’ bosses lest information be leaked to Castellano. It is hard to imagine Gotti having been able to arrange a confidential meeting with the bosses minus Castellano. And if Gotti had appeared before the commission, would his anti-Castellano allegations have been accepted at face value, or would the bosses have wanted to hear what Castellano or any defenders of his leadership had to say? Without some kind of fact-finding, it would have been hard for a commission to anticipate the ramifications of an unsuccessful or even a successful assassination attempt. Finally, might not the other bosses have been reluctant to approve a capo’s assassination of a boss in light of their own vulnerability to subordinates?

Families are better conceptualized as franchises than as formal bureaucratic organizations. A made member or associate derives power and economic benefit from being recognized by the family. Businessmen, union officers, and politicians are likely to comply with a family member's "requests" because of the family's reputation for wielding power through violence and other means.

II. Labor and Business Racketeering

The Cosa Nostra families' success over much of the twentieth century results from seeking out, developing, and exploiting a range of criminal and noncriminal opportunities including corruption of national and local labor unions; creation and enforcement of employer cartels; supplying illicit goods and services; and carrying out thefts, hijackings, frauds, and arson. At the same time, members often own and sometimes run ostensibly legitimate businesses, such as clubs, restaurants, trucking companies, linen suppliers, and concrete plants, and routinely violate antitrust, tax, and other laws. Cosa Nostra's footholds in both the criminal underworld and the world of legitimate businesses, unions, and politics distinguish it from other organized crime groups active in US black markets (Jacobs 1999).

A. Labor Racketeering

Since the beginning of the twentieth century, labor racketeering has provided Cosa Nostra with power, status, legitimacy, and financial reward (Seidman 1938; Taft 1958; Hutchinson 1969; Jacobs 2006). Infiltration of unions began in the 1910s and 1920s when companies recruited gangsters to break strikes, and unions recruited them to fight the strike breakers. With a foot in the door, organized crime families took over unions by replacing their officers by force or election fraud (Jacobs and Panarella 1998; Jacobs 2006). In some cases, they parlayed control of locals into influence and sometimes control of the national union (international if there were locals in Canada). For decades, Cosa Nostra wielded significant influence in the International Longshoremen's Association, the Laborers Union, the Hotel Employees and Restaurant Employees Union, and the International Brotherhood of Teamsters.

Cosa Nostra turned union power into profit by extortion (selling labor peace to employers), embezzling from and defrauding pension and

welfare funds, taking employer payoffs in exchange for sweetheart contracts or ignoring violations of collective bargaining agreements, paying union officers bloated salaries, and forcing employers to hire no-shows (Reuter 1985, p. 56). The Cosa Nostra crime families also used their union power to acquire ownership interests in businesses; a business could not operate if the union would not allow its members to work for it. Organized crime figures could easily put an employer out of business or take an ownership interest. Moreover, by controlling which businesses could operate in a particular sector, they were able to establish employer associations (cartels) in waste hauling, construction, seaborne and air cargo, and other business sectors (New York State Organized Crime Task Force 1990; Jacobs 2006). The cartels set prices and decided which companies could bid on contracts and how much they could bid. In short, they designated who would win contracts.

Beginning in the 1950s, Cosa Nostra's influence in the International Longshoremen's Union enabled the Gambino (Brooklyn and New Jersey) and Genovese (Manhattan) families to exploit many of the port's operations. Cosa Nostra determined who worked on the docks and decided when cargo ships would be unloaded. They solicited bribes from or extorted shippers by determining which cargo was loaded and unloaded and when (Bell 1960; Abadinsky 1994). In the 1970s, the FBI's massive Operation UNIRAC (*Union Racketeering*) investigation revealed that the Gambino and Genovese families' influence in the Longshoremen's Union extended from New York to Miami (*United States v. Local 1804-1, International Longshoremen's Association*). Shippers paid off the families to avoid harm, to gain advantage, or both.

Cosa Nostra wielded extraordinary influence in the International Brotherhood of Teamsters (IBT). It was the nation's largest private sector labor union, with 2.3 million members at its height. Jimmy Hoffa attained the presidency with the assistance of Cosa Nostra and, in return, deferred to their wishes. However, Hoffa was convicted of jury tampering, attempted bribery, and fraud and sent to prison in 1967. Frank Fitzsimmons served as acting president. President Richard Nixon pardoned Hoffa in December 1971 on condition that he not participate in union activities. Hoffa immediately repudiated that condition and sought to regain his old position. Cosa Nostra bosses, however, preferred Fitzsimmons and, after warning Hoffa to desist, assassinated him (Brandt 2004). Fitzsimmons served as IBT president from 1971 to 1981.

By the late 1980s, organized crime was entrenched in at least 38 of the largest Teamster locals (PCOC 1986*a*; Jacobs and Cooperman 2011). Cosa Nostra bosses promoted their favored candidates for the IBT presidency and other top positions. For example, the Kansas City family successfully lobbied for Roy Williams's candidacy to succeed Fitzsimmons. Williams resigned after conviction for conspiracy to bribe a US senator. The Cleveland family then promoted Jackie Presser's successful candidacy (Brill 1978; Moldea 1978; Crowe 1993; Jacobs 2006; Jacobs and Cooperman 2011).

Cosa Nostra's influence in the Laborer's International Union of North America guaranteed a powerful presence in the construction industries in many cities. Extensively recorded conversations of Sam DeCavalcante (New Jersey family) detailed his family's control of a laborer's union local (Zeiger 1970). For years, the "Outfit" (the Chicago family) strategically positioned Cosa Nostra members in the Laborers Union's locals in that city (Abadinsky 1994). The President's Commission on Organized Crime (PCOC 1986*a*) and several civil federal lawsuits documented the Lucchese and Genovese families' influence in New York's Laborers Local 6A and the Eastern District Council (New York State Organized Crime Task Force 1990).

Cosa Nostra, especially the Lucchese crime family, has been firmly entrenched in many New York City local building trades' unions, including painters, carpenters, mason tenders, and plumbers (New York State Organized Crime Task Force 1990). The "mobbed-up" unions crushed opposition by means of blacklisting and personal violence. Union officials who were members or associates of Cosa Nostra ran patronage systems in their locals.

Cosa Nostra has had a strong presence in the Hotel Employees and Restaurant Employees International Union (HEREIU). Control of HEREIU Local 54 enabled Philadelphia's Bruno-Scarfo family to direct the purchasing decisions of Atlantic City hotels (Abadinsky 1994). In Chicago, the Outfit's control of an HEREIU local gave it power over the restaurant industry (McClellan 1962). In New York City, the Colombo and Gambino families for many years dominated HEREIU Locals 6 and 100 (PCOC 1986*a*).

Cosa Nostra benefited enormously from its union influence (New York State Organized Crime Task Force 1990). John Cody (Teamsters), Ralph Scopo (Laborers), Albert Anastasio and Anthony Scotto (Longshoremens),

and Harry Davidoff (Teamsters) were among the most powerful New York City labor figures in the second half of the twentieth century. Red Dorfman was president of Chicago's Waste Handler's Union and a key figure in Chicago's Outfit. Murray Humphries, another top Outfit figure, though not a union official himself, wielded enormous influence over several Chicago unions.

As joint employer/union pension and welfare funds grew, Cosa Nostra members and associates, serving as fund trustees, treated the funds as piggy banks. The most notorious example was the Chicago, Kansas City, Milwaukee, and Cleveland bosses' exploitation of the massive Teamsters Central States Pension and Welfare Fund (*United States v. Dorfman*). Generous loans from this fund (controlled by the Chicago Cosa Nostra family through Allen Dorfman, who approved loans) financed Cosa Nostra's operations in Las Vegas (Skolnick 1978).

Control over unions enabled Cosa Nostra members to extort labor peace payoffs from businesses and to solicit bribes in exchange for sweetheart collective bargaining contracts (Jacobs and Panarella 1998; Jacobs 2006). Cosa Nostra-dominated unions turned a blind eye to employers' failures to make required payments to pension and welfare funds by overlooking "double-breasted" shops (staffed by both union and non-union workers) and by facilitating other employer practices that violated contractual obligations. In some jurisdictions, a mobbed-up union maintained two locals, one with a strong collective bargaining agreement and the other with a weak one. Employers who paid bribes to the union bosses and their Cosa Nostra allies were permitted to contract with the low-cost union. Employers were also induced to put no-show Cosa Nostra members, friends, or associates on their payrolls.

Influence over unions and pension funds enabled Cosa Nostra to direct union contracts for dental and medical providers, legal services, and other goods and services (New York State Organized Crime Task Force 1990). Sometimes firms owned by Cosa Nostra members or associates were the chosen contractors; other times, contracts went to legitimate contractors who paid kickbacks. For example, contracts for maintaining the heavy equipment for unloading seaborne cargo in New Jersey have for decades been controlled by Cosa Nostra labor racketeers (Stewart 2019).

Cosa Nostra racketeers also extorted kickbacks from rank and file union members. A worker had to pay part of his salary to an organized

crime-controlled union boss in order to get a desirable assignment and even to work at all, especially on the New Jersey side of the Port of New York. These kickbacks were, among other ploys, sometimes called “Christmas gifts” from the union member to the boss (Stewart 2019).

B. Business Racketeering and Cartels

From the early twentieth century, New York City mobsters exerted strong influence in the construction industry, the garment center, the Fulton Fish Market, and sea cargo operations in the Port of New York and New Jersey (Hortis 2014). From the 1950s to the 1990s, based on their influence in unions, the New York City Cosa Nostra families were deeply entrenched at the Javits Exhibition Center, in John F. Kennedy Airport’s air cargo operations, and in commercial waste hauling and disposal. They were also involved in moving and storage, securities, linen supplies, food processing, importation, and retail distribution (Kwitny 1979; Jacobs and Hortis 1998; Jacobs 1999). The Genovese, Gambino, Colombo, and Lucchese families made millions from a monopoly over window replacement in all public housing and much private housing in New York City.

Gambino family boss Paul Castellano owned Dial Meat Purveyors, which distributed poultry to 300 butchers, grocers, and supermarkets in the New York City metropolitan area and, ultimately, to two national supermarket chains (Maas 1997). Chicken magnate Frank Perdue found that getting supermarkets to purchase his chickens required paying off Castellano (PCOC 1986a; O’Brien and Kurins 1991; Maas 1997). Small butchers could not obtain poultry from anyone other than Dial (Maas 1997). If a business complained, Castellano orchestrated union problems.

Control over a union allowed Cosa Nostra to determine which companies could do business in a sector whose workers that union represented. The cartels allocated contracts and fixed prices. The cartels’ members inflated prices, in effect imposing a “cartel tax” or “mob tax” on consumers (Jacobs and Hortis 1998). Businesses that were not members could neither get union labor nor operate with nonunion labor. A business that tried to operate with nonunion labor would be picketed, disrupted, and ultimately shut down.

In the “commission case,” *United States v. Salerno*, federal prosecutors proved that four of New York City’s five Cosa Nostra crime families controlled a concrete contractors cartel. S&A Concrete, owned in part

by Anthony Salerno (“front” boss² of the Genovese family) and Paul Castellano (boss of the Gambino family), was the only company permitted to bid on poured concrete contracts in excess of \$5 million (Jacobs, Panarella, and Worthington 1994). The cartel assigned middle-sized contracts (i.e., \$2–\$5 million) to one of a half-dozen contractors in which Cosa Nostra families held interests. Other companies could bid on and carry out smaller contracts, as long as they kicked back 2 percent of the contract price to the Colombo family (*United States v. Salerno*). The Cosa Nostra families also had a monopoly over concrete manufacturing in New York City, owning the only two plants in that business. These companies were forfeited to the government in the prosecution of Cosa Nostra front man Edward Halloran, who was subsequently assassinated by his former sponsors.

Cosa Nostra exerted similar influence in the New York City drywall industry through Vincent DiNapoli, a Genovese capo. Through its control of the Carpenters Union, the Genovese family held ownership interests in several drywall contractors and ran the Metropolitan New York Drywall Contractors Association (Jacobs 1999). Much like its concrete counterpart, the drywall cartel allocated bids and took 2 percent of contracts as a kickback. Firms that were not members of DiNapoli’s cartel paid an additional \$1,000 per week to ensure labor peace. The association’s district council was placed under a federal trusteeship in 1990, but Cosa Nostra’s control of the union was not broken (Jacobs 1999). The government brought a new round of charges against the union’s leadership in 2010.

For at least two decades, two powerful Cosa Nostra–sponsored cartels allocated contracts and fixed prices in the New York City and Long Island waste hauling industry (Jacobs and Hortis 1998; Cowan and Century 2002). Peter Reuter (1993) explains that these cartels operated smoothly because a Cosa Nostra member sat on the grievance committee of the employers’ association, the New York Trade Waste Association. Consequently, no carting company ever refused to accept the committee’s resolution of a dispute over “ownership” of routes and customers (Jacobs 1999). Similar waste hauling cartels operated in Chicago, Los Angeles, Philadelphia, Long Island, and many other northeastern and Midwest cities and counties (Russo 2001).

² Vincent Gigante was the actual boss of the Genovese family but preferred that Salerno appear to be the boss in order to divert law enforcement attention from himself.

The Chicago family's Murray Humphries parlayed his control of unions into a dry cleaning and laundry empire. He also achieved a monopoly on supplying ice to Las Vegas casinos (Russo 2006).

Brothers Thomas and Joseph Gambino gained control of New York City's garment district through their domination of International Ladies Garment Workers Union Local 102 (Jacobs 1999) and ownership of several trucking companies. Thomas Gambino (a capo in the Gambino family) amassed a \$100 million fortune, mostly through ownership of trucking companies operating in the garment center. In 1981, the garment industry honored Gambino as its Man of the Year. The Lucchese family operated similar schemes in painting and window replacement.

Cosa Nostra members and associates owned and invested in myriad other businesses, particularly nightclubs and restaurants. In the mid-twentieth century, Stefano Magaddino, boss of the Buffalo family, owned the Magaddino Funeral Parlor, the Camellia Linen Supply Co., and Pandoro Exterminators, Inc. *Wall Street Journal* investigative journalist Jonathan Kwitny (1979) documented Cosa Nostra's ownership or control of meat and cheese processing firms in New York City.

III. Black Markets

Cosa Nostra members and associates have, since at least national alcohol prohibition in 1919–33, provided illegal goods and services including gambling, loan-sharking, prostitution, pornography, and drugs (Haller 1990).

A. Gambling

Gambling has always been an important source of revenue for Cosa Nostra families. The 1967 President's Commission's Task Force on Organized Crime identified gambling as Cosa Nostra's main moneymaker. The 1985 President's Commission on Organized Crime (PCOC) focused much of its attention on Cosa Nostra's gambling operations. FBI agent Frank Storey Jr. told the later commission that by a conservative estimate (for which he did not provide a source) more than half of Cosa Nostra revenues came from gambling (PCOC 1985, p. 57).

The Cosa Nostra families thrived on bookmaking for numbers, horse races, and sporting events (Liddick 1998). Some of the midcentury titans

of organized crime, such as Frank Costello, became rich via slot machines and other gambling rackets. The PCOC (1985) concluded that sports betting provided the largest proportion of gambling revenue, but they presented no reliable data, nor are any likely to become available.

Las Vegas's development as a gambling mecca is a critical chapter in Cosa Nostra's history. With financial backing from Meyer Lansky, Frank Costello, Bugsy Siegel, and other Cosa Nostra figures projected its influence in Las Vegas just as they had previously done in Havana (Colhoun 2013). With organized crime financing, Siegel built the Flamingo, the first huge Las Vegas casino hotel. Over time, Cosa Nostra bosses obtained ownership interests in many Las Vegas hotels and casinos (Skolnick 1978). At one point, the Teamsters Central States Pension lent approximately a quarter of a billion dollars secured by mortgages on those properties (PCOC 1985). Even more important than mob ownership of the casinos was control over their operation. This enabled the Cosa Nostra bosses to skim money, thereby avoiding taxes (Skolnick 1978; PCOC 1983). In 1986, with the aid of testimony from Angelo Lonardo, Cleveland underboss turned government witness, federal prosecutors convicted a number of those involved in skimming (e.g., *United States v. Spinale*).

The PCOC explained that the Outfit, which controlled gambling in Chicago, imposed a 50 percent tax on bookmakers. The Outfit supplied wire rooms, clerks, and telephones. The bookmaker had to attract his own clients. Government telephone intercepts exposed a Milwaukee-based sports bookmaking operation headed by Frank Balistrieri (boss), Steve DiSalvo (underboss), and Balistrieri's sons (PCOC 1985). "Writers" answered phones and dealt with customers.

Cosa Nostra members also profited by fixing sports contests that made their bets a sure thing. Cosa Nostra families fixed boxing and jai alai matches and dog and horse racing. It is easier to fix contests in individual sports where just one contestant has to be corrupted, but team sport contests could also be fixed. The notorious Boston College basketball fix began with a small-time bookie, Tony Perla, who was friendly with Rick Kuhn, a member of the Boston College basketball team. Perla bribed Kuhn to keep Boston College's margins of victory within the point spread. In order to increase profits, Perla needed a multicity bookmaking network. This led him to the Lucchese family. Ultimately, the Luccheses paid Kuhn and one other player \$2,500 (and drugs) per game (PCOC 1985).

The PCOC reported that Cosa Nostra placed illegal gambling devices in restaurants, clubs, and stores and shared revenue with those

businesses. If a player won, the business paid out. Cosa Nostra members picked up its share of the profits on a weekly basis.

B. Loan-Sharking

Loan-sharking, which involves usurious loans backed up by intimidation and threats of force to obtain repayment, has been a Cosa Nostra mainstay (Goldstock and Coenen 1978). Organized crime members loaned money to their own associates, gamblers, and individuals who could not or would not obtain bank loans (Kenney and Finckenauer 1995). Estimates of interest rates range as high as 250 to 1,000 percent per annum (Kenney and Finckenauer 1995).

One of the predicate racketeering offenses charged in the 1986 commission case (*United States v. Salerno*) was conspiracy to allocate loan-sharking territories on Long Island. The indictment charged the defendants facilitated loan-sharking by resolving a territorial dispute between the Lucchese and Gambino crime families (Jacobs, Panarella, and Worthington 1994). Gambino family boss John Gotti was convicted of loan-sharking, among other offenses (*United States v. Gotti*, aff'd, *United States v. Locascio*).

In *United States v. DiSalvo*, federal prosecutors in Philadelphia convicted two Scarfo family associates of loan-sharking offenses. Former underboss Philip Leonetti, testifying as a cooperating witness, described how intra-family lending worked. When Scarfo became boss, he agreed temporarily to exempt DiSalvo's loan-sharking operations from having to kick back to him. However, when Scarfo assisted DiSalvo in collecting on a \$200,000 loan, DiSalvo was required to share the money with Scarfo.

Loan-sharking continued into the twenty-first century. In 2009, the New York Police Department arrested 22 Lucchese and Gambino members and associates for loan-sharking and sports gambling. However, it seems likely that the vast expansion of consumer credit options in the last several decades diminished Cosa Nostra's loan-sharking business. Bank of America launched the first bank credit card, which eventually became Visa, in the mid-1950s, American Express followed in 1959, and Mastercard in the mid-1960s. More than 80 percent of American households have at least one credit card.

C. Prostitution and Pornography

In 1936, Lucky Luciano and several codefendants, targeted by investigators for their efforts to centralize control of New York City

brothels, were successfully prosecuted for 62 counts of compulsory prostitution (Block 1983). Governor Thomas Dewey granted Luciano clemency in exchange for his assistance in keeping East Coast ports free of labor unrest during World War II (Kenney and Finckenauer 1995). Beginning in the 1960s, the sexual revolution likely reduced the demand for paid sex. In any case, by the 1970s and 1980s the Cosa Nostra families had largely ceased to operate brothels, although some organized crime figures continued to extort protection payoffs from independent brothel owners (Abadinsky 1994).

Historically, Cosa Nostra members actively trafficked in pornography. According to the FBI, Cosa Nostra families controlled the pornography industry through threats and use of force. In the 1960s, the Colombo family ran coin-operated machines showing 8-millimeter pornography films in New York's then seedy Times Square. In the 1970s, Matthew Ianniello, boss of the Genovese family, amassed an empire of topless bars, porn shops, and sex shows centered in Times Square (Raab 2005). A mobster affiliated with the Colombo family financed the breakout 1972 porn movie *Deep Throat*. The Bonanno family's Mickey Zaffarano owned Pussy-cat Cinemas, a chain of movie theaters that specialized in porn. In 1980, a two-and-a-half-year FBI investigation resulted in 45 pornography indictments that included Cosa Nostra figures. A 2002 indictment charged the Chicago Outfit with extorting payments from adult entertainment businesses (*United States v. Calabrese*).

In recent years, the availability of so much explicit sexual material in print, films, and over the internet has likely diminished Cosa Nostra's role in the pornography market. However, that does not mean that entrepreneurial mobsters haven't found ways to continue to profit. In 2005, prosecutors charged Gambino family members with fraud for offering free tours of adult websites and then extravagantly billing customers' credit cards. The Gambinos, as individuals, invested profits in a phone company, bank, and more than 64 shell companies and foreign bank accounts.

D. Drug Trafficking

Italian American organized crime figures have been heavily involved in drug trafficking since the early twentieth century (Hortis 2014). For example, Lucky Luciano was arrested for transporting heroin (Kenney and Finckenauer 1995). Vito Genovese, "boss of bosses" in the late 1950s, was ultimately convicted of drug trafficking (Hanna 1974). The

infamous “French Connection” case revealed Lucchese family dominance and Bonanno family involvement in importing heroin from France to New York City in the 1950s. In the 1980s, prosecutors proved extensive Bonanno family drug trafficking in *United States v. Badalamenti* (known as the “pizza connection” case because several defendants used pizzerias as fronts). The federal government exposed an international drug-trafficking network, with over 200 participants, coordinated primarily by the Bonanno family and a Sicilian Mafia group (Jacobs, Panarella, and Worthington 1994).

Some Cosa Nostra members (and the fictional Don Corleone in the 1972 *Godfather* movie) claimed to oppose drug trafficking for moral reasons and because of the risk of provoking law enforcement crackdowns (Bonanno and Lalli 1983; Maas 1997). If such a no-drugs edict existed, it was routinely violated (Jacobs, Panarella, and Worthington 1994; Hortis 2014). Gambino family boss Paul Castellano allegedly prohibited members of his family from participating in drug trafficking, but demanded a cut of Sonny Black Napolitano’s (Bonanno family) heroin business in exchange for supporting Napolitano in the Bonanno intrafamily conflict (Bonavolonta and Duffy 1996). In addition, the Gambino family’s capos and soldiers were heavily involved. Castellano’s inconsistent drug policy is one reason John Gotti arranged his assassination in 1985 (Bonavolonta and Duffy 1996).

Many members of the Genovese family have been convicted of drug trafficking offenses (Peterson 1983). Alphonse D’Arco, cooperating with the government, testified that he did not directly sell drugs while serving as acting Lucchese family boss but that subordinates did (*United States v. Avellino*). Angelo Bruno, head of the Philadelphia crime family, adopted a similarly hypocritical approach (Fresolone and Wagman 1994). While many Cosa Nostra individuals and crews participated in drug trafficking, they could not dominate the market. There are just too many traffickers, some as violent and ruthless as Cosa Nostra.

E. Thefts and Frauds

Cosa Nostra families did not and do not limit themselves to activities stereotypically associated with organized crime. They also sponsor and engage in garden-variety crimes.

1. *Thefts.* Cosa Nostra members engaged in all manner of acquisitive crimes. For example, because of its entrenched position on the waterfront

and in the construction industry, and through its influence over cargo operations at Kennedy Airport, Cosa Nostra members and associates carried out truck hijackings and other thefts (Jensen 1974; Kwitny 1979; New York State Organized Crime Task Force 1990). The Lucchese family's control of two Teamsters locals enabled systematic thefts from air cargo at John F. Kennedy Airport. Dispatchers provided information about the arrival of valuable shipments, shipping times, and delivery routes. Trucks leaving the airport could then be intercepted by a Lucchese operative, sometimes with the driver's cooperation (Jacobs 1999). The most ambitious such theft, the basis for the movie *Goodfellas*, was a \$5 million heist from the Lufthansa cargo hangar in 1978 (Jacobs and Panarella 1998).

Thefts of equipment and materials were so predictable on some construction projects that contractors incorporated the anticipated losses into their bids. Sometimes contractors repurchased their stolen equipment from the thieves. Sometimes Cosa Nostra destroyed materials and equipment to generate more business for their suppliers and construction companies (New York State Organized Crime Task Force 1990).

2. *Frauds.* Cosa Nostra members did and do perpetrate all kinds of frauds. They have sold shares in sham corporations, counterfeited stock certificates, and controlled small brokerage houses that raised money from unsuspecting investors. Thefts by Joey Franzese, whose uncle was a member of the Colombo family, from Dean Witter investment bank provide a notorious example. Franzese, a Dean Witter employee, created phony accounts on which he wrote checks to himself (Kwitny 1979).

In 1997, a grand jury indicted a dozen Genovese and Bonanno members for securities fraud, bank fraud, and extortion (Jacobs 1999). The indictments charged a classic "pump and dump" scheme. The defendants pressured employees of a small brokerage firm to acquire shares of HealthTech. With cooperation from HealthTech's CEO, the defendants then sold the company's inflated shares to unsuspecting customers (Jacobs 1999). In 2006, federal prosecutors in the Southern District of Florida brought one of the largest internet fraud prosecutions in history; 46,000 victims lost more than \$16 million. Investigators discovered the fraud in the course of an investigation of Colombo family associates' control over a Pennsylvania internet company and its South Florida-based marketing partners.

Bankruptcy fraud has long been popular with Cosa Nostra soldiers and associates. They take over a legitimate company and loot its assets,

leaving creditors high and dry. A variation involves creating a company for the purpose of bankrupting it (Hanna 1974; Kwitny 1979). Tax fraud has also been routine (*United States v. Ianniello*).

F. Violence

Cosa Nostra's power derives from its reputation for ruthless violence. Peter Reuter (1987) explains that Cosa Nostra members rely on and exploit Cosa Nostra's violent reputation. However, "because organized crime figures have a reputation for being able to execute threats of violence ... and to suppress the course of justice when complaints are brought against them means that actual violence is rarely necessary" (Reuter 1985, p. 56). This explains why Cosa Nostra members signal their family ties through dress and comportment (Gambetta 2009).

By far, most Cosa Nostra murder victims have themselves been Cosa Nostra members and associates. In his testimony against Gambino family boss John Gotti, Sammy Gravano explained that murder is employed as a tool for maintaining family discipline (Jacobs, Panarella, and Worthington 1994). Gravano admitted to participating in 19 murders. Gotti was convicted of murdering Paul Castellano and several of Castellano's henchmen. Defendants in the commission case, *United States v. Salerno*, were convicted of ordering the murder of Carmine Galante (Bonanno family boss) and two of his associates. The discovery of the remains of two murdered mob members below the Arista windows factory in Brooklyn (owned by Pete Savino, the leader of the Cosa Nostra window replacement scam) enabled the government to recruit Savino as a cooperating witness (Bonavolonta and Duffy 1996).

In Cosa Nostra's long history there are practically no examples of violence against police, prosecutors, judges, or jurors, which is not uncommon in Italy. It is puzzling why the extraordinary post-1970s government campaign against Cosa Nostra did not degenerate into the kind of violent conflict between gangsters and law enforcement agents that occurs in Mexico, Central and South America, and elsewhere. Investigators and prosecutors say that Cosa Nostra feared all-out repression would result from assassinating government personnel or jurors. Perhaps, but since the mid-1970s, the FBI and the DOJ have engaged in all-out suppression of Cosa Nostra, albeit using legal strategies, not assassinations (Jacobs, Panarella, and Worthington 1994). It does not seem likely that federal, state, and local law enforcement agencies would have engaged in a campaign

of assassinations against Cosa Nostra even if Cosa Nostra had targeted law enforcement, prosecutors, court personnel, and jurors.

IV. Local Government

Cosa Nostra bosses have functioned as fixers to whom businessmen, politicians, and criminals reach out to resolve disputes with labor organizations, law enforcement agencies, and government regulators (Jacobs, Panarella, and Worthington 1994). They sometimes played a stabilizing role in what otherwise would have been chaotic black markets (Bell 1960). However, in order to advance their interests, organized crime bosses routinely corrupted local politicians.

In many cities, Cosa Nostra bribed police to turn a blind eye to gambling and other black market activities. In addition, organized crime bosses functioned as power brokers, supporting and promoting their favored political candidates with funds and get-out-the-vote assistance. In return, politicians gave Cosa Nostra protection from apprehension and prosecution. Cosa Nostra also benefited from corrupt contract letting and land deals.

In the early 1950s, the Senate Special Committee to Investigate Crime in Interstate Commerce—often called the Kefauver Committee after its chairman, Senator Estes Kefauver—investigated the symbiotic relationship between Cosa Nostra families and big city politicians. The committee focused on William O'Dwyer, Brooklyn district attorney from January through August 1945 and New York City's mayor from 1946 until his resignation in 1950 (Block 1983). Members of the committee suspected that, as Brooklyn district attorney, O'Dwyer protected organized crime figures from prosecution. Frank Costello, New York City's "boss of bosses," who had strong ties to Tammany Hall, New York City's dominant Democratic club, helped O'Dwyer win the mayoralty in 1945 (Block 1983). O'Dwyer's 1950 resignation did not end Cosa Nostra's city hall influence. His successor, Vincent Impellitteri (1950–54), also had close ties to Costello and to the Lucchese family (Peterson 1983). In Kansas City, there was a working relationship between the Pendergast political machine and Cosa Nostra. The police protected organized crimes's gambling enterprises (Abadinsky 1994).

Formal position as labor officials gave Cosa Nostra members and associates reason and right to participate in mainstream metropolitan politics. For four decades Harry Davidoff, president of IBT Local 295,

whose jurisdiction included John F. Kennedy Airport, was an important New York City power broker. When Anthony Scotto, a Gambino family capo and third highest ranking official in the International Longshoremen's Association, was tried for bribery and racketeering, New York Governor Hugh Carey testified as a character witness for him. Former New York City mayors Robert Wagner and John Lindsay submitted letters to the sentencing judge on Scotto's behalf. In the 1970s, John Cody, president of Teamsters Local 282, was the most powerful labor official in New York City's construction industry. In 1982, he was convicted of racketeering and sentenced to 5 years. Ralph Scopo, Colombo crime family capo, served as president of a local of the Laborer's International Union of North America and as an official of the Concrete Workers District Council until, after indictment in the commission case, he was forced to resign from the District Council. He was convicted and sentenced to a 100-year prison term.

Cosa Nostra's influence with city officials proved advantageous in steering government contracts to Cosa Nostra-connected firms. In 1967, Lucchese family boss Antonio Corallo and Daniel Motto were indicted with James Marcus, commissioner of New York City's Water Department, for bribery in connection with awarding a multimillion-dollar water reservoir rehabilitation contract to a company controlled by the Lucchese family (*United States v. Corallo*; Jacobs 1999). In 1983, Teamsters president Roy Williams, Teamsters Central States Pension Fund broker Allen Dorfman, and Joseph Lombardo (Chicago Outfit) were convicted of conspiring to bribe US Senator Howard S. Cannon to help shelve a trucking deregulation bill (PCOC 1983; *United States v. Williams*). The New Orleans crime family, during Carlos Marcello's reign from 1947 to the late 1980s, exerted enormous influence in Louisiana politics. For decades, the Outfit controlled the First Ward in downtown Chicago. In the 1980s and 1990s, the Patriarca family exercised strong influence over politics and government operations in New England. Buddy Cianci, who was mayor of Providence, Rhode Island, from 1975 to 1984, when he was sent to prison, and again from 1991 to 2002, when he was again sent to prison, had a close relationship with the Patriarcas (Trotter 2014). Cosa Nostra had a strong presence in New Haven from the 1950s to the 1980s. First, the Colombo family was dominant and then the Patriarcas. Youngstown, Ohio, was notoriously entangled with Cosa Nostra from the 1950s to the 1990s; there was a close relationship between organized crime figures and city politicians.

Philadelphia's Bruno-Scarfo family thoroughly corrupted Philadelphia city government and politics in the 1980s (Cox 1989). *United States v. DiSalvo* exposed Cosa Nostra's influence on a Philadelphia councilman. Testimony from Philip Leonetti, former Bruno-Scarfo underboss, and Nicholas Caramandi led to conspiracy convictions for several Bruno-Scarfo family members, Philadelphia councilman Leland Beloff, and Beloff's legislative aide Robert Rego. At the 1992 trial, prosecutors proved that Beloff and Rego conspired with boss Nicodemo Scarfo to move a multimillion-dollar construction project bill through the council and share the developer's \$100,000 kickback (*United States v. DiSalvo*). Cosa Nostra was closely allied with Newark Mayor Hugh Addonizio's administration (1962–70); after Addonizio's 1970 conviction for racketeering, federal prosecutors observed that the conviction demonstrated for the first time how a municipal administration could be taken over by organized crime (Barbanel 1981).

V. The Evolution of Effective Organized Crime Control

Government success against Cosa Nostra is attributable to a change in the FBI's and the DOJ's commitments and strategies, political support at the highest governmental level, the use of extensive electronic surveillance, the ability to protect cooperating witnesses, powerful new criminal and civil law tools, and innovative administrative strategies.

A. *Early Days of Organized Crime Control*

J. Edgar Hoover became director of the Bureau of Investigation, the FBI's predecessor, in 1924 and became first director of the FBI in 1935. He remained director until his death in 1972. During that long period, communists and other "subversives" were his top priority. Hoover denied the existence of nationwide organized crime, arguing that city police and county prosecutors were responsible for investigating local criminal groups. The FBI decimated communist and left-wing involvement in the fledgling labor movement but left organized crime's labor racketeering untouched. Cosa Nostra bribery and intimidation neutralized local law enforcement.

Congressional attention to organized crime dates to 1950, when a Special Senate Committee, chaired by Tennessee Senator Estes Kefauver, exposed ties between organized crime and local government in several

US cities (Kefauver 1951). Unfortunately, there was no follow-up. In 1956, Arkansas Senator John McClellan initiated hearings for the Senate Select Committee on Improper Activities in the Labor or Management Field that extended for 15 years (McClellan 1962). During Robert F. Kennedy's tenure as that committee's chief counsel, he engaged in acrimonious exchanges with IBT President Jimmy Hoffa (Kennedy 1960).

In 1957, a New York State police officer in rural Apalachin, New York, stumbled on what appeared to be a nationwide conclave of mob bosses. After Apalachin, an embarrassed Hoover launched the "Top Hoodlum Program," consisting of extensive intelligence gathering (electronic eavesdropping) on Cosa Nostra families around the country. However, the fruits of wiretaps and bugs were not admissible in federal court until 1968, when Congress authorized judicial supervision of electronic surveillance. When, in 1961, Robert Kennedy became attorney general, he revitalized the DOJ's Organized Crime and Racketeering Section. In 1964, federal prosecutors convicted IBT President Jimmy Hoffa of jury tampering, attempted bribery, and fraud. However, the DOJ's organized crime control effort withered after Kennedy's resignation in summer 1964. His successor, Ramsay Clark, was a critic of electronic surveillance.

B. Organized Crime Control Laws

In 1968, Congress authorized federal law enforcement agencies to conduct electronic surveillance subject to judicial supervision. The 1970, the RICO Act enabled law enforcement agents and prosecutors to target entire crime families and the New York families' commission, such as it was. Under RICO, defendants faced the prospect of lifetime imprisonment. The 1970 Witness Security Program enabled crime members to survive if they chose to cooperate with the government.

1. *Title III.* In 1968, Congress authorized use in federal courts of evidence obtained by electronic eavesdropping (Title III of the Omnibus Crime Control and Safe Streets Act of 1968, United States Code, vol. 18, secs. 2510–20 [1982]; Goldsmith 1983). Title III permits electronic eavesdropping with a judicial warrant issued on a showing of probable cause of past or ongoing criminality and the unavailability of viable alternative investigatory means. Eavesdropping is limited to a duration of 30 days, although a judge may grant extensions. The law requires "minimization," that is, the eavesdropping device must be turned off if, after a brief period

of listening, it is apparent that the intercepted conversation is not relevant to the matter underlying the warrant. Amendments in 1986 authorized “roving surveillance” involving different phones or sites at which the investigative target conducts criminal business (Goldsmith 1987; Jacobs, Panarella, and Worthington 1994). Subsequent amendments extended legal eavesdropping to computer and mobile phone communication. The number of state and federal electronic eavesdropping orders increased from 564 in 1980 to 801 in 1984, 900 in 1992, and more than 1,000 every year after 1994, reaching 2,000 in 2007 and over 4,000 in 2015 (US Administrative Office of the Courts 2015). The absolute number of authorizations, however, is an imperfect indicator of surveillance activity, because some interceptions last many months, cover multiple phones and locations, and intercept thousands of conversations.

The listening device that the FBI placed in Gambino family boss Paul Castellano’s kitchen produced information that led to the indictment of Castellano and cronies. A device in East Harlem’s Palma Boys Social Club recorded Genovese family “front boss” Anthony Salerno discussing commission business and Teamsters politics (Bonavolonta and Duffy 1996). Vincent Gigante, the actual Genovese boss, preferred to remain in the background. These intercepted conversations provided critical evidence for the commission case, *United States v. Salerno*, and for the government’s complaint in the civil RICO suit against the General Executive Board of the Teamsters Union and organized crime bosses (*United States v. International Brotherhood of Teamsters*).

Listening devices in the Ravenite Social Club and an apartment above the club recorded conversations that led to the successful prosecution of Gambino boss John Gotti, the most flamboyant mob figure of modern times. Gotti’s conviction shattered Cosa Nostra’s aura of invincibility and gave a boost to law enforcement morale. Devices in acting Colombo boss Tommy DiBella’s home, the Maniac Club, and the Casa Storta Restaurant provided important evidence against several dozen Colombo members (Bonavolonta and Duffy 1996). Philadelphia’s Bruno family boss John Stanfa (Scarfo’s successor) tried to protect himself from eavesdroppers by holding meetings in his lawyer’s office. Unfortunately for Stanfa (and for his attorney), the government persuaded a judge to issue an eavesdropping warrant upon finding probable cause to believe that the attorney was participating in organized crime activities (Goldstock and Chananie 1988; Fresolone and Wagman 1994). By the end of the decade, Cosa Nostra members could hardly converse without risking being

overheard. As the government's cases against Cosa Nostra members and associates became more numerous and stronger, more defendants agreed to cooperate in exchange for admission to the Witness Security Program (Earley and Shur 2002).

2. *Witness Security Program.* Historically, from fear of retribution, victims, witnesses, and mob members themselves typically refused to testify for the government in organized crime prosecutions. The Witness Security Program (WITSEC), authorized by the Organized Crime Control Act of 1970, sought to protect witnesses who cooperate with the government (Earley and Shur 2002). Operated by the US Marshalls Service, WITSEC protects cooperators before, during, and after trial. After release from prison, the protected witness was relocated with a new identity, residence, and job.

Until the 1980s, few Cosa Nostra members had testified against fellow Cosa Nostra members. In the late 1980s and early 1990s, in exchange for sentencing leniency and admission into WITSEC, many agreed to testify (Pileggi and Hill 1985). Over the years, at least 100 Cosa Nostra members have been admitted to WITSEC. In 1980, acting Los Angeles crime family boss Jimmy Fratianno became the most important cooperating witness against organized crime since Joseph Valachi (Demaris and Sloan 2010). His testimony contributed to the conviction of Genovese boss Funzi Tieri and later the defendants in the commission case. A few years later, Angelo Lonardo, acting boss of the Cleveland crime family, provided extraordinary information about Cosa Nostra's influence in the International Brotherhood of Teamsters, at that time the largest private sector labor union in North America (Porrello 2004). He also provided important testimony in the commission case. Tommaso Buscetta, a former high-ranking member of the Sicilian mafia, testified for Italian and American prosecutors after his two sons and son-in-law were murdered by a rival Sicilian mafia faction. Facing labor racketeering charges, Vincent Cafaro of the Genovese family assisted the FBI, even wearing a wire to obtain evidence. He testified against Gambino family boss John Gotti, Bruno-Scarfo family underboss Philip Leonetti, and others. After being implicated in a construction industry sting operation (*United States v. DiSalvo*), Nicholas Caramandi contributed to successful prosecutions of leaders of the Bruno-Scarfo family (Abadinsky 1994).

In 1991, Alphonse D'Arco, acting boss of the Lucchese crime family, became the highest ranking member of New York City's five Cosa Nostra crime families to become a cooperating government witness; he

assisted in the prosecution of dozens of organized crime members and associates (Capeci and Robbins 2013). By the mid-1990s, there was a steady stream of Cosa Nostra members and associates, including Dominick LoFaro (Gambino family associate), Peter Chiodo (Lucchese family capo), Peter Savino (Genovese family associate), John Pate (Colombo family capo), Carmine Sessa (Colombo family consigliere), Anthony Accetturo (New Jersey Lucchese family), Anthony Casso (Lucchese family underboss), and William Raymond Marshall (Gambino family associate). The code of *omerta* was evaporating.

In 2001, Sammy Gravano, Gambino crime family underboss, became one of history's most productive cooperating witnesses. His testimony was crucial to convicting Gambino family boss John Gotti of five murders, racketeering, obstruction of justice, tax evasion, gambling, extortion, and loan-sharking. In 2004, Bonanno family boss Joseph Massino was convicted of murders, loan-sharking, arson, gambling, money laundering, and extortion; the government threatened to seek the death penalty in still another murder case. In 2011, he became the first boss of a New York City Cosa Nostra family to defect to the government. In April 2011, Massino testified against acting Bonanno boss Vincent Basciano and revealed to federal investigators the names of hundreds of people associated with organized crime. A federal judge reduced his sentence to 10 years, in effect time served. Upon release, he entered WITSEC.

3. *Racketeer Influenced and Corrupt Organizations Act.* RICO made it a crime to acquire an interest in an enterprise with proceeds of a pattern of racketeering activity (e.g., drug proceeds) or collection of an unlawful debt; acquire an interest in an enterprise through a pattern of racketeering activity (e.g., extortion); conduct the affairs of an enterprise through a pattern of racketeering activity (e.g., violating antitrust law or violating the rights of union members); or conspire to commit a substantive RICO offense.³ RICO's severe authorized punishments include a maximum 20-year prison term for each substantive violation plus an additional 20-year maximum for RICO conspiracy. The convicted RICO defendant is also subject to mandatory forfeiture of the proceeds of his RICO offense and to a substantial monetary fine. In addition, the defendant

³ For a comprehensive discussion of RICO, see Lynch (1987).

may be sentenced for each of the predicate offenses that constituted the pattern of criminal activity.

RICO also contains two civil remedial provisions. One authorizes victims to sue their offenders for treble damages. For obvious reasons, RICO victims have not used this provision against Cosa Nostra defendants. However, the second civil RICO provision, which authorizes the government to obtain restraining orders, injunctions, and other equitable remedies to prevent further racketeering, has been an effective tool for purging labor unions and industries of organized crime influence (Jacobs 2006; Jacobs and Cooperman 2011). Civil RICO cases are governed by civil discovery rules and the civil preponderance of evidence burden of proof.

A successful government-initiated civil RICO suit usually results via a negotiated consent decree in appointment of a monitor or trustee tasked with reforming the union, business, or employer association. Some of these monitors have been successful, others not. Much depends on the commitment and competence of the monitor and the degree of support the monitor receives from the court and the US attorney's office. The tenacity of the monitored entity's organizational, legal, and political resistance to the monitor's role is also important.

VI. Implementation of the Modern Organized Crime Control Program

The beginnings of effective federal government attacks on Cosa Nostra date from the 1960s, beginning with greatly increased efforts by the DOJ. The FBI became seriously and extensively involved after Hoover's departure. Since then law enforcement attention to organized crime, peaking in the 1980s and 1990s, has been relentless.

A. FBI Top Priority

Italian American organized crime became the FBI's number one priority after the death of J. Edgar Hoover and the presidential election of Richard Nixon (Nash 1972; Schlesinger 1978; Powers 1986). Initially, the strategy focused on disrupting Cosa Nostra's gambling operations. But the gambling investigations and prosecutions were not notably successful. Prosecutions faltered, but even when they were successful, sentences were light. Juries and judges did not see mostly low-level gambling figures as a serious threat to American society (US General Accounting Office

1976). Former IBT President Jimmy Hoffa's 1975 disappearance and death touched off a major investigation of the relationship between the Teamsters and organized crime.

The FBI promoted its attack on labor racketeering to the top of its organized crime control agenda. The Miami Organized Crime Strike Force's Operation UNIRAC (for *union racketeering*) targeted organized crime's influence in the International Longshoremen's Association. Eventually, the investigation expanded across the whole East Coast; more than a hundred individuals, including labor and Cosa Nostra leaders, were convicted of embezzlement, taking kickbacks, and other offenses. Operation BRILAB (for *bribery/labor*) resulted in bribery, corruption, and racketeering convictions of New Orleans Cosa Nostra boss Carlos Marcello, other organized crime members and associates, and Louisiana politicians. The Operation PENDORF (for *penetration of Allen Dorfman*) investigation, focusing on Cosa Nostra's corruption of Teamsters Central States Pension and Welfare Fund, resulted in convictions of Teamsters President Roy Williams and Cosa Nostra figures in Chicago, Milwaukee, Cleveland, Las Vegas, and Kansas City (Jacobs, Panarella, and Worthington 1994).

B. Donnie Brasco

The undercover infiltration of the Bonanno, and to a lesser extent the Colombo, families in 1976–82 by FBI agent Joe Pistone (aka “Donnie Brasco”) provided invaluable information that led to the conviction of more than 100 Cosa Nostra members and associates (Pistone and Woodley 1987; Bonavolonta and Duffy 1996). Posing as a jewel thief and burglar, Pistone made contact with organized crime members and associates at bars and restaurants. That the FBI would attempt to place an undercover agent inside a Cosa Nostra family reveals how committed, confident, and creative the agency had become since the days when undercover operations were prohibited (Nash 1972; Schlesinger 1978). Pistone was eventually befriended by a Bonanno soldier whom he cut in on a number of apparent jewel thefts. He eventually became a full-fledged Bonanno family associate. After his undercover operation ended, he testified in dozens of Cosa Nostra trials, including the commission case, *United States v. Salerno*. His infiltration of the Bonanno family resulted in that family's expulsion from the New York City commission (DeStefano 2006). His undercover work generated a mountain of intelligence material that

supported other indictments in Milwaukee and Tampa (Bonavolonta and Duffy 1996).

C. Department of Justice's Initiatives

In 1967, the US DOJ established Organized Crime Strike Forces in 14 cities (Ryan 1994). Comprised of prosecutors and investigators, the strike forces reported to the Organized Crime and Racketeering Section at the DOJ headquarters in Washington, DC, not to the US Attorneys in the strike forces' jurisdictions. They played an important role in bringing federal, state, and local agencies together in well-designed and well-executed investigations. According to supporters, the strike force prosecutors developed specialized expertise, achieved close working relationships with state and local law enforcement agencies, and stayed in their jobs longer than other federal prosecutors (Jacobs, Panarella, and Worthington 1994). However, many US attorneys resented the strike forces' independence. When Richard Thornburgh, a former US Attorney and a strike force opponent, became US Attorney General in 1988, he disbanded the strike forces, transferring their mission and personnel back to the US Attorneys (Jacobs, Panarella, and Worthington 1994). In 2010, the DOJ's Organized Crime and Racketeering Section merged with the Gang Unit and the National Gang Targeting, Enforcement and Coordination Center to become the Organized Crime and Gang Section within the Criminal Division. In the last decade, the Organized Crime and Gang Section has targeted diverse organized crime groups, not only or primarily Cosa Nostra.

D. Federal, State, and Local Law Enforcement Cooperation

In 1970, President Richard Nixon established the National Council on Organized Crime and tasked it with formulating a strategy to eliminate organized crime. The council, composed of representatives of all federal agencies whose work or responsibilities touch on organized crime, mainly addressed the rivalries that undermine interagency cooperation; it did not formulate an organized crime control strategy. The Executive Working Group for Federal-State-Local Prosecutorial Relations, established in 1980, was another attempt to coordinate efforts.

Informal multiagency agreements supplemented and reinforced formal coordinating efforts (Jacobs, Panarella, and Worthington 1994). For example, the FBI and the New York City Police Department effectively

cooperated in numerous organized crime investigations. Former FBI organized crime supervisor Jules Bonavolonta estimates that the New York City FBI office's organized crime division by the mid-1980s had 350 agents, supplemented by more than 100 police officers (Bonavolonta and Duffy 1996). This formidable task force supported round-the-clock investigations, particularly labor-intensive electronic surveillance, of the five Cosa Nostra crime families (Jacobs, Panarella, and Worthington 1994).

E. Political Support from Washington

The federal focus on Cosa Nostra waned after Robert Kennedy resigned his position as attorney general in 1964. His successor, Ramsey Clark, President Lyndon Johnson's attorney general, viewed electronic eavesdropping as a threat to civil liberties. The Nixon administration revitalized the attack on Cosa Nostra; it reached its pinnacle during Ronald Reagan's presidency. Due to his involvement with the Cosa Nostra-influenced International Alliance of Theatrical Stage Employees, President Ronald Reagan was aware of Cosa Nostra's labor racketeering. He appointed the PCOC, which, from 1983 to 1987, issued 12 reports documenting Cosa Nostra's organization, drug trafficking, gambling, and labor racketeering (PCOC 1983, 1985, 1986a, 1986b). It recommended that the DOJ bring a civil RICO suit against the International Brotherhood of Teamsters with the goal of court appointment of a trustee charged to purge the union.

The US Senate's Permanent Subcommittee on Investigations, under the leadership of Georgia Senator Sam Nunn, kept the spotlight on organized crime. The subcommittee held hearings on Cosa Nostra's role in illicit rackets and in the legitimate economy (US Senate Permanent Subcommittee on Investigations 1981, 1983; Jacobs and Mullin 2003). Cosa Nostra defectors and other witnesses testified about Cosa Nostra's structure and operations.

1. *Criminal RICO.* Because of the complexity of the RICO statute and federal prosecutors' long experience using conspiracy and other offenses, it took a decade for federal prosecutors to begin using RICO. Eventually, significantly due to proselytizing by law professor and RICO drafter G. Robert Blakey, the FBI began using RICO to target entire crime families. This facilitated drafting probable cause applications for wide-ranging electronic surveillance against each family's leadership

cadre. In 1981, Genovese family boss Frank Tieri became the first Cosa Nostra boss to be convicted of a RICO offense.

Since then, practically every significant organized crime prosecution has included a RICO count. Several cases charged members of a Cosa Nostra family with participating in the affairs of an enterprise (the family) through a pattern of racketeering activity (e.g., murder, extortion, obstruction of justice, gambling, drug trafficking). Rudolph Giuliani, then US Attorney for the Southern District of New York, obtained grand jury indictments against the bosses of four of the five New York City families, alleging their participation in the affairs of an enterprise (the Cosa Nostra New York City commission) through a pattern of racketeering activity, including directing the 1979 assassination of Bonanno family boss Carmine Galante and two Bonanno associates, and with operating a poured concrete contractors' cartel.

Many RICO defendants chose to cooperate with the government in order to avoid an almost certain life sentence. There have also been dozens of RICO jury trials. For example, in *United States v. Badalamenti*, investigation of an international heroin-trafficking operation involving over 200 members and associates of a Sicilian Mafia faction, led to a RICO "mega-trial" involving numerous Bonanno family members and associates. Some pled guilty, some died, and some fled. However, 22 individuals went to trial together. Louis Freeh, later a federal judge and FBI director, was lead prosecutor. The trial lasted 3 years. All but one defendant was convicted (Jacobs, Panarella, and Worthington 1994). To prove the existence of an "enterprise," a formal organization or "an association in fact," prosecutors introduced evidence on the history, structure, and operations of the Cosa Nostra crime families and the commission (Jacobs, Panarella, and Worthington 1994). This provided an exquisite opportunity to place a Cosa Nostra defendant in the context of a long and frightening organized crime history.

In 1992, after several failed attempts, federal prosecutors convicted Gambino family boss John J. Gotti of RICO offenses and five murders, conspiracy to commit murder, obstruction of justice, tax evasion, illegal gambling, extortion, and loan-sharking. After Gotti's imprisonment, his son, John A. Gotti Jr., served as acting Gambino boss. In 1998, federal prosecutors obtained an indictment against Gotti Jr., alleging that, among other crimes, he extorted over \$1 million from the owners and employees of an upscale Manhattan strip club. Gotti Jr. pled guilty to loan-sharking, bookmaking, and extortion. He was sentenced to 77 months in prison.

His uncle, Peter Gotti, became acting boss. He was indicted in 2001, convicted in 2003 (and, on separate charges, in 2004), and sentenced to 25 years imprisonment.

In 1997, federal prosecutors successfully prosecuted Genovese crime family boss and commission head Vincent Gigante (*United States v. Gigante*; McShane 2016). Prosecutors alleged that Gigante and his subordinates held interests in numerous businesses, including window replacement, mixed concrete, trucking, waste hauling, painting, and operation of the Javitz Convention Center. Rejecting Gigante's defense of mental incompetence, the jury convicted him of RICO conspiracy, extortion conspiracy, labor payoff conspiracy, and two counts of conspiring to murder in aid of racketeering. At sentencing, the court stated that Gigante earned millions of dollars from his business interests plus loan-sharking, hijacking, gambling, and other criminal conduct.

Liborio Bellomo served as acting Genovese boss until he was indicted in 1997 and, while serving that sentence, was indicted again in 2001 and, for a third time in 2006 along with 30 other Genovese members. Daniel Leo succeeded him as boss and was sent to prison in 2008. In 2018, five Genovese members and associates, including Vincent Gigante's son, were charged with racketeering, conspiracy, extortion, labor racketeering conspiracy, fraud, and bribery (*United States v. Esposito*). These bare-bones facts illuminate the relentless pressure that the government applied to the Cosa Nostra families in the 1990s, 2000s, and 2010s.

2. *Civil RICO*. Cosa Nostra's labor and business racketeering have been seriously disrupted by successful civil RICO suits. These lawsuits ask for a judicial remedy to prevent present and future use of an enterprise (union or business) for racketeering. Many have been resolved by negotiated consent decrees tasking approved monitors or trustees (usually former federal prosecutors), paid for by the monitored entity, with reforming organized-crime-influenced union or business. The monitor's powers are specified in the decree or settlement. The trustees have expelled organized crime members and their associates from unions, companies, and other organizations (Jacobs, Worthington, and Panarella 1994). They have conducted elections, required the hiring of auditors and other professionals, imposed operational procedures, and mandated transparency. The court can punish a defendant's lack of compliance as contempt. Typically, a monitor's service continues for years, in part due to litigation over the monitor's powers and the monitored entity's compliance.

3. *Labor Racketeering Cases.* US organized crime is unique with respect to its influence over labor unions. Labor racketeering predates Italian American organized crime, dating back to the labor wars of the late nineteenth and early twentieth centuries. In 1982, the DOJ's Newark Organized Crime Strike Force filed the first civil RICO lawsuit against a labor union, Teamsters Local 560 (*United States v. Local 560, International Brotherhood of Teamsters*). Local 560 had been dominated by Anthony Provenzano, a Genovese crime family, a soldier, and his brothers since the 1950s (Goldberg 1989). The litigation resulted in a court-imposed trusteeship that empowered the trustee to run the union until organized crime figures were purged and fair elections held. After 10 years, the court determined that Local 560 was reformed and dissolved the trusteeship (Jacobs and Santore 2001). By that time, the IBT union was subject to court-approved monitoring.

In 1988, the US Attorney's Office for the Southern District of New York filed a civil RICO suit against the IBT, its general executive board, and a number of Cosa Nostra members, alleging that the defendants were involved in racketeering (Jacobs and Cooperman 2011). It charged the defendants with conspiring to conduct the affairs of the IBT through such offenses as conspiracy to defraud union members of their union membership rights (Jacobs and Cooperman 2011). The entire general executive board resigned pursuant to the 1989 consent decree that settled the case. The Teamsters agreed to appointment of a three-person monitoring team whose goals were to purge corruption and racketeering from the union and supervise a direct election (a first for any international union) for president and general executive board members. The rationale was that a democratically operated union would be less vulnerable to organized crime influence and corruption.

The monitoring continued for almost 30 years. One of the monitors, the investigations officer, brought disciplinary actions that resulted in expulsion or resignation of more than 500 Teamster officials and members from locals because of organized crime ties or toleration of organized crime influence. In the first rank-and-file general election, an insurgent reformer, Ron Carey, won the presidency (Crowe 1993). He sought to purge mobsters and corrupt officials from IBT locals around the country (Jacobs and Panarella 1998). Ironically, however, in 1997 the monitors expelled Carey because he had diverted Teamster funds to his election campaign. Former president Jimmy Hoffa's son, James Hoffa Jr., was

elected president and has held that office until the time this was written (Jacobs and Cooperman 2011). On January 14, 2015, the Teamsters and the Justice Department announced an agreement, to be phased in over 5 years, to terminate monitoring.

The DOJ also focused on reforming the three other international unions that the PCOC identified as organized crime influenced. In November 1994, the DOJ warned the Laborers International Union of North America (membership 800,000) that a civil RICO lawsuit was imminent because of credible evidence of Cosa Nostra influence over the union's leadership (*Serpico v. Laborers' International Union of North America*). This prompted a negotiated agreement requiring removal of high-level union officers and appointment of a disciplinary officer acceptable to the DOJ who was responsible for administratively investigating and prosecuting organized crime members, associates, and their allies. The disciplinary officer has always been a former federal prosecutor. Many officers of the Laborer's International Union of North America have been expelled or forced to resign, including, in 2001, three officers alleged to have had longtime ties to the Chicago Outfit.

In 1995, the HEREIU entered into a consent decree with the DOJ to resolve a civil RICO suit (alleging over 25 years of Cosa Nostra influence) (*United States v. Hotel Employees and Restaurant Employees International Union*). The consent decree specified that Kurt Muellenberg, former chief of the DOJ's Organized Crime and Racketeering Section, would serve as monitor with power to investigate the international union, to review union actions and operations, and to bar individuals from union office. In May 1998, as a result of Muellenberg's prodding, HEREIU President Edward T. Hanley retired from the office he had held for 25 years (Crowe 1998).

The decades-long effort to purge the International Longshoremen's Union of organized crime influence appears not to have been successful. Despite numerous convictions and trusteeships, organized crime figures have been able to hold onto power (Stewart 2019). Assistant monitor Robert Stewart describes the 12-year effort to purge Cosa Nostra's influence from New Jersey International Longshoremen's Association Local 1588 and thus from the New Jersey side of the Port of New York (Stewart 2019). According to Stewart, the Genovese and Gambino families exploited a "culture of corruption" to outmaneuver the court-appointed monitors and wear down the US Attorney. The New York–New Jersey Waterfront Commission, established in 1958 to combat racketeering in

the port, was stymied by incompetence, endless litigation, and the opposition of some New Jersey politicians (Goldstock 2018).

US attorneys filed numerous civil RICO lawsuits against union locals (Jacobs 1999, chap. 15.) For example, the Southern District of New York office brought a civil RICO suit against Laborers Local 6A, long controlled by the Colombo family, for enforcing a cartel of poured concrete contractors (*United States v. Local 6A, Cement and Concrete Workers*). The consent judgment required removal of 16 of the union's 25 officers and appointment of a trustee to oversee union operations (Goldberg 1989).

In 1985, the Bonanno family's 25-year domination of Teamsters Local 14 served as the basis for a labor racketeering and conspiracy prosecution of the Bonanno family boss and other leaders, as well as Local 14 officials (*United States v. Rastelli*). Shortly thereafter, the government initiated a civil RICO action against numerous Bonanno family members, the Bonanno family itself, and IBT Local 14 (*United States v. Bonanno Organized Crime Family*). The consent judgment established an interim executive board to oversee the local's operations (Goldberg 1989).

Criminal investigations of Philadelphia's Bruno-Scarfo family provided grist for a civil RICO suit against the local roofers union (*United States v. Local 30, United Slate, Tile and Composition Roofers*). For more than two decades, the Bruno-Scarfo family had used its control of the roofers local to extort roofing contractors, embezzle pension and welfare funds, and bribe public officials (Goldberg 1989). Satisfying neither the government (seeking a trusteeship) nor the defendants (pressing for dismissal of the complaint), the judge imposed a "decree" that removed convicted defendants from the union but otherwise left the local's operations untouched (Goldberg 1989).

4. *State and Local Strategies.* In 1992, the Manhattan District Attorney's Office brought a major criminal prosecution against Thomas and Joseph Gambino and several other Cosa Nostra defendants, alleging extortion and racketeering in the New York City garment district. The case ended midtrial with the defendants pleading guilty to a criminal antitrust count, agreeing to sell all their garment center-related trucking interests, and paying a \$12 million fine (Jacobs 1999). The Gambinos are no longer a presence in the garment center; however, the garment center is only a shadow of its former self because the manufacturing of clothing has largely moved to China and other foreign countries.

A 1994 civil RICO settlement against 112 defendants (including 64 Gambino and Lucchese members and associates and several waste hauling

companies) resulted in appointment of a monitor of Cosa Nostra's Long Island waste hauling cartel (*United States v. Private Sanitation Industry Association of Nassau/Suffolk*). Michael Cherkasky, a former prosecutor who previously led the Manhattan district attorney's successful prosecution of the Gambino brothers, oversaw compliance (Jacobs 1999). National waste hauling companies entered the Long Island market (Jacobs 1999).

F. State and Local Law Enforcement and Regulatory Initiatives

State and local law enforcement also contributed to the decimation of Cosa Nostra. The New York State Organized Crime Task Force, led by Ronald Goldstock, was particularly creative in the 1980s (Goldstock 1989). In 1983, the task force placed a listening device in Lucchese family boss Anthony Corallo's car. Over the course of 6 months, it intercepted incriminating conversations that led to the successful prosecution of Corallo, underboss Salvatore Santoro, and several others (Bonavolonta and Duffy 1996). It also provided evidence for the civil RICO suit that put an end to Cosa Nostra's Long Island waste hauling cartel (Abadinsky 1994). Goldstock encouraged use of civil remedies to purge Cosa Nostra from mob-influenced industries (Goldstock, n.d.; Jacobs 1999). He and his chief assistant, Martin Marcus, drafted and successfully promoted a "little-RICO law" in New York State (Jacobs 1999). Many other states followed suit. Besides purging the Gambino family from garment center trucking, its power base, Manhattan District Attorney Robert Morgenthau brought important cases against Cosa Nostra-controlled cartels of painting and window replacement (Jacobs 1999).

As New York City mayor (1994–2001), Rudy Giuliani continued the campaign against organized crime that he had aggressively waged as US Attorney. He launched an administrative strategy to continue purging organized crime from the city's economy. He required wholesalers at the Fulton Fish Market, which had been dominated by organized crime since the 1930s, to apply for city licenses; companies with organized crime ties were denied licenses (Jacobs and Hortis 1998). The Cosa Nostra-dominated organization that ran and profited from the annual Feast of San Gennaro street fair in Little Italy was replaced by an untainted organization and the Roman Catholic Archdiocese (Jacobs 1999). New York City's School Construction Authority used much the same strategy to deny contracts to construction contractors with organized crime ties.

In June 1996, the New York City Council, at Giuliani's urging, created the Trade Waste Commission (TWC) to use a licensing strategy to

eliminate Cosa Nostra's domination of waste hauling (Jacobs and Hortis 1998). The TWC hired executive officers, attorneys, monitors, and police detectives with experience in organized crime investigations and prosecutions (Jacobs and Hortis 1998). It denied waste hauling licenses to companies operated by individuals in any way connected with the organized-crime-dominated waste hauling cartel (Jacobs and Hortis 1998). The TWC also set maximum rates and regulated the duration of waste hauling contracts. National waste-hauling companies began operating in New York City for the first time (Raab 1998*a*).

In 2001, the city merged the TWC and the Gambling Commission into an Organized Crime Control Commission and, a year later, into a general-jurisdiction Business Integrity Commission, with a mandate "to eliminate organized crime and other forms of corruption from the public wholesale markets, the trade waste and shipboard gambling industries." The Business Integrity Commission's goals are "to ensure that the regulated businesses are able to compete fairly; that the marketplaces remain free from violence, fraud, rackets and threats; that customers receive fair treatment; and that regulated businesses . . . conduct their affairs with honesty and integrity."⁴

VII. Cosa Nostra's Current and Future Prospects

The world in which Cosa Nostra became powerful is largely gone. No longer can they easily infiltrate labor unions or dominate cartels in local industries, and unions are themselves much less powerful. The political machines that gave Cosa Nostra entrée into the corridors of power and access to corruptible mayors, police, prosecutors, and judges are, if not entirely gone, vastly weaker. Many of the illicit markets Cosa Nostra long influenced or dominated—gambling, prostitution, pornography, drugs—have changed in ways that make their exploitation much more difficult. Law enforcement has gained and knows how to use enforcement tools that did not exist in early times. Cosa Nostra is down, though not out. Regaining more than a shadow of its former power will not be easy.

A. *Legalization of Gambling*

For decades, the Cosa Nostra crime families benefited from legal prohibition of most forms of gambling, much as they had in the early twentieth

⁴ See <https://www1.nyc.gov/site/bic/index.page>.

century from national alcohol prohibition. They ran urban numbers games, sports betting, and local casinos and controlled the wire services that carried the results of horse racing and dominated local bookies. Cosa Nostra's legitimate and illegitimate gambling interests in Havana and Las Vegas generated vast revenue.

This gambling near-monopoly imploded. Lotteries are run by 47 jurisdictions: 44 states plus the District of Columbia, Puerto Rico, and the US Virgin Islands. The Supreme Court's decision in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987), overturned prohibition of gambling on Native American territories. Congress responded by passing the 1988 Indian Gaming Regulatory Act; it expanded the kinds of games that tribal casinos can offer and provided a framework for regulating the industry. The act established the National Indian Gaming Commission and divided Indian gaming into three classes. Class I encompasses charitable and social gaming with nominal prizes; Class II includes bingo and other punch-board/pull-tab style games; and Class III includes high-stakes bingo, casinos, slot machines, and other commercial gaming.

In 1996, there were 184 tribes operating 281 gaming facilities in 24 states. After expenses, this amounted to \$1.9 billion in net income, \$1.6 billion of which went straight to the tribes. By 2007, the tribal gaming industry had become a \$25 billion industry; there were 350 tribal casinos in 28 states.

In May 2018, the Supreme Court struck down a federal law that prevented states other than Nevada from authorizing sports betting (*Murphy v. National Collegiate Athletic Association*). That ruling means that individuals will be able to legally bet online on amateur and professional sports. Cosa Nostra members will probably not be wiped out since their bettors can more easily avoid taxes on winnings, but the legalization will take a large bite out of their sports gambling operations. Video poker machines are legal in Native American casinos. Online video poker betting is legal when played at licensed foreign casinos. Many foreign casinos welcome US players and offer secure, high-quality online video poker. Cosa Nostra members have an ownership interest in some legal gambling operations, but competition is fierce.

Despite the radically changed gambling business, Cosa Nostra families still profit from gambling operations (*Trends in Organized Crime* 1997). *State v. Taccetta* exposed Cosa Nostra's placement of Joker Poker video slot machines in New Jersey bars, restaurants, and other businesses. The Lucchese and Bruno-Scarfo crime families shared the revenue with the

business owners and extorted the manufacturer. The 2002 indictment in *United States v Calabrese* alleged that several Chicago Outfit crews dominated video device gambling and sports gambling in Chicago suburbs and threatened and used violence to collect gambling debts.

B. Competitive Drug Markets

Cosa Nostra never had a monopoly or near-monopoly on drug importation and distribution, but in some places and times individual mobsters and their crews were major importers and wholesalers. Today, competitors can block opportunities that Cosa Nostra members covet and cooperate with government in investigation and prosecution of Cosa Nostra members (Reuter 1995). In states where marijuana is legal, Cosa Nostra's opportunity to profit from trafficking in the drug is much diminished.

C. Decline of Private Sector Unions

Much of Cosa Nostra's power derived from its influence in labor unions, but private sector labor unions have been on the decline for decades. In the mid-1950s, about 35 percent of US workers belonged to a union. In recent years, only 6.5 percent of private sector workers have been union members. The DOJ has used criminal and civil remedies to eliminate Cosa Nostra's presence and curb its influence in the big four unions in which it was ensconced for decades. Thus, labor racketeering opportunities are diminished. Jointly managed union pension and welfare funds are much better insulated from organized crime influence.

D. Italian Assimilation

Fifty years ago most big US cities had well-recognized working class Italian neighborhoods, often called Little Italy, where Cosa Nostra members maintained physical presence and exerted influence. They hired teenage boys, some of them Italian immigrants, for odd jobs and recruited the most promising into their operations. These neighborhoods have dramatically shrunk as Italian Americans have steadily assimilated into mainstream society, thereby radically diminishing the pool of tough teenagers with Cosa Nostra potential.

E. Criminal Prosecutions

There is no exact figure on the number of federal, state, and local criminal organized crime prosecutions over the past 40 years, but the number

certainly exceeds 1,000. According to David Williams, director of the US Government Accounting Office's Office of Special Investigations, between 1983 and 1986 there were 2,500 indictments of Cosa Nostra members and associates (this does not mean 2,500 separate individuals). In 1988, FBI director William Sessions reported to the Senate Subcommittee on Investigations that federal prosecutors had since 1981 convicted 19 bosses, 13 underbosses, and 43 capos (Jacobs, Panarella, and Worthington 1994; US Senate Permanent Subcommittee 1988). Federal prosecutions, plus some state and local prosecutions, systematically decimated whole organized crime families. The incomplete list in table 1 of Cosa Nostra bosses and acting bosses convicted since 1980 illuminates the results.

The FBI's and the DOJ's priorities radically changed after the September 11, 2001, al-Qaeda attacks on the World Trade Center and Pentagon. The FBI shifted 2,000 agents from criminal investigations to counterterrorism, counterintelligence, and cybersecurity.

The successful law enforcement attack on Cosa Nostra in the 1980s and 1990s meant that there was less need, going forward, to devote so many resources to organized crime (Raab 1998*b*). The DOJ's organized crime control priority changed from Cosa Nostra to international organized crime groups. In April 2008, Attorney General Michael Mukasey announced a Law Enforcement Strategy to Combat International Organized Crime (IOC) "in order to address the growing threat to US security and stability posed by international organized crime groups." The strategy aims "to identify priority IOC groups and individuals for concerted, high-impact law enforcement action by domestic and international agencies to significantly disrupt and dismantle those targets" (US Department of Justice 2008). In November 2008, the DOJ's Organized Crime and Racketeering Section distributed the first Top International Criminal Organization Targets List to federal investigators and prosecutors. It also organized a special task force to break up MS-13, a Central American gang with a presence on both the West and East Coasts. *United States v. Dany Freedy Ramos Mejia et al.* (2007) involved charges against 50 MS-13 members, and *United States v. Manuel de Jesus Ayala et al.* (2008) charges against 26 MS-13 members.

Despite the reduction in resources aimed at Cosa Nostra, investigations and prosecutions continued into the twenty-first century. In 2004, the FBI arrested 27 Bonanno family members who were charged with racketeering, murders, attempted murders, and conspiracy to murder. That same

TABLE 1
Cosa Nostra Bosses and Acting Bosses Convicted since 1980

Boss/Acting Boss	Family	Location
Alphonse D'Arco	Lucchese	New York, NY
Anthony Corallo	Lucchese	New York, NY
Vittorio Amuso	Lucchese	New York, NY
Funzi Tieri	Genovese	New York, NY
Liborio Bellomo	Genovese	New York, NY
Dominick Cirillo	Genovese	New York, NY
Anthony Salerno	Genovese	New York, NY
Vincent Gigante	Genovese	New York, NY
Daniel Leo	Genovese	New York, NY
Carmine Persico	Colombo	New York, NY
Vittorio Orena	Colombo	New York, NY
Joseph Massino	Bonanno	New York, NY
Vincent Basciano	Bonanno	New York, NY
Philip Rastelli	Bonanno	New York, NY
John Gotti	Gambino	New York, NY
John Gotti Jr.	Gambino	New York, NY
Peter Gotti	Gambino	New York, NY
John Riggi	DeCavalcante	New Jersey
Raymond Patriarca	Patriarca	New England
Frank Balistrieri	Patriarca	New England
Gennaro Angiulo	Patriarca	New England
Nicodemo Scarfo	—	Philadelphia
John Stanfa	—	Philadelphia
Joseph Ligambi	—	Philadelphia
Russell Bufalino	—	Northeastern PA
William D'Elia	—	Northeastern PA
Carlos Marcello	—	New Orleans, LA
Eugene Smaldone	—	Denver, CO
Tony Accardo	—	Chicago, IL
Joseph Aiuppa	—	Chicago, IL
Michael Sarno	—	Chicago, IL
Salvatore DeLaurentis	—	Chicago, IL
Albert Vena	—	Chicago, IL
Nick Civella	—	Kansas City, KS
Carl Civella	—	Kansas City, KS
Dominic Brooklier	—	Los Angeles, CA
James Licavoli	—	Cleveland, OH
Michael Trupiano	—	St. Louis, MO
Sam Russotti	—	Buffalo, NY

year, 22 Genovese members and associates were charged with racketeering, extortion, fraud, and tax evasion related to bid rigging and price fixing in the New York City drywall industry.

In January 2011, a joint task force involving 800 federal, state, and local law enforcement officers arrested more than 120 defendants, including dozens of Cosa Nostra members. The defendants were charged by grand juries in New York, New Jersey, and Rhode Island with numerous violent and illegal acts—from murder and narcotics trafficking to extortion, illegal gambling, arson, loan-sharking, and labor racketeering. US Attorney General Eric Holder said:

Today's arrests mark an important, and encouraging, step forward in disrupting La Cosa Nostra's operations. But our battle against organized crime enterprises is far from over. This is an ongoing effort and it must, and will, remain a top priority. Members and associates of La Cosa Nostra are among the most dangerous criminals in our country. The very oath of allegiance sworn by these mafia members during their initiation ceremony binds them to a life of crime.

As we've seen for decades, criminal mafia operations can harm the American economy by means of a wide array of fraud schemes but also through illegal imposition of mob "taxes" at ports, on construction industries, and on small businesses. In some cases, Cosa Nostra members and associates seek to corrupt legitimate businesses and those who have sworn to uphold the public trust. And their methods often are lethal. Time and again, they have shown a willingness to kill—to make money, to eliminate rivals, and to silence witnesses.

Past and present successful arrests and prosecutions in many cities and involving multiple mafia families send a clear message that the Justice Department is targeting federal resources and working with state and local law enforcement partners like never before. They are committed, and determined, to eradicate these criminal enterprises once and for all. (*Financial Times* 2011)

F. Cosa Nostra Dysfunction

The decades-long federal campaign against Cosa Nostra coincided with and no doubt reinforced Cosa Nostra's internal deterioration, most strongly evidenced by the number of its members who served as cooperating witnesses in exchange for leniency and protection. The breakdown of *omerta* in the 1980s and 1990s is attributable to more powerful and effective law enforcement and the possibility that defecting members will

survive in the Witness Security Program. The current generation of members and associates may have less loyalty to the Cosa Nostra (Demaris 1980; Goldstock 1989).

Several families experienced violent conflict over leadership succession. The Persico and Orena factions' battle for control of the Colombo family (described in *United States v. Orena*) and bloody internecine conflicts in the Bonanno family following Carmine Galante's assassination are examples. Following Nicodemo Scarfo's incarceration, Philadelphia's Bruno-Scarfo family was wracked by intrafamily warfare (*United States v. Stanfa*).

G. *Purging Cosa Nostra from the Legitimate Economy*

The federal government, using criminal and civil forfeiture laws, has taken possession of forfeited Cosa Nostra businesses, including restaurants and a concrete manufacturing plant. The New York City poured concrete contractors and waste hauling company cartels no longer exist. The Fulton Fish Market has been moved to the Bronx and purged of mob influence. Cosa Nostra's presence at the Javits Exhibition Center has been eliminated. Organized crime has been purged from some union locals. Even those locals that have stubbornly resisted reform are far less easily dominated than they were decades ago.

H. *A Caution*

Cosa Nostra's involvement in the legitimate economy, black markets, and crimes like theft, extortion, and fraud significantly diminished in the first two decades of the twenty-first century, and economic and legal changes have reduced traditional targets and illicit opportunities. Cosa Nostra's resilience for more than a century nonetheless cautions against declaring its extinction inevitable.

APPENDIX 1 Cases Cited

- Commission case: see *United States v. Salerno*
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