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# Program of the Department of Justice on Organized Crime

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tected because they want to bet, then both corruption and organized crime in that area can be eliminated. When the businessman will refuse to be extorted or offer bribes that will take care of that area of racketeering.

In sum, if the American public will get smart and be willing to stand up and be counted in assisting honest law enforcement the job against organized crime can be done.

## II. PROPOSALS FOR MEETING THE CHALLENGE OF INTERSTATE ORGANIZED CRIME

### 1. THE PROGRAM OF THE DEPARTMENT OF JUSTICE ON ORGANIZED CRIME

*Robert F. Kennedy\**

Organized crime, then, is not a thing of the past, nor is it a tamed beast for the present; it is a powerful ever renewed social force with which America will have to contend for many years to come. Tyler, *Organized Crime in America*, 366, 372-73 (1962).

The magnitude of organized crime in America is staggering.<sup>1</sup> It has been estimated that gambling alone, for example, grosses from seven to twenty billion dollars a year. Then consider also the gross earnings of illicit narcotics, bootleg liquor, prostitution, and the protection racket. Organized crime activity, moreover, is not limited to illegal endeavors. Its power activity reaches into honest businesses, labor unions, and almost inevitably, into political life. The corruption of public officials alone makes effective action against organized crime and racketeering necessarily a top priority item. For if the rule of law is to survive, organized crime — an entrenched enemy within — must be eliminated.

Since January, 1961, the Department of Justice has begun to make a major effort, to utilize and improve the major weapons at our command for the fight against organized crime. The first is more effective law enforcement. Previous studies made it plain that the central need was an organization which could function with intensity over an extended period of time. The existing Organized Crime and Racketeering Section in the Department's Criminal Division, therefore, was totally revised and revitalized. Its staff of 17 lawyers has grown to more than 60. Each attorney is now assigned to a specific geographic area and is responsible for all grand juries and trials dealing with organized crime or racket activity in that area. Permanent field units have been set up in Chicago, New York, Los Angeles and Miami. Teams of special attorneys from this section have been assigned to various other cities to develop and assist in specific cases. These attorneys have been given the authority and

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\* Attorney General of the United States.

<sup>1</sup> The impact of organized crime on America and its costs are documented for those who pursue the subject further in Johnson, *Organized Crime: Challenge to the American Legal System*, 53 *Journal of Criminal Law, Criminology and Police Science*, 399-425 (1962).

responsibility to guide investigations, to present cases to grand juries, and to prosecute particular cases of significant interest.

Under this new program we have been able to develop a new spirit of cooperation among the 25 other federal law enforcement agencies with which we work. Investigations by these agencies are now being coordinated to avoid unknowing duplication and to use all of our resources most effectively. And we have continued to work as closely as possible with state and local law enforcement groups, which continue to have the major responsibility in the administration of criminal law.

One of the most important products of this cooperation and coordination effort has been the centralization of our criminal intelligence files. Previously, the FBI, the Internal Revenue Service, the Bureau of Narcotics and other enforcement agencies maintained their own files on hundreds of leading underworld figures. An intelligence unit has been formed within the Department to pool this information.

It now receives data on a day-to-day basis on more than a thousand persons who are active in or associated with racketeering enterprises. This new unit then channels this information to the agency which can build on it to prove specific violations of law within its own sphere of particular competency. Because of this centralization, the Criminal and Tax Divisions of the Department have been able to prosecute successfully cases that unquestionably would have been lost in the previously decentralized system of intelligence compilation. The full fruits of this unit will not be fully realized until it has been operating for a few years. We are just beginning to develop and improve our techniques in this area.

The second major weapon is legislation, and to assist in this new federal effort we requested Congress to enact new legislation.<sup>2</sup> Our legislative program was primarily aimed at giving the Department of Justice authority for the first time to deal with the nationwide gambling syndicates and their huge profits, which finance many other criminal operations. Our theory is that if we can reduce the gamblers' income, we will be cutting off funds used to bribe public officials, finance the narcotics trade and other underworld activities. With the help of both Republicans and Democrats, six of these bills were enacted into law — the most anticrime legislation enacted on the federal level since 1934.

Four of these statutes directly concern interstate illegal gambling and have become the keystone of our offensive.

The first of these statutes, Section 1084 of Title 18, United States Code,<sup>3</sup> bans interstate transmission by wire or by telephone of wagering information by professional gamblers. This statute had an immediate effect on the operators of the nation's leading race wire services, including Athletic Publications of Minneapolis, Minnesota — the so-called Minneapolis line, which furnished point spread and other sports handicap information — and the Nola

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<sup>2</sup> The legislative history of some of this program is set out in Pollner, *Attorney General Robert F. Kennedy's Legislative program to curb Organized Crime and Racketeering*, 28 *Brooklyn Law Review*, 37-58 (1961).

<sup>3</sup> Public Law 87-216, 87th Congress, 75 Stat. 491, 18 U. S. C. A. 1084 (1062 Supp.).

News of New Orleans, closed down. We have cases pending against two wire services which continued to operate after the passage of the statute.

The second statute, Section 1953 of Title 18, United States Code,<sup>4</sup> prohibits interstate transmission of wagering paraphernalia. It has been successfully used against gamblers who ship betting slips from customers in one state to headquarters in another and we expect that it will also be effective against a variety of other wagering operators who must move the tools of their trade in interstate commerce.

The third statute, Section 1952 of Title 18, United States Code<sup>5</sup> makes it a federal crime to travel between states to promote gambling, narcotics, bootleg liquor, bribery or extortion. This law is aimed at racketeers who use the facilities of interstate commerce to carry out their criminal activities. This law has the broadest scope and the greatest potential of the new antiracketeering statutes.

Under these three statutes, the FBI has 925 current investigations underway. We have 17 convictions involving 48 defendants so far, and 14 indictments involving 84 defendants pending. While no case has yet been appealed to the Supreme Court, lower courts have sustained the constitutionality of these Acts.

Finally, the so-called "Slot Machine Act of 1951"<sup>6</sup> has been considerably revised. This revision, the Gambling Devices Act of 1962,<sup>7</sup> prohibits the interstate shipment of gambling devices, including slot machines, multi-odd pinball machines, and roulette wheels. It also requires the marking of such machines and the registration with the Attorney General of all those who deal, operate, manufacture or repair and recondition them.

It is, of course, too early to appraise the effectiveness of this Act, but in it we have eliminated the weaknesses of the old statute. No sooner were the definitions of that Act written into law than manufacturers put their ingenuity to work and came up with gambling machines that did not fit the definitions — such as, the so-called pinball machines on which players can manipulate the odds and win payoffs indirectly.

It would be misleading to conclude that the efforts of the federal government have been confined to investigation under and enforcement of these new laws. We are also making a major drive under other federal laws against racketeers, corrupt union officials and their allies in the business world and perhaps most important, corrupt public officials associated with the rackets. We have investigations of official corruption underway in 22 states.

In the labor-management field our most useful weapons have been the Taft-Hartley Act,<sup>8</sup> the Hobbs Act,<sup>9</sup> and the recently passed Labor Management Reporting and Disclosure Act.<sup>10</sup> In 1962 alone 79 persons were indicted, 44 convicted (others are still awaiting trial) under these laws. These totals compare with 20 persons indicted and 11 convicted in 1961 and 15 indicted and

4 Public Law 87-218, 87th Congress, 75 Stat. 18 U. S. C. A. 1953 (1962 Supp.).

5 Public Law 87-228, 87th Congress, 75 Stat. 498, 18 U. S. C. A. 1952 (1962 Supp.).

6 64 Stat. 1134, 15 U. S. C. A. 1171 (1962 Supp.).

7 Public Law 87-840, 87th Congress.

8 61 Stat. 157, as amended, 73 Stat. 505, 29 U. S. C. A. 186 (1962 Supp.).

9 62 Stat. 793, 18 U. S. C. A. 1951 (1951).

10 73 Stat. 519 et seq., 29 U. S. C. A. 401, et seq. (1962 Supp.).

13 convicted in 1960. The acceleration of our total effort against all forms of racket activity and organized crime is also indicated, in part, by the other statistics involving the Organized Crime Section.<sup>11</sup>

In other fields we continue to use the federal tax laws with great effect. We are also continuing our efforts to eliminate the illicit narcotic traffic. The major federal investigative and prosecutive effort has been to eliminate or curtail sources of narcotics by severe mandatory penalties against importers and dealers at the same time. The Administration has sponsored the first coordinated inquiry into the causes and treatment of addiction — the recent White House Conference on Narcotics and Drug Abuse. This conference is the foundation for new legislation, now being drafted to deal with this most important problem.

More efficient law enforcement and new laws do much to stem the power of organized crime. But we cannot stop until a third weapon is brought into play. Too often the community adopts the attitude that crime is the business of the police and should be left to them. The menace to freedom and respect for law is not organized crime so much as it is an inert people. Public awareness leads to public action. By working to elect honest public officials and demanding honest, lawful and efficient law enforcement individual citizens can play a rightful and important role in any program to combat organized crime.

Thus it would be again misleading if I left you with the impression that the tide of battle is turned. Gus Tyler is right. The beast of organized crime is not a thing of the past. Nor is it tamed. It remains a powerful foe with which we must be concerned for many years to come. Organized crime will not be eliminated or even significantly reduced by any set of laws, anticrime program, or Administration. Ultimate success requires a continued campaign by federal and state law enforcement agencies and an increased awareness and involvement on behalf of every citizen.

Let us join — as public officials and as citizens — to scourge the rackets and safeguard the respect for law on which rests our national strength.

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<sup>11</sup> Racketeering prosecutions involving the Organized Crime and Racketeering Section increased approximately 300 per cent over 1961 and 700 per cent over 1960. Conviction increased more than 350 per cent over 1961 and almost 400 per cent over 1960.

	1960	1961	1962
Number of indictments	17	45	118
Number of convictions	22	24	86
Number of individuals indicted	49	121	350
Number of individuals convicted (includes previous year's indictments)	45	73	138

The work statistics of the entire Criminal Division also reflect the increased effort.

	1960	1961	1962
Man Days in Court	283	555	809
Man Days in Field	1,963	5,086	7,356
Man Days before Grand Juries	388	1,052	1,146