



9-1-1963

New Approaches to Gambling, Prostitution, and Organized Crime

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Recommended Citation

Morris Ploscowe, *New Approaches to Gambling, Prostitution, and Organized Crime*, 38 Notre Dame L. Rev. 654 (1963).

Available at: <http://scholarship.law.nd.edu/ndlr/vol38/iss6/4>

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positively useful in controlling certain offenses in the organized crime categories. I believe we should try out the device slowly, step by step, and that it would be unwise to consider new immunity legislation of broad application, for either the prosecutive arm or legislative investigators at this time.

3. NEW APPROACHES TO GAMBLING, PROSTITUTION AND ORGANIZED CRIME

*Morris Ploscowe**

Can we devise new methods for dealing with the age-old evils of gambling, narcotics, prostitution and organized crime?

The answer is that we can, but before we do so, we should not overlook some of the old weapons which are already in the armory and which unfortunately are not being used. However, before we discuss weapons — both new and old, we should try to understand the enemy for whom and for which the weapons are intended.

I. *Gambling*

Gambling has been aptly described as “the treasure chest of the underworld.”¹ Syndicated and organized crime is largely sustained by gambling gold. Moneys from gambling also finance other criminal ventures, such as the distribution and sale of narcotics, loan sharking, houses of prostitution, and innumerable semi-legitimate and legitimate business ventures, owned or controlled by the underworld.

Gambling operations are usually monopolistic ventures, with type of operation and territories strictly defined. Occasionally, particular gangs or hoodlums seek to break the monopoly or extend operations into territories other than their own. This frequently sparks outbreaks of murderous violence and more unsolved crimes are added to police blotters.

Gambling takes many forms, of differing significance to the underworld. First and foremost is bookmaking, namely, off-track betting on horse racing and betting on other sports events such as baseball, football and basketball games, prize fights, etc. This form of gambling provides a fantastic “take” for the underworld running into hundreds of millions of dollars annually. To do business on this scale requires a high degree of organization and services. This organization and these services must be understood before anything realistic can be done about bookmaking. Bookmaking, like any major American business and industry, has its little men, its middle men, its tycoons and its big combines. The little men comprise the small army of runners, street agents, commission men, who take bets directly from the public, give the bettor the telephone number of the bookmaker for whom they work. They are usually paid a

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1 Cook, *Treasure Chest of the Underworld: Gambling Inc.*, 191 *The Nation* 257, 264 (1960).

commission on customers' losses. They sometimes hold legitimate employment as bartenders, store clerks, candy store operators, etc. In war, privates are expendable. In the sometimes mock, sometimes cold, sometimes hot war that the police wage against bookmakers, the little men are usually the victims, being the ones most frequently arrested. Sometimes such arrests are arranged by their boss bookmakers.

The middle man in the bookmaking racket is the bookmaker who operates out of a more or less permanent office, usually over the telephone and sometimes behind an innocent front, such as a cigar store, restaurant business, etc. His pay-offs and collection are usually effected by his runners. Where law enforcement is lax, the bookmaker may still operate from a horseroom in which individual bettors congregate to place their bets directly with him.

The tycoon of the bookmaking world, the so-called bookmaker's bookmaker, has been described as follows:

He is invariably a racketeer or hoodlum, well supplied with capital. He may have several silent partners who are major underworld figures in the area. His connections will reach into the hierarchy of organized crime throughout the country. No layoff is too large, for if he cannot handle it himself he knows where other outlets exist. His importance depends entirely upon the number of bookmakers he services. *A good percentage* of the two dollar bets placed by the public with the handbook or front bookmaker eventually find their way into the hands of this type of bookmaker and through him to the leaders of the underworld.²

Such tycoons may join together into combines or syndicates which stand at the pinnacle of the bookmaking world and which have large financial resources. These combines have from time to time operated in such places as the Newport-Covington area of Kentucky, Biloxi, Mississippi, as well as in metropolitan New York. Tycoons and middle men all over the country turn to these combines when their own books become unbalanced, i.e., when too heavy bets are placed on a particular horse or a particular sporting event.

The little men, middle men or tycoons are not gamblers, even though they are carrying on a gambling business. They are either businessmen or wage earners. Their operations are arranged in such a fashion that they must make a profit. Three basic services make it possible for bookmakers to make substantial profits:

1. *The Line.* A bookmaker must know at what odds to take bets. This is relatively easy on horse races, since the pari-mutuel provides a basis for quoting odds. But bookmakers also take bets on all manner of sporting contests. Odds must be set on these contests so that bookmakers will not lose money on such bets. This requires specialized knowledge and skill which is available to the bookmaking fraternity through national wire services with headquarters in Minneapolis and Chicago.

2. *Lay-off Betting.* Every bookmaker from time to time gets more action on a particular horse or a particular sporting event that he can handle. The

² A Report of the New York State Commission of Investigation, Syndicated Gambling in New York State, at 25-6 (Feb., 1962).

losses, in case the bettor wins, may be too great for the individual bookmaker. Like any businessman, therefore, the bookmaker tries to reinsure himself against large losses through the mechanics of lay-off betting. The risks of too great losses are spread through several layers of the bookmaking hierarchy. The top echelons of the hierarchy may take an additional step to insure themselves against too large losses. They may at the last minute bet substantial sums on the horse on which they have large bets (this is so-called comeback money). In this way, if a horse wins, they will have considerable moneys from the track with which to pay off bettors.

3. *Accurate and Almost Instantaneous Results of Horse Racing.* This service is necessary to stimulate betting activities. If a bettor knows he has lost, he may wish to recoup his losses by betting on another race; if he has won, he may wish to boost his winnings. Instantaneous results on horse racing will avoid the dirtiest practice in bookmaking, namely, past post betting (i.e., betting on a horse that has already won his race).

II. *Policy or Numbers Racket*

Bookmaking is not the only gambling racket of importance to the underworld. The underworld has a substantial stake in the policy game. This form of gambling is less complex than bookmaking. It has become increasingly popular in many cities throughout the country, attracting particularly the person of small means. It is a poor man's lottery, whereby the bettor bets a small amount on a particular winning number, normally of three digits, but in the form known as bolita on one or two numbers. The winning numbers may be determined in various ways. In pari-mutuel race horse policy the "winning number is determined on the basis of some combination of pay-off figures at a designated race track." Daily Treasury balance or clearinghouse figures have also been used to determine winning numbers. The latter may be determined by a roll of the dice. Odds against winning a three-digit policy play are 1000 to 1. Pay-offs are never higher than 600 to 1, and usually less. This gives a substantial margin to the policy operator.

The policy racket in any large city employs a small army of collectors of policy slips or runners who are in touch with thousands of individual bettors. They bring their slips and money to designated drops where they are picked up by pick-up men and brought to a controller, who, in turn, sees that the money and slips are delivered to the policy banks. At the policy bank the slips are processed and the day's action recorded by clerks and accountants. When all expenses are paid, 10 to 15 per cent of the huge amounts wagered remain as profit to the underworld figures who control the policy bank.

III. *Other Forms of Gambling*

The other popular forms of illegal gambling, slot machines (one-armed bandits), pin-ball machines, punch boards, lotteries, gambling casinos, bingo are too well known to require description. The racketeer and hoodlum have a prominent place in the control of all these forms of gambling.

IV. *Narcotics*

Legal access to narcotic drugs on the part of those addicted to such drugs has been prohibited since Congress passed the Harrison Act in 1914. This prohibitory policy has been enforced with great vigor by the Federal Narcotics Bureau and by state and local law enforcement agencies. Prior to World War II, there appears to have been a declining incidence of drug addiction. After World War II, however, there appears to have been an epidemic increase in drug addiction, particularly in slum areas of our large cities, inhabited by minority groups. Most distressing was the increasing experimentation with narcotics of adolescents and young adults. The reaction to the increasing threat of narcotic addiction was the demand for ever more severe penalties enforceable against addicts, as well as against pushers and traffickers in narcotic drugs. Our jails and penitentiaries have become clogged with persons, incarcerated for violations of the narcotic drug laws, or for the parasitic property crimes related to the need of the narcotic addict for the drug. Nevertheless, organized crime is still quite active in supplying narcotic drugs to addicts.

A chronic drug addict is characterized by a compulsion to take the drug and to obtain it by any means to ward off the dreaded withdrawal symptoms; by a tendency to increase the dose (tolerance) and by a psychic and/or physical dependence on the effects of the drug. Drug addicts can be taken off the drug relatively easily by incarceration in a drug-free environment; but they do not stay off the drug once they are released from that environment. The relapse rate, from even our best specialized institutions for drug addicts, is frightening and there is basically no known cure for drug addiction, despite the fact that some drug addicts eventually manage to lead drug-free lives.

No one knows how many narcotic addicts there are in this country, since these individuals do not publicize themselves. The official estimate of the U. S. Narcotics Bureau of 60,000 addicts is as satisfactory as any. The need of these 60,000 addicts for daily doses of opiate drugs (primarily heroin) is supplied for the most part by organized crime. The profits to be made from supplying the addict market are very great. Severe penalties and strict enforcement of the drug laws discourage some drug peddlers, but there are always others in the underworld who are attracted by the lure of the profits to be made in the drug traffic. Strict and severe law enforcement increases the price of drugs on the illicit market, but it also increases the profits to be made therefrom. The lure of profits and the risks of the traffic simply challenge the ingenuity of underworld peddlers to find new channels of distribution and new customers, so that profits can be maintained, despite the risks involved. Non-addict wholesalers and importers of narcotic drugs can always find addict pushers and peddlers to handle the supply of the drugs to the ultimate consumers, the addicts. The non-addict wholesalers and importers usually are persons of standing in the registry of organized crime. Unless we are prepared to incarcerate drug addicts for life, the melancholy fact must be faced that for many years to come there will always be innumerable addicts in our large cities who must be supplied with drugs. If they cannot obtain such drugs legally, they will continue to

patronize the illicit pushers and peddlers who are the retail outlets for organized crime.

V. *Prostitution*

The ancient evil of prostitution is of less importance to organized crime today than it has been in the past. Changing patterns of sexual behavior may be partially responsible. The professional has suffered considerably from the inroads of amateur competition. The automobile and the motel have made illicit sex a much more mobile article than it was years ago. Our changing mores have also been responsible for the diminution of commercialized prostitution upon which organized crime feeds. The public has not as readily accepted the myth of the benefits of the "wide open town" in recent years in connection with prostitution as in connection with gambling. The result has been that law enforcement has found it easier to eliminate houses of prostitution than to control gambling. The widely tolerated red light districts of our cities with their innumerable houses of prostitution have largely disappeared from the municipal scene. Commercialized prostitution today is much more an individual matter. A prostitute is on call with bellboys, cabdrivers, bartenders, etc., acting as go-betweens. Pimps may tout the wares of an individual prostitute in the gay spots of our cities. Prostitutes may also solicit in bars, taverns, nightclubs, dance halls, strip houses, etc. Customers are fewer and charges are generally higher than in the old days of the protected and tolerated brothel. There is less money to be made and the organization of individual prostitutes and call girls is much more difficult than in the days when a madam had charge of a house with 10, 20 or 30 girls available to whomever could pay the price.

Nevertheless, there still are many communities in this country with tolerated houses of prostitution. This is apparent from the answer to a question put to Paul M. Kinsie of the American Social Health Association which has studied problems of commercialized prostitution for many years. Asked whether the American Social Health Association had encountered in its surveys and studies, "organized prostitution such as was carried on by the late Lucky Luciano some years ago," Mr. Kinsie replied as follows:

During the past decade, this Association has conducted 2,059 surveys of commercialized prostitution and allied conditions in 552 cities.

A well organized group of exploiters operated in Phenix City, Alabama, up to approximately eight years ago. Their activities were finally curtailed. Similar situations were discovered in Galveston, Texas, and Peoria, Illinois, in the last ten years. Spasmodic waves of law enforcement have resulted in improving conditions in general to an appreciable extent. However, more intensive work on the part of local authorities is still necessary in order to curtail further the activities of the third party interests in both cities.

Rigorous law enforcement currently is taking place in most of the large cities not only in preventing prostitution but also in suppressing it. Even New Orleans falls into that category. The problem communities now are chiefly those in the 50,000 to 150,000 population group.

Wherever houses of prostitution operate in the old tried and true manner,

one can be certain that a substantial part of the profits winds up in the pockets of hoodlums who have connections with organized crime.

VI. *Official Corruption and Connivance in Organized Crime*

The sine qua non of large scale organized criminal activity, especially where it operates openly, is protection from law enforcement. The "fix" and organized crime go hand in hand. One is not possible without the other. It is the "fix" which makes police officers in many cities naive and blind when it comes to detecting violations of gambling, prostitution and narcotic laws. This blindness, naiveté, innocence and indifference of law enforcement officers toward organized criminal activities is a purchasable commodity. Innumerable police and law enforcement officers, throughout the country, have taken mob money so that gambling and prostitution activities will not be interfered with. From New York to California the sordid story is always the same, whether the pay-offs to law enforcement are designated as "ice," "juice," or "graft." Many law enforcement officers have come to eat "tenderloin," rather than chuck steak, when they have been placed in a position to do something about gambling and prostitution. The regular payment so that law violation will be overlooked has come to be regarded as prerequisites of office. Sometimes law enforcement officials have not been satisfied merely with taking mob money, but have decided to muscle in on the racket itself since there was more money to be made that way. A recent illustration was uncovered in the Buffalo Police Department where a Lieutenant Rotterman was charged with running a \$300-\$500 a day bookmaking operation in police headquarters itself.³ Similar instances were uncovered by the Kefauver investigation over ten years ago.⁴ The habit of taking pay-offs so as to protect the activities of organized crime has tended to blur the old police distinction between "honest" graft and "dishonest" graft, between "clean" and "dirty" money. Even the "dirty" money of narcotics mobs has on occasion found its way into the pockets of law enforcement officers.

The pay-off, however, is not the only means for assuring the blindness and indifference of law enforcement toward organized criminal activities. Money talks in politics with a loud clear voice and the gangster chieftains who profit from gambling, narcotics and prostitution have large sums available. Thus mob money is used to insure the election of key officials who will be sympathetic to its aims. Frank Costello's power in New York City politics in the 1940's and Binaggio's in Kansas City, until he was shot, is typical of what may and has been found in many cities throughout the country. The usual labels of "Republican" and "Democratic" have little meaning to organized crime chieftains. What they want are officials who will do the mob's bidding when the chips are down and protection is needed for gambling, prostitution, narcotics and liquor law violations and other activities run by organized crime.

³ New York State Commission of Investigation, *An Investigation of Law Enforcement in Buffalo* (Jan., 1961).

⁴ See Special Committee to Investigate Organized Crime in Interstate Commerce, *Third Interim Report*, at 184-86 (1951).

VII. *Solutions and Approaches*

It is obvious that there are no simple panaceas or solutions to the evils of organized crime in gambling operations, the narcotics traffic and commercialized prostitution. Organized crime is a cancerous threat to our social and economic system. If it is to be eliminated or materially reduced, it will be necessary to come to grips with fundamentals. These fundamentals concern such matters as the legalization of gambling, legal distribution of narcotics, the improvement of substantive criminal laws, as well as the strengthening of criminal proceedings, the improvement in the quality of law enforcement, the breaking down of bureaucratic isolation in law enforcement, the elimination of the "fix" or "pay-off," and the readjustment of federal and state relations. We shall consider some of these fundamentals in the recommendations which we are making herein.

A. Legalize the distribution of narcotic drugs to chronic addicts under strict medical and legal controls.

We have seen that there are thousands of addicts in this country, whose sole supply of opiate drugs comes from the illicit drug traffic which is run by organized criminal gangs. We have also seen that the chronic addict is basically a sick individual with a physiological and psychological dependence upon the drug. We believe that every effort should be made to cure an addict of the need for the drug and therefore favor the notion of civil commitment for drug addicts, which has been enacted into New York law. We agree that there should be compulsory hospitalization of drug addicts in the effort to cure them of their addiction. Nevertheless we believe that in innumerable cases long term cures of addicts are not possible, given the present state of medical and psychiatric knowledge. Unless we are prepared to incarcerate addicts for life, their drug needs must be satisfied.

It is possible for addicts to function relatively normally if their drug needs are supplied. In this respect the drug addict is different from the alcoholic, who is useless to himself and to others when under the influence of alcohol. We favor the notion of supplying confirmed narcotic addicts with opiate drugs through public health clinics under rigid controls. In smaller cities where the establishment of public health clinics are not feasible, addicts could be supplied by doctors under strict controls. This in our opinion is the only alternative to incarcerating drug addicts for life or in continuing huge law enforcement efforts which could better be used elsewhere.

Illicit drug traffic with its huge revenues to organized crime could be considerably curtailed by the adoption of the program of legally supplying narcotic drugs to addicts. However, the illicit market for drugs will not be altogether eliminated, since addicts will probably not be satisfied with the maintenance doses supplied by clinics and doctors. Nevertheless it is obvious that if their basic needs are satisfied, drug addicts are less likely to have recourse to the minions of organized crime — the illicit drug peddlers.

We do not believe that it is possible to eliminate the stake of organized crime in the drug traffic without some means of furnishing drugs legally to the chronic addict.⁵

B. Decide which areas of gambling to legalize. Enforce the law strictly in the prohibited areas of gambling.

It may be urged that, if gambling were legalized, state and local governments would obtain much needed revenues and huge amounts could be deflected from the coffers of organized crime. It may also be suggested that the corrosive corruption of law enforcement which is a concomitant of prohibited gambling operations might be eliminated by legalized gambling.

Unfortunately, there does not appear to be a desire in any state to try out these premises. Only Nevada has legalized all forms of gambling and has taken the position that government, both state and local, should merely regulate the incidents of gambling and participate in the profits. But other American jurisdictions do not resolve gambling problems in this fashion. The social and economic cost of unrestricted gambling is apparently too high. The revenues obtained by state and local governments in Nevada have not been as great as anticipated. The mobsters who should have been banished by the legalization of gambling are still active in Nevada, either directly or through fronts. This has not encouraged other states to emulate the Nevada example.

While the suggestion that all forms of gambling be legalized has not met with much favor, there are, however, continual campaigns to legalize particular forms of gambling. The legalization of bingo and raffles for charitable, religious, veteran and fraternal organizations is an accomplished fact in such states as New York and New Jersey. New York's mayor has persistently proposed that betting parlors run by a public authority be set up so that bettors can place bets on horses off the track as well as on the track.⁶ There are also demands that national or state governmental lotteries be run as one of the means of increasing governmental revenue.

We shall not pass judgment on this fractional legalization of gambling. However, we should point out that legalization of a particular form of gambling will do little to break the relations between gambling and organized crime. No particular form of gambling, even if legalized, can pre-empt the gambling field. Even the New York City proposal for centrally located betting parlors leaves considerable room for the ubiquitous illegal bookmaker who meets his customers daily or who takes bets over the telephone. Legalized bingo or legal raffles have and can do little to curtail the ever-increasing traffic in policy numbers. If a particular form of legalized gambling is conducted under private auspices, the underworld simply moves into the permissible areas of gambling. The prohibited areas of gambling continue to be run by them. Legalization of a particular form of gambling is therefore not the easy way to break the link between gambling and organized crime.

⁵ It should be noted that organized medicine appears to be opposed to this approach. See Cameron, *Narcotic Drug Addiction*, 119 *Am. J. Psychiatry* 793 (1963). We believe that organized medicine has taken a shortsighted view of the addiction problem. Its approach fails to meet the need of the drug addicts who are unreachable and incurable by present methods. Without legitimate drugs, they are condemned to patronize the illicit drug traffic for the drugs necessary to enable them to function as human beings.

⁶ See Dowling, *Final Report of the Mayor's Committee on Off Track Betting* (Feb. 6, 1959).

A much simpler way is law enforcement to deal with organized crime, utilizing whatever statutes are already on the books in connection with gambling and using whatever law enforcement agencies are already available to enforce gambling laws. This will be looked upon as a secret weapon in many communities where the enforcement of gambling laws is all but ignored because of the "pay-off" and the "fix."

C. Strengthen the enforcement of gambling laws.

The strengthening of the enforcement of gambling laws involves a far-flung effort on the federal, state and local level. On the federal level considerable progress has already been made in dealing with big time gambling. A federal statute has finally been passed, after many years of effort, prohibiting the transmission of gambling information and bets and wagers across state lines through the use of wire communication facilities.⁷ We have seen how vital this is to big time gambling. Wire services controlled by mobsters, transmitting rapid information about horse races and other sports events have been the heart of organized crime's control of gambling for over half a century. In addition to the aforementioned statute eliminating wire services to gamblers, Attorney General Kennedy has also secured the passage of bills prohibiting the transportation in interstate commerce of records of bets and wagers or policy numbers.⁸ Such a statute makes it possible to deal with lay-off betting which is of such great importance in the bookmaking racket. Of vital importance in the federal control of gambling activities is also the new statute prohibiting interstate travel in furtherance of illicit enterprises, such as illicit gambling activity.⁹

These statutes and others, e.g., the requirement that gamblers pay wagering taxes,¹⁰ now make it possible for federal law enforcement authorities to cope with the interstate aspects of gambling activity. It is to be hoped that an all-out effort will be made in this area by the Federal Government. The recent raids by federal officials on known gamblers in many different communities are an indication that such an effort is beginning to take shape.

Gambling, however, remains essentially an activity which violates state and local laws. A primary requirement for stiffer law enforcement in connection with gambling is adequate state antigambling laws. Some years ago, The American Bar Association Commission on Organized Crime formulated a Model Anti-Gambling Act.¹¹

It was noted that this Model Anti-Gambling Act had many advantages over existing gambling legislation. These advantages were summarized as follows:

In the first place the Act has avoided one of the major pitfalls of existing gambling legislation, a too great particularization of the evils sought to be prohibited. This has loaded the statute

7 18 U.S.C. § 1084 (Supp. IV, 1963).

8 15 U.S.C. §§ 1171-1173 (Supp. IV, 1963).

9 18 U.S.C. § 1952 (Supp. IV, 1963).

10 26 U.S.C. §§ 4401-4405, 4411-4414 (1958).

11 King, Model Gambling Act and Commentary, in 2 Organized Crime and Law Enforcement at 57 et seq. (1953).

books with considerable itemization of half-forgotten forms of gambling. It has also made it possible for gamblers to adapt their techniques so as to bring them just outside the statute. The Model Anti-Gambling Act proposed by the Commission uses a generic definition which includes all forms of gambling and thus avoids the particularization which has given so much trouble in existing law.

Secondly, the Model Anti-Gambling Act strikes its hardest blows at the professional aspects of gambling. The professionals who draw profit from gambling operations, the bookmakers, gambling casino operators, policy collectors, controllers, and bankers, slot machine operators, etc., are penalized far more severely than other persons who participate in gambling but who are not professionals.

Thirdly, the Model Anti-Gambling Act penalizes the patron of a professional gambling operation, no matter what form of gambling is involved. The possession of any gambling record, 'made, used, or intended to be used in connection with gambling or professional gambling' is an offense under the Model Act.

Fourthly, the Model Act, through an optional provision, makes it possible to immunize the person who engages in a sociable game of cards, without opening a wide breach in the statute for the benefit of professional gamblers.

Fifthly, the Model Act recognizes the vital importance of communications to modern gambling operations, particularly in connection with bookmaking. Accordingly it prohibits the transmission of bets and wagers and of information intended to be used in professional gambling by telephone, telegraph, radio, etc.

Sixthly, the Model Act contains the effective provisions of the Wisconsin, Minnesota and Iowa law which permit all types of licenses and permits of establishments which allow gambling on the premises to be suspended and revoked.

Seventhly, the broad definitions of gambling devices such as slot machines, contained in the Model Act, are bound, if enacted into law, to reduce litigation as to whether particular devices come within the terms of the statute. Gambling devices are declared to be nuisances and subject to seizure on sight.

Finally, the Act provides effective means for dealing with gambling premises, and with the furnishings and equipment of premises used for gambling.

In the opinion of the Commission on Organized Crime, the Model Anti-Gambling Act, if widely enacted, would considerably strengthen the hands of law enforcement officials in dealing with gambling which furnishes the major source of revenue for organized crime.¹²

Each state should examine its gambling laws in the light of this Model Act and in relation to modern techniques of gambling. The control of gambling on a state and local level should not be hampered by inadequate, poorly drafted, old-fashioned laws which have not kept pace with modern methods of gambling. A modern gambling statute is indispensable to decent law enforcement.

A good statute is only the first step, however, in obtaining effective enforcement of gambling laws. Law enforcement agencies, paralyzed by the "fix," will not enforce even the best of gambling laws. Light fines meted out to minor

12 *Id.* at 27-29.

figures in the gambling rackets simply perpetuate gambling activities and give the public the illusion of enforcement. How to improve the enforcement of gambling laws at the state and local level presents vital problems of eliminating police inefficiency and corruption, strengthening and making our criminal procedures more realistic, dropping the hypertechnical rules on search and seizure and illegally obtained evidence, authorizing the use of such devices as wire-tapping in the enforcement of gambling laws, making possible the cooperation of law enforcement agencies in different areas of a state, improving the relationships between the police and prosecuting attorneys, and the introduction of more realistic sentencing practices in gambling cases. Obviously, such problems require a thoroughgoing analysis of laws, procedures, practices and law enforcement techniques in each state.

D. Strengthen the Federal Department of Justice Organized Crime and Anti-Racketeering Unit.

Information about organized crime and the professional criminals, who dominate it, is absolutely vital to any program for dealing effectively with organized crime. Such information is not easy to come by. It is obtainable only through careful, involved and difficult investigations. Many such investigations have already been made by federal and state law enforcement agencies and considerable material about organized crime and criminals exists in their files. A fundamental problem in dealing with organized crime has been how to pool such information together so that effective attacks can be made upon specific mobsters or specific organized criminal activities. Usually each agency, both state and federal, jealously guards the information that it has acquired and resents the necessity of passing this information to an outside agency. The present Organized Crime Unit in the Federal Department of Justice has helped to break down this isolation of law enforcement agencies in the federal government. It is obvious that this Organized Crime Unit of the Department of Justice can serve to coordinate the efforts of all federal law enforcement agencies and spearhead the Federal Government's attack on organized crime. This Unit should be strengthened in terms of manpower, money and investigative and prosecuting procedures, so that effective work can be done. One of the great advantages of this Unit is that it can use all existing federal statutes in the drive on organized crime. It is not limited to the enforcement of a single law, as are many federal agencies.

E. Organize similar anti-racketeering units in the states and provide greater state supervision of local law enforcement.

If it is desirable to break down the isolation of federal law enforcement agencies, it is likewise desirable to eliminate the isolation and inertia of local law enforcement agencies when confronted with organized criminal activities. It is also desirable to gather in one place information which local law enforcement agencies may have available concerning local mobs and the activities of local, professional criminals. This necessarily requires the expansion of state activity in connection with local law enforcement. Some years ago, the American Bar

Association Commission on Organized Crime formulated a Model State Department of Justice Act. The major purpose of this Model Act was to provide for greater state supervision, through the Attorney General's office of the state, or of a new office of local prosecuting and law enforcement agencies. This Model Act made possible the kind of direction, pooling of information, and cooperative effort of law enforcement agencies which is vital if organized crime is to be dealt with adequately at the state and local level.¹³

Some states have recognized the need for greater state effort in dealing with organized crime and the local corruption which it breeds. In New York, for example, there have been a number of successful investigations and prosecutions of organized criminal activities by the new State Department of Investigation. Such activities have been virtually unmolested for years by local enforcement agencies. The work of such agencies as the New York State Department of Investigation makes it clear that local autonomy in law enforcement and local control of police and prosecuting agencies must be modified if strong barriers are to be erected against organized crime.

F. Improve police efficiency and eliminate police corruption in dealing with gambling and organized crime.

Shortly after the Kefauver investigation, the writer and Professor Don L. Kooker of the University of Indiana summarized the police problem as follows:

To a considerable degree, law enforcement has broken down at all levels, national, state and local. Police officials entrusted with the security of the public have betrayed their trust. They have permitted the growth of organized crime to go unchallenged, until government itself is threatened.

The breakdown in police service, however, goes far beyond the lack of integrity or corruption of specific officials. Scores of police studies and surveys made throughout the country in the past few years have demonstrated that the inefficiency of police departments in dealing with crime is due to such factors as inadequate administrative organization, the brevity of tenure of police department heads, the poor selection of police personnel with respect to physical, mental and moral standards, the deficiency or the complete lack of police training standards, the defective personnel methods used by police departments, especially the methods of discipline, the inadequate techniques of criminal investigation and detection that are employed, the inadequate use of scientific aids in police operations and in the investigation of crime and apprehension of offenders, the lack of coordination and cooperation between police departments, etc.¹⁴

We suggested that state-wide effort was necessary to eliminate police inefficiency and improve police methods of dealing with organized crime. We proposed a Model Police Council Act for the American Bar Association Commission on Organized Crime. We still believe that this act can be a useful tool

¹³ Ploscowe and Weinstein, Model Department of Justice Act and Commentary, in 2 Organized Crime and Law Enforcement at 101 et seq. (1953).

¹⁴ Ploscowe and Kooker, Model Police Council Act and Commentary, in 2 Organized Crime and Law Enforcement at 135-36 et seq. (1953).

in the development of better methods of policing and in the elimination of evils which investigations reveal. The act makes possible uniform methods of recruiting and training police officers throughout the state as well as the maintenance of adequate standards of policing through inspections of police departments and otherwise.

Some such radical approach to local police departments as that provided for in the Model Police Council Act is necessary if local police departments are to meet the massive threat of organized crime in their communities.

G. Strengthen criminal procedure so that law enforcement agencies will not be hampered in the enforcement of laws relating to organized crime.

1. Permit legal wiretapping.
2. Eliminate hypertechnical rules as to search and seizure.
3. Broaden scope of evidence legally obtained.
4. Provide adequate witness immunity laws.
5. Make gambling violations triable by judges alone without juries.
6. Insist on substantial sentences in appropriate gambling cases.

If sumptuary laws, such as the prohibitions against gambling and prostitution, are to be enforced effectively, we may have to sacrifice some of the protections which we throw around individual rights and individual liberties. Wiretapping, for example, may be called "dirty business," yet any law enforcement agency is hampered in dealing with organized crime unless it can tap telephone wires legally. Similarly, when the Supreme Court of the United States declares invalid traditional state rules concerning the use of illegally obtained evidence, it is to be expected that professional criminal activities will be widely benefitted. When outstanding arrests are negated by a hypertechnical application of the rules relating to search and seizure and the rules relating to illegally obtained evidence, then law enforcement is further discouraged in attempting to deal with organized crime. It has become popular to take the fifth amendment when questioned by authority concerning criminal activities. Unless a state has a realistic law making it possible to compel testimony of underlings through a grant of immunity, the wall of silence around organized crime cannot be pierced. The requirement of many state laws that even misdemeanors, occurring in connection with organized criminal activities, may be tried by juries, hampers still further the development of any realistic program of dealing with organized crime.

It is obvious that some hard thinking and realistic re-examination must be made of our present rules of criminal procedure and evidence before progress can be made in the repression of organized crime.

There must be some sacrifice of individual liberties if we are to have successful law enforcement. Excellent police work and outstanding prosecution of known mobsters should not have to go down the drain because of the over-insistence of courts upon outworn and impossible technicalities. Probable cause for making an arrest or making a search which has discovered contraband, to cite one example, should be given a liberal, rather than the constricted and technical construction dear to the hearts of those dedicated to civil rights and