

1969

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### Recommended Citation

Dwight C. Jr. Smith, Cooperative Action in Organized Crime Control, 59 J. Crim. L. Criminology & Police Sci. 491 (1968)

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## COOPERATIVE ACTION IN ORGANIZED CRIME CONTROL

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In this paper, Mr. Smith reviews some research into the organization of organized crime control, undertaken in 1966-67 by the New York State Identification and Intelligence System. He identifies some unexplored and unanswered questions that concern the problems of cooperative planning and action against organized crime, and suggests how these questions may affect the activities of a State organized crime prevention council established under the Omnibus Crime Control and Safe Streets Act of 1967.

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The Omnibus Crime Control and Safe Streets Act of 1967 has presented state governments with a new tool for approaching the problem of organized crime. Sandwiched in Title I of the Act between references to specialized organized crime intelligence and prosecution units, and to systems for information-sharing, is the "State organized crime prevention council",<sup>1</sup> defined as a group of not more than seven persons "broadly representative of law enforcement officials . . . [who] by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime".<sup>2</sup> The Act neither specifies a council's objectives (other than "organized crime prevention") nor suggests its manner of operation. The Judiciary Committee's report to the Senate, in commenting on the organized crime aspects of Title I refers to the final report of the President's Commission on Law Enforcement and Administration of Justice, but none of the references—and, indeed, none anywhere else in that report or in the published consultant papers—concerns a State organized crime prevention council or any similar mechanism of government. The report does, on the other hand, explain the intent of the Act concerning the special

law enforcement units and systems for information-sharing.<sup>3</sup>

The Commission recommended that states organize and finance organized crime investigation commissions, and that private citizen crime commissions be encouraged,<sup>4</sup> but these mechanisms are clearly different in membership and, by indirect implication, in duties, from the proposed State organized crime prevention councils. The subcommittee hearings on the Omnibus Crime Control and Safe Streets Act offer no further light on the councils.<sup>5</sup> Despite this lack of guidance, the Act's appropriation authorization for fiscal 1968 and 1969 would permit a State council to obtain as much as \$1 million of support for organized crime-related activities carried out either directly by the

<sup>3</sup> S. REP. NO. 1097, from the Committee on the Judiciary, April 29, 1968, pp. 33-34.

<sup>4</sup> President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Organized Crime* (Washington: Government Printing Office, 1967), p. 23.

<sup>5</sup> *Controlling Crime Through More Effective Law Enforcement, Hearings Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary; and Anti-crime Program, Hearings Before Subcomm. No. 5 of the House Comm. on the Judiciary*. With only occasional exceptions, references to organized crime at these hearings concerned wiretapping and electronic surveillance.

<sup>1</sup> Omnibus Crime Control and Safe Streets Act of 1967, § 301(b)(5), 82 Stat. 200.

<sup>2</sup> *Id.* § 601(g), 82 Stat. 209.

council or through agencies of its individual members.<sup>6</sup>

To provide some perspective for considering the organization and duties of a council, it may be useful to describe some research conducted in New York State during 1966 and 1967 concerning the general subject of "interjurisdictional mechanisms for organized crime control". This research was undertaken in conjunction with a series of five conferences on organized crime, held at the former Coe Estate in Oyster Bay, Long Island.<sup>7</sup> The broad objective of the conferences was to explore ways in which the law enforcement community might work, as single agencies or in partnership, to prevent, control or reduce the influence of organized crime in American society. The discussion began with a basic agreement on what was meant by "organized crime". The conclusions reached—or, perhaps more importantly, the aspects of the problem that were not explored—are beyond the scope of this paper. It is sufficient to say that a rudimentary definition was accepted, from which a second question might be tackled: what should governments do about organized crime in their jurisdictions?

It was assumed at the outset that action depended on knowledge and, thus, that a key element in what might be done was the development of effective intelligence activities.<sup>8</sup> The discussion took an interesting turn at this point, when it was suggested that there might be some guidelines for action in the history of the national intelligence community. From a review of the literature in the field, and from interviews with experienced national intelligence personnel, it became evident that some guidelines were available, and a preliminary effort was made to put them in terms relevant to

<sup>6</sup> Omnibus Crime Control and Safe Streets Act of 1967, § 520(b)(2), 82 Stat. 208.

<sup>7</sup> The conferences were sponsored jointly by the Executive Chamber of the State of New York, the School of Criminal Justice of the State University of New York at Albany, and the Police Department of the City of New York. The first two conferences are described in *Combating Organized Crime, a report of the 1965 Oyster Bay conferences on combating organized crime* (Albany, New York: Office of the Counsel to the Governor, April 1966).

<sup>8</sup> Among the activities discussed, in terms of existing as well as prospective law enforcement techniques, were special intelligence and prosecution units dealing with organized crime cases and systems for information sharing—the "bookends" which support the State organized crime prevention council in Title I of the 1967 Act. See *Combating Organized Crime, supra* note 7, esp. pp. 45-52.

organized crime control.<sup>9</sup> If the operating concepts of strategic intelligence described there were to be applied to organized crime control, however, some means would have to be developed for translating into a radically different environment the functions performed on an international scale by a series of coordinating agencies: the National Security Council, and the Board of National Estimates and its supporting intelligence apparatus.

The nature of the translation process was, without question, difficult to conceive. How could the law enforcement community develop a structure to deal interjurisdictionally with policy questions of long-range (or strategic) import relating to organized crime? As a starting point, a question was posed concerning the feasibility of a national organized crime intelligence board, established on a voluntary basis and representative of all levels of government. The question was discussed at some length in terms of uniform laws, interstate compacts, and other recognized and less formal cooperative mechanisms. It may be fair to say that the problems facing interjurisdictional cooperation—either laterally between agencies at the local, state or national level, or vertically among all levels of government—loomed larger in the discussion than the potential benefits awaiting the successful cooperators. Nevertheless, there remained a strong feeling that government in general (it was recognized that organized crime control cannot be the exclusive concern of law enforcement agencies) had to begin groping beyond existing, inadequate efforts at inter-agency cooperation, and it was agreed that a rationale should be developed, as a basis for further discussion, for a National Organized Crime Intelligence Board. The results of that effort are contained in the sections that follow.<sup>10</sup>

The reader will note that the singular "board" referred to in the title of this proposal is not wholly descriptive of the plural "interjurisdictional mechanisms" described in the body of the analysis; the significance of that difference, and an assessment of the analysis as a whole and some questions

<sup>9</sup> See *A Theory of Organized Crime Control: A Preliminary Statement, prepared by the technical staff and consultants of the New York State Identification and Intelligence System, as a background paper for the Third Oyster Bay Conference* (Albany, New York: NYSIIS, April 1966).

<sup>10</sup> This material is taken from an unpublished manuscript by Lumbard and Smith, *A Proposal for a National Organized Crime Intelligence Board* (Albany, New York: April 1967).

it poses indirectly for a State organized crime prevention council, comprise the concluding sections of this paper.

#### A NATIONAL ORGANIZED CRIME INTELLIGENCE BOARD: THE CHALLENGE

The threat of organized crime to American society has increased in the last thirty years while the directions and extent of its growth have changed. From a relatively crude and violent conspiracy focused upon crimes of vice—bootleg liquor, narcotics, gambling and prostitution—organized crime has become a sophisticated and often subtle enterprise intent also upon making substantial inroads into legitimate business through labor racketeering, extortion, price manipulation, restraints on trade and other forms of business crime. Although its perpetuation rests upon the potential use of violence to control its activities, the size, power and wealth it has amassed require increasingly fewer, and less visible, manifestations of force. It now possesses enormous capital resources. Lower level organized crime members continue to engage in those forms of overt criminal conduct normally associated with “crime in the streets”, although on a very selective basis. Their leaders increasingly are insulated from such acts.

Organized crime caters to the desires of a substantial part of our citizenry. Therein lies its threat to society. It satisfies those desires through willful disregard of the law and—even more importantly—by rejecting the standards of fair competition and equality of opportunity upon which a free society is based. In so doing, it encourages the corrosion of basic standards of personal and corporate conduct that are essential to a democracy. And it is the prime corrupting force in our midst.

Present efforts to control organized crime are limited. The reasons are many; among them:

- A fragmented criminal justice system;
- Inadequate intelligence concerning organized crime activities;
- Diffusion of responsibility;
- Lack of coordinated efforts;
- Weak or confused local police jurisdictional units;
- Political interference with police administration;
- Corruption of public officials and police;

Insufficient state-level concern with local law enforcement;

Public willingness to accept the goods or services of organized crime despite their illegality.

Significant progress in the control of organized crime will require major changes, including advances in technology and organization, and modifications of attitudes and practices, in virtually every named area. Thus the challenge of organized crime control is both important and substantial. Even if public attitudes toward organized crime were less receptive to its continued growth, however, it is evident that law enforcement generally is not well organized or equipped to participate effectively in a massive control program.

Law enforcement efforts today can be characterized as relatively isolated and jurisdictionally limited “holding actions”. Some law enforcement representatives understand the problem of organized crime and have invested significant resources in control activities. But their effectiveness all too often is discouragingly small because the activities of organized crime often are so much wider than the jurisdiction of enforcement agencies. Whenever a specific control program presses hard, the successful criminal organization can, if it chooses—thanks to the ease of travel today—temporarily withdraw portions of its resources and personnel to unaffected areas while it awaits the return of more favorable conditions. Indeed, some organized crime groups have become sufficiently wealthy and versatile to support flexibility as to both activity and geography.

It has become increasingly evident that law enforcement efforts to control organized crime probably will remain at a relatively ineffective level until four conditions are present:

1. Enforcement authorities really know what it is they are trying to control;
2. They know what to do about it;
3. They have adequate information on which to base decision-making and action; and
4. They are willing to work together despite organizational and jurisdictional divisions and confusion.

Enforcement authorities will need determination and a high spirit of cooperation to jointly force their way through these problems. Development of an effective attack on organized crime itself also

will take patience—and time. New mechanisms and strategies must be devised; new attitudes and understandings must be encouraged.

Within our federal system a new start can be made. To prepare for the time when an effective attack will be a reality, to provide a foundation for that attack and to promote action that will hasten that day, we can begin now to initiate measures to overcome the fundamental weaknesses of present enforcement. Efforts should be focused upon:

- A. Organizational fragmentation, with accompanying absence of coordination;
- B. lack of plans designed to attack organized crime itself, rather than its fringe symptoms or manifestations;
- C. lack of "strategic intelligence" upon which to base plans; and
- D. absence of effective mechanisms for sharing information pertinent to planning and organized crime control.

Three separate but inter-related mechanisms ultimately will be required to overcome these significant weaknesses:

1. An inter-jurisdictional group to coordinate strategic planning;
2. A channel through which strategic estimates concerning organized crime—a prime requisite for proper strategic planning and interjurisdictional coordination—can be coordinated and reviewed;
3. The means for sharing pertinent data across the organizational and jurisdictional lines.

#### THE RESPONSE: I. AN INTER-JURISDICTIONAL GROUP TO COORDINATE STRATEGIC PLANNING

The group should be composed of representatives from those jurisdictions that recognize the organized crime problem facing them and want to work together—despite organizational limits—to mount a more effective, coordinated attack on organized crime. The members should represent political jurisdictions and not merely action agencies (although individually, representatives might hold responsible positions in such agencies), to insure program support of responsible government policymakers and leaders. At first the group might be relatively small, because the jurisdictions now possessing sufficient knowledge of the problem and expertise for its solution are small in number. Although the group itself would possess final authority to seat additional representatives, its

ultimate membership would be open to all states, every major metropolitan community and the federal government.

The group would have no operating authority. Its major purpose would be to help develop and coordinate, on a voluntary and cooperative basis, strategies and plans to attack and control organized crime. Its work would depend in large measure upon a broader and deeper understanding of organized crime, including its intentions and capabilities, than presently exists. Consequently, its immediate goals would center around the encouragement and development of more and better intelligence resources in agencies responsible for combating organized crime. For that purpose the group would promote further research into such subjects as organized crime itself; the intelligence process as it relates to organized crime control; the needs for personnel recruitment and training in the intelligence field; and the classification and security requirements of such a limited-purpose, inter-jurisdictional intelligence network. The results of this research, as well as the research process itself, would contribute significantly to building an intelligence community that could support "a more effective, coordinated attack on organized crime".

Cost of the inter-jurisdictional group would not be high. It would not maintain central files; its permanent secretariat would not be large; and expenses for meetings could be met, for the most part, by travel costs paid by each representative's home jurisdiction. The number of meetings would be governed by the size and complexity of its agenda. Initially, its meetings might occur semi-annually. As its workload grew, the frequency of meetings might be monthly. To establish direction, to maintain continuity of proceedings, and to provide guidance to its secretariat, it is likely that the group would, of necessity, be more active in the business of inter-jurisdictional coordination than the parent group.

Although the cost of the inter-jurisdictional coordinating group would be relatively small, it is essential that its resources be sufficient for its responsibilities. In particular, adequate support would be needed for communications. The secretariat should be adequately staffed at the secretarial level; equally important, though, would be its professional staff. Since the group would be voluntary, it would not be able to rely on direct organizational authority to encourage implementation of its policies or the maintenance of momen-

tum on specific projects between regular meetings. A truly cooperative spirit would have to be engendered in the face of the inherent, primary loyalty of each member to his own jurisdiction and responsibilities. Thus the coordinating group would need a staff whose primary loyalties were to its own activities if it were to possess the energy that a dynamic organized crime control program requires.

The initial cost of the inter-jurisdictional group might well be underwritten by a grant (LEAA or foundation), as a demonstration or experimental project. After a reasonable period its value and merit should be sufficiently demonstrated to justify regularly budgeted support from the jurisdictions represented. This approach has been used successfully to launch innovative programs in other areas of government.

#### THE RESPONSE: II. A CHANNEL THROUGH WHICH STRATEGIC ESTIMATES CAN BE COORDINATED AND REVIEWED

It is axiomatic that good strategic planning depends upon good strategic intelligence activities. If the inter-jurisdictional coordinating group were to fulfill its major purpose to "help develop and coordinate . . . strategies and plans", it would need access to adequate intelligence estimates covering a broad spectrum of potential organized crime activity and law enforcement response. Those estimates would depend, in turn, upon the availability of intelligence information to substantiate every element of each estimate.

It is anticipated that the great bulk of organized crime intelligence work would be conducted under the direction of local, state or regional intelligence units, or by the investigative forces of appropriate federal agencies. The inter-jurisdictional coordinating group would not be engaged in intelligence research because it would not have its own basic data files. Some mechanism should be created by which strategic intelligence products developed elsewhere can be assembled, assessed and integrated into a consistent set of estimates from which the inter-jurisdictional coordination group could work.

That channel might utilize the secretariat of the inter-jurisdictional coordinating group. To assist in the assessment and integration of separate research efforts into a consistent estimate of organized crime activities, a voluntary "estimates review" group should be created, composed in part of representatives of the major intelligence units from which intelligence products would be obtained.

It is important that a distinction be made and

observed between the estimates review group and the inter-jurisdictional coordinating group. An established and fundamental doctrine of strategic intelligence work—of which the final estimating process is the most sensitive aspect—is that it must be conducted apart from the determination of program and policy alternatives that will guide subsequent action. Otherwise, estimates run the risk of reflecting policy desires rather than objective reality. At the same time, the estimating process must be close enough to policy to be timely and useful. As Sherman Kent has put it, "Intelligence must be close enough to policy, plans and operations to have the greatest amount of guidance, and must not be so close that it loses its objectivity and integrity of judgment".<sup>11</sup>

Several questions may immediately occur. Since the assessment of strategic estimates entails the potential—albeit infrequently or rarely exercised—need for access to the original source data, does the establishment of an estimates review group imply the creation in fact, if not in name, of a national dossier file concerning organized criminals? Even though files are not consolidated under the secretariat to the inter-jurisdictional coordinating group, would the potential opportunity of a central staff to examine local files in relation to specific intelligence questions also create an opportunity for that central staff to function as if there were a central file by routinely soliciting all contributing agencies for information about certain individuals?

The nature of intelligence work and the organized crime control environment suggest that these problem areas are highly unlikely, and even impractical, under the voluntary system proposed here. The estimates review group would meet to consider stated problems. Since it would include among its number representatives of the primary intelligence units whose estimates were to be consolidated and reviewed, disputed points in a report could be clarified by the representative of the agency responsible for the report, without reference by the central group to any separate files. In those instances where a dispute could not be resolved at the review level, clarification could be requested from the local agency. The request could be met by a central group representative appearing at the local agency to inspect pertinent data, which would not then be forwarded to any central file or indeed ever leave the local repository.

<sup>11</sup> KENT, STRATEGIC INTELLIGENCE 180 (1949).

Thus information would be available in the same manner in which it is presently available, but with a more effective system of interchange and access due to the index and coordination functions that would be possible. More data might thus be used from a wider range of agencies because the sources would be better known; a central pool of detailed personal data, accessible on rapid notice, would not result.

Establishment of an estimates review group would not be required immediately. Such a group would be required when there was sufficient meaningful intelligence being generated to justify its creation. That time would depend upon the rate of success at which the inter-jurisdictional coordinating group promoted useful intelligence work among its members.

### THE RESPONSE: III. THE MEANS FOR SHARING PERTINENT DATA

It is widely recognized that separate agencies, operating independently and despite the best of intentions, do not obtain all information pertinent to a specific organized crime case because much of that information cannot be obtained locally or by its own investigators. This difficulty reflects the disparity between the fragmented and static boundaries of law enforcement agencies and the fluid nature of organized crime. The difficulty of obtaining information from outside sources stems from two fundamental problems: the absence of a sharing mechanism and the consequent reluctance of many persons to circulate what they consider "sensitive" material; and the problem of determining, in many instances, what information will be pertinent elsewhere.

Sharing of sensitive information between intelligence units today is limited almost entirely to the release of selected data on a case-by-case basis to a personally known and trusted individual in another agency. Seldom, if ever, does an agency possessing sensitive data that might be useful elsewhere initiate the information exchange. Rather, the general practice is to wait for a request for the information. To some extent, the general attitude toward sharing is dominated by a local work load so heavy as to leave little room for volunteering help to another agency—especially on a miscellaneous basis without specific direction. And there is obvious concern for guaranteeing the privacy and protection of information, a concern usually expressed as "security".

To have adequate "security" a feasible classifi-

cation system would have to be developed, as well as related rules for safeguarding information in relation to its classification and for clearing personnel for access to levels of information. On the basis of a classification system it would be possible to develop a voluntary mechanism for regulating the application of inter-jurisdictional security rules in each participating agency and—once security were better understood and observed—for encouraging more frequent and wider dissemination of information. As mentioned above, an early and important responsibility of the inter-jurisdictional coordinating group would be the sponsorship and encouragement of studies aimed at preparing a classification system.

Development of the mechanism for sharing information would not answer the question of determining when an innocent-appearing piece of data might be useful to another jurisdiction. The best sharing mechanism possible will not of itself guarantee the dissemination of data if its importance is not realized. The answer may rest in the development of a series of "identifiers"—known to intelligence experts as "essential elements of information"—that could be circulated to agencies routinely collecting information. With that list in hand, collection agencies would have some idea of the interests of other agencies in data obtained.

Undoubtedly some of those identifiers would themselves be considered "sensitive", particularly if they identified subjects of a case or an intelligence project still under development. The design and implementation of a classification system would help overcome this limitation. The inter-jurisdictional coordinating group could thus develop a list of essential elements of information, as a second responsibility flowing from its studies of a classification system. Once these two problems were solved the way would be clear to a significant increase in the sharing of organized crime intelligence information on a national basis.

### SOME UNANSWERED PROBLEMS<sup>12</sup>

Admittedly, this approach to the problem leaves several matters unanswered or undefined. Some omissions reflect the limits of time and space, as well as the preliminary and tentative nature of the proposal. Some sketchy definitions reflect a desire not to be exclusive and a concern to avoid predisposing some important policy questions. The

<sup>12</sup> The opinions expressed in this section are those of the author only, and do not necessarily reflect the views of any persons associated with the Oyster Bay Conferences.

intentionally vague description of an "interjurisdictional group. . . composed of representatives of those jurisdictions that recognize the organized crime problem . . ." provides examples of this:

- a. Despite the specification of its title, the proposal assumed that cooperation might be undertaken on several levels—between states, or among several governmental agencies operating in the same geographic area, as well as nation-wide. A common logic that did not specify a level of action might assist all such efforts. Hence, the use of "interjurisdictional".
- b. There was a range of opinion concerning the locus of representation; the matter was not pressed beyond "jurisdiction". Would a large police department belong, represented by its chief or commissioner, or would the parent city be a member, represented by its chief political officer or his delegate? Would a large county be represented by its sheriff or by the county attorney, and how would a choice be made if both were independently elected? Would the federal law enforcement community be represented by the Justice Department or the Treasury Department—or the White House? Or would federal representation be decided among the FBI, the Organized Crime and Racketeering Division of the Justice Department, or the Internal Revenue Service? Several of these choices were illustrated within the group of conferees at Oyster Bay. The final proposal specified that members "should represent political jurisdictions and not merely action agencies," but this language did not provide a complete answer.
- c. There was also a feeling that competence in the field was not uniform; membership, therefore, should be self-determined, by "those jurisdictions that recognize the . . . problem". If organized crime control requires action at all levels of government; if there is, in this field of law enforcement, a felt need among competent officials to "be in the big game;" and if some agencies or jurisdictions might well be represented by more than one person; then a group of 100 to 150 delegates might easily be assembled. Such a group undoubtedly would be unwieldy; it would also probably in-

clude uninterested participants. A nucleus of serious workers would emerge, but it would take time. The same result might be achieved more simply, however, by extending the initial invitation only to organizations aware of the problem and interested in cooperative action. But who would say that a certain jurisdiction was aware and interested? When the alternatives were put this way, self-selection was clearly the more discreet approach.

- d. The gathering was designated as a "group" in deference to the problem of authority (a factor as well in specifying self-selection for membership). Either "board" or "committee" implied a degree of authority and of sanctioned existence that was beyond the competence of the original discussants. Hesitation at this point reflected the unofficial, voluntary nature of the Oyster Bay gathering; it also reflected the "fragmented criminal justice system" and the "diffusion of responsibility" limitations to which the preamble of the proposal referred.<sup>18</sup>

There were also several questions raised in preliminary discussions but not adequately explored in the proposal. Within the general problem of authority, what would the group be expected to do, and what conclusions would it reach? Would it deal with general conditions or specific situations—that is, would its primary focus be strategic or tactical? The proposal speaks of "strategic intelligence", but what does that mean in terms of specific projects? What levels or areas of information exchange would be appropriate for group action? With whom would the group communicate: its member agencies, or other public officials in various branches of government, or with the public

<sup>18</sup>The problem of authority is critical. If the pertinent members of a voluntary association agree to a common action, there may be no problem. But if one member disagrees, or if he (or his agency) perform below expectations, how will mediation proceed, and what sanctions can be applied? What if the disagreement is between two authoritative and respected men, and what if it concerns a vital link in a long and arduously developed strategic plan? We need look no further than last June for an example of the problem. Assuming the newspaper accounts to be reasonably accurate, how might a voluntary coordinating group have mediated between Frank Hogan and Robert Morgenthau over the immunity of witnesses in conspiracy trials? See *Prosecutors in Conflict Over the Marcus Case*, New York Times, June 27, 1968; *Treatment of Informers, Id.*, June 28, 1968; and related news stories.

generally? How would answers to these questions depend on the level of the group (national or regional) and the extent and nature of its active membership—and how, for that matter, might several levels of cooperation be instituted?

In some respects it is unfortunate that the basic concepts could not have been pushed to the level of hypothesis that these questions required. The rationale for cooperative action was clear, and the framework for initiating it was sufficiently tangible. But what would it really accomplish? What would it be able to do better than existing mechanisms—the LEIU, for example,<sup>14</sup> or conventional, bilateral working agreements between trusted associates? What benefit would the cooperating agency gain from its efforts? Because the proposal did not reach this level of inquiry, the discussion halted, and the concept was not explored further.

Beyond these questions about the proposal itself, it seems evident that the discussion was characterized by a fundamental lack of consensus on two points: should cooperation be imposed from above, or should it grow from below; and what did it mean, in the area of organized crime control, to speak of *strategic* rather than *tactical* intelligence?

The idea of cooperation imposed from above was implicit in the specification of “national” and “board” in the title applied to the proposal. The moral imperatives of organized crime control required, from this viewpoint, immediate cooperative efforts on a large scale; once those imperatives were clearly understood, independent agencies would certainly bend their efforts toward a national strategy. This was not the view of some law enforcement officials, however. To think in such global terms demanded a leap of faith they were not prepared to take on the basis of the prospective benefits that were described. That skepticism was reinforced by strong feelings that large efforts were most likely to grow from the experiences of more modest beginnings, and by a conviction that state or regional mechanisms were a prerequisite to nation-wide efforts. The unexplored question that lay between these points of view was clear: given the outreach of organized crime activities, how broad did a cooperative effort have to be to achieve any success at all? That question is not likely to be answered until some intensive research is undertaken into the real nature of organized crime.

The problem of strategic intelligence as some-

thing different from tactical intelligence is also implicit in the title. The proposal refers to three distinct but interrelated mechanisms: the title specifies only one. It identifies, in effect, the group that would coordinate strategic planning; it ignores or subsumes within the board's structure the channels for strategic intelligence and the mechanisms for information exchange.

Within the tactical experience of most law enforcement agencies, a unitary intelligence structure is meaningful: the agency head is concerned about getting pertinent, hard facts into the hands of his operating staff, and the niceties of the higher level intelligence organization are irrelevant. For the expert in strategic intelligence, however, the organizational distinctions between intelligence research, policy determination and action are essential. In his view, one cannot speak realistically of a policy board without simultaneously and separately identifying a strategic intelligence group and the channels through information and intelligence would move. By ignoring them, one ignores the *sine qua non* of strategic intelligence: an effective balance between “guidance” from the policy maker and objectivity and integrity within the intelligence process.

#### CONCLUSION

The State organized crime prevention council concept could represent a first step toward the interjurisdictional mechanisms described here. If some states take advantage of the Congressional invitation, and if the funding carrot enables them to experiment with new and more sophisticated approaches to coordination and control than present efforts represent, they may evolve an effective framework for nation-wide coordination of organized crime control.

The enabling Act answers two of the questions raised in this proposal; it has specified the state as a coordinating level and has placed a limit on formal council membership. If a council really means to be serious about organized crime control—*i.e.*, is willing to take a fresh look at the nature of organized crime and the relative merits of alternative strategies for dealing with it—it cannot avoid the remaining questions. They can be answered, but the task will not be easy. Progress will be slow, the path of action is virtually uncharted and there is no guarantee of success. The alternative, however, is a “more of the same” approach which has yet to put a significant and permanent dent in the organized crime structure in this country.

<sup>14</sup> For a discussion of the LEIU (Law Enforcement Intelligence Unit), see *Combating Organized Crime*, *supra* note 7, at 46-47.