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SOME OBSERVATIONS CONCERNING ORGANIZED CRIME

HENRY BARRETT CHAMBERLIN¹

Organized crime is a manifestation of economic movement. In its present form it is the result of an increasing intelligence on the part of the criminal class—the application of the capitalistic system by the predatory who are not openly protected by the forms of law.

Organized crime is as ancient as civilization. It begins at a time older than recorded history. It is a tradition dating back farther than the days when Hiram Abif, grand architect of the Temple of Solomon, was slain by ruffians who attempted to wrest from him the secret that would enable them to ply their vocation successfully in new fields of endeavor. It is basically founded on an economic condition and its historical aspects carry the student into almost every field of human activity. It is only slightly less basic than the sex relationship and those two other fundamentals with which mankind is most concerned, the providing of food and a place of habitation.

A competent history of organized crime carried through to the development of the movement under present day conditions, with its underlying sources and philosophy, would require a treatise dealing with human relationships over the centuries.

It would concern the feudal system, the feats of the old buccaneers, the slave traders, the caravan highwaymen of the far east, the smugglers, the mafia of Italy, the Molly Maguires of more recent times and the many others of their ilk. It would ponder alliances between those frowned upon by the law and the allegedly respectable folk who profited by their misdeeds; it would note the frequent paralysis of justice; and it would trace these characteristics of criminal history in times ago down to the present day conditions and the activities of the modern gangster and racketeer. It would concern not only the material but the spiritual, with considerations of religion, environment and geographical mobility; the passions and the greed of men; and it would lead logically to those operations of criminal groups which we face today. And if there could be reached an understanding of the mental processes of the individuals of the various groups there could be had an understanding of the modern gangster.

¹Operating Director, Chicago Crime Commission.

At the moment public attention is largely focused on the operations of criminal organizations concerned with violations of the Volstead Act. These operations present both an economic and a criminal problem. The problem lies in the sphere of economics because of the large profits obtained from illegal traffic in beer and alcohol; the number of persons employed; the vast amounts of money circulated; and the powerful political influence exerted.

Economically the illicit liquor business is even a sort of stabilizer. Its sudden destruction overnight would probably be economically disturbing because its activities affect so many groups not criminal per se. A sudden stoppage of the traffic would throw out of employment thousands engaged in the retail distribution of the contraband. It would affect transportation companies, communication organizations, manufacturers of automobiles. It would withdraw from circulation large sums expended for protection. However the liquor situation is not one to give undue alarm. The time will probably come when the illicit liquor traffic will cease because there will be no profit in its maintenance. This phenomenon has been of recent growth and while sinister, it may be dismissed as one of the manifestations of crime which are more or less sporadic.

There are, however, organized criminal groups which may be considered permanent because they have operated for a long time and will continue to operate until human nature undergoes a radical change. These groups are interlinked with the liquor group at the present time and have furnished most of its personnel. Their permanency is greater because they cater to two fundamental desires—vice and gambling.

In the last twenty-five years there has been some change in the operation of these two activities. Prostitution, the oldest profession in the world, was until the last quarter of a century looked upon as a "woman's game." Its control has now passed into the hands of men who exploit women, and who have created an organization, including procurers and panderers, that is nation wide. It is one of the most dangerous forms of organized crime extant because it strikes at the very root of a moral structure. This is well illustrated in the recent exposures in California where the traffic in high school girls has been exposed. Exchange of professional prostitutes between cities is common and the agents of the vice trust are active in procuring recruits everywhere, their operations not being confined to the great urban centers but extending into the villages and hamlets of the country.

From coast to coast as revealed by the public press, the protection of this form of vice has included an astonishing array of small politicians, bailiffs, jail guards, clerks and other attaches of the courts, sheriffs' offices and others. The amount of money involved is second only to that at present circulated by the illicit liquor group. Under oath in Chicago, Minna Everleigh, one of the notorious Everleigh sisters, whose place was forced to close at the behest of the masculine group, testified that she had been forced to pay more than \$100,000 in her day to the vice lords.

In the trail of this phase of organized crime follows murder, corruption, extortion, coercion. It involves the employment of lawyer criminals who find opportunity through technical error to defeat justice if and when any prosecution is undertaken. More significant than anything else is the powerful political influence exerted on police, prosecutors and courts, with restraining orders handicapping the police and rendering sincere, energetic efforts to minimize commercialized vice more or less futile.

This organized form of criminal activity is probably more deeply rooted in the social and political order than is generally recognized. Its chiefs are often a part of political organizations and with the coming of prohibition they gained in power and influence by using an already systematized organization in a new and profitable field of exploitation. The experience gained by years of contact with politicians came into service in organizing the production and distribution of beer and whiskey.

Gambling is one of the important forms of organized crime in communities where gambling is illegal. It is in rather a strong position because the professional gambler is not despised as is the vice boss, and gambling as a pastime bears none of the opprobrium of commercialized vice. Some forms of gambling even have the approval of the law, evidenced by the legalizing of the pari-mutuel systems in vogue at race tracks throughout the country. Just why, in some sections, the law discriminates between betting at the race tracks and betting in places away from the tracks is difficult to understand. A complication is added by the fact that great communication corporations carry information relative to racing to anyone who will pay for the service, thus making possible the information necessary to the bookmaker and enabling him, because of information legally obtained, to do those things which are prohibited by law. This is all very confusing and difficult of analysis. It presents a situation entirely unreasonable and altogether hypocritical. Some European countries

give official assent to some forms of gambling, particularly lotteries, while Monte Carlo has a world wide reputation with no stigma attached. In this country the State of Nevada by recent act of its legislature legalizes gambling and some years ago the principal industry of the State of Louisiana was its lottery.

The laws against gambling were probably enacted because of the greed of the operators of the game who undertook to commercialize a sporting instinct, so the ban on gambling was invited by the gamblers themselves.

Within this activity many of the characters and all of the patterns of violence and anarchic warfare have been developed. Except in few localities, such as those named, gambling is illegal and cannot exist except by defeating the law. This defeat is accomplished partly by influencing elections through contributions to campaign funds or by the bribery of officials. As gamblers are inhibited from coming into court in order to settle disputes with respect to their property rights, there has grown up within the last twenty-five years a systematic terrorism. Disputes between gambling factions have been settled by bombing, killing and arson. Small armies of bombers and gunmen have been mobilized for action in times of gang war. And because this form of organized criminal activity is not under one supervision but is factional, there is always the possibility of involving the police. This is shown by raids on certain places while others are permitted to run without interference. In sporadic gambling crusades, both in New York and Chicago, the supposition has been ventured that police grafters get too much tribute from the ring to order a complete cessation of gambling. An old time gambler philosophizing on the situation contributed this: "You can't scare these old timers with a police investigation. They have never seen one yet which was on the square and it would be the surprise of their lives if one should ever prove to be straight."

In sworn testimony during an investigation in Chicago one boss gambler testified in substance as to three alleged facts. First, that all raids made by the police are done under instructions of the protected ring for the purpose of driving competitors out of business. Second, that the raids on places belonging to the combination were merely pretended. And third, that some of the police raids were made on dummy switchboards set up for the purpose of helping the police make a search while the actual switchboards were unmolested.

A highlight, illustrative of the whole system, is cast by a police official who said: "It is just as necessary for a handbook or a

gambling house to pay for protection as it is for a saloon or restaurant to pay for a city license. Any 'joint' which is not paying for protection is promptly raided and closed. If the place is running, everybody is satisfied that it is paying."

Of course, there are various payments required where protection is afforded. Some of it is in cash and some of it in political service. Dependent upon the local situation the graft from gambling goes to the politicians or to the police. Usually there is a definite understanding between the two.

An extended study of this phase of organized crime indicates secret dealings with persons in authority. This helps to explain the prosperity of some gamblers and some "booze" runners and the vicissitudes of others. This suspicion is too wide spread to be dissipated by mere disclaimers.

It is reasonable to believe that the old time gambler has given way to the modern criminal and that the business has been further stigmatized because of the ascendancy of the gunman, the hijacker, the bootlegger and the racketeer with political influence who have made the handbook business difficult for the old timers. The gangsters have assumed the role of overseers so far as the distribution of concessions of illegal activities are concerned and extortion has reached a point which has made impossible the operation of a "square game."

It may be that all of this merging of criminal activities will result in good in the end. The crime trust is absorbing so many activities, illegal in their nature, that even a Napoleonic criminal mind will find it difficult to carry on. The amalgamation of all of the major criminal activities in the great urban centers will not permanently succeed because in the very nature of things the law-abiding people will some time be aroused and compel it to disintegrate. While mergers appear to be the order of the day in legitimate business they are growing so large that far visioned students predict a reaction and some prophesy that they may destroy themselves because of their very bigness. There is danger that they will crash under their own weight. What is true in the business and industrial world may be true in the criminal fields. There is not much difference in methods.

The organization of large scale illegal business in vice, supported by political influence, bribery and violence, has been a matter of long training on the part of the outstanding leaders—the successful master criminals, known to police and public although they appear to be immune from prosecution or punishment. They have developed with-

in the last twenty-five years and have become national characters in the last decade.

Until a few years ago when one of these leaders closed his career or had it violently closed for him, the funeral was attended by throngs which included judges, politicians, city officials, cabaret singers, gamblers, waiters and other friends and helpers. This public recognition is not so evident today and its abandonment is significant indication that the official leadership of law enforcing groups is becoming more careful of its relations with law-breakers. This, not so much because of any moral regeneration, but because the tide of public opinion has changed direction. It is a good sign and hopeful.

It is enlightening in that it discloses the technique of those who are versed in the art of dealing with gangsters and politicians. It has demonstrated that criminal business enterprises were carried on under adequate political protection. It is not unfair to assume that immunity from punishment is an almost indispensable element in maintaining the prestige and control of a gangster chief and that there must always be arrangements for political protection if criminal operations are to succeed.

Of course, there must be borne in mind that the modern criminal is not asleep nor unaware of the changing time and that he will adjust the operations of his criminal enterprises more carefully and meet any exigency growing out of a changed political situation.

Gang war, with periods of gang peace, in this country is a phenomenon of recent years, but it is hastening the end of gang control because of its violence and the shock that it has given not only to the people of the United States but to the people of the world. They are just awakening to a realization of the powerful nature of criminal gang organizations, the extent of their political alliances and the enormous amounts of money involved.

Whatever may be the inevitable and ultimate outcome there remains for serious consideration the fact that now, under present conditions, the underworld groups and syndicates, particularly in the illicit liquor traffic, maintain operations on a large, if not increasing scale, in defiance of the laws of the states and the federal government. The subject cannot be dismissed with the explanation that the Eighteenth Amendment and the Volstead Act fail to command the support of citizens in metropolitan and cosmopolitan centers. The study must go farther because the operations of organized criminals extend into many different fields and their methods of professional violence include all sorts of shocking and cruel activities. One of

these, which is effective in compelling compliance with the demands of racketeers, is terrorization by bombs. This method of inducing acquiescence to demands is a development of the methods pursued by the old "educational committees" in the days when sluggers were the shock troops of those engaged in enterprises frowned upon by the law.

Bombing today has become a vocation practiced by specialized crews or gangs. Combined with window smashing, slugging and shooting, it is very effective. Apprehension is difficult because of the easy "getaway" afforded by automobiles and again this method increases the difficulties of the police and the prosecutors in apprehending and convicting. Here, also, the difficulty is increased because when one of the criminals is caught he is usually released on a habeas corpus writ which forestalls the obtaining of information. The lawyer criminal retained at large fees, using every crooked, political influence, including bribery, frightening of material witnesses after an indictment, intimidation of those who do stick but change their testimony through fear, is a very important factor. Gangsters of this type are usually able to raise ample defense funds in order to combat constituted authority.

It is difficult to classify or segregate bombing activities. Bombing appears to be a commonly used persuader in gambling wars, black-hand, political activities, racial conflicts, labor union difficulties and the racketeering industry as fostered by the so-called "merchant associations." It thrives best in large urban centers and the most profitable fields have been New York, Chicago and Los Angeles in which cities have been staged some of the more spectacular endeavors of this sort.

Blackhanders have been pointed to as persistent users of bombs, but these criminals are usually, of small groups, loosely organized, not as formal in "set-up" as other companies of law breakers. Most of this sort of crime is extortion, preceded by the anonymous, threatening letter. It is difficult to combat because those who originally fought this evil vigorously have become discouraged by the lax administration of justice. They have seen the failure in prosecution and the visitation of vengeance upon those who aided the law.

An adequate study of this phase of crime would necessitate an inquiry into the operations of so-called business organizations controlled by gangsters. It would reveal campaigns of destruction against churches, residences, stores and barber shops. It is a topic involving so many angles that it cannot be discussed here with any

degree of satisfaction. It is sufficient to note that this rise of terrorist methods has established groups of gangs or professional bombers who are ready to serve as paid retainers in any cause requiring their services.

In organized crime the group, with the possible exception of the "booze" crowd, that is just now causing the most trouble for law enforcing authorities is the racketeer. This cross section of criminal society has taken a page out of the modern business book and modified it to meet its necessities. It has taken the idea but not the method. It does not work by indirection. It employs direct action. It operates under the guise of a supposedly legitimate business association organized for co-operative purposes. In soliciting members and contributors, however, it brings home the thought very forcibly that failure to join the group will mean the destruction of property. It developed as an outgrowth of controversies between legitimate groups of business men intent upon putting rivals out of business, overcoming competition as it is called. It is such a well known problem of modern business that a detailed consideration of the subject is not necessary for the purpose of this writing.

It is a fact that the racketeer does not always impose himself upon an industry or an association. He has often been invited in because his services are welcome, and the original encouragement to terroristic methods which has resulted in the present condition came from shortsighted men in supposedly legitimate lines who wished to impose their wills upon less fortunate competitors. It is an example of the fact that it is difficult to play with coercion and violence without becoming its victim.

In considering organized crime the practical politician cannot be omitted from the picture. Crime is a vast and complicated subject. It is a study in human emotions, friendships, heroisms and unconditional mutual aid without hesitant criticism or question whenever danger threatens from constituted authority or rival gang interests.

It has been based on mutual friendships and interests but it is weakening somewhat because the criminal gangster is again taking a leaf from the book of business and is straying the field. In other words, organization based on totally mercenary principles has taken the place of the old time comradeship. In business and industry, at one time, comradeship existed between master and man. Changed association has made business more difficult and complicated, also more selfish and mercenary. It is the same with crime as it grows in organization facility.

The gang today is developing into an organization of professionals. It differs from the old gangs in that it is not an outgrowth of neighborhood play groups. It is becoming a development of occupational skill and apprenticeship. It is maintaining a standing army of gunmen and it has shown its ability at election time in many of the large cities of the country. Election frauds during primaries and elections have evidenced alliance of gangster and politician. The reason is clear. The gangster depends upon political protection for his criminal and illicit activities. Without such protection his occupation would become increasingly difficult, his apprehension likely and his conviction almost sure.

The strength of the criminal organization lies largely in the fact that the gangsters and their allies regularly bring out the vote for their friends. The church people and other good citizens are more apt to stay away from the polls except when the issue between good citizenship and organized crime is dramatically staged.

There will be no lasting change for the better unless the people not only become aroused but stay aroused until they force their chosen representatives in the administration of criminal justice to do their duty. There is a tendency in the direction of aroused public opinion against crime. Now and then something happens. The great difficulty is to keep the interest continuously. The criminal is always on the job; the so-called good citizen acts occasionally and spasmodically. It needs no stretch of the imagination to realize that gangster groups often become political clubs and that the chief of a group of gunmen is frequently recognized as the political boss of a given area.

The most convincing illustration of the relations between politics and crime, the revelation of its intimate association, was, as has been noted, given in the funerals of gangsters. Some of these funerals, particularly in New York and Chicago, not so long ago, were suitable for royalty and many public officials were listed as honorary pallbearers while numerous law enforcing authorities attended in person.

Although there is a drift to the mercenary, yet the political feudal system interlocks with the gangs which are organized on the feudal basis, organized upon loyalties, friendships and dependability. Personal loyalty is above the law in these associations. The gangster has one idea and in carrying that out holds to his friendships. The good citizen, on the other hand, and the idealist are notoriously not good friends. No man interested in mere abstractions like justice, humanity and righteousness can successfully compete in the more immediate and personal relations of life. He is not a good mixer nor a

good politician. The gangster is both and again, a gangster does not consider things immoral merely because they are illegal—a philosophy which is a great handicap to the moralist.

However, there is hope in the indication of a changing condition. The old basis of friendly relations among gangsters and politicians is being superseded by consideration of cash. Political protection for the powerful financial interests of organized crime is coming to rest less and less upon friendship and more and more upon pecuniary considerations. If this continues, it will spell ultimate defeat because money cannot take the place of loyalty.

In dealing with organized crime there are those who try to picture a criminal as tortured with the pangs of remorse. This is pure buncombe. The individual gangster never quits because of feelings of remorse for his misdeeds. Sometimes he gets out of the racket because he finds from his own experience that crime does not pay. The criminal group strives to make crime both profitable and safe. This is done not only by endeavoring to elect its picked candidates but by employing shrewd, indefatigable and resourceful lawyers with reputations as fixers and then resorting to violence and intimidation to insure the freedom of any of its members who may become enmeshed in the web of the law.

In this study an attempt has been made to strike an average, to set down opinion—evidence based on contact with the subject of crime for a period of years, perhaps twenty-five, and at least half of that time in intimate contact. The statements of fact are exact but for the purpose of this writing it has not been thought necessary to furnish citations nor footnotes.

Observations upon which conclusions are based have been made both in large and small communities. Organized crime is successful in the great urban centers of population but there are contributing factors reaching into smaller localities. Small towns are more difficult for the criminal than big ones because a greater percentage of the population can discover and function upon any given affair. To illustrate: The group that specializes in the stealing of automobiles in large cities will arrange to have a garage or repair shop located in a smaller town where the supposed owner is recognized as a respectable member of the community. Here stolen cars may be stored and changed in appearance so that the chances of recognition for recovery are most difficult. An investigation of this phase of criminality developed the fact that it was and is highly organized with garages, machine shops and storehouses in various sections. Its

outlet was through supposedly honest dealers in used cars. So efficient has been the development of this activity that the group frequently undertook and perhaps now undertakes to steal cars to order. In some known cases an inquirer at one of the outlets looking for a certain kind of car would be told that just such a vehicle was expected in a trade and within a few days the returning purchaser would find a car of the type desired at an attractive price.

In the numerous cases that have focused public attention on organized crime the question of the guilt of the indicted persons cannot always be legally settled by the evidence secured. There has been, however, enough information developed to convince reasonable people that crime during the last decade has been organized on a scale and with resources unprecedented in the world's history. It has also been well determined that the leading gangsters are practically immune from punishment and that the position of power achieved is due to a well defined alliance between politics and organized crime.

Any newspaper reader knows that for years there have been many exposes of bootlegging, of graft, of vice, of gambling, with spectacular crusades against these evils and all without permanent effect.

There is reasonable evidence, not susceptible of legal demonstration, that there exists in the criminal world a system of control which enforces its decrees by severe penalties for noncompliance, murder being a frequent occurrence.

It is significant that though the names of the leaders and stories of the major criminal activities have been published, and that though the addresses of the places where vice, gambling and bootlegging persists are recurrent in police archives, efforts at apprehension and successful prosecution are in the majority of major cases futile. If there is not a breakdown in the law enforcing agencies it must be admitted that they collectively present a notoriously ineffective organization in the war against organized crime.

Three important elements to be considered in the crime situation are the police, the prosecutor and the judiciary. These functioning together become an effective instrument in the suppression of crime. Operating independently, sometimes antagonistically, they hearten the criminal element to the hurt of the law-abiding. It is an unfortunate fact that in most communities these three essential factors in the crime situation are not always in accord. Sometimes they have even worked at cross purposes; have criticized each other and have been

more intent upon preparing alibis than in harmonizing differences to the end that the commonweal might be served.

Fundamentally, the police department is responsible for much of the trouble. Its personnel are wrong, its systems are wrong. Local police departments organized in a horse and buggy age are not equipped to combat crime in an age of motorization. In the metropolitan areas they do fairly well but not well enough. In the smaller cities, towns and villages they are all but worthless. Its members are fat, aged and decrepit. They are untrained and undisciplined. They have no morale. They are just village constables. They are all politically controlled and many of them are petty grafters.

No police force can function properly unless its members feel officially safe. The average policeman will stay straight if he knows that his superiors are on the level but he is only human and must live and he will naturally drift with the crowd that follows the political bosses.

Some day there may be organized a modern efficient police department. It ought to be nation wide, but that probably will not happen in this country in the next hundred years. Local political control of police departments is the trouble we face today. It might be possible to organize a state police which would garrison the cities, towns and villages as local garrisons but all under one central control. It could be made a mobile force of young unmarried men enlisted for a period of years and assigned to duty wherever needed. Such an efficient department would be a general police department in a state, would be freer from political control and a crook would have a more difficult time because the policemen would not be so easily frightened by threats of political pressure into dropping or modifying charges.

When some one of the forty-eight states organizes a real police department a start will be made in the right direction. The number of policemen would not need to be any greater nor the expense in excess of the many police department we have in the state. The same amount of money spent in one compact department with the elimination of the local constabulary groups would provide the men and the means. The localities could pay in proportion to the protection they are given. They would always have the entire force to call on in times of stress.

It is, of course, recognized that the administration of a police department in the great urban centers of population is a task demanding the highest type of intelligent ability. In most communities

the executive head of the department faces many problems both inside and outside.

Without—is the pressure of criminal groups, the influence of selfish interests and the political scheming which has always been a handicap to the proper administration of the police department. It is unfortunately true that there has been a general tendency on the part of city administrations to use the police department to a greater or less degree as an adjunct to its political machine. This has always been a deterrent to the activities of the executive, however honest, intelligent and efficient.

Within—is the usual politics, apparent always in any organization whether it be police, fraternal, church or social.

This is accentuated in large bodies of men charged with arduous duties, given but scant credit for meritorious service; some honest, some not; altogether a fair cross section of the general population of a big city where there are many differences in race, religion, ideals and habits of life. In effect, a modern metropolitan police department is an army, but without the possibility of the stern discipline of military service because the policeman is largely on his own responsibility in the discharge of his duty instead of being one of a group constantly under the eye of a superior officer.

It is a difficult task to administer such an organization to the satisfaction of the many elements looking to it for protection. The majority of the rank and file are decent, courageous, self-respecting men; home makers who are educating children and if given the opportunity they deserve and to which they are entitled would furnish as effective a first line of defense against crime as is humanly possible.

In the prosecutor's office is the key which unlocks the door to the punishment of crime. The theory of this office is that punishment is not for itself but for the protection of society insofar as it may act as a deterrent. It is not for the purpose of securing victims but to obtain justice.

How well it operates under the handicaps which are part of our political system is obvious from an examination of the records in any community. The professional criminal usually has the advantage. One instance disclosed for the purpose of this study was a case where the attorneys for the defense were paid \$130,000 or considerably more than the salary of the prosecutor for eight years. Prosecutors are usually no match for defense attorneys in important cases. In the ordinary criminal cases they are ill prepared and in major cases are not competent to combat experienced criminal lawyers.

An observation over a period of years convinces the writer that the most important of all the elements concerned in the suppression of crime is the judiciary. In most localities because of its great power and influence, it can compel action on the part of the police or the prosecutor if either or both of these elements should prove recalcitrant.

It is most unfortunate that there has been permitted to seep into the public mind a suspicion as to the integrity of the courts and yet this is a fact, the recent disclosures in New York City, recalling scandals in other parts of the country. It is particularly unfortunate when the integrity of the courts is challenged by other factors concerned in the administration of criminal justice.

Because the judge is the last line of defense against crime, to weaken this most important element by rumor, gossip or controversy is a grave danger to the administration of criminal justice. And yet, there has been evidence of venality, ill-advised action; unnecessary delays; occasional laxness and other human mistakes. And these failures have handicapped the efforts of those many jurists who are of unimpeachable honesty and who under trying circumstances have exhibited courage and determination and whole-hearted endeavor to do those things which make for the proper administration of justice. A few judges with oriental minds and slight understanding of Anglo-Saxon traditions have done much to undermine respect for the bench. It is unfortunate that the system of choosing judges in the great majority of the states is not based upon the method of selection by the federal government whose judges are rarely touched by the breath of scandal.

The state courts, particularly those of review, appear to resolve most doubts in favor of criminal defendants. An examination of the opinions in various states indicates many reversals in criminal cases on technicalities. They cling to the superstition of an antiquated code which fails to meet present day conditions. In extradition matters there is much subterfuge and reliance on technicalities. There are few instances where a man would not have a fair trial in a state demanding his return. It is interesting to note how well served are the criminals by the courts and how able are criminals to provide themselves with competent counsel.

One view is expressed in a declaration of a distinguished jurist who said publicly:

"Just as conscience makes cowards of us all, so service on the bench, fenced in by all the fetishes of judicial ethics and hedged about by hard and narrow notions of professional propriety, tends to produce a timidity

among the wearers of the ermine which makes us easy prey in many instances for political overlords on whom we depend for renomination and re-election. We dare not defy the lightning by telling the truth to those for whom we are keepers of the covenant—the public.

“Hypocrisy in high places is the rule rather than the exception, and it is traceable too often to the well-earned contempt for the judiciary among professional politicians who know the hesitancy with which a high-minded jurist becomes articulate in informing the public of a state of affairs that is a stench in the nostrils of us all.

“Happily for me, I have sat in the Criminal Court long enough to learn that the pretense that a judge is a presanctified vacuum, who must only echo what the Supreme Court has said, and whose sense of professional proprieties proscribes against crying out against the causes of crime and corruption, is just that—a pretense, a pious fraud.

“Throughout the years I have learned also that there is nothing wrong with the public mind and conscience when aroused to the fact that crime is caused by public and official indifference, that it breeds in dark places and feeds upon the body politic in the form of the civic cancer—graft.

“Studiously the strange theory that politics is a bar to the prosecution of public officials who betray their trust has been cultivated . . . It is a novel but natural reaction to the reticence of those whose duty it should be to treat the civic cancer with the only other remedy when public prosecution fails—the radium of publicity.”

Recently a Federal Judge, in denying the petition for probation filed by a prisoner sentenced for income tax fraud, gave the public a brief glimpse of the pressure sometimes applied to judges with respect to cases pending before them. His decision contained the following:

“Besides the hearings had in open court the presiding judge has received letters; has been solicited privately by prominent and influential citizens, some prominent in official circles and many of them high in the councils of their political parties; has been besieged in his home, on the street and in his chambers, all suggesting, recommending and urging that probation be accorded the defendant.

* * *

“Needless to say, many of these appeals beseeched the court to accord probation on grounds never contemplated by congress in enacting the benevolent provision of the probation act.

“Defendants must learn that they are not advancing favorably an application for a judicial ruling by inducing their friends, however exalted their political, business, financial or social position may be, to whisper into the judicial ear in private.”

This describes an occurrence not at all uncommon. Needless to say such conduct is wrong and those who indulge in it usually know

it. It is refreshing to find a judge with the courage to issue a timely condemnation of the whole practice.

It seems to be reasonable to conclude that the persistency and continuity of the personnel in organized crime explains the failure of the authorities to perform adequately. This raises the suspicion that the influence of the criminal is more powerful than that of the so-called crusaders against crime.

Unfortunately most of the attempts at reform are capitalized by politicians for publicity purposes and used to promote their partisan interests. Success in the campaign against crime has not come so much from the activities of officialdom as from the pressure of public opinion. And the latter has been of a temporary nature which ceases just as soon as public interest in the crusade declines.

To summarize:

Beginning with local and widely separated groups, organized crime has extended its territory and consolidated its power. Prosecution has forced the various criminal groups into alliances for common protection, has stimulated the invention of new schemes and methods for evading prosecution and has led to more subtle and indirect forms of graft and corruption. Huge revenues have enabled the employment of adroit and resourceful legal counsel and an economic condition has been created in crime which appears to be stronger than the combination by legitimate business which resulted in the Sherman Anti-Trust Act.

Criminals are protected by politics. They are the pets of political organizations. Sometimes they control them and as the political organizations create and control the government of any town, county or state, it is easy to see why professional criminals find it necessary to be on good terms with politicians and vice versa, why politicians wishing to succeed keep on good terms with criminals.

Racketeering cannot exist without protection. The big criminal bosses are so strong in politics that they are able to treat police and other officials with open contempt because they know that the political organization has put these officials into office and will see that they treat "the boys" right. Political organizations accept financial support from criminals and they pay the obligation in protection.

Professional criminals are entirely predatory. But professional criminals offer to respectable members of society something they want. The bootlegger, the panderer, the fixer and the racketeer perform services for which there is a demand. One of the great troubles is that many criminals draw profits for services performed for con-

ventionally respectable members of society. To illustrate—take the supplying of liquor. Beer is an industry engaging the direct services of perhaps a million people. The prohibition department at Washington says that the annual business has a gross value approaching two billion dollars. This business is controlled by organized criminals. Its products are consumed by the respectable men and women of America. It is outlawed by our statutes. It is patronized by our citizens. As the business is outlawed it cannot be regulated by law. For that reason it has provided its own substitutes for law and order and these substitutes involve more breaches of our recognized law and order. The “booze racket” has not only broken down the prohibition law, but the tariff law and the revenue law, and it breaks down officers of the law by bribery. It settles its own disputes by coercion and murder. It succeeds as do the gambling and vice rings by profitably contributing to sinful satisfaction.

Rackets are growing in number, in power and in boldness. Racketeers are protected criminals. When you find a racket that is successful you may know that in the neighborhood is either corrupt business or corrupt government. The larger racket must have the protection of officials and must not only be organized but must keep growing in order to keep alive.

One of the interesting studies of the racket is to find how well it is based on the methods of legitimate business. It has all of the obvious structure of business concerns. In every racket is a lawyer. This lawyer has studied in a law school; he is an associate of most of the lawyers of the community; he has a decent appearing home; he has sons and daughters; he is a member of his bar association; he is invariably a lawyer who is in politics; he is so strong in all sorts of activities that he can't be disbarred.

There has been much talk about labor unionism being under control of dictators who are often corrupt. There is some truth in this statement but much of this has been brought about and encouraged by employers who, faced with the threat of competition, are subject to the easy temptation to pay gangsters for protection against competitors, and protection in this sense consists in driving competitors from the field.

After all, the whole thing comes down to the question of our social morality. Organized crime is today a great, unmanageable threatening fact in the lives of our communities. It is not enough to ask whether the machinery of law enforcement is good, we must go further, call in question the wisdom of the laws themselves and

discover whether or not some of our experiments are not as menacing in their effect as criminal activities. It may be found that some of the very best intentions of our idealists have supplied the pavement for the hell of organized crime.

We are apparently in a period of corporate paganism. We are obsessed by desire for self-glorification. We are the personification of material greed and spiritual emptiness.

We seem to have reached a place where politics and commercialism take precedence over patriotism and integrity of purpose.

Organized crime succeeds because of public apathy. Suppression of crime is spasmodic because public interest in its success and indignation at its failure is sporadic. Law enforcement is lax because it is intermittent. Commercialized vice has vitality and survives because it is a valuable political adjunct.

Some few civic organizations fight along against organized crime, indifferently supported by the public until some sensational betrayal of public trust is disclosed and then temporary support is accorded. Occasionally some fearless public prosecutor blows off the lid and is usually defeated for reelection. The most adequate helper in the fight against crime is the newspaper which now and then risks public indifference, fights the battle of the people and acquires a lot of libel suits.

Laws are inadequate, lax, slack and negligent. Court procedure is notoriously slow. It is antiquated. It is filled with legal loopholes which permit criminals to escape its penalties with the aid of unscrupulous and politically active criminal lawyers. Judges and juries are too prone to believe criminals and disbelieve the police. Prosecuting attorneys will not give the time and effort to "work up" cases. Magistrates and justices of the peace are incompetent, generally politically controlled and too often have criminal affiliations.

There is, however, significance to be attached to and some encouragement to be found in the indication that there is a changing method, which while successful at the present may result in the undoing of the organization of crime in the future. As mentioned heretofore, the great strength of the tie binding gangsters and politicians in friendly relations is being replaced by alliances based upon financial considerations alone. This in the end is likely to prove a weakness because human loyalties are not knit together by mere money.

One of the greatest difficulties confronting the honest crusader against crime is the lack of understanding between the so-called good

citizens and the criminal. They have been reared in different worlds, have never been able to understand each other and probably never will. However, the widespread discussion of the subject of crime in recent years and the facts developed concerning alliances between criminals and politicians should enable the public to realize something of the practices and philosophies of the gangsters and take means to combat this evil—a difficult task in this country where the good citizen gives attention to the problem intermittently while the criminal stays on the job all the time.

It is the dream of the visionary that some day an aroused public opinion will eliminate organized crime. The vision is Utopian. Organized crime will never be eliminated but it may be minimized and controlled whenever public sentiment is sufficiently aroused and stays aroused and is wisely directed. To be directed properly there must be fact-finding and research. This is something that the average citizen declines to support because it is neither spectacular nor interesting. Merely stirring public opinion to white heat because of some existing abuse or disorder is not sufficient. To be successful there must be devised a comprehensive plan which will provide the public with information concerning the efficiency and integrity of its law enforcing agencies in connection with the activities of criminals.

Such a plan would provide a research organization which would keep the public informed as to the status of the criminal situation and the efficiency of the work of official law enforcing agencies. To be successful it would need to have the confidence of the community and be free from control of any political faction. An ideal organization of this sort would be one independently financed and administered as is for instance, the American Red Cross. If the job is too great for one agency because of the diversity of the problems there might be an affiliation of specialized groups in strategic localities, practical organizations like the Chicago Crime Commission, and all clearing their information through a general headquarters.