The Prosecution of Sophisticated Urban Street Gangs: A Proper Application of RICO

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THE PROSECUTION OF SOPHISTICATED URBAN STREET GANGS: A PROPER APPLICATION OF RICO

The Racketeer Influenced and Corrupt Organizations Act (RICO)\(^1\) has been called everything from "The Monster That Ate Jurisprudence"\(^2\) to "The New Darling of the Prosecutor's Nursery."\(^3\) Since the statute’s enactment, a plethora of scholarly articles has been written discussing the ramifications of "criminal" RICO,\(^4\) that portion of the statute dealing with the federal prosecution and eradication of organized crime.\(^5\) While some schol-

ars, lawmakers, and policy experts have criticized and even grown to loathe the statute as much as the career criminals it is designed to prosecute.\(^6\) RICO has emerged as law enforcement's most effective tool for combatting organized criminal activity.\(^7\)

When Congress enacted RICO in 1970, it did so with the intention of dismantling the Mafia.\(^8\) In the early 1950s, Congress began investigating the Mafia and found that the organization it knew little about exerted a tremendous criminal influence on the economy and structure of the nation.\(^9\) For decades thereafter, Congress continued its investigation and attempted to formulate a strategy for dissolving this powerful organization.\(^10\) Through the adoption of RICO, the government obtained a means by which to dilute the Mafia's power by crippling its financial base.\(^12\) As a result, RICO prosecutions have eroded the infrastructure of Mafia families throughout the nation and lessened the effectiveness of the organization as a whole.\(^11\)

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6. Dennis, supra note 5, at 652; see also Coffey, supra note 2, at 1037 (referring to Judge Sentelle's equating the creators of RICO with the creator of Frankenstein); Terrance C. Reed, The Defense Case for RICO Reform, 43 VAND. L. REV. 691, 692 & n.5 (1990) (noting the unsettling effect of RICO's increasingly broad application on jurists, lawyers, and laypersons).

7. Dennis, supra note 5, at 652; see also Ethan B. Gerber, Note, "A RICO You Can't Refuse": New York's Organized Crime Control Act, 53 BROOK. L. REV. 979, 981 (1988) (referring to RICO as a "powerful armament" in prosecuting organized crime families); Rod Nordland, The 'Velcro Don': Wiseguys Finish Last, NEWSWEEK, Apr. 13, 1992, at 34 (stating that due to successful RICO prosecutions, one of New York's five Mafia families is severely crippled; the leaders of the other four families are in jail or awaiting trial; and none of the nation's twenty-four Mafia families have escaped prosecution in recent years).


12. See supra note 7.
As the turn of the century approaches and fear of the Mafia diminishes along with the organization's loss of power, a new breed of criminal organization is moving swiftly to fill the void left in the illegal marketplace—the sophisticated urban street gang. Born on the streets of large cities as fraternal organizations, many of these groups have matured into calculating and efficient criminal enterprises, wielding considerable power. In response to this new and emerging criminal threat and based on similarities with the Mafia, several jurisdictions have begun to use the RICO statute to prosecute street gangs. Although prosecutors have met with a large degree of success, criticism and controversy surround the RICO statute itself, particularly with regard to its application to sophisticated urban street gangs.

At a time when many in the legal community are moving to radically overhaul or abolish the RICO statute because of its perceived overuse, attempts to expand the scope of the statute must be carefully scrutinized.


16. The central question involved in applying RICO to gang prosecutions is whether street gangs are organized criminal entities. See Susan L. Burrell, Gang Evidence: Issues for Criminal Defense, 30 Santa Clara L. Rev. 739, 747-51 (1990) (discussing street gangs and finding that they are not organized criminal entities). There continues to be judicial opposition to expanding the scope of criminal RICO beyond organized crime. See United States v. Aleman, 609 F.2d 298, 311 (7th Cir. 1979) (Swygert, J., dissenting) (stating that Congress intended RICO to apply to organized crime and that the courts should apply the statute accordingly), cert. denied, 445 U.S. 946 (1980); United States v. Rone, 598 F.2d 564, 573 (9th Cir. 1979) (Ely, J., dissenting) (adopting the dissenting opinion of Judge van Graafeiland in United States v. Altese, 542 F.2d 104, 107 (2d Cir. 1976)), cert. denied, 445 U.S. 946 (1980); Altese, 542 F.2d at 107 (van Graafeiland, J., dissenting) (criticizing the majority for expanding the scope of RICO beyond the intent of Congress by applying the statute to "every criminal venture affecting interstate commerce"), cert. denied, 429 U.S. 1039 (1977).

17. Both judges and defense attorneys are critical of attempts to expand RICO's scope. See, e.g., United States v. Anderson, 626 F.2d 1358, 1364 n.8 (8th Cir. 1980) (stating that broad interpretation would bring minor offenses within the scope of RICO and thereby encroach on state autonomy), cert. denied, 450 U.S. 912 (1981); United States v. Rone, 598 F.2d 564, 573-74 (9th Cir. 1979) (Ely, J., dissenting) (asserting that the government erroneously expanded the scope of RICO), cert. denied, 445 U.S. 946 (1980); Tamar Lewin, Epic RICO Trial Over—Or Is It?, Nat'l L.J., Sept. 15, 1980, at 6 (reporting a defense attorney's criticisms of the scope of a RICO prosecution).
Over the past decade, the RICO statute has been used to prosecute a profusion of non-gang-related criminal activity that is beyond the design and intent of the statute\(^\text{18}\) and has evoked accusations of prosecutorial overzealousness and abuse.\(^\text{19}\) Any new application of the statute must be viewed within this setting and accordingly must conform to the intended use of the statute.

This Comment focuses on the emerging use of RICO for prosecuting criminal activity within sophisticated urban street gangs by analogy to RICO’s intended and successful use as a means to eradicate the Mafia. It examines the Mafia, exploring the structure, code of conduct, and business interests of the organization. This Comment then studies the federal response to organized crime, focusing on the Mafia and tracing the design and intent of the RICO statute and Department of Justice guidelines for prosecution. Next, this Comment analyzes landmark Mafia cases that clarify the application of pertinent RICO provisions. Based upon this analysis, this Comment reviews the characteristics of sophisticated urban street gangs, emphasizing their structure, activity, and prevalence. This Comment then analyzes several recent urban street gang prosecutions under federal RICO provisions based on the design and intent of the statute, the established organized crime framework, and similarities between these gangs and the Mafia. This Comment concludes that using the RICO statute to prosecute sophisticated urban street gangs is not only proper and effective, but is also necessary in order to realize the goal of eradicating today’s organized crime.

I. ORGANIZED CRIME THE OLD-FASHIONED WAY: AN OVERVIEW OF THE MAFIA AND ATTEMPTS TO ERADICATE ORGANIZED CRIME

The Mafia could not exist without power and control.\(^\text{20}\) The Mafia obtains power through its enormous financial base, and through this power it

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\(^{18}\) See, e.g., United States v. Marubeni Am. Corp., 611 F.2d 763, 763-64, 768-69 (9th Cir. 1980) (involving confidential bidding information obtained through bribing a public utility); United States v. Forsythe, 560 F.2d 1127, 1135 (3d Cir. 1977) (reversing the conviction of employees of a bail bond agency charged with bribing court employees in return for referrals and stating that RICO was not intended to punish violations of state law); United States v. Dennis, 458 F. Supp. 197, 198 (E.D. Mo. 1978) (discussing the indictment charging a RICO violation where an employee of General Motors was found to be collecting usurious debts from other employees on company premises).

\(^{19}\) See Dombrink & Meeker, supra note 5, at 640-42; Rene Augustine, Introduction to Reforming RICO: If, Why, and How?, 43 VAND. L. REV. 621 (1990); see also United States v. Huber, 603 F.2d 387, 396 (2d Cir. 1979) (warning prosecutors against using “undue prosecutorial zeal in invoking RICO”), cert. denied, 445 U.S. 927 (1980); Reed, supra note 6, at 695 (positing that provisions for asset forfeiture and treble damages encourage aggressive use of RICO by government counsel).

\(^{20}\) James Cook, But Where are the Don’s Yachts?, FORBES, Oct. 21, 1991, at 121.
wields control.\textsuperscript{21} As the Mafia obtained authority and the ability to exert control over legitimate business by virtue of its financial position,\textsuperscript{22} the creators of RICO hoped to finally\textsuperscript{23} create a means by which to diminish the role of the Mafia and organized crime within the United States by impairing the financial bases of the nation’s criminal organizations.\textsuperscript{24} However, it is only recently, two decades after the enactment of RICO, that the unprecedented success of the statute may be recognized.\textsuperscript{25}

\textbf{A. La Cosa Nostra}

The Italian phrase “La Cosa Nostra” loosely translates to English as “Our Thing” or “Our Family,” and the group that it references is commonly recognized in America as the Mafia.\textsuperscript{26} For many decades, the complex structure and virtual invisibility of the Mafia kept most Americans unaware of its existence, and left most law enforcement officials unable to infiltrate or understand its operation.\textsuperscript{27} Since 1950, however, efforts of United States Senate investigative committees, under the leadership of Senators Estes Kefauver and John McClellan, have revealed much of the secret world of La Cosa Nostra to the public.\textsuperscript{28}

\textit{1. Structure and Internal Code of Conduct}

La Cosa Nostra is a refined and complex organization of career criminals that demands complete subservience and loyalty from its carefully chosen members.\textsuperscript{29} Through their association with the organization, members share in the enormous profits of the crime family’s illegal enterprises, while often

\begin{footnotesize}
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\item \textsuperscript{21} Id.
\item \textsuperscript{22} JUDICIARY COMMITTEE REPORT, supra note 8, at 76.
\item \textsuperscript{23} See infra notes 71-74 and accompanying text (discussing the difficulty encountered by the federal government in lessening the presence of the Mafia during a time period ranging from 1950 to 1969).
\item \textsuperscript{24} See PRESIDENT’S COMM’N REPORT, supra note 13, at 44-47.
\item \textsuperscript{25} Nordland, supra note 7, at 34.
\item \textsuperscript{26} See Organized Crime and Illicit Traffic in Narcotics: Hearings Before the Permanent Subcomm. on Investigations of the Senate Comm. on Government Operations, 88th Cong., 1st Sess. 80 (1963) [hereinafter McClellan Committee Hearings] (testimony of Mafia member Joseph Valachi).
\item \textsuperscript{27} See generally TASK FORCE REPORT, supra note 10, at 1 (discussing the structure of the Mafia and how it is designed to ensure maximum secrecy).
\item \textsuperscript{28} See generally McClellan Committee Hearings, supra note 26 (investigating the degree to which the Mafia had infiltrated legitimate business); REPORT OF THE SENATE SPECIAL COMM. TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE, S. REP. NO. 307, 1st Sess. (1951) [hereinafter KEFAUVER COMMITTEE REPORT] (noting the existence of La Cosa Nostra).
\item \textsuperscript{29} McClellan Committee Hearings, supra note 26, at 2 (opening remarks of Senator John L. McClellan).
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enjoying protection from government prosecution. Along with the benefits of membership in La Cosa Nostra, members must pledge obedience and unquestioned loyalty to all more senior members and face the penalty of death for any lack of conformance to the mandates of the organization.

A "Commission" consisting of the heads of the most powerful local crime families controls all Mafia activity within the United States. The Commission serves in a capacity similar to the board of directors of a large conglomerate, orchestrating the interaction among the various families and resolving any disputes that may arise. Although the Commission acts as a body to make key decisions for La Cosa Nostra, members of the Commission are not equals. At one time, the Commission was led by one man, known as the "Boss of all Bosses." In theory, the Mafia has eliminated this style of management, yet in practice, one or two of the governing members dominate the Commission. Beneath this Commission level, each local family has its own management structure.

Local Mafia families are sophisticated organizations with hierarchical structures similar to that of a legitimate business entity. At the top of the structure is the "Boss," who acts as the head of the crime family but does not participate in the day-to-day operation of the organization. The Boss does, however, receive a substantial portion of the income generated from each of the organization's revenue. The "Underboss" is the second in command of each local family and is generally groomed to succeed the Boss. The Underboss serves as a liaison between the Boss and the lower-ranked members of the organization and in the event that the Boss becomes ill or is unable to run the organization, the Underboss will act as interim manager. The "Caporegima" (Captain) and the "Soldier" both serve be-

30. Id.
31. Id.
32. TASK FORCE REPORT, supra note 10, at 8; PRESIDENT'S COMM'N REPORT, supra note 13, at 37. The Commission is comprised of the bosses of the five New York crime families, as well as the bosses from several other select, powerful families in Buffalo, Chicago, Detroit, and Philadelphia. Id.; TASK FORCE REPORT, supra note 10, at 8.
33. PRESIDENT'S COMM'N REPORT, supra note 13, at 37.
34. TASK FORCE REPORT, supra note 10, at 8.
35. McClellan Committee Hearings, supra note 26, at 80 (testimony of Mafia member Joseph Valachi).
36. Id.
37. TASK FORCE REPORT, supra note 10, at 7.
38. PRESIDENT'S COMM'N REPORT, supra note 13, at 39.
39. Id.
40. Id.; see also TASK FORCE REPORT, supra note 10, at 7 (explaining the Task Force findings as to the internal structure of the Mafia).
41. PRESIDENT'S COMM'N REPORT, supra note 13, at 39.
42. TASK FORCE REPORT, supra note 10, at 7.
neath the Underboss. These two groups of individuals are buffers between the upper echelon and the underlings of the organization. They are equivalent to supervisors or sales managers in a legitimate business and are responsible for the daily operation of various facets of the criminal organization, yet they do not have the wide-scale decision-making abilities of the higher-ranking officials. Integral to the crime family are the individuals referred to collectively as the “protectors.” This group consists of members from the law enforcement, legal, banking, and accounting communities, who, through bribery and corruption, are persuaded to protect the organization from governmental action.

Within the Mafia, rank is strictly adhered to, and all members pay deference to those ranked above them. When members of different families interact, the interaction occurs only among members of the same rank. Elaborate plans must be made, and a significant reason must be given, for the encounter if a lower-ranking member of a family requests an in-person meeting with one of his superiors. Vows of loyalty and obedience, in conjunction with the strict observance of rank, serve to insulate the highest-ranking members from detection by law enforcement officials; it is assumed that the lower-ranking members will go to jail so that the high-ranking members can escape prosecution and continue to prosper.

In addition to the established rituals regarding structure and the code of conduct, most other actions within the organization also follow a strict protocol, such as that which surrounds the making of a new member. One cannot simply decide to join the Mafia. To be “made” each prospective member must have a “sponsor” who vouches for the protege’s qualifications. A sponsor watches a prospective member from childhood, ensuring that the candidate has the qualities necessary to succeed in the organization.

43. President’s Comm’n Report, supra note 13, at 39.
44. Task Force Report, supra note 10, at 7-8. By directly exposing the lowest ranking members to law enforcement, higher ranking members are insulated from criminal prosecution. See id. at 8.
45. Id.
46. President’s Comm’n Report, supra note 13, at 41.
47. Id.
48. Id. at 44.
49. Id.
50. See, e.g., McClellan Committee Hearings, supra note 26, at 91-92 (testimony of Mafia member Joseph Valachi) (discussing a meeting Valachi arranged between a lower-ranked member of his family and Boss Vito Genovese).
52. President’s Comm’n Report, supra note 13, at 42-43.
53. Id.; see also infra note 86 (discussing the meaning of the term “made” within the Mafia).
before actively promoting membership. Eventually, the candidate’s name is circulated among the members of the Commission for their approval. Once approved for membership, the candidate takes an oath “that the organization will be foremost in his life” and that he will only be separated from the organization by death. Notably, should the prospective member not perform to the organization’s expectations, the sponsor’s life may be the price exacted to repay the protege’s failings.

Loyalty, respect, and obedience are at the heart of the Mafia’s structure and code of conduct. These characteristics are central to the organization’s ability to maintain anonymity while functioning effectively. It is partially as a result of this highly organized management structure that the Mafia is able to work so efficiently in both the legal and the illegal marketplaces.

2. **The Business of the Mafia**

The core of La Cosa Nostra’s power in American society comes from the profits of the organization’s illegal activities. At the time Congress began investigating the Mafia, the organization was primarily engaged in gambling and loan sharking operations. In the early 1950s, gambling provided the main source of income for organized crime families. However, the activities of the Mafia also encompassed other illegal activities such as narcotics trafficking, prostitution, labor and business racketeering, and black marketing. Currently, the distribution and sale of narcotics is the primary source of income for organized crime families.

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54. *President’s Comm’N Report*, supra note 13, at 42-43. Prospective members generally must be Italian males. *Id.* Also, most candidates for membership have a background in crime and must commit a contract crime, such as a murder, with another member of the organization before they are inducted into the group. *Id.*
55. *Id.* at 37.
56. *Id.* at 43.
57. *Id.*
58. *Id.* at 42-43. “This is no casual relationship, since the sponsor’s life may be in jeopardy if the initiate later turns ‘sour.’” *Id.*
60. *See id.* at 8-10.
61. *See id.* (discussing the internal structure of the Mafia and explaining how that structure is integral to the functioning of the organization).
62. *See id.* at 2.
63. *Id.* at 2 & n.20.
of income for the Mafia, with gambling operations now a secondary source of income.\textsuperscript{66} The profits gained from such illegal activities are generally invested in and funneled through legitimate business ventures.\textsuperscript{67} It is through this infiltration of legitimate businesses that the organization conceals its criminal purpose and launders its criminal proceeds.\textsuperscript{68}

Despite the varying sources of income of Mafia business, and its efforts to conceal many of these sources, the Mafia's operations did not go unnoticed. As the breadth of activity and manipulative powers of the Mafia increased, so too did the resulting negative effects on United States citizens and the economy.\textsuperscript{69} Hence, the government began actively to investigate organized crime in the United States and, more specifically, the operations of the Mafia.\textsuperscript{70}

\textbf{B. RICO: The Federal Response to the Mafia}

Although a full-scale federal investigation of the Mafia began in the early 1950s, the government struggled for two decades to define an effective means to combat this criminal organization. Despite the fact that the Mafia was the government's clear target, constitutional considerations mandated that any legislation be broadly drafted to encompass all organized crime, not just La Cosa Nostra.\textsuperscript{71} The government did realize, however, that because the Mafia's entire power base centered around its economic position in society, the only way to dismantle the Mafia was to eliminate its fiscal base.\textsuperscript{72} Finally, in 1970, Congress enacted the Racketeer Influenced and Corrupt

\textsuperscript{66} See President's Comm'n Report, supra note 13, at 11; see also United States v. Gambino, 734 F. Supp. 1084, 1087 (S.D.N.Y. 1990) (discussing the background and basis for a motion to suppress evidence and explaining that the indictment implicated the defendants in a narcotics distribution scheme, the income from which was often supplemented with the income from illegal gambling operations).

\textsuperscript{67} See Task Force Report, supra note 10, at 4.

\textsuperscript{68} See id.

\textsuperscript{69} When the Mafia exerts economic pressure on the marketplace, the stock market can be manipulated, the price of retail merchandise can rise or fall, and politicians and law enforcement officials can be bought. \textit{Id.} at 2.

\textsuperscript{70} See infra notes 71-103 and accompanying text.

\textsuperscript{71} Pamela R. Chepiga, \textit{Criminal RICO: Guidelines and Applications}, in \textit{RICO: Civil and Criminal Law and Strategy} § 5.01 (Jed S. Rakoff & Howard W. Goldstein eds. 1992). The Eighth Amendment prohibits the use of statutes that criminalize actions based upon a person's status. \textit{U.S. Const. amend. VIII}; see Chepiga, supra, § 5.01; Reed, supra note 6, at 693; see also Robinson v. California, 370 U.S. 660, 667-68 (1962) (finding a California law criminalizing drug addiction unconstitutional on Eighth Amendment cruel and unusual punishment grounds).

Organizations Act (RICO), providing the government with a mechanism for eradicating organized crime.

1. Legislative Design and Intent

The awareness of organized crime, as fostered by the Kefauver Committee in 1951, the McClellan Committee in 1963, and the President's Task Force on Organized Crime in 1967, provided the original impetus behind the creation of RICO. The Kefauver Committee, set up as a special Senate committee to investigate organized crime in interstate commerce, was the first public governmental body to focus wide public attention on the scope of Mafia activities. The Committee's mandate included investigating the degree to which organized crime had permeated interstate commerce, identifying the structure and possible members of the criminal underground, and determining whether interstate criminal organizations were violating any state or federal laws.

The Kefauver Committee Report, published in 1951, provided a relatively detailed summary of the structure and operation of the Mafia within the United States. The Committee suggested that although much of the law

74. JUDICIARY COMMITTEE REPORT, supra note 8, at 79. With the knowledge that many criminal organizations were run from jail when family leaders were incarcerated, the creators of RICO aimed not only to incarcerate the criminal bosses but also to eliminate the economic structure that supported the organization. Id.

The criminal and civil sanctions of the statute were designed to work together to eradicate the criminal organization. The "criminal" RICO provisions were to be used to put key members of the organizations in jail, while the "civil" RICO treble damages and asset forfeiture provisions worked to dismantle the financial base of the crime family. Id.

75. See generally McClellan Committee Hearings, supra note 26 (expanding on the work of the Kefauver Committee); TASK FORCE REPORT, supra note 10 (continuing to investigate the operation of the Mafia); KEFAUVER COMMITTEE REPORT, supra note 28 (exposing the public to the existence and operations of the Mafia).
76. See McClellan Committee Hearings, supra note 26, at 9 (testimony of Hon. Robert F. Kennedy, United States Attorney General).
77. KEFAUVER COMMITTEE REPORT, supra note 28, at 20.
78. TASK FORCE REPORT, supra note 10, at 1 nn.1, 7 (quoting KEFAUVER COMMITTEE REPORT, supra note 28, at 150, 170-71.) Specifically, the Committee found that:

1. There is a Nation-wide crime syndicate known as the Mafia, whose tentacles are found in many large cities. It has international ramifications which appear most clearly in connection with the narcotics traffic.
2. Its leaders are usually found in control of the most lucrative rackets in their cities.
3. There are indications of a centralized direction and control of these rackets, but leadership appears to be in a group rather than in a single individual.

5. The domination of the Mafia is based fundamentally on 'muscle' and 'murder.' The Mafia is a secret conspiracy against law and order which will ruthlessly eliminate anyone who stands in the way of its success in any criminal enterprise in which
enforcement effort surrounding organized crime needed to be conducted on state and local levels, the federal government also had to undertake significant responsibility in this area.\textsuperscript{79} Accordingly, the Kefauver Committee proposed that the federal government be charged with depriving criminal organizations of illegally obtained proceeds.\textsuperscript{80} Other recommendations of the Kefauver Committee stressed the need for a continuing Senate investigation of organized crime, and suggested that an independent executive commission be established.\textsuperscript{81} Thereafter, the Permanent Subcommittee on Investigations of the Senate Committee on Government Relations, now popularly referred to as the McClellan Committee, was formed.\textsuperscript{82} In forming this new Committee, Congress alluded to several historic and troubling findings of the Kefauver Committee and finally began to vigorously pursue legislation aimed at eradicating organized crime.\textsuperscript{83}

On March 14, 1963, the Senate adopted a resolution that authorized the McClellan Committee "to make a full and complete study and investigation" of organized crime.\textsuperscript{84} Subsequently, the McClellan Committee expanded upon the investigation of La Cosa Nostra initiated by the Kefauver Committee.\textsuperscript{85} In 1963, for the first time, the government was able to question candidly a "made" member\textsuperscript{86} when the McClellan Committee secured the testimony of Joseph Valachi, a member of La Cosa Nostra who was

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  \item \textit{Id}. at 1 n.1 (quoting \textsc{Kefauver Committee Report}, \textit{supra} note 28, at 150).
  \item There can be little doubt that the public suffers from gangster penetration into legitimate business. It suffers because higher prices must be paid for articles and services which it must buy . . . The public suffers because it may have to put up with shoddy and inferior merchandise in fields where gangsters have been able to obtain a monopoly.\textit{Id.} at 1 n.7 (quoting \textsc{Kefauver Committee Report}, \textit{supra} note 28, at 170-71).
  \item \textsc{Kefauver Committee Report}, \textit{supra} note 28, at 6.
  \item \textit{Id}. at 7-8.
  \item \textit{Id}. note 81.
\end{itemize}

\textsc{See generally McClellan Committee Hearings, supra note 26 (expanding on the Mafia investigations begun by the Kefauver Committee).}

\textsc{Attorney General's Program, supra note 64, at 2 (citing the results of the Kefauver Committee and their effect on the nation).}

\textsc{McClellan Committee Hearings, supra note 26, at 1 (opening remarks of Senator John L. McClellan).}

\textsc{See id. at 9 (statement of Hon. Robert F. Kennedy, United States Attorney General).}

\textsc{See }\textit{id.} at 9 (statement of Hon. Robert F. Kennedy, United States Attorney General).

\textsc{The term "made" is a term of art within the Mafia that refers to a full-fledged member of the organization. Generally a "made" member must commit a crime, usually a contract murder, to prove his allegiance to the Family.}\textsc{See President's Comm'n Report, supra note 13, at 42-43.}
serving a life prison sentence for murder. The testimony both confirmed what the government had presumed to be the organizational structure of the Mafia and provided the government with new insights into the organization's secret code of conduct. More importantly, the McClellan Committee was able to gain valuable insights that would later prove instrumental in creating legislation aimed at eradicating organized crime in the United States. In the interim, a 1967 Presidential Task Force on Organized Crime was created to further investigate the Mafia. Building on the information accumulated by previous studies, the Task Force produced a well-documented report containing several recommendations for legislative action in the organized crime arena. Although legislation was immediately introduced in response to these recommendations, none of the bills successfully moved through Congress.

Subsequently, Senator McClellan, who had long been involved with efforts to identify and formulate ways to prosecute the Mafia, co-sponsored a 1969 bill entitled the “Organized Crime Control Act” (the “Act”). Title IX of the Act, entitled “Racketeer Influenced and Corrupt Organizations,” combined several pieces of organized crime legislation to form one comprehensive criminal statute. The Judiciary Committee Report accompanying the bill indicates that the government intended RICO to be its tool in

87. McClellan Committee Hearings, supra note 26, at 78-121, 136-202, 213-32.
88. Id. at 80-82. Valachi stated that the hierarchy within La Cosa Nostra included a “gremeson” or “commission” that controls the overall operation of all American Mafia Families and that each family has a “boss,” “underboss,” “caporegina,” and “soldiers.” Id. at 80. Valachi also discussed issues of protocol within the Mafia, such as the procedure that a lower-ranking member would have to follow to speak with the Boss of his crime family. Id. at 91-92. Through his testimony, Valachi also revealed some of the more clandestine nuances of the Mafia, including the manner by which members of La Cosa Nostra recognize each other when drastic steps are taken to keep the identities of all members of the organization, especially the Bosses, so secret. Id. at 83. According to Valachi, when one member of La Cosa Nostra introduced someone who was also a member to a third member, the person would say this is “‘a friend of ours.’” Id. (emphasis added). By contrast, if the person being introduced was not a member of La Cosa Nostra, the greeting would be “‘Meet a friend of mine.’” Id. (emphasis added).
89. See supra text accompanying notes 29-61.
91. Id.
93. Blakey & Gettings, supra note 3, at 1017.
95. Blakey & Gettings, supra note 3, at 1017-21. Immediately after the President's Commission on Law Enforcement and the Administration of Justice released the 1967 Task Force Report on Organized Crime, two bills were introduced in the Senate which addressed the economic aspects of organized crime by levying antitrust-type penalties on certain activities. This legislation, however, never left the Senate Judiciary Committee. Id. at 1015-16. S. 30
mounting a "frontal attack" on organized crime, as all previous attempts to deal with organized crime had been insufficient.

Congress intended that the RICO statute be used, inter alia, to prosecute highly sophisticated criminal organizations deriving profits from activities such as loan sharking, gambling, and narcotics activities, and later using the resulting profits to infiltrate legitimate businesses. In addition, RICO provided the government with a means for enhancing the sanctions against organized criminal entities and for increasing the scope of remedies available to the government to combat organized crime. These remedies included penalties for both "substantive" RICO violations and RICO "conspiracy"
violations, as well as an asset forfeiture provision. After almost two years of debate and revision, Congress enacted the bill on September 23, 1970, and the President signed it into law on October 15, 1970.

2. Clarification of the Design and Intent of RICO

Despite the enactment of RICO, the formulation of commissions and task forces to study further organized crime and to increase knowledge about these enigmatic organizations has continued. In particular, a 1986 Presidential Commission Report outlined a framework for defining organized criminal groups based on their structural and behavioral characteristics. This framework has proven helpful in defining criminal groups that fall within the scope of RICO's provisions, thus becoming clear targets for RICO prosecutions.

To fit within the identified framework, a criminal organization must display the following characteristics: continuity of operations over a long

101. See 18 U.S.C. § 1962(d) (1988). The RICO conspiracy provision states: "(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section." Id. Unlike traditional conspiracy, RICO conspiracy does not necessarily require proof of an overt predicate act. To establish a RICO conspiracy, the prosecutor must simply show that the defendant agreed to participate in the affairs of the enterprise, with the purpose of furthering the criminal objectives of the enterprise. United States v. Elliott, 571 F.2d 880, 902-03 (5th Cir.), cert. denied, 439 U.S. 953 (1978); see also Tarlow, supra, note 3, at 245-57.

102. 18 U.S.C. § 1963(a) (1988). This provision makes available asset forfeitures that attach upon a RICO conviction and states:

(a) Whoever violates any provision of section 1962 . . . shall forfeit to the United States, irrespective of any state law-
(1) any interest the person has acquired or maintained in violation of section 1962;


105. PRESIDENT'S COMM'N REPORT, supra note 13, at 26-29.
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period of time, a hierarchical management structure, restricted membership based upon a common trait among the individuals in the group, reliance on continuing criminal activity as a source of income, systematic violence used as a means of control and protection, and a motivation to enhance its power in the community and its level of profits. By using this framework in assessing the application of RICO to criminal organizations, it is possible to frame RICO prosecutions to target only those criminal organizations that fit within the design and intent of the statutory provisions.

C. Traditional Use of RICO in Mafia Prosecutions

Because Mafia prosecutions under RICO did not develop largely until the 1980s, the majority of cases demonstrating the "traditional" use of RICO has occurred within the past decade. Many of the most successful RICO prosecutions involve Mafia crime families who have infiltrated legitimate businesses. However, while the Mafia, white collar criminals, and figures involved in public corruption are all favorable and traditional targets for such prosecutions, all federal RICO prosecutions must first be approved by the Organized Crime and Racketeering Section at the Department of Justice (DOJ). The governing policies promulgated by DOJ are

106. Id. at 26. The group must continue to exist beyond the lifetimes of its members. Id.
107. Id. There must be identifiable ranks within the organization. Id.
108. Id. at 27.
109. Id. at 28. Illegal activities provide a means of financing the operation. Proceeds are laundered through legitimate organizations to conceal their criminal origins. Id.
110. Id. at 28-29.
111. Id. at 29. It is essential that the group have protectors who safeguard the mission of the organization and insulate the organization from law enforcement. Id.
112. See generally Nat'l Ass'n of Attorneys General Comm. on the Office of Attorney General, Summaries of Speeches to NAAG Seminars, Prosecuting Organized Crime (1974) (providing excerpts from speeches, none of which mentioned RICO, made by staff members of the Organized Crime and Racketeering Section of the U.S. Department of Justice regarding methods to investigate and prosecute organized crime).
114. See supra note 7 and accompanying text.
115. Dennis, supra note 5, at 652-54.
116. Coffey, supra note 2, at 1043. The procedure begins when prosecutors at United States Attorneys' Offices throughout the nation prepare proposals outlining prospective RICO prosecutions and submit them to the Organized Crime and Racketeering Section at DOJ for approval. Id. DOJ will not prosecute a case under RICO unless it meets at least one or more of the following prosecution guidelines:
1. RICO is necessary to ensure that the indictment adequately reflects the nature and extent of the criminal conduct involved in a way that prosecution only on the underlying charges would not;
2. a RICO prosecution would provide the basis for an appropriate sentence under all of the circumstances of the case;
designed to place “strict internal review and controls” on all RICO actions initiated by the government, as well as to proscribe the scope of federal RICO prosecutions. Thus, a maintainable RICO prosecution must reflect the current RICO policies of DOJ, which in turn reflect the stated intent of the RICO statute. In addition to compliance with DOJ policies and oversight, the charged entity in a RICO prosecution must fall within RICO’s statutory provisions.


Congress enacted RICO to broaden the scope of organized crime prosecutions by allowing the prosecution of the entire history of a criminal organization’s illegal acts, including multiple acts committed by a wide range of persons, rather than perpetuating the practice of separately prosecuting individual crimes within a pattern of activity. While controversy continues regarding the intent, use, and application of RICO, the law has proven successful in ongoing attempts to eradicate organized crime.

3. a RICO charge could combine related offenses which would otherwise have to be prosecuted separately in different jurisdictions;
4. RICO is necessary for a successful prosecution of the government’s case against the defendant or a co-defendant;
5. use of RICO would provide a reasonable expectation of forfeiture which is proportionate to the underlying criminal conduct;
6. the case consists of violations of state law, but local law enforcement officials are unlikely or unable to successfully prosecute the case, in which the federal government has a significant interest;
7. the case consists of violations of state law, but involves prosecution of significant political or government individuals, which may pose special problems for the local prosecutor.

ORGANIZED CRIME AND RACKETEERING SECTION, U.S. DEP’T OF JUSTICE, RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (RICO): A MANUAL FOR FEDERAL PROSECUTORS 128 (2d ed. 1988) [hereinafter OCRS MANUAL]. For example, DOJ will not prosecute a case that focuses entirely on “narcotics trafficking, extortionate debt collection, or gambling” since other, less complicated federal statutes can be used to prosecute these cases. Coffey, supra note 2, at 1044-45; see, e.g., Controlled Substance Act, 21 U.S.C. § 848 (1988) (setting forth penalties and forfeitures for engaging in a continuing criminal enterprise). The DOJ guidelines were created and then revised in response to criticism that the government was using RICO to prosecute persons that did not fit within the intended scope of the law. Chepiga, supra note 71, § 5.01. As such, these guidelines are specific and aimed at limiting the potential for prosecutorial abuse.

117. See Dennis, supra note 5, at 652-54; Reed, supra note 6, at 695-96.
118. Coffey, supra note 2, at 1043.
119. Chepiga, supra note 71, § 5.01.
122. See supra note 16; see, e.g., Second Thoughts on RICO, WALL ST. J., May 19, 1989, at 14A (calling upon Congress to reform RICO); Hon. William H. Rehnquist, Get RICO Cases
Two key RICO provisions require that a defendant must have been part of an "enterprise" and that the "enterprise" must be engaged in an ongoing "pattern of racketeering activity" in order to be prosecuted under the statute.123 The definition of "enterprise" is broad, encompassing any legally recognized or non-legal association of a group of individuals. Specifically, "'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity."124 Courts have generally interpreted this definition broadly, thereby allowing many different types of entities to be prosecuted under RICO.125

Similarly, the "pattern of racketeering activity" element of RICO is defined as committing at least two acts of racketeering, with at least one act occurring after the effective date of the statute, and the subsequent act(s) occurring within ten years of the first act, excluding any period of imprisonment.126 This element requires proof of continuity and some relationship between the events in the pattern.127 The nexus may be proven by demonstrating that the acts, even though they appear to be unrelated in nature, were committed under the direction of the "enterprise."128 Thus, the organization may simultaneously meet both the "enterprise" and "pattern of racketeering" elements.129


127. United States v. Anguilo, 897 F.2d 1169, 1179 (1st Cir.), cert. denied, 111 S. Ct. 130 (1990). In the context of a Mafia prosecution, it is sufficient for the prosecutor to prove that the acts were related to the RICO "enterprise." Id. at 1180.
128. Id.
129. See id. One important aspect of the RICO statute is that by focusing on a continuing course of conduct, it allows the federal government's indictment to include counts involving state crimes for which the statute of limitations has already run, and crimes for which the defendant has already been tried or acquitted of at the state court level. Although this aspect has provoked controversy because of its alleged incompatibility with the Double Jeopardy Clause of the Fifth Amendment courts have generally found such claims to be without merit. See Abate v. United States, 359 U.S. 187, 195 (1959) (holding that the Fifth Amendment does not bar federal prosecution of a conspiracy charge on which defendants were convicted in state court); United States v. Frumento, 563 F.2d 1083, 1086 (3d Cir. 1977) (holding that a conviction on a conspiracy charge under RICO was not barred by the Fifth Amendment), cert. denied, 434 U.S. 1072 (1978). In United States v. Licavoli, 725 F.2d 1040, 1047 (6th Cir.), cert. denied, 467 U.S. 1252 (1984), the United States Court of Appeals for the Sixth Circuit held that an acquittal on state bribery charges did not preclude indictment under RICO on double jeopardy grounds. Id. The court reasoned that the federal crime for which the defendant was charged was racketeering, and not the state crime of bribery. Id. Further, mention of the state bribery crime was only necessary in order to define the nature of the substantive federal racketeering charge and to determine whether the federal charge had merit. Id. (citing
2. Landmark Mafia Cases

Several courts have had an opportunity to address the application of pertinent RICO statutory provisions in the context of criminal organization prosecutions. In the 1982 case of United States v. Turkette, the United States Supreme Court confronted the issue of whether the term "enterprise" in the RICO statute referred exclusively to illegitimate organizations or whether some portion of the organization must involve a legitimate business. The defendants in Turkette were charged with operating a criminal organization engaged primarily in narcotics trafficking, arson, mail fraud, insurance fraud, and corruption of public officials. Unlike previous RICO cases, the defendants in Turkette operated a completely illicit business. The defendants argued that they were exempt from the scope of RICO since it was enacted to protect legitimate businesses from infiltration by racketeers and not to protect illegal organizations from racketeers.

United States v. Cerone, 452 F.2d 274, 276 (7th Cir. 1971), cert. denied, 405 U.S. 964 (1972); see also United States v. Grayson, 795 F.2d 278, 282-83 (3d Cir. 1986) (finding that double jeopardy clause is not violated when two prior drug convictions served as the basis for predicate acts under RICO), cert. denied, 481 U.S. 1018 (1987); United States v. Boldin, 772 F.2d 719, 728-30 (11th Cir. 1985) (holding that a prior drug conviction can be used as a predicate act under RICO); United States v. Anderson, 626 F.2d 1358, 1367 (8th Cir. 1980) (explaining that the "enterprise" element is central to the constitutionality of the RICO statute because it provides protection against multiple prosecutions for the same crime), cert. denied, 455 U.S. 912 (1981).

131. Id. at 578.
132. Id. at 579.
134. Turkette, 452 U.S. at 579.
135. Id. at 579-80.
The Court, looking to the legislative history of the statute, found that RICO clearly encompassed both legitimate and illegitimate enterprises. The Supreme Court asserted that § 1961(4)'s definition of the term "enterprise" consists of two components: one referring to legitimate organizations and the other referring to illegitimate organizations. The Court further recognized that since the purpose of RICO was to eradicate organized crime, the exclusion of illegitimate organizations from the scope of the law would frustrate the intended use of the statute. The Supreme Court thereby signaled prosecutors that RICO was an acceptable means by which to prosecute both partially and exclusively illegitimate organizations.

In some of the more notable prosecutions, RICO has been used to cripple, if not dismantle, several of the most influential Mafia families in the country. In United States v. Castellano, twenty-four defendants were charged in a seventy-eight count indictment. The first two counts of the indictment alleged eighty separate acts of racketeering in violation of substantive RICO provisions and an even greater number of violations of RICO conspiracy charges. In substance, the defendants were charged with operating a local Mafia family, the Gambino crime family, whose primary activities included murder, bribery, obstruction of justice, extortion, narcotics trafficking, mail and wire fraud, and prostitution.

The United States District Court for the Southern District of New York reasoned that the "crew," under the supervision of a "boss" and "captain," fell within the scope of the RICO "enterprise" definition as the organization

136. Id. at 590. "Had Congress not intended to reach criminal associations, it could easily have narrowed the sweep of the definition by inserting a single word, 'legitimate.'" Id. at 581.
137. Id. at 582.
138. Id. at 590-91.
139. Dennis, supra note 5, at 653.
140. See supra note 7 and accompanying text. Although the Mafia is a nation-wide crime syndicate, the greatest concentration of Mafia prosecutions has occurred in the Northeast, especially in the Second Circuit. This can be attributed to the fact that the five most powerful Mafia crime families all operate within the metropolitan New York City area.
142. Id. at 1378.
143. Id. The substantive RICO provisions state that:
   It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.
144. Castellano, 610 F. Supp. at 1378-79; see 18 U.S.C. § 1962(d) (1988) (stating that "[i]t shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section").
145. 610 F. Supp. at 1378. The district court was especially careful during the trial to avoid direct references to the "Gambino family" and the "Mafia." See United States v. Gaggi, 811 F.2d 47, 52 (2d Cir.), cert. denied, 482 U.S. 929 (1987).
had a clear hierarchical structure and a common group of members who shared an ongoing business interest. Further, the court stated that this particular enterprise conformed to the profile of individuals that Congress intended to be prosecuted under RICO provisions. Finally, the court explicitly concluded that the "crew" also met the RICO "pattern of racketeering activity" element by virtue of the illicit activities conducted under the direction of the Gambino crime family.

Similarly, in United States v. Angiulo, members of the Patriarca crime family were charged with substantive RICO violations and RICO conspiracy. Each of the five defendants, alleged high-ranking members in the Patriarca crime family, were convicted at trial. On appeal, the United States Court of Appeals for the First Circuit addressed the constitutionality of RICO provisions. The defendants argued that the term "pattern" within the "pattern of racketeering" element was so unclear as to render the statute void for vagueness. In evaluating this claim, the court reasoned that in order for the statute to be found void for vagueness, it must be vague as to the defendant's conduct in the particular case at bar. While conceding that the "pattern of racketeering" element could cause uncertainty in some situations, the court held that in an organized crime setting, a void for vagueness claim must fail. Drawing on the legislative intent of RICO and the Supreme Court's recognition that the main focus of the statute was organized crime, the First Circuit concluded that an ordinary person would know that the activities of an organized crime family fell within the range of conduct that could be prosecuted under RICO.

146. Castellano, 610 F. Supp. at 1392.
147. Id.
148. Id.
149. 897 F.2d 1169 (1st Cir.), cert. denied, 111 S. Ct. 130 (1990).
150. Id. at 1175.
151. Id. at 1176.
152. Id. at 1175.
153. Id. at 1178. The defendants specifically challenged the "pattern of racketeering" element, alleging that it was "so enigmatic and ambiguous as to be void for vagueness." Id.
154. Id.
155. Id. at 1179. The court explained that to sustain a vagueness challenge, the defendants would have to show that "persons of ordinary intelligence in their situation would not have had adequate notice that the gambling [and] loansharking . . . constituted a 'pattern of racketeering activity' under RICO." Id.
156. Id. at 1179-80. "[I]f anything is clear about RICO, it is that a pattern of racketeering activity' is intended to encompass the activities of organized crime families." Id. at 1179.
158. Angiulo, 897 F.2d at 1180. Specifically, the court stated that:

Although RICO's 'pattern' element may be vague in some contexts . . . it is not vague in the context before us. A person of ordinary intelligence could not help but
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RICO was successfully used to prosecute organized crime families in these and other similar cases. Continued successes may ensue if prosecutions are based on RICO as designed, intended, and clarified. Further, the scope and meaning of DOJ prosecution guidelines and the language of RICO provisions must be given careful attention. RICO has proven to be instrumental in dismantling the power of the Mafia over the last decade when these procedures are followed. Today, however, organized crime has acquired a new face that must also be investigated and dismantled.

II. THE NEW FACE OF ORGANIZED CRIME

In many areas throughout the country, both urban and rural, street gangs are emerging as a powerful organized criminal force. Street gangs are not a new phenomena; they have been in existence as fraternal street corner organizations for centuries. What is new and troubling is their recent evolution from relatively innocuous street corner gangs to ruthless and sophisticated criminal organizations. In an effort to combat this trend and its companion increase in violent crimes, and owing to the striking similarities between sophisticated urban street gangs and Mafia organizations, the United States government has begun to use the RICO statute to prosecute highly sophisticated urban street gangs.

realize that illegal activities of an organized crime family fall within the ambit of RICO's pattern of racketeering activity.

Id.


160. See supra notes 75-111 and accompanying text.

161. See supra note 116 and accompanying text.

162. See supra note 7.

163. TAYLOR, supra note 14, at 1-4.

164. See William Recktenwald & Jennifer Lenhart, The Killing Way Weighs Heavily: Homicide Rate has New Meaning in Two Communities, CHI. TRIB., Sept. 29, 1992, at C1 ("In some areas, you’re getting a transformation from gangs which are not only youth gangs to something much closer to organized crime . . .").

A. Defining Urban Street Gangs: The Criminal Organization of the 1990s

The terms “street gang” and “gang activity” are difficult to define with clarity and specificity. However, there are several readily identifiable characteristics commonly associated with both terms which make it possible to loosely identify urban street gangs and their specific patterns of activity, thereby providing evidence of the evolving criminal nature of such entities. Such evidence also demonstrates that the evolution from a street corner gang to a sophisticated illicit enterprise occurs over a period of several years and involves many phases of development.

1. The Structure and Activity of the Sophisticated Urban Street Gang

Gangs have historically evolved spontaneously, organizing for no specific purpose. In order for the gang to thrive, frequent contact among the gang members is necessary; the gang ceases to exist if members do not interact with each other on a regular basis, planning their activities and future as a group. In order to solidify, the gang must face conflict as a group to develop morale. Finally, the gang must obtain control over some portion of local territory and develop a hierarchical management structure based upon social interaction within the group.

The street corner gang begins its transformation into a sophisticated criminal group by acquiring a loose organizational structure and engaging in criminal activities to raise money for the gang and to protect the gang's "turf." As the gang's involvement with the narcotics trade increases, more violent crime becomes necessary in order to protect and expand the gang's territory and narcotics business. Similarly, as the gang accrues power and builds a reputation within the community, the crimes become progressively more violent. Once the gang has solidified an economic...

168. See id. at 66-73; TAYLOR, supra note 14, at 4-12.
170. Id.
171. Id.
172. Id. at 43-44.
173. Id. at 45.
174. See TAYLOR, supra note 14, at 6.
175. Id.
176. See Stier & Richards, supra note 167, at 67. Organized crime directs extreme violence outward, toward the community, only in the earliest stages of development. Because the organization has not successfully infiltrated legitimate businesses, it needs the revenue from violent crimes to finance its operation. At this stage the criminal organization is most susceptible...
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base and an established territory, it develops a more structured organizational format characterized by strong leadership. At this stage, the gang decreases its commission of minor street crimes and increases its involvement in the illegal marketplace, providing an illegal service to the community on a continuing basis.

In this developmental stage, drug trafficking, especially in crack cocaine, becomes the focal point of many urban street gangs. The management structure within such sophisticated urban street gangs is hierarchical and efficient and is often based on the gang's drug-related activity. The drug-involved gang is headed by a "kingpin" who oversees drug distribution within the gang territory. Under the kingpin is the "boss," who is the general manager of the drug trafficking on the streets. The lower-ranking employees consist of the "lookout," the "hawker," the "steerer," the "pitcher," the "stasher," the "runner," and the "bang-bang."

The lookout, usually a child, is paid to monitor the streets, alert the street salesman to the approach of the police, and learn about and report on the description of unmarked police cars and undercover agents. The hawker is the salesman, responsible for soliciting potential customers. The hawker directs an interested party to the steerer, who frisks the buyer and

to detection and prosecution. Id. As with the Mafia, the purpose of this stage is to build wealth among the members and to solidify the organization.

177. Id. at 68-70; see also Taylor, supra note 14, at 7 (discussing "Organized/Corporate gangs").

178. Stier & Richards, supra note 167, at 68. These services include "gambling, providing financing aturious interest rates, marketing narcotics, controlling prostitution, and the like." Id.

179. William G. Skalitzky, Comment, Aider and Abettor Liability, the Continuing Criminal Enterprise, and Street Gangs: A New Twist in an Old War on Drugs, 81 J. CRIM. L. & CRIMINOLOGY 348, 361 (1990). The sophistication of the gang's drug operation is often an accurate indicator of the overall level of sophistication of the gang.

"The level of narcotics involvement by the individual gang is, however, directly related to the size of its membership and the degree of organizational sophistication achieved by the gang. The smaller, less organized gangs are generally only involved in selling drugs at the street level. As the gang grows and becomes more structured, it develops more specialized distribution methods and expands its product."

Id. (quoting Select Comm. on Narcotics Abuse and Control, 100th Cong., 2d Sess., Update on Drugs and Drop-Outs Report 19 (Comm. Print 1987)); see also S.C. Gwyne, Up From the Streets: Instead of Dying Out, Detroit Gangs Have Been Reborn as Criminal Empires, TIME, Apr. 30, 1990, at 34 (stating that the cocaine trade was the primary factor fueling the rise of Detroit drug gangs).

180. Skalitzky, supra note 179, at 359.

181. Profits in a Risky Business, NEWSWEEK, May 29, 1989, at 37 [hereinafter Risky Business]. The "boss" receives the weekly shipments of cocaine and may personally oversee the process of "cooking" the powdered cocaine into crack for packaging and distribution. Id.

182. Id.

183. Id.

184. Id.
attempts to ensure that the buyer is not an undercover officer. Then the pitcher retrieves drugs from the stasher and sells them to the buyer. Finally, runners are in charge of any deliveries that need to be made, and bang-bangs serve as enforcers, protecting the organization.

The drug trade provides the main source of income for sophisticated urban street gangs. Because crack cocaine is inexpensive, easily obtained, and highly addictive, it is ideally suited to be a commodity on the black market. Narcotics trafficking enables the gangs to generate large incomes while entrenching themselves in the community. When the community of drug addicts has become physically and psychologically dependant upon crack because of its wide availability and addictive nature, the gang’s drug trade becomes necessary to the functioning of everyday life. In addition, gang members often use the profits derived from the illegal sale of crack, among other narcotics, to bankroll their organizations and extravagant lifestyles.

2. Recognizing the Impact of Sophisticated Urban Street Gangs on Organized Crime

The crack cocaine trade is primarily responsible for transforming many fraternal, juvenile organizations into highly sophisticated organized crime entities. In their new capacity, urban street gangs have accrued much of

185. Id.
186. Id.
187. Id.
188. See Skalitzky, supra note 179, at 348.
189. Lynn Wagner, Hospitals Feeling Trauma of Violence; Emergency Departments Suffer as Drug-Related Injuries Soar, MOD. HEALTHCARE, Feb. 5, 1990, at 23.
190. “[A] $10,000 kilo of powdered cocaine can be converted, through the cooking process, into three kilos of crack cocaine valued at $100,000.” Skalitzky, supra note 179, at 364 (footnotes omitted). In 1985, it was estimated that one “crack house” could make anywhere from several thousand to $25,000 in one day. Id.
191. This is analogous to local Mafia “bookies” who once catered to the compulsive gamblers of communities that did not have legalized gambling. For a general discussion of gambling operations of Mafia families at the height of their power, see Attorney General’s Program, supra note 64, at 1-17 (statement of Hon. Robert F. Kennedy, Attorney General of the United States). Given the highly addictive nature of crack cocaine, gangs may become even more tightly entwined in the communities than Mafia “bookies” once were.
192. Skalitzky, supra note 179, at 355. The social communities in which these gangs flourish are exceedingly materialistic. Gang members are motivated to make more money so that they can drive the right cars, have the right clothes, and win the right women. For example, gang leaders of the Washington, D.C.-based “R Street Crew” engaged in a “lavish” lifestyle which included the regular purchase of $2,200 shoes, $80,000 cars, $300 bottles of cologne, and the like. Catherine Toups, 3 in R Street Crew Guilty of Murder, Drug Counts; Verdicts Ensure Life Sentences, WASH. TIMES, July 22, 1992, at A1; see also Gwyne, supra note 179, at 34 (stating that gang members crave money and status and are willing to kill to obtain them).
193. Skalitzky, supra note 179, at 348-49.
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the same economic and political power traditionally associated with more sophisticated organized crime entities, such as the Mafia.\textsuperscript{194} Today, virtually every urban area within the United States houses sophisticated street gangs; moreover, gangs no longer limit themselves to traditional urban settings.\textsuperscript{195} As gangs become more prevalent in society, they become harder to identify as criminal organizations.\textsuperscript{196} Thus, while the sophisticated street gangs are often successful in infiltrating legitimate businesses, they continue to walk a fine line between criminal and legal activities.\textsuperscript{197}

Other activities conducted by street gangs on a regular basis are usually related to protecting and promoting their narcotics business.\textsuperscript{198} However, some urban street gangs today have reached the level of "major crime and terrorist organization[s],"\textsuperscript{199} engaging in racketeering activity other than narcotics distribution, including terrorism,\textsuperscript{200} robbery, extortion, bribery, kidnapping, and obstruction of justice.\textsuperscript{201} The existence and prevalence of these criminal entities has spurred the federal government to focus its scrutiny on one of today's most devastating forms of organized crime—the sophisticated urban street gang.

\begin{footnote}
194. Stier & Richards, supra note 167, at 65. Drug gang Bosses will make a profit of approximately $1,000,000 per year, while lower-ranking street-level employees can earn as much as $5,000 per week. Risky Business, supra note 181, at 37.

195. West Coast gangs such as the "Bloods" and "Crips" have sent members into Middle America to stake a claim in the burgeoning drug market. Roger Worthington & James Coates, Migrating L.A. Gangs Find New Turf in the Midwest, CHI. TRIB., May 1, 1988, at 23. The incentive to move eastward is essentially fiscal, as the gangs can get two to three times as much money for the drugs that they peddle. See id.


197. Id. With traditional Mafia organizations, this fine line was evidenced by Mafia control of legitimate organizations which it used as "fronts" for criminal activities and to launder money. See McClellan Committee Hearings, supra note 26, at 12-14 (testimony of Hon. Robert F. Kennedy, United States Attorney General) (discussing the means by which the Mafia infiltrates legitimate businesses); JUDICIARY COMMITTEE REPORT, supra note 8, at 76-78 (discussing Mafia infiltration of legitimate business).

198. See United States v. Williams-Davis, Crim. No. 91-0559 (GHR), 1991 U.S. Dist. LEXIS 19465 (D.D.C. Dec. 16, 1991) (prosecuting racketeering charges of murder, money laundering, and various narcotics offenses; the murders were committed to retaliate against rival drug gangs or to eliminate persons who threatened the organization, and the laundered money was obtained through the narcotics sales), modified, 1992 U.S. Dist. LEXIS 1176 (D.D.C. Jan. 13, 1992); United States v. Andrews, 749 F. Supp. 1520, 1521 (N.D. Ill. 1990) (discussing murders and attempted murders of rival gang members committed by the El Rukn gang in furtherance of their organization); see also Toups, supra note 192, at A1 (quoting United States Attorney for the District of Columbia Jay Stephens as stating that RICO provided an effective means by which to prosecute the violent crimes committed by drug gangs in furtherance of their enterprise).


200. For example, the El Rukns were recruited by the Libyan government to commit terrorist acts within the United States. Gaddafi's Goons; A Chicago Gang's Terrorist Plot, TIME, Dec. 7, 1987, at 27.

201. Id.
B. Recent RICO Prosecutions of Sophisticated Urban Street Gangs

In a number of cities known for the prevalence of sophisticated urban street gangs, the government has begun to use RICO as a tool to prosecute gang members for their criminal activity. Two particular cases, one involving a New York City gang called the "Westies" and another involving a Chicago gang called the "El Rukns," provide examples of successful RICO prosecutions of sophisticated urban street gangs. Both gangs came into existence in the early 1960s as fraternal neighborhood groups and have since evolved to the level of highly organized criminal entities.

In United States v. Coonan, the United States Court of Appeals for the Second Circuit noted that the Westies controlled organized criminal activity in the Hell's Kitchen area of Manhattan from the early 1960s until the late 1980s. The gang was involved in loansharking, narcotics trafficking and sales, and extortion, often working in concert with the Gambino crime family to accomplish their criminal ends. The gang's hallmark was ruthless violence. At their 1987 trial, all indicted gang members were convicted of RICO violations. On appeal, the Second Circuit examined the RICO statutory language to determine what evidence would be sufficient to prove the "enterprise" element and also considered the constitutionality of RICO as it applied to the context of a gang. In addressing the claim that sufficient evidence had not been presented at trial to prove an "enterprise," the

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203. Coonan, 938 F.2d at 1556.


205. See Coonan, 938 F.2d at 1556; Bingham, 769 F. Supp. at 1040 n.2.

206. 938 F.2d 1553 (2d Cir. 1991).

207. Id. at 1556.

208. Id.

209. See id. The gang was known for murdering then dismembering its rivals and enemies. Id.

210. Id. at 1555.

211. Id. at 1559-62.
court relied upon the gang's activities and its recognized position in underworld criminal circles as proof of the existence of a criminal “enterprise.”212

The appeals court found RICO to be constitutional as it applied to the criminal activities of gangs.213 Using reasoning very similar to that of the First Circuit in United States v. Angiulo,214 the Second Circuit found that the “enterprise” and “pattern of racketeering activity” portions of RICO were not unconstitutionally vague when used in the context of a sophisticated street gang.215 To the contrary, the court held, as in Angiulo, that the Westies were precisely the kind of organization that RICO targeted and that this fact should be obvious to a person of ordinary intelligence.216 The court thereby equated a sophisticated urban street gang with an organized criminal entity, such as the Mafia, and deemed the gang to be worthy of prosecution under RICO.217

The El Rukns gang, also founded in the early 1960s, provides another comprehensive example of the sophisticated urban street gang. In United States v. Andrews,218 the United States District Court for the Northern District of Illinois stated that the gang’s primary business was the distribution of narcotics,219 which earned the gang a daily “take” of anywhere from $50,000 to $70,000.220 Members of the El Rukns organization systematically killed rival drug dealers and members of rival gangs, and killed or intimidated witnesses to their crimes.221 The gang committed these crimes for the sole purpose of maintaining power and a monopoly over their portion of the Chicago drug trade.222

At trial, all indicted members of the gang were convicted of RICO violations.223 In pre-trial motions the district court found that the indictment properly alleged both the “enterprise” and “pattern of racketeering activity”

212. Id. at 1560-61. “[R]egardless of internal disputes and membership changes, the Westies’ power structure endured and its members functioned as a unit.” Id.
213. Id. at 1562.
214. 897 F.2d 1169 (1st Cir.), cert. denied, 111 S. Ct. 130 (1990); see supra text accompanying notes 149-58.
215. Coonan, 938 F.2d at 1560.
216. See id. at 1562; see also Angiulo, 897 F.2d at 1179-80.
219. Id. at 1521 (stating that the El Rukns main enterprise involved the trafficking of narcotics through a complex and organized distribution network).
221. Andrews, 749 F.2d at 1521.
222. Ray Gibson & John Gorman, Rukns, Robinson Indicted for Drugs, Murder, CHI. TRIB., Oct. 28, 1989, at C1. United States Attorney Anton Valukas noted that “[i]n substance, the indictments charge that for 24 years, these defendants sought to obtain and maintain control of drug territories through a systematic” use of violence. Id.
elements under RICO. The court held that because the defendants were alleged members of "The First Ward" of the El Rukn gang, whose purpose was to facilitate illegal narcotics trafficking, the group constituted an "enterprise" for RICO purposes. The court also found that predicate acts that occurred over a period of years, which might have amounted to several different conspiracies if not examined under RICO, did in fact qualify as a RICO conspiracy.

The Westies and the El Rukns gangs represent the type of street gang that the government can and should prosecute using RICO. Both gangs provide examples of highly sophisticated organized criminal entities that have hierarchical management structures and use violence and bribery to evade prosecution. Controversy exists, however, as to whether the design, intent, and language of the RICO statute apply to this type of organization.

III. Overview and Analysis of the Use of RICO in Urban Street Gang Prosecutions

The sophisticated urban street gang of the 1990s holds a place in society that highly organized criminal organizations like the Mafia have traditionally occupied. As gangs have evolved from small, local organizations into groups with national power affecting the nation's economic and political structures, their threat has forced the government to change the way it views urban street gangs for prosecution purposes. As a result, sophisticated urban street gangs have been characterized as organized criminal entities susceptible to prosecution under the RICO statute.

Skeptics have criticized this hard-line analysis of urban street gangs because their members are often said to be young and impressionable and street gangs are arguably less organized than La Cosa Nostra. An objective analysis of sophisticated urban street gangs reveals, however, that such gangs are nothing less than a more modern version of the Mafia.

225. Id. at 1395.
226. Id. at 1396.
227. See supra notes 169-92 and accompanying text (discussing the characteristics of a sophisticated urban street gang).
228. See Skalitzky, supra note 179, at 348 (stating that urban street gangs and their drug trafficking are becoming as problematic as the Mafia in its heyday); Dean Murphy, L.A. Black Gangs Likened to Organized Crime Groups, L.A. TIMES, Jan. 11, 1987, at A1 (reporting that black gangs have emerged as predominate organized crime institutions in Los Angeles).
229. Skalitzky, supra note 179, at 349-50.
230. See, e.g., Burrell supra note 16, at 750-51 (discussing the often fraternal nature of gangs); Jim Newton, U.S. Mounts Sweeping Crackdown on L.A. Gangs, L.A. TIMES, July 4, 1992, at A1 (discussing the differences between La Cosa Nostra and urban street gangs such as the Bloods and the Crips).
231. See infra notes 234-59 and accompanying text.
sophisticated gangs are thus appropriate targets for RICO prosecutions, fitting within both the design and intent of the RICO statute as clarified by the organized crime framework, as well as the definition of critical RICO provisions.

A. Statutory Design and Intent: Fitting Urban Street Gangs into the Organized Crime Framework

The goal of eradicating organized crime forms the basis for the design and intent of the RICO statute. Thus, the statute is most effective when used to prosecute highly organized and sophisticated criminal groups. Even the fiercest opponents of the statute agree that if RICO is to be used in any sort of prosecution, it should be limited to use against the Mafia and similar organizations. In addition, legislative history and statutory construction suggest that Congress intended RICO to be elastic so as to continuously apply to the evolving concept of organized crime in the United States. Because of their structural, organizational, and functional similarities to the Mafia, urban street gangs fit within the narrow group of entities that RICO is designed to prosecute. Moreover, a brief analysis demonstrates that gangs possess characteristics similar to those of the Mafia and satisfy the organized crime framework of characteristics: continuity, structure, membership, criminality, violence, and a power/profit goal.

The continuity element requires that an organization operate with a criminal purpose over an extended period of time. Although the scope of criminal activity undertaken by gangs may differ from that of the Mafia, both groups typically engage in criminal activity that becomes the livelihood of the organization throughout its duration. Chicago's El Rukn gang exemplifies this continuity as it has been operating in a criminal manner for several decades, even though its criminal objectives have become more

232. See supra notes 104-11 and accompanying text.
235. See Reed, supra note 6, at 720 (citing RICO's success in combatting organized crime and questioning the breadth of the statute and not whether it should be used to prosecute organized crime).
238. Id. at 26.
239. Compare supra notes 64-68 (describing the criminal activities of La Cosa Nostra) with supra notes 174-92 (describing the criminal activities of urban street gangs).
240. Patricia King, A Snitch's Tale: The Killer Gang, Newsweek, Nov. 6, 1989, at 45; see also supra notes 218-26 and accompanying text (discussing the El Rukn gang).
sophisticated. Other gangs, with less impressive criminal histories, may also meet the continuity requirement by simply carrying on illicit activities over a period of time.

The structure element requires that the group have an established managerial structure. As with La Cosa Nostra, the structure and rank of gang members are very complex and follow strict protocol. Sophisticated urban street gangs involved in the drug trade fit this profile because they have a management hierarchy that mimics the structure of a complex marketing and sales organization.

Furthermore, to fit the organized crime profile, the organization must restrict membership. Although the formal membership restrictions of a sophisticated urban street gang may not be as numerous as the Mafia's, the rituals surrounding entry and participation in a street gang serve to effectively restrict the gang's membership. Membership is often determined along racial and ethnic lines, and like the Mafia, death is often the only means of leaving a gang.


243. PRESIDENT'S COMM'N REPORT, supra note 13, at 26-27.

244. Compare supra notes 29-61 and accompanying text (discussing the structure of La Cosa Nostra) with notes 169-92 and accompanying text (discussing the structure of urban street gangs).

245. Skalitzky, supra note 179, at 360-62. "Inevitably, a gang's organization will mimic the larger structure of society." Id. at 361.

246. PRESIDENT'S COMM'N REPORT, supra note 13, at 27.

247. Sally A. Stewart, Gangs: 'It's Like Your Family': Aspiring Breakdance Group Becomes Drug-Dealing Crips, USA TODAY, Dec. 7, 1989, at A6 (describing "jump[ing] in" as a process whereby a prospective member must fight three current gang members at one time, and if the prospective member is still standing after ten minutes, he becomes a member of the gang); see also Herbert Edelhertz, Introduction to MAJOR ISSUES, supra note 121, at 1, 28-36.

248. See PRESIDENT'S COMM'N REPORT, supra note 13, at 33-128 (discussing emerging groups in organized crime, this Justice Department publication classified all emerging powerful gangs along ethnic lines as is the general practice in identifying this type of criminal organization).

249. See, e.g., Jon D. Hull, No Way Out, TIME, Aug. 17, 1992, at 38 ("The quickest exit from gang life is via the morgue . . . . 'You make a commitment, and it's lifelong.'") (quoting Daniel Swope, Executive Director of BUILD, a Chicago community group).
Another element of the organized crime profile requires that the entity rely on criminal activity to generate the income that finances the organization. For the Mafia, this activity began as gambling and escalated to narcotics trafficking. Increased gang involvement in the drug trade satisfies this requirement.

Achieving goals through the use of violence is yet another element of the organized crime profile. While the Mafia is known for its constant use of violence to achieve its goals, gangs too systematically use violence. The daily headlines of any major newspaper in this country illustrate that this is true for urban street gangs. The indictments of notorious gangs such as the El Rukns or the Westies, containing multiple allegations of murder and attempted murder, also aptly demonstrate this point.

Finally, the organization must have a power/profit motive. The Mafia obtained power and control through the proceeds from its illicit activities as well as its infiltration of legitimate business. The power and profits derived from narcotics trafficking allow the gangs readily to fulfill this element. Based on the organized crime framework, sophisticated urban street gangs are appropriate targets for RICO prosecutions. However, it is also necessary to examine the language and application of pertinent RICO provisions to ascertain whether they apply to urban street gangs as well.

250. PRESIDENT'S COMM’N REPORT, supra note 13, at 28.

251. See supra note 98 and accompanying text (stating that organized crime derives large profits from gambling and narcotics distribution).

252. See supra notes 174-79 and accompanying text.

253. PRESIDENT'S COMM’N REPORT, supra note 13, at 28-29.

254. Id.


257. PRESIDENT'S COMM’N REPORT, supra note 13, at 29.

258. See supra note 98.

259. See supra note 190.
B. Applying the "Enterprise" and "Pattern of Racketeering Activities" Elements to Gang Cases

Although prosecution varies based upon the structure and activity of individual gangs and the application of DOJ guidelines and RICO intent, a successful RICO prosecution requires proof of both an "enterprise" and a "pattern of racketeering activity" over an extended period of time. A general review of sophisticated urban street gangs reveals that such organizations are structurally and behaviorally oriented in a manner that makes proving these elements possible.

The "enterprise" element requires that the members of a group be united in a common business purpose. There must be a core group of members, arranged in a hierarchical structure, who share a common business goal. The group may be either wholly legitimate or illegitimate, or a combination of the two. Advanced urban street gangs are united in a common business purpose, usually narcotics importation and distribution, have a hierarchical management structure, and are involved in illegitimate activities. Nonetheless, once the government has established the "enterprise" element, it must also demonstrate a "pattern of racketeering activity."

The "enterprise" element serves as the nexus that unifies the conduct of the organization and establishes a "pattern of racketeering activity." So long as all of the alleged acts are committed under the direction of the "enterprise" and occur within the statutory time frame, the RICO "pattern" element will be satisfied. The analysis for determining whether a "pattern" exists looks to establish the existence of a "relationship plus continuity:" that is, there must be a relationship between the acts committed


261. See supra text accompanying notes 206-27.

262. United States v. Castellano, 610 F. Supp. 1359, 1392 (S.D.N.Y. 1985); see supra notes 121-29 and accompanying text.

263. See supra note 262.


265. The El Rukn and Westies gangs provide excellent examples of this fact. See supra notes 208, 219-21, 250-52 and accompanying text.

266. See supra notes 243-45 and accompanying text.

267. See supra note 259.

268. See supra note 260.


270. Id.

and continuity in the commission of the acts. In the context of gang-related RICO prosecutions, once the "enterprise" has been established, the "pattern" element is usually not difficult to prove. Because of the significant number of offenses that are committed on a daily basis through the operation of a drug enterprise, the prosecution can tie drug charges to other charges, such as violent crimes, in order to establish the "pattern."  

As demonstrated, sophisticated urban street gangs fall within the design and intent contemplated by RICO, as evidenced by application of the organized crime framework as well as the "enterprise" and "pattern of racketeering activity" provisions of the RICO statute. Moreover, because of numerous structural and operational similarities with the Mafia, the criminal organization providing the impetus for the creation of RICO, it follows that sophisticated urban street gangs readily lend themselves to RICO prosecutions.

C. A Proper and Effective Means for Fighting Today's Crime

As the few available cases in this area demonstrate, RICO may be critical in aiding federal, state, and local law enforcement personnel in controlling increasing levels of gang-related violence and crime. Today, sophisticated urban street gangs are having the same effect on the economic and the social structure of the nation that La Cosa Nostra had at the time the Kefauver Committee exposed its existence; the similarities are unmistakable. As Congress created RICO with the intention of eradicating organized criminal

272. Id. The Supreme Court has held that multiple schemes are not necessary to prove RICO's "pattern element," although they are highly probative. H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 240 (1989). Thus, multiple acts within a single scheme constitute a "pattern" if, absent law enforcement intervention, these practices comprised part of the organization's normal course of business and would continue indefinitely over time. Id. at 241-43.

273. Generally, narcotics charges alone will not suffice to support a RICO prosecution because of the DOJ policy of using other less complex federal statutes to prosecute narcotics violations. See OCRS MANUAL, supra note 116, at 27-28 (explaining that a RICO charge should not be added to a mail fraud indictment absent a specific and articulable reason for doing so).


275. See, e.g., supra note 256.

276. The urban gang violence in Los Angeles which has erupted from local turf wars between the city's hundreds of gangs is reminiscent of Mafia-related violence in Chicago several decades ago. While gangs are making thousands of dollars each day in proceeds from illegal narcotics sales, members are also investing in legitimate businesses such as fast food franchises and commercial real estate ventures. Skalitzky, supra note 179, at 364; see Ray Gibson & Maurice Possley, El Rukn Indictments are Fruit of 3-year Federal Investigation, CHI. TRIB., Oct. 29, 1989, at C3. Moreover, members of gangs have enough power and capital to bribe public officials. PRESIDENT'S COMM'N REPORT, supra note 13, at 9.
entities and their negative influence on the nation,\textsuperscript{277} many of today's sophisticated urban street gangs fall within the range of organizations that Congress intended to be prosecuted under the statute.\textsuperscript{278}

Although criticism has been leveled against any proposed expansion of the scope of RICO,\textsuperscript{279} the statute itself, through its liberal interpretation clause, contemplates the use of the statutory provisions to prosecute new and emerging criminal organizations.\textsuperscript{280} Prosecution is not automatic, but rather depends upon individual gang characteristics, the DOJ guidelines, and application of the statutory provisions. Where a criminal organization falls within the design, intent, and language of the statute, the use of RICO is a proper, effective, and necessary means to combat the evils perpetrated through gang structure and activity.\textsuperscript{281} Based on such factors, and in light of RICO's successful use in Mafia cases, it would be a detriment to national efforts combatting organized crime for courts to preclude the use of the RICO statute to fight new forms of organized crime in the 1990s.

IV. CONCLUSION

Four decades ago, the Mafia was a feared and enigmatic organization exerting a tremendous criminal influence on the structure and economy of the nation. While there are surely aspects of the Mafia that remain paradoxical to law enforcement today, efforts to investigate and understand the organization's structure and operational style have proven successful. The enactment of RICO in 1970, together with continued study and investigation, has been instrumental in the government's mission of eradicating organized crime and has proven to be a most effective means of dismantling organized criminal entities such as the Mafia.

As the Mafia's role in organized crime has diminished, sophisticated urban street gangs have moved quickly to fill the void in the illegal marketplace. Such gangs are highly organized, violent, criminal entities that terrorize the nation's urban communities and are now expanding into suburban and rural America. The predicament that the nation faces today with sophisticated urban street gangs mirrors the nation's concern with the Mafia four decades ago. The key difference is that today, unlike in the early 1950s, a proven means of dealing with these organizations already exists—the

\textsuperscript{277} See supra notes 75-103 and accompanying text.
\textsuperscript{278} See United States v. Coonan, 938 F.2d 1553 (2d Cir. 1991) (finding prosecution of Westies street gang under RICO both proper and constitutional), cert. denied, 112 S. Ct. 1486 (1992); supra notes 169-92 and accompanying text.
\textsuperscript{279} See Lynch III & IV, supra note 4, at 971-77; Reed, supra note 6, at 696; see also supra note 16.
\textsuperscript{281} See supra notes 206-27 and accompanying text.
Racketeer Influenced and Corrupt Organizations Act. Based on the design, intent, and language of the statute, coupled with the established organized crime framework and the similarities between Mafia and gang organizations, RICO is not only a proper and effective means for prosecuting sophisticated urban street gangs but is also a necessity in order to work toward the goal of eradicating organized crime in the United States.

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