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Tim Kerrigan

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CHICAGO MOB NOT QUITE “SLEEPING WITH THE FISHES”

by TIM KERRIGAN

Prosecutors and criminal analysts agree that unceasing efforts by law enforcement are affecting the mob – but have yet to destroy it.¹

One result of these changes, which federal prosecutors were recently able to take advantage of, is that the organization’s own members are beginning to turn against one another.² On Sept. 28, 2007, a team of federal prosecutors earned convictions against five Chicago mobsters in the “family secrets trial” thanks largely to the unprecedented cooperation of two “made” members of the Chicago Outfit.³

Assistant U.S. Attorney T. Markus Funk said the “deal-breaker” in the case came when Frank Calabrese Jr. and Nicholas Calabrese, the son and brother of notorious mobster Frank Calabrese Sr., agreed to cooperate with federal officials.⁴ At that point, Funk said, “we had a case already.”⁵

Three months later, following a grueling and emotional trial, a federal jury attributed 10 murders to Calabrese Sr., Joey “the Clown” Lombardo and James “Little Jimmy” Marcello.⁶ In addition, the jury found Paul “the Indian” Shiro and former Chicago Police Officer Anthony “Twan” Doyle, as well as Calabrese, Lombardo and Marcello, guilty of participating in a racketeering conspiracy.⁷

The cooperation with the government by these two “made” members of the mob caused Jim Wagner, the president of a public watchdog group called the Chicago Crime Commission, to note that in recent years, “the mob has changed, but it hasn’t necessarily weakened.”⁸

Prosecutors cite more powerful and effective law enforcement as one explanation for this change.⁹ They also note that the possibility of survival and defecation after turning on the mob, thanks to the federal Witness Protection Program, aided the government in securing the cooperation of witnesses who would have been impossible to turn before.¹⁰

But Funk, who has the unique perspective of one who regularly works with organized crime groups, suggests it is the Americanization of urban immigrant communities that caused the two witnesses in this case to turn on their organization.¹¹

“In a way it’s a demographic, cultural, economic shift that’s weakened the ability of Italian gangs to function,” Funk said.¹²

Funk explained that “organized crime is more prevalent in recent immigrant communities” because “the regular people fear and distrust law enforcement, so the gangs are harder to crack.”¹³ But as immigrants adapt to life in the United States, Funk said, they become more trusting of people outside their communities.¹⁴

One effect of this development, according to Funk, is that former immigrants begin to trust the government and law enforcement officers in their new country.¹⁵

In addition, Funk explained that the Italian immigrants' development of trust for people outside their individual communities weakened the ability of Italian gangs to compel loyalty.¹⁶

"Organized crime groups prey on their own people, because the people are afraid to go to law enforcement," Funk explained. "But the Italians no longer live in particularized communities."¹⁷

Still, despite this advantage, the mob's opponents are resisting the temptation to declare their foe vanquished.¹⁸ FBI Special Agent Mike Maseth, whose nine-year investigation culminated in the Sept. 28 convictions, insists, "although people want to claim an overall victory, the mob isn't dead. [This case] puts a significant dent in [the mob], but it will continue."¹⁹

Notably, the convictions take five high-ranking mobsters off the streets, deter functioning mobsters from committing murders, add to law enforcement's ever-growing intelligence base concerning mob activity, and dispel Hollywood myths by exposing the real-life impact of the gangsters' celebrated activities.²⁰

BENCHING THE MOB'S STARS

Perhaps the most obvious impact is that imprisoning these five men will inhibit their ability to contribute to illegal activities.²¹ Although "the evidence showed that mobsters in prison were still giving orders, [being locked up] hinders their ability to operate."²²

Less obvious, however, is the overall impact their imprisonment will have on mob activities.²³

One major difference that separates the Italian mob from other immigrant and non-immigrant street gangs is the political power base the Italian mob enjoys.²⁴ When a veteran mobster goes to jail, Wagner says, those remaining on the streets "lose contacts the older people had with corrupted law enforcement and politicians."²⁵

Many important mob contacts will be lost with Calabrese Sr., Marcello and Lombardo likely imprisoned for the rest of their lives, and Schiro and Doyle imprisoned for up to 20 years.²⁶

“Those are important connections,” said Wagner. “It is one of the things that allow their crimes to succeed.”²⁷

Also noteworthy is the loss of experience.²⁸ The mob currently has fewer “made” members than ever – just 30 in the Chicago Outfit, by the estimate of Jim Mallul, the supervisor of the FBI’s organized crime unit in Chicago,²⁹ and 100 by the admission of Calabrese Sr. on a wiretap in March 2001.³⁰

It is true, as Maseth pointed out, that “the Outfit is built to continue” and “when a boss dies, someone takes his place.”³¹ But still, the loss of these five experienced contributors will force some younger members into leadership roles before they are ready.³² According to Assistant U.S. Attorney John Scully, this will upset the mob’s ability to operate.³³

“It creates a vacuum,” explained Scully, another assistant prosecutor at the trial. “You can’t replace *all* those people.”³⁴

“It hinders their ability to operate,” agreed Wagner. “The people who take over on the street have less experience and are less accomplished.”³⁵

RETIREMENT HOME OR PRISON?

As Joseph Lopez, Calabrese Sr.’s defense attorney, and many of the trial’s spectators noted, the defendants were old men – men who are going to suffer in their waning years for crimes they committed in their youth.³⁶ Lombardo was particularly stunned to learn he had been convicted of a murder he committed 33 years ago.³⁷

After a clerk announced the verdicts, Lopez observed, “instead of going to Shady Acres retirement home, they’re all going to federal prison.”³⁸

“It doesn’t matter that they’re old men,” Wagner contended. “The prosecution can come at any time.”³⁹

Maseth said this is significant because "it shows we can reach back to get guys years after they commit a crime. [Other mobsters] might be more leery to kill someone who crosses them. It makes guys on the street more cautious."⁴⁰

THE SOPRANO EFFECT

Hollywood has never been short of mob dramas, and the two prosecuting and defense attorneys felt this impacted the trial in different ways.⁴¹ According to Wagner, the trial provided a shock to the public psyche by dispelling the Hollywood myth that mobsters are antiheroes worthy of respect and envy.⁴² Those who followed the testimony learned the mobsters "used fists, ropes, knives, guns and a bomb to conduct its dark business."⁴³ That "dark business," said Wagner, included the destruction of lives and the tearing apart of families.⁴⁴

"The evidence shows the brutality in keeping control and operating their business," Wagner said. "People lose sight of that in film and T.V. when it's make-believe. In reality, it has a huge impact on families. People lost fathers, brothers and husbands to these brutal men."⁴⁵

Lopez acknowledged the existence of these myths, and opined that they worked against his client and the other defendants during the trial.⁴⁶

"I don't think anyone charged with a case like this can get a fair trial anywhere, because of publicity prior to the trial, because of shows that they make in Hollywood and because of scripts they write in Hollywood," Lopez said.⁴⁷

NOW WE KNOW

With each piece of evidence gathered, law enforcement's intelligence base regarding mob activity grows.⁴⁸ This is one reason a conviction like this has taken so long to achieve – the battle against organized crime requires a long-term political and organizational commitment.⁴⁹

Both Scully and Funk pointed out that solving these murders would have been impossible without the cooperation of Frank Calabrese Jr. and Nicholas Calabrese.⁵⁰ Prosecutors would not have been able to secure such testimony without the aid of an already existing mob intelligence base.⁵¹

Large-scale prosecutions such as these are building-block processes that require years of gathering evidence, making contacts and prosecuting seemingly meaningless cases.⁵² Frank Jr., for instance, decided to cooperate while in prison for taking part in a loan-sharking scheme.⁵³ Had he never been imprisoned for this minor offense, he may have never decided to quit the mob and cooperate against his father.⁵⁴

Nicholas agreed to cooperate only after law enforcement agents were able to use DNA evidence to tie him to a past murder and threaten him with the death penalty.⁵⁵ Had the police failed to gather evidence regarding this past murder, Nicholas' cooperation, and likely the convictions, would have been a fiction.⁵⁶

NO END IN SIGHT

Although the Sept. 28 convictions added to the police intelligence base, exposed the reality of the mob, deprived the mob of several key players and could deter future mobsters from murdering, they did not signal the end of organized crime in Chicago.⁵⁷

"If we say the mob is gone, it will grow," Scully said. "We need to continue to work and just plug away."⁵⁸

NOTES

1 James B. Jacobs and Lauryn P. Gouldin, *Cosa Nostra: The Final Chapter?* 25 CRIME AND JUST. 129,178 (1999); Interview with John Scully, Assistant U.S. Attorney, in Chicago, Ill. (Sept. 24, 2007); Interview with T. Markus Funk, Assistant U.S. Attorney, in Chicago, Ill. (Sept. 24, 2007); Interview with Mike Maseth, FBI Special Agent, in Chicago, Ill. (Sept. 28, 2007); Telephone Interview with Jim Wagner, President, Chicago Crime Commission, in Chicago, Ill. (Sept. 28, 2007).

2 Jeff Coen, Liam Ford and Michael Higgins, *10 Murders Laid at Feet of 3 in Mob*, CHICAGO TRIBUNE, Sept. 28, 2007, available at 2007 WLNR 19006334.

3 *Id.*

4 Interview with T. Markus Funk, Assistant United States Attorney, in Chicago, Ill. (Sept. 24, 2007).

5 *Id.*

6 Coen, Ford and Higgins, *supra* note 2.

7 Coen, Ford and Higgins, *supra* note 2.

- 8 Telephone Interview with Jim Wagner, President, Chicago Crime Commission, in Chicago, Ill. (Sept. 28, 2007).
- 9 Funk, *supra* note 4; Interview with John Scully, Assistant U.S. Attorney, in Chicago, Ill. (Sept. 24, 2007).
- 10 *Id.*
- 11 Funk, *supra* Note 4.
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Id.*
- 16 *Id.*
- 17 *Id.*
- 18 Funk, *supra* note 4; Wagner, *supra* Note 8; Interview with Mike Maseth, FBI Special Agent, in Chicago, Ill. (Sept. 28, 2007); Interview with John Scully, Assistant United States Attorney, in Chicago, Ill. (Sept. 24, 2007).
- 19 Interview with Mike Maseth, FBI Special Agent, in Chicago, Ill. (Sept. 28, 2007).
- 20 Funk, Wagner, Maseth, and Scully, *supra* note 18.
- 21 Wagner, *supra* note 7.
- 22 *Id.*
- 23 *Id.*
- 24 Jacobs and Gouldin, *supra* note 1, at 180.
- 25 Wagner, *supra* note 8.
- 26 Coen, Ford and Higgins, *supra* note 2.
- 27 Wagner, *supra* note 8.
- 28 Jacobs *supra* note 24, at 179.
- 29 Jeff Coen, *Outfit's Hit, But Not KO'd*, CHICAGO TRIBUNE Sept. 30, 2007, available at 2007 WLNR 19121308.
- 30 Liam Ford, *Betrayal Replayed for Jurors: As Frank Sr. Talked of Loyalty, His Son Wore a Wire*, CHICAGO TRIBUNE, July 12, 2007, available at 2007 WLNR 13181909.
- 31 Maseth *supra* note 18.
- 32 Jacobs and Gouldin, *supra* note 1, at 180.
- 33 Interview with John Scully, Assistant U.S. Attorney, at Chicago, Ill. (Sept. 24, 2007).
- 34 *Id.*
- 35 Wagner, *supra* note 8.
- 36 *Id.*
- 37 Coen, Ford, and Higgins, *supra* note 2.
- 38 Paula Murray, *Bad Fellas: The Real Casino Story*, DAILY RECORD (Glasgow, Scotland), Sept. 29, 2007, available at 2007 WLNR 19062024.
- 39 Wagner, *supra* note 8.
- 40 Maseth, *supra* note 18.
- 41 Coen, Ford, and Higgins, *supra* Note 2; Wagner, *supra* Note 7.
- 42 Wagner, *supra* note 8.
- 43 Coen, Ford, and Higgins, *supra* note 2.
- 44 Wagner, *supra* note 8.
- 45 Wagner, *supra* note 8.
- 46 Murray, *supra* note 38.
- 47 *Id.*
- 48 Scully, *supra* note 33.
- 49 Jacobs and Gouldin, *supra* note 2, at 182.

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- 50 Funk and Scully, *supra* Note 8.
- 51 Scully, *supra* Note 33.
- 52 *Id.*
- 53 Coen, *supra* Note 2.
- 54 Scully, *supra* Note 33.
- 55 Murray, *supra* Note 38.
- 56 Scully, *supra* Note 33.
- 57 Scully, *supra* Note 33.
- 58 *Id.*