Cleaning up the Act: The Politics of Police Reform



The urge to reform the police in America followed directly the racial rebellions and radical insurgencies of the last decade. If form follows function in design, reform follows malfunction in politics: the impetus to redesign social institutions flows from their failure.

t the flashpoint of dysfunction-the burning of Watts, in August, 1965-the government made the first commitment of federal resources to police reform: an Office of Law Enforcement Assistance. Then came a succession of national and state programs, a Presidential Commission, foundation projects and academic studies.

All this activity was marked by the persistent belief that the police regulate the quotient of law and order in the world. The spectacle of Mayor Daley's police provoking riot in Chicago; of the Ohio National Guard blazing away at Kent State; of local police mired in corruption, indolence, and inefficiency; of the FBI barking up one wrong tree after another while Panthers, Weatherpeople, Mafiosi and draft dodgers slip away into freedom: it all suggested that the machine of social control had ceased to operate in its most crucial capacity. To be sure, the managerial response to the threat of insurrection, riot and criminality (the three are inextricably connected) was as varied as the perceptions of the managers. The only constant was the expansion of police power and the concentration on police reform, reorganization and redefinition as the principal means to put America together again. Long after anti-poverty, welfare, educational and integrationist programs have been cut, impounded or abandoned, the police industry continues to flourish.

Administration officials of both the Johnson and Nixon eras created and fed the Law Enforcement Assistance Administration (LEAA) with a budget of billions and a cast of thousands. The career reformers in the criminal justice set formed the President's Commission on Law Enforcement and the Administration of Justice (the Crime Commission). They studied "the problem" and then spread out to various public and private institutions formed to deal with it on the terms their study had set. One of those private institutions is the Police Foundation, a Ford Foundation spin-off with \$30 million to play with for its chartered life-span of five years.

In the ecology of law and order, federal programs and private foundations are support-systems that feed more vigorous but unrooted activities. Those were undertaken by the Central Intelligence Agency, which created and expanded a Domestic Operations section; by the Treasury Department, which, under John J. Caulfield, politicized its

by Andrew Kopkind

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police function; by the FBI, which plunged into communications technology; by the Armed Services police agencies, which embarked upon a program of mass surveillance; and by local police forces, which descended into covert intelligence and spying operations—in cooperation with all of the above.

What makes it so difficult to sort out police reform politics is the overlapping which takes place among the personnel in various programs, projects, commissions and agencies. For example, Charles Rogovin had been assistant director of the Crime Commission. Next, he became the first chief administrator of LEAA. Then, he was appointed first president of the Police Foundation. Now he hangs out at the Kennedy Institute of Politics in Cambridge.

Or take the case of Robert Kiley, a flagrant overlapper in the intelligence and police field. After a stint as president of the National Student Association in the late '50s, Kiley (Notre Dame '58) slid into the CIA, where he was put in charge of student and youth operations, "Covert Action V." Kiley directed CIA work in the NSA as well as all the other youth groups named as "fronts" in the famous RAMPARTS exposé in 1967. He left the CIA in 1970 to become a director of the Police Foundation. Among his credits during his stay there was the "discovery" of Kansas City Police Chief Clarence Kelley as a tough-minded reformer worthy of Foundation support (and, by that means, national prominence). In his last days at the Foundation, a year ago, Kiley led a "talent search" under Boston Mayor Kevin White to select a new Boston police commissioner; after several stars turned the job down, Kiley settled on St. Louis County Chief Robert DiGrazia, a Police Foundation grantee. When DiGrazia came to Boston, Kiley took a job as Mayor White's special assistant-and liaison with the police force. Mark Furstenberg, one of Kiley's cohorts from the Police Foundation, came along to Boston to work for DiGrazia. And there they all are now, busily reforming Boston's execrable old police department.

What do these people want? There's not much agreement among reformers about the nature of reform—beyond the shared assumption that the police have been unable lately to maintain social order. One reform ideologue may look at another as part of the problem, rather than an agent of solution. No doubt Jack Caulfield thinks Charlie Rogovin is a pink punk, and Rogovin might call Caulfield a fascist snoop. But both ideologies are part of the police eco-system; both see policing as the critical function in the restoration of order after the time of the troubles.

Rogovin and the tender-minded reformers believe that some kind of nationalization of police policy-making must be made if the 30,000 local police jurisdictions are to function effectively. Four years ago, Rogovin warned a meeting of the International Association of Chiefs of Police: "If local law enforcement fails, then something else will replace it," and, he added, "local law enforcement has failed to do its job."

That replacement is, of course, the prize to which all the politics is directed. Federalism and local interests being what they are, no one believes that there will be a designated "National Police" to oversee and control cops and to set police policy around the country (as there is almost everywhere else in the world). But there are functional ways of determining how the police will work. Those who can study, plan, prioritize, preempt, spend, train, coordinate and infiltrate-they can effectively nationalize the police. For example, if a group of "experts" gets funded for a study project, which produces a report emphasizing heavy reliance on computer technology for local police, which sets up a federal program to assist computerization, which creates a training institute for police computer technicians, which promotes the development of a corporate infrastructure for police, computers and communications, which assigns consultants to local forces to speed up inter-city and inter-agency sharing of data, which preempts all other possible emphases and alternatives of reform.... At that point, no one needs an official "Fedcop."

Computerization and technologization is only one trend in police reform in the current time frame, as they say in Washington these days. There are others: the "humanization" of police, the bureaucratization of police, the depoliticization of police, the undergrounding of police: all of it is going on now. And here are some of the places where it's happening.

[CIA: THE ENEMY WITHIN]

John Ehrlichman, always precise in his descriptions if not in his recollections, called CIA involvement in domestic affairs "one of the grayer areas" in government security and constitutional legality. This much is known: in 1964, Tracy Barnes was appointed chief of the Agency's new Special Division for Internal Operations, or "Internal Ops." According to a former CIA official, the "local contact" offices the CIA maintains around the country were expanded in number and assigned more interesting work than their stated task of interviewing returning travelers from Communist countries.

Exactly what the local CIA offices *do* do is not to be found in any published job-description manuals. But there is no doubt that the offices have kept some hand or eye on radical political action. One of Bob Kiley's old front men in the National Student Association told me that he "assumed" there is a general relationship between CIA and Army counter-insurgency training and domestic police "stuff." Local police, he said, are beginning to see themselves in counter-insurgent roles against black and white radicals.

Someone must have been watching the movements, because when President Nixon asked for an evaluation of "student protest" in 1970, the CIA was able to turn out a massive report, detailing the indigenous nature of the American New Left.

"The covert types tried to find out how much Boumedienne was giving the Panthers, or Castro was giving the Weathermen," one of the CIA analysts who wrote that report told me. "They tried to trace money from country to country and to the various groups here, but they found that the movements were indigenous. From Nixon's point of view, it was a real bummer." Nixon's own analyst, the Young-American-for-Freedom Tom Charles Huston, relieved the President's anxiety with his celebrated "1970 surveillance plan" based on the assumed foreign threat to national security via the Movement.

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"How much help the CIA is giving the other law enforcement agencies is hinted at in the early Watergate returns."

At about that same time, the CIA began its program of training local city policemen in surveillance, bomb-making and other lively security arts. At least 12 local police agencies availed themselves of the opportunity to attend shorter or longer courses at "The Farm," also known as "Camp Peary," the CIA's secret layout near Williamsburg, Va.; at another such CIA camp in North Carolina; or in Arlington, Va.

Explanations of the process by which the CIA and the local police got together have led to the predictable runarounds. The Agency is naturally concerned that it will be accused of violating its 1947 charter, which provides that it "shall have no police, subpoena, law-enforcement or internal-security functions." Then, too, there is the long CIA feud with the FBI, and exposure of the Agency's involvement with cops-on-the-beat was bound to infuriate the late J. Edgar Hoover.

In the instance of the training course for 14 New York City policemen (including the deputy commissioner) in political intelligence work, the CIA said the contact was initiated by the Police Department. In reply, Commissioner Patrick Murphy said it was the idea of Don R. Harris, a consultant to the Department. Next, it was learned that Harris was a former CIA clandestine agent, and the Agency's public relations director quickly retorted that the idea for the training came from another consultant to the New York Police, one Wavne Kerstetter, a Police Foundation grantee. The Ford Foundation began climbing its corporate wall. Ford President McGeorge Bundy wrote to Rep. Edward Koch of New York, who had exposed the CIApolice deal, protesting the Police and Ford Foundation's innocence in the matter. Koch agreed that no one was really responsible, and exonerated Bundy's friends. And there the matter stands: everyone is accused, no one is blamed.

To round out the story: Patrick Murphy has now left the

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NYPD to become head of the Police Foundation. The deputy commissioner who received the CIA training, William H. T. Smith, has also left New York-to become staff director of the Police Foundation, under Murphy. Don R. Harris is still a consultant to the New York Police, under a \$166,000 grant from the LEAA. The grant was signed by Henry Buth, a former LEAA Institute Director, who then became Mayor Lindsay's Criminal Justice Coordinator and is now one of Archibald Cox's Watergate prosecutors. Ruth's assistant at LEAA was Tom McBride, who later became staff director of the Police Foundation-the job that William T. Smith now has McBride, who was a Pennsylvania and New York prosecutor and a Peace Corps director in Panama and the Dominican Republic, is also a Watergate investigator. Wayne Kerstetter has become Superintendent of the Illinois Bureau of Investigation.

ow much help the CIA is giving other law enforcement agencies is hinted at in the early Watergate returns. White House and Committee-to-Reelect burglars apparently had no trouble getting assistance when they needed it, especially in ITT, Ellsberg and Democratic Committee operations involving CIA veterans such as Howard Hunt, Gordon Liddy and James McCord.

Other drop-out CIA officials, agents and connections seem to have gone straighter than the Waterburglars, but it is peculiar how many turn up in the police and urban affairs business. Kiley is Kevin White's man for police and various other urban areas in Boston. Harris is an intelligence consultant in Washington. E. Drexel Godfrey, another CIA type who left Langley about 1970, went to work first for the Bureau of Narcotics and Dangerous Drugs and now is director of the Pennsylvania Governor's Commission on Criminal Justice. In 1971, he and Don R. Harris wrote a handbook for LEAA called *Basic Elements of Intelligence: A Manual* of Theory, Structure and Procedures for Use by Law Enforcement Agencies Against Organized Crime. (Almost all of the material in its 150 pages is as applicable against political radicals as against the Syndicate; the rubric that intelligence operations are used only against the Mafia is a lot like that which insists that contraceptives should be used only for the prevention of disease.)

A spot-check of some of the "witting" National Student Association officers working with Kiley and the CIA in the early '60s also bears out the career pattern. Anthony Smith, Kiley's house-mate in Washington and an NSA/CIA staffman in Paris, got a job with Mayor Lindsay in New York. Manuel Aragon, NSA's Latin American representative from 1958 to 1961 and president of the "International Development Fund," has recently been appointed deputy mayor of Los Angeles, under Tom Bradley. As deputy mayor, Aragon will act as liaison with 28 city agencies, including the L.A. Police Department. Aragon denies ever having wittingly participated in CIA operations. Manuel's brother Bob, a Latin American representative of another CIA front called the Federation for Youth and Student Affairs, operated in Chile until expose time; he is now reported (by a former CIA official) to be "working with Chicanos on the West Coast." Phil Sherburne, NSA president in 1965 who recruited his fellow-officers for CIA contacts, went to work for Mayor Wes Uhlman of Seattle.

"The whole police field in Washington is all mixed up with the intelligence community," a Boston City Hall aide told me, \dot{a} propos Kiley's background. Apparently, several CIA staffers entered the field about 1970-about the time of the Huston plan, the time of the CIA-police training program, the time of greatest expansion of CIA Domestic Ops offices, the time the Police Foundation was established.

Don Harris, who says he left Langley earlier (1965) than Kiley, Godfrey, Hunt, Liddy or McCord, professed surprise "that so few people have left-not so many." Harris had been confident that "domestic operations is one place where the Agency has been clean," but he added ruefully, "obviously, they weren't quite clean enough."

Drexel Godfrey talks of his history in the "intelligence community" as rather a detriment. "If you ever want to try your luck at being blackballed, that's the way," he said of his CIA resumé. "I was walking the dog for six months before landing a job."

It's plain that something is going on with the CIA and the local cops, but the details may take some time to come clear. The CIA would not publicly violate its charter with the low-security training program on a mere whim of an ex-agent, or the suggestion of a Ford Foundation lawyer, or the idle request of a local police department. Former Attorney General Ramsey Clark said recently that he could hardly believe that the CIA would risk open warfare with J. Edgar Hoover over such a small program-by itself. The FBI is fiercely jealous of its work with local police; more FBI agent-time is spent training local cops than in any other activity. The FBI training academy is the pride of the Bureau, and Hoover used it as a political instrument. Clark recalled that Hoover so disliked New York's Commissioner Pat Murphy that he refused to approve a single NYPD officer for the Academy, though New York cops comprise seven percent of the total police officers in the U.S.

To set the terms of police training is, in a long-term way, to set the terms of policing. Control of training is one of the ways to control policy. Especially in the "security" area, training according to certain formulations and ideologies connects trainees with trainers long after courses are finished. The FBI always knew it worked that way; it would have been natural for the CIA to try it out.

All kinds of benefits accrue to the CIA (and, presumably, to some local forces) from tighter association with the city departments. A former Agency official suggests that a favorite CIA modus operandi overseas might be applicable in American cities: agents organize vigilante groups and then direct their activities against political enemies. For instance, CIA agents could set up a black vigilante group with the assumed purpose of hitting heroin pushers. It would then be easy for an operative to identify a political target as a "pusher." Or agents might help a militant religious sect take care of heretics; and who can say that Malcolm X was not a heretic?

At the very least, the veterans of the intelligence community possess a mentality, maintain values and think thoughts that were manufactured in the spooky atmosphere of the CIA. It's likely that many of them have severed official ties to the Agency; it's unlikely that any of them can lose the Agency sensibility. None have ever de-spooked themselves, spoken publicly about their clandestine work, about their subversion of supposedly democratic organizations, their entrapment of innocents, or their complicity in the well-known bag of dirty tricks. Their presence in police reform and urban affairs cannot help but determine, to whatever degree, the infusion of the covert consciousness in the most important areas of domestic policy.

[POLICE FOUNDATION: BILLIONS FOR DEFENSE]

he arrival of police reform as a major priority for the directors and managers of national affairs was ceremonialized by the Ford Foundation's allocation of \$30 million to the cause. In 1970-in that year of critical juncture-Ford gave the Police Foundation its five-year non-renewable lease on life as "the largest private agency in the country concerned exclusively with police work." Charles H. Rogovin, then 39, resigned from LEAA to take over at the Foundation. His associate director became Mark Furstenberg, a former vice president of the National Student Association, who had lately been public information director of the International Association of Chiefs of Police. Furstenberg later introduced Rogovin to Bob Kiley, his old friend from NSA days. Kiley came to the Police Foundation from the CIA as Associate Director when Rogovin left.

Rogovin and Furstenberg are direct in their estimations of the Foundation's origins. "There's certainly no secret about the alienation that's developed between citizens and their police," Rogovin once told a reporter. At the 1968 Democratic Convention in Chicago and all during the '60s, Furstenberg said, Americans "saw their police in a series of unfavorable, turmoil-filled situations-from Southern sheriffs on the civil rights marches to the Watts riots in *(Continued on page 50)* technology. But his experiments with patrolling and other organizational reforms to "shake up" the administration and operation of the Kansas City force fits the Foundation's general theory of policing. Foundation people I spoke with generally dislike both the Los Angeles Police's robotoid hyperefficiency and the Eastern big-city cops' corrupt laziness. Foundation projects now are directed at studying the role of women in policing (small), the problems of strict civil service regulations, personnel hiring standards, and the phenomenon of police violence. Some money goes to universities, which are slipping into involvement in the internal security field as they did in foreign affairs a decade or more ago. For example, a "working group" at Arizona State University got \$267,000 from the Police Foundation "to help police departments develop and implement law enforcement policies and rules." The project director was Gerald M. Caplan. He was recently appointed director of LEAA's Law Enforcement the Institute.

As the Police Foundation began its work, two camps developed with some ideological distinction between them. Rogovin told me he wanted "something that never existed before-the development of national police policy direction without a national police thought-boss." He said he believed the Foundation "should be using its resources outside police departments to stimulate change," with more univerprograms, inter-departmental sity functions, national "image-making" projects. "The Board wanted to work with local police," Rogovin said sadly. He left the Foundation and Ford paid him \$25,000 to "ease" the transition.

"Charlie was just trying to snow us," one Police Foundation Board member told me confidentially. "He was giving us a lot of crap. He never knew when to shut up. You just cannot horseshit a group like that. Murphy has done more in two months than we've done in the past three years. We've got programs now," the Board member said proudly. He added that Rogovin was, in effect, fired.

The Ford Foundation counts as one of its lasting achievements the development of "urban reform" as a major social priority. The Foundation's "Gray Areas" project of the late '50s and early '60s is considered by some to be the forerunner of the New Frontier, the Great Society and the War on Poverty. Gray Areas "discovered" Mayor Richard C. Lee of New Havenas the Police Foundation found Clarence Kelley-and put in millions of dollars, national publicity and political clout to establish Lee's urban renewal and community action program as a model for national policy. Lee, by the way, remains a Ford cadre; now retired as mayor, he's on the Board of the Police Foundation.

Lee agrees that the Foundation is a new analogue to the Gray Areas project. "Gray Areas put input-into the cities," he said. "The New Frontier was based on it, even though it only lasted five or six years." So the notion persists that a large and powerful private institution, staffed by the most energetic exponents of liberal reform, can change national social policy. Indeed, the notion is at the base of the distribution system of the Ford Foundation's billions.

[LAW ENFORCEMENT ASSISTANCE ADMINISTRATION]

There is no impounding going on in the LEAA. In fact, the huge government police secretariat is the only Washington agency registering consistent increases in budget and expenditure for new programs. While health, education and welfare workers despair of keeping their local offices open with funds from their own departments, any police department with a yen for an armored car, a computer or a personnel expansion program can get LEAA help. Now, the health and welfare people are thinking of ways they can qualify for "law enforcement" grants, too. Rapidly, LEAA funds-and control-are entering schools, mental health centers, welfare offices, and making them even more like police institutions. The LEAA began as a modest federal proposal to improve the ability of police to handle ghetto uprisings. The forerunner office was set up one week after the Watts rebellion. Two years later, an extensive and powerful constituency for national police assistance had developed. It was able to pass the enormously expanded program called the "Omnibus Crime Control and Safe Streets Act."

Passage of that legislation signalled recognition that the War on Poverty had ended, that crime-in-the-streets was now considered a political problem, that muggings and riots and student demonstrations were part of the same problem of control. The solution lay with the police, not with the welfare agencies, the schools or the civil rights enforcers.

Ramsey Clark, who was attorney general at the time the crime bill was passed, is even more depressed now than he was then about the whole business:

"The LEAA came out of the law and order hysteria," he recalls. "Crime was supposed to be an urban phenomenon, and the cities had no tax base to provide the police services necessary to fight crime. So LEAA was supposed to provide resources and priorities. But the idea was corrupted in the Act itself; we lost the power to give block grants to cities and states, and they wrote in a provision that 25 percent of the grants had to go for riot control."

"They," Clark explained, were "the Southern conservatives with a heavy racist involvement. I wanted 25 percent of the grants for corrections, but we got very little. We had said that buying more hardware for "police departments would be worse than doing nothing, and now the emphasis is on hardware."

Now, a billion and a half dollars later, the LEAA is primarily a hardware pusher, dealing helicopters, computers, armored cars and any number of sophisticated weapons systems to local police. But the headlong rush of the LEAA into technology and the more illiberal kinds of "reform" at least provides a pole for the liberal reformers-the Police Foundation and the Vera Foundation, to take two examples-to play against. At last they have to be taken together, and when they are, they constitute the available ideologies for long-range re-tracking of the police machine.

[PLUMBERS AND OTHERS]

The long range is too long for many denizens of the caverns of national security. The gnomes of Pennsylvania Avenue-those who crawl

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the heating tunnels between the FBI building, the Treasury, the White House, and the Executive Offices believe, like their overground counterparts, that existing police operations are unequal to the task of controlling social disorder. But their attack is naturally more acute.

The most extreme reaction was the formation of Nixon's Plumbing Company-or Companies-in the wake of widespread White House distrust of J. Edgar Hoover, local police, and other law enforcement agencies dealing with "national security."

The Watergate investigations uncovered some of the activities of Jack Caulfield, whose progress from BOSSI -New York City's "Red Squad"through the Nixon election campaigns, to the directorship of the Treasury Department's Alcohol, Tobacco and Firearms Bureau, makes a nice tale of the politicization of national police operations.

Caulfield helped set up BOSSI's vast political surveillance and filing system, said to be the most extensive of any police department's in the country. Caulfield's fascination with political ops carried into his Treasury Department job (perhaps it was considered a job requirement in the first place), where he apparently used T-men for the campaign to crush the Black Panthers. Seattle Mayor Wes Uhlman once criticized Caulfield's T-man takeover of a raid on the Panthers in his city. It is more than likely that Caulfield was active in other cities as well in that periodabout 1970.

In the late election of the President. of course, Caulfield and his New York Police colleague Tony Ulasewicz carried the BOSSI methods to more sensational extremes. Now, the New York Police are investigating the probability that the two used BOSSI files and sources to carry out Nixon campaign spying. Earlier this year, New York Police Commissioner Patrick Murphy-under attack in court by the New York Civil Liberties Union-made public a 46-page manual on political intelligence in the NYPD which listed the dozens of federal, state and city agencies which "share" political information. Later, in his Senate Watergate testimony, Ulasewicz admitted that while he did not have the kind of "access" to those files that would allow him to walk in and take them out, he could easily make a telephone call to "a friend" and get any information he needed.

No doubt more plumbing will be exposed. What's important about the development of that trade as a commonplace kind of operation is its implication for nationalizing police policy. The plumbers and their colleagues were in effect a national security police. Not only did they transgress all kinds of jurisdictional boundaries and accountability rules: they also helped build a network of shared information and covert operations, employing local and federal agencies on a functional basis. Despite all the fears, the FBI and the CIA had never done as well.

* * *

C rime is big business in America. It feeds policemen, social workers, parole officers, prison guards, weapons makers, lawyers, doctors, psychiatrists, judges, juries, secretaries, reporters, academicians, rehabilitators, data bankers, security systems manufacturers and operators ... and everybody between and around. Seen one way, the country would fall apart without crime: economically and perhaps sociologically it is the only cohesive force in a disintegrating era.

Not only the intellectuals or the Left see crime as a political problem and criminals as political enemies. Articulated or not, that perception has spread into the heads of most of the managers of social policy and the directors of social reform. In one 'way or another, it is a perception shared in the CIA, the Police Foundation, the LEAA and the White House basement.

If crime is political, so is crime control and policing. To reform the police-to make their control function efficient once again-is a critical issue for the appointed and self-appointed social managers. Careers are made and unmade on reform politics, but even more is at stake: the system of state security upon which government now rests. To reform the police has become a major task for managerial liberalism, that political methodology which was applied to racial segregation, poverty, and youth alienation in the '60s with such depressing results. As things are going, the reform managers are not doing much better with crime and disorder, and already a battle is shaping up over the next set of priorities.

"I wouldn't be surprised," a Washington watcher of social reform mused one sticky day last July, "if the Ford Foundation announced it was establishing a Mind Foundation with a \$100 million grant to reform everybody's brain. They might even call it the new 'gray areas' program."

C. ARNHOLT SMITH (From page 35)

put on a catered dinner for 24 relatives and friends in the prison's main visiting room. C. Arnholt Smith flew up loyally once a week; Los Angeles Mayor Sam Yorty stopped by, as did former California governor Pat Brown and San Diego Congressman Bob Wilson, who talked to the supervisors at Lompoc and promised Alessio an early parole. The guards and administrators liked their amiable, generous inmate. John Alessio's word was enough to stand them free dinner and entertainment at the Kona Kai; one earned a big discount on a trailer he bought from Alessio's trucking firm; others tasted the salt spray on the deck of C. Arnholt's yacht as it took them cruising around the bay.

But John Alessio never got his parole. A fellow prisoner got angry at the persistent attentions Alessio paid to his visiting daughter and squealed. The *Los Angeles Times* picked up the story and the Justice Department's Organized Crime and Racketeering Section began an investigation into John Alessio's freewheeling prison life. After nine months three sets of indictments were handed down by a Federal Grand Jury in Los Angeles. Alessio spent his remaining year in prison at less hospitable McNeil Island in Washington.

[THE POLITICS OF CORRUPTION]

The union of the Alessio and Westgate-California corporations in 1964 formalized more than a long standing business engagement. For years the partners had practiced the principles of "lay off" betting in their political choices-until recently Alessio backed Democrats, while Smith covered the Republican side.

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