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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RANCHO LA COSTA, INC., etc., )  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
PENTHOUSE INTERNATIONAL, LTD., )  
etc., et al., )  
 )  
Defendants. )

No. C 124 901

AFFIDAVIT OF G. ROBERT  
BLAKEY IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

STATE OF FLORIDA )  
 ) ss.:  
COUNTY OF DADE )

G. Robert Blakey, being sworn, deposes and says:

I am a Professor of Law at the Cornell Law School and  
Director of its Institute on Organized Crime. I have served as  
expert consultant both to government and to publishers in connec-  
tion with investigative work addressed to the issue of organized  
crime. As one of several principal consultants to the President's

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1 Commission on Law Enforcement and Administration of Justice, I  
2 helped prepare the 1967 Task Force Report of that Commission  
3 entitled Organized Crime. I was then a Professor of Law at the  
4 Notre Dame Law School and had previously served four years as  
5 Special Attorney with the Organized Crime and Racketeering  
6 Section of the United States Department of Justice under Attorney  
7 General Robert Kennedy. Subsequently I have served for four  
8 years as the Chief Counsel of the Senate Subcommittee on Criminal  
9 Laws and Procedures (the McClellan Committee). I have also served  
10 as a consultant to Life, Time and Look magazines in connection  
11 with investigative reporting in the area of organized crime.  
12 In addition, I have served as a consultant on organized crime  
13 to the National Commission on the Reform of Federal Criminal Laws  
14 and the Commission to Review National Policy Toward Gambling.  
15 Finally, I am now a member of the Organized Crime Task Force  
16 of the National Advisory Committee on Standards and Goals  
17 sponsored by the Law Enforcement Assistant Administration of  
18 the U. S. Department of Justice.

19 I have reviewed the La Costa article that is the  
20 subject of this libel suit, and I have also reviewed the motion  
21 papers submitted herein and on defendants' prior motion addressed  
22 to the "public figure" issue. Defendants have requested this  
23 Court to dismiss the action on the ground that they published the  
24 article in good faith and without "malice", as that term is  
25 defined in New York Times Co. v. Sullivan and its progeny. In  
26 my view, this motion does not deserve to be granted. I am sub-  
27 mitting this affidavit to detail my reasons for arriving at this  
28 judgment, which I hope will be of assistance to the Court in  
29 reaching a reasoned conclusion.  
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1 I have been a participant in much of the serious inves-  
 2 tigative and enforcement effort devoted to the control of  
 3 organized crime over the past sixteen years. At the same time,  
 4 I have been a fascinated observer of the growth of the unfortunate  
 5 mythology that has developed around the subject. I view this  
 6 present libel suit, therefore, as presenting a unique opportunity  
 7 for judicial analysis and public instruction in the distinction  
 8 between myth and fact.

10 Over the past twenty years, literally hundreds of  
 11 books and countless articles have been written on the subject of  
 12 the "mob", the "Mafia" and "organized crime". Many of them have  
 13 been enlightening and valuable. Nevertheless, the public has  
 14 remained singularly unenlightened by the literature and has never  
 15 been aroused by it to serious and sustained action. Part of  
 16 the reason has been the very glut of popular literature and the  
 17 fictional quality of so much of it. Literary exploitation of a  
 18 "blood-and-guts" subject is obviously inevitable, but it often  
 19 serves as an obstruction to serious social analysis and law  
 20 enforcement efforts. The point was made by Professor Donald R.  
 21 Cressey in his book, Theft of The Nation (1969). Professor Cressey,  
 22 who served with me as a consultant to the President's Commission  
 23 on Law Enforcement and the Administration of Justice, cited "three  
 24 interrelated factors involved in the prevailing indifference or  
 25 even skepticism of many citizens" about organized crime, and the  
 26 factor he cited first was the excessive sensationalization of the  
 27 subject matter. The following is a rather lengthy extract from  
 28 Theft of The Nation (pp. 65-6), which aptly expresses my own  
 29 viewpoint. It merits special attention in the context of the  
 30 present suit.

There seem to be three interrelated factors involved in the prevailing indifference or even skepticism of many citizens.

First, information on organized crime has, by and large, been presented to the public in a haphazard and sensational manner.

Policemen dealing with organized crime say the public is misled by the tendency of mass media to play "cops and robbers" and "gang busters" whenever organized crime is mentioned. The police are well aware of the sensationalism present in televised Congressional hearings involving unsavory characters, in newspaper accounts calling organized criminals "muscle men", "gorillas", and "meat hooks", and in books and popular-magazine articles with titles like "The Mafia Menace" and "The Menace of the Mob." If a Congressional hearing is televised as a cops-and-robbers story, it has no more effect than a routine fictitious cops-and-robbers story - what some of us in the Far West are beginning to call an "Eastern".

Housewives watched the televised Kefauver Committee hearings and McClellan Committee hearings as they did their ironing, all the time cheering, we hope, for the good guys. But when the glare of publicity was off, the housewives turned to other soap operas and cops-and-robbers stories, perhaps planning that tomorrow

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1 they would return for the next episode. No  
2 legislative hearing on organized crime has  
3 been conducted as an inquiry, a "study",  
4 rather than as an expose or a trial.

5 The ineffectual and even misleading cops-  
6 and-robbers presentation of organized-crime  
7 affairs is also apparent in the language used  
8 to discuss them. Television personnel and  
9 members of Congressional investigating commit-  
10 tees, like newspapermen, find it virtually  
11 impossible to depict organized criminals as  
12 anything but gangsters who prey principally on  
13 each other. For example, there are few  
14 televised news stories, televised Congressional  
15 hearings, or newspaper accounts in which Mr.  
16 Lucchese is called "Thomas Gaetano Lucchese" or  
17 Mr. Ricca is called "Paul Ricca". The writer  
18 always displays his "inside knowledge" about  
19 how things really are in "the mob" by using  
20 first name, corny "alias", and last name. Even  
21 the President's Commission could not resist  
22 this form when discussing Louis "Lepke"  
23 Buchalter, Emmanuel "Mendy" Weiss, and John  
24 "Big John" Ormento. Such language sets Cosa  
25 Nostra members apart, as if they were romantic  
26 and not very harmful Damon Runyon characters.  
27 "Thomas Lucchese", when he was alive, could  
28 possibly have been someone who was corrupting  
29 my labor union, but "Three Finger Brown"