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CHINESE TRANSNATIONAL ORGANIZED CRIME: THE FUK CHING

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Organizational Structure

The organizational structure of Chinese organized crime in the United States is quite complex. Broadly defined, there is a great variety of Chinese criminal organizations. These include gangs, secret societies, triads, tongs, Taiwanese organized crime groups, and strictly US-based tongs and gangs. According to Ko-lin Chin, the foremost academic expert in the U.S. on Chinese organized crime, there is no empirical support for the belief that there is a well-organized, monolithic, hierarchical criminal cartel called the "Chinese Mafia." Chin says: "My findings...do not support the notion that a chain of command exists among these various crime groups or that they coordinate with one another routinely in international crimes such as heroin trafficking, money laundering, and the smuggling of aliens" (1996:123).

In order to simplify and focus our discussion, this analysis will concentrate on the Fuk Ching gang. The Fuk Ching are active in New York City, and are regarded as one of the most powerful, and also transnationally active, Chinese organized crime groups in the U.S. (Chin, 1996). They are estimated to have approximately 35 members, with another 20 members currently in prison. Other major gangs in New York City include the Ghost Shadows, Flying Dragons, Tung On, and Born-to-Kill. The New York City gangs, like the Fuk Ching, mainly operate extortion and protection rackets in defined neighborhoods in New York's Chinatown. Their victims are mostly businesses in Chinatown. In California, the Chinese organized crime presence and problem is quite different from that in New York. In California, the dominant groups are the Wo Hop To and the the Wah Ching.

One of the structural characteristics that makes Chinese organized crime different from other forms is the relationship between some of the street gangs and certain adult organizations. The latter are called tongs. The Fuk Ching, for example, are affiliated with the Fukien American Association. The Fukien American Association – as with other tongs and their relationships with gangs –

provide the Fuk Ching with a physical place to gather and hang out. They allow the gang to operate on their (the tong's) territory, thus legitimizing them with the community. They also provide criminal opportunities (such as protecting gambling operations), as well as supplying money and guns. The Fuk Ching originally emerged in New York in the mid-1980s, and as with other gangs, their main criminal activity in Chinatown was extortion. They were founded by a collection of young men (youth in their late teens and early twenties) from Fujian province in China -- many if not all of whom had criminal records in China. Fuk Ching recruitment today continues to be among Fujianese teenagers.

Tong-affiliated gangs, like the Fuk Ching, have an ah kung (grandfather) or shuk foo (uncle) who is their tong leader. The top gang position is the dai dai lo (big big brother). Communication between the tong and the gang occurs principally between these two individuals. Below the dai dai lo in descending order are the dai lo(s) or big brothers, the yee lo/saam lo (clique leaders), and at the bottom the ma jai or little horses. There are a variety of norms and rules that govern the gangs. These include respecting the ah kung, beating up members of other gangs on your turf, not using drugs, following the orders of the dai lo, and not betraying the gang. Rules violators are punished, sometimes severely, such as through physical assault and killing.

Violence

Our research and our interviews with various experts confirms that violence is a defining characteristic of Chinese criminal gangs. Use of violence within the group and against other organized crime groups is very prevalent. Disputes over territory and criminal markets among the gangs are typically resolved using kong so, a process of peaceful negotiation. When this does not occur, however, the resolution is usually a violent one, in which guns are used against rival gang members. Law enforcement authorities believe that an escalation of gang violence has taken place in recent years, due in part to the advent of the Fuk Ching, and to gang involvement in alien smuggling activities.

Based on his research, Chin concludes the following with respect to Chinese gang violence in general:

The capacity for violence appears to be one of the key defining characteristics of street gang culture. Its employment, however, is shaped and determined by a cluster of constraints related to profit-generating goals. Violence between and among gangs is regulated through an agent or ah kung who attempts to channel aggressive behavior in ways that effectively maintain gang coherence. Gang coherence in turn supports the gang's involvement in extortion activities and in the provision of protection services to organized vice industries in the community (Chin, 1996:138).

The Fuk Ching are violent, but their use of violence is not very sophisticated nor specialized. It is not the systematic use of violence (including threats) to protect and gain monopoly control of criminal markets that is associated with mature forms of organized crime. Instead it is more likely to be random street level

violence, with guns, employed by anyone in the gang. Sometimes this violence is sanctioned and sometimes not.

Economic Resources

Understanding alien smuggling to be the illegal movement of migrants across national borders, and human trafficking to be migrant smuggling that includes coercion and exploitation, the Fuk Ching are extensively involved in both types of activities. Indeed, these criminal activities, along with kidnapping, are the main transnational crimes of the Fuk Ching. Their dominance is related to Fujian Province being the principal source of Chinese being smuggled and trafficked into North America. On the domestic scene, their main criminal activities in New York City's Chinatown are extortion and gambling. Each Chinese gang dominates these crimes in their particular Chinatown neighborhoods. This includes the Fuk Ching.

The professionalism and sophistication of the Fuk Ching are quite low, again as compared to more mature forms of organized crime. The same is true of other Chinese criminal gangs operating in the United States. This may be due to their being generally much younger than, for example, LCN or Russian organized crime figures. Also, their criminal activities are not particularly sophisticated, although the Fuk Ching may be becoming more complex in their organizational structure as they become more heavily engaged in human trafficking.

In his research, Chin (1996) found that Chinese gangs were quite active in legitimate businesses in New York City's Chinatown. For example, they owned or operated restaurants, retail stores, vegetable stands, car services, ice cream parlors, fish markets, and video stores. On a higher, more professional level, they also owned or operated wholesale supply firms, factories, banks, and employment agencies. In addition, on the West Coast Chinese gangs are believed to have penetrated the entertainment industry. Perhaps it is because of their relatively small size, the youth of their members, their lack of business experience and acumen, and the geographical constraints in which they operate, that Chinese gangs such as the Fuk Ching do not seem to play significant roles in the broader legitimate economy.

Political Resources

The expert consensus is that the Fuk Ching, like other Chinese gangs, do not have the connections and stature to make them capable of corrupting U.S. police and judges. There have been only one or two cases of police corruption (none in recent years), and no cases of judicial corruption.

As to political influence, there is some ability to manipulate the political system via corruption in China – namely in Fujian Province and with respect to their human trafficking enterprise. In the United States, however, there is no evidence of corrupting the political process, of getting members elected or appointed to political office, nor of being able to manage media coverage of their activities. They are influential only in Chinatown, and their connections to U.S. politicians

are non-existent. Any political influence Chinese gangs have is exerted through the tongs with which they are affiliated. For example, it is reported that the head of the Fukien American Association once gave \$6,500 to a New York City Mayor's re-election campaign (Kleinknecht, 1996:168). That the affiliation is not only beneficial to the gangs is evidenced in Chin's report that tongs and other Chinatown community organizations benefit from the Chinese gangs' threats of extortion because business owners donate money to the associations in the belief that this will buy protection (1996).

There is no evidence that Chinese gangs are involved with political terrorism either abroad or at home. Nor that they are associated with armed political groups of any kind.

Response of Law Enforcement

The New York City Police Department (NYPD), which polices the neighborhood in which the Fuk Ching are active, uses all the standard law enforcement practices commonly used to combat organized crime. These include informants, undercover investigators, and electronic surveillance. In addition, both the police and the FBI support and encourage extortion victims to use hot lines to report their victimization. The NYPD has also created an Asian Gang Intelligence Unit that employs street patrols to monitor street gangs.

Of the 15 Chinese crime groups indicted under the Racketeer Influenced and Corrupt Organizations Act (RICO) between 1985 and 1994, one involved the Fuk Ching. In that 1993 case, 20 defendants were charged with, and pled guilty to murder. The investigation was conducted jointly by the FBI and the NYPD.

On the international level, U.S. law enforcement has undertaken a number of initiatives to improve international cooperation against Chinese organized crime groups. These include the creation of the International Law Enforcement Academy (ILEA) in Bangkok, Thailand, and sponsorship of numerous international meetings on Asian organized crime. Annual meetings of the International Asian Organized Crime Conference attract more than a thousand law enforcement officials from dozens of countries. Both the ILEA and the conferences promote interaction among officials of affected countries, and lead to better cooperation and better information.

Ko-lin Chin concludes that many crimes in Chinese-American communities – especially drug trafficking, money laundering, and human trafficking – are linked to China. He says that Chinese gang members flee to China when sought by American law enforcement. He recommends that “deportation, extradition, joint operations, and intelligence sharing among law enforcement authorities from various countries...be carried out routinely....extradition treaties...be instated.... [and that] U.S. authorities...be more culturally sensitive in dealing with foreign law enforcement agencies” (Chin, 1996:187).

The External Environment

There is not general cultural acceptance of Chinese gangs such as the Fuk Ching in Chinatown. Most Chinese business owners comply with gang extortion demands because compliance is easier and less risky than resistance. As previously indicated, the gang affiliation with a tong gives them a degree of acceptability in the neighborhoods associated with that particular tong. The gang must be tolerated in order to gain any benefit that accrues from the tong.

It would seem that there is little need in Chinatown for awareness raising campaigns on organized crime, or for sensitizing citizens on the dangers and threats posed by Chinese gangs. The Chinese who live in these neighborhoods are fully aware and fully sensitized. Rather than public information campaigns, Chinese businessmen would prefer a tougher criminal justice system. As Chin reports, "they [Chinese businessmen] would like to see harsher punishment for offenders, the reinstatement of the death penalty..., and the deportation of chronic Chinese criminals" (1996:98). They also want to see many more Chinese police officers in their neighborhoods.

Because of the compartmentalized nature of Chinese organized crime in the United States, the public at large is little aware of and little concerned about what is going on in Chinatowns in U.S. cities. National media pay relatively little attention to these problems. For example, an Internet search of major U.S. newspapers under the topic "Asian organized crime" for the period January 1, 1998 - August 1, 2000 produced only 13 articles.

Chinese involvement in human smuggling, however, may be the exception to this rule.

Chinese human smuggling has received considerable attention. A recent conference in Washington, DC on human smuggling pointed to five possible reasons for the high public profile given Chinese smuggling operations: (1) they are expensive; (2) associated human rights abuses are considerable; (3) they are highly efficient; (4) there is an enormous potential pool of migrants; and (5) collecting intelligence and other information from China is extraordinarily difficult (Conference Report, Transatlantic Workshop on Human Smuggling, 2000). Human trafficking activities by Chinese gangs such as the Fuk Ching are contributing to this higher profile.

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