

## ILA takeover: DoJ fascism in action

On Feb. 14, the U.S. Department of Justice filed a civil RICO (Racketeering Influenced and Corrupt Organizations) suit targeting six locals of the International Longshoremen's Association (ILA), their executive boards, 32 present or former officials of these unions, and several employers in industries involved in port activities. The suit marks the 12th time that the DoJ has used the civil provisions of RICO to target trade union or industrial organizations, and was described by the Justice Department as "an effort to put an entire economic marketplace, the New York and New Jersey waterfront, under court supervision."

Following on similar actions against New York City's Fulton Fish Market, and the intervention to take over the International Brotherhood of Teamsters, this suit establishes the Department of Justice as the "lead agency" in the creation of corporatist economic control over what remains of basic industry in the United States.

The salient political fact which marks the ILA for destruction by the Bush administration at this time, is the union's resistance—over many decades—to any economic or political accommodation to communist tyrannies.

In an interview made available to *EIR*, a senior FBI investigator outlined the features of the "Enterprise Theory of Investigation" which governs federal law enforcement investigative practice, especially the procedures which generate such politically motivated legal actions. The "Enterprise Theory" evolved in support of the purposes of the RICO Act, and replaces traditional criminal law with a sociological theory which states that any social formation (trade union, industry, political or religious group) which is not under government regulation is implicitly corrupt or criminal. According to its guidelines, the FBI is charged to identify, investigate, penetrate, and ultimately destroy such "enterprises"—whether they have ever committed a crime or not.

The suit against the ILA incorporates a record of prosecutions, convictions, allegations, and rumors dating back to 1967, to establish the alleged existence of four classes of "enterprise" which encompass the defendants. They are, according to the complaint, "the Genovese Organized Crime Family Class, the Gambino Organized Crime Family Class, the Westies Organized Crime Group Class, and the Employer Class." The civil RICO case rests on the assertion that these "enterprises" constitute "ongoing criminal conspiracies," mostly because of past criminal convictions of certain members of the "class."

An FBI agent who specializes in such investigations explained, "We're changing our whole way of doing business, by looking first at the enterprise, and then at the crimes being committed." He emphasized that this is a reversal of traditional criminal practice, which starts with the crime, and then proceeds to a prosecution. The "Enterprise Theory" gives the government the leeway to choose a target even in the absence of evidence of criminal activity. "All it boils down to," he said, "is you begin with an enterprise, and you find out what that enterprise is involved in, whether it be white collar crime, whether it be corruption, or organized crime, or whatever it be. You know the same principles apply."

The material which is gathered during such an investigation, as in the ILA suit, is aggregated with criminal records of anyone who was ever related to or associated with any member of the "enterprise." The ILA suit includes unproven allegations dating back more than 20 years, as part of the proofs of the "conspiracy." This material thus becomes the "feed stock" for continuous legal attack against the targeted group.

The investigator described the options this produces for the prosecutor: "There's two ways civil RICO can come about. One would be that it would be the fallout, the aftermath of a criminal investigation, such as the Colombo case. We prosecuted the Colombo case. . . . Then we turned around and we sued, took the evidence in that case, and used that with other evidence that wasn't prosecuted, and brought a civil action against the Colombo family, the Cosa Nostra, and the District Council of the Cement Workers here in New York—to get them to change."

### Political police

The purpose of the prosecution is to shift the "behavior" or the politics of the union. "Basically the theory there was, 'Look you union people, these mob guys did all these things with your union and was in this industry because of your union, and you didn't do anything to stop it,' and for the most part they folded on it.

"So what we're doing is saying, 'Hey, we'll put you in jail, and then we're going to sue you, and we're going to take this away from you, and we're going to take that away from you, and if we catch you with this union guy, or that union guy' . . . and by the way, all those union guys that helped—we're throwing them out. . . . Now all of a sudden you hope that some democracy can exist and that the unions no longer will be in the hands of these people."

The RICO statute and the "Enterprise Theory of Investigation" are the mechanisms which allow the DoJ to control political activity behind the mask of law enforcement. "The bottom line is," according to the authors of this device, "are we in the business of putting people in jail? Or are we in the business, in the Department of Justice, of changing conditions so that criminality cannot exist?"