Preface

Labor racketeering is an important example of American exceptionalism. No other country has a history of significant organized crime infiltration of its labor movement, and no other country has an organized crime syndicate with a power base in labor unions. The interrelationship, over most of the twentieth century, between organized crime and organized labor has political, social, and economic consequences that have hardly begun to be explored.

This book is not an exposé. From the early twentieth century, labor racketeering has been an important source of organized crime’s power, prestige, and wealth. By “labor racketeering,” I mean the exploitation of unions and union power by organized crime. By “labor racketeers,” I mean Cosa Nostra* ( mafia) bosses who wield influence over union officeholders and treasuries, Cosa Nostra capos, soldiers, and associates who hold union offices, and union officials who are closely allied to, and do the bidding for organized crime members. Labor racketeers treat unions like cash cows that generate money via salaries, perks, embezzlement, extortion, bribes, and fraud. They regularly use union power to establish and enforce employer cartels that fix prices, allocate contracts, and suppress competition. For these services they extract payoffs (“dues”) from employer associations. Moreover, they routinely

* Joseph Valachi, an organized crime member who became a cooperating witness in the 1960s, first reported that members of the Italian-American organized crime families referred to their organization as “Cosa Nostra,” which translates as “Our Thing.” This was consistent with the usage of organized crime members themselves, as revealed in conversations intercepted during the 1950s. Somehow, the FBI and the media came to use the term “La Cosa Nostra” (“The Our Thing”), often abbreviated as “LCN.” That name makes no grammatical sense and is not used by organized crime members. Nevertheless, because it is so widely used in journalistic and scholarly writings, I sometimes refer to Cosa Nostra as LCN.
take full or partial ownership in one or more of the firms that constitute the cartel.

In their exploitation of unions, labor racketeers commit numerous criminal offenses, e.g., *extortion* of employers by threatening unlawful strikes, work stoppages, picketing, and sabotage (labor peace extortion); *soliciting and receiving bribes* (labor bribery) from employers in exchange for advantageous contract terms and for allowing the employer to ignore the terms of a collective bargaining agreement ("sweetheart deal"); *thefts and embezzlements* from the union and its pension and welfare funds; *murder, assault and battery, arson,* and other violent crimes against rank-and-file "dissidents" and uncooperative employers; and *antitrust* violations by means of price fixing, contract allocations, and preventing competitors from entering a market.1

Despite the fact that labor racketeering has often been exposed by congressional and other hearings, investigative journalists, and in criminal and civil racketeering cases, it has not attracted much interest from university-based scholars. Students of crime, law and society, American history, and even American labor history have largely ignored this disturbing story.

While there is a large subfield in criminology devoted to corporate crime, there is no corresponding subfield of *union crime*. Even though Edwin Sutherland invented the field of *white-collar crime*, Sutherland’s and Cressey’s best-selling general criminology text does not even mention labor corruption or labor racketeering. Even organized crime scholars, of whom there are very few, fail to recognize that the Mafia’s unique political and economic position in American society derives from its base in the labor movement.

Academic labor lawyers do not view labor racketeering as part of their bailiwick. Their courses give short shrift to the 1957–1959 U.S. Senate (McClellan Committee) labor racketeering hearings, the most extensive congressional investigation in U.S. history.2 Most law students finish their labor law course unaware that the 1959 Landrum-Griffin Act

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1 The McClellan Committee (Senate Select Committee on Improper Activities in the Labor or Management Field) hearings lasted almost three years, 1957–1959. They gave labor racketeering unprecedented attention. Following the hearings, Senator John L. McClellan (D.-Ark.) published *Crime Without Punishment* and the committee’s chief counsel, Robert F. Kennedy, published *The Enemy Within*. Both books warned that the misuse of union power constituted a threat to the nation.
was passed to remedy the labor racketeering problems exposed by the McClellan Committee. Students of employment rights and benefits are unaware that ERISA (Employee Retirement Insurance Security Act) was in part a legislative response to revelations of organized crime’s infiltration and misuse of union pension and welfare funds.

No labor law casebook mentions *United States v. International Brotherhood of Teamsters*, perhaps the most ambitious organizational reform case in American history. The Department of Justice filed its civil racketeering complaint in the IBT International case in 1988. The case was settled in 1989, but the remedial phase of the litigation, i.e., the enforcement of the settlement, continues to this day (fall 2005) with no end in sight. *

While there has been much academic writing about the decline of the American labor movement since approximately 1960, I don’t know any scholarly article or book that even suggests that the corrosive impact of labor racketeers on union organizing and administration might have undermined the labor movement’s attractiveness and strength. Rather than attributing labor’s decline to internal factors like bad tactical decisions and the mechanization of the workplace or to external factors like globalization or governmental policy, this book offers organized crime penetration and exploitation as both an external and internal contributor to organized labor’s dwindling power.

With just one or two exceptions, labor historians have not sought to document or explain how organized crime elements took over union locals, regional or area-wide councils, and even international unions,

* Despite the fact that most casebooks provide brief 75–100-page histories of the labor movement, they do not mention the long, deep, and complex twentieth-century relationship between organized labor and organized crime. For example, in Michael Harper and Samuel Estreicher’s *Labor Law: Cases, Materials and Problems* (4th ed., 1996) there is no mention of the McClellan Committee hearings or the federal government’s twenty civil RICO suits and resulting court-appointed trusteeships over international, regional, and local labor unions. Many labor law casebooks devote a chapter to the Landrum-Griffin Act, but without mentioning that Landrum-Griffin embodies an anti-racketeering strategy based on a belief that racketeering can best be opposed by an informed rank and file that can speak out against, organize to overthrow, and vote to oust labor racketeers. Clyde Summers et al.’s *Labor Law, Cases and Materials* (2d ed., 1998) is one of the few casebooks to provide a thorough discussion of union democracy, but the authors do not relate union democracy to organized crime exploitation. In fact, they do not mention organized crime.
looted their pension and welfare funds, sold out union members’ interests, and made a mockery of union democracy.” No labor historian has sought to document and analyze the government’s efforts to punish and prevent labor racketeering.

Perhaps scholars of American labor wear ideological blinders. A number of people have suggested to me that it is antilabor to focus on labor racketeering.” Perhaps lack of attention is explained by a general loss of interest in unions. Contemporary labor scholars seem to have turned their attention to the social and economic history of workers and the working class and away from labor organizations.

Despite the dearth of scholarship on labor racketeering, I am hardly writing on a blank slate. I owe a debt to many journalists and few scholars who have created a small but strong edifice of labor racketeering studies on which this book can build. One of the best scholars of labor racketeering was one of the first, Chicago sociologist John Landesco. In his classic Organized Crime in Chicago (prepared as part of the massive 1929 Illinois Crime Survey), Landesco provided a great deal of description and commentary on labor racketeering before the emergence of LCN. Landesco recognized the importance of labor racketeering to organized crime. He described the connection between labor racketeering and what he called “industrial racketeering.” According to Landesco, gangsters parlayed their control of unions into control over businesses and whole industries.

In “racketeering,” the gunman and the ex-convict have seized control of business associations and have organized mushroom labor unions and have maintained or raised price and wage standards by violence.


** I strongly disagree. There is nothing prolabor about organized crime penetration and exploitation of the labor movement. Moreover, studying racketeering in the labor movement is no more antilabor than studying family violence is antifamily.
and have exploited these organizations for personal profit. ... The
gunman and gangster are, at the present time, actually in control of
the destinies of over ninety necessary economic activities. Al Capone,
overlord of organized crime in the Chicago region, now a stock-
holder in a business enterprise, ensures it “the best protection in the
world.”

Landesco identified twenty-three racketeer-controlled trades includ-
ing window cleaning, machinery moving, paper stock, cleaning and
dyeing, laundries, candy jobbers, dental laboratories, ash and rubbish
hauling, grocery and delicatessen stores, garage owners, physicians,
drugstores, milk dealers, glaziers, photographers, florists, bootblacks,
restaurants, shoe repairers, fish and poultry, butchers, bakers, and win-
dow shade men. He observed that, in some “cut-throat industries,”
gangsters provided businessmen important assistance by organiz-
ing and enforcing profitable employer cartels that fixed prices, allo-
cated contracts, and generally stifled competition. Racketeers used
the union’s monopoly over labor to force businesses to join employer asso-
ciations. The employers paid “dues” that were passed along to the
crime bosses. In exchange they obtained protection from business com-
petitors and from union problems. They also obtained relief from en-
forcement of collective bargaining agreements and sometimes immu-
nity from union organizing in the first place. Landesco’s insight into
the functional role that labor racketeers played in curbing business
competition presaged the more systemic analysis of law professors
G. Robert Blakey and Ronald Goldstock in the 1970s, economist Peter
Reuter in the 1980s, and the New York State Organized Crime Task
Force (led by Goldstock) in the 1990s.

Harold Seidman’s Labor Czars: A History of Labor Racketeering (1938)
appeared a decade after Landesco’s book. Seidman, then a journalist
and later an academic, chronicled the careers of late nineteenth- and
eyearly twentieth-century gangster-type labor czars, like Joey Fay (Chi-
cago) and Robert Brindell (New York). Brindell dominated and ex-
ploded the New York City building trades for years, frequently enlist-
ing gangsters to intimidate and extort employers and workers. Brindell
and Fay treated union members’ rights as commodities, which, in
exchange for bribes, they sold to employers. Seidman’s book clearly
showed that labor racketeering preceded the dominance of Italian-
American organized crime and that gangsters gained control of union
locals at a time when law enforcement was weak or corrupt or both. Like Landesco, Seidman argued that (usually small) employers preferred to deal with gangsters than with politically and socially radical labor officials.

In 1931, Louis Adamic, a Chicago-based journalist, novelist, and political activist, published *Dynamite: The Story of Class Violence in America* and devoted several chapters to racketeering. He provided examples of how labor unions recruited gangsters (even “dynamiters”) to help them fend off employer repression. Adamic, who was a contemporary of Al Capone’s in Chicago, saw that once organized crime had its foot in the union’s door, it often sought to take over. He wrote:

> We need not be shocked when we realize how close the relationship is between organized labor and organized crime. Nor need we be shocked by the thought that organized labor was a vital factor in the early history of modern racketeering, that, indeed, organized labor, perhaps more than any other economic group, started the professional criminals whose names now shriek in the headlines of their amazing careers. One should bear in mind that gangsterism was a vital factor early in the American class struggle, first on the capitalist side and then on the side of labor; and that its history is inextricably bound up with the history of organized labor.8

In January 1940, conservative journalist Westbrook Pegler (Chicago Daily News and the Washington Post) exposed the connection of organized crime figures, especially Arthur Flegenheimer (“Dutch Schultz”) to George Scalise, president of the Building Services Employees International Union (BSEIU).9 Early in his career, Scalise moved from union to union. He used his connections with Dutch Schultz to obtain a Teamsters charter for a union of parking garage workers.10 David Witwer, an historian writing many decades later explained:

> Scalise, and others of his type, went into the labor movement to make money; they came from outside the ranks of the workers in the industry, with whom they did not really identify. Nor did they depend upon those workers to organize the union through mass picketing and long strikes. Instead, they used selective acts of violence committed by a few individuals, probably with links to organized crime. Free from
having to depend on a mobilized, united membership, the Union’s leadership could safely ignore the members’ needs, or sacrifice them to the interests of the employers. As a result, unskilled workers scattered across a wide area and labored in small shops, [they] had little knowledge of their union, and often no say in its affairs.\textsuperscript{11}

Later, with the backing of Chicago’s organized crime syndicate, Scalise took over a Chicago BSEIU local.\textsuperscript{12} Then via a rigged election, Al Capone assured Scalise’s victory for BSEIU eastern vice-president. Eventually, Scalise became the BSEIU’s international president.\textsuperscript{13}

After World War II, investigative journalists continued to outperform university-based scholars in documenting and analyzing labor racketeering. In 1949, a \textit{New York Sun} reporter, Malcolm Johnson, wrote a Pulitzer Prize–winning series of articles on “gangsterism” in the International Longshoremen’s Association (ILA). A year later he published \textit{Crime on the Labor Front}, a book that provided a wealth of detail about labor racketeering in the ILA, the Building Services Employees, the Waiters Union, the Cafeteria Workers Union, the International Alliance of Theatrical and Stage Employees, the International Brotherhood of Teamsters, and several construction unions. Johnson explained how mobsters take over unions and establish employer cartels.

\texttt{[A]} gangster can break into a union by threats and violence or he can “fix” an election so that one of his stooges becomes a key official. Once in power, he can bribe his opposition into cooperation, or he can sew them in sacks and drop them into the river. As for carrying away the loot, almost every gangster resorts to the same tried-and-true rackets to swindle the members and coerce the company.\textsuperscript{14}

Johnson provided many examples of how labor racketeers violate the rights and subvert the interests of union members in order to line their own pockets and the pockets of their organized crime partners. However, he insisted that employers were not just the labor racketeers’ victims but, in many cases, their coconspirators: “In permitting themselves to become extortion victims they [the employers] nearly always were seeking some advantage for themselves, usually at the expense of the workers.”\textsuperscript{15} Johnson’s articles and book later provided the basis for
Budd Schulberg’s screenplay for Elia Kazan’s Academy award–winning film *On the Waterfront*.

In 1951, Daniel Bell (then a journalist, later a renowned Harvard sociologist) published his classic article “Last of the Business Rackets” in *Fortune Magazine*. Bell provided a rich description and trenchant analysis, incorporating geographical, economic, political, ethnic, and other sociological variables to account for rampant racketeering on the New York City docks. In part, Bell attributed waterfront corruption and racketeering to geographic and economic variables. New York City was the nation’s most important port. Yet, there were no railroad connections to the docks; everything had to be loaded onto and unloaded from trucks. New York City’s narrow streets ensured constant bottlenecks and long queues of truckers trying to pick up or set down ship cargo. Because delay was so expensive to shippers, racketeers could manipulate the loading and unloading process to extort and/or solicit bribes.

The abundance of casual laborers in the port suited both the union bosses and the shippers. The union bosses controlled the longshoremen through their power to hire and blacklist. The stevedoring companies did not maintain a permanent workforce. Gangsters, who controlled each pier, decided who would work when ships needed loading and unloading. Men who cooperated with the racketeers were rewarded with work. Those who complained were blacklisted. The racketeers also controlled all sorts of criminal enterprises that flourished on the docks, including thievery and usury.

Abused and exploited workers had no place to turn for assistance except to Father John M. Corridan, the heroic “waterfront priest.” Joseph Ryan, the ILA’s boss for decades, delivered votes to local politicians; in exchange the politicians turned a deaf ear to reformers’ demands for improving conditions on the docks. Ryan was closely allied with William J. McCormick, business mogul, czar of the port, and one of the silent powers in New York’s Democratic Party.

Bell’s sophisticated analysis explained why labor unions exerted so much power over workers and so much leverage over shippers; why control of the ILA was so attractive to professional criminals; how a corrupt relationship between business and labor enriched the labor rack-

eteers at the expense of the workers; and how politicians and law enforcement officials were corrupted. Ethnic politics were also important. Ryan and most longshoremen were Irish. However, Italian-American gangsters like Albert Anastasia and his brother, Anthony Anastasio, controlled some ILA locals and eventually took the union away from Ryan. In 1954, the brutal exploitation of ordinary ILA members was brilliantly dramatized in the movie *On the Waterfront*, starring Marlon Brando, Eva Marie Saint, Karl Malden, Lee J. Cobb, and Rod Steiger. A spectacular success, the movie generated public and political sentiment for reforming the dockworkers’ plight.

Despite at least a half century of journalistic exposés of labor racketeering, no mainstream labor historian addressed the subject until 1958, when Professor Philip Taft (Brown University) published a small (sixty-page) monograph, *Corruption and Racketeering in the Labor Movement* based on three lectures delivered at Cornell University.18 Despite the title, Taft was not familiar with organized crime’s role in the labor movement or, if he was, he chose not to write about it. Instead, he offered some vague bromides. For example, he attributed union corruption to “the avaricious creed of the larger society.” He observed that “[r]acketeering in labor unions appears to flow from a general slackness in American society, an emphasis upon material gain, and practices prevalent in many areas of the business community.”19 Many labor scholars who followed Taft defended or opposed “business unionism” as the nonideological basis for the American labor movement without noting that, in some unions, so-called business unionism was essentially organized crime exploitation of workers.

In 1959, Sidney Lens, a left-wing peace and labor activist, socialist, director of CIO Local 329, occasional political candidate, and a leading American radical intellectual from the 1930s to the 1960s,* published *The Crisis of American Labor*, a remarkable book that seems to have been almost completely ignored. (Lens, like many left-wing intellectuals, got his start as a labor organizer. When his union career was stymied for political reasons, he gravitated into journalism.) Drawing on his personal experience, Lens documented and analyzed the methods by which

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*In his autobiography *Unrepentant Radical* (Boston: Beacon Press, 1980), Lens said that his “true occupation was full-time revolutionary.” A one-time Trotskyite, he served as secretary of Branch 26 of the Workers Alliance, Department Store Employees Union Local 291, and later as full-time director of Local 329 (the only staff member).
organized crime figures obtained influence in the labor movement. Although he didn’t cite Louis Adamic, his conclusions echo Adamic’s:

[Once the employers took to hiring thugs as strike breakers,] the unions . . . took to hiring their own muscle men, men like “Big Jack” Zelig, “Joe the Greaser” Rosensweig, “Dopey Bennie” Fein. . . . [By] 1920 the gangsters had learned that it was possible to pursue the racket further. The men who came to dinner decided to stay on. They muscled themselves into a few local unions as partners. The next stage in labor racketeering was a broader effort not only to take over key local unions but international unions as well. In New York, the gambler Arnold Rothstein not only supplied thugs to the furriers and garment unions but bribed police not to molest pickets. His successors . . . Louis “Lepke” Buchalter and “Jacob the Gurrah” Shapiro built this business into a fortune.20

Although Lens was a labor activist, not a criminologist, he fully grasped the importance of labor racketeering for the empowerment of organized crime. “Labor racketeering is not only a source of income for the syndicate but a means of rounding out its empire; it is a not-too-hidden persuader, an integral part of a criminal trust that stretches across many fields.”21

A decade passed before the appearance of another book on U.S. labor racketeering, but it was worth the wait. UCLA historian John Hutchinson’s 1972 book, The Imperfect Union: A History of Corruption in American Trade Unions,22 was the first professional history of U.S. labor corruption and racketeering. Drawing heavily on the U.S. Senate’s 1957–1959 McClellan Committee hearings, it covered the period from the early twentieth century up to 1960. Hutchinson presented descriptive chapters on the “building trades,” “the racketeers” and “the intervention of Congress.” However, like Philip Taft, he did not distinguish ordinary corruption from Cosa Nostra labor racketeering. In other words, despite the McClellan Committee’s revelations, he did not identify organized crime’s penetration of and influence over union lo-

* In addition to the small number of works on labor corruption and racketeering, there are a number of studies that touch tangentially on labor racketeering. Among these, Virgil Peterson’s 100 Years of Organized Crime in New York City is particularly useful, as is Mary Stolberg’s Fighting Organized Crime: Politics, Justice and the Legacy of Thomas E. Dewey.
cals, regional unions, and national/international unions as a special sociopolitical problem. However, the wealth of information about the influence of criminal elements in the labor movement that he unearthed must be the starting place for any subsequent study of labor racketeering.

The next important building block in the creation of the scholarly corpus on American labor racketeering was the 1990 New York State Organized Crime Task Force (OCTF)’s *Final Report on Corruption & Racketeering in the NYC Construction Industry*, published by New York University Press. (I was principal draftsman.) Utilizing informants, grand juries, cooperating witnesses, union dissidents, and brainstorming sessions with various industry participants, the OCTF documented the persistence and pervasiveness of organized crime racketeering in New York City’s construction unions from the early twentieth century through the late 1980s. Among other things, the report explained how the organized crime families converted their control over construction unions into a large revenue stream.

Expanding on an analysis first developed by G. Robert Blakey, Ronald Goldstock, and Gerard Bradley, the OCTF investigation elaborated the concepts of *racketeering susceptibility* and *racketeering potential*. The former referred to the strategic importance of a union for an entire industry; the latter referred to the potential revenue and other advantages that could be derived from a particular union’s exploitation. The OCTF report hypothesized that labor racketeers target or at least are successful in penetrating unions where both racketeering susceptibility and racketeering potential are high. It also made clear that in the past successful criminal prosecutions had little, if any, impact on LCN’s influence over labor unions because other LCN members and associates simply assumed the authority and responsibilities of their incarcerated comrades. The report offered a number of recommendations, including new criminal laws, a construction industry–specific regulatory agency, and a new institute for union democracy.

There are many authors whose work, though not focusing directly on labor racketeering, does touch on the subject. For example, Stephen Fox’s *Blood and Power* (1989), a history of organized crime, devotes a chapter to “gangsters, unions and employers”; Virgil Peterson’s *The Mob* (1983) includes the chapters on “The Rise of Jimmy Hoffa” and “The New York State Waterfront hearings”; and Howard Abadinsky’s *Organized Crime* text has a chapter on labor racketeering. Professor
Abadinsky points out that “[a]lthough labor-related business racketeering can be conducted by anyone, the history of the labor movement shows that the most substantial corruption of unions is conducted by organized crime” and that “[l]abor and business racketeering distinguish traditional organized crime from other forms, making traditional OC more influential than the others.” Gus Russo’s recently published history of Chicago organized crime, *The Outfit: The Role of Chicago’s Underworld in the Shaping of Modern America*, provides extremely useful information about the Capone gang’s labor racketeering activities in the 1920s and 1930s. Peter Reuter’s *Racketeering in Legitimate Industries* (1987) provides important insight into organized crime’s methods of creating employer cartels. He explains how Cosa Nostra used Teamsters Local 813 to establish and police a cartel in New York City’s commercial waste hauling industry.

As for biographies, while we do not yet have a biography of an organized crime figure who specialized in labor racketeering, such as Johnny Dioguardi, Anthony Scotto, Tony Provenzano, and Ralph Scopo, there are various biographies of criminals, labor leaders, and law enforcement officials that shed some light on labor racketeering. Among these are John Kobler’s biography of the Chicago organized crime boss Al Capone; Peter Maas’s biography of New York City’s Gambino crime family underboss Sammy “the Bull” Gravano; James Neff’s biography of Teamsters General President Jackie Presser (who was simultaneously an ally of Cosa Nostra and an FBI informant!); Mary Stolberg’s biography of New York City prosecutor (later governor and Republican presidential candidate) Thomas E. Dewey, and several biographies of Teamsters President Jimmy Hoffa.

The International Brotherhood of Teamsters (IBT) has attracted far more journalistic and scholarly attention than any other U.S. union. Two recent books on the Teamsters are among the best: historian David Witwer’s *Corruption and Reform in the Teamsters Union* (2003) and Stier, Anderson & Malone’s *The Teamsters: Perception and Reality* (2002).

Although academic scholarship on labor racketeering is thin, there is an enormous amount of information to be mined from congressional hearings and reports, and more recently, from court decisions and the reports of court-appointed trustees. Throughout this book, I draw on the work of the Senate Select Committee on Improper Activities in the Labor or Management Field (the McClellan Committee) and on a number of hearings and reports by the U.S. Senate Subcommittee on Inves-
tigations. Two hearings—(1) Federal Government’s Use of Trusteeships under the RICO Statute (April 4, 6, & 12, 1989), and (2) Federal Government’s Use of the RICO Statute and Other Efforts Against Organized Crime (August 1, 1990)—are especially valuable because they are devoted to the propriety and usefulness of civil RICO union trusteeships for combating labor racketeering. The 1986 President’s Commission on Organized Crime’s volume *The Edge: Organized Crime, Business and Labor Unions* synthesizes many congressional reports and adds new material. Admittedly, these governmental sources reflect a certain perspective (e.g., labor racketeering is a serious problem), but they provide a great deal of information. The hearings provide a forum for law enforcement officials, union leaders, and union democracy proponents to express their views on the problem and its strategies for remediation.

With a few exceptions, the efforts of rank-and-file union members to oust racketeers from their unions have gone undocumented. The most important exception is the tiny but dogged Association for Union Democracy’s (AUD) newsletters, *Union Democracy in Action* (1959–1972) and *The Union Democracy Review* (1972–present), which provide valuable information and commentary on “dissidents’” and rank-and-file insurgents’ struggles for justice.

So far we have been surveying what has been written about the history and dynamics of labor racketeering. But what of academic work and journalism on governmental, judicial, and labor responses to labor racketeering? On this, there is even less scholarship. Remarkably, although the litigative efforts of the U.S. Department of Justice (DOJ) over the past twenty years to purge organized crime from the labor movement constitute one of the most ambitious attempts at court-ordered and -supervised organizational reform in our history, it generated little legal scholarship. There are no books and just a few law review articles.

* I don’t mean to slight the ambition of court-supervised school desegregation and prison reform but, as hard as those goals were to achieve, they did involve geographically fixed institutions run by state and local employees. In the labor racketeering context, we are dealing with massive unions (Teamsters has 1.4 million members) organized into hundreds of locals spread across North America. Some of the officials of these unions wield political influence at the very highest level of American society. Some of the organized crime figures involved are among the most ruthless and influential power brokers in American history.
In 1980, building on previous work by their Cornell Institute of Organized Crime, Professors G. Robert Blakey and Ronald Goldstock published “On the Waterfront: RICO and Labor Racketeering,” advocating use of the federal civil racketeering statute, Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO), to combat labor racketeering. In addition to its draconian criminal provisions, RICO provided the federal courts with authority to use injunctions and other “equitable remedies” to prevent racketeering. Blakey and Goldstock argued that “control of syndicate crime and labor racketeering will not be achieved by standard law enforcement practices,” and that “RICO provides the flexibility required to implement a comprehensive strategy in the labor racketeering area. To the extent that it is used appropriately and with discretion, it offers significant potential to affect what is clearly a national problem.” This book shows the prescience of their prediction and also how difficult it is to purge organized crime from and reform the governance and administration of heretofore “captive” labor organizations.

From the standpoint of the union democracy movement, Professor Michael Goldberg (Widener Law School) published the most important law review article in 1989. Unfortunately, the article was published too soon to take account of the government’s pathbreaking civil RICO suit against the IBT’s general executive board and the Mafia’s “commission” of organized crime bosses. Goldberg was able to draw on the complaints and settlements (and in one case the trial transcript) from three RICO suits against union locals. However, his main goal was normative: to argue that civil RICO suits and resulting court-ordered or court-supervised trusteeships are justified because they are the only way to liberate racketeer-ridden unions. He is joined in this conclusion by Herman Benson, the founder and driving force of the Association for Union Democracy, a shoestring nongovernmental organization that has fought valiantly since 1969 to protect the rights of union members against labor racketeers.

My own (with student coauthors Christopher Panarella and Jay Worthington III) 1994 book Busting the Mob: United States v. Cosa Nostra sought to document and analyze the DOJ’s all-out attack on organized crime triggered by the murder of Jimmy Hoffa in 1975. Toward that end, Part II of that book consists of five chapters, each a case study of an important 1980s organized crime case. One chapter is devoted to the DOJ’s (federal Newark, New Jersey, Organized Crime Strike Force) 1982 civil
RICO suit against Teamsters Local 560 and another chapter to the DOJ’s (Southern District of New York, headed by U.S. Attorney Rudy Giuliani) 1989 suit against the IBT’s general executive board. My coauthors and I drew on the formal legal complaints, the trial and decree (in the Local 560 case), the consent decree (in the IBT case), and numerous court opinions and trustee reports. Nevertheless, when we were writing the book, the remedial phases of both cases were in their early days. At that time, it was unclear how long court monitoring would last or whether, ultimately, either trusteeship would be successful. A decade has passed; the Local 560 trusteeship has been declared successful and terminated, but the Independent Review Board in the IBT case continues, with no end in sight, to bring disciplinary actions against organized crime–connected union officials.

As the 1990s progressed, a nascent law review literature began to grow around the question of whether it is justifiable and desirable for the government to seek to reform mobbed-up unions through court-appointed and -supervised trusteeships established by civil RICO suits. Critics of the DOJ/FBI offensive against labor racketeering pointed to the unsavory history of governmental and judicial interventions in nineteenth and early twentieth century labor disputes. The critics emphasized that even well-intentioned government initiatives threatened the labor movement’s independence. On the other side, Professor Michael Goldberg and University of Pennsylvania Law Professor Clyde Summers, the nation’s leading legal scholar of union democracy, argued that although RICO-triggered union trusteeships carry certain dangers, there is no other way to purge organized crime from racketeer–ridden unions.

In the 2000s, my students and I published two case studies of union trusteeships and one overview of DOJ’s effort to purge organized crime from the labor movement. The first case study focused on the IBT Local 560 case, which was terminated in 1999, after the DOJ and the court were persuaded that the trustee’s remedial efforts had successfully purged organized crime, produced fair elections, and established a viable union democracy.37 The second case study focused on a regional union, the New York City District Council of Carpenters, which comprised some twenty-two Carpenter union locals.38 That trusteeship began in 1994 and was terminated in 1999, the judge declaring success and folding the trusteeship’s tent. However, upon closer inspection, and in light of events that occurred after the trusteeship ended, we
could not call that trusteeship a success. Finally, in a 2004 article, two law students and I attempted to bring together what is known about all twenty civil RICO-generated union trusteeships up to that time.\textsuperscript{39} We found only three trusteeships that could unequivocally be declared successes. Since the 2004 article, no new civil RICO union lawsuits have been filed, but it is likely that, in the years to come, there will be many more.\textsuperscript{*} Certainly, criminal indictments involving organized crime and labor racketeering continue to be handed down. The on-going investigations of LIUNA, IBT, ILA, and other union locals also continue to expose corruption and racketeering.

The twenty civil RICO union lawsuits and resulting trusteeships constitute an extraordinarily important chapter in both American labor history and American law enforcement history. They inform our understanding of why the U.S. labor movement evolved the way it did and what its possible future might look like. They also inform our understanding of the potential and limits of organized crime control, and of purging organized crime from organizations dominated by intimidation and patronage. Moreover, a close look at these lawsuits and trusteeships ought to interest students who study the capacity of courts to reform corrupted or unconstitutional organizations and institutions.

\textsuperscript{*} In the summer of 2005, while this book was in press, DOJ (Eastern District of New York) filed a civil RICO complaint against the leaders of the International Longshoremen’s Association and several organized crime figures.