

Question

What elements must be pled to establish a violation of the Travel Act (18 U.S.C. § 1952) as a predicate act for a RICO claim?

Answer (U.S. Federal)

Short response

To establish a violation of the Travel Act ([18 U.S.C. § 1952](#)) as a predicate act for a RICO claim, a plaintiff must plead: (1) interstate or foreign travel or use of a facility in interstate or foreign commerce; (2) intent to promote, manage, establish, carry on, or facilitate an unlawful activity; and (3) performance or attempted performance of an act in furtherance of that unlawful activity after the travel or use of the interstate facility.

Summary

The Travel Act ([18 U.S.C. § 1952](#)) serves as a predicate act for claims under the [Racketeer Influenced and Corrupt Organizations](#) Act (RICO). The RICO statute explicitly includes violations of the Travel Act in its definition of "racketeering activity" that can form the basis of a RICO claim. To properly plead a Travel Act violation as a predicate act, a plaintiff must establish three essential elements: first, that the defendant traveled in interstate or foreign commerce or used a facility of interstate commerce; second, that the defendant had the specific intent to promote, manage, establish, carry on, or facilitate an unlawful activity; and third, that the defendant subsequently performed or attempted to perform an act in furtherance of the unlawful activity.

The "unlawful activity" under the Travel Act must fall within the statutorily defined categories, which include business enterprises involving gambling, liquor, narcotics, or prostitution offenses, as well as extortion, bribery, or arson in violation of state or federal law. Courts have consistently interpreted the "business enterprise" requirement to mean a continuous course of conduct rather than sporadic or isolated incidents. The underlying state or federal law violation must be determined, though actual accomplishment of the state substantive offense is not required for a Travel Act violation. This three-element framework has been consistently applied by federal courts across multiple circuits, making it the established standard for pleading a Travel Act violation as a predicate act in a RICO claim.

Background and Relevant Law

Statutory Framework

The Travel Act, codified at [18 U.S.C. § 1952](#), and the RICO statute, particularly its definition section at [18 U.S.C. § 1961](#), form the statutory basis for pleading a Travel Act violation as a predicate act in a RICO claim.

The current version of the Travel Act provides:

"Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life." [18 U.S.C. § 1952](#) (2025).

The Travel Act is explicitly listed as a predicate act for RICO claims in [18 U.S.C. § 1961](#), which defines "racketeering activity" to include "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1952 (relating to racketeering)..." [18 U.S.C. § 1961](#) (2025). This statutory inclusion establishes that a properly pled Travel Act violation can serve as a predicate act for a RICO claim.

Case Law on Travel Act Elements

Federal courts across multiple circuits have consistently identified three essential elements that must be pled to establish a Travel Act violation.

Element 1: Interstate or Foreign Travel or Use of Interstate Commerce Facility

The first element requires pleading that the defendant traveled in interstate or foreign commerce or used a facility of interstate commerce. The Second Circuit in [U.S. v. Jenkins, 943 F.2d 167 \(2d Cir. 1991\)](#) stated that the Travel Act is violated when "a person uses a facility of interstate or foreign commerce, such as the telephone." This element can be satisfied by showing that the defendant personally traveled across state lines or used interstate facilities such as telephones, mail, or other means of communication that cross state boundaries.

The Third Circuit provided similar guidance in [U.S. v. Zolicoffer, 869 F.2d 771 \(3d Cir. 1989\)](#), where the court identified "interstate travel or use of an interstate facility" as the first of three elements necessary to prove a Travel Act violation.

In [U.S. v. Tilton, 610 F.2d 302 \(5th Cir. 1980\)](#), the court reiterated this element by quoting the statute's requirement of traveling in interstate or foreign commerce or using "any facility in interstate or foreign commerce, including the mail."

Importantly, the Supreme Court in [Perrin v. United States, 444 U.S. 37, 100 S.Ct. 311, 62 L.Ed.2d 199 \(1979\)](#) confirmed this element, stating that the Travel Act makes it a federal offense to "travel or use a facility in interstate commerce" with certain intents.

Element 2: Intent to Promote, Manage, Establish, Carry On, or Facilitate Unlawful Activity

The second element requires pleading that the defendant acted with the specific intent to promote, manage, establish, carry on, or facilitate an unlawful activity as defined in the statute.

In [Chevron Corp. v. Donziger, 974 F. Supp. 2d 362 \(S.D.N.Y. 2014\)](#), the court identified the intent "to 'promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity'" as the second element of a Travel Act violation.

The Supreme Court in [Rewis v. United States, 401 U.S. 808, 91 S.Ct. 1056, 28 L.Ed.2d 493 \(1971\)](#) emphasized that the traveler's purpose "must involve more than the desire to patronize the illegal activity," indicating that a specific intent to actively further the unlawful activity is required.

The Eleventh Circuit in [U.S. v. Corona, 885 F.2d 766 \(11th Cir. 1989\)](#) added that "knowledge of the defendant of the unlawful activity" is a necessary component of a Travel Act violation, highlighting that the defendant must be aware of the unlawful nature of the activity.

Element 3: Performance or Attempted Performance of an Act in Furtherance

The third element requires pleading that after the interstate travel or use of an interstate facility, the defendant performed or attempted to perform an act in furtherance of the unlawful activity.

The Eighth Circuit in [U.S. v. Becton, 751 F.2d 250 \(8th Cir. 1985\)](#) emphasized that "intent alone does not satisfy the requirements of the Travel Act," and that the government must prove that the defendant "performed or attempted to perform some act in furtherance of his illegal activity after his arrival."

Similarly, the Third Circuit in [U.S. v. Zolicoffer, 869 F.2d 771 \(3d Cir. 1989\)](#) identified "a subsequent overt act in furtherance of the unlawful activity" as the third essential element of a Travel Act violation.

The Seventh Circuit in [United States of America v. Rizzo, 418 F.2d 71 \(7th Cir. 1969\)](#) quoted the statute's requirement that the defendant "thereafter

performs or attempts to perform any of the acts specified" after the interstate travel or use of facilities.

Definition of "Unlawful Activity"

The Travel Act specifically defines what constitutes "unlawful activity" for purposes of establishing a violation. According to [U.S. v. Teplin, 775 F.2d 1261 \(4th Cir. 1985\)](#), unlawful activity includes "extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States."

In [United States v. Synodinos, 218 F.Supp. 479 \(D. Utah 1963\)](#), the court quoted the statutory definition, which includes "(1) any business enterprise involving gambling, liquor on which a Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2) extortion or bribery in violation of the laws of the State in which committed or of the United States."

Requirement of a "Business Enterprise"

Courts have interpreted the term "business enterprise" in the Travel Act to require a continuous course of conduct rather than isolated or sporadic incidents.

The Fourth Circuit in [U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#) stated that "the term has consistently been construed to require 'a continuous course of conduct.'" The court further explained, "we hold only that a continuous course of conduct is necessary to establish the existence of a business enterprise."

Similarly, the Fourth Circuit in [U.S. v. Gallo, 782 F.2d 1191 \(4th Cir. 1986\)](#) defined "business enterprise" as "a continuous course of conduct, rather than a sporadic, casual, individual or isolated violation."

State Law Violations as Predicates

While the Travel Act requires determining that an underlying state law has been or could have been violated, courts have clarified that the actual accomplishment of the state offense is not necessary for a Travel Act conviction.

In [U.S. v. Teplin, 775 F.2d 1261 \(4th Cir. 1985\)](#), the court stated, "While the Travel Act requires a determination that the underlying state law has been or could have been violated, 'accomplishment of the state substantive offense is not a prerequisite to a Section 1952 conviction.'"

Similarly, in [U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#), the court noted that "Proof that the unlawful objective was accomplished or that the referenced law has actually been violated is not a necessary element of the offense defined in section 1952."

The Supreme Court in [United States v. Nardello, 393 U.S. 286, 89 S.Ct. 534, 21 L.Ed.2d 487 \(1969\)](#) clarified that the Travel Act was intended to address organized crime activities that cross state lines and violate state laws, regardless of the specific terminology used by individual states to define the unlawful activity.

Analysis: Establishing a Travel Act Violation as a RICO Predicate

Pleading Requirements for Each Element

To properly plead a violation of the Travel Act as a predicate act for a RICO claim, a plaintiff must address each of the three core elements with specific factual allegations.

Interstate or Foreign Travel/Use of Interstate Facilities

For the first element, a plaintiff must specifically allege that the defendant either personally traveled across state lines or used facilities of interstate commerce such as telephones, mail, or electronic communications. The allegation should identify the specific interstate travel or use of interstate facilities with sufficient detail to establish this jurisdictional element.

As illustrated in [In re Managed Care Litigation, 150 F.Supp.2d 1330 \(S.D. Fla. 2001\)](#), the court found adequate pleading where "the Defendants do not contest interstate travel or use of the mails" and the plaintiffs alleged that the defendants "on numerous occasions traveled and caused others ... to travel in interstate commerce" to commit the unlawful activity.

It is not sufficient to merely allege that some interstate activity occurred; the pleading must connect the interstate travel or use of facilities to the specific defendants and the alleged unlawful activity. The case law consistently requires a direct connection between the interstate element and the defendants' unlawful purpose.

Intent to Promote, Manage, Establish, Carry On, or Facilitate Unlawful Activity

For the second element, a plaintiff must allege facts showing that the defendant had the specific intent to promote, manage, establish, carry on, or facilitate an activity that qualifies as "unlawful" under the Travel Act's definition. This requires identifying which specific unlawful activity the defendant intended to further through interstate travel or facilities.

As the Eleventh Circuit noted in [U.S. v. Corona, 885 F.2d 766 \(11th Cir. 1989\)](#), knowledge of the unlawful activity is a necessary component. Therefore, the pleading should include allegations demonstrating that the defendant was aware of the unlawful nature of the activity being facilitated.

The unlawful activity must fall within one of the categories defined in the Travel Act, such as gambling, liquor violations, narcotics, prostitution, extortion, bribery, or arson in violation of state or federal law. The pleading should specifically identify which category applies and which state or federal law was allegedly violated.

As clarified in [National Organization for Women, Inc. v. Scheidler, 897 F.Supp. 1047 \(N.D. Ill. 1995\)](#), when alleging extortion under the Travel Act, the specific state law that defines the extortion must be identified, as state laws may have different elements.

Performance or Attempted Performance of Acts in Furtherance

For the third element, the plaintiff must allege specific acts that the defendant performed or attempted to perform after the interstate travel or use of interstate facilities, which furthered the unlawful activity.

It is not sufficient to allege the interstate travel or use of facilities and the intent alone; as emphasized in [U.S. v. Becton, 751 F.2d 250 \(8th Cir. 1985\)](#), "intent alone does not satisfy the requirements of the Travel Act." The pleading must identify concrete actions taken by the defendant that demonstrate actual furtherance of the unlawful activity.

These subsequent acts must be causally connected to the original intent and the interstate element. The acts should be specifically identified and described with sufficient detail to establish their connection to the alleged unlawful activity.

Continuous Course of Conduct

When pleading a violation involving a "business enterprise," the plaintiff should allege facts showing a continuous course of conduct rather than isolated incidents. As established in [U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#), a "continuous course of conduct is necessary to establish the existence of a business enterprise."

This requirement is particularly relevant for allegations involving gambling, liquor violations, narcotics, or prostitution, which must involve a "business enterprise" under the statute. The pleading should include facts demonstrating the ongoing and continuous nature of the enterprise rather than a single transaction or sporadic activities.

Connection to RICO Requirements

Once the Travel Act violation is properly pled, it must be connected to the broader RICO claim. As noted in the secondary material on "[Racketeer influenced and corrupt organizations](#)," a Travel Act conviction can serve as a predicate act for a RICO claim, even when other predicate acts are invalidated.

The Travel Act violation must be included among the pattern of racketeering activity alleged in the RICO claim. Under [18 U.S.C. § 1961](#), a "pattern of

rackeering activity" requires at least two predicate acts, which can include Travel Act violations. Therefore, the pleading should clearly identify how the Travel Act violation fits within the overall pattern of rackeering activity alleged in the RICO claim.

State Law Considerations

When pleading a Travel Act violation based on state law violations, the specific state law that was allegedly violated must be identified. However, as clarified in [U.S. v. Teplin, 775 F.2d 1261 \(4th Cir. 1985\)](#) and [U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#), it is not necessary to allege that the state law violation was actually completed, only that the defendant intended to violate the law and took steps toward doing so.

The Supreme Court's decision in [United States v. Nardello, 393 U.S. 286, 89 S.Ct. 534, 21 L.Ed.2d 487 \(1969\)](#) also clarifies that the specific terminology used in state law is not controlling; what matters is whether the conduct falls within the category of unlawful activity intended to be covered by the Travel Act, regardless of how a particular state labels that conduct.

For example, in [National Organization for Women, Inc. v. Scheidler, 897 F.Supp. 1047 \(N.D. Ill. 1995\)](#), the court recognized that state extortion laws differ in their requirements, with some requiring that the perpetrator receive property while others do not. The court allowed the Travel Act allegation to proceed based on violations of state extortion laws that did not require the defendant to receive property, as long as the plaintiff alleged that these specific state laws were violated.

Exceptions and Caveats

Mere Patronage Not Sufficient

The Supreme Court in [Rewis v. United States, 401 U.S. 808, 91 S.Ct. 1056, 28 L.Ed.2d 493 \(1971\)](#) established an important limitation on the Travel Act's scope, stating that "the traveler's purpose must involve more than the desire to patronize the illegal activity." This means that merely being a customer or recipient of an illegal service or product is not sufficient to establish a Travel Act violation. The plaintiff must allege that the defendant played an active role in promoting, managing, establishing, or carrying on the unlawful activity.

Interstate Commerce Nexus Must Be Substantial

While the Travel Act requires only that the defendant used a facility of interstate commerce or traveled interstate, courts generally require that this interstate element be more than incidental or trivial. The use of interstate facilities must be an integral part of the scheme to promote or facilitate the unlawful activity.

Causation by Third Parties

In [U.S. v. Briggs, 700 F.2d 408 \(7th Cir. 1983\)](#), the court noted that "a defendant violates the Travel Act if he either causes another to travel in interstate commerce or to use an interstate facility with the intent to commit a violation of state law." This means that a plaintiff can allege that the defendant caused others to engage in interstate travel or use interstate facilities, even if the defendant personally did not cross state lines, as long as the defendant had the requisite intent and the other elements are satisfied.

Definition of "Unlawful Activity" Is Limited

The Travel Act specifically defines what constitutes "unlawful activity," and this definition is exhaustive. A plaintiff cannot rely on violations of laws or regulations that fall outside the categories specified in the statute, which include business enterprises involving gambling, liquor, narcotics, or prostitution offenses, as well as extortion, bribery, or arson.

Conclusion

To properly plead a violation of the Travel Act ([18 U.S.C. § 1952](#)) as a predicate act for a RICO claim, a plaintiff must allege facts establishing three essential elements: (1) interstate or foreign travel or use of a facility in interstate or foreign commerce; (2) intent to promote, manage, establish, carry on, or facilitate an unlawful activity; and (3) performance or attempted performance of an act in furtherance of that unlawful activity after the travel or use of the interstate facility.

The Travel Act is explicitly included as a predicate act for RICO claims under [18 U.S.C. § 1961](#), which defines "racketeering activity" to include violations of section 1952. Therefore, a properly pled Travel Act violation can form a basis for a RICO claim, alongside other predicate acts.

When pleading a Travel Act violation, the plaintiff must identify the specific unlawful activity that falls within the statutory definition, which includes business enterprises involving gambling, liquor violations, narcotics, or prostitution offenses, as well as extortion, bribery, or arson in violation of state or federal law. When the unlawful activity involves a "business enterprise," the plaintiff must allege facts showing a continuous course of conduct rather than isolated incidents.

While the Travel Act requires determining that an underlying state or federal law has been or could have been violated, courts have consistently held that the actual accomplishment of the state substantive offense is not a prerequisite to a Travel Act violation. It is sufficient to show that the defendant intended to violate the law and took steps toward doing so.

The pleading requirements outlined above have been consistently applied by federal courts across multiple circuits, reflecting a well-established framework for alleging Travel Act violations as predicate acts in RICO

claims. By carefully addressing each of these elements with specific factual allegations, a plaintiff can properly establish a Travel Act violation as a predicate act for a RICO claim.

Legal Authorities

[In re Managed Care Litigation, 150 F.Supp.2d 1330 \(S.D. Fla. 2001\)](#)

U.S. District Court — Southern District of Florida

Extract

The Travel Act, 18 U.S.C.A. § 1952, establishes criminal liability for one who travels in interstate commerce or uses the mail system, with intent to 'promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity.' *Id.* The Plaintiffs have properly pled predicate acts of extortion, and the Defendants do not contest interstate travel or use of the mails. Hence, the Plaintiffs' claim that the Defendants 'on numerous occasions traveled and caused others ... to travel in interstate commerce in order to attempt to and to commit ... extortion' is sufficient to allege the Travel Act violations.

Summary

Clear explanation of the elements required to plead a violation of the Travel Act as a predicate act for a RICO claim. It specifies that there must be travel in interstate commerce or use of the mail system with the intent to promote or facilitate unlawful activity. The passage also illustrates that the plaintiffs must demonstrate that they were directly and tangibly injured by the Travel Act violations.

[Rewis v. United States, 401 U.S. 808, 91 S.Ct. 1056, 28 L.Ed.2d 493 \(1971\)](#)

U.S. Supreme Court

Extract

Section 1952, prohibits interstate travel with the intent to 'promote, manage, establish, carry on, or facilitate' certain kinds of illegal activity; and the ordinary meaning of this language suggests that the traveler's purpose must involve more than the desire to patronize the illegal activity. ... Title 18 U.S.C. § 1952 (1964 ed. and Supp. V) provides: '(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to— '(1) distribute the proceeds of any unlawful activity; or '(2) commit any crime of violence to further any unlawful activity; or '(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, 'and thereafter performs or attempts to perform any of the

acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

Summary

The passage from "Rewis v. United States" provides a clear interpretation of the elements required to establish a violation of the Travel Act. It specifies that the Act prohibits interstate travel with the intent to promote, manage, establish, carry on, or facilitate certain illegal activities. The passage also outlines the specific intents that must be present, such as distributing proceeds of unlawful activity, committing a crime of violence to further unlawful activity, or promoting or managing unlawful activity. This interpretation is generally applicable to cases involving the Travel Act and is essential for understanding what must be pled to establish a violation.

[United States v. Nardello, 393 U.S. 286, 89 S.Ct. 534, 21 L.Ed.2d 487 \(1969\)](#)

U.S. Supreme Court

Extract

The Travel Act, primarily designed to stem the 'clandestine flow of profits' and to be of 'material assistance to the States in combating pernicious undertakings which cross State lines,' thus reflects a congressional judgment that certain activities of organized crime which were violative of state law had become a national problem. ... Appellees argue that Congress' decision not to define extortion combined with its decision to prohibit only extortion in violation of state law compels the conclusion that peculiar versions of state terminology are controlling. ... Congress' intent was to aid local law enforcement officials, not to eradicate only those extortionate activities which any given State denominated extortion.

Summary

The passage from United States v. Nardello provides insight into the interpretation of the Travel Act, particularly regarding its application to extortionate activities. The Supreme Court clarified that the Travel Act was intended to address organized crime activities that cross state lines and violate state laws, regardless of the specific terminology used by individual states. This means that for a violation of the Travel Act to be established, it is not necessary for the conduct to be labeled as "extortion" under state law, as long as it constitutes an extortionate activity that is illegal under state law. This interpretation is crucial for understanding how the Travel Act can serve as a predicate act for a RICO claim.

[U.S. v. Corona, 885 F.2d 766 \(11th Cir. 1989\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

Thus, in a case such as this, a Travel Act conviction must be based on (a) an unlawful activity, generally termed an 'enterprise'; (b) knowledge of the defendant of the unlawful activity; and (c) use of interstate commerce (1) to facilitate the carrying on of the unlawful activity or, (2) to distribute the proceeds.

Summary

The passage from *U.S. v. Corona* outlines the necessary elements for a Travel Act violation, which can serve as a predicate act for a RICO claim. These elements include: (a) the existence of an unlawful activity or enterprise, (b) the defendant's knowledge of this unlawful activity, and (c) the use of interstate commerce to either facilitate the unlawful activity or distribute its proceeds. This information is directly relevant to understanding what must be pled to establish a Travel Act violation in the context of a RICO claim.

[Perrin v. United States, 444 U.S. 37, 100 S.Ct. 311, 62 L.Ed.2d 199 \(1979\)](#)

U.S. Supreme Court

Extract

Petitioner, with others, was indicted for violating and conspiring to violate the Travel Act, 18 U.S.C. § 1952, which makes it a federal offense to travel or use a facility in interstate commerce to commit, inter alia, 'bribery... in violation of the laws of the State in which committed.' ... The Travel Act provides in part: '(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to— (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or ... The statute also makes it a federal offense to travel or use a facility in interstate commerce to commit 'extortion [or] bribery... in violation of the laws of the State in which committed or of the United States.'

Summary

The passage from *Perrin v. United States* provides insight into the elements required to establish a violation of the Travel Act. It specifies that the Travel Act makes it a federal offense to travel or use a facility in interstate commerce with the intent to distribute proceeds of unlawful activity or commit crimes such as bribery or extortion in violation of state or federal laws. This indicates that the elements to be pled include: (1) travel or use of a facility in interstate commerce, (2) intent to engage in unlawful activity, and (3) the commission of an act such as bribery or extortion that violates state or federal law.

[U.S. v. Jenkins, 943 F.2d 167 \(2nd Cir. 1991\)](#)

U.S. Court of Appeals — Second Circuit

Extract

The Travel Act is violated when (1) a person uses a facility of interstate or foreign commerce, such as the telephone, (2) with intent to 'facilitate the promotion, management, establishment, or carrying on, of any unlawful activity' and (3) thereafter performs an additional act in furtherance of the specified unlawful activity.

Summary

The passage clearly outlines the three elements necessary to establish a violation of the Travel Act: (1) the use of a facility of interstate or foreign commerce, (2) intent to facilitate an unlawful activity, and (3) performing an additional act in furtherance of that unlawful activity. This is directly relevant to understanding what must be pled for a Travel Act violation, which can serve as a predicate act for a RICO claim.

[National Organization for Women, Inc. v. Scheidler, 897 F.Supp. 1047 \(N.D. Ill. 1995\)](#)

U.S. District Court — Northern District of Illinois

Extract

The Terry Defendants argue that the Travel Act allegations are insufficient because the Travel Act requires that underlying acts of extortion, bribery, or arson be pled. Moreover, the Defendants maintain that extortion under the Travel Act requires that property be obtained by the perpetrator. Plaintiffs argue that no property need be received by the perpetrator; all that need be satisfied is that state extortion statute be violated. Plaintiffs maintain that the extortion laws of Alabama, Colorado, Florida, Hawaii, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, Tennessee, Texas, Vermont, Wisconsin, and Wyoming do not require that the defendant receive property from the victim; only that the victim to give up either a tangible or an intangible property right. Plaintiffs also argue that Defendants violated these laws. ... The Travel Act is violated when the underlying state's law is violated and that violation affects interstate commerce. Thus, the Travel Act allegations, as alleged by DWHO, are also well-pled.

Summary

Requirements for pleading a violation of the Travel Act as a predicate act for a RICO claim. It highlights that the Travel Act requires the pleading of

underlying acts such as extortion, bribery, or arson. The passage also clarifies that the definition of extortion under the Travel Act is determined by state law, and it is sufficient to show that the state extortion statute was violated, which may not necessarily require the perpetrator to receive property. Additionally, the violation must affect interstate commerce. This information is directly relevant to understanding the elements needed to establish a Travel Act violation as a predicate act for RICO.

[Chevron Corp. v. Donziger, 974 F. Supp. 2d 362 \(S.D. N.Y. 2014\)](#)

U.S. District Court — Southern District of New York

Extract

18 U.S.C. § 1952(a)(3) (elements of Travel Act violation include: (1) use of the “mail or any facility in interstate or foreign commerce,” (2) with the intent to “promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,” followed by (3) performance of or an attempt to perform an act of promotion, management, establishment, carrying on, or facilitation of the enumerated unlawful activity).

Summary

The passage clearly outlines the elements required to establish a violation of the Travel Act, which are necessary to plead it as a predicate act for a RICO claim. These elements include the use of interstate or foreign commerce facilities, intent to promote or facilitate unlawful activity, and the performance or attempt to perform such unlawful activity. This information is directly relevant to understanding what must be pled in a legal context.

[United States v. Synodinos, 218 F.Supp. 479 \(D. Utah 1963\)](#)

U.S. District Court — District of Utah

Extract

§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises (a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to— (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. (b) As used in this section 'unlawful activity' means (1) any business enterprise involving gambling, liquor on which a

Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2) extortion or bribery in violation of the laws of the State in which committed or of the United States.

Summary

The passage from the *United States v. Synodinos* case provides a clear outline of the elements required to establish a violation of the Travel Act. It specifies that the act involves traveling in interstate or foreign commerce or using any facility in such commerce with the intent to distribute proceeds of unlawful activity, commit a crime of violence to further unlawful activity, or promote/manage/carry on unlawful activity. Additionally, it defines "unlawful activity" to include certain business enterprises and offenses. This information is crucial for understanding what must be pled in a RICO claim involving the Travel Act.

[U.S. v. Admon, 940 F.2d 1121 \(8th Cir. 1991\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

18 U.S.C. Sec. 1952(a) (1988). To establish a Travel Act violation, the government thus must prove that Admon traveled in interstate commerce with intent to distribute the proceeds of cocaine sales, and that she performed or attempted to perform some act in furtherance of the unlawful activity after arriving in Los Angeles. See *United States v. Becton*, 751 F.2d 250, 255 (8th Cir.1984), cert. denied, 472 U.S. 1018, 105 S.Ct. 3480, 87 L.Ed.2d 615 (1985); see also *United States v. Zolicoffer*, 869 F.2d 771, 774 (3d Cir.) (Travel Act violation requires some overt act in furtherance of the unlawful activity subsequent to the travel), cert. denied, 490 U.S. 1113, 109 S.Ct. 3172, 104 L.Ed.2d 1034 (1989).

Summary

To establish a violation of the Travel Act, the government must prove two main elements: (1) the defendant traveled in interstate commerce with the intent to engage in unlawful activity, such as distributing the proceeds of illegal sales, and (2) the defendant performed or attempted to perform some act in furtherance of the unlawful activity after the travel. This is a general requirement for proving a Travel Act violation and is applicable in various cases where the Travel Act is invoked.

[U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

The indictment tracks the language of the statute charging that the defendants 'did willfully travel from the State of Virginia to the State of New York, with the intent to promote, manage, carry on, and facilitate the promoting, managing, establishing and carrying on of an unlawful activity, said unlawful activity being the crime of bribery, in violation of the laws of the State of New York (New York Penal Law, McKinney's Consol. Law, c. 40, Article 180) and of the United States (Title 18, United States Code, Section 215); the said unlawful activity relating to the efforts of LOUIS J. POMPONIO, JR., CHARLES J. PILUSO and PAUL POMPONIO to influence Sidney M. Zneimer in the performance of his duties at the Royal National Bank by giving the said Sidney M. Zneimer checks, as detailed in the table below * * *.' ... Proof that the unlawful objective was accomplished or that the referenced law has actually been violated is not a necessary element of the offense defined in section 1952.

Summary

The passage from U.S. v. Pomponio provides insight into the elements required to establish a violation of the Travel Act. It specifies that the indictment must allege that the defendants willfully traveled interstate with the intent to promote, manage, or facilitate an unlawful activity, such as bribery. Importantly, it clarifies that it is not necessary to prove that the unlawful objective was accomplished or that the law was actually violated, only that there was intent to facilitate the unlawful activity.

[U.S. v. Teplin, 775 F.2d 1261 \(4th Cir. 1985\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

Relevant portions of the Travel Act, 18 U.S.C. Sec. 1952, provide the following: Sec. 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises (a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to-- (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. (b) As used in this section 'unlawful activity' means ... (2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States. While the Travel Act requires a determination that the underlying state law has been or could have been violated, 'accomplishment of the state substantive offense is not a prerequisite to a Section 1952 conviction.'

Summary

The passage from *U.S. v. Teplin* provides a clear outline of the elements required to establish a violation of the Travel Act. It specifies that the defendant must have traveled in interstate or foreign commerce or used a facility in such commerce with the intent to engage in unlawful activities such as distributing proceeds of unlawful activity, committing a crime of violence, or promoting unlawful activity. Additionally, the defendant must perform or attempt to perform acts in furtherance of these unlawful activities. The passage also clarifies that while the underlying state law violation must be determined, the actual accomplishment of the state offense is not necessary for a conviction under the Travel Act.

[U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

Corbin and Ruggiero argue that there was insufficient evidence to support a finding that they promoted a 'business enterprise' in violation of the Travel Act, 18 U.S.C. § 1952. Subsection (a) of § 1952 prohibits travel in 'interstate or foreign commerce ... with intent to ... (3) promote, manage, establish, or facilitate ... any unlawful activity.' Subsection (b) defines unlawful activity, in part, as 'any business enterprise involving ... narcotics.' ... Although the Travel Act does not define 'business enterprise,' the term has consistently been construed to require 'a continuous course of conduct.' ... In this regard, we hold only that a continuous course of conduct is necessary to establish the existence of a business enterprise.

Summary

To establish a violation of the Travel Act as a predicate act for a RICO claim, it is necessary to demonstrate that the defendant engaged in a "business enterprise" involving unlawful activity. The term "business enterprise" requires a "continuous course of conduct," rather than isolated or sporadic incidents. This interpretation is consistent with the legislative intent to target organized crime rather than casual or isolated criminal acts.

[U.S. v. Tilton, 610 F.2d 302 \(5th Cir. 1980\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of

violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

Summary

Elements required to establish a violation of the Travel Act under 18 U.S.C. § 1952. These elements include: (1) traveling in interstate or foreign commerce or using any facility in interstate or foreign commerce, including the mail; (2) having the intent to distribute the proceeds of any unlawful activity, commit any crime of violence to further any unlawful activity, or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of any unlawful activity; and (3) thereafter performing or attempting to perform any of the acts specified in the intent element. This information is crucial for understanding what must be pled to establish a Travel Act violation as a predicate act for a RICO claim.

[U.S. v. Briggs, 700 F.2d 408 \(7th Cir. 1983\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The gravamen of a charge under section 1952 'is the use of an interstate facility [telephone], with the intent to promote or further an unlawful activity in violation of state law, and the performance of some act designed to promote or further that illegal purpose.' United States v. Rizzo, 418 F.2d 71, 74 (7th Cir.1969), cert. denied, 397 U.S. 967, 90 S.Ct. 1006, 25 L.Ed.2d 260 (1970). Moreover, case law is clear that a defendant violates the Travel Act if he either causes another to travel in interstate commerce or to use an interstate facility with the intent to commit a violation of state law.

Summary

To establish a violation of the Travel Act, the following elements must be pled: (1) the use of an interstate facility or travel in interstate commerce, (2) with the intent to promote or further an unlawful activity that violates state law, and (3) the performance of some act designed to promote or further that illegal purpose. This is applicable to any case involving the Travel Act, making it a potential predicate act for a RICO claim.

[US v. Young & Rubicam, Inc., 741 F. Supp. 334 \(D. Conn. 1990\)](#)

U.S. District Court — District of Connecticut

Extract

RICO, 18 U.S.C. § 1962(c), requires proof that defendants engaged in 'racketeering activity.' The predicate offenses alleged in Count Two are multiple violations of the Travel Act, 18 U.S.C. § 1952. Section 1961(1)(B) defines 'racketeering activity' as including '... any act which is indictable under ... Title 18, United States Code: ... section 1952,' the Travel Act. It is a violation of the Travel Act for any person to 'travel in interstate or foreign commerce or use any facility of interstate or foreign commerce ... with intent to ... promote, manage, establish, carry on, or facilitate the promotion, ... of any unlawful activity....' 18 U.S.C. § 1952(a)(3). 'Unlawful activity' is defined in § 1952(b)(2) as, inter alia, '... bribery ... in violations of the law of the state in which committed or of the United States....'

Summary

Clear explanation of what constitutes a violation of the Travel Act, which can serve as a predicate act for a RICO claim. It specifies that a violation occurs when a person travels in or uses facilities of interstate or foreign commerce with the intent to promote or facilitate unlawful activities, such as bribery. This definition is crucial for understanding how the Travel Act can be used as a predicate offense under RICO.

[United States v. Fernandez, 722 F.3d 1 \(1st Cir. 2013\)](#)

U.S. Court of Appeals — First Circuit

Extract

Hence, to prove a conspiracy to violate the Travel Act, the government must show (1) a conspiratorial agreement (2) to travel (3) in aid of a specified unlawful activity.

Summary

The passage from the United States v. Fernandez case provides a clear outline of the elements required to establish a violation of the Travel Act. It specifies that the government must demonstrate a conspiratorial agreement, the act of traveling, and that the travel was in aid of a specified unlawful activity. This is directly relevant to understanding what must be pled to establish a Travel Act violation as a predicate act for a RICO claim.

[U.S. v. Gallo, 782 F.2d 1191 \(4th Cir. 1986\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

To support a conviction under the Travel Act, 18 U.S.C. Sec. 1952, the government must prove three elements: (a) interstate travel; (b) intent to promote unlawful activity, i.e., a business enterprise; and, (c) performance or attempted performance of an unlawful act. ... One element of a Travel Act violation is proof of specific intent to promote 'unlawful activity', defined for relevant purposes, as any illegal business enterprise involving narcotics or controlled substances. ... the term 'business enterprise' means a continuous course of conduct, rather than a sporadic, casual, individual or isolated violation.

Summary

The passage from *U.S. v. Gallo* provides a clear outline of the elements required to establish a violation of the Travel Act, which are necessary for it to serve as a predicate act in a RICO claim. The elements include interstate travel, intent to promote an unlawful business enterprise, and the performance or attempted performance of an unlawful act. The definition of "business enterprise" as a continuous course of conduct is crucial for understanding what constitutes "unlawful activity" under the Act.

[U.S. v. Zolicoffer, 869 F.2d 771 \(3rd Cir. 1989\)](#)

U.S. Court of Appeals — Third Circuit

Extract

As we stated in *United States v. Wander*, 601 F.2d 1251 (3d Cir.1979), 'there are three elements of proof of a Travel Act violation: (1) interstate travel or use of an interstate facility (2) with intent to promote an unlawful activity and (3) a subsequent overt act in furtherance of the unlawful activity.' *Id.* at 1258.

Summary

The passage clearly outlines the three elements necessary to establish a violation of the Travel Act, which are crucial for understanding how such a violation can serve as a predicate act for a RICO claim. The elements include interstate travel or use of an interstate facility, intent to promote unlawful activity, and a subsequent overt act in furtherance of that unlawful activity. This information is applicable to any case involving the Travel Act.

[U.S. v. Becton, 751 F.2d 250 \(8th Cir. 1985\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

The Travel Act, 18 U.S.C. Sec. 1952(a)(1982), provides as follows: Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to-- (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. ... Turning to the second Travel Act violation (Count IV), we observe that the evidence differs in one significant respect: neither Becton nor anyone in his entourage actually acquired any marijuana during the second trip to Florida in January of 1980. The record only shows that Becton travelled to Florida with the intent to acquire marijuana. Intent alone does not satisfy the requirements of the Travel Act. We agree with Becton that the government failed to prove that he performed or attempted to perform some act in furtherance of his illegal activity after his arrival in Florida.

Summary

To establish a violation of the Travel Act, it is not sufficient to merely demonstrate intent to engage in unlawful activity. The statute requires that after traveling or using a facility in interstate or foreign commerce with the requisite intent, the individual must also perform or attempt to perform an act in furtherance of the unlawful activity. This interpretation is generally applicable to cases involving the Travel Act.

[United States of America v. Rizzo, 418 F.2d 71 \(7th Cir. 1969\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

18 U.S.C. Section 1952, provides in pertinent part: '(a) Whoever * * * uses any facility in interstate * * * commerce, including the mail, with intent to — * * * * * (3) Otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on, of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in sub-paragraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.'

Summary

The passage from the case United States of America v. Rizzo provides a direct excerpt from 18 U.S.C. § 1952, which outlines the elements necessary to establish a violation of the Travel Act. Specifically, it requires the use of any facility in interstate commerce with the intent to promote, manage,

establish, carry on, or facilitate any unlawful activity, followed by the performance or attempted performance of any specified acts. This is relevant to understanding what must be pled for a Travel Act violation as a predicate act in a RICO claim.

[18 U.S.C. § 1952 18 U.S.C. § 1952 Interstate and Foreign Travel Or Transportation In Aid of Racketeering Enterprises](#)

Extract

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

Summary

To establish a violation of the Travel Act as a predicate act for a RICO claim, the following elements must be pled: (1) the defendant traveled in interstate or foreign commerce or used the mail or any facility in interstate or foreign commerce; (2) with the intent to distribute the proceeds of any unlawful activity, commit any crime of violence to further any unlawful activity, or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and (3) thereafter performed or attempted to perform an act in furtherance of the unlawful activity.

[18 U.S.C. § 1961 18 U.S.C. § 1961 Definitions](#)

Extract

As used in this chapter- 'racketeering activity' means ... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1952 (relating to racketeering) ...

Summary

A violation of the Travel Act (18 U.S.C. § 1952) is considered "racketeering activity" under the RICO statute. This means that for a RICO claim, a violation of the Travel Act can serve as a predicate act. The passage does not specify the elements of the Travel Act violation itself but confirms its inclusion as a predicate act for RICO.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Donovan, Emily R. - 1995-01-01**

Extract

RICO complaints must allege that each predicate act is a 'r... Travel Act conviction showed jury found defendant guilty on eight predicate acts); United States v. Cardall, 885 F.2d 656, 682 (10th Cir. 1989) (invalidation of one predicate act did not warrant reversal of RICO conviction where convictions for 18 to 25 counts remained); United States v. Corona, 885 F.2d 766, 774 (11th Cir. 1989) (RICO conviction upheld where mail fraud predicates reversed but Travel Act conviction supported jury's reliance on legally sufficient predicate acts); United States v. Zauber, 857 F.2d 137, 151-52 (3d Cir. 1988) (conviction upheld where instruction required jury to find the existence of illegal kickback schemes beyond a reasonable doubt in order to find RICO violations); United States v. Bailey, 859 F.2d 1265, 1278 n.4 (7th Cir. 1988) (Travel Act conviction supported jury's reliance on legally sufficient predicate acts).

Summary

A Travel Act conviction can serve as a predicate act for a RICO claim. It provides examples of cases where Travel Act convictions were used to support RICO convictions, even when other predicate acts were invalidated. This suggests that the Travel Act can be a standalone predicate act in a RICO claim, provided it is legally sufficient and proven beyond a reasonable doubt.

This memo was compiled by Vincent AI based on vLex materials available as of June 21, 2025. [View full answer on vLex](#)