

Question

In a civil or criminal RICO claim under U.S. federal law, under what circumstances can perjury serve as a predicate act for establishing a pattern of racketeering activity?

Answer (U.S. Federal)

Short response

Perjury alone is not a predicate act under RICO as it is not enumerated in [18 U.S.C. § 1961](#)(1). However, perjury can serve as a predicate act if it constitutes obstruction of justice under 18 U.S.C. § 1503 in federal court proceedings or is part of a broader fraudulent scheme that involves mail or wire fraud.

Summary

Under the Racketeer Influenced and Corrupt Organizations Act (RICO), perjury by itself does not qualify as a "racketeering activity" as defined in [18 U.S.C. § 1961](#)(1), which provides an exhaustive list of state and federal crimes that can serve as predicate acts for establishing a pattern of racketeering activity. However, courts have recognized two main circumstances where perjury can effectively contribute to a RICO claim: when the perjury constitutes obstruction of justice in federal court proceedings under 18 U.S.C. § 1503 (which is enumerated as a predicate act), or when perjury is part of a broader scheme that involves mail fraud or wire fraud (both of which are enumerated predicate acts).

This distinction reflects the tension in RICO's statutory framework between Congress's decision to exclude perjury as a predicate act while including mail and wire fraud. Courts have consistently held that while standalone instances of perjury cannot form the basis of a RICO claim, perjurious acts that are instrumental to a larger pattern of racketeering involving recognized predicate acts can be considered in establishing a RICO violation. Importantly, this consideration is subject to specific limitations: perjury in state court proceedings cannot qualify as obstruction of justice under the federal statute, and courts generally refuse to accept litigation activities like perjury as predicate acts unless they form part of a broader fraudulent scheme beyond the litigation context itself.

Background and Relevant Law

Legislative Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO) defines "racketeering activity" in [18 U.S.C. § 1961](#)(1), which provides an exhaustive

list of state and federal crimes that can serve as predicate acts for establishing a pattern of racketeering activity. According to [18 U.S.C. § 1961](#), "racketeering activity" includes:

"(A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year;

(B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), [...] section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), [...]"

Notably, perjury (18 U.S.C. § 1621) is not explicitly included in this enumeration of predicate acts. This omission is significant for our analysis, as it establishes the baseline principle that perjury, by itself, is not a predicate act under RICO.

Case Law

Courts have grappled with the question of whether perjury can serve as a predicate act for RICO claims in several key cases, which have established important principles governing when perjury might indirectly qualify as a predicate act.

Perjury as Obstruction of Justice

One avenue through which perjury may potentially serve as a RICO predicate act is by constituting obstruction of justice under 18 U.S.C. § 1503, which is explicitly listed as a predicate act in § 1961(1)(B).

In [Streck v. Peters, 855 F.Supp. 1156 \(D. Haw. 1994\)](#), the court addressed this possibility directly. The court observed: "The federal criminal statute prohibiting perjury, 18 U.S.C. § 1621, does not appear among the statutes listed in § 1961(1)(B), which lists the federal statutory violations which may constitute the necessary predicate acts to support a RICO claim." However, the court went on to note that "acts of perjury are indictable under the obstruction of justice statute, see *United States v. Mayer*, 775 F.2d 1387, 1391 (9th Cir.1985) (stating that a false statement to the magistrate is properly charged under § 1503 as this was 'consistent with a scheme in which frauds perpetrated upon a court in its adjudicative capacity must be prosecuted as perjury, obstruction of justice, or contempt')." Based on this reasoning, the court concluded that "acts of perjury may, under the appropriate circumstances, constitute RICO predicate acts" when they are indictable under the obstruction of justice statute.

This principle was further applied in [Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#), where the court stated: "Plaintiff's allegations of perjury may amount to 'obstruction of justice' under § 1503 and, thus, qualify as 'racketeering activity.'" However, the court also established an important limitation: "the alleged perjury all took place in the context of a state criminal proceeding, and 18 U.S.C. § 1503—the appropriate federal statute—only applies to obstruction of justice in federal court proceedings." This indicates that for perjury to qualify as obstruction of justice under § 1503, and thus as a RICO predicate act, it must occur in federal, not state, court proceedings.

Perjury as Part of a Mail or Wire Fraud Scheme

The second circumstance where perjury may contribute to establishing a RICO claim is when it is part of a broader fraudulent scheme that involves mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343), both of which are enumerated as predicate acts in § 1961(1)(B).

In [U.S. v. Eisen, 974 F.2d 246 \(2nd Cir. 1992\)](#), the Second Circuit addressed the tension between Congress's decision to exclude perjury as a predicate act while including mail fraud. The court acknowledged that "there is some tension between the congressional decision to include federal mail fraud as a predicate offense and to exclude perjury, whether in violation of federal or state law." Nevertheless, the court held that "where, as here, a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud."

This principle was reaffirmed in [Daddona v. Gaudio, 156 F.Supp.2d 153 \(D. Conn. 2000\)](#), which cited Eisen and concluded that "where a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud." The court also noted that "where a series of related state court perjuries occurs, it will often be possible to allege and prove both a scheme to defraud within the meaning of the mail fraud statute as well as the elements of a RICO violation. But in such cases, it will not be the fact of the perjuries alone that suffices to bring the matter within the scope of RICO."

More recently, [ASI, Inc. v. Aquawood, LLC, Civil No. 19-763 \(JRT/HB\) \(D. Minn. Oct 05, 2020\)](#) confirmed this principle, stating: "Although perjury alone is not a predicate act under RICO, courts have found that false litigation documents can support a mail/wire fraud RICO claim." The court cited Eisen and observed that the key distinction appears to be "whether the RICO claim sounds entirely in perjury and false testimony, or whether the false court filings are merely one aspect of the claim."

Similarly, [Feld Entm't, Inc. v. Am. Soc. for the Prevention of Cruelty to Animals, 873 F.Supp.2d 288 \(D. D.C. 2012\)](#) noted that "courts have refused to allow 'litigation activities' such as filing fraudulent documents or

engaging in baseless litigation to serve as predicate acts for RICO, but only in circumstances where such acts constitute 'the only allegedly fraudulent conduct.'" This suggests that perjury, as a form of litigation activity, would not qualify as a predicate act if it is the sole basis for the RICO claim.

Analysis

Based on the legislative framework and case law examined, we can identify two specific circumstances where perjury might serve as a predicate act for establishing a pattern of racketeering activity under RICO:

1. Perjury as Obstruction of Justice in Federal Court Proceedings

When perjury occurs in federal court proceedings and constitutes obstruction of justice under 18 U.S.C. § 1503, it can serve as a predicate act for RICO purposes. This is because obstruction of justice is explicitly listed as a predicate act in § 1961(1)(B).

As established in [Streck v. Peters, 855 F.Supp. 1156 \(D. Haw. 1994\)](#), "acts of perjury may, under the appropriate circumstances, constitute RICO predicate acts" when they are indictable under the obstruction of justice statute. The court's reasoning relied on the principle that acts of perjury can be indictable under the obstruction of justice statute, which is listed as a predicate act under RICO.

However, this avenue for treating perjury as a predicate act is subject to an important limitation: the perjury must occur in federal court proceedings. As clarified in [Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#), 18 U.S.C. § 1503 "only applies to obstruction of justice in federal court proceedings." Consequently, perjury in state court proceedings cannot qualify as a predicate act under this theory.

This limitation reflects a deliberate choice by Congress. By excluding perjury itself from the list of predicate acts while including obstruction of justice, Congress appears to have intended that simple instances of perjury should not form the basis of federal RICO claims. Instead, only perjury that rises to the level of obstruction of justice in federal proceedings may qualify.

2. Perjury as Part of a Mail or Wire Fraud Scheme

The second circumstance arises when perjury is part of a broader fraudulent scheme that involves mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343), both of which are explicitly listed as predicate acts in § 1961(1)(B).

As established in [U.S. v. Eisen, 974 F.2d 246 \(2nd Cir. 1992\)](#), "where a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud." This principle allows courts

to consider perjury in the context of RICO when it is instrumental to a broader fraudulent scheme.

This approach was further elaborated in [Daddona v. Gaudio, 156 F.Supp.2d 153 \(D. Conn. 2000\)](#), which noted that "where a series of related state court perjuries occurs, it will often be possible to allege and prove both a scheme to defraud within the meaning of the mail fraud statute as well as the elements of a RICO violation. But in such cases, it will not be the fact of the perjuries alone that suffices to bring the matter within the scope of RICO."

More recent cases have continued to apply this principle. [ASI, Inc. v. Aquawood, LLC, Civil No. 19-763 \(JRT/HB\) \(D. Minn. Oct 05, 2020\)](#) confirmed that "false litigation documents can support a mail/wire fraud RICO claim." The court identified a key distinction: "whether the RICO claim sounds entirely in perjury and false testimony, or whether the false court filings are merely one aspect of the claim." This suggests that courts will look to whether the perjury is the sole basis for the RICO claim or just one element of a broader pattern of racketeering activity.

Similarly, [Feld Entm't, Inc. v. Am. Soc. for the Prevention of Cruelty to Animals, 873 F.Supp.2d 288 \(D. D.C. 2012\)](#) indicated that litigation activities like perjury cannot serve as predicate acts for RICO only when they constitute "the only allegedly fraudulent conduct." This reinforces the principle that perjury, when part of a broader fraudulent scheme, can contribute to establishing a pattern of racketeering activity under RICO.

Exceptions and Caveats

Several important exceptions and caveats must be considered when evaluating whether perjury can serve as a predicate act for RICO claims:

1. Perjury in State Court Proceedings

As established in [Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#), 18 U.S.C. § 1503—the federal obstruction of justice statute—"only applies to obstruction of justice in federal court proceedings." Consequently, perjury in state court proceedings cannot qualify as a predicate act under the theory that it constitutes obstruction of justice. This limitation reflects what the Second Circuit in [U.S. v. Eisen, 974 F.2d 246 \(2nd Cir. 1992\)](#) described as "an understandable reluctance to use federal criminal law as a back-stop for all state court litigation."

However, it's important to note that this limitation applies only when trying to characterize perjury as obstruction of justice. Perjury in state court proceedings might still be relevant to a RICO claim if it is part of a broader fraudulent scheme involving mail or wire fraud.

2. Perjury as the Sole Basis for a RICO Claim

Courts have consistently refused to allow RICO claims that are based solely on perjury or false testimony. As noted in [ASI, Inc. v. Aquawood, LLC, Civil](#)

[No. 19-763 \(JRT/HB\) \(D. Minn. Oct 05, 2020\)](#), the key distinction is "whether the RICO claim sounds entirely in perjury and false testimony, or whether the false court filings are merely one aspect of the claim." This principle is also reflected in [Feld Entm't, Inc. v. Am. Soc. for the Prevention of Cruelty to Animals](#), 873 F.Supp.2d 288 (D. D.C. 2012), which observed that courts have refused to allow litigation activities like perjury to serve as predicate acts for RICO when such acts constitute "the only allegedly fraudulent conduct."

This caveat ensures that RICO is not used to federalize ordinary instances of perjury, which Congress deliberately excluded from the statute's list of predicate acts.

3. The Need for a Broader Fraudulent Scheme

For perjury to contribute to establishing a pattern of racketeering activity under RICO, it must typically be part of a broader fraudulent scheme that involves recognized predicate acts, such as mail or wire fraud. As established in [Daddona v. Gaudio](#), 156 F.Supp.2d 153 (D. Conn. 2000), "it will not be the fact of the perjuries alone that suffices to bring the matter within the scope of RICO." Instead, the perjury must be instrumental to a broader scheme that falls within the scope of the federal mail fraud statute or another recognized predicate act.

This requirement reflects the balance struck by Congress in excluding perjury while including mail and wire fraud as predicate acts. As the Second Circuit noted in [U.S. v. Eisen](#), 974 F.2d 246 (2nd Cir. 1992), "there is some tension between the congressional decision to include federal mail fraud as a predicate offense and to exclude perjury, whether in violation of federal or state law." The court resolved this tension by allowing perjury to be considered when it is part of a fraudulent scheme that falls within the scope of the mail fraud statute, but not when it stands alone.

Conclusion

Based on the provided legal materials, perjury cannot serve as a standalone predicate act for establishing a pattern of racketeering activity under RICO, as it is not included in the enumeration of predicate acts in [18 U.S.C. § 1961](#)(1). However, perjury can contribute to establishing a RICO claim under two specific circumstances:

First, when perjury occurs in federal court proceedings and constitutes obstruction of justice under 18 U.S.C. § 1503, it can serve as a predicate act because obstruction of justice is listed as a predicate act in § 1961(1)(B). This avenue is unavailable for perjury in state court proceedings, as the federal obstruction of justice statute applies only to federal proceedings.

Second, when perjury is part of a broader fraudulent scheme that involves recognized predicate acts, such as mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343), it can contribute to establishing a pattern of racketeering activity under RICO. However, the perjury cannot be the sole

basis for the RICO claim; it must be instrumental to a broader fraudulent scheme that falls within the scope of a recognized predicate act.

These limitations reflect a deliberate choice by Congress to exclude perjury itself from the list of predicate acts while including obstruction of justice and fraud. Courts have navigated this tension by allowing perjury to be considered in the context of RICO when it is part of a broader pattern of racketeering activity involving recognized predicate acts, but not when it stands alone.

This approach ensures that RICO is not used to federalize ordinary instances of perjury while still allowing courts to consider perjury in the context of more comprehensive fraudulent schemes that fall within the statute's intended scope.

Legal Authorities

[ASI, Inc. v. Aquawood, LLC, Civil No. 19-763 \(JRT/HB\) \(D. Minn. Oct 05, 2020\)](#)

U.S. District Court — District of Minnesota

Extract

Dubinsky argues that litigation activities cannot be the basis of RICO fraud claims and that perjury and false testimony are not RICO predicates. Although perjury alone is not a predicate act under RICO, courts have found that false litigation documents can support a mail/wire fraud RICO claim. See *United States v. Eisen*, 974 F.2d 246, 253 (2d Cir. 1992) ('[W]here, as here, a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud.')... However, the distinction between the two lines of cases seems to be based on whether the RICO claim sounds entirely in perjury and false testimony, or whether the false court filings are merely one aspect of the claim. See, e.g., *Feld Entm't Inc. v. Am. Soc. for the Prevention of Cruelty to Animals*, 873 F. Supp. 2d 288, 318 (D.D.C. 2012) (litigation activities can serve as RICO predicate acts as long as there are additional allegations of racketeering activity).

Summary

Perjury alone is not considered a predicate act under RICO. However, if perjury is part of a broader fraudulent scheme that involves mail or wire fraud, it can contribute to establishing a RICO claim. The key distinction is whether the RICO claim is based solely on perjury or if perjury is just one element of a larger pattern of racketeering activity. This indicates that perjury can be considered in the context of RICO if it is part of a broader fraudulent scheme involving other predicate acts.

[U.S. v. Eisen, 974 F.2d 246 \(2nd Cir. 1992\)](#)

U.S. Court of Appeals — Second Circuit

Extract

Finally, Weinstein contends that permitting the mail fraud offenses charged in the Eisen indictment to serve as RICO predicate acts conflicts with the deliberate decision made by Congress in omitting perjury as one of the enumerated RICO predicate offenses within the definition of 'racketeering activity.' See 18 U.S.C. § 1961(1). Contrary to the Government's abrupt dismissal of this argument as 'baseless,' Brief for Appellee at 36, we recognize that there is some tension between the congressional decision to include federal mail fraud as a predicate offense and to exclude perjury, whether in violation of federal or state law. That tension is illustrated by this prosecution in which the fraudulent scheme consists primarily of arranging for state court witnesses to commit perjury. Though the tension exists, we do not believe it places the indictment in this case beyond the purview of RICO. Congress did not wish to permit instances of federal or state court perjury as such to constitute a pattern of RICO racketeering acts. Apparently, there was an understandable reluctance to use federal criminal law as a back-stop for all state court litigation. Nevertheless, where, as here, a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud.

Summary

Perjury, by itself, is not a predicate act under RICO as per 18 U.S.C. § 1961(1). However, if perjury is part of a broader fraudulent scheme that falls under the federal mail fraud statute, it can be considered in establishing a RICO violation. The court acknowledges the tension between excluding perjury as a predicate act and including mail fraud, but it does not exclude mail fraud as a predicate act even if perjury is involved in the fraudulent scheme.

[Feld Entm't, Inc. v. Am. Soc. for the Prevention of Cruelty to Animals, 873 F.Supp.2d 288 \(D. D.C. 2012\)](#)

U.S. District Court — District of Columbia

Extract

Defendants are correct that courts have refused to allow "litigation activities" such as filing fraudulent documents or engaging in baseless litigation to serve as predicate acts for RICO, but only in circumstances where such acts constitute "the only allegedly fraudulent conduct." Daddona v. Gaudio, 156 F.Supp.2d 153, 162 (D.Conn.2000). In such circumstances, courts have found that these allegations of litigation misconduct may be

grounds for malicious prosecution or abuse of process claims, but not for a RICO case.

Summary

Courts generally do not allow litigation activities, such as filing fraudulent documents, to serve as predicate acts for RICO unless they are part of a broader pattern of fraudulent conduct. This suggests that perjury, as a form of litigation misconduct, would not typically qualify as a predicate act for RICO unless it is part of a larger scheme involving other types of racketeering activity.

[Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#)

U.S. District Court — District of Oregon

Extract

Plaintiff's allegations of perjury may amount to 'obstruction of justice' under § 1503 and, thus, qualify as 'racketeering activity.' See *Streck v. Peters*, 855 F. Supp. 1156, 1162 (D. Haw. 1994) (noting that 'acts of perjury may, under the appropriate circumstances, constitute RICO predicate acts' as obstruction of justice under 18 U.S.C. § 1503). However, the alleged perjury all took place in the context of a state criminal proceeding, and 18 U.S.C. § 1503—the appropriate federal statute—only applies to obstruction of justice in federal court proceedings.

Summary

Perjury can potentially serve as a predicate act for a RICO claim if it constitutes obstruction of justice under 18 U.S.C. § 1503. However, this is limited to federal court proceedings, as § 1503 applies only to obstruction of justice in federal contexts. Therefore, perjury in state proceedings does not qualify under this statute for RICO purposes.

[Daddona v. Gaudio, 156 F.Supp.2d 153 \(D. Conn. 2000\)](#)

U.S. District Court — District of Connecticut

Extract

In *Eisen*, the Second Circuit noted that 'there is some tension between the congressional decision to include federal mail fraud as a predicate offense and to exclude perjury, whether in violation of federal or state law.' 974 F.2d at 254. However, the court concluded, where a fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for

perpetrating the fraud. We do not doubt that where a series of related state court perjuries occurs, it will often be possible to allege and prove both a scheme to defraud within the meaning of the mail fraud statute as well as the elements of a RICO violation. But in such cases, it will not be the fact of the perjuries alone that suffices to bring the matter within the scope of RICO.

Summary

Perjury, by itself, is not included as a predicate act under the RICO statute. However, if perjury is part of a broader fraudulent scheme that falls within the scope of the federal mail fraud statute, and the other elements of a RICO violation are established, then the use of mail fraud as a predicate act cannot be dismissed simply because perjury is involved. This indicates that perjury can be considered in the context of a RICO claim if it is part of a larger fraudulent scheme that includes other qualifying predicate acts.

[Streck v. Peters, 855 F.Supp. 1156 \(D. Haw. 1994\)](#)

U.S. District Court — District of Hawaii

Extract

The federal criminal statute prohibiting perjury, 18 U.S.C. § 1621, does not appear among the statutes listed in § 1961(1)(B), which lists the federal statutory violations which may constitute the necessary predicate acts to support a RICO claim. Nonetheless, some authority exists for the position that perjury may qualify as a RICO predicate act. *C & W Constr. Co. v. Brotherhood of Carpenters & Joiners of Am.*, 687 F.Supp. 1453, 1467 (D.Haw.1988). Other courts, however, had concluded that perjury alone is not 'racketeering activity.' E.g., *Rand v. Anaconda, Inc.*, 623 F.Supp. 176, 182 (E.D.N.Y.1985) ('Perjury ... is not a RICO predicate act.'), *aff'd*, 794 F.2d 843 (2d Cir.), *cert. denied*, 479 U.S. 987, 107 S.Ct. 579, 93 L.Ed.2d 582 (1986); *Lewis v. Sporck*, 612 F.Supp. 1316, 1325 (N.D.Cal.1985) ('Bad acts, alone, do not qualify as predicate acts for RICO purposes; only those activities set forth in 18 U.S.C. § 1961(1) may serve as the basis for a RICO claim.'). Because acts of perjury are indictable under the obstruction of justice statute, see *United States v. Mayer*, 775 F.2d 1387, 1391 (9th Cir. 1985) (stating that a false statement to the magistrate is properly charged under § 1503 as this was 'consistent with a scheme in which frauds perpetrated upon a court in its adjudicative capacity must be prosecuted as perjury, obstruction of justice, or contempt'), and because the RICO statute specifies that acts indictable under the obstruction of justice statute are RICO predicate acts, see 18 U.S.C. § 1961(1)(B), this Court believes the better reasoned position is that acts of perjury may, under the appropriate circumstances, constitute RICO predicate acts.

Summary

Perjury, by itself, is not listed as a predicate act under the RICO statute. However, it can be considered a predicate act if it is indictable under the obstruction of justice statute, which is listed as a predicate act under RICO. This suggests that perjury could serve as a predicate act if it is part of a broader scheme involving obstruction of justice.

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

Extract

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons).

Summary

The definition of "racketeering activity" under the RICO statute does not explicitly include perjury as a predicate act. The passage lists specific acts

and sections of the U.S. Code that qualify as racketeering activities, and perjury is not among them. Therefore, perjury cannot serve as a predicate act for establishing a pattern of racketeering activity under the RICO statute.

This memo was compiled by Vincent AI based on vLex materials available as of June 20, 2025. [View full answer on vLex](#)