

# **Question**

Morgan was in Texas, and Daniel was in Oklahoma, and their scheme involved actions across state lines, including communications and the preparation of documents intended for use in Texas courts. RICO applies to activities that affect interstate or foreign commerce (18 U.S.C. § 1962). The interstate nature of their actions (e.g., communications and document preparation across state lines) establishes the required nexus to interstate commerce under RICO.

# **Answer (U.S. Federal)**

## **Short response**

The interstate nature of Morgan and Daniel's scheme involving communications and document preparation across state lines from Texas to Oklahoma establishes the required nexus to interstate commerce under RICO. Federal courts have consistently held that even a minimal effect on interstate commerce is sufficient to satisfy RICO's jurisdictional requirement.

## **Summary**

The Racketeer Influenced and Corrupt Organizations Act (RICO) contains a jurisdictional element requiring that the enterprise or its activities affect interstate or foreign commerce. Based on the provided materials, the interstate communications and cross-state preparation of documents between Morgan in Texas and Daniel in Oklahoma clearly satisfy this jurisdictional requirement. This conclusion is supported by federal statute, case law, and secondary materials that consistently establish that even a minimal effect on interstate commerce is sufficient to meet RICO's interstate commerce nexus.

The courts have adopted a low threshold for establishing the interstate commerce connection, with multiple jurisdictions confirming that RICO "requires no more than a slight effect upon interstate commerce." The activities described in the scenario—communications across state lines and preparation of documents in one state for use in another state's courts—go beyond this minimal threshold. These activities establish a clear connection to interstate commerce that brings the scheme within RICO's jurisdictional scope under [18 U.S.C. § 1962](#).

## **Statutory Framework**

The Racketeer Influenced and Corrupt Organizations Act (RICO) explicitly requires an interstate commerce nexus as a jurisdictional element for all four of its criminal provisions. The primary statutory basis for RICO claims is found in [18 U.S.C. § 1962](#), which states in relevant part:

"It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962](#)

This statutory language makes clear that RICO's application is limited to enterprises that either engage in interstate commerce or whose activities affect such commerce. This is a jurisdictional prerequisite for any RICO claim.

Additionally, [18 U.S.C. § 3237](#) provides further context for how federal law addresses crimes that cross state boundaries:

"Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves." [18 U.S.C. § 3237](#)

This provision reinforces the federal government's jurisdiction over offenses that cross state boundaries, which aligns with RICO's focus on interstate activities.

## Judicial Interpretation of RICO's Interstate Commerce Requirement

### Minimal Effect Standard

Federal courts have consistently interpreted RICO's interstate commerce requirement as having a low threshold. The Southern District of Texas articulated this standard in [Trevino v. Pechero](#):

"Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce." [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#) (citing R.A.G.S. Couture, Inc. v. Hyatt, 774 F.2d 1350, 1353 (5th Cir.1985))

This "minimal nexus" standard defines the jurisdictional threshold for RICO cases. Courts have repeatedly emphasized that the interstate commerce requirement is not stringent. As noted in an administrative decision:

"Even a minimal effect on interstate commerce satisfies this jurisdictional requirement." [Santos v. Delta Airlines, Inc.](#)

This interpretation of the interstate commerce requirement has been reinforced by multiple circuit courts, creating a consistent judicial standard:

"Even a slight impact on interstate commerce suffices. See United States v. Bagnariol, 665 F.2d 877, 892 (9th Cir. 1981) ('The effect on commerce is an essential element of a RICO violation, but the required nexus need not be great. A minimal effect on interstate commerce satisfies this jurisdictional element.')"  
[The resurrection of the 'single scheme' exclusion to RICO's pattern requirement](#)

Other courts have used similar language to describe this standard:

"RICO requires no more than a slight effect upon interstate commerce"; "minimal impact"; "even a minimal effect on interstate commerce satisfies this jurisdictional element."  
[Chapter 4. Elements of Cause of Action](#) (citing United States v. Doherty, 867 F.2d 47 (1st Cir. 1989); United States v. Robinson, 763 F.2d 778 (6th Cir. 1985); United States v. Muskovsky, 863 F.2d 1319 (7th Cir. 1988), cert. denied, 489 U.S. 1067 (1989))

## **Focus on the Enterprise's Activities**

Courts have clarified that the interstate commerce requirement focuses on the enterprise itself or its activities, rather than on each predicate act:

"It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce."  
[Civil Rico: A Tool of Advocacy](#)

This distinction is important when analyzing whether Morgan and Daniel's scheme satisfies RICO's jurisdictional requirements. The overall pattern of activities and their collective effect on interstate commerce, rather than each individual action, determines whether RICO applies.

## **Elements of a RICO Claim**

To establish a RICO violation under section 1962(c), one of the essential elements is proving that:

"The enterprise engaged in, or its activities affected, interstate or foreign commerce..." RICO: A Primer

This element appears consistently in cases discussing RICO violations. The Southern District of Texas in [Jones v. Enterprise Rent a Car Co. of Texas](#) outlined the RICO provisions:

"Plaintiff avers that Defendants violated RICO's four main criminal and civil liability provisions, as set forth in [18 U.S.C. § 1962](#). First, Plaintiff alleges that Defendants violated [18 U.S.C. § 1962\(a\)](#), which makes it unlawful for any person to use or invest income derived from a pattern of racketeering activity towards the acquisition, establishment, or operation of an enterprise engaged in or affecting interstate commerce."  
[Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#)

The court continued:

"Second, Plaintiff claims that Defendants acquired or maintained an interest in an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity, as expressly prohibited by [18 U.S.C. § 1962](#)(b). Third, Plaintiff argues that Defendants violated [18 U.S.C. § 1962](#)(c) by conducting the affairs of an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity." [Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#)

This case emphasizes that the interstate commerce nexus is a critical element across all RICO liability provisions.

A more recent case from the Southern District of Texas, [Peel v. cPaperless LLC](#), provides further clarification on the elements required for a RICO claim:

"To state a civil RICO claim under [18 U.S.C. § 1962](#), a plaintiff must allege three common elements: (1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)

Additionally, this case notes:

"An act of 'racketeering activity,' commonly referred to as a 'predicate act,' is defined to include certain criminal acts, including mail and wire fraud." [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)

This is particularly relevant to Morgan and Daniel's scheme, as their interstate communications could potentially constitute mail or wire fraud, which are recognized predicate acts under RICO.

## Necessity of Interstate Commerce Connection

Courts have consistently emphasized that the interstate commerce connection is an essential element of RICO claims:

"RICO, [18 U.S.C. § 1962](#)(c), prohibits 'any person employed by or associated with any enterprise engaged in ... interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.'" [Santos v. Delta Airlines, Inc.](#)

Similarly, secondary sources have emphasized that without this connection, RICO claims cannot proceed:

"Fifth, a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be dismissed." [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

# **Application to Morgan and Daniel's Activities**

## **Communications Across State Lines**

Morgan and Daniel's communications between Texas and Oklahoma clearly establish an interstate connection. When parties in different states communicate to further a scheme, these communications inherently involve interstate commerce. Under the "minimal nexus" standard established in [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#), these interstate communications are sufficient to establish the required connection to interstate commerce.

If these communications occurred via mail, telephone, or electronic means, they could potentially constitute mail or wire fraud, which are recognized predicate acts under RICO as noted in [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#). This further strengthens the interstate commerce connection, as these federal offenses inherently involve interstate activity.

## **Document Preparation Across State Lines**

The preparation of documents in Oklahoma for use in Texas courts also demonstrates an interstate element. This activity involves the movement of information and legal work product across state boundaries, which affects interstate commerce. Even under the "minimal effect" standard articulated in multiple sources, including [Civil Rico: A Tool of Advocacy](#) and [Chapter 4. Elements of Cause of Action](#), this cross-border document preparation satisfies RICO's jurisdictional requirement.

The fact that these documents were intended for use in Texas courts while being prepared in Oklahoma demonstrates that the enterprise's activities spanned multiple states, which aligns with the interstate commerce requirement of [18 U.S.C. § 1962](#).

## **Application of the Enterprise Standard**

As noted in [Civil Rico: A Tool of Advocacy](#), "It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce." In this case, the enterprise operated by Morgan and Daniel clearly conducted activities that crossed state lines. Their collaborative scheme involving parties in different states and actions that connected those states demonstrates that the enterprise itself was engaged in or affecting interstate commerce.

Under [18 U.S.C. § 3237](#), offenses that begin in one district and are completed in another, or that involve interstate commerce, can be prosecuted in any district where the offense occurred. This provision supports the application of RICO to Morgan and Daniel's interstate scheme:

"Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United

States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves." [18 U.S.C. § 3237](#)

Their activities across state lines create the type of continuing offense addressed by this statute, further supporting RICO's applicability.

## **Pattern of Racketeering Activity**

While not fully addressed in the original question, it's worth noting that establishing a RICO violation also requires proving a "pattern of racketeering activity." As explained in RICO: A Primer:

"There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a 'pattern of racketeering activity.'"

The interstate nature of Morgan and Daniel's scheme satisfies the interstate commerce requirement for RICO jurisdiction, but a complete RICO case would also need to establish that their activities constituted a pattern of racketeering activity as defined by the statute.

## **Comparison to Established Legal Standards**

Morgan and Daniel's activities can be analyzed in comparison to established legal standards for RICO's interstate commerce requirement. The Southern District of Texas in [Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#) discussed [18 U.S.C. § 1962\(a\)](#), which prohibits using income from racketeering activity in "any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

Multiple courts have emphasized that "even a minimal effect on interstate commerce satisfies this jurisdictional element" [The resurrection of the 'single scheme' exclusion to RICO's pattern requirement](#). Morgan and Daniel's interstate communications and document preparation exceed this minimal threshold.

The interstate nature of their scheme aligns with the RICO violations outlined in [Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#), which included "conducting the affairs of an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity."

# **Extraterritorial Considerations**

While not directly applicable to interstate activities, the principles underlying RICO's application to foreign conduct provide additional context for understanding its jurisdictional reach. As noted in [CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ](#):

"The second approach, 'the pattern of racketeering activity test,' held that RICO had extraterritorial application when 'significant acts in the pattern of racketeering activity took place in the United States....'"

This reinforces that RICO focuses on where significant acts occur. In Morgan and Daniel's case, significant acts occurred in both Texas and Oklahoma, establishing a clear interstate connection.

## **Conclusion**

Based on the statutory language of [18 U.S.C. § 1962](#) and consistent judicial interpretation, Morgan and Daniel's scheme involving communications and document preparation across state lines clearly establishes the required nexus to interstate commerce under RICO. Federal courts have consistently held that even a minimal effect on interstate commerce satisfies RICO's jurisdictional requirement, and the interstate nature of their activities exceeds this threshold.

The fact that Morgan was in Texas while Daniel was in Oklahoma, and that their scheme involved communications crossing state lines and the preparation of documents in one state for use in courts of another state, demonstrates an enterprise whose activities affected interstate commerce. These activities satisfy the jurisdictional element required by RICO, making the federal statute applicable to their scheme.

Under [18 U.S.C. § 3237](#), offenses that cross state boundaries can be prosecuted in any district where they began, continued, or were completed. This provision further supports the application of federal law, including RICO, to Morgan and Daniel's interstate activities.

In summary, the interstate nature of Morgan and Daniel's actions establishes the required nexus to interstate commerce under RICO, satisfying the jurisdictional requirement necessary for the federal statute to apply to their scheme.

## **Legal Authorities**

[Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#)

**U.S. District Court — Southern District of Texas**

## **Extract**

Plaintiff avers that Defendants violated RICO's four main criminal and civil liability provisions, as set forth in 18 U.S.C. § 1962. First, Plaintiff alleges that Defendants violated 18 U.S.C. § 1962(a), which makes it unlawful for any person to use or invest income derived from a pattern of racketeering activity towards the acquisition, establishment, or operation of an enterprise engaged in or affecting interstate commerce. Second, Plaintiff claims that Defendants acquired or maintained an interest in an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity, as expressly prohibited by 18 U.S.C. § 1962(b). Third, Plaintiff argues that Defendants violated 18 U.S.C. § 1962(c) by conducting the affairs of an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity.

## **Summary**

The passage discusses how the defendants in the case were alleged to have violated RICO provisions by engaging in activities that affected interstate commerce. This is relevant to the proposition because it highlights the requirement under RICO that the enterprise or activities must affect interstate commerce. The case provides an example of how RICO can be applied to activities that cross state lines, similar to the actions of Morgan and Daniel.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

## **U.S. District Court — Southern District of Texas**

## **Extract**

Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce. *R.A.G.S. Couture, Inc. v. Hyatt*, 774 F.2d 1350, 1353 (5th Cir.1985).

## **Summary**

The passage from "Trevino v. Pechero" highlights that for RICO to apply, there must be at least a minimal nexus with interstate commerce. This is directly relevant to the proposition, as it establishes that the interstate nature of actions, such as communications and document preparation across state lines, can satisfy the interstate commerce requirement under RICO. The case law cited (*R.A.G.S. Couture, Inc. v. Hyatt*) further supports this interpretation, indicating that the federal statute's reach includes activities affecting interstate commerce.

[Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#)

## **U.S. District Court — Southern District of Texas**

### **Extract**

18 U.S.C. § 1962(a) provides specifically, in pertinent part: It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, Title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

### **Summary**

Requirements under 18 U.S.C. § 1962(a) for a RICO violation, emphasizing that the activities of the enterprise must affect interstate or foreign commerce. This directly supports the proposition that Morgan and Daniel's interstate actions could establish the necessary nexus to interstate commerce under RICO, as their scheme involved actions across state lines.

[Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)

## **U.S. District Court — Southern District of Texas**

### **Extract**

To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: (1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. ... An act of 'racketeering activity,' commonly referred to as a 'predicate act,' is defined to include certain criminal acts, including mail and wire fraud.

### **Summary**

Elements necessary to establish a civil RICO claim under 18 U.S.C. § 1962, which includes engaging in a pattern of racketeering activity. The mention of mail and wire fraud as predicate acts is particularly relevant because these acts often involve interstate communications, which can establish the required nexus to interstate commerce. This supports the proposition that Morgan and Daniel's interstate actions, such as communications and document preparation, could fall under RICO if they constitute a pattern of racketeering activity.

[18 U.S.C. § 1962 18 U.S.C. § 1962 Prohibited Activities](#)

## **Extract**

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

## **Summary**

The passage from 18 U.S.C. § 1962(b) explicitly states that it is unlawful for any person to engage in racketeering activities that affect interstate or foreign commerce. This directly supports the proposition that Morgan and Daniel's actions, which involved interstate communications and document preparation, fall under the purview of RICO. The statute's focus on activities affecting interstate commerce aligns with the described scheme's cross-state nature, thereby establishing the necessary nexus to interstate commerce.

### [18 U.S.C. § 3237 18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another](#)

## **Extract**

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.

## **Summary**

The passage from 18 U.S.C. § 3237 establishes that offenses that begin in one district and are completed in another, or that involve interstate commerce, can be prosecuted in any district where the offense occurred. This supports the proposition that Morgan and Daniel's actions, which involved interstate communications and document preparation, fall under federal jurisdiction and can be prosecuted under RICO, as their actions affected interstate commerce.

### [The resurrection of the 'single scheme' exclusion to RICO's pattern requirement.](#)

## **Extract**

Even a slight impact on interstate commerce suffices. See *United States v. Bagnariol*, 665 F.2d 877, 892 (9th Cir. 1981) ('The effect on commerce is an essential element of a RICO violation, but the required nexus need not be great. A minimal effect on interstate commerce satisfies this jurisdictional element.').

## **Summary**

For a RICO violation, the effect on interstate commerce is an essential element, but the required nexus to interstate commerce need not be substantial. A minimal effect on interstate commerce is sufficient to satisfy this jurisdictional element. This supports the proposition that the interstate nature of Morgan and Daniel's actions, such as communications and document preparation across state lines, establishes the required nexus to interstate commerce under RICO.

### [Chapter 4. Elements of Cause of Action](#)

#### **Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph**

## **Extract**

involving enterprises 'engaged in, or the activities of which affect, interstate or foreign commerce.' Predictably, the impact on commerce need not be substantial. See, e.g., *United States v. Doherty*, 867 F.2d 47 (1st Cir. 1989) ('RICO requires no more than a slight effect upon interstate commerce'); *United States v. Robinson*, 763 F.2d 778 (6th Cir. 1985) ('minimal impact'); *United States v. Muskovsky*, 863 F.2d 1319 (7th Cir. 1988), cert. denied, 489 U.S. 1067 (1989) ('even a minimal effect on interstate commerce satisfies this jurisdictional element').

## **Summary**

The passage explains that for RICO to apply, the activities of an enterprise must affect interstate or foreign commerce, but this effect need only be minimal. The cited cases support the notion that even a slight or minimal impact on interstate commerce is sufficient to satisfy RICO's jurisdictional requirement. This aligns with the proposition that Morgan and Daniel's interstate activities, such as communications and document preparation across state lines, establish the necessary nexus to interstate commerce under RICO.

## [Civil Rico: A Tool of Advocacy](#)

### **The Brief - American Bar Association - 2024-01-01**

#### **Extract**

In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

#### **Summary**

RICO's jurisdictional requirement is satisfied if the activities of the enterprise have even a minimal effect on interstate commerce. This supports the proposition that Morgan and Daniel's interstate actions, such as communications and document preparation across state lines, establish the necessary nexus to interstate commerce under RICO.

## [CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

### **Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01**

#### **Extract**

The second approach, 'the pattern of racketeering activity test,' held that RICO had extraterritorial application when 'significant acts in the pattern of racketeering activity took place in the United States....'" and "The Court noted that 'the most obvious textual clue is that RICO defines racketeering activity to include a number of predicates that plainly apply to at least some foreign conduct.'

#### **Summary**

Application of RICO to activities that have significant acts occurring within the United States, which supports the idea that RICO can apply to interstate activities. The mention of predicates that apply to foreign conduct further supports the notion that RICO can cover activities crossing state lines, as long as they affect interstate commerce. This aligns with the proposition that Morgan and Daniel's interstate actions could establish the necessary nexus under RICO.

## [Santos v. Delta Airlines, Inc.](#)

### **USDOL Administrative Review Board Decisions**

#### **Extract**

RICO, 18 U.S.C. § 1962(c), prohibits 'any person employed by or associated with any enterprise engaged in ... interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' The statute thus requires the plaintiff to allege an enterprise, the conduct of the affairs of the enterprise through a pattern of racketeering activity, and injury to [its] business or property ... caused by the violation of Section 1962.

#### **Summary**

RICO applies to enterprises engaged in interstate or foreign commerce and requires a pattern of racketeering activity. The passage supports the proposition by highlighting that RICO's applicability hinges on the involvement of interstate commerce, which is relevant to Morgan and Daniel's actions across state lines.

## [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

#### **Extract**

Fifth, a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be dismissed. While a company is unlikely to be involved in a dispute without a relationship to commerce, this element of a RICO claim should nevertheless be scrutinized as another fruitful avenue for early dismissal.

#### **Summary**

A RICO claim cannot exist without this nexus. This supports the proposition that Morgan and Daniel's actions, which involved interstate communications and document preparation, establish the required nexus to interstate commerce under RICO.

## [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

#### **Extract**

Fifth, a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be

dismissed. While a company is unlikely to be involved in a dispute without a relationship to commerce, this element of a RICO claim should nevertheless be scrutinized as another fruitful avenue for early dismissal.

## **Summary**

For a RICO claim to be valid, there must be a connection to interstate commerce. The passage emphasizes that without this nexus, a RICO claim must be dismissed. This supports the proposition that Morgan and Daniel's actions, which involved interstate communications and document preparation, establish the necessary connection to interstate commerce under RICO.

### [RICO: A Primer](#)

## **Extract**

RICO Violations... Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt. To prove a violation of Section 1962(c), a plaintiff must prove the following elements:... The enterprise engaged in, or its activities affected, interstate or foreign commerce;... Section 1962(d)... To prove a violation of Section 1962(d), a plaintiff must prove the following elements:... That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce...

## **Summary**

Requirements for proving a violation of RICO under sections 1962(c) and 1962(d), emphasizing the necessity for the enterprise's activities to affect interstate or foreign commerce. This directly supports the proposition that Morgan and Daniel's interstate actions, such as communications and document preparation across state lines, establish the required nexus to interstate commerce under RICO.

### [RICO: A Primer](#)

## **Extract**

There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a 'pattern of racketeering activity.' Section 1962(c) ... it is a violation to conduct the affairs of an enterprise affecting

interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt.

## **Summary**

RICO applies to activities that affect interstate or foreign commerce. The passage specifically mentions that conducting the affairs of an enterprise affecting interstate commerce through a pattern of racketeering activity is a violation under Section 1962(c). This supports the proposition that the interstate nature of Morgan and Daniel's actions, such as communications and document preparation across state lines, establishes the required nexus to interstate commerce under RICO.

This memo was compiled by Vincent AI based on vLex materials available as of June 11, 2025. [View full answer on vLex](#)