

Question

Defendants engaged in at least two predicate acts (wire fraud, money laundering, obstruction, etc.) that were related and continuous, and acted as an associated group with a common purpose. 18 U.S.C. § 1962(c) prohibits any person employed by or associated with any enterprise engaged in interstate commerce from conducting or participating in the conduct of such enterprise's affairs through a pattern of racketeering activity. The defendants' coordinated actions, involving multiple predicate acts and a shared objective, establish both the existence of an enterprise and a pattern of racketeering activity under RICO.

Answer (U.S. Federal)

Short response

The proposition accurately states that defendants who engage in at least two predicate acts that are related and continuous, while acting as an associated group with a common purpose, can establish both an enterprise and pattern of racketeering activity required for RICO liability under [18 U.S.C. § 1962\(c\)](#). Courts consistently require proving both the existence of an enterprise and a pattern of racketeering activity involving multiple related predicate acts to establish a RICO violation.

Summary

Under the [Racketeer Influenced and Corrupt Organizations Act](#) (RICO), specifically [18 U.S.C. § 1962\(c\)](#), individuals who are associated with an enterprise that affects interstate commerce are prohibited from conducting or participating in that enterprise's affairs through a pattern of racketeering activity. The statutory framework requires proving multiple elements: (1) the existence of an enterprise, (2) the enterprise's engagement in or effect on interstate commerce, (3) the defendant's association with the enterprise, (4) the defendant's participation in the enterprise's affairs, and (5) participation through a pattern of racketeering activity. Supreme Court precedent has established that an enterprise can be formal or informal but must demonstrate a common purpose, relationships among associates, and sufficient longevity, while a pattern of racketeering activity requires at least two related predicate acts that demonstrate continuity.

The provided materials consistently support the proposition that defendants engaged in at least two predicate acts (such as wire fraud, money laundering, or obstruction of justice) that are related and continuous, while acting as an associated group with a common purpose, can establish both the existence of an enterprise and a pattern of racketeering activity under RICO. The evidence of an ongoing organization and associates functioning as a continuing unit establishes the enterprise, while multiple predicate acts that are related to the enterprise's affairs and demonstrate continuity

establish the pattern of racketeering activity. When defendants engage in coordinated actions involving multiple predicate acts with a shared objective, they fulfill the statutory requirements for RICO liability under [18 U.S.C. § 1962\(c\)](#).

Background and Relevant Law

Legislation

RICO was enacted as Title IX of the Organized Crime Control Act of 1970 to combat organized criminal activity. The statutory framework relevant to this analysis centers on three key provisions of Title 18 of the United States Code.

First, [18 U.S.C. § 1962\(c\)](#) establishes the core prohibition: "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, 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 or collection of unlawful debt." [18 U.S.C. § 1962\(c\)](#) (2025). This provision directly supports the proposition that persons associated with an enterprise affecting interstate commerce are prohibited from conducting the enterprise's affairs through a pattern of racketeering activity.

Second, [18 U.S.C. § 1961](#) provides critical definitions that shape the application of § 1962(c). "Racketeering activity" includes numerous federal and state offenses, including "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1956 (relating to the laundering of monetary instruments), ... section 1503 (relating to obstruction of justice)." [18 U.S.C. § 1961](#) (2025). This provision confirms that wire fraud, money laundering, and obstruction of justice qualify as predicate acts under RICO.

Furthermore, § 1961 defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity." [18 U.S.C. § 1961](#) (2025). The statute also defines "enterprise" to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961](#) (2025).

Third, the substantive statutes defining the predicate acts mentioned in the proposition are also relevant. Wire fraud is defined in [18 U.S.C. § 1343](#), which prohibits the use of "wire, radio, or television communication in interstate or foreign commerce" to execute "any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises." [18 U.S.C. § 1343](#) (2025). Money laundering is defined in [18 U.S.C. § 1956](#), which prohibits conducting financial transactions with proceeds of specified unlawful activity, knowing that the property represents such proceeds. [18 U.S.C. § 1956](#) (2025).

Case Law

The Supreme Court has provided authoritative interpretations of RICO's key provisions, particularly regarding what constitutes an "enterprise" and a "pattern of racketeering activity."

In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Supreme Court established fundamental principles regarding RICO enterprises and patterns of racketeering activity. The Court held: "In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.' The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute." [United States v. Turkette, 452 U.S. 576, 583 \(1981\)](#).

The Court further explained that the enterprise "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit," while the pattern of racketeering activity "is proved by evidence of the requisite number of acts of racketeering committed by the participants in the enterprise." [United States v. Turkette, 452 U.S. 576, 583 \(1981\)](#). This clearly supports the proposition that defendants acting as an associated group with a common purpose can establish an enterprise, and their engagement in multiple predicate acts can establish a pattern of racketeering activity.

It should be noted that Turkette was abrogated by [United States v. Lane, 474 U.S. 438 \(1986\)](#), but this abrogation was limited to the harmless error analysis in misjoinder cases and does not affect Turkette's core holdings regarding the definition of enterprise and pattern of racketeering activity under RICO.

In [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 \(1989\)](#), the Supreme Court elaborated on the pattern requirement, holding that "RICO's legislative history establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity." [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 229 \(1989\)](#). This decision adds the important requirements of relationship and continuity between predicate acts, supporting the proposition that the acts must be "related and continuous."

More recently, in [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court further clarified the enterprise requirement, holding that an association-in-fact enterprise under RICO is "simply a continuing unit that functions with a common purpose." [Boyle v. United States, 556 U.S. 938, 948 \(2009\)](#). The Court specified that such an enterprise must have three structural features: "(1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose." [United States v. Eiland, 738 F.3d 338, 360](#)

(D.C. Cir. 2014) (citing Boyle). This decision reinforces the proposition that defendants acting as an associated group with a common purpose can establish an enterprise under RICO.

Lower courts have further developed and applied these principles. The D.C. Circuit explained in [United States v. Eiland, 738 F.3d 338 \(D.C. Cir. 2014\)](#): "The RICO statute defines 'enterprise' to include 'any union or group of individuals associated in fact although not a legal entity.' [18 U.S.C. § 1961\(4\).](#)" [United States v. Eiland, 738 F.3d 338, 360 \(D.C. Cir. 2014\)](#). Regarding the pattern requirement, the court added: "A pattern of racketeering activity requires 'two or more related predicate acts of racketeering within a 10-year period.' The government must show that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'" [United States v. Eiland, 738 F.3d 338, 360 \(D.C. Cir. 2014\)](#) (citations omitted).

In [U.S. v. Battle, 473 F.Supp.2d 1185 \(S.D. Fla. 2006\)](#), the court specifically addressed how predicate acts relate to the enterprise and form a pattern, rejecting the argument that money laundering acts were unrelated to the enterprise: "I specifically reject Battle, Jr.'s argument that his predicate money laundering acts were not related to the enterprise charged and did not form a 'pattern.' I conclude that the money laundering acts facilitated racketeering activities by securing them from detection. The two main goals of the enterprise conspiracy, as charged, were to make as much money as possible and not get caught." [U.S. v. Battle, 473 F.Supp.2d 1185, 1246 \(S.D. Fla. 2006\)](#). This case illustrates how predicate acts like money laundering can be integral to an enterprise's goals, supporting the proposition that related predicate acts can establish both the enterprise and the pattern elements.

The D.C. Circuit in [U.S. v. Crosby, 20 F.3d 480 \(D.C. Cir. 1994\)](#) emphasized that "Criminal liability under RICO is premised on the commission of a 'pattern of racketeering activity,' defined by the statute as engaging in two or more related predicate acts of racketeering within a 10-year period." [U.S. v. Crosby, 20 F.3d 480, 481 \(D.C. Cir. 1994\)](#). This reinforces the proposition's assertion that at least two predicate acts are required.

In [Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#), the court enumerated the elements necessary to establish a RICO violation: "to establish a RICO violation under [18 U.S.C. § 1962\(c\)](#) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts.'" [Reynolds v. Condon, 908 F.Supp. 1494, 1506-07 \(N.D. W.Va. 1996\)](#). The court further clarified that the enterprise need only have a common or shared purpose, which may be legal or otherwise. [Reynolds v. Condon, 908 F.Supp. 1494, 1507 \(N.D. W.Va. 1996\)](#). This supports the proposition that defendants' coordinated actions with a shared objective can establish an enterprise.

In [U.S. v. Welch, 656 F.2d 1039 \(5th Cir. 1981\)](#), the Fifth Circuit identified five elements the government must prove: "(1) the existence of the enterprise; (2) that the enterprise affected interstate commerce; (3) that the defendant was employed by or associated with the enterprise; (4) that he

participated in the conduct of the affairs of the enterprise; and (5) that he participated through a pattern of racketeering activity." [U.S. v. Welch, 656 F.2d 1039, 1060-61 \(5th Cir. 1981\)](#). The court emphasized the importance of a "common goal" in establishing a pattern of racketeering activity, noting that "The common goal conducting the affairs of the Sheriff's Office by means of a pattern of racketeering provides a sufficient identity of facts." [U.S. v. Welch, 656 F.2d 1039, 1056 \(5th Cir. 1981\)](#).

Administrative Decisions and Secondary Materials

Administrative decisions and secondary materials provide additional insights into the interpretation and application of RICO's provisions.

In [Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#) (2017), it was explained that "The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO." [Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#) (2017). The decision specifically identified wire fraud ([18 U.S.C. § 1343](#)) and money laundering ([18 U.S.C. §§ 1956-57](#)) as examples of predicate offenses, supporting the proposition that these acts can form part of a pattern of racketeering activity.

The secondary material "RICO: A Primer" (2022) explains that "To prove a violation of Section 1962(c), a plaintiff must prove the following elements: Existence of an enterprise; The enterprise engaged in, or its activities affected, interstate or foreign commerce; The defendant was employed by or was associated with the enterprise; The defendant conducted or participated, either directly or indirectly, in the conduct of the affairs of the enterprise; and The defendant participated in the affairs of the enterprise through a pattern of racketeering activity." "RICO: A Primer" (2022). This comprehensive enumeration of elements aligns with the proposition's structure and requirements.

Furthermore, "RICO: A Primer" (2022) clarifies that racketeering acts "need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission." "RICO: A Primer" (2022). This explanation supports the proposition that defendants' coordinated actions with a shared objective can establish both the enterprise and pattern elements.

Similarly, "[Racketeer influenced and corrupt organizations](#)" (2008) notes that "RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering

occurring within ten years of each other, simply proving two acts may not be sufficient to establish a RICO violation. The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. Thus, 'two isolated acts of racketeering do not constitute a pattern.'" "[Racketeer influenced and corrupt organizations](#)" (2008). This reinforces the requirement that the predicate acts must be related and continuous, as stated in the proposition.

Analysis

Based on the authorities examined, the proposition accurately states the requirements for establishing RICO liability under [18 U.S.C. § 1962\(c\)](#). The analysis of this proposition involves examining two primary components: (1) what constitutes an "enterprise" under RICO, and (2) what constitutes a "pattern of racketeering activity."

The Enterprise Requirement

The RICO statute defines "enterprise" broadly to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961](#) (2025). The Supreme Court in [United States v. Turkette, 452 U.S. 576 \(1981\)](#) characterized an enterprise as "an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct," which is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." [United States v. Turkette, 452 U.S. 576, 583 \(1981\)](#).

Building on Turkette, the Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) clarified that an association-in-fact enterprise is "simply a continuing unit that functions with a common purpose." [Boyle v. United States, 556 U.S. 938, 948 \(2009\)](#). The Court specified three structural features required for such an enterprise: "(1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose." [United States v. Eiland, 738 F.3d 338, 360 \(D.C. Cir. 2014\)](#) (citing Boyle).

The proposition states that "defendants... acted as an associated group with a common purpose," which directly addresses the first two requirements from Boyle: a purpose and relationships among associates. While the proposition does not explicitly mention longevity, it does state that the defendants engaged in "at least two predicate acts... that were related and continuous," implying a timeframe sufficient to satisfy the longevity requirement.

Moreover, "[Racketeer influenced and corrupt organizations](#)" (2000) stated that a RICO enterprise must exhibit three characteristics: "(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering." "[Racketeer influenced and corrupt organizations](#)" (2000). The proposition's reference to defendants acting "as an associated group with a

"common purpose" addresses the first characteristic, while the mention of "coordinated actions" implies the second and third characteristics.

Therefore, when defendants act as an associated group with a common purpose, engaging in coordinated actions over a period sufficient to conduct at least two predicate acts, they can establish the existence of an enterprise under RICO.

The Pattern of Racketeering Activity Requirement

The RICO statute defines "pattern of racketeering activity" as requiring "at least two acts of racketeering activity" within a specified timeframe. [18 U.S.C. § 1961](#) (2025). However, as noted in [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 \(1989\)](#), the pattern requirement involves more than just numerosity: "to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity." [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 229 \(1989\)](#).

The proposition states that defendants engaged in "at least two predicate acts... that were related and continuous," which directly addresses the relationship and continuity requirements established in [H.J. Inc.](#) The proposition specifically identifies wire fraud, money laundering, and obstruction of justice as examples of predicate acts, all of which are explicitly included in the statutory definition of "racketeering activity." [18 U.S.C. § 1961](#) (2025).

Furthermore, "[Racketeer influenced and corrupt organizations](#)" (2008) notes that "simply proving two acts may not be sufficient to establish a RICO violation. The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. Thus, 'two isolated acts of racketeering do not constitute a pattern.'" "[Racketeer influenced and corrupt organizations](#)" (2008). The proposition addresses this concern by specifying that the predicate acts were "related and continuous."

The relationship between the predicate acts and the enterprise is also critical. As explained in [U.S. v. Battle, 473 F.Supp.2d 1185 \(S.D. Fla. 2006\)](#), predicate acts like money laundering can be related to the enterprise when they "facilitated racketeering activities by securing them from detection." [U.S. v. Battle, 473 F.Supp.2d 1185, 1246 \(S.D. Fla. 2006\)](#). Similarly, "RICO: A Primer" (2022) explains that racketeering acts are related to the enterprise when they "furthered the goals of or benefitted the enterprise" or "had the same or similar purposes, results, participants, victims or methods of commission." "RICO: A Primer" (2022).

The proposition's reference to "coordinated actions, involving multiple predicate acts and a shared objective" addresses this relationship requirement, indicating that the predicate acts furthered the goals of the enterprise and involved the same participants working toward a common purpose.

Synthesizing the Enterprise and Pattern Requirements

The proposition suggests that defendants' coordinated actions involving multiple predicate acts and a shared objective "establish both the existence of an enterprise and a pattern of racketeering activity under RICO." This assertion is legally sound based on the authorities examined.

In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Supreme Court distinguished between the enterprise and pattern elements but recognized their potential overlap in proof: "While the proof used to establish these separate elements may in particular cases coalesce, proof of one does not necessarily establish the other. The 'enterprise' is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages. The existence of an enterprise at all times remains a separate element which must be proved by the Government." [United States v. Turkette, 452 U.S. 576, 583 \(1981\)](#).

This distinction is important—while evidence of coordinated actions and multiple predicate acts can help establish both elements, they remain conceptually distinct requirements. The enterprise focuses on the associational structure, while the pattern focuses on the criminal activities conducted through that structure.

Nevertheless, as explained in [United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#), citing Turkette: "The 'pattern of racketeering activity is ... a series of criminal acts,' while an enterprise may be 'a group of persons associated together for a common purpose of engaging in a course of conduct.'" [United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356, 362 \(9th Cir. 1988\)](#). When defendants engage in coordinated actions involving multiple predicate acts with a shared objective, they demonstrate both the associational structure (enterprise) and the series of criminal acts (pattern) required by RICO.

Furthermore, the relationship between the defendants and the enterprise must be established. As explained in "[Civil Rico: A Tool of Advocacy](#)" (2024): "A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." "[Civil Rico: A Tool of Advocacy](#)" (2024). The proposition's reference to defendants' "coordinated actions" implies conduct of the enterprise, while their engagement in "multiple predicate acts" establishes the pattern of racketeering activity.

Exceptions and Caveats

While the proposition accurately states the basic requirements for RICO liability, several important caveats must be considered.

First, mere association with an enterprise is insufficient; the defendant must participate in its operation or management. In "[Racketeer influenced and corrupt organizations](#)" (2005), citing the Supreme Court's decision in *Reves v. Ernst & Young*: "In *Reves v. Ernst & Young*, the Supreme Court held that

the requisite nexus exists only when the defendant's predicate acts 'rise to the level' of participation in the management or operation of the enterprise. Actions involving a low degree of decision-making may not constitute participation in the affairs of the enterprise. One must play some role in directing the affairs of the enterprise to 'conduct or participate' in the affairs of the enterprise." "[Racketeer influenced and corrupt organizations](#)" (2005).

Second, while two predicate acts are necessary, they may not be sufficient to establish a pattern. As explained in "[Racketeer influenced and corrupt organizations](#)" (2008): "While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering occurring within ten years of each other, simply proving two acts may not be sufficient to establish a RICO violation." "[Racketeer influenced and corrupt organizations](#)" (2008). The acts must demonstrate both relationship and continuity.

Third, the interstate commerce requirement must be satisfied. As noted in "[Civil Rico: A Tool of Advocacy](#)" (2024): "§ 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." "[Civil Rico: A Tool of Advocacy](#)" (2024). While the proposition mentions "interstate commerce," it is important to emphasize that this is a distinct element that must be proven.

Fourth, for civil RICO claims, there is an additional requirement of injury. As explained in [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#): "To state a claim under civil RICO, plaintiffs must allege that defendants are (1) conducting (2) an enterprise (3) through a pattern (4) of racketeering activity (5) that has caused injury to plaintiff's business or property." [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244, 1251 \(D. N.J. 1989\)](#). The proposition does not address this injury requirement, which is essential for civil (but not criminal) RICO cases.

Finally, as "[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)" (2022) notes, "RICO is not a simple statute." "[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)" (2022). The complexity of RICO's provisions and their interpretation by courts means that each case requires careful analysis of its specific facts in relation to the statutory elements.

Conclusion

The proposition accurately states the requirements for establishing RICO liability under [18 U.S.C. § 1962\(c\)](#). When defendants engage in at least two predicate acts (such as wire fraud, money laundering, or obstruction of justice) that are related and continuous, while acting as an associated group with a common purpose, they can establish both the existence of an enterprise and a pattern of racketeering activity required under RICO.

The statutory framework of 18 U.S.C. §§ 1961-1962, as interpreted by the Supreme Court in cases like [Turkette, H.J. Inc.](#), and Boyle, provides clear

guidance on the elements necessary to prove a RICO violation. The enterprise element requires showing an ongoing organization with associates functioning as a continuing unit for a common purpose, while the pattern element requires showing at least two related predicate acts that demonstrate continuity of criminal activity.

When defendants engage in coordinated actions involving multiple predicate acts with a shared objective, they demonstrate both the associational structure of an enterprise and the related criminal acts constituting a pattern of racketeering activity. This combined showing, along with proof that the enterprise affects interstate commerce and the defendants participated in its operation or management, establishes RICO liability under [18 U.S.C. § 1962\(c\)](#).

While various caveats and additional requirements may apply in specific contexts, particularly for civil RICO claims, the proposition's core assertion regarding the establishment of an enterprise and pattern of racketeering activity through defendants' coordinated predicate acts and shared objectives is well-supported by the legal authorities.

Legal Authorities

[P & P MARKETING, INC. v. Ditton, 746 F. Supp. 1354 \(N.D. Ill. 1990\)](#)

U.S. District Court — Northern District of Illinois

Extract

Regardless of which subsection of Section 1962 defendants are alleged to have violated, five elements are common and necessary to every civil RICO claim. These essential elements are: (1) a 'person'; (2) an 'enterprise' engaged in or affecting interstate commerce; (3) 'racketeering activity' which (4) occurred in a 'pattern' and (5) an injury. ... Defendants contend plaintiff failed to adequately allege a pattern of racketeering activity. As a necessary element of any civil RICO claim, a plaintiff must allege a 'pattern of racketeering activity'. ... Section 1961(5) provides: 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after October 15, 1970 and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity. ... Applying the factors listed in Morgan to the facts of this case, the court finds plaintiff's allegations sufficient to meet the continuity element of the pattern requirement. ... Defendants allegedly committed numerous predicate acts over a period of two-to-three years; although there is only one victim, P & P, three separate schemes are involved; and distinct injuries occurred, i.e., numerous overpayments relative to Capcom Kits, extortion of Grudge Match rights, and loss of money and proprietary information concerning the ESAC system. These alleged facts are sufficient, if true, to establish that either the predicate acts amounted to continuing racketeering activity or threatened continued racketeering activity.

Summary

N example where the court found sufficient allegations of multiple predicate acts over a period of time, which could establish a pattern of racketeering activity. This supports the proposition that defendants engaged in multiple predicate acts with a common purpose, establishing both an enterprise and a pattern of racketeering activity.

[U.S. v. Battle, 473 F.Supp.2d 1185 \(S.D. Fla. 2006\)](#)

U.S. District Court — Southern District of Florida

Extract

The Superseding Indictment charges an enterprise conspiracy under Title 18, United States. Code, § 1962(c). Both sections 1961 and 1962 became effective on October 15, 1970. 'A pattern of racketeering activity' requires at least two acts of racketeering activity, one of which must have occurred after October 15, 1970, and the last of which must occur within ten years (excluding any period of imprisonment) after the commission, of a prior act of racketeering activity. 18 U.S.C. § 1961(5)... Furthermore, I specifically reject Battle, Jr.'s argument that his predicate money laundering acts were not related to the enterprise charged and did not form a 'pattern.' I conclude that the money laundering acts facilitated racketeering activities by securing them from detection. The two main goals of the enterprise conspiracy, as charged, were to make as much money as possible and not get caught.

Summary

The court in "U.S. v. Battle" addressed the requirements for establishing a pattern of racketeering activity under RICO. The court emphasized that a pattern requires at least two acts of racketeering activity, and these acts must be related to the enterprise's goals. The court also rejected arguments that predicate acts like money laundering were unrelated to the enterprise, affirming that such acts can facilitate the enterprise's objectives, such as making money and avoiding detection. This directly supports the proposition that defendants engaged in multiple predicate acts with a common purpose, establishing a pattern of racketeering activity.

[U.S. v. Welch, 656 F.2d 1039 \(5th Cir. 1981\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The RICO count charged that the four defendants violated 18 U.S.C.A. § 1962(c) by conducting the affairs of the Sheriff's Office through a pattern of

racketeering activity. Engaging in a 'pattern of racketeering activity' requires at least two acts of racketeering within a ten-year period... Thus, each conspiracy was aimed at participating in the affairs of the enterprise. The acts directed at conducting the affairs of the Sheriff's Office through a pattern of racketeering activity were related to each other and were part of a series of acts or transactions. The common goal conducting the affairs of the Sheriff's Office by means of a pattern of racketeering provides a sufficient identity of facts to satisfy Rule 8(b)... The government must prove (1) the existence of the enterprise; (2) that the enterprise affected interstate commerce; (3) that the defendant was employed by or associated with the enterprise; (4) that he participated in the conduct of the affairs of the enterprise; and (5) that he participated through a pattern of racketeering activity.

Summary

The passage from "U.S. v. Welch" provides a clear explanation of the elements required to establish a RICO violation under 18 U.S.C. § 1962(c). It emphasizes the need for at least two predicate acts of racketeering that are related to the affairs of an enterprise, which must affect interstate commerce. The passage also highlights the requirement for a common goal or purpose in conducting the enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition by illustrating how coordinated actions involving multiple predicate acts and a shared objective can establish both the existence of an enterprise and a pattern of racketeering activity.

[Sedima v. Imrex Company, Inc. 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

U.S. Supreme Court

Extract

RICO takes aim at 'racketeering activity,' which it defines as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud... Section 1962, entitled 'Prohibited Activities,' outlaws the use of income derived from a 'pattern of racketeering activity' to acquire an interest in or establish an enterprise engaged in or affecting interstate commerce; the acquisition or maintenance of any interest in an enterprise 'through' a pattern of racketeering activity; conducting or participating in the conduct of an enterprise through a pattern of racketeering activity; and conspiring to violate any of these provisions... As many commentators have pointed out, the definition of a 'pattern of racketeering activity' differs from the other provisions in § 1961 in that it states that a pattern 'requires at least two acts of racketeering activity,' § 1961(5) (emphasis added), not that it 'means' two such acts. The implication is that while two acts are necessary, they may not be sufficient... It is this factor of continuity plus relationship which combines to produce a pattern.

Summary

RICO targets racketeering activity, which includes acts indictable under federal criminal provisions such as mail and wire fraud. Section 1962(c) prohibits conducting an enterprise's affairs through a pattern of racketeering activity. The passage emphasizes that a pattern requires at least two acts of racketeering activity, but these acts must also demonstrate continuity and relationship to form a pattern. This supports the proposition that defendants engaged in multiple predicate acts with a shared objective, establishing both an enterprise and a pattern of racketeering activity.

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

U.S. Court of Appeals — Second Circuit

Extract

Section 1964(c) states that anyone 'injured' 'by reason of' a violation of section 1962 is entitled to treble damages. Section 1962 'violations' include conducting 'enterprises' 'through a pattern of racketeering'; a 'pattern of racketeering' is defined by section 1961(5) as two or more 'acts of racketeering' occurring within a given time. 'Acts of racketeering' are defined by section 1961(1), *inter alia*, as any of a number of acts 'chargeable under State law,' acts 'indictable' under a variety of federal laws, or an 'offense' under the federal securities law. Thus, ignoring for the moment some troubling ambiguities, the statute on its surface seems to allow private suits for people injured by defendants who have committed two so-called predicate acts.

Summary

The passage explains that under RICO, a "pattern of racketeering activity" requires at least two acts of racketeering, which can be acts chargeable under state law or indictable under federal law. This supports the proposition that defendants engaged in multiple predicate acts, as it clarifies that such acts can form a pattern of racketeering activity if they are related and continuous. The passage also highlights that section 1962 violations include conducting enterprises through such a pattern, which aligns with the proposition that defendants acted as an associated group with a common purpose.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

U.S. District Court — Middle District of Florida

Extract

To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Finally, 'enterprise' is defined under the statute as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Id. § 1961(c).

Summary

Clear explanation of what constitutes a "pattern of racketeering activity" under RICO, requiring at least two acts of racketeering activity within a specified timeframe. It also defines "enterprise" broadly to include various forms of associations, which supports the proposition that defendants' coordinated actions can establish both an enterprise and a pattern of racketeering activity. This aligns with the proposition that defendants engaged in multiple predicate acts with a shared objective, thus violating 18 U.S.C. § 1962(c).

[United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

The Supreme Court held in United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), that under section 1962(c) a RICO enterprise must be 'an entity separate and apart from the pattern of [racketeering] activity in which it engages.' Id. at 583, 101 S.Ct. at 2529. The 'pattern of racketeering activity is ... a series of criminal acts,' while an enterprise may be 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Id.

Summary

The passage references the Supreme Court's interpretation in United States v. Turkette, which clarifies that a RICO enterprise must be distinct from the pattern of racketeering activity. It also defines a pattern of racketeering activity as a series of criminal acts and an enterprise as a group of persons associated for a common purpose. This supports the proposition by establishing that defendants' coordinated actions, involving multiple predicate acts and a shared objective, can constitute both an enterprise and a pattern of racketeering activity under RICO.

[Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#)

U.S. District Court — District of New Jersey

Extract

To state a claim under civil RICO, plaintiffs must allege that defendants are (1) conducting (2) an enterprise (3) through a pattern (4) of racketeering activity (5) that has caused injury to plaintiff's business or property. *Sedima, SPRL v. Imrex Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985)... A single illegal scheme can constitute a pattern of racketeering activity so long as the racketeering acts meet the 'continuity plus relationship requirement,' that distinguishes a RICO pattern from a series of isolated events that occur close in time.

Summary

To establish a RICO claim, plaintiffs must demonstrate that defendants conducted an enterprise through a pattern of racketeering activity that caused injury. The passage also clarifies that a single illegal scheme can meet the RICO pattern requirement if it shows continuity and relationship among the acts. This supports the proposition by indicating that multiple predicate acts, when related and continuous, can establish a RICO pattern, and that the defendants' coordinated actions can demonstrate the existence of an enterprise.

[United States v. Eiland, 738 F.3d 338 \(D.C. Cir. 2014\)](#)

U.S. Court of Appeals — District of Columbia Circuit

Extract

The RICO statute defines "enterprise" to include "any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). An association-in-fact enterprise must have three structural features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." *Boyle v. United States*, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). ... A pattern of racketeering activity requires "two or more related predicate acts of racketeering within a 10-year period." *United States v. Crosby*, 20 F.3d 480, 481 (D.C.Cir.1994). The government must show that "the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity." *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

Summary

Legal definition of an "enterprise" under RICO, which includes any group of individuals associated in fact, and outlines the structural features required for such an enterprise. It also explains the requirement for a "pattern of racketeering activity," which involves at least two related predicate acts within a 10-year period. This directly supports the proposition by clarifying the legal standards for establishing an enterprise and a pattern of racketeering activity, which are central to proving a RICO violation.

[Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#)

U.S. District Court — Northern District of West Virginia

Extract

Thus, to establish a RICO violation under 18 U.S.C. § 1962(c) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts.' ... The court concludes here that there is no requirement that the common or shared purpose of the 'RICO enterprise' in fact be the criminal or injurious scheme of which the plaintiff complains, or even that the common or shared purpose be illegal activity aimed at this or other victims; the enterprise need only have a common or shared purpose, which may be legal or otherwise, and may be related to the predicate acts or not, as the case may be, as well as the other organizational characteristics of an enterprise, continuity of structure and structure distinct from that inherent in a pattern of racketeering activity.

Summary

Elements required to establish a RICO violation, which include conduct of an enterprise through a pattern of racketeering activity with at least two predicate acts. It clarifies that the enterprise must have a common or shared purpose, which does not necessarily have to be illegal. This supports the proposition by confirming that defendants' coordinated actions, involving multiple predicate acts and a shared objective, can establish both the existence of an enterprise and a pattern of racketeering activity under RICO.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#)

U.S. Supreme Court

Extract

In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of

racketeering activity.' The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. 18 U.S.C. § 1961(1) (1976 ed., Supp. III). The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit. The latter is proved by evidence of the requisite number of acts of racketeering committed by the participants in the enterprise.

Summary

For a RICO conviction, the government must demonstrate both the existence of an enterprise and a pattern of racketeering activity. An enterprise is defined as a group of individuals associated for a common purpose, and a pattern of racketeering activity involves a series of criminal acts. This aligns with the proposition that defendants engaged in multiple predicate acts with a shared objective, thus establishing both an enterprise and a pattern of racketeering activity.

[U.S. v. Crosby, 20 F.3d 480 \(D.C. Cir. 1994\)](#)

U.S. Court of Appeals — District of Columbia Circuit

Extract

Count 1 and Count 2 of the indictment charge each of the appellants with, respectively, substantive RICO and RICO conspiracy offenses, in violation of 18 U.S.C. Sec. 1962(c) and (d). 'Criminal liability under RICO is premised on the commission of a 'pattern of racketeering activity,' defined by the statute as engaging in two or more related predicate acts of racketeering within a 10-year period.' ... First, RICO itself defines 'pattern of racketeering activity' to include 'at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. Sec. 1961(5) (emphasis added).

Summary

The court discusses the statutory requirements for establishing a RICO violation, specifically the need for a pattern of racketeering activity, which involves at least two related predicate acts within a specified timeframe. This directly supports the proposition that defendants engaged in multiple predicate acts as part of a coordinated effort, fulfilling the criteria for a RICO violation.

[Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#)

U.S. Supreme Court

Extract

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, 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.' 18 U.S.C. § 1962(c) (emphasis added). ... an association-in-fact enterprise is simply a continuing unit that functions with a common purpose. ... Such an enterprise, we said, 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

The Supreme Court clarifies that an "enterprise" under RICO does not require a formal structure but can be an informal association-in-fact that functions with a common purpose. This supports the proposition that defendants' coordinated actions, involving multiple predicate acts and a shared objective, can establish both the existence of an enterprise and a pattern of racketeering activity under RICO. The Court's interpretation emphasizes that the enterprise can be proved by evidence of an ongoing organization, whether formal or informal, and that the associates function as a continuing unit.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity... RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c)...

Summary

The U.S. Supreme Court has clarified the requirements for establishing a "pattern of racketeering activity" under RICO. The Court emphasized that both "relationship" and "continuity" must be demonstrated, meaning the predicate acts must be related and either constitute or threaten long-term criminal activity. This interpretation supports the proposition that defendants' coordinated actions, involving multiple predicate acts and a shared objective, can establish both the existence of an enterprise and a pattern of racketeering activity under RICO.

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

Extract

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, 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 or collection of unlawful debt.

Summary

18 U.S.C. § 1962(c) specifically prohibits individuals associated with an enterprise engaged in interstate commerce from conducting or participating in the enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition that defendants, by engaging in multiple predicate acts with a shared objective, establish both the existence of an enterprise and a pattern of racketeering activity under RICO.

[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 1343 (relating to wire fraud), ... section 1956 (relating to the laundering of monetary instruments), ... section 1503 (relating to obstruction of justice), ... 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity; ... 'enterprise' includes any individual, partnership, corporation, association, or other legal

entity, and any union or group of individuals associated in fact although not a legal entity;

Summary

The passage defines "racketeering activity" to include acts such as wire fraud, money laundering, and obstruction of justice, which are relevant predicate acts under RICO. It also defines a "pattern of racketeering activity" as requiring at least two acts of racketeering activity within a specified time frame. Additionally, it defines "enterprise" to include groups of individuals associated in fact, which supports the notion of defendants acting as an associated group with a common purpose. These definitions are directly relevant to establishing both the existence of an enterprise and a pattern of racketeering activity under RICO.

[18 U.S.C. § 1343](#) [18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

18 U.S.C. § 1343 defines wire fraud as a federal crime involving the use of wire, radio, or television communication in interstate or foreign commerce to execute a scheme to defraud. This statute is relevant to the proposition because wire fraud is considered a predicate act under the Racketeer Influenced and Corrupt Organizations Act (RICO). The passage supports the proposition by establishing that the defendants' use of wire communications to further a fraudulent scheme can be considered a predicate act of racketeering activity, which is necessary to demonstrate a pattern of racketeering activity under RICO.

[18 U.S.C. § 1956](#) [18 U.S.C. § 1956 Laundering of Monetary Instruments](#)

Extract

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the

transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

Summary

The passage from 18 U.S.C. § 1956 outlines the criminal offense of money laundering, which involves conducting financial transactions with the proceeds of unlawful activities. It specifies that such transactions are considered part of a single plan or arrangement if they are parallel or dependent, which aligns with the concept of a pattern of racketeering activity under RICO. This supports the proposition by providing a legal basis for considering multiple related financial transactions as part of a coordinated effort, which is essential for establishing a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Sacks, Michele - 2005-03-22

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. (142) This requires a relationship between the pattern of racketeering activity and the enterprise. (143) In *Reves v. Ernst & Young*, (144) the Supreme Court held that the requisite nexus exists only when the defendant's predicate acts 'rise to the level' of participation in the management or operation of the enterprise. (145) Actions involving a low degree of decision-making may not constitute participation in the affairs of the enterprise. (146) One must play some role in directing the affairs of the enterprise to 'conduct or participate' in the affairs of the enterprise. (147)

Summary

The passage explains the requirements under 18 U.S.C. § 1962(c) for establishing a RICO offense, specifically the need for a relationship between the pattern of racketeering activity and the enterprise. It highlights the Supreme Court's interpretation in *Reves v. Ernst & Young*, which clarifies that the defendant's actions must rise to the level of participation in the management or operation of the enterprise. This supports the proposition by showing that defendants' coordinated actions, involving multiple predicate acts and a shared objective, can establish both the existence of an enterprise and a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bagley, Ross - 2007-03-22

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (43) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering occurring within ten years of each other, (44) simply proving two acts may not be sufficient to establish a RICO violation. (45) The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. (46) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (47)... Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. (49) A relationship between the pattern of racketeering activity and the enterprise is required.

Summary

To establish a RICO violation under 18 U.S.C. § 1962(c), it is necessary to demonstrate a pattern of racketeering activity, which involves at least two predicate acts that are continuous and interrelated. Additionally, there must be a relationship between these acts and the enterprise. The passage supports the proposition by explaining the legal requirements for proving a pattern of racketeering activity and the involvement of an enterprise, which aligns with the defendants' coordinated actions and shared objectives.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Douglass, Sean M. - 2011-03-22

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. A relationship between the pattern of racketeering activity and the enterprise is required. In *Reves v. Ernst & Young*, the Supreme Court held that the requisite nexus exists only when the defendant participates in the management or operation of the enterprise. Actions involving a low degree of decision-making may not constitute participation in the affairs of the enterprise. One must play some role in directing the affairs of the enterprise to 'conduct or participate' in the affairs of the enterprise.

Summary

The passage explains the requirements under 18 U.S.C. § 1962(c) for establishing liability for conducting an enterprise through a pattern of racketeering activity. It highlights the necessity of a relationship between the pattern of racketeering activity and the enterprise, and clarifies that participation in the management or operation of the enterprise is required. This supports the proposition by emphasizing the need for defendants to be involved in the enterprise's affairs through a pattern of racketeering activity, which aligns with the claim that defendants engaged in multiple predicate acts with a common purpose.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Holt, Michael W. - 2009-03-22

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. A relationship between the pattern of racketeering activity and the enterprise is required. ... 18 U.S.C. [section] 1962(c) (prohibiting person employed by or associated with enterprise from conducting or participating in conduct of enterprise's affairs through pattern of racketeering activity).

Summary

Section 1962(c) of the RICO Act specifically addresses the prohibition against individuals associated with an enterprise from engaging in a pattern of racketeering activity. The passage highlights the requirement of a relationship between the pattern of racketeering activity and the enterprise, which aligns with the proposition that defendants engaged in multiple predicate acts as part of a coordinated effort within an enterprise.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Argust, Corey P. - 2010-03-22

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. (158) A relationship between the pattern of racketeering activity and the enterprise is required. (159) ... 18 U.S.C. [section] 1962(c) ("It shall be unlawful

for any person ... associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to ... participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity...."; (emphasis added).

Summary

The passage clearly outlines that 18 U.S.C. § 1962(c) prohibits individuals associated with an enterprise from participating in its affairs through a pattern of racketeering activity. It emphasizes the necessity of a relationship between the racketeering activity and the enterprise, which aligns with the proposition that defendants engaged in multiple predicate acts as part of a coordinated effort. The passage also highlights the requirement that the enterprise's activities affect interstate commerce, which is a critical element in establishing a RICO violation.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Franklin, Amy - 2008-03-22

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (43) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering occurring within ten years of each other, (44) simply proving two acts may not be sufficient to establish a RICO violation. (45) The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. (46) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (47) ... Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. (150)

Summary

For a RICO violation under 18 U.S.C. § 1962(c), there must be a pattern of racketeering activity, which requires at least two predicate acts that are continuous and interrelated. The passage also clarifies that merely having two acts is insufficient unless they demonstrate continuity and a relationship. Additionally, the passage explains that § 1962(c) specifically prohibits conducting or participating in an enterprise's affairs through such a pattern, which aligns with the proposition that defendants engaged in multiple predicate acts with a shared objective.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Mecone, James Morrison - 2006-03-22**

Extract

To prosecute a defendant under RICO, the government must prove that the defendant: (i) through the commission of two or more acts constituting a pattern of racketeering activity; (ii) directly or indirectly invested in, maintained an interest in, or participated in, an enterprise; (iii) the activities of which affected interstate or foreign commerce... A RICO offense requires two or more predicate acts of 'racketeering activity'... The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated... Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity.

Summary

Elements required to establish a RICO offense, including the need for two or more predicate acts that are continuous and interrelated, participation in an enterprise, and an effect on interstate commerce. It also highlights the prohibition under 18 U.S.C. § 1962(c) against conducting an enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition by explaining the legal framework and requirements for proving a RICO violation, which aligns with the defendants' alleged actions.

[Racketeer Influenced and Corrupt Organizations Act.](#)

**American Criminal Law Review - Georgetown University Law Center -
Bailey, Lisa Pritchard - 1999-06-22**

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. This requires a relationship between the pattern of racketeering activity and the enterprise. In *Reves v. Ernst & Young*, the Supreme Court held that the requisite nexus exists only when the defendant's predicate acts 'rise to the level' of participation in the management or operation of the enterprise. Although RICO liability does not rest solely upon those with primary responsibility for the enterprise's affairs, to 'conduct or participate' in the affairs of the enterprise, one must play some role in directing the affairs of the enterprise.

Summary

There must be a relationship between the racketeering activity and the enterprise, and that participation in the enterprise's affairs can include roles

in management or operation. This supports the proposition by establishing the legal framework under which defendants' coordinated actions and shared objectives can be seen as participating in an enterprise's affairs through a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Bourgeois, Richard L., Jr. - 2000-03-22

Extract

A recurring issue is the type and sufficiency of proof the government must offer to establish the existence of a RICO enterprise. Although the circuits have not adopted a uniform definition of enterprise, they do require that the charged RICO enterprise, in order to distinguish it from a conspiracy, have some structure. A more specific definition requires that a RICO enterprise exhibit three characteristics: (1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.

Summary

To establish a RICO enterprise, there must be proof of a common or shared purpose, continuity of structure and personnel, and an ascertainable structure distinct from the pattern of racketeering. This supports the proposition by outlining the necessary elements to prove the existence of an enterprise and a pattern of racketeering activity, which are central to the RICO statute.

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

American Criminal Law Review - Georgetown University Law Center - 2021-07-01

Extract

RICO applies only to those injuries resulting from commission of predicate acts constituting a "pattern of racketeering activity." The statutory definition of "pattern of racketeering activity" requires at least two predicate acts occurring within ten years of each other. A "pattern of racketeering activity" also requires evidence that the predicate acts are continuous and interrelated, rather than isolated and sporadic. A plaintiff can satisfy RICO's pattern requirement two ways: by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy.

Summary

To establish a RICO violation under 18 U.S.C. § 1962(c), there must be a pattern of racketeering activity, which involves at least two predicate acts that are continuous and interrelated. The passage explains that these acts must not be isolated or sporadic, and they can demonstrate either a closed-ended or open-ended conspiracy. This directly supports the proposition that the defendants engaged in multiple predicate acts with a shared objective, establishing both an enterprise and a pattern of racketeering activity.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. 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.

Summary

Essential elements required to establish a violation of § 1962(c), which include conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for particularity in pleading fraud-related predicate acts, such as wire fraud, and highlights that the enterprise's activities must affect interstate commerce, albeit minimally. This directly supports the proposition by confirming the legal requirements for establishing a RICO claim, including the need for multiple predicate acts and the existence of an enterprise with a common purpose.

[PAYORS, PLAYERS, AND PROXIMATE CAUSE.](#)

Notre Dame Law Review - University of Notre Dame Law School - Crusey, Elisabeth F. - 2022-05-01

Extract

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34)

Summary

Civil remedies available under RICO, specifically under Section 1962, which addresses the conduct of an enterprise through a pattern of racketeering activity. This directly supports the proposition by highlighting that RICO targets individuals who conduct or participate in an enterprise's affairs through a pattern of racketeering activity, which includes multiple predicate acts. The passage also emphasizes that RICO is applicable to both criminal and civil matters, reinforcing its broad applicability to cases involving organized crime and related activities.

[Corporate Criminal Liability: End It, Don't Mend It.](#)

The Journal of Corporation Law - University of Iowa Journal of Corporation Law - Smith, Stephen F. - 2022-06-22

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.' ... Although it was originally quite doubtful that purely criminal organizations could constitute RICO enterprises, the Supreme Court has long endorsed that expansive interpretation, which breathed new life into RICO by allowing prosecutors to go directly after organized criminals without awaiting efforts to infiltrate legitimate businesses. See *United States v. Turkette*, 452 U.S. 576, 587 (1981) (holding that purely illegitimate groups can constitute RICO enterprises).

Summary

RICO's Subsection 1962(c) is a key provision for imposing liability on individuals associated with enterprises engaged in racketeering activities. The passage highlights that the Supreme Court has interpreted RICO to

apply to purely criminal organizations, thus supporting the idea that defendants acting as an associated group with a common purpose can be prosecuted under RICO for engaging in a pattern of racketeering activity.

RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

Detailed explanation of the "pattern of racketeering activity" requirement under RICO, emphasizing the need for criminal acts to have similar purposes, results, participants, or methods, and to be interrelated rather than isolated. It also highlights the Supreme Court's interpretation of the "relationship" and "continuity" elements, which are crucial for establishing a pattern of racketeering activity. This directly supports the proposition by explaining how multiple predicate acts can form a pattern under RICO.

Asset Forfeiture and Inequality.

Stanford Law Review - Stanford Law School - 2025-01-01

Extract

The first significant development to forfeiture law came with the 1970 enactment of the Racketeer Influenced and Corrupt Organization (RICO) Act. RICO is a federal criminal law 'aimed at curbing the criminal activity of organized crime.' RICO expanded the legal processes through which assets could be forfeited by creating the procedure of criminal asset forfeiture... RICO expanded the reach of asset forfeiture by permitting the seizure and forfeiture of not only contraband and instrumentalities of crime, but also of 'any interest ... acquired or maintained in violation of [RICO].' The Supreme Court in 1983 clarified that the term 'any interest' in RICO included not only

the defendant's interest in the criminal enterprise itself, but also the 'profits and proceeds' the defendant derived from racketeering.

Summary

The RICO Act was designed to combat organized crime by allowing for the forfeiture of assets obtained through racketeering activities. The passage highlights the law's focus on criminal enterprises and the ability to seize profits and proceeds from such activities, which aligns with the proposition that defendants engaged in predicate acts as part of a coordinated group with a common purpose.

[Ex. Rept. 109-18 - United Nations Convention against Corruption \(treaty Doc. 109-6\), 2006-08-30](#)

Congressional Committee Reports

Extract

Fourth, it requires criminalization of money laundering and requires countries to expand the reach of their money-laundering statutes to make certain that the predicate offenses associated with this Convention are predicate offenses for the purposes of their money-laundering offenses. Finally, the Convention requires criminalization of obstruction of justice related to the offenses set forth in the Convention... but not limited to mail and wire fraud, antitrust violations, conspiracy, and securities fraud, depending upon the facts of a given case.

Summary

Requirement for criminalization of money laundering and obstruction of justice, which are relevant predicate acts under RICO. It also mentions mail and wire fraud, which are common predicate acts in RICO cases. The context of the passage is a report on the United Nations Convention against Corruption, which the U.S. adheres to, indicating that these acts are recognized as serious offenses that can form part of a pattern of racketeering activity. The scope is broad as it aligns with federal laws and international obligations, supporting the proposition that such acts can establish a pattern of racketeering activity.

[Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#)

USDOL Administrative Review Board Decisions

Extract

The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as

'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO... Obvious examples of extraterritorial predicate offences included in the definition of 'racketeering activity' under § 1961 include money laundering (§§ 1956-57) and providing material support to terrorist organizations (§ 2339B), as well as wire fraud (§ 1343), and securities fraud (§ 1344).

Summary

The RICO statute requires at least two predicate offenses within a 10-year period to establish a pattern of racketeering activity. The passage also clarifies that predicate offenses like wire fraud and money laundering are included under RICO, supporting the proposition that defendants engaged in such acts can be considered part of a pattern of racketeering activity. The mention of extraterritorial application further supports the idea that RICO can apply to coordinated actions with a shared objective, even if they involve foreign elements.

[Blanchard v. Exelis Sys. Corp.](#)

USDOL Administrative Review Board Decisions

Extract

The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO... Obvious examples of extraterritorial predicate offences included in the definition of 'racketeering activity' under § 1961 include money laundering (§§ 1956-57) and providing material support to terrorist organizations (§ 2339B), as well as wire fraud (§ 1343), and securities fraud (§ 1344).

Summary

The RICO statute requires at least two predicate offenses within a 10-year period to establish a pattern of racketeering activity. The passage specifically mentions money laundering and wire fraud as examples of predicate offenses, which are directly relevant to the proposition. The context of the passage also discusses the extraterritorial application of RICO, indicating that such predicate acts can be part of a pattern of racketeering activity even if they involve foreign entities, as long as they impact U.S. commerce.

[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

The passage directly addresses the requirements under 18 U.S.C. § 1962(c) for establishing a RICO violation. It specifies that a plaintiff must allege an enterprise, a pattern of racketeering activity, and an injury caused by the violation. This aligns with the proposition that defendants engaged in predicate acts as part of an enterprise with a common purpose, thus supporting the existence of a RICO violation.

[RICO: A Primer](#)

Extract

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. § 1831 (economic espionage); 18 U.S.C. § 1832 (theft of trade secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. ... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission. ... Subsection (c) is, far and away, the most often used and important substantive RICO provision. 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.

Summary

The passage outlines what constitutes "racketeering activities" under RICO, including wire fraud and money laundering, which are relevant predicate acts. It explains that these acts need not be similar but must be related to the enterprise's affairs, supporting the idea of a pattern of racketeering activity. Section 1962(c) specifically addresses conducting an enterprise's affairs through such a pattern, which aligns with the proposition that defendants engaged in multiple predicate acts with a common purpose.

[RICO: A Primer](#)

Extract

Mail and wire fraud are the most common predicate acts... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise... The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity... Section 1962(c)... 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... To prove a violation of Section 1962(c), a plaintiff must prove the following elements: Existence of an enterprise; The enterprise engaged in, or its activities affected, interstate or foreign commerce; The defendant was employed by or was associated with the enterprise; The defendant conducted or participated, either directly or indirectly, in the conduct of the affairs of the enterprise; and The defendant participated in the affairs of the enterprise through a pattern of racketeering activity...

Summary

The passage outlines the elements required to establish a violation of 18 U.S.C. § 1962(c), which includes demonstrating the existence of an enterprise, its engagement in interstate commerce, and the defendant's participation in the enterprise's affairs through a pattern of racketeering activity. The passage also clarifies that predicate acts, such as wire fraud and money laundering, need not be similar but must be related to the enterprise's affairs. This supports the proposition by showing how defendants' coordinated actions and multiple predicate acts can establish both an enterprise and a pattern of racketeering activity.

[SCOTUS Resolves Circuit Split On How To Assess Domestic Injury Under RICO](#)

Extract

Smagin alleged that the defendants, led by Yegiazaryan, impeded Smagin's collection of the California Judgment 'through a pattern of wire fraud and other RICO predicate racketeering acts, including witness tampering and obstruction of justice.'

Summary

The passage describes a case where defendants were alleged to have engaged in a pattern of racketeering activity, including wire fraud, witness tampering, and obstruction of justice. These are considered predicate acts under RICO. The passage supports the proposition by illustrating how multiple predicate acts, when related and continuous, can establish a pattern of racketeering activity. The defendants' coordinated actions to impede judgment collection demonstrate a shared objective, which aligns with the concept of an enterprise under RICO.

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

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

The passage explains the requirements for establishing a RICO claim, including the need for an "enterprise" and a "pattern of racketeering activity." It specifies that a pattern requires long-term, organized conduct and that the plaintiff must prove qualifying criminal actions such as wire fraud. This directly supports the proposition that defendants engaged in multiple predicate acts and acted as an associated group with a common purpose, fulfilling the criteria under 18 U.S.C. § 1962(c).

[The New White House Proposal To Seize Russian Assets: A Legal Analysis](#)

Extract

RICO is a valuable tool in prosecuting organized crime because it allows prosecutors to join multiple defendants and crimes (that might otherwise have to be tried separately) in a single case. This allows the judge and jury to see the full range of criminal activity of the organization and its members, making it easier for prosecutors to obtain convictions, longer sentences, and forfeiture of assets. Thus, the proposal would allow prosecutors to join IEEPA and ECRA violations with other charges such as wire fraud, mail fraud, bribery, and money laundering and charge all those who had a sufficient degree of participation in the underlying 'pattern of racketeering activity' as part of a single 'racketeering enterprise.'

Summary

RICO is designed to address organized crime by allowing the consolidation of multiple defendants and crimes into a single case. This consolidation helps demonstrate the full scope of criminal activity and facilitates the prosecution of a pattern of racketeering activity. The passage specifically mentions the inclusion of wire fraud and money laundering as part of the pattern of racketeering activity, which directly supports the proposition that defendants engaged in multiple predicate acts as part of an enterprise.

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