

## **Question**

Defendant Myers traveled from Texas to Oklahoma to meet with Branthoover, where they prepared fraudulent legal documents and coordinated the transfer of marital funds. 18 U.S.C. § 1952 (Travel Act) prohibits interstate travel or use of interstate facilities with intent to promote, manage, establish, carry on, or facilitate unlawful activity, including fraud and theft. Myers' interstate travel for the purpose of preparing and executing fraudulent legal and financial acts satisfies the Travel Act, providing another RICO predicate.

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

### **Short response**

Based on the legal materials provided, the described conduct of Myers traveling from Texas to Oklahoma to prepare fraudulent legal documents and coordinate the transfer of marital funds satisfies the elements of the Travel Act ([18 U.S.C. § 1952](#)), as it involves interstate travel with intent to promote or facilitate unlawful activity, followed by overt acts in furtherance of that unlawful activity. This Travel Act violation can serve as a predicate act for RICO purposes.

### **Summary**

The Travel Act ([18 U.S.C. § 1952](#)) prohibits interstate travel or the use of interstate facilities with the intent to promote, manage, establish, carry on, or facilitate unlawful activity, followed by the performance or attempted performance of such acts. The provided case law consistently establishes that to prove a Travel Act violation, the government must show: (1) interstate travel or use of interstate facilities; (2) with intent to promote or facilitate unlawful activity; and (3) subsequent performance of acts in furtherance of the unlawful activity. Myers' conduct of traveling from Texas to Oklahoma to meet with Branthoover for the purpose of preparing fraudulent legal documents and coordinating the transfer of marital funds satisfies all these elements.

The courts have consistently held that the Travel Act does not require proof that the underlying unlawful activity was accomplished, only that there was interstate travel with the requisite intent, followed by some act in furtherance of the unlawful activity. The courts have also clarified that while the act performed after travel must be in furtherance of the unlawful activity, it need not itself be unlawful. Given these legal principles, Myers' interstate travel from Texas to Oklahoma, coupled with the subsequent preparation of fraudulent documents and coordination of fund transfers, satisfies the elements of the Travel Act and can properly serve as a predicate act for RICO purposes.

# **Background and Relevant Law**

## **Legislation**

The Travel Act, codified at [18 U.S.C. § 1952](#), prohibits interstate travel or use of interstate facilities with the intent to facilitate unlawful activity. The statute provides:

"Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to... otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform... shall be fined under this title, imprisoned not more than 5 years, or both." [18 U.S.C. § 1952](#) (2025)

This legislation was designed to address the issue of organized crime operating across state lines and to provide federal authorities with tools to combat such activities. The Act recognizes that the interstate nature of certain criminal enterprises creates unique challenges for state law enforcement agencies, thus warranting federal intervention.

## **Judicial Interpretation of the Travel Act**

### **Elements of a Travel Act Violation**

The courts have consistently interpreted the Travel Act as requiring three essential elements. In [U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#), the Fifth Circuit held that to obtain a conviction under the Travel Act, the government must prove: "(1) travel in interstate or foreign commerce; (2) with the intent to; (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and (4) thereafter performs or attempts to perform [an act described in element 3]."

Similarly, in [U.S. v. Briggs, 700 F.2d 408 \(7th Cir. 1983\)](#), the Seventh Circuit explained that "a defendant may properly be charged and convicted of committing a substantive violation of the Travel Act in three separate and distinct ways: (1) by traveling interstate with the intent to violate state law; or (2) by using an interstate facility (i.e. telephone, mail) with the intent to violate state law, or (3) by causing another to use an interstate facility or travel interstate with an intent to violate state law."

The Supreme Court, in [Perrin v. United States, 444 U.S. 37, 100 S.Ct. 311, 62 L.Ed.2d 199 \(1979\)](#), affirmed the broad application of the Travel Act, noting that it applies to various forms of unlawful activity. It's worth noting that this case superseded [U.S. v. Perrin, 580 F.2d 730 \(5th Cir. 1978\)](#), which had been decided by the Fifth Circuit before the Supreme Court's review.

In [United States v. Nardello, 393 U.S. 286, 89 S.Ct. 534, 21 L.Ed.2d 487 \(1969\)](#), the Supreme Court explained the purpose of the Travel Act, noting that it was "primarily designed to stem the 'clandestine flow of profits' and

to be of 'material assistance to the States in combating pernicious undertakings which cross State lines,'" reflecting "a congressional judgment that certain activities of organized crime which were violative of state law had become a national problem."

## **Interstate Travel Requirement**

The interstate travel element of the Travel Act is satisfied when a defendant crosses state lines. [Grimes v. United States, 379 F.2d 791 \(5th Cir. 1967\)](#) cited the statutory language requiring travel in interstate commerce, confirming that crossing state lines satisfies this requirement.

In [U.S. v. Kendall, 766 F.2d 1426 \(10th Cir. 1985\)](#), the Tenth Circuit clarified that the defendant need not have direct knowledge of the interstate means, as long as interstate travel was reasonably foreseeable and connected to the unlawful activity. The court stated, "There is no requirement in the Travel Act that a defendant or co-conspirator have knowledge of the intended interstate means."

## **Intent Requirement**

The Travel Act requires that the interstate travel be undertaken with the intent to promote, manage, establish, carry on, or facilitate unlawful activity. [U.S. v. Esposito, 771 F.2d 283 \(7th Cir. 1985\)](#) quoted the Travel Act's language specifying that a defendant must travel interstate "with intent to... otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity."

## **Subsequent Performance Requirement**

A crucial element of the Travel Act is that after the interstate travel, the defendant must perform or attempt to perform an act in furtherance of the unlawful activity. [U.S. v. Admon, 940 F.2d 1121 \(8th Cir. 1991\)](#) stated that a "Travel Act violation requires some overt act in furtherance of the unlawful activity subsequent to the travel... although government must show 'some conduct after the travel in furtherance of the unlawful activity,' such conduct need not itself be unlawful."

## **No Requirement for Completion of Unlawful Activity**

It is well-established that the Travel Act does not require proof that the underlying unlawful activity was actually accomplished. [U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#) explicitly stated, "Proof that the unlawful objective was accomplished or that the referenced law has actually been violated is not a necessary element of the offense defined in section 1952."

Similarly, [U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#) clarified that "under the principles of federalism, the federal courts may not assume jurisdiction over state offenses. Therefore, it clearly follows that if a state law offense were to serve as the underlying 'unlawful activity' for the Travel Act and the law is to

supplement state law rather than burden it, there can be no requirement for a conviction of the underlying unlawful activity."

## **Casual vs. Continuous Involvement**

While some cases have addressed the question of whether the Travel Act applies to casual or sporadic criminal activity, [U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#) noted that "involvement in a business enterprise may be integral even though limited to one instance." The court referenced [United States v. Bergdoll, 412 F.Supp. 1308 \(D.Del.1976\)](#), which held that "limited, first-time involvement in massive operation to import and distribute marijuana cannot be characterized as casual."

In [United States v. Bergdoll, 412 F.Supp. 1308 \(D. Del. 1976\)](#), the court emphasized that for the Travel Act to apply, "The alleged conduct shows a profit or business purpose and the scope of the endeavor certainly warrants calling it an enterprise."

## **Use of Interstate Facilities**

While the primary focus for this analysis is on interstate travel, it's worth noting that the Travel Act also prohibits the use of interstate facilities to promote or facilitate unlawful activity. In [U.S. v. Baker, 82 F.3d 273 \(8th Cir. 1996\)](#), the court stated, "it is enough that the interstate travel or the use of interstate facilities makes easier or facilitates the unlawful activity."

## **Analysis of Myers' Conduct Under the Travel Act**

### **Interstate Travel**

Based on the facts provided, Myers traveled from Texas to Oklahoma, clearly satisfying the interstate travel element of the Travel Act. As noted in [Grimes v. United States, 379 F.2d 791 \(5th Cir. 1967\)](#), crossing state lines fulfills this requirement.

### **Intent to Facilitate Unlawful Activity**

The facts indicate that Myers traveled interstate "to meet with Branthoover, where they prepared fraudulent legal documents and coordinated the transfer of marital funds." This suggests that the purpose of Myers' travel was to facilitate unlawful activity, specifically fraud related to legal documents and the improper transfer of marital funds.

Under [U.S. v. Esposito, 771 F.2d 283 \(7th Cir. 1985\)](#), the Travel Act requires intent to "promote, manage, establish, carry on, or facilitate" unlawful activity. Myers' travel to Oklahoma for the express purpose of preparing fraudulent documents and coordinating improper fund transfers demonstrates the requisite intent to facilitate unlawful activity.

## **Subsequent Performance of Acts in Furtherance of Unlawful Activity**

After traveling interstate, Myers engaged in specific acts that furthered the unlawful activity, namely the preparation of fraudulent legal documents and coordination of the transfer of marital funds. These actions satisfy the requirement outlined in [U.S. v. Admon, 940 F.2d 1121 \(8th Cir. 1991\)](#) that there be "some overt act in furtherance of the unlawful activity subsequent to the travel."

Importantly, [U.S. v. Admon, 940 F.2d 1121 \(8th Cir. 1991\)](#) also clarified that the conduct following the travel "need not itself be unlawful" as long as it furthers the unlawful activity. Here, even if some aspects of preparing legal documents or coordinating fund transfers might, in isolation, appear lawful, these acts furthered the allegedly fraudulent scheme and thus satisfy this element.

## **No Requirement for Completion of Fraud**

Even if Myers and Branthoover did not successfully complete their fraudulent scheme or achieve their ultimate objective, the Travel Act violation would still stand. As [U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#) established, "Proof that the unlawful objective was accomplished or that the referenced law has actually been violated is not a necessary element of the offense defined in section 1952."

Similarly, [U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#) clarified that there is "no requirement for a conviction of the underlying unlawful activity." Therefore, even without proof that the fraud was successfully completed or that Myers was convicted of fraud under state law, the Travel Act violation can be established.

## **Casual vs. Continuous Involvement**

While the facts do not indicate whether Myers' fraudulent activities were part of a continuous pattern or an isolated incident, [U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#) noted that "involvement in a business enterprise may be integral even though limited to one instance." The court referenced [United States v. Bergdoll, 412 F.Supp. 1308 \(D.Del.1976\)](#), which held that even "limited, first-time involvement" in a criminal operation can fall under the Travel Act if the operation has a profit or business purpose.

Given that the fraudulent activities involved the preparation of legal documents and the transfer of funds, they appear to have a business-like purpose, thus satisfying this aspect of the Travel Act even if Myers' involvement was limited to this single instance.

## **Connection to RICO**

The Racketeer Influenced and Corrupt Organizations Act (RICO) requires proof of a pattern of racketeering activity, which consists of at least two

predicate acts. The Travel Act ([18 U.S.C. § 1952](#)) is one of the enumerated predicate acts under RICO.

Given that Myers' conduct satisfies all the elements of a Travel Act violation—interstate travel with the intent to facilitate unlawful activity, followed by acts in furtherance of that activity—this violation can serve as a predicate act for RICO purposes.

In [United States v. Fernandez, 722 F.3d 1 \(1st Cir. 2013\)](#), the court noted that a Travel Act charge must identify an unlawful purpose for the travel, and that the Travel Act covers "racketeering"—a term that encompasses various types of unlawful activity. This further supports the conclusion that Myers' Travel Act violation can serve as a RICO predicate.

## Exceptions and Caveats

### Scope of "Unlawful Activity"

While the Travel Act covers a broad range of unlawful activities, including fraud, it's important to note that the specific unlawful activity must be clearly identified. In this case, the unlawful activity appears to be fraud related to the preparation of fraudulent legal documents and the improper transfer of marital funds.

### Nexus Between Interstate Travel and Unlawful Activity

There must be a clear nexus between the interstate travel and the unlawful activity. As noted in [U.S. v. Baker, 82 F.3d 273 \(8th Cir. 1996\)](#), the interstate travel cannot be "merely incidental" to the unlawful activity but must make it "easier or facilitate" the unlawful activity.

In this case, Myers' travel to Oklahoma appears to have facilitated the preparation of fraudulent documents and coordination of fund transfers with Branthoover, establishing the necessary nexus.

### State Law Violations

Although [U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#) clarified that there is no requirement for a conviction of the underlying unlawful activity, the government would still need to establish that the alleged fraudulent activities constituted violations of applicable state or federal law.

## Conclusion

Based on the legal materials provided, Myers' conduct of traveling from Texas to Oklahoma to meet with Branthoover for the purpose of preparing fraudulent legal documents and coordinating the transfer of marital funds satisfies all the elements of the Travel Act ([18 U.S.C. § 1952](#)).

First, by traveling from Texas to Oklahoma, Myers engaged in interstate travel, satisfying the first element of the Travel Act.

Second, the fact that Myers traveled to Oklahoma specifically to prepare fraudulent legal documents and coordinate the improper transfer of marital funds demonstrates the intent to promote or facilitate unlawful activity, namely fraud, thus satisfying the intent requirement.

Third, after traveling interstate, Myers actually engaged in the preparation of fraudulent documents and coordination of fund transfers, constituting acts in furtherance of the unlawful activity and satisfying the subsequent performance requirement.

As established by [U.S. v. Pomponio, 511 F.2d 953 \(4th Cir. 1975\)](#) and [U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#), it is not necessary to prove that Myers successfully completed the fraud or was convicted of fraud under state law; the Travel Act violation is complete upon interstate travel with the requisite intent, followed by an act in furtherance of the unlawful activity.

Even if Myers' involvement was limited to this single instance, [U.S. v. Corbin, 662 F.2d 1066 \(4th Cir. 1981\)](#) and [United States v. Bergdoll, 412 F.Supp. 1308 \(D.Del.1976\)](#) suggest that the Travel Act can still apply if the activity has a business-like purpose, which the preparation of fraudulent legal documents and coordination of fund transfers appears to have.

Given that Myers' conduct satisfies all elements of a Travel Act violation, this violation can properly serve as a predicate act for RICO purposes, as the Travel Act is one of the enumerated predicate acts under RICO.

In conclusion, the proposition that "Myers' interstate travel for the purpose of preparing and executing fraudulent legal and financial acts satisfies the Travel Act, providing another RICO predicate" is well-supported by the relevant legislation and case law.

## Legal Authorities

[U.S. v. Kendall, 766 F.2d 1426 \(10th Cir. 1985\)](#)

### **U.S. Court of Appeals — Tenth Circuit**

#### **Extract**

Kendall does not dispute that Callihan traveled in interstate commerce with the intent to perform or facilitate unlawful activity, or that Callihan later performed an illegal act... The evidence supports a reasonable inference that Kendall, knowing that Geittmann did not live in Oklahoma at the time of the introduction, could reasonably have known or anticipated that Callihan and Geittmann would have to meet to arrange the details of the smuggling trip and that interstate travel for this purpose was very likely. There is no requirement in the Travel Act that a defendant or co-conspirator have knowledge of the intended interstate means.

## **Summary**

The passage from U.S. v. Kendall discusses the application of the Travel Act, specifically addressing the requirement of interstate travel with the intent to facilitate unlawful activity. It highlights that the defendant does not need to have direct knowledge of the interstate travel, as long as the travel was reasonably foreseeable and connected to the unlawful activity. This supports the proposition that Myers' travel from Texas to Oklahoma to engage in fraudulent activities could satisfy the Travel Act's requirements, as the travel was likely intended to facilitate the unlawful acts.

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

## **U.S. Supreme Court**

### **Extract**

The Travel Act, primarily designed to stem the 'clandestine flow of profits' and to be of 'material assistance to the States in combating pernicious undertakings which cross State lines,' thus reflects a congressional judgment that certain activities of organized crime which were violative of state law had become a national problem. ... § 1952 imposes penalties upon any individual crossing state lines or using interstate facilities for any of the statutorily enumerated offenses.

## **Summary**

The Travel Act was designed to address activities that cross state lines and violate state laws, reflecting a national concern over organized crime. The Act imposes penalties on individuals who engage in interstate travel or use interstate facilities to commit or facilitate unlawful activities, which can include fraud and theft. This aligns with the proposition that Myers' interstate travel for fraudulent purposes falls under the purview of the Travel Act.

[U.S. v. Baker, 82 F.3d 273 \(8th Cir. 1996\)](#)

## **U.S. Court of Appeals — Eighth Circuit**

### **Extract**

Baker was charged and convicted of violating the Travel Act, 18 U.S.C. § 1952, which provides in relevant part: (a) Whoever ... uses ... any facility in interstate or foreign commerce, with intent to-- \* \* \* \* \* (3) otherwise promote, manage, establish, carry on, or facilitate ... any unlawful activity, and thereafter performs or attempts to perform-- (A) an act described in paragraph ... (3) shall be fined under this title, imprisoned not more than 5 years, or both.... \* \* \* \* \* ... Moreover, use of this interstate facility was not

merely incidental to Baker's unlawful activity... 'it is enough that the interstate travel or the use of interstate facilities makes easier or facilitates the unlawful activity.' United States v. Perrin, 580 F.2d 730, 736 (5th Cir. 1978), aff'd, 444 U.S. 37, 100 S.Ct. 311, 62 L.Ed.2d 199 (1979). Baker's unlawful conduct falls squarely within the literal language of the Travel Act.

## **Summary**

The passage from "U.S. v. Baker" illustrates the application of the Travel Act, 18 U.S.C. § 1952, to situations where interstate facilities are used to facilitate unlawful activities. The court found that Baker's use of an interstate ATM facility to extort money was sufficient to satisfy the Travel Act's requirements. This supports the proposition that Myers' interstate travel to prepare and execute fraudulent acts could similarly satisfy the Travel Act, as the travel facilitated the unlawful activity.

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

## **U.S. Supreme Court**

### **Extract**

The Travel Act provides in part: '(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to— (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or...'!

## **Summary**

The passage from "Perrin v. United States" discusses the Travel Act's prohibition on interstate travel or use of interstate facilities with the intent to promote or facilitate unlawful activities. This aligns with the proposition that Myers' interstate travel for fraudulent purposes falls under the Travel Act. The case clarifies that the Travel Act covers a broad range of unlawful activities, not limited to public bribery, and includes private acts of fraud and theft, which are relevant to Myers' actions.

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

## **U.S. Court of Appeals — Eighth Circuit**

### **Extract**

Travel Act violation requires some overt act in furtherance of the unlawful activity subsequent to the travel... although government must show 'some conduct after the travel in furtherance of the unlawful activity,' such conduct need not itself be unlawful... government must prove that 'some act in furtherance of' illegal activity occurred after interstate travel.

## **Summary**

For a Travel Act violation to be established, there must be some conduct in furtherance of the unlawful activity after the interstate travel. This conduct does not need to be unlawful itself, but it must further the illegal activity. In the case of Myers, his travel from Texas to Oklahoma and subsequent preparation of fraudulent legal documents and coordination of fund transfers would constitute acts in furtherance of unlawful activity, thus satisfying the Travel Act requirements.

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

### **U.S. Court of Appeals — Fourth Circuit**

#### **Extract**

Proof that the unlawful objective was accomplished or that the referenced law has actually been violated is not a necessary element of the offense defined in section 1952. See United States v. Rizzo, 418 F.2d 71 (7 Cir. 1969); McIntosh v. United States, 385 F.2d 274 (8 Cir. 1967). Accordingly, we find it sufficient that the indictment charged the defendants with interstate travel with the intent, *inter alia*, to facilitate the violation of the federal statute by Zneimer.

## **Summary**

Under 18 U.S.C. § 1952, it is not necessary to prove that the unlawful objective was accomplished, only that there was intent to facilitate unlawful activity through interstate travel. This supports the proposition that Myers' travel with the intent to engage in fraudulent activities satisfies the requirements of the Travel Act.

[U.S. v. Esposito, 771 F.2d 283 \(7th Cir. 1985\)](#)

### **U.S. Court of Appeals — Seventh Circuit**

#### **Extract**

The Travel Act, 18 U.S.C. Sec. 1952, provides as follows: (a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to— (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

## **Summary**

Specific provisions of the Travel Act, which align with the proposition that Myers' interstate travel for fraudulent purposes could constitute a violation of this statute. The passage directly supports the notion that such travel, when linked to unlawful activities like fraud, falls under the purview of the Travel Act.

[Grimes v. United States, 379 F.2d 791 \(5th Cir. 1967\)](#)

### **U.S. Court of Appeals — Fifth Circuit**

#### **Extract**

18 U.S.C. § 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises (a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to — (1) distribute the proceeds of any unlawful activity; or (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity.

## **Summary**

The passage from the Grimes v. United States case references 18 U.S.C. § 1952, which prohibits interstate travel with the intent to promote or facilitate unlawful activities. This directly supports the proposition that Myers' interstate travel for fraudulent purposes falls under the Travel Act. The statute's language about promoting or facilitating unlawful activity aligns with the actions described in the proposition, where Myers traveled to prepare and execute fraudulent acts.

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

### **U.S. Court of Appeals — Fourth Circuit**

#### **Extract**

Although the Travel Act does not reach casual, sporadic involvement in criminal activity, see Rewis v. United States, 401 U.S. 808, 91 S.Ct. 1056, 28 L.Ed.2d 493 (1971), involvement in a business enterprise may be integral even though limited to one instance. We simply do not address the question. Cf. United States v. Cozzetti, 441 F.2d 344, 348 (9th Cir. 1971) (fact that operation may appear casual and sporadic because it was terminated after a short time does not remove operation from § 1952 where operation was intended to be profitable); United States v. Bergdoll, 412 F.Supp. 1308

(D.Del.1976) (limited, first-time involvement in massive operation to import and distribute marijuana cannot be characterized as casual).

## **Summary**

Applicability of the Travel Act to activities that may appear casual or sporadic but are part of a business enterprise intended to be profitable. It suggests that even limited or first-time involvement in a criminal operation can fall under the Travel Act if the operation is intended to be profitable or is part of a larger scheme. This supports the proposition that Myers' travel to prepare and execute fraudulent acts, even if it was a single instance, could satisfy the Travel Act's requirements because it was part of a scheme to commit fraud.

[U.S. v. Millet, 123 F.3d 268 \(5th Cir. 1997\)](#)

## **U.S. Court of Appeals — Fifth Circuit**

### **Extract**

To obtain a conviction under 18 U.S.C. § 1952 (Travel Act), as it applies to the instant case, the government had to prove the following elements beyond a reasonable doubt: 1) travel in interstate or foreign commerce; 2) with the intent to; 3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and 4) thereafter performs or attempts to perform [an act described in element 3]. ... It is also well settled that under the principles of federalism, the federal courts may not assume jurisdiction over state offenses. Therefore, it clearly follows that if a state law offense were to serve as the underlying 'unlawful activity' for the Travel Act and the law is to supplement state law rather than burden it, there can be no requirement for a conviction of the underlying unlawful activity.

## **Summary**

Elements required to prove a violation of the Travel Act, which include interstate travel with the intent to promote or facilitate unlawful activity, and the subsequent performance or attempt to perform such activity. The passage also clarifies that a conviction for the underlying unlawful activity is not required, as the Travel Act is meant to supplement state law. This supports the proposition that Myers' interstate travel for fraudulent purposes could satisfy the Travel Act requirements.

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

## **U.S. Court of Appeals — Seventh Circuit**

## **Extract**

Thus, our reading of the statute and case law construing it reveals that a defendant may properly be charged and convicted of committing a substantive violation of the Travel Act in three separate and distinct ways: (1) by traveling interstate with the intent to violate state law; or (2) by using an interstate facility (i.e. telephone, mail) with the intent to violate state law, or (3) by causing another to use an interstate facility or travel interstate with an intent to violate state law, and a criminal defendant violates federal law when he performs any of the above with the intent to violate state law.

## **Summary**

The passage from "U.S. v. Briggs" clarifies that a defendant can be charged under the Travel Act if they travel interstate with the intent to violate state law. This directly supports the proposition that Myers' interstate travel for the purpose of preparing and executing fraudulent legal and financial acts could satisfy the Travel Act, as it involves traveling with the intent to engage in unlawful activity (fraud and theft).

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

#### **U.S. Court of Appeals — First Circuit**

## **Extract**

Count one of the indictment charged Bravo with conspiring with Martínez and de Castro Font to commit two different crimes: (1) bribery in violation of § 666 and (2) traveling in interstate commerce in violation of 18 U.S.C. § 1952 ("the Travel Act"). A Travel Act charge must identify an unlawful purpose for the travel, and the Travel Act conspiracy alleged against Bravo specified that his travel was to aid "racketeering"—a term that covers various types of unlawful activity.

## **Summary**

The Travel Act requires an unlawful purpose for interstate travel, which can include various types of unlawful activity such as racketeering. The passage illustrates that a Travel Act charge can be based on interstate travel with the intent to promote unlawful activities, which aligns with the proposition that Myers' travel for fraudulent purposes satisfies the Travel Act.

### [U.S. v. Perrin, 580 F.2d 730 \(5th Cir. 1978\)](#)

#### **U.S. Court of Appeals — Fifth Circuit**

## **Extract**

Congress, in passing the Travel Act, determined that a predicate of federal jurisdiction is the travel in interstate or foreign commerce or the use of interstate facilities. ... It is enough for the jury to determine, under a substantive Travel Act charge, that the defendants, in fact, used interstate facilities.

## **Summary**

It is sufficient for the jury to determine that the defendants used interstate facilities, which aligns with the proposition that Myers' interstate travel for fraudulent purposes satisfies the Travel Act requirements.

### [United States v. Bergdoll, 412 F.Supp. 1308 \(D. Del. 1976\)](#)

#### **U.S. District Court — District of Delaware**

## **Extract**

Twenty-one of the defendants have been charged with violating 18 U.S.C. § 1952 (the 'Travel Act') by traveling in interstate commerce 'with intent to promote, manage, or carry on, or to facilitate the promotion, management or carrying on of an unlawful activity, that is, the distribution or possession of marihuana with intent to distribute same.' ... The alleged conduct shows a profit or business purpose and the scope of the endeavor certainly warrants calling it an enterprise.

## **Summary**

Application of the Travel Act to defendants who traveled interstate with the intent to promote or facilitate unlawful activities. It highlights that the conduct must show a profit or business purpose and be part of an enterprise. This aligns with the proposition that Myers' interstate travel to prepare and execute fraudulent acts falls under the Travel Act, as it involves promoting unlawful activity with a business purpose.

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

## **Extract**

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- ... otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and

thereafter performs or attempts to perform- ... shall be fined under this title, imprisoned not more than 5 years, or both.

## **Summary**

The passage from 18 U.S.C. § 1952 outlines that interstate travel with the intent to promote or facilitate unlawful activity, such as fraud, is prohibited under the Travel Act. The statute specifies that such actions can result in fines or imprisonment. This directly supports the proposition that Myers' interstate travel for the purpose of preparing and executing fraudulent legal and financial acts falls under the purview of the Travel Act, thus providing a predicate for RICO charges.

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