

As a result, any impulse, as discussed around Washington, that Reagan might choose a conservative like Robert Bork to fill the post, was immediately ruled out, and the "moderate" Thornburgh chosen. Fitzwater was quick to point out, on the day that the Thornburgh announcement was made, that "of course, the vice president was consulted prior to the decision."

Thornburgh is cut from the Bush mold of the consummate Eastern Establishment liberal, and said his priority as attorney general will be to "go after organized crime," which, in today's Justice Department, is code language for using the RICO ("racketeering") statutes to go after political enemies, whether they be labor unions or defense industry contractors.

In another move demonstrating the upper hand Bush has attained in the administration, he was handed the limelight to debate Iran in the United Nations Security Council on July 14, while Reagan was trotted off to Iowa for a nostalgic visit to the radio station where he did his first sports broadcast.

Lame duck period

Judging from the White House's schedule, President Reagan will give a whole new meaning to the term, "lame duck." The remainder of his time as titular head of state will be composed of the following:

July 17-24: Vacation in Santa Barbara, one week.

Aug. 13-Sept. 5: Vacation in Santa Barbara, following a stopover at the Republican National Convention in New Orleans, three and a half weeks.

Oct. 1-Nov. 8: Campaigning "at least two full days a week" for Bush, five and a half weeks.

Nov. 8-Jan. 20: Official "lame duck" period begins, with the President engaged in the transition to the new administration, 11 weeks.

Out of this entire period, there will be only three weeks between July 25 and Aug. 13, and another three-and-a-half week period from Sept. 6-Oct. 1, when Reagan will be fully occupied, at least ostensibly, with the function of President. That totals six and a half weeks out of the remaining 27 weeks of the administration!

During this period, the key policymaking institution within the White House will be the Duberstein-Fuller committee, just as, from the beginning of the Reagan presidency, the President has relied on his key advisers to run the show.

In the first Reagan term, White House policy was set by the "troika" of Chief of Staff James Baker, Michael Deaver, and Edwin Meese, with both Deaver and Nancy Reagan usually siding with Baker to tilt the balance decisively. In the second term, the job fell to Chief of Staff Donald Regan, who clashed with Nancy, and then to Regan's replacement, Howard Baker, who functioned as effective President until his resignation in June. Now, with lightweight Duberstein in the key White House job, the burden for policymaking has shifted to the new committee, whose mandate is to do only those things which will help Bush's chances in November.

Teamsters' takeover judge refuses DOJ

by Edward Spannaus

The U.S. Justice Department's effort to impose a government dictatorship over the International Brotherhood of Teamsters was stalled on July 7, when a federal judge in New York denied the government's motion for a preliminary injunction against the union.

United States District Judge David N. Edelstein, in refusing to grant the injunction, noted that the case is "unique . . . in scope" and that it "requires determination of important issues of fact and law." He consolidated the request for the preliminary injunction with the trial of the entire case, which was set for Feb. 27, 1989. The suit was filed by the Justice Department on June 28 under the sweeping provisions of the Racketeer Influenced and Corrupt Organizations (RICO) Act.

Two days after the injunction was denied, IBT General President Jackie Presser died. Presser's role as an FBI informant will still be a major issue in the RICO case, since many of the acts of "racketeering" of which he was accused took place while he was, in the words of his lawyer, "a cooperative citizen of the FBI."

Setback for Justice Department

The denial of the preliminary injunction is clearly a major setback for the Justice Department and Rudolph Giuliani, the U.S. Attorney in Manhattan. The injunction would have allowed the appointment of one or more "court liaison officers" to oversee all activity of Teamster officers with respect to expenditures of union funds and appointments. These "liaison officers" would have the power to take over any local of the IBT and appoint trustees to run the locals.

If and when the full trial of the RICO case actually takes place, the issues of the preliminary injunction will be consolidated with those of the permanent injunction sought by the Justice Department. Additionally, the preliminary injunction would have enjoined the 26 alleged Mafia defendants from any participation in the affairs of the Teamsters or any other union, and from having any dealings with any union officers or employees whatsoever. It also would have barred any of the members of the IBT general executive board from acts of "racketeering."

The permanent relief which the Justice Department is seeking from the RICO suit at trial also includes:

stalled as injunction

- throwing out all the current officers and members of the general executive board, and appointing a trustee to hold new elections;
- the trustee (or trustees) would carry out all duties of the general executive board—except supposedly collective bargaining and political action committee activity;
- any defendant found to have engaged in racketeering (by a civil standard, not a criminal standard) would forfeit all proceeds and assets gained from the “racketeering” activity;
- the court would “issue a judgment declaring that the Teamsters International Union has been controlled and exploited by La Cosa Nostra figures. . . .”

While the Justice Department has obtained the appointment of trustees for some smaller local unions, this is the first time that it has sought to take over an entire national union—with 1.7 million members.

RICO ‘liberally construed’

RICO was passed in 1974, allegedly to give the government new weapons in its battle against organized crime’s infiltration of legitimate businesses. It is one of the broadest statutes ever passed by Congress, and it is unique among criminal statutes in that the text of the RICO statutes says that it is to be “liberally construed.” (Criminal statutes are normally to be given narrow and strict construction.)

RICO has both civil and criminal aspects—which is what makes it very powerful and very dangerous at the same time. RICO makes it a crime to control a business through a “pattern of racketeering activity.” (“Pattern” is defined as being convicted of two offenses on a list of specified crimes over a 10-year period.)

While an individual can be prosecuted criminally under RICO, he can also be sued civilly—either by a private party or by the government. RICO gives a court sweeping civil powers, including barring an individual from engaging in “racketeering activities,” and it can order divestiture of proceeds of racketeering and confiscation of property. It is one of the few laws that provides for an injunction against one person associating with another.

Not surprisingly, prosecutors tend to get carried away with RICO and its “liberal construction.” In this case, while

listing page after page of convictions of alleged mobsters and Teamster officials for racketeering offenses, the RICO complaint also contains some incredibly ridiculous allegations.

- To prove improper use of union funds, two banquets at the 1986 IBT convention are cited, and that “at union expense, Jackie Presser entered one of the two banquets in a sedan chair pulled by four men dressed like Roman soldiers to chants of ‘Hail, Caesar.’ ”

- Jackie Presser was elected IBT president—with alleged mob backing—over objections of local Teamster officials who protested that Presser was an FBI informant. (Was the IBT actually a “captive labor organization” of the FBI?)

- Weldon Mathis, now acting general president of the IBT, has a criminal conviction for. . . vagrancy.

- Mere association with, or even being related to, someone who has been identified as a member of La Cosa Nostra is taken as evidence of criminality.

- Publishing and mailing the monthly magazine is evidence of racketeering activity.

- Putting out a press release, lauding a verdict by a jury in a criminal case, is part of the RICO conspiracy!

To show “La Cosa Nostra’s Infiltration and Control of the IBT,” the government cites the testimony of a former “underboss” of the Cleveland Family, who said that the Kansas City and Cleveland Families had gotten Jackie Presser elected as IBT president, even though the Chicago Family objected, because they believed that Presser was an FBI informant.

The testimony was that Milton Rockman, described as an associate of the Genovese Family and the Cleveland Family, told the Chicago boys “not to worry about him [Presser] being an informant. . . . I could control him.”

Wiretapped conversations are also cited, in which Anthony Salerno told his confederates that he had Presser made president over the objections of “them guys in Chicago.” “Salerno then recounted how he once got his personal attorney, Roy Cohn, to convince a Cleveland newspaper to run a retraction of a story describing Presser as a government informant.”

So, who got Presser elected—the “Families,” or the FBI? Presser and the FBI in fact may have set Roy Williams up to pave the way for Presser’s election. According to the April 26, 1986 *Washington Post*, “Several sources say they are convinced that Jackie Presser told the FBI of a crucial episode in the bribery conspiracy case that led to the December 1982 conviction of his longtime Teamsters rival, Roy Williams. Found guilty . . . Williams was forced to step down as Teamsters president a few months later and Presser was elected to succeed him.”

There is not a word in the 290 pages of government briefs about Presser being an FBI informant—only that his election is supposed to prove mob control of the Teamsters. In the July 5 hearing on the preliminary injunction, Presser’s attorney (who is also the general counsel to the IBT) argued that