

The Anarchist Library
Anti-Copyright



RICO and Stop Cop City: The Long War Against the Left

Dan Berger

September 11th, 2023

Dan Berger

RICO and Stop Cop City: The Long War Against the Left
September 11th, 2023

Retrieved on September 13th, 2023 from
<https://lpeproject.org/blog/rico-and-stop-cop-city-the-long-war-against-the-left/>

Dan Berger (@dnbrgr) is Professor of Comparative Ethnic Studies at the University of Washington at Bothell and author of *Stayed on Freedom: The Long History of Black Power Through One Family's Journey*. *This post is published in partnership with *The Abusable Past*, the digital companion to the *Radical History Review*.*

theanarchistlibrary.org

On August 29th, the same Georgia grand jury that indicted Donald Trump and 18 associates in mid-August on racketeering, conspiracy, and other charges returned an even more sweeping indictment against 61 activists trying to stop what has come to be known as Cop City. The two cases have little in common: Trump and his associates are being targeted for attempting to overturn the 2020 election, while the latter prosecution takes aim at a decentralized campaign of activists and organizations working to stop the construction of a \$90 million urban warfare academy in an Atlanta forest. While media covered Trump's indictment widely, the charges against Stop Cop City did not become public until September 5. Both cases, however, rely upon the Racketeer Influenced and Corrupt Organizations (RICO) Act.

First passed in 1970 to bolster prosecutions of the mafia, RICO laws dramatically expand the state's ability to prosecute and punish alleged conspirators. Under RICO, the state can aggregate even legal activities as proof of a criminal enterprise pursued by an unsavory lot. In the case of the Stop Cop City

activists, for example, the state alleges a criminal conspiracy among people who have distributed flyers, coordinated a bail fund, and done legal observation of protests—in other words, the Stop Cop City activists are being prosecuted for participating in legal activity but as part of a movement that the state of Georgia deems criminal. The indictment specifically names anarchism (and its attendant interest in “collectivism, mutualism/mutual aid, and social solidarity”), opposition to police, and “protection of the environment at all costs” as the ideological foundations of the conspiracy. It further names the 2020 police killing of Rayshard Brooks as “justified.” Most ominously, it dates the start of the conspiracy to May 25, 2020—the date when Minneapolis police murdered George Floyd, and nearly a year before the plans for Cop City, much less the movement to end it, was announced. Dating the indictment to Floyd’s murder shows the state of Georgia to be prosecuting a nationwide conspiracy of antiracist opposition to police violence.

While the charges against the Stop Cop City activists will rightly strike many as both outlandish and terrifying, RICO has a long history of being used as an expansive assault on leftwing radicals. Take the case of Ray Luc Levasseur, whose experience and insight offer a window into RICO suppression. From a working-class Quebecois family in Maine, Levasseur followed in his family’s footsteps—first into the woolen mills and shoe factories of Maine and then by joining the US Army. He was sent to Vietnam in 1967. What he saw there outraged him. “After Vietnam,” Levasseur later said, “I asked the most seditious question of all: why? Why is this government committing crimes in our name? Why were so many of us from poor and working-class backgrounds; why so many Black and Latino GIs over there told to do the killing and the fighting while the kids who have the money are going to the good schools in the United States? I wasn’t coming back to a university. I was going to come back and face the prospect of going back and making some more heels for those shoes.”

Yet solidarity continues to offer a basis of hope to thwart repression. Asked in a 2013 interview with *Solitary Watch* about how he survived years of torturous conditions in prison, Levasseur remembered a red, orange, and yellow maple leaf that someone sent him in a letter. Normally, the leaf would be denied as contraband. But somehow it snuck through and Levasseur had it, at least until guards seized it from his cell a few days later. The leaf, and the letter it came in, “was an important strand in the web of humanity that reached out to me and that I reached out to, that enabled me to get through those days and weeks and months and years in there.” Solidarity, together with the clarity of his own moral convictions, was a lifeline. “I don’t think anything should be thought of as too trivial or too small,” Levasseur said. “That kind of human contact is essential to get yourself through a dehumanizing situation.”

increasing the potential for future political repression,” noted Levasseur

Levasseur was released in 2004. Williams had a heart attack after being held incommunicado following the 9/11 attacks. He died in a prison hospital in 2005. Manning, who became an accomplished artist during his incarceration, died in prison in 2019. Laaman was freed in 2021, after 37 years in prison. Yet the use of RICO remains. Some of those who embraced wide use of RICO in the 1980s, including Rudy Giuliani, continued prominent roles in government.

In the time since Levasseur and his comrades prevailed over RICO, the government has relied even more heavily upon its expanded use. Fulton County District Attorney Fani Willis, cheered by liberals when she announced the charges against Trump and associates, has made wide use of its repressive powers. “I’m a fan of RICO,” she said in August 2022 when announcing another sweeping conspiracy prosecution, this one of alleged gang members. (Willis’s endorsement of RICO notwithstanding, the Stop Cop City protestors are being prosecuted by the Georgia State Attorney General’s office.) Conspiracy charges are a gift to prosecutors, who can use guilt-by-association connects to criminalize what would otherwise be constitutionally protected activity. They carry stiff penalties: Under the Georgia law, any RICO convictions carry a prison term of up to 20 years and large fines—on top of whatever sentences attend the underlying alleged conspiracy.

When it comes to the left, the state uses RICO to criminalize radicals as thieves and separate them from a broader base of support. Whatever the outcome, the use of RICO is damaging. Already, 42 of the 61 Stop Cop City activists facing RICO charges have had their lives upended by “domestic terrorism” charges. Ranging in age from 19 to 49, the accused have lost jobs, faced housing insecurity, been prevented from attending school, and experienced mental distress.

Upon his return to the United States, Levasseur joined the Southern Student Organizing Committee in Tennessee. He received a five-year prison sentence in 1969 for selling seven dollars of marijuana.

When he got out, he returned to Maine, where he worked with Vietnam Veterans Against the War and the Statewide Correctional Alliance for Reform (SCAR). The group worked with both currently and formerly incarcerated people. Among other things, SCAR operated a bail fund and was loosely affiliated with a radical bookstore called Red Star North. (Among the factors precipitating the state’s allegation that Stop Cop City is a criminal conspiracy is the Atlanta Solidarity bail fund and the circulation of radical zines.) The bookstore was a frequent target of attack. After Levasseur learned of a police death squad aimed to kill him and fellow SCAR member Tom Manning, he and his comrades went underground. They soon found themselves on the FBI’s Ten Most Wanted list, accused of participating in a string of bombings by a group calling itself either the Sam Melville/Jonathan Jackson Unit or the United Freedom Front. The bombings, which targeted government or corporate buildings, were meant to protest US support for apartheid, Central American death squads, and police violence in the United States.

Levasseur, Patricia Gros Levasseur, Jaan Laaman, Barbara Curzi Laaman, and Richard Williams were arrested in Ohio in November 1984. Six months later, police arrested Tom and Carol Saucier Manning. The Laamans, Levasseurs, and Mannings each had three kids, all of whom were arrested along with their parents. Police not only separated the parents from their children but tried to coerce the children—all of whom were minors—to snitch against their parents. According to statements at the time from the captured revolutionaries, police offered Carmen Levasseur, then 8 years old, \$20 and a pizza to provide information. The Mannings, meanwhile, were not allowed to communicate with or even to know the

whereabouts of their children for eight weeks. The Laaman children were incarcerated for six weeks, during which time they were interrogated.

By 1986, the “Ohio 7,” as they were known, faced dozens of charges stemming from their political activity while underground. Because their respective husbands were wanted by police, Curzi, Gros, and Saucier were initially charged with “harboring a fugitive.” Those charges were dropped when the government secured lengthy sentences, cumulatively totaling hundreds of years, stemming from their other underground activities. Yet the government also pursued RICO and seditious conspiracy charges against them. In 1989, after assorted machinations, the federal government prosecuted Levasseur, Gross, and Williams again for seditious conspiracy and RICO violations. In essence, the trio was accused of pursuing a criminal plot to overthrow the government by force. Theirs was one of several examples in the 1980s of the government using catch-all conspiracy charges to target leftwing groups, including Puerto Rican independence activists and Black revolutionaries. Another group of white anti-imperialists, the so-called Resistance Conspiracy, also faced the charge.

To the radicals on trial, the RICO charge was particularly noxious. It allowed the government to tack on charges. Worse, it rendered political activity criminal. In his opening statement, Levasseur, who represented himself, accused the government of bending language and the law. “You cannot be a revolutionary and a racketeer,” he averred. “It’s a contradiction. It is either one or the other.” After the longest and most expensive trial in Massachusetts history, Levasseur, Gross, and Williams were acquitted of sedition. When the jury deadlocked on the RICO charges, the judge dismissed them. The government declined to appeal.

That victory did not mark the end of the ordeal for Levasseur or Williams. (Gros had completed her prison sentence by then.) Along with Manning and Laaman, they were sub-

ject to decades of incarceration in the most austere prisons the United States had to offer. For Levasseur, that meant five years in the Marion control unit followed by incarceration at the Administrative Maximum (ADX) prison, a new supermax prison in Florence, Colorado. He described ADX as “the Federal government’s latest boondoggle to contain prisoners’ rebellion and dissent.” At ADX, Levasseur was “confined to the boxcar cell 157 hours of each 168 hour week. Eleven hours each week I’m allowed into the barren area adjacent to this cell.” Prisoners at ADX have almost no human contact and do not see so much as a blade of grass.

During his incarceration, Levasseur tracked the widening use of RICO. In a critical 1994 article for *Prison Legal News*, he described the effort by the National Organization for Women (NOW) to use RICO civil suits against anti-abortion groups. The Department of Justice joined NOW in supporting an expanded use of RICO statutes, and the Supreme Court agreed. As a result, prosecutors need not prove an economic motive to secure a conviction of racketeering conspiracy. Instead, RICO created a broad authority to turn shared political goals and participation in legal activities into a criminal conspiracy. “NOW’s RICO suit demonstrates the natural fault line of liberalism when it becomes overly dependent on the law, courts, and government enforcement,” Levasseur wrote from his prison cell at Marion. NOW’s short-term goals aligned with the government’s long-term ones. “You can be sure the government didn’t join NOW in its suit to conduct a broad search and destroy mission against the right wing. They are undoubtedly using this case as a whetting stone to hone the edge of their broad sword of RICO. It took liberals and litigation to snatch a victory being won in the streets by pro-choice activists, and turn it into a loser for the entire left. Just as there’s no such thing as being ‘a little bit pregnant,’ there is no expanding the scope of RICO ‘a little bit’ without