On The Waterfront: Organized Crime and Governments Response

SYLLABUS:
Class Number 1:
Cargo handling and “men along the shore”; the modern seaport (containerization).

Class Number 2: What is Organized Crime and its History

Readings in anticipation of class discussion:
► “Corruption and Racketeering in the New York City Construction Industry: An Interim Report By the New York State Organized Crime Taskforce” (Parts II & III)
► 98th Congress 2d Session - Senate – Report 98-369, March 27, 1984
► “The Racket-Ridden Longshoremen”; Chapter 9 from The End of Ideology, Daniel Bell

Class Number 3: Organized Crime: Why the Port of New York/New York Waterfront is susceptible to the influence of Organized Crime and the “Shape-Up”

Readings in anticipation of class discussion:
► “Shape-up and Hiring Halls“, (Chapter 2), Charles P. Larrowe
► “Crime on the Labor Front“, Malcolm Johnson (Chapter 10)
► “Still On the Waterfront“, Malcolm Johnson - Saturday Evening Post

Class Number 4: How organized crime leverages unionism

Readings in anticipation of class discussion:
► Preamble to National Labor Relation Act - 29 USC §151
► Preamble to Taft-Hartley Act - 29 USC §401-531
► Collective Bargaining Agreement Between the New York Shipping Association and the International Longshoremen’s Association, AFL-CIO (Exhibit 1-E Waterfront Commission Public Hearing November 14, 2010
► United States v Stephen Depiro, et. al., 10 Cr. 851
► “Crime on the Labor Front“, Malcolm Johnson (Chapter 1)

Class Numbers 5 & 6: Government Responses & The Waterfront Commission Act –
The Waterfront Commission Act and the various mechanisms the legislation puts into
place in an attempt to rid the Port of identified problems.

Readings in anticipation of class discussion:
► The Waterfront Commission Act
► The Rules and Regulations of the Waterfront Commission of New York Harbor
► NYSA-ILA Vacation and Holiday Funds v Waterfront Commission LExSEc 732 F2d 292

Class Numbers 7: The Waterfront Commission Act –
The due process safeguards in the act, administrative law, statutory authority, and the standard of review.

Readings in anticipation of class discussion: :
► The Waterfront Commission Act
► The Rules and Regulations of the Waterfront Commission of New York Harbor
► Hearing Officer’s Report, Waterfront Commission Order, Article 78 Appeal - Matter of Rispoli
► Hearing Officer’s Report, Waterfront Commission Order, Article 78 Appeal - Matter of Rispoli
► 73 C.J.S. Public Administrative Law and Procedure §136

Class Numbers 8: The Waterfront Commission Act and the Collective Bargaining Safeguard
Section 8 of the Waterfront Commission: barring certain convicts from holding Union office; police power of the State to regulate vis-à-vis the NLRA & Taft-Hartley.
Readings in anticipation of class discussion:
► The Waterfront Commission Act
► “Strife on the Waterfront: The Port of New York Since 1945“, Vernon H. Jensen (Chapters 18)
► Thomas Hazelton and Nicholas Machucci v Frank Murray, Chester Jurgelski, James Calabrese and Local 1247 ILA and State of New Jersey, 21 N.J. 115; 121 A.2d 1 (1956)
► George De Veau v John M. Braisted, Jr. as District Attorney of Richmond County, 80 S.Ct. 1146 (1960)
► New York Shipping Association, Inc. and International Longshormen’s Association, AFL-CIO v Waterfront Commission of New York Harbor, United States District Court of New Jersey, Civil Action No 78-995 (1978); Affirmed 582 F.2d 1275 (1978)
► International Longshormen’s Association, AFL-CIO et. al. v Waterfront Commission of New York Harbor, et. al. 642 F.2d 666 (2D Cir. 1981)
► Waterfront Commission of New York Harbor v Sea Land Services, Inc. et. al., 764 F.2d 961 (1985)
► Hotel and Restaurant Employees Local 54 & IBT v Danzinger et. al. 709 F. 2d 815, 113 L.R.R.M (BNA) 2868
► Brown et. al. v Hotel and Restaurant Employees Local 54 & IBT v Danzinger et. al. 104 S.Ct. 3179, 116 L.R.R.M (BNA) 2921

Class Numbers 9: The Waterfront Commission Act and the “Association Provision”
The “Association Provisions” of the Waterfront Commission Act and a case study

Readings in anticipation of class discussion:
► The Waterfront Commission Act
► Proceeding on the Initiative of the Waterfront Commission to Revoke, Cancel or Suspend the License of Pasquale Pontoriero as a Hiring Agent - Exhibit 28, Hearing Transcript, Waterfront Commission Order & Hearing Officer’s Report
► Proceeding on the Initiative of the Waterfront Commission to Revoke, Cancel or Suspend the Registration of Margaret “Margo” Dillin as a Longshoreperson - Hearing Officer’s Report

Class Numbers 10: – Other Legislative Responses - RICO
Racketeer Influence and Corrupt Organizations statues.

Readings in anticipation of class discussion:
► Racketeered Influenced and Corrupt Organizations Act (RICO), 18 USC §1961-1968
► “On the Waterfront”: RICO and Labor Racketeering; G. Robert Blakey and Ronald
Goldstock, American Criminal Law Review Vol.17:34
► United States v International Longshoremen’s Association, AFL-CIO et. al.
► United States v Stephen Depiro, et. al., 10 Cr. 851 & Superseding Information
► Worldcare International v Kay 17452-2011, NYLJ 120256645118298

**Class Numbers 11: Recent Waterfront Commission Responses – Diversifying the Waterfront**

Efforts by the Waterfront Commission of New York Harbor to encourage changes to labor practices in the Port of New York

► Waterfront Commission Determinations 23, 24, & Resolutions.

**Class Numbers 12: Recent Waterfront Commission Public Hearings - Shop Stewards in the Port of New York –**

Waterfront Commission public hearing into the role of Shop Steward in the Port of New York

► Collective Bargaining Agreement Between the New York Shipping Association and the International Longshoremen’s Association, AFL-CIO (Exhibit 1-E Waterfront Commission Public Hearing November 14, 2010)
► Record of Hearings Held By the Waterfront Commission of New York Harbor on October 21, 2010

**Class Numbers 13 and 14: The Oughta Be a New Law**

Drafting legislation to revoke or modify section of the Waterfront Commission Act, RICO or other legislative responses. Mock Lobbying the proposals.