

THE BLIND SPOTS OF THE ADMINISTRATION'S NEW TRANSNATIONAL ORGANIZED CRIME PROGRAM

John Brennan, Eric Holder, Janet Napolitano, and some other Administration bigwigs just rolled out the Administration's new Strategy to Combat Transnational Organized Crime (TOC). Here's how they define TOC:

Transnational organized crime refers to those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms. There is no single structure under which transnational organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary. Transnational organized criminals act conspiratorially in their criminal activities and possess certain characteristics which may include, but are not limited to:

- *In at least part of their activities they commit violence or other acts which are likely to intimidate,*

or make actual or implicit threats to do so;

- They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;
- They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means;
- They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate businesses; and
- They attempt to insulate both their leadership and membership from detection, sanction, and/or prosecution through their organizational structure. [my emphasis]

It all sounds like they could be talking about

Goldman Sachs or News Corp. But the specific crimes they mentioned are:

- Drug trafficking
- Human trafficking
- Russian, Italian, Japanese mafia (in addition to Mexican drug cartels)
- Counterfeiting

In other words, this initiative will look at very serious TOCs. But they won't look at the TOCs that have done the most damage to the US in the last several years: the banksters that, through fraud, intimidation, and political influence managed to loot and then crash the economy. The same banksters that are now—frankly with DOJ enabling them—using their corporate structures to avoid any accountability for having crashed the economy.

That's a problem. Because imagine what we could do to the banksters if we used any of the several following tools against them:

A new Executive Order will establish a sanctions program to block the property of and prohibit transactions with significant transnational criminal networks that threaten national security, foreign policy, or economic interests.

A proposed legislative package will enhance the authorities available to investigate, interdict, and prosecute the activities of top transnational criminal networks.

A new Presidential Proclamation under the Immigration and Nationality Act (INA) will deny entry to transnational criminal aliens and others who have been targeted for financial sanctions.

A new rewards program will replicate the success of narcotics rewards programs in obtaining information that leads to the arrest and conviction

of the leaders of transnational criminal organizations that pose the greatest threats to national security.

An interagency Threat Mitigation Working Group will identify those TOC networks that present a sufficiently high national security risk and will ensure the coordination of all elements of national power to combat them.

We could freeze Goldman and its executives from using their ill-gotten goods. We could recruit new whistleblowers, rather than jailing them. We could throw “all elements of national power” to combat Goldman.

Instead, we’ve been funneling trillions to them.

Now I don’t mean to be glib with this observation. The Administration is about to roll out a law enforcement regime that applies terrorist-like authorities to combat the TOCs it believes are illegitimate. While I haven’t seen the bill the Administration is proposing, it seems that the taint of illegality in one part of the TOC will qualify that TOC for such terrorist-like treatment across the network.

Except if you’re a bankster. Because if you’re a bankster, the government will use all its resources to ignore or settle the crimes that lay at the heart of your TOC, just so it doesn’t have to face the illegitimacy of the TOC as a whole.

But I guess that’s what the Administration expects to drive our economy.