

Opinion: Commission is essential to combat organized crime

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SIGNIFICANT elements of the pervasive corruption, extortion, racketeering and organized crime that reigned in the Port of New York and New Jersey in the Fifties, as accurately dramatized in the film "On the Waterfront," remain today.



AP

RECORD FILE PHOTO - - ON THE WATERFRONT - MARLON BRANDO

The mob – exiled from various other industries – effectively sees the port as the last realm in which it can exert a dominant influence.

The Waterfront Commission of New York Harbor was created in 1953 to investigate, deter, combat and remedy criminal activity and influence in the port and to ensure fair hiring and employment practices.

Two weeks ago, Sen. Raymond Lesniak, D-Union, introduced a bill to abolish the commission, eliminating its key powers – which included ensuring a diverse workforce – and transferring its responsibilities to the Port Authority. A second bill was introduced by the senator establishing gubernatorial oversight of the commission.

The proposed measures are premised on the simplistic notion that changes in the industry have obviated the need to drive out organized crime's influence. The legislation suggests that the commission is justifying its own existence through fear-mongering and that it has become an impediment to future job growth and prosperity at the port.

If passed, this legislation will effectively ensure that the Cosa Nostra families will continue to exert criminal control over the waterfront.

Indeed, as alleged in the federal government's civil RICO complaint: "The ILA [International Longshoremen's Association] continues to be a vehicle for organized crime influence in the nation's ports. Unfortunately, there can be no reasonable expectation that the ILA will wrest itself from this influence. Confronted with evidence of mob influence and control in the highest offices of the ILA... the ILA has done nothing of significance to address long-standing corruption within its ranks."

The commission has recently been holding public hearings to determine the extent and nature of no-show jobs and to evaluate its serious economic effect on the industry. The hearings have disclosed, among other things, that longshoremen associated with major mob figures individually receive in excess of \$400,000 a year and, collectively, receive millions of dollars a year while doing virtually no work.

Such practices directly impede the port's competitiveness within the modern sea cargo industry.

To permit any criminal group to affect an economic engine that is so critical to this region is intolerable.

Yet, the proposed legislation would do just that.

A massive agency

It would abolish a specialized, nimble agency tasked specifically with remedying criminal activity and ensuring fair hiring and employment practices in the port, and would instead assign its mission to a massive agency that is focused on building, operating and maintaining the port's trade and transportation infrastructure.

Abolishing the commission would, in reality, lead to the abolition of its mission as well.

Moreover, gubernatorial veto is counterproductive because it would prevent the commission from being able to take immediate action in emergency situations. For example, the commission could not – as it did earlier this month – immediately prevent longshoremen charged with cocaine trafficking from returning to work on the waterfront the following day. Instead, it would have to wait until after the prescribed 10-day waiting period.

As one of its justifications, the proposed legislation indicates that the commission “has itself been tainted by corruption in recent years.” It is undeniable that, in the past decade, the commission was itself plagued with corruption and its hiring policy was largely based on favoritism and political patronage.

A model regulatory agency

However, in the past two years, with new professional leadership, the commission has evolved from a virtually moribund organization into a vibrant, model regulatory and law enforcement agency committed to fulfilling its statutory mandate. It has succeeded in regaining the confidence of members of the industry, rank-and-file workers and its law enforcement partners.

It is actively involved in complex investigations and prosecutions, as well as administrative and regulatory actions.

In short, it has completely rededicated its focus to changing the culture of a historically troubled industry.

When I was first appointed commissioner, I anticipated and, indeed, the new executive director cautioned the entire commission, that we would undoubtedly experience repercussions once we began to remove those who were political favorites from the commission and to threaten the entrenched criminal interests at the port.

Conversely, we expected that those with an abiding concern for the health of the industry would recognize that the commission’s work is vital, and would support a reinvigorated, apolitical commission.

No challenges

We were correct. For years, while the commission languished and corruption once again reigned supreme in the port, its utility was neither questioned nor challenged.

Just three years ago, Senator Lesniak introduced legislation further expanding the commission’s powers. While the commission was corrupt and ineffective, he advocated on its behalf. After the eradication of the commission’s once-corrupt leadership, he is now clamoring for its abolition.

Now that the revitalized commission has begun its assault on the traditional crimes of labor racketeering, theft, narcotics importation and trafficking, loansharking and bookmaking, he claims that it is obsolete and that it imposes an unfair burden on the industry.

Moreover, though the commission has begun to address the lack of diversity and inequitable compensation at the port, as well as the scandalous number of highly lucrative no-work/no-show jobs, he contends that it has outlived its usefulness.

The disparity in positions is staggering.

While the proposed legislation posits that the commission is an “impediment” to the port’s prosperity, individuals with the most knowledge concerning port operations actually recognize and support the commission’s critical role.

Indeed, in sworn testimony before members of the New York State Senate just one year ago, the president of the New York Shipping Association declared, “We believe that [the commission] once again needs to focus on its core, law enforcement responsibilities... that include the licensing of longshore industries and workers, monitoring and auditing those industries and workers, and conducting investigations of suspected illegal activities. This is a mission that the New York Shipping Association supports wholeheartedly.”

In the recent past, the commission and its law enforcement partners have brought cases against organized crime figures, business and union officials and union members. And there is more to come – additional arrests will be announced in the near future.

Those who have engaged in serious criminal activity or who actively associate with organized crime figures are no longer permitted to work on the docks.

Moreover, the commission is implementing measures to promote a diverse workforce.

No cost to taxpayer

The commission is not supported by any tax dollars and its assessments negligibly impact the cost of port operations. Now that it is effectuating much-needed change in the industry, there is simply no legitimate or rational explanation for the proposition that it should be abolished.

Rather than seeking to abolish the commission, efforts should be focused on abolishing the racketeering tax on the industry, unfair hiring practices and no-show and no-work jobs that directly impact the Port’s success.

Only then will there be job growth and prosperity at the port.