Sorting Out Teamsters Acquittal In 'Top Chef' Case

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Earlier this month, a federal jury acquitted four members of Teamsters Local 25 in Boston on charges of criminally threatening Padma Lakshmi, the host of television's popular cooking competition show "Top Chef." The charges alleged that union members conspired to extort money from the show's production company. The case arose out of events in June of 2014, when the television series was filming at the Steel & Rye restaurant just south of Boston. At the epicenter of the extortion allegations was an underlying labor dispute concerning the show's use of nonunion vehicle drivers. Teamsters Local 25 wanted the show to hire Teamster drivers. But the employer declined, explaining that it already had other (nonunion) employees on the payroll who performed all needed driving tasks.

Simmering Labor Dispute Escalates into Confrontation with Show Host

So, how did this dispute escalate into a criminal extortion prosecution, and more broadly, where is the line between criminality and lawful conduct when union members threaten an employer who uses non-union workers?

In the summer of 2014, shooting for the Top Chef series had been underway for weeks. The production company did not use Teamster members for driving company vehicles, instead relying on "production assistants" to perform this work along with their other job responsibilities. When Teamsters Local 25 learned about this, some members felt the show should be using Teamster drivers instead. They accordingly went to the Steel & Rye shooting location to express that view. What ensued became the focus of a criminal extortion trial.

According to show host Lakshmi, as a day of filming the show was to begin, the car in which she was a passenger tried to enter the restaurant's parking lot. At that time, a group of Teamster Local 25 members was blocking the way. According to one of the show's co-executive producers, the defendants then "swarmed" Lakshmi's vehicle, and were "furious." Lakshmi said one of the men in that group leaned his arm on her car door and said: "Lookee here, what a pretty face," or, "What a shame about that pretty face." Not surprisingly, Lakshmi said she understood the statement to be a threat to her physical safety. Witnesses recounted that Lakshmi was stunned by the incident, and Lakshmi later confirmed being "terrified."

According to other witnesses, this incident was also peppered with racist, misogynist and

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According to other witnesses, this incident was also peppered with racist, misogynist and homophobic taunts directed by some of the Teamster defendants to other members of the show's cast and crew. In addition, tires on nine of the show's production vehicles were slashed. The Teamster defendants countered that Top Chef crew members had exacerbated the situation by themselves engaging in provocative statements to union members — actions the Teamsters claimed to have inflamed the incident with Lakshmi.

Although the confrontation with Lakshmi was not video recorded, some production crew members did video record other actions by the Teamster defendants. At trial, the jury saw some of those recordings. They included highly insensitive gender and ethnicity slurs by some of the defendants.

Teamster Members Tried for Alleged Violation of Federal Extortion Law

Soon after the Lakshmi incident, prosecutors charged the involved Teamster members with attempted extortion and conspiracy to extort. One defendant pleaded guilty, and was sentenced to six months of home confinement, two years of probation and ordered to pay a fine and restitution. The others pleaded not guilty. The case was based largely upon the alleged threats to Lakshmi.

At trial, the defendants did not call a single witness. Instead, they relied upon cross examination of government witnesses, and a view that the government had simply failed to prove its case. Indeed, one of the defense attorneys was later reported to have summed things up by saying: "It's not unlawful to be mean." In acquitting the Teamster defendants, the jury ultimately concluded that government prosecutors failed to prove their case.

What and Where Are the Boundaries?

In order to understand why the jury acquitted the Teamster defendants, it is necessary to discuss the contours of a federal anti-extortion law, the Hobbs Act, together with the U.S. Supreme Court's seminal decision in United States v. Enmons, 410 U.S. 396 (1973). That decision significantly limited the federal government's use of the Hobbs Act to prosecute union officials and members for criminal extortion when the underlying conduct arises out of a labor dispute.

The Hobbs Act

The Top Chef trial throws light on a visceral matter with which the federal courts have grappled for decades. That issue is whether conduct — including threats of physical violence — that might otherwise be criminal, should be exempted from being so found when perpetrated for a "loftier" purpose. In this case, that purpose is arguable furtherance of our national policy of encouraging collective bargaining between organized labor and management.

Under the federal Hobbs Act, 18 U.S.C. Section 1951, those who threaten or use violence — or conspire to do either — in order to obtain the property of another without consent commit criminal extortion. The Hobbs Act defines "extortion" to be actual or threatened use of force, violence or fear

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extortion. The Hobbs Act defines "extortion" to be actual or threatened use of force, violence or fear to obtain the property of another without voluntary agreement. 18. U.S.C. Section 1851(b)(2). At first blush, the "threat" alleged by federal prosecutors in the Top Chef case — that the Teamster defendants might physically injure Lakshmi or resort to violence in an effort to shut down production of Top Chef filming if Teamster drivers were not hired and paid wages — might seemingly fit within the prohibitions of the Hobbs Act.

But there is a preliminary and nearly insurmountable roadblock to this theory. In a 1973 case interpreting the reach of the Hobbs Act, the U.S. Supreme Court announced that union member conduct, even if at times violent or destructive, cannot be prosecuted as criminally extortionate when that conduct was intended to further "legitimate union objectives, such as higher wages in return for genuine services that the employer seeks." United States v. Enmons, 410 U.S. 396, 399-411 (1973). The Enmons case arose against a backdrop of strike violence in the aftermath of unsuccessful labor contract negotiations. There, a divided Supreme Court held that the legislative history of the Hobbs Act did not authorize it to conclude that Congress intended that statute to become a policing tool for federal regulation of union member misconduct (like strike violence). As the Supreme Court majority further explained, such misbehavior was required to remain within the regulatory province of state law, presumably unless and until Congress chose to alter that equation under its commerce powers.

As that principle applies to the Top Chef case, the Teamster defendants argued that their actions were conceived for the lawful purpose of influencing the production company to hire Teamster drivers, and to pay Teamster wages to them for driving services needed by the production company. They said there was no interest in obtaining any extortionate "payoff," because even before the Lakshmi incident, the Teamsters union said it rejected an overture from the production company to receive payment in exchange for walking away from the underlying labor dispute.

The process of distinguishing lawful union wage demands from those that may be extortionate under the Hobbs Act can be tricky. According to the Supreme Court in Enmons, the line would appear to be crossed when wages are requested for work services that are not genuinely needed by the employer. This arguably includes, as unsuccessfully argued by prosecutors in the Top Chef case, vehicle-driving services for which the employer has no need. The demand for hire of Teamster drivers in the Top Chef case might also have been nongenuine because Top Chef's production company did not have jobs in which the core function was to simply drive a vehicle. Rather, the show covered its vehicle-driving needs through "production assistants" who performed that work as part of their larger work responsibilities. These included functions such as powering up and monitoring on-set equipment.

To the extent union members threaten others with violence in order to force the employer to pay for unneeded services (i.e., those that are not genuine), then the "legitimate purpose" insulation from Hobbs Act liability is likely lost, and the threatening conduct may be found criminal. This appears to have been U.S. District Court Judge Douglas Woodlock's perspective about the juror's fact-finding obligation when he submitted the Top Chef case to them for verdict.

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The Top Chef case undoubtedly implicates significant public interest. The point at which our law draws the line between criminality and lawful conduct in labor relations disputes is a thorny matter that is not amenable to one-size-fits-all solutions. The Supreme Court's ruling in Enmons expressed an important interpretation about where Congress intended to place that line. But there will undoubtedly be future decisions and legislative pronouncements that adjust the boundary. Enmons is both a policy determination about the Hobbs Act as written, but also, an invitation to Congress for further action as that legislative body might deem appropriate.

The manner in which our country chooses to encourage collective bargaining while at the same time protect our citizens' rights to personal safety and preservation of property is a fluid calculus. For now, state law continues to be the principal source of regulating the misconduct side of that equation. But a question lingers as to whether the Top Chef verdict sends a message that emboldens union activists to more readily consider the use of threats and even violence when pursuing the goal of collective bargaining. While there are many opinions as to how this may or should ultimately play out, only time will tell.

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