

Black's Law Dictionary, Sixth Edition, p. 585:

Extortion. The obtaining of property from another induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. 18 U.S.C.A. §871 et seq.; §1951.

A person is guilty of theft by extortion if he purposely obtains property of another by threatening to: (1) inflict bodily injury on anyone or commit any other criminal offense; or (2) accuse anyone of a criminal offense; or (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or (4) take or withhold action as an official, or cause an official to take or withhold action; or (5) bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or (6) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (7) inflict any other harm which would not benefit the actor. Model Penal Code, §223.4.

It has also been defined as corrupt demanding or receiving by a person in office of a fee for services which should be performed gratuitously; or, where compensation is permissible, of a larger fee than the law justifies, or a fee not due.

Term applies to persons who exact money either for the performance of a duty, the prevention of injury, or the exercise of influence, and covers the obtaining of money or other property by operating on fear or credulity, or by promise to conceal the crimes of others. Term in comprehensive or general sense signifies any oppression under color of right, and in strict or technical sense signifies unlawful taking by any officer, under color of office, of any money or thing of value not due him, more than is due, or before it is due.

See also Blackmail; Hobbs Act; Loan sharking; Shakedown.

[26 U.S.C. §872: Extortion by officers or employees of the United States](#)

[TITLE 18](#) > [PART I](#) > [CHAPTER 41](#) > Sec. 872

Sec. 872. - Extortion by officers or employees of the United States

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits

or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both

Scheidler v. National Organization for Women, 537 U.S. 393 (2003)

Absent contrary direction from Congress, we begin our interpretation of statutory language with the general presumption that a statutory term has its common law meaning. See *Taylor v. United States*, 495 U.S. 575, 592 (1990); *Morissette v. United States*, 342 U.S. 246, 263 (1952). At common law, extortion was a property offense committed by a public official who took "any money or thing of value" that was not due to him under the pretense that he was entitled to such property by virtue of his office. 4 William Blackstone, *Commentaries on the Laws of England* 141 (1765); 3 R. Anderson, *Wharton's Criminal Law and Procedure* § 1393, pp. 790-791 (1957). In 1946, Congress enacted the Hobbs Act, which explicitly "expanded the common law definition of extortion to include acts by private individuals." *Evans v. United States*, 504 U.S. 255, 261 (1992) (emphasis deleted). While [537 U.S. 403] the Hobbs Act expanded the scope of common law extortion to include private individuals, the statutory language retained the requirement that property must be "obtained." See 18 U.S.C. § 1951(b)(2).

Congress used two sources of law as models in formulating the Hobbs Act: the Penal Code of New York and the Field Code, a 19th-century model penal code. See *Evans*, supra, at 262.^{7} Both the New York statute and the Field Code defined extortion as "the obtaining of property from another with his consent, induced by a wrongful use of force or fear or under color of official right." 4 Report of the Commissioners of the Code, *Proposed Penal Code of the State of New York* § 613 (1865) (reprint 1998) (Field Code); N.Y. Penal Law § 850 (1909). The Field Code explained that extortion was one of four property crimes, along with robbery, larceny, and embezzlement that included "the criminal acquisition of . . . property." § 584 note, p. 210. New York case law before the enactment of the Hobbs Act demonstrates that this "obtaining of property" requirement included both a deprivation and acquisition of property. See, e.g., *People v. Ryan*, 232 N.Y. 234, 236, 133 N.E. 572, 573 (1921) (explaining that an intent "to extort" requires an accompanying intent to "gain money or property"); *People v. Weinseimer*, 117 App.Div. 603, 616, 102 N.Y.S. 579, 588 (1907) (noting that in an extortion prosecution, the issue that must be decided is whether the accused "receive[d] [money] from the complainant").^{8} [537 U.S. 404]

We too have recognized that the "obtaining" requirement of extortion under New York law entailed both a deprivation and acquisition of property. See *United States v. Enmons*, 410 U.S. 396, 406, n. 16 (1973) (noting that "[j]udicial construction of the New York statute" demonstrated that "extortion requires an intent `to obtain that which in justice and equity the party is not entitled to receive'" (quoting *People v. Cuddihy*, 151 Misc. 318, 324, 271 N.Y.S. 450, 456 (1934))). Most importantly, we have construed the extortion provision of the Hobbs Act at issue in this case to require not only the deprivation but also the acquisition of property. See, e.g., *Enmons*, *supra*, at 400. (Extortion under the Hobbs Act requires a "'wrongful' taking of . . . property" (emphasis added)). With this understanding of the Hobbs Act's requirement that a person must "obtain" property from another party to commit extortion, we turn to the facts of these cases.

[*Scheidler v. National Organization for Women*, 537 U.S. 393 (2003)]

MERRIAM WEBSTER'S DICTIONARY

Main Entry: **ex•tort**

Pronunciation: ik-'stort

Function: *transitive verb*

Etymology: Latin *extortus*, past participle of *extorquere* to wrench out, extort, from *ex-* + *torquere* to twist -- more at TORTURE

Date: 1529

: to obtain from a person by force, intimidation, or undue or illegal power

: WRING; *also* : to gain especially by ingenuity or compelling argument

synonym see EDUCE

- **ex•tort•er** *noun*

- **ex•tor•tive** /-'stor-tiv/ *adjective*

MERRIAM WEBSTER'S THESAURUS

Entry Word: **extort**

Function: *verb*

Text: **1** to obtain something by pressure or intimidation <racketeers *extorting* protection money>

Synonyms exact, gouge, pinch, screw, shake down, squeeze, wrench, wrest, wring; CHEAT, FLEECE 1

Related Word demand; coerce, force; extract, get, obtain, secure; bleed, fleece, skin

Idioms bleed one white, make one pay through the nose, put the screws to
2

Synonyms EDUCE 1, elicit, evince, evoke, extract, milk