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Anti-Gang and Youth Violence [1]

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**PRESIDENT CLINTON TO ADDRESS FEDERAL PROSECUTORS, ANNOUNCE
NEW SUPPORT FOR NATIONWIDE CRACKDOWN ON GANGS**

April 3, 1996

Our fourth great challenge is to take our streets back from crime and gangs and drugs.

Our next step in the fight against crime is to take on gangs the way we once took on the mob. I'm directing the FBI and other investigative agencies to target gangs that involve juveniles and violent crime, and to seek authority to prosecute as adults teenagers who maim and kill like adults.

**-- President Clinton
State of the Union, January 23, 1996**

Following through on his State of the Union pledge to take on gang activity in America, President Clinton will announce new support for federal prosecutors who are working to break-up youth gangs across the country. The President will announce the new support -- which includes \$11 million in Crime Bill COPS funds for 15 major cities as well as the introduction of new legislation to strengthen the hands of prosecutors -- in remarks to U.S. Attorneys and other federal prosecutors at the Department of Justice's Great Hall.

Prior to his remarks, the President -- joined by the Vice President and Attorney General Janet Reno in the conference room used by Attorney General Robert Kennedy to direct his war against organized crime -- will be briefed by U.S. Attorneys from Bridgeport, Connecticut, Chicago, Illinois and Columbus, Ohio on the strategies they have used to successfully break-up gang activity in their regions.

In addition to announcing these additional tools, the President will tell the prosecutors to follow-up on the successful strategies employed by the U.S. Attorneys from Bridgeport, Chicago and Columbus and outline four principles to guide federal prosecutors in targeting criminal gang activity. These principles are:

- 1) Use every available tool, such as racketeering statutes, carjacking penalties, etc.;
- 2) Boost cooperative efforts among state, local and federal law enforcement agencies;
- 3) Involve communities and community police in anti-gang efforts;
- 4) Support effective early intervention programs that help keep young people out of gangs in the first place.

Also today, the Attorney General will present the President with a report entitled "A Coordinated Approach to the Challenge of Gang Violence: A Progress Report," which reviews the gang problem in America, details successful gang prosecutions across the country, and

sets out principles to guide federal prosecutors in the future.

New Initiatives:

The President will announce today that he will submit legislation to address a Dec. 6, 1995 Supreme Court ruling in Bailey v. United States, which severely restricted Federal prosecutors ability to prosecute drug traffickers and gang members for "using" a weapon in a criminal offense. Left to stand, Bailey will result in lighter sentences for violent gang members.

The Clinton Administration has responded to the Supreme Court's restrictive ruling by proposing the "Enhanced Prosecution and Punishment of Armed Dangerous Felons Act of 1996." This bill would legislatively overrule the Bailey decision and return an important prosecutorial tool to law enforcement. Drug traffickers and gang members who use firearms in criminal offenses should receive the toughest sentence possible.

The President will also announce today the awarding of \$11 million to 15 jurisdictions through the COPS Anti-Gang Initiative, funded through the 1994 Crime Bill. The jurisdictions involved are: Austin, TX; Boston, MA; Chicago, IL; Dallas, TX; Detroit, MI; Indianapolis, IN; Jersey City, NJ; Kansas City, MO; Los Angeles, CA; area multiagency partnership; Miami, FL; Oakland, CA; Orange County, CA; multiagency partnership; Phoenix, AZ; Salt Lake City, UT and St. Louis, MO.

Fact sheets on "Enhanced Prosecution and Punishment of Armed Dangerous Felons Act of 1996," the COPS Anti-Gang grants, the Attorney General's gang report, the Clinton Administration's anti-gang initiatives and substantial material on the efforts of the U.S. Attorneys in Bridgeport, Chicago and Columbus are attached.

The Enhanced Prosecution and Punishment of Armed Dangerous Felons Act of 1996

Youth gangs in this country are heavily armed and their weapon of choice is often an assault weapon.

Law enforcement needs every tool to prosecute these armed gangs. Unfortunately, a recent Supreme Court decision tied the arms of Federal prosecutors in their efforts to prosecute violent gangs.

In Bailey v. United States, the Supreme Court severely restricted Federal prosecutors ability to prosecute drug traffickers and gang members for "using" a weapon in a criminal offense. Left to stand, Bailey will result in lighter sentences for violent gang members.

Over the last 5 years, the provision in question in Bailey was used 13,424 times by federal prosecutors. Indeed, all 3 districts reporting to the President on their anti-gang successes routinely use the provision impacted by Bailey as a matter of policy.

The Clinton Administration has responded to the Supreme Court's restrictive ruling by proposing the "Enhanced Prosecution and Punishment of Armed Dangerous Felons Act of 1996."

This bill would legislatively overrule the Bailey decision and return an important prosecutorial tool to law enforcement. Drug traffickers and gang members who use firearms in criminal offenses should receive the toughest sentence possible.

The bill would also ensures that convicted felons are prohibited from possessing a firearm. Under the bill, a criminal previously convicted of a state crime constituting a violent felony or a serious drug offense cannot have his/her federal rights pertaining to a firearm restored under state law.

U.S. Department of Justice
Office of Community Oriented Policing Services



COPS Office Anti-Gang Initiative

Crime rates -- and most notably violent crime rates -- are dropping across the country. But there is one disturbing trend: youth violence is on the increase, in big cities and smaller towns, across the country. In particular, gangs associated with criminal activity have extended their dangerous reach, bringing with them violence, drug involvement, delinquency, destruction of property, and other public safety threats.

Police chiefs and sheriffs credit the innovative strategies of community policing with bringing about these dramatic reductions in crime. The COPS Office was established under the Violent Crime Control and Law Enforcement Act of 1994 to add 100,000 community policing officers to our nation's streets. Last year, the COPS Office launched its **Youth Firearms Violence Initiative**, which funded targeted enforcement strategies to curb the rise of youth firearms violence in ten cities. The Youth Firearms Initiative already has resulted in the successful seizure of firearms and a reduction in drive-by shootings. Building on this effort, the **COPS Anti-Gang Initiative** is another element of the Clinton Administration's comprehensive assault on the vexing problem of youth violence. The COPS Anti-Gang Initiative will bring the most effective community policing strategies to 15 communities on the front lines of the battle against gangs.

Community Policing Efforts

Gangs pose many threats to the communities they invade -- drive-by shootings, murders, high-level drug sales, as well as threats, intimidation, and graffiti -- all bringing fear to neighborhoods and homes. There are many proven strategies in support of community policing that can have a profound impact on a city's gang problem. For example, police can focus on gang

infiltration of public housing, direct attention to both chronic and first-time offenders, and patrol "hot spots." Other communities have targeted known gang gathering places and work to prevent at-risk youth from joining gangs. Still other approaches use civil enforcement remedies against gangs, use environmental design to reduce gang activity, target witness protection and anti-intimidation efforts, and mobilize neighborhoods, schools, churches, synagogues and community organizations to strengthen efforts to keep kids in school and out of trouble with the law. The **COPS Anti-Gang Initiative** will use these and other strategies to confront gang-related public safety problems and to test innovative approaches.

□ Fifteen jurisdictions have been invited to participate in this initiative: Austin, TX; Boston, MA; Chicago, IL; Dallas, TX; Detroit, MI; Indianapolis, IN; Jersey City, NJ; Kansas City, MO; Los Angeles, CA, area multiagency partnership; Miami, FL; Oakland, CA; Orange County, CA, multiagency partnership; Phoenix, AZ; Salt Lake City, UT; and St. Louis, MO.

□ The COPS Office will work directly with these agencies to craft innovative strategies, track and evaluate their implementation, and share results and successes with the many other communities confronting similar challenges.

□ Up to \$11 million will be allotted to the participants based on population levels. The grants will run for one year.

□ No local match of funds will be required for this program.

*For more information, call 1-800-421-6770
This fact sheet updated April 1, 1996*



FACT SHEET:

THE ATTORNEY GENERAL'S REPORT ON PROGRESS IN FIGHTING GANGS

THE REPORT: On April 3, 1996 Attorney General Janet Reno delivered a report to the President entitled "A Coordinated Approach to the Challenge of Gang Violence: A Progress Report." The report reviews the gang problem in American, details successful gang prosecutions across the country, and sets out principles to guide federal prosecutors in the future.

THE PROBLEM OF GANGS: A generation ago, fewer than half of our cities reported gang activity. Now 95 percent of our largest cities and 88 percent of smaller cities suffer gang related crime. With the advent of hard drugs like crack and the proliferation of assault weapons on our streets, gangs have become violent street families for too many of our young people.

SUCCESS IN FIGHTING GANGS: Despite these problems, federal prosecutors have worked with state and local law enforcement and prosecutors to achieve a number of notable successes around the country. The Attorney General's report details cases in more than 35 states that have made a difference in the lives of Americans struggling against gangs.

THE ROLE OF FEDERAL LAW ENFORCEMENT AGENCIES: The report also details the anti-gang efforts of a number of federal law enforcement agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Inspector General's Office of the Department of Housing and Urban Development, the Federal Bureau of Prison and the United State Marshalls Service.

STRATEGIES FOR THE FUTURE: Responding to a challenge from President Clinton, the report lays out four principles to guide federal prosecutors (1) using every available federal tool, such as racketeering statutes, carjacking penalties, Title III wiretaps and money laundering laws; (2) boosting cooperative efforts among state, local and federal law enforcement agencies; (3) involving communities and community police in anti-gang efforts; and, (4) supporting effective early intervention programs that help keep young people out of gangs in the first place.

April 3, 1996



U.S. Department of Justice

Office of Public Affairs

Washington, D.C. 20530

FACT SHEET:

FIGHTING YOUTH VIOLENCE

ANTI-GANG STRATEGY: President Clinton challenged federal prosecutors to use every tool available, work with local law enforcement agencies, involve communities, and support effective early intervention programs to keep young people out of gangs. He also announced \$11 million to help police departments target gangs in 15 major cities.

PROSECUTING HARDENED YOUNG CRIMINALS AS ADULTS: Last year's crime bill provided discretionary authority to prosecute hardened young criminals, 13-years-old and above, as adults for serious violent offenses.

SUPPORT FOR SCHOOL UNIFORMS: President Clinton and Attorney General Reno support school uniform experiments that are cutting crime in schools. The Department of Education is sending school boards a guide to implementing such policies if they choose.

GUN FREE SCHOOL ZONES ACT: The President has submitted legislation to correct a Supreme Court decision that invalidated the Act, and called for vigorous enforcement. Passed in 1990, the Act prohibits bringing guns on school property.

YOUTH FIREARMS VIOLENCE INITIATIVE: As part of its program to put 100,000 police on America's streets, the Justice Department is awarding up to \$1 million to ten police departments to develop community policing efforts that target youth gun violence.

BOOT CAMPS: Under the crime bill, \$21 million was provided in fiscal year 1995 states and localities are provided with funds to place young offenders in programs to instill discipline, routine, and respect for authority.

YOUTH HANDGUN SAFETY ACT: The 1994 Crime Act makes it a federal offense for persons under 18 to own a handgun. The Office of Justice Programs is also assisting states that seek to enact similar bans.

SAFE SCHOOLS THAT MAKE A DIFFERENCE: This program provides funds to virtually every school district in the country to make their schools safe, disciplined and drug free. A crime bill formula grant, totaling more than \$20 million in fiscal year 1995, helps communities provide supervised after-school, weekend and summer programs for at-risk young people.

Updated April 3, 1996



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SUMMARY OF CONNECTICUT GANG PROSECUTIONS

Latin Kings: The Latin Kings was the most widespread and violent gang in Connecticut. The federal Latin Kings prosecution began with an indictment returned in December of 1994 which charged the entire statewide leadership of the gang, known as the Supreme Crown, with various offenses including RICO, Violent Crimes in Aid of Racketeering (VICAR), narcotics distribution, and conspiracy. Ultimately the superseding indictment charged 33 leaders, members, and associates with such offenses, including nine murders committed in New Haven and Bridgeport.

In September, 1995, nine leaders of the gang were convicted by a jury of the major charges in the indictment, including all nine murders. The District Court has sentenced 8 of the 9 to terms of life imprisonment without parole. The remaining defendant received a sentence of 35 years imprisonment. Twenty of the 33 indicted defendants have pled guilty. Three other Latin King members are currently awaiting trial.

Los Solidos: The Los Solidos gang is centered in Hartford, Connecticut's capital. After a series of violent crimes, including the murder of a seven-year old girl in a drive-by shooting, the United States Attorney's Office organized a federal-state-municipal task force targeting Los Solidos. That initiative ultimately resulted in a superseding indictment which charged over 50 members or associates of Los Solidos with assorted violent crimes and narcotics offenses, including RICO, VICAR murder, VICAR kidnapping, and VICAR assault. To date, over 40 members have been convicted including two defendants who pled guilty to RICO, two who pled guilty to VICAR murder, one who pled guilty to VICAR conspiracy to murder, one who pled guilty to VICAR accessory after the fact to murder, five who pled guilty to VICAR kidnapping, and several others who pled guilty to VICAR assault and narcotics offenses. Two defendants were convicted of narcotics offenses after trial, one of whom was sentenced to 262 months in prison and the other received 120 months. Trial is scheduled to begin this month against the ten remaining defendants.

20 Love: Within the last year, the U.S. Attorney's Office has obtained convictions against at least six members or associates of the 20 Love gang, centered in Hartford. This gang, which is smaller and less organized than Los Solidos, is also involved in narcotics distribution and has feuded with Los Solidos in the past. The 20 Love members were convicted of firearms and narcotics

offenses under the District's Project Triggerlock and were sentenced to significant prison terms.

Green Top Posse: This gang is one of the most violent drug gangs in the state, operating in Bridgeport. All eight members who were indicted were convicted. Five members pled guilty while three others were convicted following trial on drug conspiracy and firearms charges in January 1994. The gang's leader, Alexander Leon, was sentenced to life imprisonment without parole. Other defendants received 20 and 30 years, while two cooperating defendants were sentenced to six and eight years in prison.

The Ville: Twelve defendants in New Haven were indicted on federal drug trafficking and related charges. Ten pled guilty and were sentenced to between 5 and 19 years imprisonment. Two defendants were convicted following trial in March 1995 and received sentences of approximately ten years imprisonment.

Wild Wild West: Nine members of Wild Wild West were indicted on federal charges. Two defendants were convicted after trial in January 1995, joining the seven others in New Haven who pled guilty to narcotics conspiracy, and weapons charges. Sentences imposed by the court range from 3 to 15 years.

Jungle Boys: The Jungle Boys was the first gang targeted by the Organized Crime Drug Enforcement Task Force. On June 22, 1992, a 32 count indictment charged 14 members with narcotics and firearms charges. On July 31, 1992, a second superseding indictment was returned adding two additional defendants and charging three of the Jungle Boys leaders with supervising a continuing criminal enterprise.

Eleven of the sixteen defendants charged in the indictment pled guilty to the major count of the indictment. The remaining five defendants, including the gang's leader, were convicted after trial on May 18, 1993. The five defendants convicted after trial received terms of imprisonment ranging from 14 to 27 years.

4/2/96



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SUMMARY OF CONNECTICUT LATIN KINGS PROSECUTION

The Latin Kings controlled much of the drug dealing in Connecticut's major cities and were extremely violent in protecting their "turf," including drive-by shootings and homicides.

In April of 1994, a task force of federal law enforcement agents, Connecticut State Police, police officers from the New Haven and Bridgeport Police Departments, and federal and state prosecutors began its investigation of the Latin Kings. The funding for the task force was provided by the FBI "safe streets" program.

Following an intensive task force investigation using wiretaps and undercover agents, the federal grand jury indicted 33 members of the Latin Kings in December, 1994, including the statewide leaders of the gang. Sixteen of the defendants were charged with racketeering, and other charges included drug trafficking of heroin, cocaine and marijuana. Nine murders were also charged, including a triple murder ordered by one of the leaders, a drive by shooting that resulted in the murder of an innocent 16 year old girl, and the murder of the son of a New Haven police lieutenant.

Prior to trial, many of the defendants pleaded guilty and received substantial federal sentences. However, nine of the defendants, including the leaders of the gang, were tried in federal court in the summer of 1995. All were convicted.

Eight of the nine defendants who went to trial were sentenced to life without the possibility of parole. The other defendant received a sentence of thirty-five years.

As a result of the Latin Kings prosecution, the neighborhoods of Bridgeport and New Haven are much safer. Drug trafficking has been reduced and random violence is no longer a daily threat. Violent crime has dropped in both cities and homicides have been reduced by over 30 percent.

4/2/96



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CHRISTOPHER F. DRONEY

UNITED STATES ATTORNEY
DISTRICT OF CONNECTICUT

January, 1996

Christopher F. Droney was nominated United States Attorney for the District of Connecticut on September 17, 1993 by President Clinton. He was confirmed by the Senate on October 18, 1993 and took the oath of office on October 21, 1993.

Mr. Droney was born in Hartford, Connecticut on June 22, 1954. He attended the public schools of West Hartford and then graduated from The College of the Holy Cross in Worcester, Massachusetts. In 1979, Mr. Droney received his juris doctor degree from The University of Connecticut School of Law, where he was an editor of the Law Review.

From 1979 to 1993, Mr. Droney was engaged in the private practice of law in Hartford, specializing in trial work. He was a partner in the Hartford firm of Reid & Riege, P.C. Mr. Droney tried numerous criminal and civil cases in the State and Federal Courts and argued appeals before the Supreme Court and Appellate Courts of Connecticut and the U.S. Court of Appeals for the Second Circuit.

Mr. Droney was also elected to the Town Council of West Hartford in 1983, and served as Mayor of West Hartford from 1985 to 1989.

In January, 1996, Attorney General Janet Reno appointed Mr. Droney to the Attorney General's Advisory Committee of U.S. Attorneys.

He is married to the former Elizabeth Lawson Kelly and they are parents of three daughters. As United States Attorney, Mr. Droney has received awards for community service from the Long Rivers Council of the Boy Scouts of America, the Mushaba Force Youth Foundation and the Hartford Police Union.

1/30/96

Founder of Kings dethroned

Gang's security chief also gets life sentence

By **MICHAEL P. MAYKO**
Staff writer

BRIDGEPORT — In another life, Nelson Millet might have been a military leader.

"Men would have followed him into battle without batting an eye," maintained his lawyer, Jeremiah Donovan.

Perhaps the CEO of a Fortune 500 company. "He has the incredible ability to listen to all sides, make a decision and be careful about antagonizing anyone," continued Donovan.

Or even a political leader. "If you'd finished school, got your education and worked, what you could have accomplished was unlimited," said U.S. District Judge Alan H. Nevas. "Just think about what could have been. Instead your life has been a total waste."

Nevas then read off Millet's record dating back to 1974 and rejected claims that the defendant

was a modern-day revolutionary. Instead the judge described him as a "career criminal."

"Martin Luther King was a revolutionary but a peaceful one. Mahatma Gandhi was a revolutionary... They rallied people... within the law to change the law."

And with that he sentenced Millet, the 39-year-old charismatic founding father of the Latin Kings, to life in prison with no parole.

Millet, who grew up in Bridgeport, is already serving a state prison term for robbery which does not expire until 2019. At that point, the life sentence will begin.

The judge on Monday also imposed a life sentence on Richard "Orco" Morales, the Kings' security director. The jury found Morales responsible for three

See JUDGE on A12

Judge sends 2 more Latin King members up the river

Continued from A1

murders, including that of a New Haven Police lieutenant's son.

Morales, sporting a shaved head Monday, lashed out at what he perceived to be an unfair trial.

Morales attacked the credibility of witness Greg Cyr Jr., once his best friend. "One does not have to be a rocket scientist . . . to see Greg Cyr as a liar and perjurer," said Morales in a prepared statement to Nevas. "Why is it?" he asked about Cyr not being prosecuted for perjury. "Because his testimony is so critical in this and state court? Martin Luther King said: 'Injustice anywhere is a threat to justice everywhere.'"

Morales further maintained that

he opposed murder and never ordered the murders of Alex Aponc in 1992 or Arosmo "Ra Ra" Diaz and Tyler White (son of New Haven Police Lt. George White) in 1994.

"I said that then, I say it now and I'll say it five years from now," he said over the anguished cries of his wife and girlfriend seated in the same row behind him.

Millet became the first and only Latin King to express sympathy for the nine victims and their families murdered by Latin King discipline or retaliation.

"Me being the boss isn't the same as you being the boss of this courtroom, your honor. If I told a person like Jesse Rodriguez [another Latin King who cooperated

after his arrest] to . . . fill this cup with water, he'd do it but he might put poison in it. He typifies the kind of people I lead. Getting Jesse to pay dues is probably like me getting you to put me on probation."

"It's a mystery how he was able to exercise such power," said Assistant U.S. Attorney Theodore Heinrich, "as well as what his real motivations were."

Particularly since Millet has spent part of every year since his 12th birthday behind bars and ran criminal activities for the Latin Kings from 1991 to 1994 from federal prison in Lompac, California. Three times he escaped from prison, including a daring 1974 armed breakout of the Bridgeport Juvenile Detention Center in which

a female supervisor was shot.

On Monday, he blamed much of the problems on drugs. "As long as drugs remain illegal," contended Millet, who as the leader oversaw the awarding of drug blocks in New Haven and Bridgeport, "society is fighting a losing battle."

He suggested drugs be legalized and taxed. "It's the only way to win the war . . . and stop the loss of generations."

"Sounds like the advice of a drug dealer to me," responded John "Bull" Durham, the assistant U.S. attorney in charge of criminal prosecutions in Connecticut. To implement Millet's proposal would result in "writing off huge segments of the population. I think it's better to fight the war."

U.S. Attorney Christopher Droney thought authorities were making "considerable progress," particularly against gangs. He believes the life sentences restore deterrence.

"It sends a strong message that our community will not tolerate organized violence and drug dealing," he continued. "You're not seeing the large number of wannabes wearing the colors of the Latin Kings or Los Solidos."

Throughout the three-month trial, prosecutors played dozens of hours of tape recordings made by

Millet from the Lompac prison to his underlings here in Connecticut.

They included Millet discussing the imposition of a drug tax on Latin King dealers and in the next breath talk about raising money for scholarships. There was a talk of sending guns to Hartford to help the Kings fight the Los Solidos and another in which Millet said "I don't want to emphasize hate . . . and dealing drugs and stuff like that."

Attorneys for both Morales and Millet plan appeals.

REGIST

3, B1



UConn meets
Yale today
at the Bowl, B1



Branford shuts
out Amity 19-0
B4

EAST HAVEN
Alleged drug dealer's sons taken by
WALLINGFORD
Gable spots bonds DDT
NEW HAVEN, CT

New Haven Register

73; NEW HAVEN, CONN.

SATURDAY, SEPTEMBER 30, 1995

SATURDAY EDITION

Federal jury convicts 9 Latin Kings

By Josh Kovner
Register Staff

BRIDGEPORT — A federal jury Friday convicted nine Latin Kings of racketeering, murder and drug trafficking in New Haven and Bridgeport, formally ending the reign of Connecticut's deadliest gang. All nine defendants face a maximum of life in prison. The street gang was the first in Connecticut prosecuted under the federal RICO act, the anti-racketeering law created to dismantle the Mafia.

The jury ruled the nine defendants focused on murder, money and drugs, not graffiti removal, street cleaning and general equivalency diplomas, as the defense asserted during a three-month trial.

The jurors now share something with the law-abiding residents of New Haven's Fair Haven section and Bridgeport's East End, where the Kings spilled the blood of rivals and dealt narcotics for most of the 1950s: The jurors know more about the Kings than they would ever care to.

They know that three young Kings were slain in New Haven's East Rock Park in the fall of 1992 because one of them called Maria "Cheena" Vidro, the raven-haired leader of the New Haven chapter, a "bitch."

They know that Jessie Council, 16, who had nothing to do with the gang, was cut down on New Haven's Asylum Street in June 1992 by gang assassins who were

Please see Latin Kings, Page A14

CONTINUED FROM THE FRONT PAGE

Latin Kings: Convicted 9 may get maximum of life in jail

Continued from Page A1

gunning for a rival that wasn't even on the block.

They know that Arosmo "Ra Ra" Diaz, 19, of New Haven cheated death until the gang's director of security, Richard "Orca" Morales, decided Diaz was a snitch. Diaz, a gang member, was executed in May 1994 along with Tyler White, Diaz's friend and the son of a gang-busting New Haven cop, Lt. William White.

The elder White sat in the gallery Friday and fixed his eyes on Luis Noel Cruz, who was convicted of killing his son. He shot the younger White twice in the head from a distance of a few inches, the evidence showed.

One thing the jury didn't know: The gang's mainly public-relations officer, Beatrice Codianni-Robles of New Haven, had admitted on the eve of trial that she ordered two drive-by attacks, but trial rules blocked the jurors from hearing about her guilty plea.

Wearing black and yellow beads, toting guns and flashing the sign-language "L" as a greeting, the Kings cast a menacing, violent cloud over the Fair Haven and East End neighborhoods.

"The residents in these communities are the real beneficiaries of this prosecution," U.S. Attorney Christopher Dronney, the ranking federal prosecutor, said in a briefing outside U.S. District court after the verdicts.

Behind him, the jubilant law officers who took down the Kings tried to keep straight faces for the TV cameras.

"They were highly organized, highly disciplined and very violent, with tentacles in several states," Dronney said.

New Haven police Chief Nicholas Pastore said Officers Frank Roberts and Steve Cop-

pola first made inroads against the Kings. Roberts was a uniformed patrol cop when he began to learn the nicknames and drug haunts of the gang members.

The joint city/state/federal New Haven Gang Task Force used the officers' work as a springboard, eventually attributing nine murders, a slew of assaults, and a lucrative narcotics conspiracy to the gang.

Thirty-three Kings were indicted last year; two-thirds have now been convicted and a final group of eight awaits trial.

The prosecution team — Assistant U.S. Attorneys Theodore Heinrich and Joseph Martini, and Assistant State's Attorney Elpedio "Al" Vitale — brought the evidence to life for the jury, Dronney said.

Among their tools: a dozen ex-Kings who tattled on their former comrades with the hope of a lesser prison sentence and court-ordered wire taps that intercepted dozens of calls among gang members.

As the tape recorder's spools turned in the courtroom, the defendant's own words haunted them.

"I think we (expletive) up," Alex Antuna, convicted of executing Diaz, is heard telling Morales in a call a day after the double murder. "The dude that was with (Diaz) was a detective's son."

Convicted of racketeering, murder and a drug conspiracy were Vidro, her former lover, Johnny Zapata of New Haven, Morales, Cruz, Antuna, Manual Roman and Hector Luis Rios.

Frankie Soto and Nelson Miller, the gang's charismatic president, were convicted of racketeering and the drug conspiracy; Miller was acquitted of a murder conspiracy but still faces up to life in prison on the other charges.

CONNECTICUT

Federal powers aiding in war on gangs

State, local forces gain edge from U.S. assistance

By MARK PAZNIOKAS
Courant Staff Writer

Chris Morano, a state prosecutor, remembers thinking he had won a rare victory the day a Superior Court judge set bail of \$100,000 on Juan Ayala, a gang member Morano had long wanted off the street.

"I couldn't post that bond if I was arrested," Morano said.

But Ayala could. He was out in 24 hours. Once again, Los Solidos could leave the fortress-like state courthouse in Hartford, which is a short walk from the gang's headquarters in Frog Hollow, stylin' and smiling.

When Morano faced Ayala again last month, it was downtown in U.S. District Court. Strange turf for both of them. At the end of the day, Morano was the one smiling.

Morano, on loan to a task force led by the U.S. attorney's office, watched as a federal magistrate ordered Ayala and other Solidos held in preventive detention until their trials on federal racketeering charges.

One of the many state prosecutors who have viewed the feds a little uneasily, Morano preaches the gospel of cooperation after the recent indictment of a jail guard and 19 members or associates of Los Solidos.

In New Haven and Bridgeport, where federal prosecutors won long sentences on gang members who deal drugs, and now in Hartford, federal authorities have shown they have the strongest arsenal against street gangs.

Federal investigators were able to use tools unavailable to local and state police, including investigative grand jury subpoenas, and easily obtained wiretaps to get indictments.

Prosecutors were able to jail many of the gang members immediately after arrest. Unlike the state courts, federal judges and magistrates have the authority to order preventive detention if defendants are judged a danger to the community.

"I'm having a ball watching what they are doing," Morano said.

Federal authorities said pursuing the gangs is a natural for them, because federal law makes it easier to prosecute defendants as members of continuing criminal enterprises.

An assault that might bring a suspended sentence in state court can mean life in prison in federal court, if prosecutors can show the assault was a violent act committed in aid of racketeering.

"The federal government has a special role in pursuing organized crime," U.S. Ator-

Please see Federal, Page A8

Federal powers aiding in war on gangs

Continued from Page A3

ney Christopher D. Droney said. With the gangs, "the fact an organization is at work is important."

Defense lawyers complain that street dealers get puffed up into "racketeers" by federal prosecutors, but Droney said racketeering charges are not lightly sought.

As U.S. attorney, Droney is the top federal prosecutor in Connecticut, and has wide discretion. But racketeering is one of the few charges that requires prior approval from the Department of Justice in Washington before it can be made.

"The idea," Droney says, "is to make sure we are applying the law consistently around the nation, and to make sure we're not using them for inappropriate subjects. They should be serious matters."

The wiretaps in the Los Solidos case show that gang members, after watching federal prosecutions in Bridgeport and New Haven, were aware of the danger posed by the feds.

Larry Beauvais, a Solido founder and "godfather" imprisoned out of state, was recorded discussing as much recently.

"If it goes federal, it'll be racket-

"He was candid. I would never get him, because he was too smart. I knew with this operation, his day would come."

Prosecutor Chris Morano

On defendant Jorge Rivera

teering," Beauvais said.

Vincent Major, a reputed leader in Hartford, agreed, saying, "That's how they got Gotti."

Droney said one of the greatest weapons federal authorities have is the ability to target the most dangerous and violent gang members, as compared with state prosecutors, who must handle everything from disorderly conduct to murder cases.

At the start of the federal fiscal year Oct. 1, there were 229 criminal cases pending in federal courts in Connecticut. By comparison, there were 76,000 criminal cases pending in state court July 1, at the start of the state fiscal year.

Despite the heavy caseload, Morano noted that five of the Solidos indicted by a federal grand jury

were in jail on state charges.

Morano, who is organizing a gang prosecution unit in the chief state's attorney's office, said state and federal authorities still have occasional turf battles.

"Every family has its fights," he said.

But he believes they will be kept to a minimum because of the relationships that have developed since the task force was assembled in February at the request of Hartford's political leaders.

For his part, Droney has stressed that the federal indictments of Los Solidos were the result of teamwork by Hartford police, state police and federal investigators.

Morano said the bottom line is results.

Jorge Rivera, the president of Los Solidos, used to taunt Morano in state court. "He was candid. I would never get him, because he was too smart," Morano said. "I knew with this operation, his day would come."

Rivera, who has been held without bail since his arrest last month, walked past Morano Monday in federal court, where a judge postponed his detention hearing to Thursday. Rivera said nothing.

Justice Department gangs up on crime

**■ Grant received:
\$402,800 helps cops'
fight in New Haven.**

By Tamara Lytle
Register Washington Bureau

The U.S. attorney for Connecticut on Monday received a \$402,800 grant from the Justice Department to help pay for a crackdown on street crime that has already dealt severe blows to gangs in Hartford, New Haven and Bridgeport.

The money will help pay for four task forces made up of federal, state and local law enforcement officials, said U.S. Attorney Christopher F. Droney.

Investigations by the task forces have led to the indictment of more than 100 gang leaders and mem-

bers on federal charges, and the indictment of more than 50 violent criminals on firearms charges.

In cases that have already gone to trial, sentences have been stiff. Eleven members of "The Ville" in New Haven received prison terms of five to 19 years for drug and other convictions.

Droney said the crackdown has made the major cities "significantly safer places to live and work."

But while use of federal statutes has been a big help, "we must also address the underlying social problems and issues that lead to this type of crime and violence."

"Otherwise, a few years from now, we will be locking up a younger generation of gang members replacing those we are jailing today," Droney said.

He said the crime bill passed by

Congress last year "provides the tools to attack both sides of the crime problem."

The U.S. attorney's office applied for the grant to supplement other federal, state and local money already committed to the task forces, Droney said. He said the extra money will be used to pay for local police overtime and support staff, and for office and investigative equipment, rent and computers.

When Attorney General Janet Reno announced the federal program last year, she called the New Haven task force that felled the Jungle Boys a national model.

Droney said task forces in Connecticut have won indictments against Latin Kings gang members in New Haven, Hartford and Bridgeport and led to convictions of members of The Ville and Wild

Wild West in New Haven.

"As a result of our cooperative efforts, our major cities are significantly safer places to live and work than they were one year ago," Droney said. "We remain committed to doing all that we can to make them even safer in the next year."

"People in Connecticut are demanding that more be done to fight back against crimes that have affected their lives," Democratic Sen. Christopher Dodd and Joseph Lieberman said in a statement. "These funds respond to that concern by targeting the most serious crime that plague our communities and by helping to create a safer environment for our families."

The Associated Press contributed to this story.

MONDAY

MAR 11 1996

NEW ENGLAND NEWS SERVICE AGENCY, INC.
JH

Crime, violence in city trimmed to a 9-year low

9892-
■ **A 6% decline:** Mayor credits community policing; some residents not so sure.

By John Ferraro
Register Staff

NEW HAVEN — Crime in the city dropped 6 percent in 1995, bringing it to the lowest level in nearly a decade, according to newly released statistics.

"These figures tell me we are doing something right in our bid to strengthen policing at the neighborhood level," said Mayor John DeStefano Jr.

Violent crimes such as murder, rape and aggravated assault all declined. According to police statistics, murders dropped from 32 to 20, a 38 percent decrease.

The New Haven Register calculates killings differently. The Register's statistics show a larger drop, from a record-tying 34 in 1994, to 19 last year.

The Register counts killings without regard to whether the ultimate charge is murder or a lesser charge, and counts them for the year in which the fatal injury was inflicted.

Crime statistics

Within the city of New Haven

	1994	1995	% change
Murder	32	20	38% LESS
Rape	102	88	14% LESS
Robbery	1,150	953	17% LESS
Assault	1,340	1,157	14% LESS
Burglary	2,961	2,965	.1 MORE
Larceny	7,439	7,465	.3 MORE
Auto theft	3,167	2,515	21% LESS
Total	16,191	15,173	6% LESS

Source: New Haven Police

There were 1,018 fewer reported crimes during 1995. The total dropped from 16,191 to 15,173. The last time the city had fewer than 15,000 crimes was 1986.

The statistics were prepared by the city for inclusion in the FBI's uniform crime report.

In the city's neighborhoods, however, change has come slowly.

Please see *Crime* Page A7

Crime: Statistics show violence, auto thefts down in city

Continued from Page A2

"They do drug raids but the dealers are hack out on the streets right after," said a Richard Street resident who requested anonymity.

The Fair Haven neighborhood, home to St. Rose School, has had its share of drug and prostitution problems for years. Police cracked down a number of months ago, but neighbors said the effort had little long-term effect.

Neighbors plan to meet this week with DeStefano and police Chief Nicholas Pastore to discuss problems, said Matt Maselli of an anti-gun group, Elm City Congregations Organized.

In the Hill, gunshots are common and drug dealing takes place in the open, said a Stevens Street resident who also asked to remain anonymous.

Local, state and federal law officers did recently bust up a major heroin and cocaine operation in the Hill.

Authorities have credited those types of partnerships for dismantling drug gangs and putting a dent in auto thefts.

The Hartford Courant

Established 17

Homicide rate fell in Hartford in '95

Efforts to curb gang violence big factor in decline, officials say

By MAXINE BERNSTEIN
Courant Staff Writer

A crackdown on gang-related violence helped reduce homicides in Hartford from a record high of 58 in 1994 to 36 in 1995, but law enforcement authorities say their job is far from done.

Efforts by local, state and federal officials to infiltrate Hartford's gangs and dismantle their leadership contributed to the decline, local officials said. Increased community involvement in crime prevention was another factor, they said.

"I think it was just a total effort. But that effort needs to continue," Hartford Police Chief Joseph F. Croughwell Jr. said. "If the heat doesn't stay on, we may end up where we were a year ago. I don't think we can sit back on our laurels and say our job has been done."

In marked contrast to many of the

1994 killings — which included drive-by shootings and heated gang rivalries played out on tension-filled streets — this year's killings occurred mostly in the course of drug disputes, botched robberies and domestic fights.

Hartford's drop in homicides mirrors declines nationwide, in the Northeast region, in the state and in cities of similar size, the latest FBI statistics show.

Nationally, homicides dropped 12 percent in the first half of 1995, compared with the same period a year ago. In the Northeast, homicide was down 19 percent in the first half of 1995, the largest drop of any region in the country. And, in cities with populations of 100,000 to 250,000, homicide was down 11 percent.

In New Haven, the number of homicides dropped from 34 in 1994 to

Please See Police, Page A8

Continued from Page 1

18 in 1995. In Bridgeport, there have been 35 so far this year, compared with 50 a year ago.

Criminologists cite a variety of reasons for the drop in homicides, including the shrinking population of young people considered more prone to crime, aggressive law enforcement efforts and longer jail terms for criminals.

In Hartford, city police worked with state and federal officials to try to stunt the activity of gangs in Hartford. State and federal prosecutors began using racketeering charges to give gang members involved in drug and other violent crimes longer jail terms.

"I think that stemmed some of the gang violence. People realized it wasn't business as usual. In the past, these gang members would get out on bond and it would be a revolving door. But with the CORA and RICO statutes, I think the message got out to the people that they better start to think twice. I think that had an impact," Croughwell said.

A handful of Hartford homicides involved gang members, but they did not nearly reach the number from 1994 and did not necessarily result from gang warfare. In one killing, for example, a Hartford 18-year-old was accused of fatally shooting his 16-year-old friend in the eye while they were preparing with fellow 20 Love gang members to arm themselves. In another, two teenage gang members riding bikes on Franklin Avenue opened fire on a group of young men and women, hoping to even the stakes in a personal neighborhood feud, but instead killed an innocent 20-year-old city man.

There were only two drive-by shootings resulting in death in

CT Post
1/2/96

Violent crimes decrease

Bridgeport record is 'looking better'

By DANIEL TEPPER
Staff writer

For the second year in a row, Hartford has topped Bridgeport in the number of homicides for the year.

The Park City, which has had the dubious distinction of being the state's murder capital for 11 years, has seen a dramatic drop not only in murders but in most violent crimes.

Like a winning football coach, Bridgeport Police Chief Thomas Sweeney was cautiously optimistic about the statistics.

"Things are certainly looking better but I'm not ready for a parade yet," he said.

For 1995 Bridgeport recorded 35 homicides, 15 less than 1994. New Haven recorded 20 in 1995, half of the 40 recorded in 1994. Hartford recorded 36 in 1995 and 60 in 1994.

In addition, Bridgeport recorded about 10,300 violent crimes in 1995, a 16 percent drop from the previous year and the lowest level since 1972, when 9,800 were reported.

Bridgeport recorded the highest annual homicide total of any municipality in the state with 63 in 1992 and had the state's highest homicide count each year since 1982. That year there were 35 homicides in Hartford compared to 31 in Bridgeport and 11 in New Haven.

"The public perception is that Bridgeport is crime-ridden but in reality we have been consistently behind both Hartford and New Haven in the statistics," Sweeney said. FBI statistics in 1994 show there were 10,859 violent crimes reported in Bridgeport, 16,215 in New Haven and 16,572 in Hartford.

Sweeney said nationwide violent crime is on a downswing but that Bridgeport has been experiencing an even lower decline than the average. He attributes the declines in both murders and violent crimes overall in the city to the successful prosecutions and imprisonments of gangs; community policing; more police officers on the streets and a crackdown on auto thefts.

"Auto thefts are often the starting crime for youths so that if you get that under control chances are you are stopping many youths before they get into more serious crimes," he explained.

While both New Haven and Hartford authorities blame their rising murder rates on increased gang violence, Sweeney said special task forces working with state and federal funding have swept many of the gangs off the streets and either into prison or hiding.

See VIOLENT on A6

Violent crimes slowing in Bridgeport

Continued from A1

The once prominent gang, the Latin Kings, is no longer involved in shootings as it once was, he said.

Sweeney said he has no intentions on sitting on his laurels and has some ambitious plans for 1996.

The first is the changeover to a civilian-run radio room which he said will free up some officers to go back on the streets. In addition, he hopes to add at least 20 more

officers to the force this year.

Besides additional manpower,

Sweeney said he plans to reorganize the department's command system in March or April. Under the new system the city would be divided into three sectors with a captain assigned to each sector. Each sector would also have its own patrol and investigative officers.

"This will give each community a greater sense of having their own police officers who understand

their problems and people," he said.

For the longer run Sweeney said he hopes to increase the nine unit, which he said has been very successful in investigations and nabbing felons. "And finally we are going to be updating the communications and data gathering systems which are outdated and behind what many communities already have," he said. "We are going slowly kicking and screaming into the 20th century."



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James B. Burns
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**ANTI-VIOLENT CRIME INITIATIVE FACT SHEET
NORTHERN DISTRICT OF ILLINOIS**

About 125 active street gangs are believed to be operating in the Chicago metropolitan area, with membership estimated at more than 100,000. Following the virtual dismantling of the notorious El Rukn street gang by this office, four "super gangs" now dominate: The Gangster Disciples, Vice Lords, Latin Kings and Maniac Latin Disciples.

In the last two years, the investigation and prosecution of violent organized street gangs has been among the highest priorities of the U.S. Attorney's Office in Chicago. Under the Attorney General's Anti-Violent Crime Initiative, a working group of state, local and federal law enforcement agencies has successfully attacked violent crime associated with street gangs and drug organizations. That work is continuing now, in part, with a \$1 million grant under the High-Intensity Drug Trafficking Area program (HIDTA.)

A summary of recent federal gang prosecutions follows:

► **Gangster Disciples:**

- Nearly 100 members indicted
- 63 convicted so far - 11 sentenced to life imprisonment

► **Vice Lords:**

- 42 indicted
- 20 convicted
- 19 currently on trial

► **Four Corner Hustlers:**

- One leader sentenced to 27 years for money laundering
- Three convicted of plotting to blow-up a Chicago Police Department precinct station

► **Latin Kings:**

- Seven convicted of distributing hundreds of kilograms of cocaine

Last year, Chicago recorded 810 murders, down from 923 in 1994. Robberies were down 11 percent, car theft was down 9 percent, burglaries declined 8 percent, rape dropped 5 percent and assaults decreased 2 percent.

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U.S. Department of Justice

United States Attorney
Northern District of Illinois

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JAMES B. BURNS
UNITED STATES ATTORNEY
NORTHERN DISTRICT OF ILLINOIS

JAMES B. BURNS began serving as the United States Attorney for the Northern District of Illinois on November 1, 1993, returning to the office where he began his legal career. His official appointment was signed by President Clinton on November 22, 1993. He has served on the Attorney General's Advisory Committee and he chairs the Subcommittee on Public Corruption.

While a partner at the Chicago law firm of Keck, Mahin & Cate, in 1990, Mr. Burns was the Democratic candidate for Lieutenant Governor in the State of Illinois. He is active in the affairs of Northwestern University, where he served on the Board of Trustees from 1981 to 1983.

After graduating from Northwestern University School of Law in 1971, Mr. Burns joined the United States Attorney's Office in Chicago as an Assistant United States Attorney. He tried dozens of cases as a federal prosecutor, eventually attaining the positions of Deputy Chief and Chief of the Criminal Litigation Division. He resigned from government service in 1978 to enter private practice and joined the former Chicago law firm of Isham, Lincoln & Beale, where he became a partner in 1980. Specializing in civil litigation, regulatory matters and white-collar criminal defense, he joined Keck, Mahin & Cate as a partner in 1988.

Mr. Burns was born in [REDACTED] (b)(6) [REDACTED] [001]
He earned a Bachelor of Arts degree in History from Northwestern University in 1967. An outstanding member of Northwestern's basketball team, he was accorded All-America, Academic All-America and All-Big Ten honors in his senior year. He played professional basketball for a year, first with the Chicago Bulls, and then with the Dallas Chaparrals of the former American Basketball Association.

Mr. Burns resides in Evanston, Illinois, with his wife, Martha, and children, Heather, Camille and Jimmy.



U.S. Department of Justice

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These two pages are taken from a 27-page computer-generated organizational chart seized from Save the Children Promotions, a front organization owned by Larry Hoover's wife. It lists some of the ranking members of the gang, narcotics territories they control, and numbers of Gangster Disciples who report to them. It also lists rival gang members, their leaders and locations.

GOVENOR: BOO-G
ASSISTANT GOVENOR: CRUSHER

REGENT: JOE
AREA: 39th TO 42nd, STATE TO INDIANA
COUNT: 108

COMMENTS: WITHIN THIS REGION THE ARE 50-22/12's, LOCATION IS
41st PRINCETON (CVL) AND 42nd WABASH (MVL).
LEADER: JIMMY LEE - FIVE STAR UNIVERAL ELITE
LEADER: DARNELL & TERRELL CALL IT FOR THEIR AREA.

REGENT: MEKIEL
AREA: 43rd TO 47th, STATE TO FEDERAL
COUNT: 125

COMMENTS: WITHIN THIS REGION THERE ARE 35-22/12's, LOCATED ON
42nd WABASH, LEADER: PEANUT

THERE IS ALSO 76-2/4's LOCATED ON 45th STATE
LEADER: JAMES

REGENT: GOODIE
AREA: 49th STATE
COUNT: 125

COMMENTS: WITHIN THIS REGION THERE ARE 40-2/4's
LEADER: WALT

REGENT: MARK
AREA: 51st STATE TO 55th STATE
COUNT: 200

COMMENTS: 13-3's LOCATED ON 53rd STATE TO FEDERAL (THE HOLE)
LEADER: PRINCE RON

REGENT: DISCO
AREA: 53rd INDIANA, 51st TO 55th, STATE TO KING DRIVE
COUNT: 51

COMMENTS: 100-13's, LEADER: PRINCE RON



GOVENOR: KADAFHI
ASSISTANT GOVENOR: GODFATHER

COMMENTS: INFORMATION SUBMITTED REGARDING THIS AREA PROVED BOTH INACCURATE AND INCOMPLETE. I HAVE, THEREFORE, WITHHELD THE DATA CONCERNING OUR OPOSSING FORCES PENDING A MORE THOROUGH INVESTIGATION. THIS INFORMATION WILL BE FORWARDED AT A LATER DATE.

REGENT: KENNY C
AREA: 63rd TO 67th, COTTAGE GROVE TO STONY ISLAND
COUNT: 100

OPPOSITION: B D's - 71st PAXTON	LEADER: CO-MINISTER LUCKY
PBS'S - 62nd KIMBARK	LEADER: BIMP
4CH's - 69th DORCHESTER	LEADER: MAURICE
B S's - 67th BLACK STONE	LEADER: CHARLIE

REGENT: FOOH
AREA: 75th, COTTAGE GROVE TO STONY ISLAND
COUNT: 66

OPPOSITION: B D's - 77th GREENWOOD & 75th STONY ISLAND
LEADER: CO-MINISTER LUCKY

C.V.L.'s - 75th COTTAGE GROVE	LEADER: TANK
V.L.'s - 70th DORCHESTER	LEADER: BIG MARK

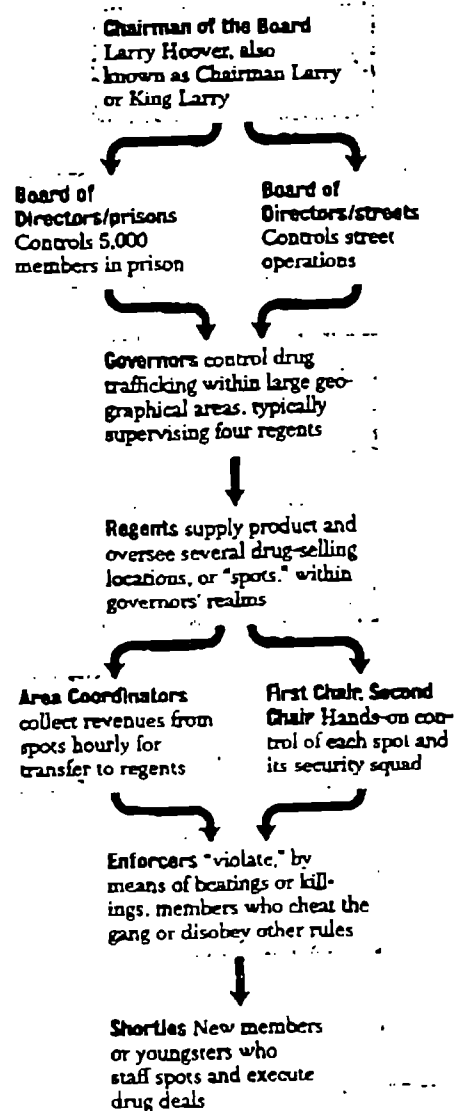
REGENT: RICK
AREA: SOUTH CHICAGO
COUNT: 20

REGENT: BIRD
AREA: 71st, EAST END TO JEFFERY
COUNT: 60

OPPOSITION: B D's - 73rd. RIDGELAND	LEADER: MONEY
BPS's - 73rd. JEFFERY	LEADER: ROCK
4CH's - 67th. CORNELL	LEADER: KATO
M.V.L.- 71st EAST END	LEADER: TEENY MAN

Chain of Command

Federal prosecutors allege that the Gangster Disciples have a rigid, corporate hierarchy that's designed to market illegal drugs. An estimated 50,000 members operate in 35 states. Orders come down, money flows up.



DATE: November 6, 1993
TIME:
TRANS NO.: N430
TAPE NO.: 310-2
LOCATION: Vienna Correctional Center

SPEAKERS:

HOOVER: Larry Hoover
SHELL: Gregory Shell, aka "Shorty G"

* * * * *

HOOVER: Let them see somebody growing.

SHELL: The growth.

HOOVER: Yeah.

SHELL: Yeah, but see, I do that anyway when I get shit you know, I might give this guy a nine [nine ounces of cocaine] or give this regent four and a half [ounces of cocaine]. You know, give, give, give them something so they, so they, so they can work with, you know.

SHELL: As they grow, you know, as I do thangs man, you know, I still try to make them do thangs. So they, they can have shit, nice clothes, nice shoes, pay they pay their bills.

HOOVER: Yeah.

SHELL: You know, buy their kids something. You know.

HOOVER: If, if if, (unintelligible) paying they got to do some stupid shit.

SHELL: That's right.

HOOVER: (Unintelligible). real stupid. You got to provide for 'em you know. You got to lead, you know.

SHELL: Uh huh.

HOOVER: And if the person that's, that's, that's not capable of leading by doing, ah, certain thangs, you know, like whatche'mecall it, just enforcer then you go to let (unintelligible) you got to get back with him too.

SHELL: God damn right.

HOOVER: (Unintelligible) ain't qualified to do it all alone. And you can't expect them to do it. If you don't do it for him, pretty soon you gone have everything and he ain't gone have nothing. He gone feel like that, that, that, that you're did him wrong.

SHELL: You're being greedy.

HOOVER: Yeah, but still, so in order keep it out of (unintelligible). You do it for him. So you know motherfucker he might not be able to read and write. You can read and right. You ought to read and write for him.

SHELL: Uh huh.

HOOVER: That way you bring them along with you, that's the thang, you bring them along, they look up they got something. They got now more than they ever had in life, they know they would have nothing without you.

SHELL: Uh huh.

HOOVER: You know, you know, you (unintelligible) made never even dream of doing. (Unintelligible)

SHELL: (Unintelligible) Cause I'm not a selfish person you know and I ain't greedy but I, I like thangs. (Laughter)

HOOVER: God damn right, we all like (laugh).

SHELL: I like shit.

HOOVER: When I get outta here, I'm getting me, me a mansion.

SHELL: Uh huh.

HOOVER: I want a living room big as this day room. I want, I want (unintelligible) for me and her (unintelligible).

SHELL: In Beverly Hills

HOOVER: In Beverly Hills yeah you can get it for a million bucks. (Unintelligible)

SHELL: Um huh, you deserve it you worked for it.

HOOVER: Yeah and an and live I want some property in New York, I want some property in Chicago, property in California. You know, that's that's that's the kind of aspirations I had, since I was a kid you know I always dream big you know.

DATE: November 21, 1993
TIME: 5:57pm
TRANS NO: N430
TAPE NO.: 325-4
LOCATION: Vienna Correctional Center

SPEAKERS:

HOOVER: Larry Hoover
BRADD: Adrian Bradd

* * * * *

1 HOOVER: Well really it's the same thing. Know
2 what? What we doing. Ain't no
3 difference than what they did in the, in
4 the 30's, you know. We just different,
5 you know.

6 HOOVER: The nature of man, at the same, it's just
7 man. We the, we the same people that
8 they was then (laughing).

9 BRADD; (Laughing) I hear ya. Just, just, just
10 new. Just, justa new time, huh?

11 HOOVER: Um, hum.

12 BRADD; Same thing, just a different twist.

13 HOOVER: Um, hum.





Chicago Tribune

Wednesday, April 3, 1996

149th Year — No. 94 © Chicago Tribune 8 Sections N

Clinton crackdown to target Disciples

Chicago gang among objects of his crusade

By William Neukirk
and Andrew Martin
TRIBUNE STAFF WRITERS

As murder after murder reveals a bloody struggle for control within Chicago's largest street gang, President Clinton on Wednesday will call for a nationwide crackdown on street gangs.

In a speech to the Justice Department, Clinton will describe the scope of the nation's gang problem, naming Chicago's Gangster Disciples as among the nation's most notorious. One official said the president will equate the gang problem with the mob crisis that Robert Kennedy, as U.S. attorney general, identified in the 1960s.

In an election-year speech intended to bolster his anti-crime credentials, the president also will announce that Chicago will be one of the cities to receive federal funds for "gang suppression."

But though the president will call for the full force of law enforcement to be employed against gangs, he is only distributing \$11 million in grants, a minuscule amount of money in the nation's overall crime-fighting budget.

Clinton is also expected to call for stiffer penalties for drug dealers with guns.

Although Chicago's \$1 million grant is hardly enough to curb the city's gang woes, it comes amid a backdrop of proliferating gang violence.

The fallout of a massive federal assault on the Gangster Disciples has left the outlaw organization in

disarray. In the wake of the power vacuum, at least six Gangster Disciples have been killed in recent weeks. Authorities suspect that the organizational instability may have also played a role in the killings of three Disciples who were shot to death on a Will County road early Monday.

The seemingly endless war between law enforcement and street gangs, meanwhile, has prompted investigators to rethink the ways they attack organizations like the Gangster Disciples.

They plan to use federal strategy.
SEE GANGS, PAGE 16

Gangs

CONTINUED FROM PAGE 1

gies for organized crime—such as computer tracking—and are already using military tactics, from night-vision equipment to aerial surveillance.

"If this is really a war... let's equip ourselves for the battle. If it's good enough for the Army, why not us too?" said one veteran observer of law enforcement in Chicago.

At Wednesday's news conference, Chicago will be named as one of 15 cities to receive federal funds to combat gangs, a tiny though not unwelcome donation to the war on street gangs. The total of \$11 million in federal funds that will be available equals slightly more than 1 percent of the Chicago Police Department's yearly budget of about \$880 million.

Chicago Police Supt. Matt Rodriguez and U.S. Atty. Jim Burns are planning to attend the news conference.

Cities will have wide latitude to use the money for community-policing programs, from creating programs to keep children in schools to beefing up patrols in trouble areas.

Police officials said there is no shortage of ideas for ways to spend the money, though no official decision has been made.

"Isn't that wonderful?" said Donald Hilbring, commander of the Gang Investigation unit.

Though he didn't know how much money his unit would receive, Hilbring said a top priority will be to track gang members as they move through the ranks, much the way the federal government tracks members of organized

crime families.

Warren Friedman, executive director of the Chicago Alliance for Neighborhood Safety, which helps train residents to work with police as part of the city's community policing program, applauded word of the federal funding. But he said he hopes the city invests the money directly into the community rather than the police department.

Specifically, Friedman said the money should go to help pay the salaries of community-based organizers, people in the neighborhoods who help bring residents and police together to combat crime. The annual salary for a community-based organizer, he said, runs between \$20,000 and \$26,000. Several community-based organizations raise their own money to pay staff salaries.

"This is really critical work; if you have a shot... at being able to stand up to the gangs," Friedman said. "These are neighborhoods where everybody fears intimidation. Safety in numbers is critical. The police cannot do it by themselves."

Prior to Clinton's speech, Burns will join Atty. Gen. Janet Reno, U.S. Atty. Christopher Darney of Hartford, Conn., and U.S. Atty. Edmund Sargus of Columbus, Ohio, in briefing Clinton on recent efforts to suppress gangs.

Burns is expected to give a 10-minute presentation to Clinton, that will focus on the ongoing trials of Gangster Disciples leaders, including imprisoned chairman, Larry Hoover, and include snippets of secretly recorded conversations between Hoover and his associates.

The first Gangster Disciples trial resulted in the convictions last month of seven gang leaders and a former Chicago police gang crimes officer whose boyfriend was a top gang leader.

Since then, two Gangster Disciples leaders have been killed in what investigators describe as a struggle for power, and at least four other members have been killed by rival gangs angling to take over Gangster Disciples territory.

Police said Tuesday that they are still trying to determine why three Chicago men, all members of the Gangster Disciples, were slain on a country road in Lockport Township.

The bodies of Derrick Anderson, 25, Henry Braggs, 31, and Jesse Nathan Newman were found on Oak Avenue by a passerby early Monday. All had been shot in the head and elsewhere on their bodies. Police believe they drove to the Oak Avenue location for a meeting about 1 a.m. Monday, had some coffee and marijuana, and were then ambushed.

"By the evidence found around the crime scene, they were at ease," Hilbring said.

Braggs was considered an "overseer" who monitored the Joliet faction of the Gangster Disciples for the larger Chicago organization, Hilbring said. He also collected a

profits for the Chicago gang.

Hilbring theorized that the slayings may have represented a bid for independence by the Joliet faction, who may be angling to withhold payments of street taxes to their Chicago colleagues now that the gang's leaders are in jail.

"We're looking at everything," said Will County Deputy Sheriff John Moss. "And that includes gang warfare, a bad drug deal . . . We know who (died) and we know how (they died), but that's all we have right now."

Police also are investigating reports that the three Chicago men went to Joliet to visit an imprisoned gang colleague at Stateville Correctional Center in the hours before their death.

Stateville's visitation records were not available Tuesday.

Tribune staff writers John O'Brien, Paul de la Garza, Jerry Shyne, Matt O'Connor and James Warren contributed to this article.

GANG BUSTED

**Gangster Disciples Leader,
38 Alleged Members Indicted**

BY DANIEL J. LEHMANN
and TOM MCNAMES
STAFF WRITERS

Six months ago, 21st Century V.O.T.B. proclaimed itself the peacekeeper of Chicago, ready to stem the flow of gangland blood.

But on Thursday, federal prosecutors charged that 21st Century is a sham, set up by Chicago's biggest street gang to extort money from drug dealers.

Six months ago, a South Side for-profit group called Save the Children promoted hip-hop concerts to take young people off the streets. But on Thursday, prosecution charged that Save the Children is a sham as well, used by the Gangster Disciples to launder drug money.

And six months ago, convicted murderers

Turn to Page 22



LEFT: U.S. Attorney James Burns, along with Cook County State's Attorney Jack O'Malley, announces indictments against alleged Gangster Disciples on Thursday. INSET: Alleged gang leader Larry Hoover.

AL FRODOLOTTA/SUN-TIMES

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N.D. ILLINOIS

'We Ripped Off the Head of the Snake'

Metro

Gangster Disciples

V.O.T.E., CHILDRENS GROUP

Continued from Page 1
Larry Hoover repeated his request for an early parole, declaring himself a reformer.

But on Thursday, prosecutors charged that Hoover ran the Gangster Disciples from prison, using a "corporatistlike structure" to deal drugs, extort money and kill.

In a blitzkrieg of police work reminiscent of the lightning attacks of the 1980s on the El Rukn street gang and the Herrera family of heroin peddlers, about 200 law-enforcement officers swooped down Thursday to make arrests after the indictment of 39 alleged Gangster Disciples, including Hoover and a Chicago police officer.

And just as mass indictments broke the back of the El Rukn and Herrera gangs, prosecutors said they believe that Thursday's attack struck a fatal blow at the Gangster Disciples.

"We ripped off the head of the snake," U.S. Attorney James B. Burns said.

"For more than two decades, the gang has terrorized entire communities, preying on young people in particular."

"Recently, its leaders have attempted to publicly portray themselves as legitimate agents of social and political action. But the only 'community' that these organizations served were the leaders of the Gangster Disciples."

In all, 149 counts of criminal conduct were filed, including 49 against Hoover. He and 17 others were accused of the most serious charge—running a continuing criminal enterprise—and, if convicted, could face life in prison without chance of parole.

Not all of those indicted were in custody Thursday night.

The Chicago police officer, Sonnia Irwin, 41, a former member of the Gang Crimes Unit, was charged with conspiracy to distribute narcotics. A few weeks ago, Irwin, now a member of the police Mass Transit Unit, was involved in a shootout with gang members at 95th and the Dan Ryan Expy., police officials said.

As part of Thursday's indictments, the government asked that the gang members, if convicted, forfeit \$10 million in cash and seven motor vehicles—five luxury autos, a race car and a car hauler.

Founded in the Englewood neighborhood in the 1960s, the Gangster Disciples are considered to be by far Chicago's biggest street gang. When the El Rukn crumbled in the late 1980s, gang crime specialists say, the Gangster Disciples picked up much of their heroin, crack and marijuana territory.

In the last few years, Hoover and the gang claimed newfound enlightenment, organizing a city-wide gang truce, jumping into local politics, and begging for understanding. They were, Hoover suggested, a band of misunderstood social reformers.

The political committee, 21st Century V.O.T.E., backed two

39 ARRESTED

Following are the 39 people indicted Thursday as part of the federal prosecution of the Gangster Disciples, with addresses if known:

Indictment No. 1: Larry "The King" or "The Chairman" Hoover, 44; Gregory "Short G" Shel, 37; Darryl "Pops" or "Mellow" Johnson, 31; Andrew "Doc Doc" Howard, 48; William "Too Short" Edwards, 24, 3700 block South Federal; Johnny "Crusher" Jackson, 23, 1300 block West 109th; Darryl "Pee Wee" Branch, 40; Jerry "Boo Gee" Strawhorn, 24, 5200 block South Bishop; Adrian "Music Man" Bradd, 38.

Indictment No. 2: Keith "Khe-don" McCain, 28, 8500 block South Phillips; Sherman Moore, 34, 7700 block South Union; Vincent "Peanut" Martin, 38; Russell "Poncho" Eke, 36; Tray "Bible" Wilson, 26, 4000 block West 57th; Frank "Li Frank" Smith, 22, 7800 block South Ingelide; Charles Peters, 25, 7800 block South Wood; Steven "Chi Chi" Pink, 30, 7800 block South Maryland; Eric "Fat Eric" Wilson, 26, 7900 block South Carpenter; Sonia Irwin, 41, 600 block East 33rd Place.

Indictment No. 3: Cedric "Fool" Perks, 29, 11000 block South State; Delano "Trouble" Finch, 23, 12100 block South Bishop; Roger "Big Rag" or "Heavy" Stewart, 23, 10900 block South Vincennes; Clarence "Wood" Haywood, 31, 2700 block South Indiana; Harold "Li Herron" Jackson, 23, 11600 block South State; Timothy "Willy" Nettles, 28; Kevin "K-Dog" Williams, 26, 300 block West 110th; Dion "Knuckler" Lewis, 29, 11900 block South Lafayette; Janel "Babe Head" Garrett, 23, 11900 block South Eggleston; Jamie Pugh, 21, 11400 block South Homewood.

Also, Derrick "Boobie" Mallett, 23; Quen "Q" Ray, 23, 12800 block South Lowe; Richard "Reche" West, 21, 10800 block South Lowe; Jeffrey "Rah-beem" Hatcher, 41; Tony "Funky" Wood; Montgomery, 28, 11600 block South Wallace; Regi Davis, 18, 11300 block South Homewood; James "J" Doty, 17, 1700 block South Yale; James Yates, 26, 13800 block South Wentworth; Riverdale; Michelle Gomez, 28, 21500 block South Peterson; South Village; Angela "Porche" or "Dana" Parks.

gang-linked candidates in April's aldermanic elections: Wallace "Gator" Bradley in the 3rd Ward and Hal Baskin in the 16th. Both were defeated by 2-1 ratios.

Hoover's wife, Winndye Jenkins, even came out with a fashion line: Ghetto Prisoner, featuring T-shirts and jackets designed by Hoover. Some were emblazoned with his prison number.

In April, as part of the six-year investigation, federal agents raided the offices shared by Ghetto Prisoner and Save the Children and seized records.

At a press conference, Burns emphasized that neither Hoover nor his gang ever really went straight. On the contrary, he said, the Gangster Disciples tried to



Police drive some of the alleged Gangster Disciples members who were rounded up Thursday to the Dirksen Federal Building. Thirty-nine people were indicted; not all were in custody.

Politicians Rethink Earlier Support of Gang Leader

BY MARY A. MITCHELL
STAFF WRITER

In 1993, former Mayor Eugene Sawyer went to Stateville Correctional Center to publicly endorse a bid for parole by convicted killer Larry Hoover.

At the time, Sawyer said: "Our young people are not listening to us. It's no secret that [Hoover] has a lot of influence."

Thursday, Sawyer and elected officials reacted to the news that Hoover had been charged with running the Gangster Disciples from prison.

"I don't know anything about him being involved in any kind of activity that would cause him to be indicted on federal charges," said Sawyer, Hoover's most prominent supporter. "I hope it is not true."

Ald. Allan Streeter (17th) defended supporting Hoover at the height of the controversy over the parole attempt.

"If you want to isolate yourselves from the fellows who are running the gangs, then there won't be any dialogue," he said at the time.

But Thursday, Streeter called his earlier endorsement of Hoover "a mistake."

"I inadvertently got hooked up with that group when I visited some prisons with some other ministers," Streeter said. "I didn't know what he was doing. I didn't know who he was at the time."

Streeter called for isolating incarcerated gang leaders. "You cut off personal contact and any communication from a leader who has been incar-

cerated from his outside forces," he said. Water Reclamation District Commissioner Joseph Gardner, who lost a mayoral primary, said if Hoover is guilty of the charges, "the door should be slammed shut on him forever."

But Gardner also does not regret having given Hoover "the benefit of the doubt," he said Thursday.

"Young street leaders have more power than black politicians," Gardner had said as he contemplated running for mayor and defended his support of Hoover.

Hoover's indictment "doesn't say much about the quality of our correctional system," he said Thursday.

Although the Illinois Department of Corrections monitors prisoners' phone calls, the agency cannot bar visitors who may have gang ties, said Nic Howell, the department's spokesman.

State Rep. Coy Pugh (D-Chicago) was among those who signed petitions supporting Hoover's plea for early release.

Hoover "seemed to have some influence on the individuals that were creating the [gang] havoc in our community," Pugh said Thursday, explaining what he told critics at the time who were upset about his stance. He had a plan for turning the violence around, Pugh said.

"There has been a concerted effort to discredit the efforts of this young man and his attempts to try and paint a new face on the youth that have fallen victim to gang participation," he said.

build a facade of legitimacy to hide their illegal operations.

The gang was highly organized, Burns said, run by a board of directors, followed by governors, regents, coordinators and soldiers. They used code language. They used children as young as 8 years old to carry guns and drugs and even to carry out gang executions, he said, on the assumption that children would be treated lenient-

ly if arrested.

Gang members who transgressed—holding back money or drugs or failing to show leaders proper respect—were fined or beaten, sometimes with baseball bats, Burns said. Some beatings, he said, resulted in death.

Hoover, flown to Chicago early Thursday from the Dixon Correctional Center, pleaded not guilty in all charges. He will remain in

federal custody while awaiting trial. U.S. Magistrate Ronald A. Guzman set another hearing for Oct. 21 before U.S. District Judge Brian Duffy.

Hoover's attorney, Anita Rivkin-Carothera, scuffled at the charges against him, calling them "preposterous" and noting that "he's been in custody for 20 years."

Contributing: Jim Carey...

U.S. goes behind bars to indict 39 gang leaders

Hoover taped by wires worn by visitors

By John O'Brien,
Matt O'Connor
and George Papajohn
TRIBUNE STAFF WRITERS

To get to Larry Hoover, considered a clever and careful gang leader, federal investigators needed to go beyond the traditional detective methods involving the use of phone taps, informants and surveillance.

So they invented a new device that proved to be crucial to Thursday's round of drug indictments aimed at the Gangster Disciple leadership: a visitor's pass with a tiny, hidden transmitter that could capture Hoover's conversations in prison.

With that transmitter, federal agents were able to tape-record Hoover and his lieutenants as

■ Gang leaders in prison often keep the peace. Page 13.

Hoover directed the gang's operations while he was imprisoned in the Menard Correctional Center, sources close to the investigation said. In other words, Hoover's own visitors, who had to clip on the passers, wore the "wires" that recorded their conversations.

Prosecutors now hope Hoover's own words will help convict him and his top lieutenants.

"The defendants in this indictment believed they were invincible, that they could operate with impunity from law enforcement," James Burns, U.S. attorney for the Northern District, said Thursday in announcing the indictments.

"But these indictments today penetrated all those barriers and they even penetrated prison walls."

The indictment of Hoover and 38 others, including a Chicago police officer, on federal drug conspiracy charges was portrayed as a crippling blow to the Midwest's

SEE GANG, PAGE 13



A suspected member of the Gangster Disciples was part of Thursday morning's sweep. Tribune photo by Andrew Four

The notorious reach of the Gangster Disciples

Federal indictments accuse 38 members of Chicago's Gangster Disciples street gang and a Chicago police officer with drug trafficking and extortion.

■ Corporation of crime

The gang is organized like a corporation, with Larry Hoover, the indicted chairman of the board, allegedly running operations from prison.

Chairman of the Board

Larry Hoover, aka "King Larry"

Boards of Directors

Prison Board

A board member in each prison controls gang operations there.

Street Board

Board members control operations on the street.

Commissioners

Appointed to control drug operations in a large geographic area

Regional

Appointed to assist in narcotics distribution

Task Force and Liaison

Assistants to regional

Enforcers

Enforce all rules and violations of the organization

Chapter

Rank and file members

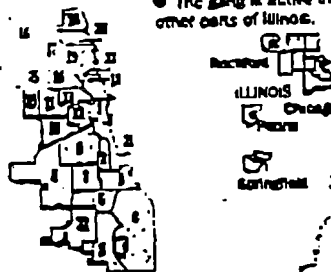
■ Where the Gangster Disciples are based

● Almost every Chicago police district reports the influence of the gang.

KEY TO AREAS OF:

● Known Gangster Disciple activity

● The gang is active in other parts of Illinois.



● The gang has spread across state lines.



Hoover at his most recent parole board hearing on Feb. 7.

Gang chief's new image in jeopardy

By George Papajohn
TRIBUNE STAFF WRITER

The rise of Larry Hoover was gradual and brutal, beginning with fistfights on the street and culminating with the chairmanship of a violent gang organization that was making inroads into the legitimate world.

Thursday's indictment on drug conspiracy charges threatens Hoover's position of power and tarnishes his attempts to portray himself as a law-abiding community activist.

It was Hoover's attempt to reinvent his image, into something more benign and constructive, that has captured public attention in the last few years. Something of a Hoover mystique emerged—if for no other reason than he had the longevity of a machine-era alderman in a profession known for quick, bloody power shifts.

From the moment he seized power and began to build the gang from a core of 25 youths around 69th and Orwoll Streets, Hoover had political skills and the willingness to wield power.

But law enforcement officials have never wavered from their assessment of Hoover as a smart, ruthless and murderous gang leader, who ran his operations and saw his gang increase in size and power while he was behind bars.

If the final chapter is written as federal prosecutors envision it, his

SEE HOOPER, PAGE 13

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Gang

Continued From Page 1

largest and most violent street gang. Even if that statement proves overly optimistic, the indictments seem likely to destroy the fragile community credibility Hoover and his gang had been seeking.

"I guess I would say, 'I told you so,'" said Jack Hynes, an assistant Cook County state's attorney who has vigorously opposed Hoover's efforts for parole from a murder conviction for which he has spent the last 21 years in prison. "This indictment has kind of torn down the facade and exposed the gang for what they are."

"The action by a federal grand jury followed a joint investigation by the U.S. Drug Enforcement Administration, Chicago police and other agencies that dates to 1980, authorities said.

"The indictments allege that a political action committee and a racketeering business with strong links to the gang were used to launder drug sales and the so-called street tax exacted from gang members and drug dealers working in Gangster Disciple, or GD, territory.

"That political organization, 21st Century VOTE, has held meetings at City Hall, backed aldermanic candidates and registered voters during the last two years. The business, Save the Children Promotions Inc., not to be confused with a similarly named organization based in Connecticut, is run by Hoover's common-law wife, Winnyde Jenkins, and has sponsored rap concerts heavily attended by gang members.

"For more than two decades this gang has terrorized entire communities, and recently its leaders have attempted to publicly portray themselves as legitimate agents of social and political action," Burns said. "But the real community these organizations served were the leaders of the Gangster Disciple."

Burns said the gang helped underwrite 21st Century VOTE. "Members and non-members alike also were required to pay an additional street tax that was called political money. And this political money was used in part to fund 21st Century VOTE," he said.

Rufus Cook, an attorney for both Save the Children and 21st Century VOTE, said Thursday that the indictment is "a series of accusations" and "not proof of anything." No one from either group was indicted.

Hoover, who had been serving a 150-year to 200-year sentence for the murder conviction, pleaded not guilty in the sweeping indictment indictment in a brief court appearance Thursday.

His attorney, Anita Rivkin-Caruthers, said afterward: "My policy is to try a case in the courtroom and not in the media."

Hoover was awakened at DuSane Correctional Center early Thursday and flown to Meigs Field. At his request, he was moved to DuSane from Vienna last October.

His arrival amid tight security at Meigs Field on the city's lakefront came as 250 federal agents and Chicago police officers moved in teams on the South Side seeking to arrest the other defendants.

If convicted of the most serious charges, Hoover, will face mandatory life imprisonment without the possibility of parole. Many of the other defendants are facing the same sentence.

What the indictments mean to the Gangster Disciple remains unclear. The gang is too big, some police officials estimate. It has 30,000 members or more - to fade away. And it's too early to know whether other gangs, perceiving weakness, will begin to try to move in on Gangster Disciple turf.

But veteran gang investigators noted that it would be naive to think the indictments will end gang violence or drug dealing on the South Side, the Gangster Disciple's stronghold. "We arrested John Dillinger, and that didn't stop bank robberies," said one investigator. "Yet you still had to go get John Dillinger."

Investigators point to Gregory Shell, 37, known as "Shorty G," and Darryl "Pops" Johnson, 31, as Hoover's two most trusted subordinates.

Shell, sources said, was the boyfriend of Sonia Irwin, 41, the police officer named in the indictment. She was expected to surrender Friday.

Until two years ago, Irwin worked in the police department's gang crimes unit. She is currently assigned to the Public Transportation Section, where she patrolled rapid transit trains.

Chicago Police Supl. Matt Rodriguez said police officials were aware Irwin was under investigation and did nothing to compromise the federal probe.

Shell "ran the day-to-day auto-and-bus street activities," said one investigative source. "You talk to any source of information on the street, they'd say, 'Shorty G, he the city for Hoover.'" Shell

Police officer and gang leader among those indicted

"Chairman" Larry Hoover of the Gangster Disciple along with 38 others were charged Thursday in a sweeping federal indictment.

COUNT ONE

Alleges gang members conspired to sell cocaine, crack cocaine, heroin and marijuana.

● People charged: 38 alleged Gangster Disciple members and Sonia Irwin, a Chicago police officer.

● What they allegedly did: The Gangster Disciple street gang was organized to control illicit drug sales and payments made by street distributors.

COUNT TWO

Alleges gang leaders engaged in continuous drug trafficking and other federal crimes.

● People charged: 18 alleged gang leaders

● What they allegedly did: The gang sold drugs, using telephones and juveniles for distribution.

OTHER COUNTS

Alleges individual gang members engaged in illegal acts.

● People charged: Alleged gang members on 143 other counts.

● What they allegedly did: Individuals were charged with specific instances of using juveniles, telephones and firearms in connection with drug activities.

Chicago Tribune

Source: U.S. Department of Justice

has served time for burglary, armed robbery and murder.

Shell is a member of the gang's board of directors, and the next layer of management, the governors, report to him, sources said.

Johnson, another alleged board member, was arrested in July in a drug case. An affidavit in that case details how authorities think the Gangster Disciple operate.

The document contends that "the GD hierarchy imposes a 'street tax' on members selling cocaine—a practice known as 'paying for days.' The amount of money that a dealer has to pay to the GDs is based upon a percentage of gross receipts from a particular location."

At one time, when Johnson was a governor for the gang, he had 13 "regents" working for him in the Roseland neighborhood, the affidavit states.

The document further alleges: "Each regent in the Roseland area was required to purchase and sell 3 ounces of cocaine every two weeks [in addition to other cocaine that they voluntarily sold]. This cocaine, known as 'nation work,' was purchased for \$1,300 per ounce from members of the GDs."

Profit from those drug sales went to the gang, investigative sources said.

Johnson, the federal affidavit states, ran a business on the South Side that printed Gangster Disciple clothing and hats. He has previously been convicted of voluntary manslaughter.

Another director named in the indictment is Andrew "Dee Dee" Howard, 48, who was convicted with Hoover in 1974 of murder and released on parole a couple of years ago. Law enforcement agencies hesitated to describe the ranks of the other people indicted, in part, because the titles change frequently.

Twenty-three of the 38 defen-

dants being sought by police had been apprehended by early Thursday night.

The indictments seek forfeiture of \$10 million in drug profits from the defendants, along with five luxury cars, a race car and a car hauler.

Burns wouldn't say how much money he believes the gang takes in from drug dealing. "When it comes out, you're going to be absolutely staggered by the amount," he said.

Joining the Drug Enforcement Administration and the Chicago Police Department in the investigation were the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service and the Cook County state's attorney's office.

"It has been a tremendous, tremendous effort, one that I think will go down in the annals of Chicago history," said James A. Morgan, special agent-in-charge of the DEA in Chicago.

Richard Barrett, who directed the DEA gang task force that originally targeted Hoover, said "the methods of investigation employed were creative and innovative."

While investigators were celebrating, some of Hoover's supporters were trying to distance themselves from earlier beliefs to the parole board on his behalf and statements praising his character.

Ald. Alan Streeter (17th) said he had "made a mistake" asking for Hoover's parole. "I should not have done it. I didn't realize what I was doing."

Eugene Sawyer had a different reaction. Sawyer's son, Roderick Sawyer, said the former mayor still backs Hoover's positive actions in the community.

"We still support many of their activities," Sawyer said. "Every time we've seen Mr. Hoover, he's talked about stopping the flow of drugs to black people. And he's talked about stopping the killing of

blacks. And we still continue to support that."

The following is a list of those charged (addresses were not available for all of the defendants).

■ Indictment One: Larry Hoover, 44; Gregory Shell, 37; Darryl Johnson, 31; Andrew Howard, 48; William Edwards, 34, of 3739 S. Federal St.; Johnny Jackson, 21, of 1235 W. 108th St.; Darryl Branch, 40; Jerry Strawhorne, 34, of 5223 S. Bishop St.; Adrian Bradd, 39.

■ Indictment Two: Keith McCain, 28, of 8528 S. Phillips Ave.; Sherman Moore, 34, of 7723 S. Union Ave.; Vincent Martin, 38; Russell Ellis, 36; Terey Wilson, 28, of 414 W. 57th St.; Frank Smith, 22, of 7939 S. Ingleside Ave.; Charles Potete, 29, of 7031 S. Wood St.; Steven Pink, 30, of 8314 S. Maryland Ave.; Eric Wilson, 26, of 7345 S. Carpenter St.; Sonia Irwin, 41, of 652 E. 83rd St.

■ Indictment Three: Cedric Parks, 29, of 10000 S. State St.; Debra Finch, 23, of 12158 S. Bishop St.; Roger Stewart, 21, of 8912 S. Vincennes Ave.; Clarence Haywood, 31, of 2701 S. Indiana Ave.; Harold Jackson, 23, of 11604 S. State St.; Timothy Nellies, 18; Kevin Williams, 26, of 315 W. 110th St.; Dion Lewis, 23, of 11501 S. Lafayette Ave.; Joliet Garrett, 23, of 11946 S. Eggleston Ave.; Jamie Pugh, 21, of 11622 S. Homewood Ave.; Derrick Mallett, 23; Quan Ray, 23, of 11653 S. Lowe Ave.; Richard Wash, 21, of 10008 S. Lowe Ave.; Jeffrey Hatcher, 41; Thoney Montgomery, 24, of 11844 S. Wallace St.; Scott Davis, 19, of 11234 S. Homewood Ave.; James Doly, 11721 S. Yale Ave.; James Yrles, 26, of 13816 S. Wentworth Ave.; Riverdale; Michelle Gaines, 28, of 21506 S. Paterson Ave., Sauk Village; Angela Parks.

Tribune reporters Jerry Thomas and Joseph Kirby contributed to this article.

Hoover

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unwilling will be forced to grieve. Hoover, the eldest of four children, was born in Mississippi but grew up on the South Side with no father around and the family often relying on welfare checks to get by. He did well in math but dreaded reading about in school.

"He had difficulty when asked to read publicly in class," a prison psychiatric evaluation later reported. "And at times was teased for stuttering and stammering."

Hoover, now 41, recalled in a recent interview how he responded to teasing: "They stopped when I hit a couple of 'em in the face."

He joined a gang at 12, and by age 16 he had been shot six times, including a bullet to the thigh in an attack just outside the principal's office at Parker High School.

Ever since, Hoover has been fighting for respect—first as a thug with a gun and a temper and more recently as a self-styled peace activist and political godfather.

By 1958, he was known as King Hoover and had built the Supreme Gangsters to, by his own estimate, 5,000 citywide.

That year the Gangsters affiliated with David Barkusdale's Disciples to become the Black Gangster Disciple. Hoover turned down a chance to join Jeff Fort's Blackstone Rangers, the South Side's dominant gang, because Fort didn't offer him a seal on the gang's ruling board, known as the "Main 21."

Hoover apparently chose Barkusdale's smaller organization because it presented greater career opportunities. It also allowed him to remain "King," with the two leaders sharing the so-called throne.

Even then, the South Side gangs presented a young man a profit-sharing bonanza, through break-ins, drug sales and extortion. Pimps, prostitutes and dope dealers paid the gang rather than face the consequences of making an enemy of Hoover.

"Everybody who was doing something wrong in our community had to pay us," Hoover said. "We demanded a tax like any government." The money meant Hoover could dress stylishly, donning a tailored hat and cashmere overcoat to party at nightclubs.

With his rap sheet growing quickly, he also needed the money to pay his lawyers. Mob action,

drug possession, aggravated battery, attempted murder and murder. None of those cases led to convictions.

But in 1972 he was charged with murder a second time and it stuck. Hoover, prosecutors alleged, planned and ordered the execution of a man who had stuck up one of the gang's drug houses. The victim was shot in the back of his head in an alley.

Hoover was found guilty and sentenced to 100 to 200 years in prison. When he entered prison in 1974, at age 21, he could barely read. "I had never read a book in my life, not even a comic book," he told the state parole board earlier this year.

A report from Hoover's initial year in prison states: "He impressed the psychologist as a tough-minded, street sophisticated and anti-social personality with aggressive behaviors."

Prison was good both to Hoover the man and Hoover the gang leader. The young, uneducated man learned how to read and even began tutoring other inmates. He earned a high school equivalency diploma and took a few college courses. The stunner became less pronounced.

The gang leader fared even better.

After Barksdale died in 1975, the gang began to split into two factions: Hoover's Gangster Disciples and the Black Disciples, run by Jerome "Shorty" Freeman. On the street, the GDs began establishing their dominance over the BIDs on the South Side in bloody turf battles. In prison, Hoover was becoming a force to be reckoned with.

The 1978 riot at Pontiac Correctional Center, which left three prison guards dead, was blamed on gangs, and Hoover was indicted for murder. Though the charges were later dropped, the power wielded by Hoover and other gang leaders was now painfully clear to state prison officials.

When Hoover in recent years took credit for keeping conflict to a minimum in the state prisons, few with knowledge of the corrections system debated the notion. Hoover also has maintained that his edict helped reduce rape in the prison system.

A 1997 investigation of drug smuggling into Illinois prisons targeted the Gangster Disciples and a rival group, the Prisoner's Support Coalition, and concluded that Hoover was calling the shots. Hoover wasn't indicted, but other GDs and a prison guard were

charged and convicted. Sources told state gang crimes investigators that Hoover had kept heroin out of the prisons, preferring instead to deal in pills, pot and cocaine.

On the outside, he had felt he needed to fight to survive; in prison he accumulated a long list of disciplinary violations for disobeying orders and bending rules.

As Hoover passed age 30 in prison, the hard edges seemed to soften. In 1984, a prison report noted that a counselor "found him cooperative, somewhat humorous and willing to accept responsibility for his actions."

Hoover read with a purpose, not for diversion, studying the life of Mayor Richard J. Daley in "Boss," and the business success of Malcolm founder Berry Gordy and the power politics of Machiavelli.

He formed plans to transform his gang into a more powerful organization, one without the stigma of a street gang. Beginning in 1983 the King began calling himself the Chairman; the gang was taking on the trappings of a movement.

One 1982 gang memo from "the chairman and board of directors" to "brothers of the struggle" stated: "Being a member of this organization is not being tough, but being intelligent, which will dictate respect."

In a gang document called "The Blueprint of a New Concept" the drug trade is mentioned, but only indirectly. The careful phrasing seems to imply that Hoover was not interested in immediately halting the gang's drug business, but at some point hoped the GDs could make the transition into more legitimate businesses.

Not-so-righteous endeavors, it turned out, are a little harder to pull off in prison, where all phone conversations are monitored, but not impossible. Underlings traveled to prison for face-to-face visits with Hoover, allowing him to keep in touch and issue orders.

A conviction on federal charges likely would make it harder for Hoover to control the GDs, especially if he ends up in a federal prison with severe restrictions on visitation and time outside the cell.

Hoover stands 5-foot-8, weighs about 170 pounds and prefers basketball to lifting weights in prison, but he looms much larger than any beefy gang enforcer in the minds of his followers.

A "gang prayer" found in GD literature reads, in part, "We must be as one. King Hoover said this must be done as God put the stars in the sky to



U.S. Atty. James Burns (left) and Cook County State's Atty. James O'Malley talk Thursday about the federal indictments naming Gangster Disciple leader Larry Hoover and 38 other suspects.

reflect their shine...."

The GDs have grown to be the most powerful gang in Illinois and one of the biggest in the country. Police estimate that there are as many as 30,000 GDs in the Chicago area, with Disciple branches in numerous Midwest and Southern cities.

Over the last several years Hoover saw many of his plans for mainstream success come to fruition. His political action committee, 21st Century VOTE (Voices of Total Empowerment), taught gang members about politics and registered them as voters. With an army of GDs at his disposal and the ability to march on City Hall with thousands of disciplined young men, 21st Century quickly became an influential entity on the South Side.

Meanwhile, corporate entities run by Hoover's common-law wife, Winnie Jenkins, sponsored rap concerts and developed a clothing line with designs conceived by Hoover. Hoover talked recently of widely expanding the clothing line and of hiring major rap stars to promote it.

But the biggest change for Hoover and the GDs has been the respect the chairman has earned outside of the criminal world.

For Hoover's last two parole hearings, letters of support poured in from local politicians, clergyman, community leaders and civil rights groups such as Operation PUSH and the Southside

branch of the NAACP. Comparing him to Nelson Mandela and Malcolm X, Hoover's supporters contended that he would leave prison a transformed man.

Some who wrote those letters regretted them on Thursday. But some said they still believed Hoover could be a force for good.

Earlier this year, at another parole board hearing, professor Clement Bartolias of the University of Northern Iowa advocated Hoover's release, saying he hoped Hoover would soon be able to address one of his classes on "Youth Gangs."

In a recent interview, Bartolias said: "There's no question he is one of the more remarkable crime figures in this country, and he probably has more capacity for doing good than any crime figure has for a long time."

He said Hoover did, in fact, speak via a phone hookup to his class last winter. Afterward, he said, some of his students wanted to visit Hoover, so impressed were they by his eloquent stances in favor of education and against violence. They also discovered that Hoover has a sense of humor.

One student during the class asked Hoover about his sources of income. Hoover reportedly replied "I'm in prison; I can't have any income."

The students laughed heartily. A couple of them thought they heard Hoover chuckle a little himself.

Peace in prison means relying on gang leaders

By Chrisl Parsons
and Ray Gibson
TRIBUNE STAFF WRITERS

In the late 1980s, officials at Pontiac Correctional Center felt so threatened by the power of prison gangsters that they formally recognized gangs and met regularly to discuss prison policy.

Prison administrators seeking some semblance of peace usually work on maintaining a good relationship with inmate leaders. In Illinois prisons—as well as prisons in other states—gang leaders often hold the power.

But the sinister consequences of giving freedom and power to gang leaders were revealed Thursday when federal agents spirited Gangster Disciples leader Larry Hoover away from Dixon Correctional Center and charged him with orchestrating a massive and elaborate drug trade from behind bars.

Following news of the indictments, the state's top prison official called the old perception that street gangs run Illinois prisons a "myth." Odie Washington, director of the Illinois Department of Corrections, said Hoover received no more privileges than any other inmate.

Yet, through the use of a prison telephone, face-to-face visits permitted by his jailers and instructions sent through the mail, Hoover was able to direct the operations of a multimillion-dollar drug empire from inside Dixon Correctional Center, according to authorities.

Hoover's indictment Thursday opened the gates on a rarely seen prison world, one where inmates wield influence and wardens allow concessions to keep the peace. Reports from guards, ex-offenders, watchdog groups and prison experts depict an environment that hasn't changed much since 1988, when a federal appellate judge observed that state prisons were run by the gangs that populated them.

Hoover is the modern-day epitome of that prison boss.

This week, authorities were worried that the estimated 5,100 Gangster Disciples in state prisons would erupt in fury over Hoover's removal, so they ushered

him out before dawn.

Now, guards are holding their breath as news makes it around the state prison system. They have been instructed to report the first signs of unrest, and prison officials plan to confine prisoners to cells to quell any disturbance.

But things were quiet Thursday, and prison guards credited Hoover's influence over the gangs even in his own absence. Word around the prison yard was that Hoover knew federal marshals were coming for him and left instructions with his deputies that things were to stay calm.

And that is an example of how wardens want prison gangs to cooperate.

"I think [the wardens] always have an open door policy with all of the gang chiefs," said Jerry Gerny, a prison guard at Dixon and president of their union.

"If we had some problems with the gangs, we could go to the gang chiefs and say, 'Can you straighten this out?'"

So powerful are some inmate leaders in state prisons that they can provide contraband items to other prisoners. Many have special privileges and may walk parts of the prison grounds without a guard.

Prison officials often look to them to head off disturbances. This summer, for instance, administrators at Pontiac Correctional Center met with inmate leaders who are angry about the closing of a prison cottage program. Inmates have made a proposal to pay for the school themselves if the warden will allow them to expand their private enterprises behind the prison walls.

Although prison officials deny "dealing" with inmates, experts suggest they couldn't run the prisons otherwise. Gang leaders control their membership.

"In an institution, you might have 10,000 people being controlled by 200," said Magnus Berg, a professor of criminal justice at Loyola University and a former prison worker.

"The inmates are running the place to some extent. There's a sub rosa economy, a small town run by inmates."

"It's under a controlled environment, but they're running it."

Tape ties Hoover, 21st Century VOTE

Tribune 2-23-96

By Matt O'Connor
TRIBUNE STAFF WRITER

Court hears him boast of power

In their closing arguments Thursday, prosecutors charged that the Gangster Disciples engaged in a huge narcotics conspiracy in which hundreds of street corner sellers in Chicago and the suburbs distributed millions of dollars worth of cocaine and crack.

But lawyers for two of the eight defendants on trial in federal court warned jurors that the admittedly high rank their clients held within the gang structure isn't a crime and didn't prove they were involved in drug trafficking.

In the final government tape played Thursday in the four-week-old case, Gangster Disciple leader Larry Hoover bragged about his influence over the leaders of 21st Century VOTE, the South Side community group that law-enforcement officials say also

functioned as the gang's political arm.

"Fat Daddy do what the [expletive] I tell him to do," an incarcerated Hoover told his top street boss in a 1993 prison meeting secretly recorded by authorities. "And everybody else over there do what I tell them to do."

Prosecution witnesses have identified Fat Daddy as the nickname of Dwayne Harris, 21st Century VOTE's executive director.

The government played the tape in reaction to testimony Tuesday in which several activists, testifying for the defense, praised 21st Century VOTE's community work and described its main function as voter registration.

Meanwhile, the board of directors of the Chicago Urban League, which has taken heat for allying with 21st Century VOTE in a current drive to register voters,

issued a statement "unequivocally supporting" its president, James Compton, for the move.

"The Chicago Urban League has not, does not and will not condone or support any type of criminal activity," the statement said. "If we receive proof that any individual with which the league is allied in this voter registration effort is involved with criminal activity, we will terminate our alliance."

In closing arguments, Assistant U.S. Attys. Matthew Crowl and Bernie Murray stressed the strength of the government's slew of tapes and the large amount of testimony from former gang members who became cooperating witnesses.

But some of what could be the most damaging testimony came from Hoover's own mouth as he spoke openly with trusted lieutenants in a minimum-security

prison, "the very place he thinks he can't be overheard," Crowl said.

Those conversations were recorded on a tiny listening device concealed without their knowledge in the plastic visitor's pass worn by Hoover's associates.

Hoover is scheduled to go on trial in October for his alleged role in the conspiracy. On trial now are seven gang members and Sonia Irwin, a former Chicago police officer who was the girlfriend of Gregory Shell, Hoover's top lieutenant.

Urging jurors to use their common sense, Crowl noted that Irwin, a gang crimes specialist for 3½ years, lived with Shell, who had no visible means of support but lived in luxury.

Irwin allegedly aided the conspiracy by fronting the ownership of a South Side restaurant where the gang allegedly laundered drug money.



U.S. Department of Justice

United States Attorney
Southern District of Ohio

Two Nationwide Plaza
280 N. High Street, 4th Floor
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Short North Posse Fact Sheet
April 1996

- * From 1989 - 1995, the Short North Posse, a homegrown gang of primarily 20-year old men, used armed violence to control the crack cocaine trade in a 42-block area between downtown Columbus and the Ohio State University. Local efforts to infiltrate and prosecute the gang had been frustrating; members had received only brief jail terms under state law and returned to the streets.
- * A joint 14-month investigation by the Columbus Division of Police Narcotics Bureau and the Bureau of Alcohol, Tobacco and Firearms, with support from HUD agents and the U.S. Marshal Service led to 190-count indictments of 46 gang members on March 23, 1995. Thirty-one of the defendants were in custody within 24 hours of the indictment. Only one remains at large.
- * Thirty-six of the defendants pled guilty to charges including conspiracy, drug trafficking, using a juvenile in distribution of drugs, money laundering, and gun-related charges. Eight were tried in a six-week federal court trial in October and November, 1995. Seven were convicted. One is awaiting trial.
- * The longest sentence handed down so far is 46 years and ten months for a gang leader who robbed an undercover ATF agent at gunpoint during the investigation.
- * Since the arrests, neighborhood groups and civic associations have formed and are instituting Block Watch programs, gang prevention programs for young people, and conflict management programs for all residents. Assistant U.S. Attorneys have served as tutors for students at the elementary school in the neighborhood, many of whom are related to the gang members.
- * The number of Uniform Crime Report Offenses in the police precinct which includes this neighborhood dropped 30 percent in 1995 from their levels in 1994. This includes a 47 percent drop in the number of burglaries, and a 45 percent decline in the number of aggravated assaults.
- * The City of Columbus began its community policing efforts in the neighborhood once occupied by the Posse, using part of a \$2.8 million COPS grant from the Department of Justice. The Ohio State University has undertaken a multi-million dollar revitalization project in the University District which includes the neighborhood where the Posse operated.



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**Biography of
Edmund A. Sargus, Jr.**

As United States Attorney for the Southern District of Ohio, Edmund A. Sargus, Jr. is the Federal government's chief legal and law enforcement representative. He is responsible for prosecuting all federal crimes occurring in the 48-county district.

Mr. Sargus was appointed U.S. Attorney in May, 1993 and confirmed by the U.S. Senate that October. As United States Attorney, he works with local, state and federal law enforcement agencies to develop prosecutive priorities for the district, and build cooperation among law enforcement agencies.

Mr. Sargus has personally successfully prosecuted several major cases including a murder-for-hire scheme which led to a life sentence for the murderer. His office also won convictions in an interstate marijuana smuggling conspiracy, and several major white-collar crime cases. Under his direction, the district's Health Care Fraud Task Force has secured more than 15 criminal convictions of health care fraud, and recovered more than \$15 million.

Prior to his appointment, Mr. Sargus was a partner in the firm of Burech (BYOO-rik) and Sargus in St. Clairsville. He was admitted to the bar in 1978 after earning his law degree from Case Western Reserve School of Law in Cleveland. He holds an undergraduate degree with honors in American History from Brown University.

In his career, Mr. Sargus has served as a Special Counsel to the Ohio Attorney General, and as general counsel to Belmont Technical College. He has also served as Solicitor for the village of Powhatan Point, and on the St. Clairsville city council.

Throughout his years of practice, he has regularly devoted substantial amounts of professional time on a pro-bono basis. This includes representing the Tri-County Battered Women's Shelter as well as a number of charitable organizations, veterans organizations and churches.

Mr. Sargus is a member of the Negligence Committees of both the American Bar Association and the Ohio State Bar Association, and the board of directors for the Citizens Committee for the Arts.

Mr. Sargus, his wife Jennifer, and their two sons, Eddie and Chris, live in St. Clairsville.



U.S. Department of Justice

United States Attorney
Southern District of Ohio

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4th Precinct UCR Offenses
Columbus, Ohio

Classification of offenses	1994	1995	%change 94-95
Murder	3	0	down 100%
Rape	45	26	down 42%
Agg. Assault	183	99	down 45%
Burglary	1144	603	down 47%
Larceny	2309	1818	down 21%
Vehicle Theft	488	361	down 26%
TOTALS	4443	3092	down 30%

HOME
FINAL

The Columbus Dispatch



NICE
High 64/Low 36
Drizzle/OC

SUNDAY

MARCH 28, 1998

\$1.50

46 face federal drug charges

Lawmen round up reputed Short North Posse members

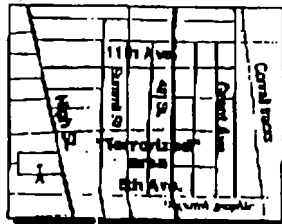
By Robert Roth
Dispatch Staff Reporter

Forty-six alleged members of a violent, cocaine-dealing gang that terrorized a 42-block neighborhood on the North Side for six years have been charged with a variety of federal felony counts.

Thirty-two of the suspects reportedly members of the Short North Posse, were being held without bail yesterday in the Franklin County Jail, U.S. Attorney Edmund A. Sargus Jr. said at a news conference.

Fourteen others still were being sought by Columbus police and federal agents, he said.

Most of those in custody were



arrested without incident Friday night and yesterday morning in raids on North Side bars, houses, apartments and street corners. The raids were conducted by Columbus police, U.S. deputy marshals and

agents for the U.S. Bureau of Alcohol, Tobacco and Firearms.

Sargus characterized the Short North Posse as the Columbus area's "largest and most violent" gang.

Forty-four of the suspects are charged with a total of 200 counts in four indictments unsealed yesterday. The charges include drug dealing, firearms violations and money laundering.

Two other suspects whose identities are being withheld, are charged with additional counts in sealed indictments, Sargus said.

The arrests capped a one-year investigation by local and federal

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Lynn Hootner/Dispatch

Columbus Police Commander Nick C. Panzera, left, listens as U.S. Attorney Edmund A. Sargus Jr. speaks about the raid.

RAID from 1A

undercover officers, Sargus said.

"For six years, this gang was terrorizing the neighborhood ... spewing drugs on our streets," he said. "We were able to take action against them because of a high level of cooperation among law enforcement agencies."

Gang members began selling crack cocaine and firearms in August 1989 in an area bounded by E. 11th Avenue, Grant Avenue, 6th Avenue and N. High Street, the indictments say. They used cellular phones and pagers to communicate, the indictments add.

"The (drug) deals were made — often in broad daylight — in apartments and outside of commercial establishments," Sargus said.

He characterized the suspects as street-level drug dealers, not big-time interstate narcotics distributors. Though their drug-dealing was relatively low-level, Sargus said, they used strong-arm methods and spread fear throughout the neighborhood.

"They literally took over the neighborhood with violence," he said.

Members of the Short North Posse have been targets of local law enforcement officers for years, Sargus said. Officers often were frustrated, he said, because many of the suspects they arrested were quickly freed on bond or paroled after serving short jail terms.

Violations of federal laws, however, carry much stiffer penalties, Sargus said.

One of the suspects, for example, would be imprisoned for at least 55 years if convicted of all the charges

he faces, Sargus said. Another suspect faces at least 30 years in prison, and 15 others face at least 15 years.

Even the most minor participants in the gang face at least five years in prison, Sargus said.

Sargus' office is recommending that all of the suspects be held without bail.

Authorities confiscated many semiautomatic hand guns and assault rifles during their investigation.

Those in custody yesterday were Virgil Alexander, 21; Isaac "Ike" Baker, 19; Cory "Buster" Benson, 18; Jeremiah "Bookey" Berger, 16; Donnetto Berry, 16; James Brown, 22; Quinim "Q Dog" Claiborne, 23; Antonio Connors, 20; Reginald "Fingie" Crenshaw, 20; Jeffrey Crockett, 22; Paul Crump, 22; Carlos Davis, 19; Robert Dossan, 25; Anthony Gibbs, 18; Chad "Boss Max" Gibbs, 20; Sherman Giles, 21; George "Cec" Gladden, 22; Anthony Graves, 23; Richard "Bub" Green, 25; Johnnie Johnson, 19; Marlon "Man" Mays, 23; Lamont "Fridge" Needham, 19; Anthony Phipps, 23; Jason Reed, 19; Barry L. Sowell, 20; Clarence Terry, 22; Timothy "Twin" Terry, 20; Thomas "Twin" Terry, 20; Theo "Grandpa" Toney, age not available; Raymond Wallace, 31; Curtis T. West, 23; and Antwan "Trouble" Woods, 20.

Those still being sought are Darquante Berry, 19; Albert J. Calloway, 20; Robert Curtis, 21; Michael Harrington, 19; Carlos Hill, 29; Richard "Mammoth" Hough, 19; Therman Jones, 24; Wesley Moore, 18; Jinnic A. Reed, 20; Derrick Russell, 25; Woodward Tarrant, 20; and Maurice Williams, 18.

TUESDAY

MARCH 28, 1995

Raid gains instant, police say

By Brent LaLonde
and Steve Stephens
Dispatch Staff Reporters

Neighbors urged to reclaim streets, kids

Columbus police gang experts predict North Side residents will see immediate benefits from a weekend drug raid, but long-term results will require the help of the community.

Police, marshals and Alcohol, Tobacco and Firearms agents swept the area Friday and Saturday, arresting more than 30 people alleged to be members of the Short North Posse. Authorities say the gang was responsible for drug sales, drive-by shootings and other threatening acts.

Forty-six alleged members of the gang have been charged, including nine who were in custody before the sweeps. The raid was the largest in recent memory to target a specific gang in a specific area of the city.

"I think we've sent out a message that this is what will happen to you if you decide to hang out with a gang and sell drugs," said Cmdr. Kent Shafer, a gang expert with the Police Division. "It's obvious that in the short term this will take the wind out of the gang's sails

and will improve the quality of life in the neighborhood for a while.

"The key now is whether we can reach those fringe members who weren't arrested and divert them out of the gang. There are a lot of kids up there who are associated with the Short North Posse who are wondering where to turn."

But police need help from the community to provide that answer, Shafer continued.

"We don't have the resources or know-

how" to do it, he said.

Shafer estimates that more than half of the Short North Posse's members were charged during an 18-month investigation. It resulted in four federal indictments that included more than 200 counts.

"I would just say that this was a very significant gang in Columbus — especially in that part of the city," he said. "Of any of the gangs to see targeted with this type of investigation, I couldn't have picked a better one."

The Short North Posse was targeted

Please see **RAID** Page 2A

RAID from 1A

because of the violence of the gang members, not because of the amount of drugs members were selling, city narcotics Cmdr. Nick Panzera said.

"I think as far as quantity of drugs, they are not really up there," he said. "What is important with the arrests of these people is that they were violent. They terrorized the neighborhood and the people. That's how they did their thing — by terrorizing people."

"Who is more important — the guy who is selling a kilogram of cocaine or the guy who sells crack but is violent? The guy who is selling the kilo is important, and we want him off the street. But there is a better chance of somebody getting hurt or killed by the guy who is violent. So I'd rather get him off the street."

The investigation started when ATF agents took drugs from the gang, Shafer said.

"It was just a matter of taking

Seven indicted after undercover probe in Windsor Terrace / 4B

advantage of an opportunity," he said.

While authorities have been hesitant to identify leaders of the gang, Shafer said some of the arrests included the gang's "major players."

"There are a lot of names that I know," he said. "I think we got some of the major players, although I don't know that we got them all."

Short North Posse members are accused of several shootings and assaults in the area, as well as firing shots at police who patrol the area. Officers were fired on in two incidents in December 1993.

Those arrested appeared yesterday in U.S. District Court to hear the charges against them. Additional hearings will be held this week.

The courtroom was packed with

family members, mostly young women and children, there to support the accused.

"My man ain't in no gang," Leslie Dalton, the girlfriend of George Challen, said outside the courtroom.

"They're all just big kids in there," Dalton said. "All they do all day long is just sit and play Sega. They might have done a few little things, but nothing to do 20 years on."

"We just pay a few bills, that's all. Do we look like we got money? We ain't got nothing."

"Most of them don't even have cars. If they go somewhere, it's on bikes."

Dalton said authorities arrested the wrong people.

"Why don't they go after the people that bring it in?" she asked. "They're just mad that some of the people we making a little money."

Posse suspect was driven into arms of police

While Columbus police and federal agents searched the streets of a North Side neighborhood looking for members of the Short North Posse, one alleged gang member came to them.

Two undercover officers were patrolling the area, looking for suspected members of the Short North Posse, when the officers were nearly involved in a traffic accident about 12:15 a.m. Saturday, narcotics Cmdr. Nick Panzera said.

The officers then flashed their bright lights at the car and contin-

ued, but they were followed by the three men in the other car.

"The guys then pulled up behind them and gestured like they were going to harm them," Panzera said.

The undercover officers then drove to the State Highway Patrol academy on 17th Avenue, where a command post was set up for the raids. The men in the other car followed, driving past several marked police cars and officers, until they were in the middle of the command post.

Several officers then surround-

ed the car that was following undercover officers. A passenger in the car was identified as JJ "Bookey" Berger, 19, who named in one of four indictments that resulted from the 18-month investigation.

"One of the suspects in was immediately recognized," Panzera said.

Officers were shocked if the car would drive into the command post. "You'd have to be stupid not to know that there was a operation going on," Panzera said.

CALL POST

Drug sweeps make the Short North safer for residents

By TARA M. STUBBS
Call and Post Staff Writer

Columbus residents of the Short North area will now feel safer. On Friday, a federal grand jury handed down indictments on 46 people they believe are members of a Columbus gang known as the Short North Posse. This is the largest indictment ever in the 48-county Southern District of Ohio.

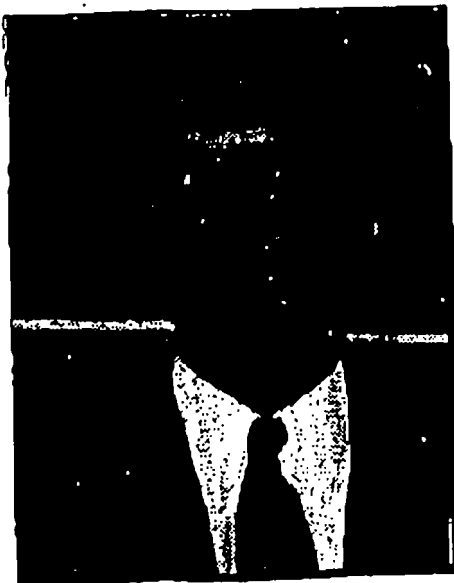
The indictments were the result of a collaboration between local and federal undercover officers. The raids were conducted by Columbus Police, U.S. deputy marshals and agents for the U.S. Bureau of Alcohol, Tobacco and Firearms.

Columbus Police Officers have been working on the crime problem in the Short North for six years. But without the stiff penalties those convicted were quickly paroled. With the federal sentences, offenders won't be back on the streets as soon.

This was a long-term investigation that required close cooperation and coordination at the local, state and federal levels," U.S. Attorney Edmund A. Sargus, Jr. said. "Law enforcement officers risked their lives during this investigation and it is only through their high level of professional conduct and training that we were able to coordinate such a massive and

The gang members were charged with conspiracy to manufacture and sell crack cocaine in the area they controlled. The area is located between OSU campus and downtown.

"This is a group that typically took over a neighborhood," Columbus Police Commander Nick Panzera said. "There is no



EDMUND A. SARGUS, JR.

doubt that the people in the neighborhood were in fear."

According to police the gang had set up crack manufacturing houses and were heavily armed in order to protect themselves. They communicated using cellular phones and pagers. The deals were made, often in broad daylight, in apartments, and outside of commercial establishments.

With the Federal government involvement the suspects face longer sentences because certain crimes carry mandatory sentencing. Carrying guns is a separate offense from selling drugs. If convicted one suspect faces up to 35 years in prison, eight face 15 years, 24 face at least ten years in prison and all face at least five years.

Narcotics and firearms-related violence plague our nation's cities both large and small," said Charles E. Wallace, special agent in charge, Bureau of Alcohol, Tobacco and Firearms. "It is only through partnerships like the one ATF has forged with the Columbus Division of Police and U.S. Attorney Sargus that we can begin to deal effectively with this problem."

Due to the success of the past year of work Columbus can expect to see more federal and city collaborations.

Panzera gave thanks for the help he received from the Ohio State Highway Patrol and the beat officers or officers in uniforms. "Without them we wouldn't be seeing these numbers," Panzera said.

So far police have rounded up 30 of the suspects and eight were already in prison. A list of those in custody is as follows: Virgil Alexander, 21; Isaac Baker, also known as "Ike", 19; Cory Benson, aka "Buster", 18; Jeremiah Berger, aka "Boo", aka "Bookey", 18; Donneto Berry, 18; James Brown, 22; Quinton D. Clausell, aka "Q Dog", 23; Antonio Conners, 20; Reginald Crenshaw, aka "Peanut", aka "Froggie", 20; Jeffrey L. Crockett, 23; Paul Crump, 23; Robert Curlls, 21; Karlos S. Davis, 19; Robert Dotson, 25; Anthony Gibbs, 19; Chad Gibbs, aka "Boss Moss", 20; Sherman Giles, 21; George Gladden, aka "G", 23; Anthony Graves, 23; Richard L. Green, aka "Rolo", 25; Michael Harrington, 19; Carlos Hill, 29; Hough Richard, aka "Manuel", 19; Johnson, Johnnie, 19; Mays, Marathon, aka "Man", 23; Lamont Needum, aka "Fridge", 19; Anthony Phipps, 23; Jason Reed, 19; Jimmie A. Reed, 20; Barry L. Sowell, 20

(SEE DRUG/PAGE 3D)

Drug

From Page 1A

; Clarence Terry, 22; Timothy Terry, F., aka "Twin", 20; Thomas R. Terry, aka "Twin", 20; Theo Toney, aka "Grandpa"; Raynard Wallace, 31; Curtis T. West, 23; Maureece

Williams, 18; and Antwan Woods, aka "Trouble", 20.

The following have not been arrested: Dequante L. Berry, aka "Q", 19; Albert J. Calloway, 20; Therhan Jones, 24; Wesley Moore, 18; Derrick Russell, 25; and Woodrow Tarrant, 20.

The sweep of arrests began Friday, March 24 after the indictments were disclosed. Police didn't face much resistance during the

sweep. "Fortunately they were taken by surprise," Panzera said. "There were no injuries." Suspects were found in bars, streets and their homes. "Wherever they are, we were," Panzera said.

Only four of six indictments have been opened up. According to Sargus, the other two are to remain sealed until the arrest of all of the suspects.

POSSE PROBE DETAILS

Undercover ATF agent was robbed

By Robert Ruth
Dispatch Staff Reporter

An alleged member of the Short North Posse robbed a federal undercover agent at gunpoint of \$420 during a 12-month investigation of the drug-dealing gang, court documents charge.

Details of the robbery are included in one of nine search warrants requested by the U.S. Bureau of Alcohol, Tobacco and Firearms. The search warrants recently were made public in U.S. District Court.

The warrant says the robbery began May 10, when an undercover ATF agent purchased \$200 worth of crack cocaine from Lamont "Fridge" Needum, 19, outside a N. 4th Street apartment.

Needum then said he would "sweeten the pot" by selling the agent more crack at a discount price, the warrant said. Needum went into the apartment building and returned armed with a 9mm assault pistol with a 32-round magazine, the warrant said.

Needum cocked the gun, pointed it at the agent's head and said, "Give me the loot," the warrant stated. Needum then pulled \$420 from the agent's shirt pocket, it adds.

Ten days later, ATF agents and Columbus police raided the N. 4th Street residence and confiscated the assault pistol, another gun, two pagers, eight bags of crack cocaine, two shotgun shells and other ammunition.

Needum is charged with five federal drug-dealing counts and three weapons violations. He is being held without bail in the Franklin County jail. If convicted on all charges, Needum faces up to 135 years in prison.

Forty-six alleged members of the Short North Posse and associates of the gang were indicted March 23 on more than 200 federal felony

Eight of the defendants, including two of the gang's alleged leaders — Therhan Jones and Derrick Russell — are still at large. A third leader, Paul Crump, has been arrested. The three leaders are charged with a total of 31 counts of drug dealing, weapons violations and money laundering.

The nine search warrants also reveal that authorities seized 14 guns, including semiautomatic handguns, shotguns and assault rifles during raids on residences used to deal drugs. ATF agents also purchased two guns from gang members, the warrants said.

Apartments and houses on E. 4th, E. 9th, E. 11th and E. 15th avenues and E. Rich and N. 4th streets were raided, the warrants stated. Also seized were drug scales, bags of marijuana and crack cocaine, pagers, ammunition and almost \$12,500.

As part of the investigation, ATF and Columbus police spent thousands of dollars making scores of drug buys from Posse members and associates who often were armed, the warrants say.

One of the defendants, Curtis West, boasted to an undercover officer that he had a "Jamaican source" from whom he could buy an unlimited number of illegal weapons, it said. West is charged with 10 counts of drug dealing.

All suspects who have been arrested pleaded not guilty last week during arraignment hearings.

THE WHITE HOUSE
WASHINGTON

January 8, 1997

MEMORANDUM FOR THE PRESIDENT
THE VICE PRESIDENT

FROM: BRUCE REED

SUBJECT: Youth Issues

I. Thematic Overview

Over the last four years, your Administration has made real progress in helping families and communities deal with the problems and pressures young Americans face, involving violence, drugs, alcohol, tobacco, and sexual activity. Youth violence has begun to drop for the first time in a decade, teen pregnancy is down four years in a row, and you have sent an historic message on tobacco.

In the next four years, we face the considerable task of building on that hard-fought progress and taking on other persistent problems. Drug use among our young people continues to climb. Gangs still wreak a terrible toll of violence and fear in every major city and many rural areas. Unwed teen pregnancy remains far too high. It will take sustained use of executive and legislative action and the bully pulpit to secure lasting results.

II. Legacy

A. Youth Violence

Although overall crime rates have declined in each year of your Administration, youth crimes have until recently resisted this trend. The number of juvenile violent crime arrests dropped 3% in 1995, after a 67% increase in the past decade. If your second-term policies can contribute to reducing juvenile crime further, you will have recorded a major accomplishment.

The difficulty of reaching this objective should not be understated. The population of juveniles aged 12-17 will increase for the rest of this decade. Some in Congress will resist your crime-fighting priorities and seek to attach unpalatable proposals of their own.

Applying Community Policing to Reduce Juvenile Crime. Perhaps the most critical component of a strategy to reduce juvenile offenses is the application of community-based policing practices to youth violence. Boston's community-based response to youth violence -- which, among other things, cracked down on gangs, focused on gun trafficking, and gave probation officers enhanced powers to make arrests -- has led to an 80% reduction in juvenile homicides between 1990 and 1995. As we work to finish the job of putting 100,000 police on the street and persuade more major police departments to fully embrace the community policing revolution, we should put particular emphasis on applying these strategies to youth violence.

Cracking Down on Gangs. A related effort, central to most community-based efforts to reduce youth violence, is to crack down on gangs in urban areas. Federal prosecutors have worked with state and local law enforcement and prosecutors in your first term to achieve a number of notable successes around the country. In addition to continuing such cooperative efforts, the Administration should work hard for passage of a grant program, within a broader anti-gang and youth violence bill, that will enable states and localities to devote more resources to investigating and prosecuting gang cases. Robert Kennedy did not eliminate the Mafia, and we will not eliminate gang violence. But just as Kennedy dealt organized crime a blow from which it never recovered, we have a chance to break the gangs' stranglehold on entire sections of our largest cities.

Keeping Schools Open Late. As you have recognized in supporting truancy initiatives and curfews, one of the best ways to reduce youth crime is to keep children in school and off the streets. You can add to that legacy by helping communities to keep schools open late as well; your new budget includes \$50 million to do so. Over time, this effort could be remembered not only for helping reduce juvenile crime rates in the peak hours between 3 p.m. and 6 p.m., but for helping deal with one of the most pressing concerns of working parents with latch-key kids.

Gun Initiatives. A number of gun initiatives can also play a role in a successful youth violence program. You have already signed into law a youth handgun ban, as well as issuing a directive to enforce "zero tolerance" for guns in our schools. Now we have an opportunity to fight for further legislative action extending Brady background checks to violent juvenile offenses and requiring that guns have safety locks preventing unauthorized users from firing them.

B. Youth Drug Use

As early as 1990, youth attitudes about drug use began to soften; youths became less concerned about the dangers of drugs. Drug use increased dramatically between 1991 and 1995 (although it has not reached the epidemic levels of the 1970s). For example, among eighth graders, drug use increased by 250 percent during those years. Marijuana accounts for the bulk of the rise in illicit drug use among youths aged 12-17.

Alcohol and tobacco are "gateway" drugs: youths who use these drugs are much more likely to use illicit drugs. Alcohol remains the number one drug problem among young people: three to four million teenagers currently drink alcohol daily, and the age at which children begin to use alcohol is declining. In 1996, more than one-third of high-school seniors smoked cigarettes, with more than one-fifth smoking daily. This is the highest use of tobacco among youth since the 1970s.

You already have established a legacy on youth tobacco use. The FDA regulations issued last year restrict youth access to tobacco products and limit the advertising and promotional activities that make these products appealing to young people. In your second term, this issue will remain in the spotlight, beginning when the first part of the regulation, relating to sale of cigarettes to minors, goes into effect in February (assuming no judicial injunction).

You also have taken steps to reduce the use of illicit drugs by young people -- for example, by signing legislation that restricted emerging youth drugs such as methamphetamine and Rohypnol (the "date rape" drug), encouraging states to adopt a "zero tolerance" standard for drunk drivers under the age of 21, and supporting high school athlete drug testing.

In the coming months, the Administration can take the following actions:

Expand Youth Drug Testing: As technology advances, drug testing becomes cheaper, more effective, and less intrusive. You should continue to advocate drug testing as a deterrent to drug use and an element of treatment. In October 1996, you directed General McCaffrey and Secretary Pena to provide you with recommendations on a strategy to reduce adolescent drug use by requiring drug tests for a driver's license. They will report back to you on January 17th, recommending that the first step be a demonstration program operating in two to four states. We will need legislation to implement this program. Assuming we get authorizing legislation and the program goes well, we can expand it in coming years.

National Public Communications Campaign: Increased youth drug use is a reflection of a change in attitudes that stems at least in part from popular culture. Our children are not receiving an anti-drug message through the media and popular culture; indeed, pop culture is again conveying a message that drugs are "cool." Since 1991, the number of drug-related public service announcements carried on television and in the print media has decreased by 30 percent. One response is for the Administration to initiate a public education campaign, which would include a challenge to the media to change the way it depicts drug use and to fund public service announcements on the issue. The ultimate goal of the campaign would be to end the entertainment industry's (and also the professional sports industry's) glamorization of drugs.

Enhance School-Based Prevention Programs: You successfully defeated Republican efforts to decimate the Safe and Drug Free Schools Act, which provides prevention funding to

over 97 percent of our nation's school districts. The next step is to ensure that this money is being used in the most effective manner. The Department of Education should improve monitoring and evaluation, so that this funding will go only to programs that work.

Defeat the Legalization Movement: The California and Arizona medical marijuana initiatives emerged from a national marijuana legalization movement, which is hiding behind supposed health concerns. The movement already has targeted several more states for similar initiatives. The Administration already has taken steps to counter this legalization movement, in part because of the threat it poses to our youth. Continued and well-publicized enforcement of federal laws, notwithstanding passage of state initiatives, is necessary to send a message to young people that marijuana use is illegal and dangerous.

C. Teen Pregnancy

The teen birth rate has declined each year between 1991 and 1995, by a total of about 8 percent. There are still, however, far too many teen births -- about 500,000 each year.

The new welfare law will aid in continuing the progress the Administration has made in reducing teen pregnancy. Under the law, unmarried minor parents are required to stay in school and live at home, or in an adult-supervised setting, in order to receive assistance. The law also provides for HHS to award a bonus to states with large decreases in out-of-wedlock births.

The new law also provides additional monies for abstinence education. HHS already administers a range of grant programs, reaching an estimated 30 percent of communities in the nation, that support efforts to prevent teen pregnancy. The new law provides \$50 million in new funding each year for state abstinence education activities.

Efforts to toughen and improve enforcement of child support and statutory rape laws can also contribute to preventing teen pregnancy. The Justice Department is ready to issue a report that will aid states in cracking down on statutory rape. The new welfare law includes numerous measures to improve child support enforcement, and this year the Administration will develop ways to implement these measures, perhaps through executive orders, in order to achieve the best possible results. In addition, we should continue to press for passage of our bill to make it a felony to cross state lines to avoid paying child support.

Perhaps most important, you should continue to lead the way in sending a clear message through the bully pulpit. We will not reduce teen pregnancy until we change the attitudes of young people. You will have an opportunity to help the National Campaign to Prevent Teen Pregnancy launch its media campaign in May calling for abstinence and responsibility.

III. Potential Obstacles

In pursuing the priorities listed above, you will undoubtedly encounter significant obstacles. Broadly speaking, these obstacles emerge from three different sources: Congress, the courts, and statistics.

Legislative Obstacles: The Republicans will make every effort to attach to the Anti-Gang and Youth Violence Act -- or even to the bill reauthorizing the ONDCP -- provisions that, taken alone, would provoke a veto. For example, Speaker Gingrich may attempt to attach a very broad provision that effectively allows imposition of the death penalty for any drug trafficking.

On the other side, the Congressional Black Caucus blocked House passage of youth violence legislation last year and will probably follow the same strategy again. The CBC's main goal is to enact legislation that will reduce the disparity in crack and cocaine sentencing; once again, the CBC will push this issue to the forefront by demanding that such a provision be added to any youth violence bill.

Legal Obstacles: The FDA's Youth Tobacco Regulations are currently being challenged in a federal district court in North Carolina. That court has promised to issue a decision on the core legal issues this spring. If the government loses (in part or in whole), it of course will have the chance to appeal, but such a decision will at the least interfere with implementation of the regulation. In addition, the Supreme Court will rule on the constitutionality of the Brady Law this spring.

Release of Statistical Data: Several times during the year, the FBI will release statistics on youth drug use and youth crime. Current indications are that the next drug statistics will continue to show an upward trend. There is necessarily a lag between efforts and results, and reasonable people will not expect immediate success. But the issuance of such statistics can provide grist for the Administration's opponents.

IV. Timeline

January

Drivers License / Drug Testing Directive

Receive McCaffrey/Pena Report on January 17th and
send implementing legislation to Congress.

February

Anti-Gang and Youth Violence Bill

Announce in State of the Union address and
introduce bill shortly thereafter.

1997 National Drug Control Strategy

Issue annual report outlining Administration's anti-drug objectives for
the coming year.

Spring

National Anti-Drug Communication Campaign

Launch communication campaign focused on sports
and entertainment industries.

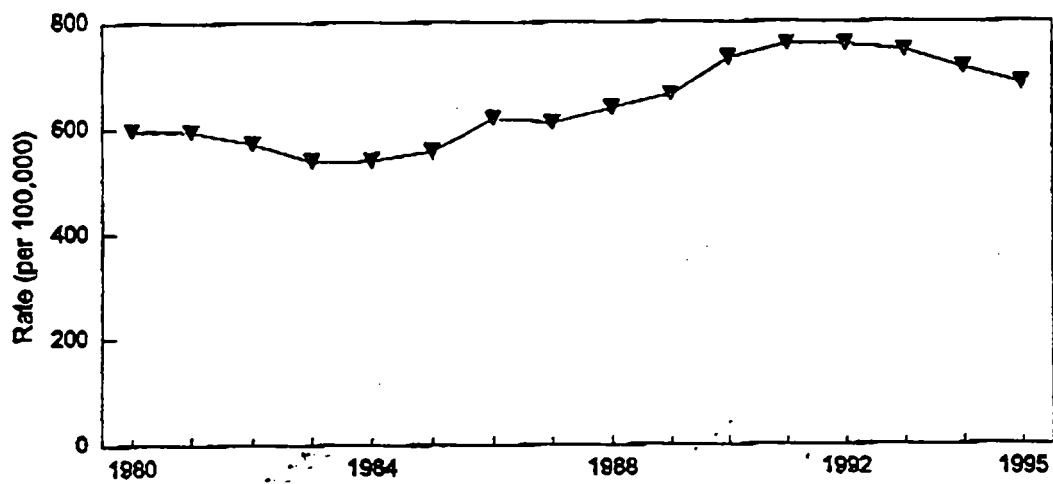
Brady Decision

Respond to decision of Supreme Court, which will
either invalidate or approve the Brady law.

Teen Pregnancy Media Campaign

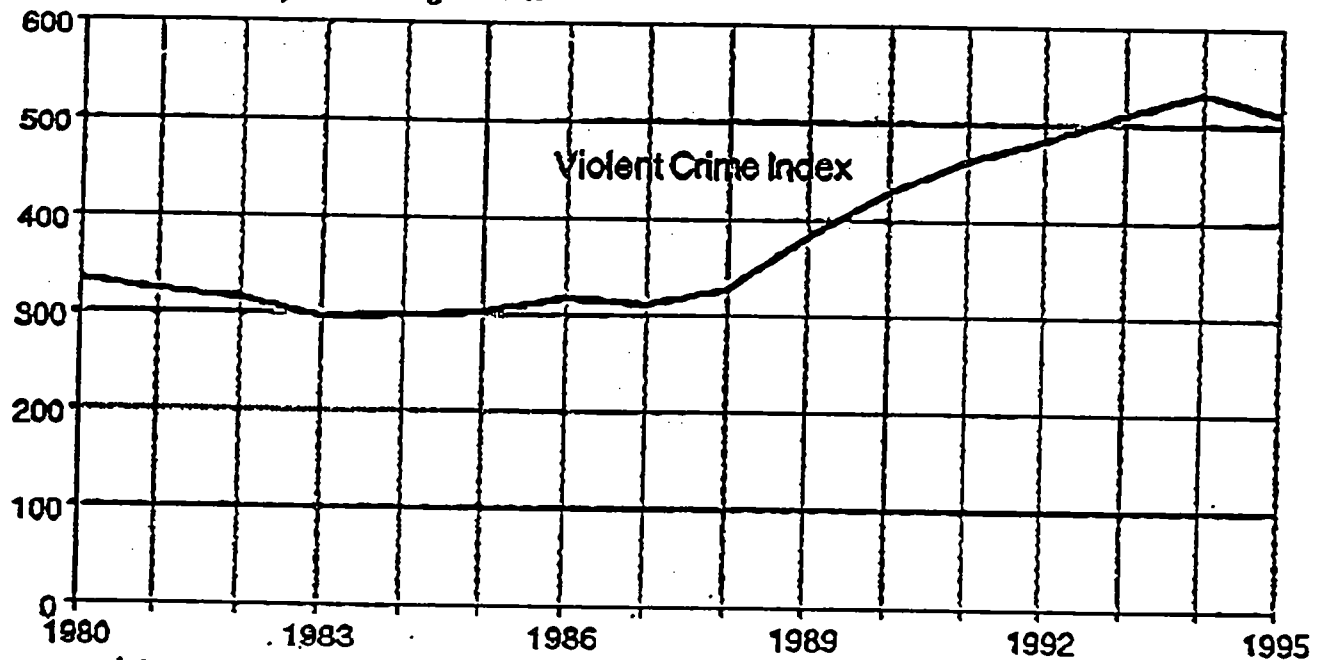
Help launch nationwide media effort by National Campaign to Prevent
Teen Pregnancy.

National Violent Crime Rates, 1980-1995



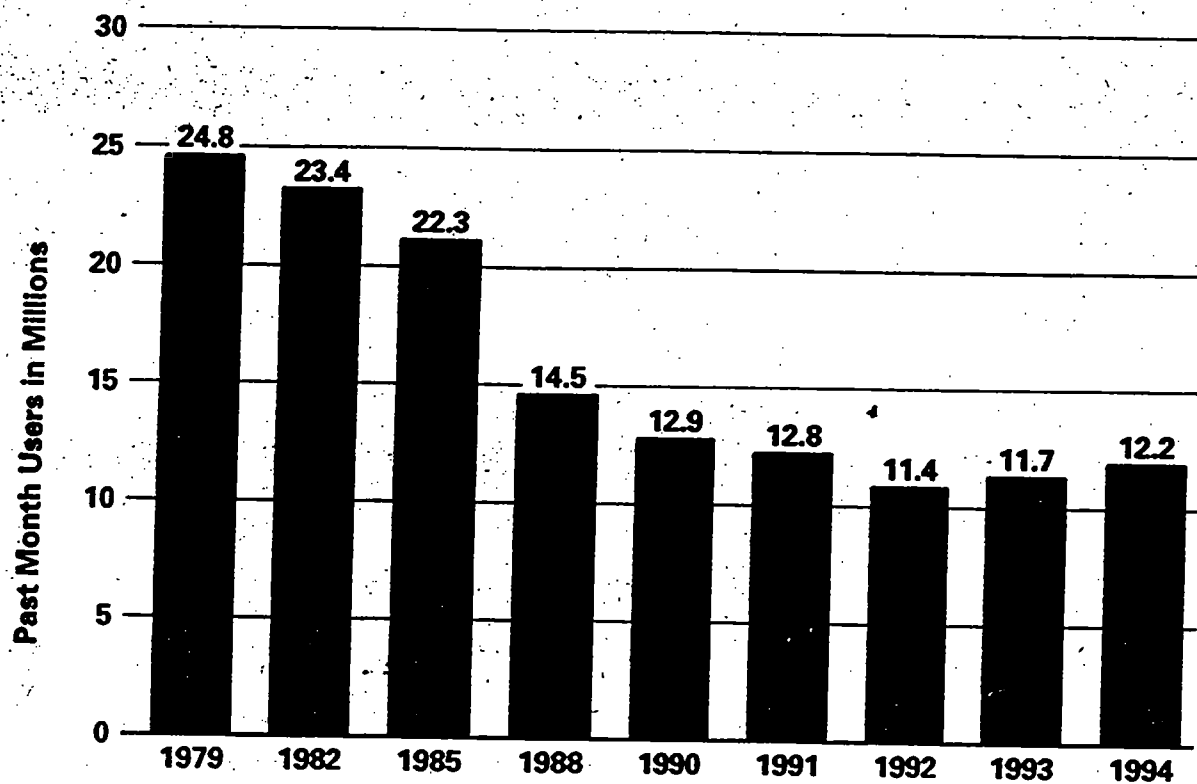
The juvenile violent crime arrest rate held constant for more than a decade, rose steadily from 1988 through 1994, then finally fell in 1995

Arrests per 100,000 juveniles ages 10 to 17



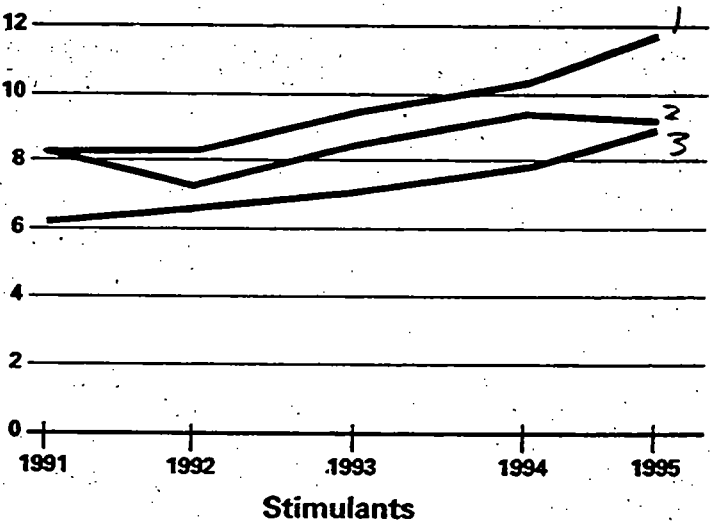
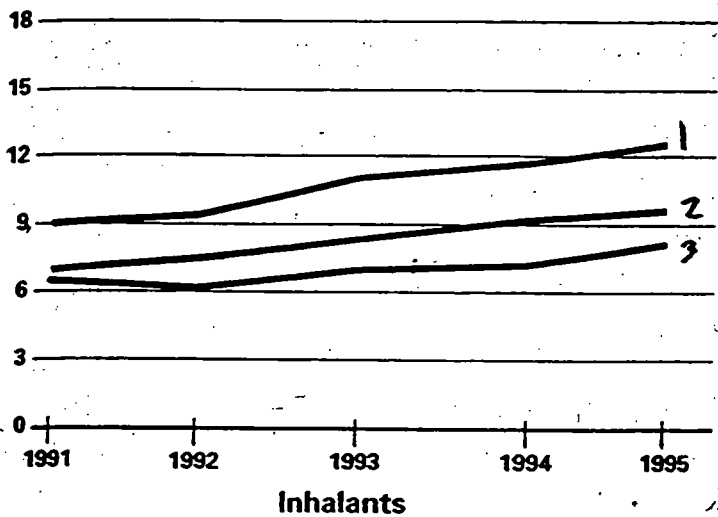
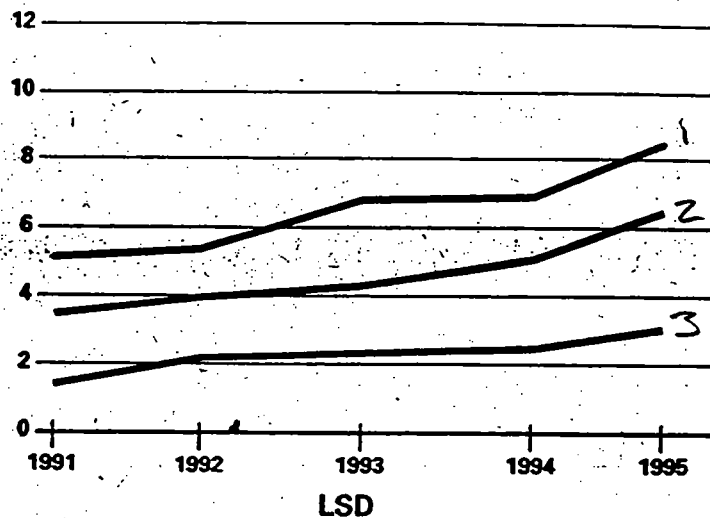
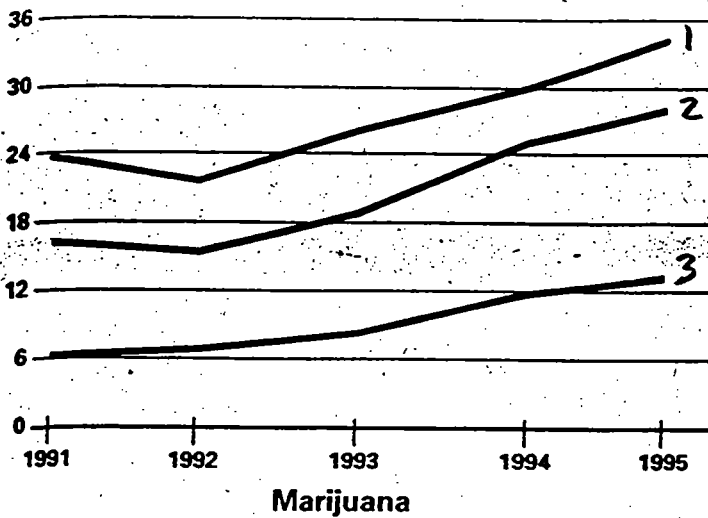
Data sources: Unpublished arrest data provided by the FBI and population estimates from the U.S. Bureau of the Census, *Current Population Reports, Series P-25*.

Figure 1-1
Number of Users of Any Illicit Drug



Source: National Household Survey on Drug Abuse

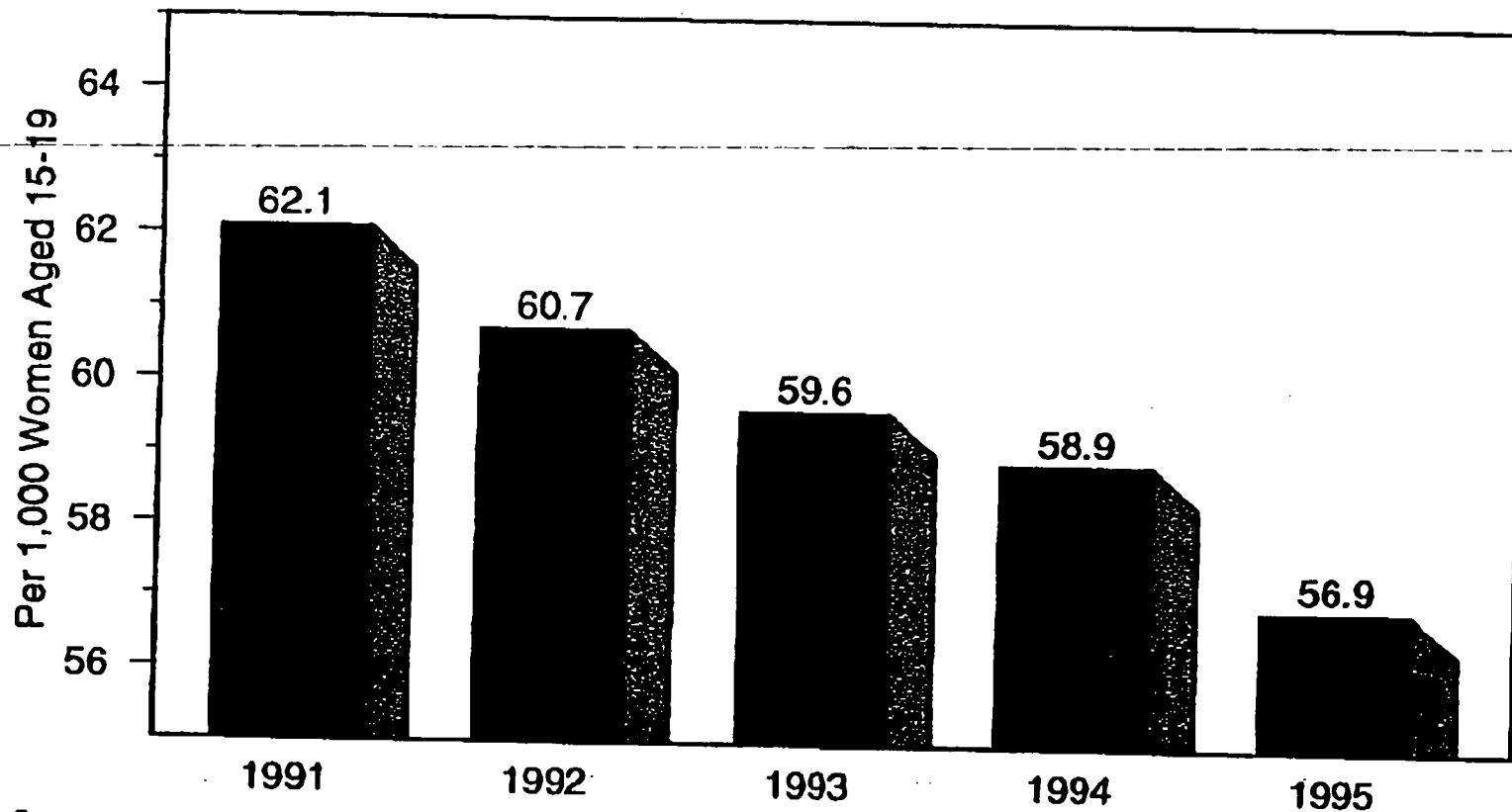
**Figure 1-2
Adolescent Drug Use**



- 1 — Percentage of 12th Graders
- 2 — Percentage of 10th Graders
- 3 — Percentage of 8th Graders

Source: Monitoring the Future

Teen Birth Rates Have Declined Under the Clinton Administration*



Source: "Births and Deaths: United States, 1995" Monthly Vital Statistics Report, Centers for Disease Control and Prevention, Vol. 45, No. 3, October 4, 1996

* Live births per 1,000 women aged 15-19

ANTI-GANG AND YOUTH VIOLENCE ACT OF 1997

SECTION-BY-SECTION ANALYSIS

The Anti-Gang and Youth Violence Act of 1997 is a comprehensive federal effort to address the nation's youth and juvenile crime problem. This legislation contains many of the proposed amendments to the federal code that were contained in legislation introduced, but not enacted into law during the 104th Congress. This legislation also redesigns, refocuses, and enhances the federal government's role in relation to state, local and Indian tribal governments in combating and preventing juvenile and youth crime, violence, gang involvement, and drug use. Additionally, this legislation includes the authorization for several programs submitted by the President in his fiscal year 1998 budget request.

TITLE I--FINDINGS, POLICIES, AND PURPOSES

This title enumerates findings regarding juvenile crime and violence, as well as purposes tied to the various provisions of the legislation. Additional definitions are provided as needed.

TITLE II--TARGETING VIOLENT GANG, GUN AND DRUG CRIMES

Subtitle A--Federal Prosecutions Targeting Violent Gangs, Gun Crimes and Illicit Gun Markets, and Drugs

Part 1--Targeting Gang and Other Violent Crimes

Section 2111. Increased penalties under the RICO law for gang and violent crimes.

This amendment would boost the penalty for certain crimes typically committed by gangs and other violent crime groups by eliminating an anomaly in the penalty provisions of the federal Racketeering Influenced and Corrupt Organizations statute (18 U.S.C. 1963(a)). Specifically, the amendment would increase the maximum penalty from twenty years to the greater of twenty years or the maximum term applicable to a racketeering activity on which the defendant's violation is based. This principle already applies under the RICO statute where the predicate racketeering activity carries a maximum life sentence. The present twenty-year maximum applicable to all other predicate racketeering offenses is anomalous in light of the fact that several of the predicate offenses that constitute "racketeering activity" themselves carry more than twenty-year (but less than life) maximum prison terms, e.g., 18 U.S.C. 1344 (bank fraud) and 21 U.S.C. 841(b)(1)(B) (large-scale drug trafficking).

Section 2112. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.

This amendment would close loopholes in 18 U.S.C. 1959, the law punishing violent crimes in aid of racketeering. The statute presently and anomalously reaches threats to commit any crime of violence (with the requisite intent) but only the actual commission of some such crimes. The amendment also would clarify that the term "serious bodily injury" in 18 U.S.C. 1959 shall be defined as provided in 18 U.S.C. 1365.

This proposal also would increase penalties for certain violent crimes in aid of racketeering in recognition of the serious nature of such crimes and to bring the penalties in line with other penalties for similar crimes in title 18. First, the amendment would increase from a maximum of ten years' imprisonment to a maximum of life imprisonment a conspiracy or attempt to commit murder or kidnapping, in violation of 18 U.S.C. 1959. That statute punishes various violent offenses committed in aid of racketeering activity. The present ten-year maximum penalty for a conspiracy or attempt to commit murder or kidnapping in aid of racketeering is clearly inadequate. The maximum penalty for a conspiracy to commit a murder within the special maritime and territorial jurisdiction of the United States is life imprisonment, 18 U.S.C. 1117, as is the maximum penalty for a conspiracy to commit kidnapping, 18 U.S.C. 1201(c). Such acts when performed with the additional intent of furthering racketeering activity deserve no lesser punishment. Moreover, an attempt warrants an equivalent sanction as a conspiracy. Second, the amendment would increase from five years to ten years the maximum penalty for committing or threatening to commit a crime of violence under paragraph (4). Finally, the amendment would increase from three years to ten years the maximum penalty for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon or assault resulting in serious bodily injury under paragraph (6).

Section 2113. Facilitating the prosecution of car-jacking offenses.

This section would eliminate an unjustified and unique scienter element created for the offense of carjacking by the enactment of section 60003(a)(14) of the Violent Crime Control and Law Enforcement Act. The carjacking statute, 18 U.S.C. 2119, essentially proscribes robbery of a motor vehicle. It punishes the taking of a motor vehicle that has moved in interstate or foreign commerce "from the person or presence of another by force and violence or by intimidation." The basic penalty is up to fifteen years' imprisonment but rises if serious bodily injury or death results.

Prior to the enactment of VCCLEA, the offense applied only if the defendant possessed a firearm. Section 60003(a)(14) of that

law appropriately deleted the firearm requirement, as had been proposed in the Senate-passed bill, but in conference a new scienter element was added that the defendant must have intended to cause death or serious bodily injury. This unique new element will inappropriately make carjackings difficult or impossible to prosecute in certain situations. Robbery offenses typically require only what the carjacking statute formerly required by way of scienter, *i.e.*, that property be knowingly taken from the person or presence of another by force and violence or by intimidation. The Hobbs Act, 18 U.S.C. 1951, the quintessential federal robbery law which carries a higher maximum penalty than the carjacking statute, essentially defines "robbery" in this manner. The new requirement of an intent to cause death or serious bodily harm will likely be a fertile source of argument for defendants in cases in which no immediate threat of injury occurs, such as where a defendant enters an occupied vehicle while it is stopped at a traffic light and physically removes the driver. Even when a weapon is displayed, the defendant may argue that although it was designed to instill fear, he had no intent to harm the victim had the victim in fact declined to leave the car.

Carjacking is one of the most serious types of robbery precisely because, unlike other person property, a car is a place where people are accustomed to feel safe and where they and their family spend hours of their lives. To give defendants who take cars from the person or presence of their occupants by force and violence or intimidation a new legal tool with which to resist their prosecution is unjustified. This new element should be eliminated as soon as possible from Section 2119. The proposed amendment would do so.

Section 2114. Facilitation of RICO prosecutions.

This amendment is intended to overcome decisions in the First and Second Circuits that require proof that a RICO conspiracy defendant agreed personally to commit at least two acts of racketeering activity. United States v. Ruggiero, 726 F.2d 913, 921 (2d Cir.), *cert. denied*, 469 U.S. 831 (1984); United States v. Winter, 663 F.2d 1120, 1136 (1st Cir. 1981), *cert. denied*, 460 U.S. 1011 (1981). See also United States v. Sanders, 929 F.2d 1466, 1473 (10th Cir.), *cert. denied*, 112 S.Ct. 143 (1991). Virtually all other circuits have more recently rejected these holdings and have concluded that it is sufficient to show that the defendant joined the conspiracy and agreed that two or more racketeering acts would be committed by some conspirators on behalf of the enterprise. See, e.g., United States v. Pryba, 900 F.2d 748, 759-60 (4th Cir. 1990); United States v. Traitz, 871 F.2d 368, 395-96 (3d Cir.), *cert. denied*, 493 U.S. 821 (1989); United States v. Neapolitan, 791 F.2d 489, 491-98 (7th Cir. 1986), *cert. denied*, 479 U.S. 1101 (1987); United States v. Joseph, 781 F.2d 549, 554-55 (6th Cir. 1986); United States v. Tille, 729 F.2d 615, 619 (9th Cir.), *cert. denied*, 469 U.S. 845 (1984); United States v. Carter,

721 F.2d 1514, 1528-31 (11th Cir.), cert. denied, 469 U.S. 819 (1984).

There is no reason to require that a defendant charged with RICO conspiracy personally commit racketeering acts. Standard conspiracy law does not contain such a requirement. See, e.g., Pinkerton v. United States, 328 U.S. 640, 645-48 (1946). It should be sufficient to show that the defendant joined the overall conspiracy and agreed to the commission of a pattern of racketeering activity by others on behalf of the conspiracy. This amendment resolves this conflict in the circuits.

Section 2115. Elimination of the statute of limitations for murder and Class A felonies.

[Handwritten mark] This section makes important changes in federal law and will enhance the ability of federal prosecutors to bring serious offenders to justice. The first proposal relates to the prosecution of certain murders. Current law provides that no statute of limitations shall apply for the commission of a federal crime punishable by death. 18 U.S.C. § 3281. This statute should be amended to further eliminate the statute of limitations for any federal offense involving murder, even if the crime does not carry the death penalty. The rationale behind this proposal is straightforward. Most states have no statute of limitations for murder. Moreover, the act of killing another person is so serious that no murderer should go unpunished simply because the government was unable to develop a case for many years.

By virtue of the 1994 Crime Act, most murders committed during the course of a federal offense are now punishable by the death penalty -- and thus already have no statute of limitations. The 1994 Crime Act only applies, however, to murders committed on or after the Crime Bill was passed on September 13, 1994. The proposed legislation will help bridge this gap by eliminating the statute of limitations for murders committed within five years of the date of passage of the legislation and September 13, 1994. Furthermore, the Crime Act did not provide for the death penalty for murders committed in violation of the RICO statute. 18 U.S.C. §§ 1961 et seq. The proposed legislation would bridge another important gap by eliminating the statute of limitations for RICO offenses when murders are committed in furtherance of a racketeering enterprise.

[Handwritten mark] The second proposal relates to the prosecution of certain violent crimes and drug trafficking crimes. Current law provides that the general federal five-year statute of limitations applies to non-capital crimes of violence and drug trafficking crimes. 18 U.S.C. § 3282. This proposal extends to 10 years the statute of limitations for all crimes of violence and drug trafficking crimes (except for cases involving murder) currently classified as Class A felonies. Pursuant to 18 U.S.C. § 3559, Class A felonies are the

most serious federal crimes, which carry a maximum sentence of life imprisonment or death.

This proposal is necessary for several reasons. First, evidence of gang-related and other violent crimes, as well as drug trafficking crimes, often develops years after the crimes were committed because the organizations, gangs, and racketeering enterprises that typically perpetrate such crimes enforce strict codes of silence -- through violence and threats of violence -- on their members. Thus, some violent crimes and drug trafficking crimes are not solved until imprisoned defendants begin to cooperate after spending years behind bars -- years in which the five-year statutes of limitations may have lapsed. Second, society's interest in repose and fairness to prospective defendants is greatly outweighed by society's interest in punishing those individuals who commit crimes that are so serious that Congress has imposed a maximum sentence of life imprisonment or death. Under current law, theft of major art work carries a 20-year statute of limitations (18 U.S.C. § 3294), and most white-collar crimes involving financial institutions (e.g., theft of money by a bank teller) carry a 10-year statute of limitations (18 U.S.C. § 3293). Given that Class A crimes of violence and drug trafficking crimes generally are at least as harmful to society as these offenses, there is no reason for these Class A felonies to carry such a relatively short statute of limitations.

Section 2116. Forfeiture for crimes of violence, racketeering, and obstruction of justice.

This section extends the forfeiture statutes to cover all crimes of violence plus the racketeering crimes set forth in Chapter 95 (18 U.S.C. § 1951-60), including extortion, murder-for-hire, and violent crimes in aid of racketeering, and the obstruction of justice offenses set forth in Chapter 73 (18 U.S.C. § 1501-17). Presently, there is no forfeiture authority for such offenses except when they are included in a RICO prosecution.

Part 2--Targeting Serious Gun Crimes and Protecting Children from Gun Violence

Section 2121. Gun ban for dangerous juvenile offenders.

This amendment would make it unlawful for any person adjudicated a juvenile delinquent for serious violent felonies or drug crimes to receive or possess firearms. It would also make it unlawful for any person to sell or otherwise dispose of any firearm to any person knowing or having reasonable cause to believe that the recipient has been adjudicated a juvenile delinquent for such crimes. Under current law, persons adjudicated juvenile delinquent, even for the most serious crimes, e.g., murder, may receive and possess firearms as adults. This amendment will ensure

that such juveniles will be ineligible to possess firearms after the finding of juvenile delinquency.

The disability will only apply to the most serious drug offenses and violent crimes, as enumerated in the recently enacted "three-strikes" law (but because it would otherwise be impossible to administer, the proposed statutory reference incorporates the basic offenses enumerated in paragraph (c)(2) of section 3559, without the exceptions set forth in paragraph (3)). In addition, this amendment will only apply to findings of acts of juvenile delinquency that occur after the effective date of the statute. Thus, persons who have acted or been adjudicated delinquent prior to the effective date will not be subject to this disability. Adjudicated delinquents would be permitted under the proposal to have their firearms rights restored based upon an individualized determination by an appropriate authority of the state of their suitability for such restoration.

The proposal also would make a conforming change to the restoration of rights statute affecting adult convictions. One of the most serious problems today hindering enforcement of federal firearms statutes arises from the definition of "conviction" in 18 U.S.C. 921(a)(20). Under 18 U.S.C. 922(g), it is unlawful for a convicted felon to possess a firearm. Section 922(g) violations also serve as the basis for the mandatory penalties applicable under the Armed Career Criminal Act, 18 U.S.C. 924(e), for 922(g) violators with three or more crime of violence or serious drug trafficking convictions. What is a "conviction" is therefore vital to the enforcement of these important provisions.

Prior to the 1986 Firearms Owners' Protection Act, a conviction for purposes of federal firearms prohibitions was a question of federal, not state, law. Federal law provided that once an individual was convicted of a felony, that person remained under a federal firearms disability irrespective of state laws purporting to restore the person's rights to possess firearms. Offenders could apply for relief from firearms disabilities to the Secretary of the Treasury. The 1986 Act, however, changed this policy and provided, in 18 U.S.C. 921(a)(20), that a conviction for which a person has had civil rights restored generally "shall not be considered a conviction" under federal firearms statutes.

The 1986 amendment has had adverse effects from the standpoint of public safety. This results from the fact that about half the states have laws that provide for some form of automatic firearms rights restoration, including several states that provide for such restoration after a waiting period, and at least one state that automatically restores firearms possession rights immediately upon completion of a felon's sentence, so that the felon is enabled to walk directly out of prison into a gun dealer's establishment and legally arrange to purchase a firearm. Other states make restoration of rights automatic except for certain categories of

felons (typically those convicted of violent crimes), while still other states make restoration automatic for some types of firearms but not others.

 Under the proposed amendment, state laws restoring firearms rights would continue to be recognized for federal firearms enforcement purposes, but only if the restoration of rights was done on an individualized rather than an automatic basis, including a determination that the circumstances of the person's conviction, and his or her record and reputation, make it unlikely that the person will endanger public safety. The Federal Government should not give effect to state restoration of rights statutes that provide for no individualized consideration of the offender's likelihood of committing future crimes. About half the states currently restore firearms rights only after such an individualized review. The remaining states need not change their laws if they do not wish to do so, but the Congressional policy underlying the federal felon-in-possession prohibition in 18 U.S.C. 922(g) should not be deemed superseded by a state law that automatically restores a felon's firearms rights. Such automatic restoration laws insufficiently protect the public safety, not only in the states that provide for such automatic restoration but in other states to which the convicted felon may travel.

The proposed amendment also includes a provision, in the final sentence, that would reverse the outcome in United States v. Indelicato, 97 F.3d 627 (1st Cir. 1996). The court there held, contrary to other courts of appeals, that where a state had never deprived a convicted felon of his or her civil rights as a result of the conviction, that person was to be considered as if the state had "restored" such rights. Whether or not this interpretation is deemed correct under the current law, as a matter of policy it makes sense to require a state to make an individualized determination of suitability to possess firearms in every case involving a conviction of a state crime punishable by more than one year in prison.

Section 2122. Locking devices for firearms.

The amendment would require Federal firearms licensees, other than licensed collectors, to provide a locking device with every firearm sold to a nonlicensee. The term "locking device" would be defined as a device that can be installed on a firearm that prevents the firearm from being discharged without removing the device. It would also include firearms being developed which can "identify" their lawful possessor by the use of a personal electronic "key", palmprint, or other identifier. The provision is intended to provide added safety to gun owners and to prevent accidental discharges that can result when children gain access to firearms.

Section 2123. Enhanced penalties for discharging or possessing a firearm during a crime of violence or drug trafficking crime.

In Bailey v. United States, ___ U.S. ___, 116 S. Ct. 501, 133 L. Ed. 2nd 472 (1995), the Supreme Court put a restrictive interpretation of the verb "use" in relation to a firearms violation under 18 U.S.C. § 924(c), finding that an offender only "uses" a firearm if the weapon is "actively employed" in connection with a criminal act. The legislative proposal makes it clear that the statute punishes possession of a firearm, as well as its "use." Under the proposal, possession of a firearm during the commission of a violent crime or drug felony will result in a 5-year mandatory minimum penalty. Offenders will receive a 10-year mandatory minimum penalty if during the commission of a drug felony or violent crime, the offender discharges the firearm or uses it to inflict bodily harm.

Section 2124. Juvenile handgun possession.

This proposal would increase the penalties for violations of 18 U.S.C. 922(x), which makes it unlawful for a person to transfer a handgun to a juvenile or for a juvenile to possess a handgun. Existing law provides a penalty of not more than one year for violations of Sec. 922(x) and, if the person transferring the handgun to the juvenile knew that the handgun would be used in a crime of violence, a penalty of not more than 10 years. Existing law also provides for probation by juvenile offenders, unless the juvenile has been previously convicted of certain offenses or adjudicated as a juvenile delinquent.

The proposal would eliminate probation as a mandatory sentence for juveniles. Thus, juveniles would be sentenced to a penalty of not more than one year or, if previously convicted under this section or adjudicated delinquent for an act that would be a serious violent felony under 18 U.S.C. 3559(c) if committed by an adult, sentenced to up to five years' imprisonment. The proposal also increases the penalty for adults who transfer handguns to juveniles knowing that they intend to use it in the commission of a crime of violence to not less than three years nor more than 10 years (currently only the ten-year maximum applies).

Section 2125. Increased penalty for firearms conspiracy.

This section would amend the firearms chapter of title 18 to provide that a conspiracy to commit any violation of that chapter is punishable by the same maximum term as that applicable to the substantive offense that was the object of the conspiracy. An identical amendment was enacted to the explosives chapter of title 18 by section 701 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (P.L. 104-132). This also accords with several other recent congressional enactments, including 21 U.S.C. 846 (applicable to drug conspiracies) and 18 U.S.C. 1956(h) (applicable

to money laundering conspiracies). This trend in federal law, which is emulated in the penal codes of many States, recognizes that, as the Supreme Court has observed, "collective criminal agreement -- partnership in crime -- presents a greater potential threat to the public than individual delicts." Callanan v. United States, 364 U.S. 587, 593 (1961); accord, United States v. Feola, 420 U.S. 671, 693-94 (1975).

Part 3--Targeting Illicit Gun Markets

Section 2131. Certain gang-related firearms offenses as RICO predicates.

The proposed amendment would add a number of title 18 firearms offenses that are related to gang activity to the RICO statute. A brief description of the covered offenses is as follows: 922(a)(1) (illegally engaging in business of dealing in firearms); 922(a)(6) (knowingly making false statement to a licensee in order to acquire a firearm); 922(i) (transporting a firearm in interstate or foreign commerce knowing it to have been stolen); 922(j) (possession or disposition of a firearm or ammunition knowing it to have been stolen); 922(k) (transporting or receiving a firearm interstate with an obliterated serial number); 922(o) (unlawful possession or transfer of a machinegun); 922(q) (unlawful possession of a firearm that affects or has moved in interstate commerce in a school zone); 922(u) (theft from a licensee of a firearm that has moved in interstate commerce); 922(v) (illegal transfer or possession of a semiautomatic assault weapon); 922(x)(1) (sale or transfer of a firearm to a person known to be a juvenile); 924(b) (transporting or receiving a firearm in interstate commerce with intent to commit therewith a felony); 924(g) (traveling interstate to acquire a firearm, with intent to commit a crime of violence, drug trafficking offense, or other enumerated felony); 924(h) (transferring a firearm with knowledge it will be used to commit a crime of violence or drug trafficking offense); 924(k) (smuggling a firearm into the United States with intent to commit a crime of violence or drug trafficking offense); 924(l) (theft of a firearm from a licensee); and 924(m) (traveling in interstate or foreign commerce to acquire a firearm, with intent to engage illegally in business of dealing in firearms).

Section 2132. Felony treatment for offenses tantamount to aiding and abetting unlawful purchases.

This proposal would increase the punishment for the most serious record keeping violations committed by federal licensees, which are tantamount to aiding and abetting unlawful deliveries or purchases of firearms, to the same level of offense as that committed by the unlawful provider or receiver. Sections 922(b)(1) and (3) proscribe sales of firearms to persons known to be juveniles or to reside out of State, respectively. Each carries a five-year maximum sentence for a willful violation under 18 U.S.C.

924(a)(1)(D). Sections 922(a)(6) and (d) proscribe, respectively, making false statements to a licensee in relation to the acquisition of a firearm, and knowingly selling a firearm to a convicted felon or other prohibited category of firearm recipient. Each is punishable by up to ten years' imprisonment.

At present, all record keeping violations by licensees are misdemeanors carrying a maximum of one year in prison. This is insufficient in the above situations, where the knowingly false record keeping entry is very serious and closely associated with or in the nature of aiding and abetting a violation involving the provision of a firearm to a person not entitled to obtain it. Accordingly, the amendment would increase the penalty for such record keeping violations to the same as that would attach to the underlying violation.

Section 2133. Secure storage of firearms inventories.

This amendment would require Federal firearms licensees other than collectors and gunsmiths to store their firearms inventory in accordance with regulations issued by the Secretary. The purpose of the amendment is to provide security requirements for the firearms industry. Thefts of firearms from dealers is a growing problem and contributes to the number of firearms available to juvenile youth gangs and other criminals. In issuing the storage regulations, the Secretary would be required to consider the standards of safety and security used by the firearms industry. The industry, as well as other interested persons, could participate in the rulemaking process and have input into the regulations.

Section 2134. Suspension of federal firearms licenses and civil penalties for willful violations of the Gun Control Act.

Under current law, the only available administrative remedies to deal with licensees' violations are the extreme measures of denying license renewal applications and license revocation. There may be certain minor violations of the Gun Control Act, e.g., failure to timely record information in required records, that may not warrant license revocation or license denial. This amendment provides new administrative sanctions, less severe than current administrative remedies, including license suspension, civil money penalties, and authority to accept monetary offers in compromise of violations of the law and regulations.

Section 2135. Transfer of firearm to commit a crime of violence.

Present 18 U.S.C. 924(h) makes it unlawful to transfer a firearm "knowing" that the firearm will be used to commit a crime of violence or drug trafficking crime. However, 18 U.S.C. 924(b) makes it unlawful to transport or receive a firearm in interstate commerce "with knowledge or reasonable cause to believe" that any

felony is to be committed therewith. Both statutes carry the same maximum penalty.

There is no plausible reason why section 924(h) is limited to instances in which the actor has knowledge that a crime of violence or drug trafficking crime will be committed, as opposed to having "reasonable cause to believe" that such is the case. Indeed, the offenses covered by section 924(h) -- violent felonies and drug trafficking felonies -- are inherently more serious than the offenses covered by section 924(b), which extends to all felonies. Accordingly, this section would conform the scienter element in section 924(h) by adding "reasonable cause to believe" to that statute.

Section 2136. Increased penalty for knowingly receiving firearm with obliterated serial number.

The current maximum penalty for knowingly receiving a firearm with an obliterated or altered serial number in violation of 18 U.S.C. 922(k) is five years. This offense is tantamount to that of receiving a firearm known to be stolen. However, the latter carries a maximum penalty of ten years. Accordingly, this amendment would increase the maximum penalty for receiving a firearm with an obliterated or altered serial number to ten years.

Section 2137. Amendment to the Sentencing Guidelines for transfers of firearms to prohibited persons.

The proposed amendment would require the United States Sentencing Commission to provide an increase in the base offense level for certain firearms violators under sentencing guideline section 2K2.1. The increase should assure that the base offense level for a person who transfers firearms or ammunition with knowledge or reasonable cause to believe that the transferee is a convicted felon or otherwise in a prohibited category is the same as that for the transferee. Under Federal law the offense of selling or disposing of a firearm or ammunition to any person knowing or having reasonable cause to believe that the person is in a prohibited category is punishable by a maximum term of imprisonment of 10 years -- the same penalty that applies to the transferee. See 18 U.S.C. §§922(d), 922(g) and 924(a)(2).

The sentencing guidelines provide that a prohibited person who engages in a firearm offense is subject at least to offense level 14. Thus, for example, a convicted felon who unlawfully acquires a firearm in violation of section 922(g) of title 18, United States Code, would face a sentencing range of 18-24 months of imprisonment if his past conviction resulted in a sentence of imprisonment of 60 days or more. However, the transferor currently faces a guideline offense level of just 12 (10-16 months of imprisonment for a first offender, which can result in five months of imprisonment and five months of supervised release with home

confinement). The transferor in this case should be subject to offense level 14, like the transferee.

Guideline section 2K2.1 also provides an offense level of 20 for a prohibited person whose offense involved a machinegun or certain other dangerous firearms. The proposed directive would require the Sentencing Commission to make this offense level applicable to the transferor of such a weapon if the transferor knows or has reasonable cause to believe that the transferee is in a prohibited category. However, the sentencing guidelines currently provide additional base offense level increases in the case of defendants who have prior felony convictions of either a crime of violence or controlled substance offense, §2K2.1(a)(1), (2), (3), and (4)(A). The directive to the Sentencing Commission specifically exempts these additional increases from its requirements.

Section 2138. Forfeiture of firearms used in crimes of violence and felonies.

The amendment adds the authority to forfeit firearms used to commit crimes of violence and all felonies to 18 U.S.C. §§ 981 and 982. This authority would be in addition to the authority already available to Treasury agencies under 18 U.S.C. § 924(d).

The purpose of the amendment is 1) to provide for criminal as well as civil forfeiture of firearms; and 2) to permit forfeiture actions to be undertaken by Department of Justice law enforcement agencies who have authority to enforce the statutes governing crimes of violence but who do not have authority to pursue forfeitures of firearms under the existing statutes.

Section 924(d) of title 18 already provides for the civil forfeiture of any firearm used or involved in the commission of any "criminal law of the United States." The statute, however, is enforced only by the Treasury Department and its agencies; it provides no authority for the FBI, for example, to forfeit a gun used in the commission of an offense over which it has sole jurisdiction. Moreover, § 924(d) provides for civil forfeiture only.

Subsection (d) adds a provision to 18 U.S.C. § 924(d) intended to permit the Bureau of Alcohol, Tobacco and Firearms to forfeit property that otherwise would have to be forfeited by another agency. Under § 924(d), ATF is presently authorized to forfeit a firearm used or carried in a drug trafficking crime. Property involved in the drug offense itself, such as drug proceeds, may also be forfeitable under the Controlled Substances Act, 21 U.S.C. § 881, but ATF does not presently have authority to forfeit property under that statute and has to turn the forfeitable property over to another agency. The amendment does not expand the scope of what is forfeitable in any way, but does allow the forfeiture to be pursued by ATF when the agency is already involved

in the forfeiture of a firearm in the same case.

Finally, subsection (e) clarifies an ambiguity in the present statute relating to the 120-day period in which a forfeiture action must be filed. Presently, the statute says that a forfeiture proceeding must be filed within 120 days of the seizure of the property. This was intended to force the government to initiate a forfeiture action promptly. In one case, however, where the government did initiate an administrative forfeiture action within the 120-day period, the claimant filed a claim and cost bond which required the government to begin the forfeiture action over again by filing a formal civil judicial proceeding in federal court. The claimant then moved to dismiss the judicial proceeding because the complaint was filed outside the 120-day period.

The court granted the motion to dismiss because the literal wording of § 924(d) requires any forfeiture action against the firearm to be filed within 120 days of the seizure. United States v. Fourteen Various Firearms, ___ F. Supp. ___, 1995 WL 368761 (E.D. Va. June 19, 1995). This interpretation, however, leads to unjust results in cases where the government promptly commences an administrative forfeiture action but the claimant waits the full time allotted to him to file a claim. (Under Section 101 of this Act, the claimant would have 30 days from the date of publication of notice of the administrative forfeiture action to file a claim, which is likely to be several months after the seizure even if the government initiated the administrative forfeiture almost immediately after the seizure.) In such cases, Congress could not have intended the 120-day period for filing a judicial complaint to count from the date of the seizure; indeed, it is often the case that the claimant doesn't even file the claim until more than 120 days have passed. Thus, the amendment clarifies the statute to make clear that the government must initiate its administrative forfeiture proceeding within 120 days of the seizure and then will have 120 days from the filing of a claim, if one is filed, to file the case in federal court. The amendment also tolls the 120-day period during the time a related criminal indictment or information is pending.

Section 2139. Forfeiture for gun trafficking.

This section provides for the forfeiture, under 18 U.S.C. §§ 981 and 982, of vehicles used to commit gun trafficking, such as transporting stolen firearms, and for the proceeds of such offenses. The provision is limited to instances in which five or more firearms are involved, thus making it clear that it is not intended to be used in instances where an individual commits a violation involving a small number of firearms in his or her personal possession.

Part 4--Targeting Serious Drug Crimes and Protecting Children from Drugs

Section 2141. Increased penalties for using minors to distribute drugs.

This provision would amend Section 420 of the Controlled Substances Act (21 U.S.C. 861) to increase the current mandatory minimum penalty for using or employing minors to distribute drugs from one year to three years. Similarly, the provision would increase the mandatory minimum penalty for a second or subsequent violation of this statute from one year to five years. The proposed increases are necessary to punish persons who use or employ minors to distribute illegal drugs and to deter others from engaging in such reprehensible conduct.

Section 2142. Increased penalties for distributing drugs to minors.

This provision would amend section 418 of the Controlled Substances Act (21 U.S.C. 859) to increase the minimum penalty for distributing drugs to minors from one year to three years for a first offense, and from one year to five years for a second or subsequent offense. The proposal would also alter the age of the minor that triggers these penalties. Under the proposed amendment, the penalties would apply whenever a person at least eighteen years of age distributes drugs to a person under eighteen. Presently, the statute punishes a person at least eighteen who distributes drugs to a person under twenty-one, thus reaching some transactions in which the buyer is significantly older than the seller. This makes little sense and is inconsistent with the companion statute, 21 U.S.C. 861, which punishes persons who employ minors to distribute drugs. The proposed amendment would bring section 859 into conformity with section 861.

Section 2143. Increased penalty for drug trafficking in or near a school or other protected location.

This provision would amend Section 419 of the Controlled Substances Act (21 U.S.C. 860) to increase the mandatory minimum penalty for distributing drugs in or near a school or other protected location. The provision also would increase the mandatory minimum penalty for second and subsequent offenses from one year to five years. The increased penalties for drug trafficking in or near schools or other protected locations are consistent with the other proposed penalty increases in this legislation and are aimed at protecting children from drug trafficking and abuse, punishing drug dealers who target children, and deterring others who might engage in such conduct.

Section 2144. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.

This section would amend the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(2)(A), to permit the use of an adjudication of juvenile delinquency based on a serious drug trafficking offense as a predicate offense under that Act. The ACCA targets for a lengthy period of at least 15 years' imprisonment those felons found in unlawful possession of a firearm who have proven records of involvement in serious acts of misconduct involving drugs and violence.

Section 2145. Attorney General authority to reschedule certain drugs posing imminent danger to public safety.

Under existing law, the Attorney General is empowered to add temporarily a substance to Schedule I of the Controlled Substances Act when necessary to respond to an imminent danger to public safety. See 21 U.S.C. 811(h). However, the Attorney General is not authorized to reschedule a substance that already has been placed on one of the schedules of the Controlled Substances Act. Once a substance has been added to one of the schedules, any rescheduling of that substance must be done pursuant to the standard procedures for scheduling or rescheduling a substance. Under the standard procedures, the rescheduling of a substance can take several years.

The proposal would extend the Attorney General's existing authority to schedule a substance on an emergency basis to include the rescheduling of an already scheduled drug to Schedule I. This authority will give the Attorney General to respond to public health crises involving scheduled substances, such as the rapidly escalating abuse of rohypnol, a Schedule IV drug with no approved medical uses in the United States.

The proposal contains the same limitations and procedures as apply to the Attorney General's existing emergency scheduling authority. The Attorney General could temporarily reschedule a substance only for one year, with the possibility of a one-time six month extension under certain circumstances. In addition, the Secretary of Health and Human Services would continue to have a formal role in advising the Attorney General in any proposed rescheduling.

Section 2146. Increased penalties for using federal property to grow or manufacture controlled substances.

This provision would increase the penalty for cultivating or manufacturing a controlled substance on federally owned or leased land. A significant amount of the domestic marijuana crop is grown on federal lands and a substantial number of methamphetamine laboratories also have been discovered on federal lands. Federal law enforcement agencies believe that the use of federal lands for cultivating and manufacturing controlled substances has increased because there is no possibility that the land will be forfeited as is the case if the cultivation or manufacture took place on private

property.

Section 2147. Clarification of length of supervised release terms in controlled substance cases.

This section resolves a conflict in the circuits as to the permissible length of supervised release terms in controlled substance cases. Under 18 U.S.C. 3583(b), "[e]xcept as otherwise provided," the maximum authorized terms of supervised release are 5 years for Class A and B felonies, 3 years for Class C and D felonies, and 1 year for Class E felonies and certain misdemeanors. The drug trafficking offenses in 21 U.S.C. 841 prescribe special supervised release terms, however, that are longer than those applicable generally under section 3583(b). Those longer terms, which may include lifetime supervised release, were enacted in 1986 in the same Act which inserted the introductory phrase "Except as otherwise provided" in section 3583(b). Because of this clear legislative history and intent, two courts of appeals have held that section 3583(b) does not limit the length of supervised release that may be imposed for a violation of 21 U.S.C. 841 when a greater term is there provided. United States v. LeMay, 952 F.2d 995, 998 (8th Cir. 1991); United States v. Eng, 14 F.3d 165, 172-3 (2d Cir. 1994). One court of appeals, however, has reached the opposite result, holding that the length of a supervised release term that can be imposed for controlled substance cases is limited by 18 U.S.C. 3583(b). United States v. Gracia, 983 F.2d 625, 630, (5th Cir. 1993); United States v. Kelly, 974 F.2d 22, 24-5 (5th Cir. 1992).

Although the issue has not arisen with frequency, the conflict is entrenched and should be dealt with definitively. Accordingly, the amendment would add the words "Notwithstanding section 3583 of title 18" to the title 21 controlled substance offenses in the parts of those statutes dealing with supervised release to make clear that the longer terms there prescribed control over the general provision in section 3583.

Section 2148. Technical correction to assure compliance of sentencing guidelines with provisions of all federal statutes.

This section would amend 28 U.S.C. 994(a) to assure that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all federal statutes. Currently, section 994(a) contains a requirement of consistency only with statutes in titles 28 and 18 of the United States Code. No discussion of this somewhat peculiar limitation appears in the legislative history, see S.Rep. No. 98-225, 98th Cong., 1st Sess., p. 163 (1983). The limitation seems to have been based on the mistaken assumption that all provisions pertinent to the promulgation of sentencing guidelines were contained in those two titles. However, other provisions, such as mandatory minimum sentences in title 21, are relevant and clearly are meant to act as

constraints on the guidelines. This amendment will insure that guidelines are not created that are inconsistent with the provisions of any relevant enactment of Congress.

Section 2149. Drug testing, treatment, and supervision of incarcerated offenders.

This section amends Section 20105(b) of the Violent Offender Incarceration/Truth-In-Sentencing (VOI/TIS) grant program of the Violent Crime Control and Law Enforcement Act of 1994 by adding the language at Section 20105(b)(1)(B) and Section 20105(b)(2). The victims' rights language at Section 20105(b)(A) is current law as Section 20105(b).

The amendment adds several requirements to the conditions a state must meet in order to receive funding under the VOI/TIS program. First, the state must by September 1, 1998, have a plan for drug testing/monitoring and treatment for violent offender housed in their corrections facilities. This plan needs to include sanctions for inmates who test positive. Second, the language at (2) would permit the state to use funds received under the VOI/TIS program to pay the costs of the testing and treatment required under (B). Currently the provisions at (B) are found in the Conference Report H.Rpt.104-863 that accompanies the Department's fiscal year 1997 appropriations act. The language at (2) is not included. The goal of the amendment is to make the language at (B) permanent and add the language at (2) by amending the underlying law.

Subtitle B--Grants to Prosecutors' Offices to Target Gang Crime and Violent Juveniles

This subtitle amends Section 31702, Community-Based Justice Grants for Prosecutors," of Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) to respond to the increase of violent juvenile offenders and the rate of gang-related juvenile crime. This subtitle provides needed resources for state and local prosecutors to facilitate the prosecution of violent and serious juvenile offenders. There is no existing comparable legislative text and programs previously authorized to assist prosecutors have not been appropriated. As part of the President's fiscal year 1998 budget proposal, this program is authorized for appropriations of \$100,000,00 for fiscal year 1998 and \$100,000,000 for fiscal year 1999.

Specifically, the legislation expands authority to: hire additional prosecutors to reduce prosecutorial backlogs; enable prosecutors to more effectively prosecute youth drug, gang, and violence problems; supply the technology, equipment, and training to assist prosecutors in reducing the rate of youthful violent crime while increasing the rate of successful identification and rapid prosecution of young violent offenders; and assist

prosecutors in their efforts to engage in community-based prosecutions, problem solving, and conflict resolution techniques through collaborative efforts with law enforcement officials, school officials, probation officers, social service agencies, and community organizations.

There is also a two percent set aside of all funds appropriated under this Part to be set aside for "training and technical assistance" consistent with the above-mentioned purposes. Similarly, 10 percent is taken "off the top" of all funds appropriated under this Part to be set aside for "research, statistics, and evaluation" consistent with these purposes. Numerous jurisdictions have requested training and technical assistance as a priority need. Additionally, through the introduction of various bills, Congress has evidenced its support for enhanced research, statistics, and evaluation.

Subtitle C--Grants to Courts to Address Violent Juveniles

Subtitle C establishes federal grant funding for states, units of local government, and Indian tribal governments to use in developing and implementing innovative initiatives to increase levels of efficiency, expediency, and effectiveness with which juvenile and youths are processed and adjudicated within the criminal and juvenile justice system. This is a new grant authority to assist state, local, and tribal courts, including probation and parole offices, public defenders, and victim/witness service providers, to respond to violent and serious youthful offenders.

This subtitle amends Section 21062 of Subtitle F of Title XXI of the "Violent Crime Control and Law Enforcement Act of 1994" (42 U.S.C. 14161), that currently provides assistance to state and local courts. This subtitle reintroduces the Administration's State and Local Courts Assistance Program Act to authorize the establishment of the juvenile gun courts, drug courts, other specialized courts, and innovative programs to better deal with the adjudication and prosecution of juveniles. As part of the President's fiscal year 1998 budget proposal, this program is authorized for appropriations of \$50,000,00 for fiscal year 1998.

TITLE III--PROTECTING WITNESSES TO HELP PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS

Section 3001. Interstate travel to engage in witness intimidation or obstruction of justice.

This section would amend the Travel Act (18 U.S.C. 1952) to add witness bribery, intimidation, obstruction of justice, and related conduct in State criminal proceedings to the list of predicates under the Travel Act (18 U.S.C. 1952). Recent studies

demonstrate that witness intimidation is one of the most serious impediments to the prosecution of violent street gangs and drug trafficking organizations in State courts. This amendment responds to the growing witness intimidation problem by authorizing federal prosecution of persons who travel in interstate commerce with the intent to bribe or intimidate a witness, obstruct a criminal proceeding, or engage in related conduct.

Section 3002. Expanding pretrial detention eligibility for serious gang and other violent criminals.

This section would make three amendments to the pretrial detention statutes designed to enhance the ability, in appropriate circumstances, to use these statutes in prosecutions against gang members and against other violent criminals. Under the Bail Reform Act, 18 U.S.C. 3141 et seq., defendants charged with certain offenses can be detained pretrial if the court concludes there is clear and convincing evidence that no condition or combination of conditions of release will adequately assure the safety of any other person and the community. See 18 U.S.C. 3142(e) and (f). The kinds of charges that permit such detention on grounds of the defendant's dangerousness include certain serious drug trafficking offenses and a "crime of violence". They also include any felony if the defendant has previously been convicted of two or more crimes of violence or serious drug trafficking offenses.

The first proposal would add a definition of the term "convicted" to include adjudications of juvenile delinquency. Thus, it would permit pretrial detention, upon the requisite showing, of persons charged with any felony, e.g., interstate transportation of a stolen automobile, who had two or more prior violent or drug convictions, including juvenile delinquency adjudications for such conduct. This should facilitate the use of pretrial detention when appropriate against young career offenders such as gang members.

The second proposed amendment relates to the definition of "crime of violence" in 18 U.S.C. 3156(a)(4). That definition reaches offenses (A) that have as an element the use or attempted or threatened use of physical force, (B) any other felony offenses that, by their nature, involve a substantial risk that physical force may be used in the course of their commission, and (C), by virtue of an amendment in the 1994 crime bill, any felony under chapter 109A or 110 (which proscribe sex offenses and child pornography).

It is not clear whether the offenses of possession of explosives or firearms by convicted felons qualify as "crimes of violence" under the second or (B) branch of the definition. What little case law exists suggests that they do. See United States v.

Sloan, 820 F. Supp. 1133, 1136-41 (S.D. Ind. 1993); United States v. Aiken, 775 F.Supp. 855 (D. Md. 1991). See also, United States v. Dodge, 846 F. Supp. 181 (D. Conn. 1994). The Sloan court noted that, although the Supreme Court held in United States v. Stinson, 113 S. Ct. 1913 (1993), that a similar definition of "crime of violence" in the sentencing guidelines did not encompass the felon-in-possession statutes, because the Sentencing Commission had promulgated a policy statement to that effect, the bail statutes serve a very different purpose from sentencing enhancements and should be more broadly construed to protect the public from continued endangerment by convicted felons charged with a new offense of weapon possession. (Prior to the Commission's policy statement, the courts were divided as to whether a violation of 18 U.S.C. 922(a) was a crime of violence for sentencing purposes). This proposed amendment would codify the result reached in Sloan. It would not mandate pretrial detention but would permit the government to show, in the case of a convicted felon such as a gang member charged with violating the certain explosives or firearms statutes, that no one or more conditions of release would be adequate to safeguard society.

The third proposed amendment would make membership or participation in a criminal street gang, racketeering enterprise, or other criminal organization a factor to be considered by courts in making bail determinations. Presently, many other personal history and characteristics of the individual charged are required to be considered in making bail decisions, such as prior convictions, drug abuse, and whether the alleged offense was committed while on parole, probation, or other form of release pending criminal trial. Clearly, gang or organized crime group membership is a relevant factor that bears both on dangerousness and risk of flight and that courts should take into account in making bail determinations. The amendment is not intended to impinge on rights of freedom of association but rather to reach membership or participation in those organizations that exist, at least in part, for the purpose of committing crimes or depriving third parties of their lawful rights. See Madsen v. Women's Health Center, Inc., 114 S.Ct. 2516, 2530 (1994).

Section 3003. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants

Increasingly typical of many criminal gangs is violence directed at silencing or retaliating against witnesses or potential witnesses and informants. 18 U.S.C. 1512 and 1513 set forth offenses and penalties that, generally speaking, adequately deter and punish such offenses. However, a conspiracy to engage in witness intimidation or retaliation in violation of these statutes is punishable only under the catchall conspiracy statute, 18 U.S.C. 371, which carries a maximum prison term of only five years. This is clearly inadequate to vindicate an offense that involves, for example, a conspiracy to kill a witness or potential witness in a

federal criminal proceeding. Such a conspiracy, if perpetrated upon the special maritime and territorial jurisdiction, would be punishable by up to life imprisonment. 18 U.S.C. 1117. This is consistent with the principle, recognized in some federal statutes and prevalent in modern State criminal codes, that a conspiracy warrants the same maximum penalty as the offense which was its object. This principle is reflected in several recently enacted federal statutes, including 21 U.S.C. 846 (drug conspiracies), 18 U.S.C. 1956(h) (money laundering conspiracies), and 18 U.S.C. 844(n) (explosives conspiracies). The proposed amendment in this section would apply this principle to 18 U.S.C. 1512 and 1513 and thus provide better protection from gang violence to witnesses and informants.

TITLE IV--PROTECTING VICTIMS' RIGHTS

Title IV contains two Sections that expand the rights and protections afforded to the victims of crime, particularly crimes committed by juvenile offenders and crimes committed against children. It should be noted that a number of other provisions of the Anti-Gang and Youth Violence Act of 1997 expand the rights and protections of crime victims. For example, the proposed Section 5002, which amends 18 U.S.C. 5032, would establish a rebuttable presumption that juvenile proceedings shall be open to victims and members of the public, with special protections and access afforded to crime victims. In addition, proposed Section 5037 would expand the allocution rights of crime victims, including the right to have input into the predisposition report prepared by the probation officer and the right to appear before the judge and be heard prior to an order of disposition.

Section 4001. Records of crimes committed by juvenile offenders.

The proposed Section 4001 would amend 18 U.S.C. 5038(a)(6) to correct an oversight in current law. The amendment affirmatively provides for a victim's or a victim's official representative's allocution at the dispositional phase of the juvenile proceeding. In addition, the new statutory language clarifies that communication is allowable with the victim about "the status or disposition of the [juvenile] proceeding in order to effectuate any other provision of [state or federal] law". This language clears up any ambiguity in current law by explicitly extending to victims of juvenile offenders the right to information about the juvenile proceeding that they might need or be entitled to under any other state or federal law, such as the victims' rights set out in 42 U.S.C. 10606. Thus, under this new language, victims of juvenile offenders would be treated like victims of adult offenders. For example, victims would be able: to know about the status of the proceedings and the release status of the offender; to consult intelligently with the prosecutor; and to make a knowledgeable victim impact statement at the time of the disposition. In

addition, if state law allows victim compensation or grants any other rights, this provision allows communication about the federal delinquency proceeding in order to effectuate those provisions.

Fingerprints and photographs of adjudicated delinquents found to have committed the equivalent of an adult felony offense or a violation of 18 U.S.C. 922(x) and 924(a)(6) (possession of a handgun by a juvenile) would be sent to the Federal Bureau of Investigation (FBI) and made available in the manner applicable to adult defendants.

The limited availability of juvenile criminal records is a serious concern in connection with violent and firearms offenses. In order to address this problem, the Department of Justice amended its regulations in 1992 to expand the ability of the FBI to receive and retain records from State courts for "serious and/or significant adult and juvenile offenses." 28 C.F.R. 2032. The proposed bill would further alleviate this problem by making corresponding changes in the statutory rules for reporting offenses by juveniles who are prosecuted federally. This amendment was passed in substance by the Senate in the 103rd Congress as Section 618 of H.R. 3355.

Further disclosure of records relating to a juvenile or a delinquency proceeding would be authorized if it would be permitted under the law of the State in which the delinquency proceeding took place. The proposal will allow for the development of State systems of graduated sanctions by making it possible for the court to take into account a juvenile's criminal history when imposing sentence. The records could also be used for analysis by the Department of Justice if so requested by the Attorney General.

Finally, the new Section 5038(c) would be amended to allow the disclosure of "necessary docketing data". This is necessary because the nationwide military justice system cannot process traffic tickets without disclosing some docketing information.

Section 4002. Victims of Child Abuse Act extension of authorizations.

This section extends the authorization of appropriations for programs under Subchapter I of the Victims of Child Abuse Act (42 U.S.C. 13001 et seq.). The programs authorized under VOCA include regional children's advocacy centers, local children's advocacy centers, and specialized training and technical assistance for state and local practitioners dealing with the prosecution of child abuse cases. These programs currently are administered by the Office of Juvenile Justice and Delinquency Prevention.

TITLE V--FEDERAL PROSECUTION OF SERIOUS AND VIOLENT JUVENILE OFFENDERS

Section 5001. Short title.

The amendments made in this title are designed to provide protection for the community and hold juveniles accountable for their actions. They will help ensure that prosecution of serious juvenile offenders is more swift and certain, and that punishment of juvenile offenders will be commensurate with the seriousness of the crimes committed.

Section 5002. Delinquency proceedings or criminal prosecutions in district courts.

Under current law, the decision to charge a juvenile as an adult for specified crimes is made by the United States district court as a result of a motion by the United States to transfer the juvenile for criminal prosecution. The offenses subject to this transfer authority are limited. Even more restrictive are the list of violent offenses for which a juvenile under 15 years of age can be transferred.

There is virtually universal agreement among federal prosecutors that the present system is cumbersome and has frequently inhibited them from seeking adult prosecution. Prosecutors who have sought the transfer of juveniles to adult status have experienced many difficulties in the application of an outmoded statute or have encountered judges personally opposed to the transfer of juveniles, even in cases involving very serious crimes. Moreover, there is a presumption under present law in favor of a juvenile adjudication, and a district court's decision to decline transfer to adult status may be reversed only upon a finding of abuse of discretion. United States v. Juvenile Male #1, 47 F.3d 68 (2d Cir. 1995). The result is a juvenile justice system which fails to provide an effective deterrent to juvenile crime and fails adequately to protect the public.

The proposed statute would amend 18 U.S.C. § 5032 to greatly strengthen and simplify the process for prosecuting the most dangerous juveniles as adults in federal court. The legislation would bring federal law into conformity with that of many states by giving prosecutors, rather than the courts, the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile.

The proposed statute would retain the minimum age in existing law for prosecution of a juvenile as an adult but would expand the list of offenses serious violent, gun or drug felonies. A number of states have similar statutes.

The legislation would, however, create a distinction between

juveniles 16 years of age and older and those who are younger. Prosecution of juveniles 13 to 15 years of age at the time of the offense would require approval of the Attorney General or his or her designee at a level not lower than Deputy Assistant Attorney General. This internal Justice Department approval requirement (which would not be litigable) has been used in other types of particularly sensitive cases and would ensure that careful scrutiny and uniform standards are used in determining whether to bring criminal charges against very young juveniles. Prosecutors would retain the discretion to proceed against anyone under age 18 as a juvenile delinquent. In those cases, the current requirements for prosecutorial certification would apply, thus assuring that most such cases are handled at the state or local level.¹

The proposed bill would amend section 5032, to expand the list of serious felonies for which a juvenile can be prosecuted as an adult to include additional violent crimes, firearms charges and drug offenses. Under the amended statute, a juvenile could be prosecuted as an adult for the following offenses:

(1) a serious violent felony or a serious drug offense as described in section 3559(c)(2) and (c)(3) or a conspiracy or attempt under section 406 of the Controlled Substances Act or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 846 or 963) to commit an offense described in section 3559(c)(2); and

(2) the following offenses if they are not described in paragraph (1):

(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

(B) an offense described in section 844(d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924;

(C) a violation of section 922(o) that is an offense under section 924(a)(2);

(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

¹ The federal prosecutor would be required to certify that (A) the appropriate State does not have or declines to assume jurisdiction over the juvenile, or (B) the offense is one specified in the statute, and (C) there is a substantial federal interest in the case of the offense to warrant the exercise of federal jurisdiction. 18 U.S.C. § 5032(a).

(E) a conspiracy to violate an offense described in any of subparagraphs (A) through (D); or

(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955 or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

To ensure the prosecution in one trial of all offenses charged, a juvenile tried as an adult for one of the designated offenses could also be prosecuted as an adult for any other offenses properly joined under the Federal Rules of Criminal Procedure. With these amendments, juveniles convicted as adults could receive substantially higher sentences than under current law, commensurate with their crimes and criminal histories.

The existing statute excludes younger juveniles in Indian country charged with certain crimes from prosecution unless the tribal government opts to have the provision apply. The proposal would continue this provision.

The proposed bill allows, in certain limited circumstances, the district court to order that a juvenile charged as an adult be tried under the juvenile delinquency procedures. This is sometimes referred to as a "reverse waiver." Any juvenile charged with one of the offenses listed in 3(A)-(F) or a juvenile under the age of 16 would be able to request a "reverse waiver" hearing. A motion making such a request would have to be filed within 20 days of the juvenile first being charged as an adult. At the hearing, the juvenile charged as an adult would have the burden of establishing that it would be in the interest of justice that the case be tried under the juvenile delinquency provisions of 5032(a). The criteria by which the court should make its determination are listed in the proposed statute. The procedure for appellate review of the court's ruling would be similar to that presently used after a motion to suppress evidence. If the trial court determined that the juvenile should be tried as a juvenile delinquent, the government would have the right to seek an expedited appeal. In the event the court determined that the juvenile had not carried his or her burden of establishing that it was in the interests of justice that there be a reverse waiver, then the case would proceed to trial as an adult prosecution and the juvenile could appeal in the event of a guilty verdict.

Juveniles under the age of 16 charged as adults, but who have

not previously been adjudicated delinquent of a serious violent felony, and who are charged with certain limited offenses would be sentenced under the sentencing guidelines but would not be subject to mandatory minimums.

Section 5032(a)(4) is amended to make clear that federal juvenile proceedings are normally open to the public but may be closed in the interests of justice or for good cause shown. It also includes a provision allowing victims, their relatives and guardians to be included when the public is otherwise excluded, unless the same two tests applied for exclusion of the public also independently require exclusion.

Section 5003. Custody prior to appearance before judicial officer.

Minor changes have been made to make clear that the procedures applicable to the arrest of a juvenile prior to the formal filing of charges apply whether or not it is anticipated that the juvenile will be charged as a juvenile or as an adult.

Section 5004. Technical and conforming amendments to Section 5034.

This section is amended to clarify that it applies to juvenile proceedings only.

Section 5005. Speedy trial.

The proposed statute would require that for a juvenile in custody juvenile delinquency proceedings begin within 45 days, rather than the current 30 days. Exclusions in the Speedy Trial Act (18 U.S.C. § 3161(h)) would also be made applicable for the first time in juvenile delinquency proceedings. This additional time is necessary, particularly in cases involving both adult and juvenile defendants such as in the prosecution of gangs, to protect witnesses and critical evidence by ensuring that the trial of a juvenile does not proceed before the case against the adults. The time within which a disposition hearing must be held after an adjudication of delinquency would also be increased from 20 to 40 days. Within the 40 days, the probation office would prepare a predisposition report which would include victim impact information. Forty days is consistent with federal court practice generally and will provide the time necessary to prepare a comprehensive report.

Section 5006. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.

The legislation would amend section 5037 to make fines and supervised release -- not presently sentencing options -- available for adjudicated delinquents in addition to probation and detention. The maximum period of official confinement for an adjudicated delinquent would be increased to ten years or through age 25 to

give judges increased sentencing flexibility for juveniles who are adjudicated delinquent. The maximum period for probation would be increased to the same period applicable to an adult. To strengthen the accountability of juveniles to victims, mandatory restitution would also apply to adjudicated delinquents.

Section 5007. Technical amendment of Sections 5031 and 5034.

This section makes technical and confirming amendments to Sections 5031 and 5034.

TITLE VI--INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

Section 6001. Detention prior to disposition or sentencing.

Sections 6001 and 6002 relate to the detention of juvenile offenders prior to disposition or sentencing. Specifically, the bill would amend 18 U.S.C. 5035, to provide that juvenile offenders less than 16 years of age being prosecuted as adults but not yet convicted must be placed in an available, suitable juvenile facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted. If such a suitable juvenile facility is not available, the juvenile could be placed in any other suitable facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted. Only if neither of these types of facilities is available could a juvenile less than 16 years old be placed in some other suitable facility. In order to protect the safety of these younger offenders, the bill would require that, to the maximum extent feasible, juveniles not be detained prior to sentencing in any institution in which they have regular contact with adult prisoners.

The requirement in current Section 5035, that a juvenile charged with juvenile delinquency may not be detained in any institution in which the juvenile has regular contact with adult prisoners would generally be retained in the proposed legislation. However, the proposed bill would permit juveniles adjudicated delinquent, once they reach the age of 18, to be placed with adults in a correctional facility. This recommended change is consistent with recent regulatory changes to state requirements under the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. 5601 et seq.

Section 5039 of title 18, United States Code, would also be amended to permit juveniles adjudicated delinquent to be placed with adults in community-based facilities in order to provide transition services for juveniles moving from incarceration to the community and to allow juveniles to be housed in their home communities. These changes would help protect younger juveniles 13 or 14 years old, from 19 or 20 year-olds who, although adjudicated

delinquent, may be as dangerous as adults.

The legislation would also amend Sections 5035 and 5039 to give the Attorney General discretion to confine with adults a serious juvenile offender 16 years of age or older who is charged as an adult, both before and after conviction. As under present law, only those juveniles charged as adults whom a judicial officer has found would, if released, endanger the safety of another person or the community or would pose a substantial risk of flight could be detained prior to trial.

The current requirement in Section 5039 that every juvenile under 18 years of age who is in custody be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment would continue to apply to every juvenile charged as an adult who is detained prior to trial and sentencing and would be expanded to provide for reasonable safety and security as well.

These changes are consistent with current practice in many states and are proposed to ensure that the most violent juvenile criminal offenders are not detained or incarcerated with juvenile delinquents. By providing the discretion to house older juveniles prosecuted as adults, adjudicated delinquents once they reach the age of 18 and all juveniles convicted as adults in adult facilities, this proposal would also solve practical problems reported by the U.S. Marshals Service and the U.S. Attorneys, who have experienced great difficulty in finding suitable juvenile facilities for older and violent juvenile offenders.

Section 6002. Rules governing the commitment of juveniles.

The legislative analysis for the amendments made in this discussion are discussed in the analysis accompanying Section 5005.

TITLE VII--OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

Title VII establishes within the Office of Justice Programs the "Office of Juvenile Crime Control and Prevention," the "Juvenile Crime Control and Prevention Formula Grant Program," the "Indian Tribal Grant Programs," the "At-Risk Children Grants Program," the "Developing, Testing, and Demonstrating Promising Programs Program," the "Incentive Grant Programs," the "Research, Statistics, and Evaluation" grants, and the "Training and Technical Assistance" grants.

Subtitle A of Title VII creates the "Office of Juvenile Crime Control and Prevention" to replace the Office of Juvenile Justice and Delinquency Prevention. The new Office of Juvenile Crime Control and Prevention responds to the changing nature of juvenile

and youth crime and represents a more focused, efficient, and effective office. Fundamental protections safeguarding juveniles and youth within the juvenile justice system have been maintained, while operations within this new office have been streamlined to better coordinate and integrate juvenile and youth crime initiatives with other Department of Justice activities, particularly activities within the Office of Justice Programs, the National Institute of Justice and the Bureau of Justice Statistics, as well as with states, units of local government, Indian tribal governments, and local communities.

Section 7001. Short title.

This section provides that Title VII of the Anti-Gang and Youth Violence Act may be cited as the "Juvenile Crime Control and Prevention State and Local Assistance Act of 1997."

Subtitle A--Creation of the Office of Juvenile Crime Control and Prevention

Section 7101. Establishment of Office.

Section 2701 establishes the "Office of Juvenile Crime Control and Prevention" under the general authority, and the "supervision and direction" of the Assistant Attorney General for the Office of Justice Programs, United States Department of Justice. The words "supervision and direction" are used to describe the line of authority and reporting relationship between the Director of the Office of Juvenile Crime Control and Prevention and the Assistant Attorney General for the Office of Justice Programs in the same way the words "supervision and direction" are used to describe the line of authority and reporting relationship between the Secretary of the Department of Health and Human Services and the Assistant Secretary of Health as cited at 42 United States Code Section 202. This section continues the Department of Justice's efforts in maintaining coordination and cooperation among those federal agencies whose jurisdictions involve the health, welfare, education or general well-being of youths and/or juveniles. There are numerous transitional elements to provide for the continuity between the Office of Juvenile Justice and Delinquency Prevention and the new Office of Juvenile Crime Control and Prevention, including a specific transfer for the current Administrator of the Office of Juvenile Justice and Delinquency Prevention to become the Director of the Office of Juvenile Crime Control and Prevention.

Section 7102. Conforming amendments.

Section 7102 makes minor and technical conforming amendments.

Section 7103. Authorization of appropriations.

Section 7103 provides for the authorization of appropriations to carry out the functions of the Office of Juvenile Crime Control and Prevention.

Subtitle B--Juvenile Crime Assistance

Subtitle B of Title VII of the Act maintains and establishes numerous federal grant programs and initiatives -- the "Juvenile Crime Control and Prevention Formula Grant Program," the "Indian Tribal Grant Program," the "Incentive Grant Program," the "Developing, Testing, and Demonstrating Promising Programs" program, the "At-Risk Children Grants Program," and two initiatives that provide additional funding for research, statistics, evaluation, and training, and technical assistance.

Section 7201. Formula grant assistance.

Section 7201 amends the Omnibus Crime Control and Safe Streets Act of 1968 by maintaining but revising the formula grant program.

This federal grant program has fewer state planning requirements, specifically allocates ten percent of all grants funds appropriated to be set aside and used for research activities (including program evaluations, data collection efforts, and studies to identify initiatives that reduce juvenile and youth crime and violence), and specifically allocates two percent of all grant funds appropriated to be set aside and used for providing training and technical assistance to states and local communities for the implementation of initiatives and programs that have demonstrated a high likelihood of success.

Under a new formulation, all states receive 50 percent of their allocation. To receive the remaining funds a state must continue to follow established practices and procedures for protecting juveniles within the juvenile justice system. These provisions are reflected in the Department of Justice's newly issued regulations, 28 CFR Part 31, governing this section. Should a state fail to meet the requirements of this section, the unallocated funds may be redistributed within the state.

Section 7202. Indian tribal grants.

Section 7202 establishes for the first time a direct federal grant program whereby funding goes directly from the Office of Juvenile Crime Control and Prevention to Indian tribal governments without utilizing state pass-through procedures. Grant funds under this section shall be used for initiatives designed to reduce, control, and prevent juvenile and youth crime on Indian lands. This method of direct funding is expected to better address and respond to the needs and concerns of Indian tribes as well as

increase funding for these tribes. Also included is language amending the Violent Crime Control and Law Enforcement Act of 1994 to substantially increase funding targeted for correctional facilities on Indian tribal lands.

Section 7203. At-risk children grant programs.

The "At-Risk Children Grants Program" is a new federal grant program administered by the Office of Juvenile Crime Control and Prevention that provides federal assistance to states, for distribution by states to local units of government and locally-based organizations to combat truancy, school violence, and juvenile crime by providing funding for local crime prevention and intervention strategies. Programs and initiatives funded with these grants are designed to address youth within the juvenile justice system who, with some focused supervision, direction, and discipline, can go forward to lead crime-free, productive lives. This program is an expansion of what is currently known as Title V of the Juvenile Justice and Delinquency Prevention Act.

Grants awarded pursuant of this Part may be used for: supporting locally based efforts for assisting high-risk juveniles and juveniles within the juvenile justice system; preventing and reducing truancy and school drop outs; enforcing juvenile curfews; supporting school safety programs, juvenile mentoring, violence reduction programs, intensive supervision services, jobs and life skills training, family strengthening interventions, early childhood services, after-school programs for juveniles, tutoring programs, recreation and parks programs, parent training initiatives, health services, alcohol and substance abuse services, restitution and community services activities, leadership development, accountability and responsibility education, and other such efforts designed to prevent or reduce truancy, school violence, and juvenile crime.

Local units of government that participate under this Part must utilize a local planning board to develop a three-year plan.

Section 7204. Developing, testing, and demonstrating promising programs.

Section 7204 establishes new federal discretionary grant programs for states, units of local government, and Indian tribal governments administered by the Office of Juvenile Crime Control and Prevention to develop, test, and demonstrate initiatives and programs that have a high probability of preventing, controlling, and/or reducing juvenile crime. These grants were developed to motivate states, units of local government, and Indian tribal governments to independently generate innovative initiatives to combat juvenile crime and youth violence.

This section replaces the current multiple discretionary-

categorical grant programs currently established by the Juvenile Justice and Delinquency Prevention Act of 1974, by consolidating several categorical grant programs into a single, flexible, broad program.

Section 7205. Incentive grant program.

This section establishes new federal formula grant programs for states, units of local government, and Indian tribal governments to develop and advance initiatives to prevent, control, reduce, evaluate, adjudicate, or sanction juvenile or youthful crime.

The state agency that receives a formula grant is eligible to apply for a grant under this Part. Every applicant must submit assurances to the Director of the Office of Juvenile Crime Control and Prevention that they have or will have within one year of submittal of an application:

(1) implemented a system of accountability- based graduated sanctions; and/or

(2) implemented a system of information collaboration and dissemination regarding acts of juvenile delinquency and adjudication of the same.

Grants authorized under this section may be used to:

- * achieve paragraphs (1) and/or (2) above;
- * advance initiatives that prevent or intervene in the unlawful possession, distribution, or sale of a firearm by or to a juvenile;
- * implement initiatives that facilitate the collection, dissemination, and use of information regarding juvenile crime;
- * implement new initiatives that assist state and local jurisdictions in tracking, intervening with, and controlling serious, violent, and chronic juvenile offenders;
- * implement comprehensive program services in juvenile detention and correction facilities;
- * implement procedures designed to prevent and reduce juvenile disproportionate minority confinement; or
- * for any other purposes related to juvenile crime reduction, control, and prevention as determined by the Director of the Office.

Section 7206. Research, statistics and evaluation.

Better research, evaluation, and statistical analysis is critical to understanding and addressing the causes of juvenile and youth crime. Under this section, increased funding is combined with a collaboration between the Director of the Office of Juvenile Crime Control and Prevention and the Directors of the National Institute of Justice and the Bureau of Justice Statistics to better direct and expand these functions.

Section 7207. Training and technical assistance.

This section provides for specific federal grant funding for much-needed technical and training assistance for individuals in the fields of juvenile justice and juvenile and youth crime. Funding under this section will enable more communities to implement effective programs and initiatives that reduce, control, and prevent juvenile and youth crime. While this is a new federal grant program, training and technical assistance have been established functions of the Office of Juvenile Justice and Delinquency Prevention.

In further recognition of the importance of high quality and focused research, statistical analysis, evaluation, training, and technical assistance, Title VII includes specific provisions within each funded program setting aside a percentage of grant funds appropriated for the above-mentioned functions. These monies are in addition to funding appropriated for these functions in Sections 409 and 410 of Title VII. Specifically, Sections 403, 404, 405, 406, 407, and 408 of Title VII of this Act provide that 2 percent of all funds appropriated for each funded program shall be set aside for training and technical assistance consistent with Title VII. Similarly, Sections 403, 404, 405, 406, 407, and 408 provide that 10 percent of all funds appropriated for each funded program shall be set aside for research, statistics and evaluation activities consistent with Title VII.

Subtitle C--Missing and Exploited Children

This subtitle amends the "Missing Children's Assistance Act" (42 U.S.C. 5771 et seq.) by extending its authorization to the year 2001 and by setting aside funds appropriated under this subtitle to be used for research, statistics, evaluation, and training. Additionally, conforming language is added to the Act to reflect the replacement of the Office of Juvenile Justice and Delinquency Prevention with the new Office of Juvenile Crime Control and Prevention.