

Gang Related Investigations: Diving Into a Capricious Arcade Mirror¹
By G. Michael Newman

The September 11, 2001 terrorist murders represent a dramatic benchmark event on many levels related to daily life in the U.S. Markedly so within the judicial system in the assessment of alleged gang crime, and convictions, via the Uniting and Strengthening America by Providing Tools Required to Intercept and Obstruct Terrorism (*USAPATRIOT*; or “*Patriot*”) Act of 2001.

The Patriot Act significantly extended the license issued to those charged with the security of citizenry. It greatly expanded the *Racketeer Influenced Corrupt Organizations* (“RICO”) legislation enacted in 1970, which was constructed to interdict the perceived national crime syndicate represented by seemingly united factions of *La Cosa Nostra* (“LCN”); as the Patriot Act has been devised to interdict threats represented by terrorism.

Originally oriented at crime, the RICO statutes also contained civil statutes, essentially enabling any party alleging injuries to seek redress in the form of triplicate damages, which infused a tsunami of litigation: “Everyone was trying to depict civil claims, such as common law fraud.....as criminal wrongdoing, which would in turn enable the filing of a civil RICO action”.² Similar enthusiasm in recent years has found its way into federal prosecutions of alleged criminal organizations labeled as prison/street gangs. That prosecution has extended to utilization against almost any target consisting of multiple individuals by using an often capricious assessment of “conspiracy” amongst parties.

By the mid-1990s, the Act was being aggressively deployed against persons even peripheral to gangs, with its authority and privilege to abridge Constitutional rights allowing the manipulation of objective fact into subjective concepts. Simple interaction---even for innocent or benign reasons--- has become “evidence” of participation.

Duplicitous and disingenuous machinations, such as those revealed in recent years relating to acknowledged abuses by such agencies as the Federal Bureau of Investigation (FBI), cast a shadow of uncertainty reminiscent of the FBI’s *Counter Intelligence Program* (COINTELPRO), founded in 1956. Its mission was to “expose, disrupt, misdirect, discredit or otherwise neutralize groups deemed subversive”.³ These would come to include Dr. Martin Luther King, the National Association for the Advancement of Colored People (NAACP) and similar organizations. The program was purportedly disbanded after a 1971 burglary revealed the extent of the abuses of law and rights; yet, was surreptitiously utilized against The American Indian Movement (AIM) into the mid-1970s.

In many instances, the utilization of the Patriot Act and RICO license against alleged acquaintances of an alleged criminal enterprise, with the glaringly obvious reasoning being to force such minimally associated persons into making allegations that would further a prosecution, are often more egregious than the crimes of which a person is accused. This activity is reminiscent of the tactics of *The American Inquisition, (The McCarthy Era)* involving excoriation of American citizens during a period of heightened concerns about Communism, circa 1945-60.

¹ This Article will be published in the February 2009 issue of *Professional Investigator Magazine* and is being republished with permission of G. Michael Newman.

² *RICOACT.com*.

³ J. Edgar Hoover Wikipedia (COINTELPRO)

While actual justice may flow from the legal system's machinations, we do not actually have a justice system; rather, we exist in a legal system with laws promulgated as much by politics as by logic, reason, or rightness. The impact of reasoning gone awry is often the alienation of innocent segments of the population.

Gangs

The utilization of the word *gang* here represents simply a term of conceptual convenience, based upon a somewhat universal *Law Enforcement Agency/Officer* ("LEO") premise that a gang is a body of individuals who imply concern to others. The word *associates*, as used here, may refer to members, associates, and minions.

In essence, that statement alone hints at the murky resonance of conducting a gang related investigation, be it for prosecution or defense purposes.

Gang itself is a subjective definition. Founders of *AIM* and the *Black Guerilla Family* ("BGF") saw their respective entities as political movements struggling against oppression. They believed their incarcerated associates to be political or war prisoners. LEO, however, routinely reference them as gangs. Similarly, current references to *Muslims*, which once implied various religion-based aggregations, by association now universally include the question of terrorism.

In federal institutions *D.C. Blacks* ("DCB") are a recognized entity, yet no such gang exists either inside or outside of institutions; rather, it refers to inmates from the Washington, D.C. area who tend to congregate together once inside prison.

The *validation* of a gang or of gang members itself routinely undergoes changes in definition, depending on circumstances, challenges, and law. In some institutional instances, a clique being validated as a gang may be dependent on such relatively capricious notions as space available in *Special Housing Units* (SHU, or *shoo; the hole*), since generally a validated prison gang must be sequestered away from a general population.

Also subjective are commonly accepted narratives of a gang's histories,⁴ or of individual acts and events. These often need translation, and triangulation, based upon the person revealing the information. Corrupted narratives routinely flow from informants and become written as factual; when, actual individual motivators have influenced what thereafter became *Institutional Legend*⁵, it being assumed that since it is documented, it is fact.

The current trend of touting any gang conceptually as terrorists tends to entrench a combat mentality even in the minds of collateral individuals.

An investigation which initiates from faulty premises obviously concludes with only subjective, and, therefore, questionable, "evidence".

The Trees

As this article was being drafted, news reports touted the arrests of members of the *Mongols* motorcycle club. Federal agents arrested more than 60 club associates, across several states. Ostensibly, this is simply another in the layered waves of the many dozens of RICO cases being brought across the country, netting literally thousands of suspects. Yet there is more to the event, named *Operation Black Rain*. There is a *back-story*; without which realities and facts may be misconstrued and miscomprehended. First, one may need to comprehend the forest.

⁴ There exist many narratives of a gang's history (Eme, AB, etc.) and/or of individual acts.

⁵ Coined by the author.

The Forest

Gangs are generally defined as *Prison* and *Street* gangs, with additional descriptors such as *Security Threat Group* (STGs), *Disruptive Groups*, etc., depending largely on the setting. *The Federal Bureau of Prisons* (BOP) utilizes the latter monikers, while the *California Department of Corrections* (CDCR) utilizes the former. “‘Street’ LEO agencies” utilize, to one degree or another, patchwork, proprietary, or dedicated systems, often a collection of these and other descriptive devices: *Outlaw Biker Gang*, for instance.

Although some rightly claim earlier antecedents, most gangs which dominate today’s national fabric organized largely in the post-World War II surge of the mid-1950s/60s. While early subcultures formed largely within marginalized communities, often ethnically centered, many are now comprised of larger bases formed by mergers, alliances, commonalities and feuds.

Many have grown, particularly within the symbiotic synergy of release and re-incarceration, to merge both street and penal characterizations; examples are seen in the *Mexican Mafia* (*La Eme*) and the Almighty Latin King and Queen Nations (ALKQN), or *Latin Kings*. Those who invest themselves in the *thug life* recognize prison as a likely inevitability, and therefore, pay heed to the penal code; not that of the legal system but, rather, of the penal institution, or prison yard.

Gangs initially formed largely owing to a need for protection, belonging to common sets of ideals, and enrichment. Today’s fraternities broach modern access to power and enrichment through vehicles beyond the common pathways of drugs, prostitution, extortion, robbery, etc., and physical prowess. The utilization of electronic data access, identity acquisition and similar schemes are becoming commonplace, with enterprising individuals taking note of the profits available.

However, the nexus of the rise of American gang remains grounded in prohibitions and glamorization; from the excessive fortunes accrued via the era of *Prohibition* (1920-33) and their glorification in the then-new mediums of radio and motion pictures through today’s *war on drugs* and the *gangsta* persona popular in entertainment media.

Insight as a refractive mirror

La Eme’s formation occurred in 1957 at California’s *Duell Vocational Institute* (DVI). It followed by slightly more than a decade the *Zoot Suit Riots* of 1943 and the Los Angeles area *Sleepy Lagoon* murder convictions involving 17 Mexican-American youth imprisoned for a single homicide (whose convictions were later overturned), and the Eisenhower administration’s effort to make jobs available to returning servicemen of the WWII and Korean Conflict by enacting *Operation Wetback* in 1954. Many thousands of presumed illegal Mexicans were driven from the nation. Most of these events were accompanied by massive LEO sweeps, targeting “Mexican-looking” persons, often youth. Many Native Americans were caught up in the sweeps and actually deported. Brutal tactics were often employed in these and similar scenarios. Legitimate residents were abused, leaving acrimony in Hispanic communities.

It followed that a cadre of incarcerated youth, taking license with the wounded outcry, formed into a prison gang that would surge to domination throughout the state’s prison systems within a decade. At the same time, Black inmates struggling to define their own identity as the era of civil rights gained traction, and to protect themselves from the Eme aggression, formed the BGF in the prison system. Caught in a power/survival vacuum within prison walls, White inmates who had belonged to various loose aggregations formed into the *Aryan Brotherhood*

(AB). In retaliation against Eme's predacious nature upon even Hispanics, the *La Nuestra Familia* (NF) formed to fend off their powerful brethren.

In spite of deadly in-fighting, these west coast fraternities have grown to exercise dominion even in federal institutions, a penultimate manifestation.

Threads & Seque

Gangs share at some level similar histories.

The *Mafia* originated in Italian states owing to a total collapse of judicial systems, and migrated to the U.S. Interestingly, the U.S. government and LCN formed alliances during WWII, owing to Italian wartime dictator Benito Mussolini's vicious attempts to dominate Italy's Mafia. This was capitalized on for intelligence purposes and assistance by the U.S. when initiating the invasion of Italy via the American LCN.

The *Crips* street gang *sets*, individual groups, and eventually others such as the *Bloods*, rose to their national current stature largely owing to the then-presidential administration's obsession with combating Communism and certain federal law enforcement entities turning a blind eye toward massive drug importation which supported anti-communist South American regimes. The Crips benefited from an initial connection with a major distributor of these drugs, the profits from which invoked trans-national competition and fueled a massive 'arms race', followed by countless dead and wounded.

Native Americans, stripped of U.S. citizenship in 1883, and not reinstated until 1924, are representative of the smaller aggregations found throughout gang cultures. Owing to physical and cultural similarities, many would align with Hispanic gangs; yet, many found a place in the AB and other *tips*, perpetuating their fractured state. Asians largely were, until the mass influx beginning in the 1970s, caught in the same fractured state. Owing to the overall growth of Asian populations, and the empowerment recently garnered in the Native communities, these segments have taken their growing stature from the streets into the institutions.

A distinct factor in prison gangs gaining standing is, in part, a result of authorities attempting to utilize their leadership to control inmate populations. It remains routine for prison administrations to bring together the dominate members of the AB, Eme, DCB, *Dirty White Boys* (DWB), Latin Kings, etc. to work out problems; a tactic which has also routinely been employed 'on the streets'; which reinforces the power of the gangs in their domain.....and encourages adulation.

Investigation

History is relevant in understanding threads within an investigation. Conversely, all of mankind is driven by 'politics', within a constant flux of personal agendas and aspirations, including those in government agencies ostensibly obligated to stem the genre's surges.

The astute investigator learns to disassemble all pieces to a puzzle, to determine what each piece individually represents, and then reassembles them to comprehend the whole of the picture; to include *how it was constructed*.

It is incumbent upon those who investigate within the realm of 'gang' cases to eschew the melodrama associated with such cases, to not allow the seriousness of the allegation to overshadow the force of logic dictated by the evidence, and to remember that the law is supposed to follow the evidence, *as actually found*.

In spite of the magnitude of the allegation(s), or the clamoring of any party wishing to proffer a narrative, the truly *objective* investigation is accomplished only akin to peeling each leaf from an artichoke in order to reach the heart core.

Gang investigations are generally inverse pathways. There are virtually always back-stories to any case alleged to be gang influenced. In fact, normally many competing, concentric dynamics intermingle: aspirations, vindication, and vitriol. Younger associates generally identify with a gang's mantras, while *Original Gangsters* (OGs), older associates who have survived, live agendas ingrained by the most distinct, yet murky, set of applicable 'laws': *Yard Law*.

Law enforcement agencies vie for opportunities to increase their reach; institutions and LEO unions vie for standing. In the inverse world, "Money goes where blood flows" (5). Politicians utilize the arena to scare in votes. Gangs and convicts vie the same, on a unique, additional level: "Respect is something your dad can't buy for you" (6).

In the case of the Mongol RICO arrests, a back-story includes the thread that the club, largely Hispanic and enmeshed in a siege with the *Hells Angels* (HA), had begun recruiting in neighborhoods that were actually fiefdoms of a dominant prison gang. Loyalties became clouded. More worrisome to the LEO community was the link the *motor cycle enthusiasts* might have via the conduit represented by the other clique's drug connections; or, the bodies which might follow a breach between the two units. A link between an entrenched prison dominated gang that reportedly controls large segments of Southern California street gangs and a motorcycle fraternity implies threat to LEOs.

But that won't be the end of the stories.

In a majority of instances investigated by the author, the back-story often is best generically described by a long-time alleged member of a dominant, recognized gang: "*It ain't that this stuff didn't happen, it just didn't happen like they say*".

Pitfalls

The Nowhere Man/Woman:

One who has read all of the popular publications about gangs and gang members, and can prattle off the lingo; who in fact does not know he/she has no clue.

"Those who gather...data from police and court files soon learn how biased, unevenly available and limited these official records are. Those who gather...data from gang members or their families....are forever doomed to question the validity....". (Author excised portions) (7).

Considerations

- The astute investigator seeks not only consensus, but also relishes opposing considerations; if these cannot be objectively rendered, then the initial premise remains faulted.
- Regardless of the stated ignition point of an event or activity, it behooves the investigator to concentrically extend his/her investigation behind and around the stated subject matter....for it is there that the incident's roots are likely to be found.
- Events do not occur in a vacuum. Those things that link them together are often more relevant to an outcome than are the stated terminals.

A common factor in contemplating a gang case investigation is an awareness to not allow the magnitude of the task, nor the state of prevalent assumptions, to overshadow the force of logic dictated by the evidence.

End Notes:

1. *RICOACT.com*
2. J. Edgar Hoover Wikipedia (COINTELPRO)
3. There exist many narratives of a gang's history (Eme, AB, etc.) and/or of individual acts.
4. Coined by the author.
5. Author. Gang associates face federal and state laws; convicts face institutional regulations; yet to a convict, the most immediate form of sanction is *Yard Law*, whereby infractions are dealt with usually significant repercussions. This creed extends to street gangs, in the knowledge that the force of logic dictates they will go to prison. The concept has exuded from the prisons to the street.
6. Author
7. Prof. James Hernandez, D.P.A.; Professor of Criminal Justice; C.S.U., Sacto.
8. Malcolm W. Klein: Chasing After Street Gangs

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