

Testimony of

The Honorable Patrick Fitzgerald

United States Attorney
Northern District of Illinois
September 17, 2003

STATEMENT

OF

PATRICK J. FITZGERALD
UNITED STATES ATTORNEY
NORTHERN DISTRICT OF ILLINOIS

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

COMBATING GANG VIOLENCE

PRESENTED ON

SEPTEMBER 17, 2003

STATEMENT OF UNITED STATES ATTORNEY PATRICK J. FITZGERALD
Northern District of Illinois
Senate Judiciary Committee
September 17, 2003

Concerning

Combating Gang Violence

Chairman Hatch, Ranking Member Leahy, and Members of the Committee, I am Patrick Fitzgerald, the United States Attorney for the Northern District of Illinois. It is an honor to have the opportunity to appear before you today to discuss the terrible problem of gangs that grips the nation's third largest city, Chicago, as well as other areas in my district and our nation.

In Chicago, gangs translate into murder and fear. Last year, Chicago's murder rate (homicides per 100,000 residents) was 22; by comparison, New York's was 8. For each of the 648 lives lost last year to homicide in Chicago, countless more lives were ruined for the survivors of those killed, for those wounded but not killed and for the too many thousands who live as prisoners in their homes for fear of walking the streets controlled by gangs. It is fairly estimated that 45% of the homicides in Chicago in 2003 are gang-related. The Chicago Tribune reported last month that one Chicago public school student dies from gunfire every two weeks. Twenty three students died from gun-related deaths between July 2002 and June 2003 - none on school property.

But statistics do not paint the full picture. Two incidents in recent months put in perspective the problem we face in Chicago. On July 27th, 9-year old Antonio Campbell was with his mother who had just come home from work at a restaurant and stopped to give her sister a ride home from a party. July 27th happens to be the day the Mickey Cobras gang holds a party to remember a slain gang leader. Antonio Campbell was shot in the head by a stray bullet from gunfire from feuding gang members at that party. A month later, 7-year old Ana Mateo was shot to death by gang gunfire in Chicago. Both victims were children under the age of ten; and both were gunned down by gangs doing what they do - picking up weapons to guard their turf and their profit from their illegal business of drug dealing.

The principal reason for the number of violent deaths in Chicago is the prevalence of street gangs and their entwined involvement with gun violence and drug-trafficking.

Chicago's gangs are numerous, entrenched and organized as well as just plain violent. In 1995, an organizational chart of one Chicago gang - the Gangster Disciples -- was recovered in the execution of a federal search warrant; it set out the gang's highly centralized hierarchy which was more sophisticated than many corporations. That gang alone had a force of 7000 members - more than half the size of the Chicago Police Department. That gang dared to form a political action committee, bought legitimate businesses and even sponsored community events.

As if the raw violence is not enough, the gang problem poses unique threats of corruption. The gangs control drug trafficking in Chicago and have at times corrupted police and other law enforcement - some members actually infiltrate law enforcement. Chicago Police Officer Edward Lee Jackson was a high ranking member of the Conservative Vice Lords street gang. Under Officer Jackson's leadership, a tactical team assigned to a police district with heavy drug activity robbed drug dealers who were competing with Traveling Vice Lords and gave the stolen drugs to the Traveling Vice Lords to distribute until Jackson and his partners were prosecuted in federal court.

Chicago Police Officer Joseph Miedzianowski protected drug dealing by various gangs and robbed drug dealers with the assistance of street gang members, distributing kilograms of crack cocaine himself until he was arrested and convicted. Even in jail, the gangs have power. Just last month, our office charged a corrections officer in an Illinois state prison with smuggling drugs to 9 different gang members in jail, 6 of whom were incarcerated for murder. That corrections officer was a gang member himself. Those gang

members who corrupt law enforcement undo the hard and honest work of the overwhelming majority of law enforcement officers.

Law enforcement in Chicago recognizes the severity of the problem and is fighting back, though we need more help. The first part of our strategy has been to focus on guns as part of Project Safe Neighborhoods ("PSN"). Through PSN, we have substantially increased federal prosecution of convicted felons caught carrying a gun and have placed a special emphasis on areas of high violence and on offenders who are gang members. There is an unprecedented partnership between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Chicago Police Department, the U.S. Attorney's Office, the Cook County State's Attorney's Office, the Illinois Department of Corrections, and local grass roots organizations serving their communities. Whenever a convicted felon with a gun is arrested by Chicago police in targeted police districts, state and federal prosecutors and ATF agents sit down together and decide in which court to prosecute cases. We tap every federal and local law enforcement agency who has relevant knowledge in order to coordinate our attacks on the gangs to which the offenders belong.

In plain terms, our strategy is to go after the worst of the worst. For example, gang leader Earnest Wilson, with prior convictions for attempted first-degree murder, armed robbery, and manslaughter, was stopped while driving a Lincoln Navigator with a Cobray M-11 semi-automatic pistol by his side. The gun had an obliterated serial number and was loaded with 32 rounds. We prosecuted Wilson federally through PSN, and he was sentenced to the mandatory minimum sentence of 15 years without parole, which he is serving far from home in an East Coast prison. Gang member Nathaniel Saunders was found in possession of a gun after having been convicted of several serious felonies and while on parole for murder. We prosecuted him federally through PSN and he was sentenced to 20 years without parole, a sentence that he is serving in a federal prison far from home.

A second part of our strategy to reduce gun violence has been the formation of neighborhood-based Gang Strategy Teams made up of all the law enforcement units - state and federal - that investigate and prosecute gangs. Their mandate is to share more gang intelligence on a regular basis, make greater use of technology, and make coordinated, strategic decisions about how and where to use our limited resources. At our first meetings of the teams, the law enforcement partners put some of their crown jewels - key informants - on the table to share in this battle. A closer partnership will mean deeper, more sustained, more permanent results in fighting gangs. Our success depends on deploying our resources more efficiently, through such techniques as pooling intelligence across agencies and coordinating investigations, jointly targeting the worst offenders for the harsher federal penalties, and refining our investigative and prosecutive strategies to enable us to handle cases more efficiently. And we have done that. I reorganized my Narcotics Unit to recognize the reality that gangs are the drug distribution network for the Chicago area. The Narcotics and Gang section is split in half between prosecutors investigating national and international narcotics rings and those prosecuting the gangs dealing drugs in the Chicago area. But we find that the wiretaps on the gangs have led to wiretaps on members of Mexican cartels who use the gangs to distribute their drugs, and that the wiretaps on international drug traffickers regularly lead to their street gangs who control the distribution of their drugs in this region.

The third part of our strategy for ending the violence caused by street gangs is to focus directly on our ultimate goal, which is not sending people to jail but deterring young men from joining gangs and carrying guns. For many gang members, their affiliation draws attention that passes for respect on the street. We are letting them know that being in a gang will get attention in the police station and the federal courthouse and, then, far less attention in a federal prison in a state far away from their gang. If the word spreads that we are targeting gang members on parole who carry guns in the neighborhoods where people fear going out at night, we can make a difference in the futures of the neighborhoods.

A key part of this same effort at deterrence involves the Illinois Department of Corrections, which has mailed personalized letters to every parolee in the state, advising them that they are being tracked in case they are arrested with a gun and that they face strict federal sentences if caught. The Chicago Police Department's community service arm, Community Alternative Police Strategy ("CAPS"), has placed

thousands of posters in targeted neighborhoods warning felons: "Don't Let This Happen To You!" In stark terms, the posters provide details about specific felons from their neighborhoods who were caught carrying guns and are now serving long federal prison sentences.

In addition, in targeted police districts, the PSN partners regularly conduct "parolee forums." Some 30 felons at a time, each convicted of a gun crime and recently paroled into these districts, sit at the same table with law enforcement representatives and community leaders, who present them with the straightforward message that they have a choice in life. For many of these men, when they leave prison, they return to the only things that they know - their neighborhoods, their gangs, their drug dealing. The idea of law enforcement telling each person directly that if he returns to that way of life, the whole community will be watching-- the local police, the state prosecutors, federal law enforcement and federal prosecutors -- is a direct and difficult message. Yet, the message is sent to let them know that they have a choice. At the same time, they hear community leaders speak about ex-offender job programs, educational opportunities, and substance abuse programs that are available to them. They also hear from a convicted felon, someone who has stood in their shoes, who reiterates the message that the felons can succeed in turning their lives around, showing them that success is an option. And we are seeking and receiving some critical support from corporate Chicago: civic-minded business leaders are helping us to disseminate the deterrent message and we hope will help to underwrite efforts to provide options for ex-offenders other than a return to gangs and violence.

Law enforcement and community leaders in Chicago refuse to accept that nothing can be done about guns, gangs and violence in Chicago. Another city in my district, Joliet, is a city of 100,000. In 1999, state and federal law enforcement agencies began focusing our resources on the worst offenders -- mostly gang members -- in Joliet. In 2001 and 2002, there were large drops in the most violent crimes committed in Joliet - a 53 percent drop in murders and a 40 percent drop in gang shootings from 2000. The lesson is clear: with a sustained effort, we can lower the murder rate and make a long term difference. We are trying to repeat in Chicago and other cities the success we have seen in Joliet.

One thing that we have learned in our efforts in Chicago and its outlying communities, is that we can not come in and make a splash and then leave. Community groups, citizens, the police, and yes, even the felons, tell us that what we need is a persistent effort to maintain our presence in these areas. We understand that we need to be there for the long run, not just for a sprint. We intend to continue our efforts in the neighborhoods we have targeted first. We intend to extend our efforts to other neighborhoods in need. We intend to expand our project to the school system to work with children in proactive programs that are already underway and soon to be implemented in the schools. We know that it is only through a constant, persistent, and devoted effort that we will change the way of life on the streets. We are in it for the long haul and so are all of our law enforcement partners. On that note, the fight against gang violence in Chicago has not been a partisan effort. Persons of different party, ethnic, and governmental lines have been setting aside parochial interests to address this crisis. I can say without any hesitation that the Cook County States Attorney is my full partner on the anti-gang effort in Chicago, not a competitor, and our city is safer for that.

I applaud this Committee's efforts to address the war waged against our cities by gangs. Thank you for your time and attention. I appreciate the opportunity to speak on this important and timely matter. I would be pleased to answer any questions the members might have.