

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Ranking Member, Committee on the Judiciary
Hearing on "Combating Gang Violence in America:
Examining Effective Federal, State and Local Law Enforcement Strategies"
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Mr. Chairman, today's topic is one about which I have been concerned for some time. Gangs are not a problem in large cities, they infest smaller communities and rural areas, as well.

We are all aware that there are neighborhoods across the country - even some that border this very building - that are threatened by gang presence on a daily basis. Headlines in the local sections of our newspapers depict senseless acts of gang violence only to be followed by reports of retaliatory violence. Communities across the country continue to grapple with the reality of gang crime on their streets, in their schools, and behind prison bars.

The first defense in protecting our youth against gang influence is a good offense. Unfortunately, there are far too few programs that focus on gang prevention and education - programs that would examine why our youth choose to associate in gangs and prey on others.

I have long thought that programs aimed at combating gang activity must incorporate crime prevention and crime control initiatives to be effective. It is my hope that some of the testimony provided today will foster a better understanding of the gang problem. Community involvement, law enforcement outreach, and constructive ways to offer and provide our young people with positive alternatives to gang membership are all concepts that warrant this Committee's attention. Just this morning I was honored to attend the Boys and Girls Club annual breakfast. What a contrast those programs provide to that which we will discuss this morning.

Despite the impressive array of witnesses kind enough to join us today, I am sure that a one-size-fits-all solution for the myriad of communities that are faced with a crisis of gang violence does not exist. I am equally sure that the answer to gang violence is not likely to be found in simply enacting new Federal laws when the United States Code is replete with statutes carrying harsh Federal sentences that are already available to our Federal prosecutors when necessary to prosecute gang crimes that implicate a Federal interest.

Whenever the topic of this Committee's work turns to the scope of Federal law enforcement in association with our State and local partners, I become concerned about the issue of creating jurisdiction over criminal offenses traditionally handled by the States. The National District Attorney's Association urged the Attorney General at the beginning of his term to ensure that the Federal Government "resist any attempts to further expand the federalization of local crimes." The National Governor's Association agrees. So do I.

We should be wary of making a Federal crime out of everything, as though States do not have State police bureaus, or local police departments, or county sheriffs' offices, or as though they do not have State prosecutors and judges. As a former State's Attorney, I draw directly on my own experience in law enforcement in examining these issues of jurisdiction.

Though gangs have the ability to cross State lines, gangs are, more often than not, locally based, geographically oriented criminal associations. Even gangs that purportedly have the same name on the East and West coast are not necessarily affiliated with one another. Most often, a single gang is responsible for terrorizing a single area and the resulting crime is only enhanced by the presence of a gang in a nearby neighborhood that feels it must protect its turf. For this reason, I especially welcome witnesses here today with State law enforcement experience. The local communities are on the front lines of the fight against gangs and gang violence, and their experiences will help inform our debate on how to deal with this problem.

There is also a more practical problem when the lines between Federal and State law enforcement responsibilities are blurred. Federal law enforcement has been faced with a unique challenge in the months following September 11. The FBI is no longer just an enforcement agency, but has a critical terrorism prevention mission, as well. This mission is a daunting one, and our Federal law enforcement resources are not limitless. I, for one, do not want the FBI or U.S. Attorneys to focus these limited resources on cases that are best handled at the local level. In this regard, organizations like the NDAA have stepped up to the plate and have recognized that it is up to them to assume additional responsibilities while fulfilling their own duties and obligations to their citizens to keep them safe from, and to punish, street crime such as that associated with gangs.

I trust the law enforcement experts here today are prepared to speak on these issues. Combating gang violence should not be a partisan battle. The tragedy of gang violence affects too many. We in Congress need to make every effort to work with our partners in State and local law enforcement to provide meaningful solutions to the problem. No community can afford to lose a single youth to the arms of a waiting gang. No gang should be allowed to flourish without consequence in our communities.