

March 21, 2008

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By U.S. Mail and Facsimile Transmission

Honorable Adam Schiff
United States House of Representatives
29th District of California
326 Cannon HOB
Washington D.C. 20515

Re: Opposition to HR 3547 (Gangs)

Dear Congressman Schiff and Members of the California Delegation to the United States House of Representatives:

This letter is written on behalf of the Youth Law Center, to express our opposition to HR 3547, which would add a range of increased penalties to federal law for criminal and gang-related offenses.

The Youth Law Center is a San Francisco-based national, non-profit public interest legal advocacy organization that protects the rights of children in the juvenile justice and child welfare systems. For thirty years, our staff have worked with youth and families at risk of or involved with gangs. I wrote a seminal article on gang issues in California criminal cases and consulted with the University of Chicago researchers during their multi-year gang research project under the auspices of the federal Office of Juvenile Justice and Delinquency Prevention.

We are deeply troubled by HR 3547 because it ignores the most basic lesson we have learned over the past several decades in California: We cannot prosecute and imprison our way out of the gang problem. If we could, California would not remain the gang capitol of the world after all these years. We have the most extensive system of gang information, gang prosecution, and special law enforcement units in the world, as well as the longest sentences and greatest variety of gang sentencing enhancements. We also continue to have the most gang members.

The best way to stop gangs is to provide young people in marginalized communities with the opportunities for mainstream success. They need quality schools, after school activities, and job training. Their families need safe places to live, child care and support if things start to go wrong. The other best way to reduce the impact of gangs is to develop solutions that bring families and communities to the table with the other law enforcement players.

Letter to Honorable Adam Schiff
March 21, 2008
Page 2

Unfortunately, HR 3547 offers more of the same things that haven't worked in the past. The clear intent of the Bill is that gang members will be incarcerated for a long, long time. But who will these young people encounter in correctional facilities? The expert reports in the Farrell v. Hickman litigation involving the California Youth Authority (now Division of Juvenile Justice) speak of a system dominated by gang culture (80% of violence in the facilities is driven by gangs), whose youth not previously in gangs affiliate with others for protection. Locking gang members up in institutions with all the other gang members only increases the likelihood that they will become prison gang members or career criminals. If we want to reduce negative peer influences and intra-gang communication, this is the worst possible scenario for doing it.

Most young people who join gangs "age out" by their early twenties and do not become career criminals. Research indicates that the most important factors in this process are strong family relationships and the place of education or employment replacing the gang in the person's life. While some period of incarceration is surely appropriate in many cases, the longer it goes, the less likely the person will ever be able to achieve success in the community.

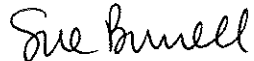
We don't need more laws increasing penalties. And at a time when the rest of the world has eliminated the penalty of life without the possibility of parole for juveniles, we certainly don't need that. It has always been against the law to kill, rob, rape, and sell drugs. There are plenty of ways to prosecute gang members as co-conspirators. Our correctional systems are so bulging with people already serving hefty sentences in abysmal conditions that courts are mandating release programs. None of this is improving public safety or reducing the number of gang members in our midst. What we need are programs that can redirect young people into law-abiding, successful lives. Attached is an article from the New York Times on Father Greg Boyle's vocational work with gang members in East Los Angeles. He and others doing this work need your support to make the kinds of transitions we all want to see young people achieve. Also enclosed is a copy of the recently approved gang strategy for Los Angeles which exemplifies the kind of balance needed in federal legislation.

We expect a more thoughtful and success-oriented approach from our California delegation. Aside from its flawed approach to gang issues, the Bill is filled with vague and inadequate language that is sure to result in years of legal

Letter to Honorable Adam Schiff
March 21, 2008
Page 3

challenges. We urge you to re-think this strategy and to throw your support to Congressman Scott's Youth PROMISE Act (HR 3846), which exemplifies a winning strategy for our youth and our communities. Thank you for your consideration. Please let us know we can clarify anything in this letter.

Sincerely,



Sue Burrell
Staff Attorney

Enclosures

Cc: Members of the California Delegation
Honorable Nancy Pelosi
Honorable Bobby Scott