

146778

NATIONAL YOUTH GANG INFORMATION CENTER

4301 North Fairfax Drive, Suite 730
Arlington, Virginia 22203

1-800-446-GANG • 703-522-4007

NYGIC Document Number: D0045

Permission Codes:

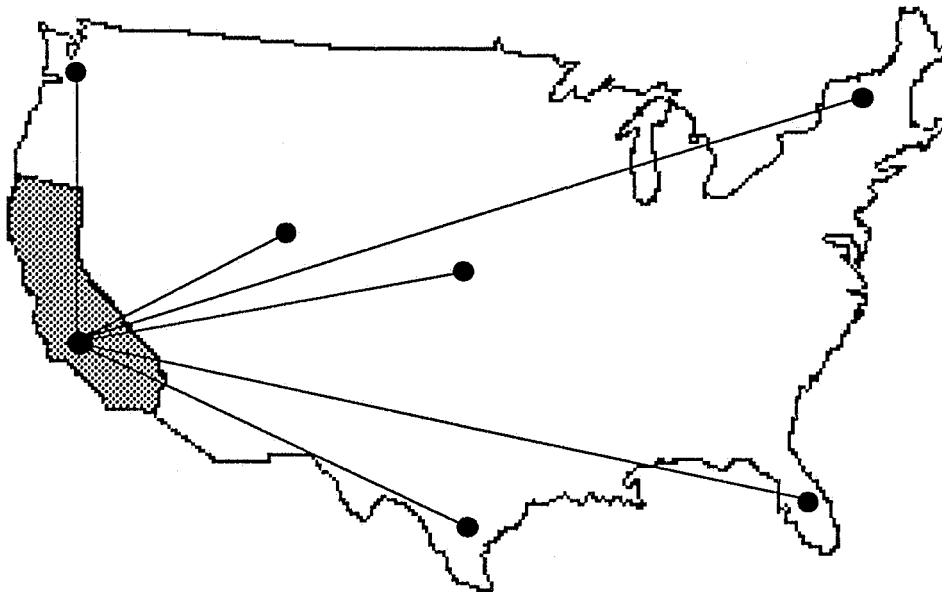
C. 1

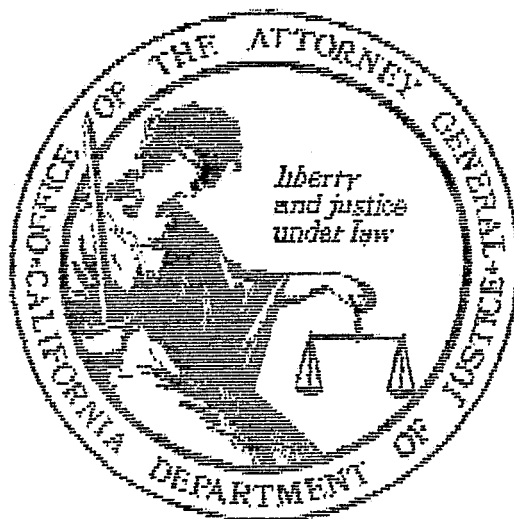


GANG ORGANIZATION AND MIGRATION

DRUGS, GANGS, AND LAW ENFORCEMENT

Jerome H. Skolnick





State of California
Department of Justice

John K. Van de Kamp, Attorney General

146778

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

California Dept. of Justice/Office
of the Attorney General

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

ACKNOWLEDGEMENTS

I especially thank Brian Taugher for proposing that I undertake this research, and for his encouragement and advice throughout. Theodore Correl and Ricky Bluthenthal began as research assistants and quickly developed into accomplices — as did Peter Schlossman for part of a summer. Several organizations contributed support, for which I am most appreciative: Department of Justice, State of California; National Institute of Justice; University of California Policy Seminar; Daniel and Florence Guggenheim Foundation.

Points of view or opinions in this document are, however, mine alone and do not necessarily represent the position or policies of organizations supporting the research. Nor do they necessarily represent the opinions of the police and correctional agencies who offered their cooperation, for which I am deeply indebted. Without it, this research could never have been completed.

Jerome H. Skolnick

This publication consists of two papers: the first "Gang Organization and Migration" is a descriptive work based on interviews with California inmates during the Spring and Summer of 1988 and 1989. The second, "Drugs, Gangs, and Law Enforcement" is more reflective in tone and describes interviews with and observations of law enforcement responses to gang migration.

GANG ORGANIZATION AND MIGRATION

Gang kids and street crime are scarcely a novel feature of the urban American landscape — although many of us long for the good old days of safe streets. The benchmark study of the urban gang is still Frederick Thrasher's of 1,313 Chicago gangs, first published in 1927.¹ The disorder and violence of these gangs appalled Thrasher. He observed that the gangs were beyond the ordinary controls of police and other social agencies, beyond the pale of civil society. He saw "regions of conflict" that were "like a frontier." He described gang youth as "lawless, godless, wild."

Of these youthful gangsters, only 7.2 percent were "Negro." Located in economically disadvantaged neighborhoods, the Chicago gangs of the 1920s were composed of children of immigrants — mostly Poles, Italians and Irish, mixed with Jews, Slavs, Germans and Swedes. Their moral posture seems scarcely different from today's black youth. "Stealing, the leading predatory activity of the adolescent gang," Thrasher wrote, "is regarded as perfectly natural and contains no more moral opprobrium for the gang boy than smoking a cigarette." Today's youthful gangsters sell illegal drugs, particularly crack cocaine, with similar moral abandon. And armed with semi-automatic military weapons, they are capable of far greater injury to themselves and others.

It was in light of these public and law enforcement concerns that we began our research on street drug dealing, particularly cocaine trafficking, in the summer of 1988. At that time, there was increasing interest on the part of the general public and law enforcement officials about the role played by street gangs, particularly Los Angeles street gangs, in drug sales and street violence within California. There was also some controversy over the issue since law enforcement officials perceived the gangs to be playing an increasing role in drug selling, while the National Institute of Justice (NIJ) sponsored research by University of Southern California (USC) sociologists Malcolm W. Klein and Cheryl L. Maxson found these perceptions of gang involvement to be exaggerated.² Based on our interviews, and reinterpretation of their data, we did not. With that background, we addressed five questions in our earlier report: 1) How is drug distribution in California related to the gang phenomenon? 2) How are youngsters socialized into the drug business? 3) How is street drug dealing organized? 4) What sort of financial and contractual arrangements does street drug dealing entail? 5) What is the market?

This summer (1989) we continued to study these questions, while concentrating on three others: Why have gang members migrated to sell drugs in other areas in the United States, as well as to other parts of California? How has law enforcement responded to the gang migration phenomenon? How effective is the law enforcement response in reducing the supply of drugs, the demand for drugs and the displacement of drugs from one jurisdiction to another?

Why have gang members migrated to sell drugs in other areas in the United States, as well as to other parts of California? How has law enforcement responded to the gang migration . . .

Clearly, gang migration to sell drugs is becoming a significant issue for criminological theory, public understanding and law enforcement policy. Thus, by late 1988 police departments all over the country, from Shreveport, Louisiana, to Kansas City, Missouri to Seattle, Washington were reporting that California gang members were extending their operations. Law enforcement agents have often convened to discuss this issue. For example, the FBI's Kansas City, Missouri, field office and the Kansas City Police Department invited law enforcement officials from Los Angeles and seven other cities — Sacramento, Denver, Seattle, Oklahoma City, Phoenix, Portland, Oregon and Anchorage, Alaska — to discuss problems caused by the hundreds of Los Angeles gang members who are travelling out of town to sell cocaine.³

From the perspective of criminological theory, two polar and conflicting theories seem plausible as explanations of gang member migration. At one pole is the organized crime infiltration or "mafia" theory. Under it, street gangs have evolved into sophisticated organized crime groups, who consciously evaluate and target particular markets.

Members are assigned territories to work, while maintaining strong economic and filial links with the host gang.

. . . gang culture generates values and understandings and trust relationships, which facilitate but do not direct the migration of members.

The symbolic association theory lies at the other explanatory pole. In that view, a young man from the old neighborhood, who may or may not have been an active gang member, migrates to a new city and sets up a new gang, with few or no links to the old gang, but using the Los Angeles gang name because of its panache. Based on our interviews with 60 inmates and wards of California Correctional Institutions, plus law enforcement and correctional local, county and state officials in California, plus federal officials and local police in Kansas City and Seattle, we shall argue that neither of these theories accurately captures reality. The relation between gangs, drugs and gang migration is neither as organized as the first model suggests nor as disconnected as the second.

Instead, we propose that the data we have developed best fit what we are calling a "cultural resource" theory, which argues that gang culture generates values and understandings and trust relationships, which facilitate but do not direct the migration of members. Cultural gangs, we conclude, are initially organized horizontally, stressing values of neighborhood, loyalty, and the equality that obtains among members of a family. By contrast, Northern California gangs are organized vertically, with status in the gang dependent upon role performance.

This theory may also be applicable to Eastern gangs, such as the Jamaicans, and helps to explain a puzzling and otherwise inexplicable finding: that San Francisco Bay area gangs don't travel or travel very rarely — even to Sacramento — in contrast to Los Angeles based Bloods and Crips, who sell drugs from Shreveport, Louisiana to Seattle, Washington — as well as Sacramento. We believe that our research has uncovered an interesting and perhaps surprising paradox: that gangs which were initially culturally organized can draw upon more resources to support migration to sell an illegal product than "entrepreneurial" gangs organized for the specific purpose of selling drugs. To understand why that is so it will be useful to review last year's findings supplemented by our interview findings from this year.

The Continued Rise of the Entrepreneurial Gang

Our most recent research partially supports one of the principal findings of our first report that California urban drug selling gangs can usefully be divided along "cultural" versus "instrumental" lines and that at least among African-American Los Angeles gangs there is a dynamic movement from the former towards the latter. Our major thesis is: **as this occurs, the developing entrepreneurial activities of Los Angeles gang members are supported by the resources of traditional gang membership, which include horizontal organizational, loyalty norms and favored status.** This foundation is especially important in shoring up migratory selling. By contrast, vertically organized entrepreneurial gangs do not enjoy these resources.

Cultural gangs, as we described in The Social Structure of Street Drug Dealing, typically hold respect, fraternity, trust, and loyalty to gang and neighborhood as bedrock values. These gangs are strongly grounded in neighborhood or territorial identity, tend to extend across generations. While the cultural gang routinely engages in criminal activities including the black market, these gangs exist prior to and independent of the illegal activities in which they are engaged. **The criminal acts do not define either the identity of the gang or its individual members.** Entrepreneurial gangs, by contrast, are business-focused with financial goals paramount. In these gangs, members enter the gang for instrumental (economic) reasons, fealty of gang membership tends to

Cultural gangs employ violence predominantly as a symbolic aspect of gang loyalty and identity. . . . the entrepreneurial gang employs violence for the purpose of controlling drug-selling territory or enforcing the loyalty norms of the operation, rather than for gang or social identity per se.

depend on economic (usually drug-related) opportunities offered by leaders, and the gang is motivated by profits and the control of markets. These gangs tend to be viewed by their members as "organizations," and are considered as a strict "business" operation.

The cultural gang is a tightly knit primary group, an extended family, in the interpretation offered by members. The entrepreneurial gang is like a business organization. Gang members may enjoy recreational activities together, similar to the way employees and managers of a small business do, but these activities are contingent, not central. A sociologist would say that the cultural gang operates within a symbolic interactionist framework, responding to previously developed social norms, while the entrepreneurial gang is purposively rational, valuing instrumental and strategic action.⁴

How each gang type employs violence is central to understanding their different institutional frameworks. Cultural gangs employ violence predominantly as a symbolic aspect of gang loyalty and identity. Entrepreneurial gangs may employ violence with comparable savagery, but with different goals. That is, the entrepreneurial gang employs violence for the purpose of controlling drug-selling territory or enforcing the loyalty norms of the operation, rather than for gang or social identity per se. The Los Angeles Sheriff's Department investigated 96 homicides in 1988. They identified only seven as "drug-related." The remainder were classified as "gang-related."⁵ The infamous Crips and Bloods gangs apparently do most of their violence over matters of honor.

We observed in The Social Structure of Street Drug Dealing the dynamic movement of African-American Los Angeles gangs from symbolic interaction to the purposive rationality: "(T)he situation of the Los Angeles gangs . . . seems to be changing, indeed dynamically so, as the values associated with drug marketing come to dominate members."⁶ And we continued, noting the specific importance of such attributes as initiative and ambition in African-American gangs and explained why these gangs are particularly likely to transform their role in the marketing of cocaine.

Since crack cocaine appears to be the most profitable drug, and since crack cocaine is sold mainly by African-American street dealers, the sale of that drug seems to have blurred the distinction between the cultural and the entrepreneurial gang. African-American L.A. cultural gangs, which were never as tightly identified with the neighborhood as Chicano gangs, are increasingly becoming instrumental in their relationship with drugs. African-American gangs seem to prize individual initiative and ambition as indicia of status. As a result, African-American L.A. cultural gangs seem increasingly to look like gangs instrumentally designed for the sale of drugs.⁷

Our recent research suggests that the movement from the symbolic interactionist to the purposively rational mode has affected Hispanic gangs as well, although probably

not as strongly as it has African-American gangs. In our current research, we found that both environmental factors — such as law enforcement efforts and increased drug selling competition — as well as the internal dynamics of the gangs are propelling this move towards professionalization and entrepreneurialization. It is also clear this change has become more pronounced over time. We note and elaborate on the movement here because of its important policy implications.

It is clear from our interviews as well as from common sense that the changing role of urban gangs in street drug dealing is occurring against a dynamically changing community backdrop. The urban neighborhoods affected by gang, drug, and violent activity have come under intense public and police scrutiny, and related law enforcement efforts. The media have focused on such

. . . environmental factors — such as law enforcement efforts and increased drug selling competition — as well as the internal dynamics of the gangs are propelling this move towards professionalization and entrepreneurialization.

neighborhoods — across the country — neighborhoods that have reportedly become saturated with the drug "epidemic" and where violence has escalated to unprecedented levels.

Los Angeles has come to occupy perhaps the preeminent position in the United States for the importation of cocaine.⁸ As we stated in our previous report, the price of cocaine has fallen precipitously from \$60,000 to \$12,000 a kilo. Some of our most recent interviews suggest that just in the last year this price has fallen further still, to \$9,000-\$10,000 a kilo. More recently, prices seem to have risen.

Our current research confirms these public perceptions about the changing arena within which urban Los Angeles drug selling occurs. Our most recent inmate and ward respondents were almost unanimous in citing an increase in law enforcement efforts and pressure, an all-around tightening of the drug trade, and a major increase in the incidence of violence. Across the board, from Modesto to San Diego the respondents reported that law enforcement

has stepped up their efforts to curtail the drug trade and gang activity.

Most importantly, there was near unanimity that these efforts were having an impact on their drug business, and this was particularly true for Los Angeles. The

. . . seller participation in the L.A. urban drug market is perceived to have become markedly more difficult, more dangerous, and less lucrative in just the last three years.

interviewees were similarly in agreement on the tightening pressures of the illegal drug trade, citing such factors as the precipitous decrease in the cost of drugs and an increase in the number of drug dealers, the conspicuous success of many of those already involved in the drug trade, and the escalation and banalization of violence.

It is clear, in other words, that seller participation in the L.A. urban drug market is perceived to have become markedly more difficult, more dangerous, and less lucrative in just the last three years.

If we think of gang values and organization as potentially facilitative of drug marketing, the factors discussed above significantly affect the role of gangs in the Los Angeles drug business. Based on our interviews, we conclude that these factors have bolstered the power and position of the Los Angeles gangs, and we believe that this is fueling a transition from the cultural towards the entrepreneurial gang.

Drug Salience in Cultural Gang Membership

One strong indication of the shift from the cultural to the entrepreneurial gang is a change that seems to be occurring, at least in Los Angeles, in the ambition of youths that seek to join gangs. Some of our interviews for our earlier report suggested that individuals are being attracted to gangs not for what they represent to others in the neighborhood, but rather for what they represent in opportunities for drug dealing. Whereas simply joining the gang and attaining one of its more respected stations used to be the paramount, sometimes the only goal, it now seems that youths are increasingly interested in joining

the gang for the economic benefits conferred by such membership. Since 1985 these economic benefits have largely been associated with access to the world of drug dealing. In the words of one young gang member:

“People joining, I figure myself, they join the gangs, because in the gangs, I guess if you got a gang behind you, you stronger. It’s easier to distribute cocaine if you got a lot of people to sell to or to sell for you. It’s safer because there’s one person that come in our neighborhood that want to sell cocaine, if nobody know him, then whatever he got . . . it’s going to be ours . . .”⁹

Complimenting this shift in the motivation of youths joining Los Angeles gangs is a loosening of gang-membership criteria in favor of one’s involvement in the drug trade. Position in the drug business is increasingly becoming accepted as the new passport to status in traditionally cultural gangs. Our previous research showed that even within cultural gangs one can now attain the status of “homeboy” through adoption if one successfully sells drugs for another higher ranking homeboy, or even just brings drugs to the set. One of the respondents reported how this adoption mechanism worked:

“If they sold dope for me, that would be my homeboy, and if he’s my homeboy then he’s everybody’s homeboy. As they say workers, or whatever, that’s my worker, so . . . he’s in with everybody. Something happen to him, it’s all our responsibility just as it’s his responsibility.”¹⁰

A second commented on the changing criteria of membership:

“Some people say they get walked on the set or jumped on the set . . . Now it’s different . . . there’s dudes I see here that be telling me they’re from my neighborhood, and I’m sayin’, ‘I don’t know you. When did you get in our neighborhood?’ But it’s different because you got drugs — cocaine.”¹¹

“Most members of the clique would deal rock. Some members would take rock. But those that use the rock — we still consider them as homeboys — but we don’t too much fuck with them because they’s the one that’s going to bring us down.”

“. . . like if you is my homeboy and you start to smokin’ dope and like, you was my acebone, and I see you going down the hill,

every time I see you puffin' on something I'm going to beat you down until you stop."

Drug Dealing Benefits of Cultural Gang Membership

In The Social Structure of Street Drug Dealing we reported that being a member of a gang benefits and facilitates drug dealing success.¹² This facilitation was apparent in a myriad of ways. Gangs, for example, offer a rich source of shared marketing information. Information about who sells what for what price and who has which drugs available is routinely and more easily communicated along gang lines. The gang member can

Gangs, for example, offer a rich source of shared marketing information.

also rely on his "homeboys" for protection and concerted retribution if anything were to happen to him on or outside his gang turf. Gang members, furthermore, enjoy easy access and control to territorial markets. They can sell drugs in their own neighborhood without intruding upon the turf of others. In return, they can exclude others from selling on their turf — and this territorial monopoly, as mentioned, is backed by force since the gang automatically protects against outside intruders. Finally, there is a well-developed and virtually sacrosanct sense of trust inhering in the "homeboy" relationship, so that gang members are expected not to betray other members to the police or rival gangs.

One of our current respondents offered an interesting analogy pointing to this basic truism that being a member of a gang does facilitate drug dealing:

"[Being a gang member] is just an easier way to get in [to drug dealing]. It's like if you going to get a job and you have a high school diploma. If you don't have one, you ain't goin' to get the job."

Our current research confirms that the above advantages still benefit gang-affiliated dealers. It appears, moreover, that the benefits of gang membership have actually and even significantly increased over time. This is a second indication that traditionally cultural gangs are reorienting towards the drug trade, and the reorientation is further evidenced in several respects:

First, the ready trade of drug dealing information within gangs has mushroomed and solidified into a full-blown apprenticeship system for those just entering the drug trade. This provides benefits both for the new inductees as well as for the more established dealers. Older gang members often not only introduce younger members to drug dealing but also routinely offer these younger members pre-packaged drugs on consignment, to be sold for easy "double-up" profit.¹³ This economic "good will" gesture is, if need be, accompanied by instruction in such things as the standard quantities of drugs to be sold, the going prices, whom to sell to and whom to avoid, the best locations to sell, and the best way to avoid being caught by police. In turn the older gang member-dealer can count on a steady peddler of his contraband. He can also call on the younger member to perform various illegal tasks — ranging from holding drugs to working shifts in a rock house to carrying drugs between locations — to further insulate the older dealer from police scrutiny.

Second, the type of drug dealing information being exchanged within gangs has expanded to encompass the new out-of-town and interstate drug trafficking operations. Information on the best and least risky, and least competitive out-of-town locations is now transmitted through the gang, as well as information on law enforcement presence and tactics in the various new locations.

Third, the web of support expected of and provided to fellow gang members has expanded beyond mere protection, and it has become increasingly economic-oriented. Such provision of support for fellow gang

... the type of drug dealing information being exchanged within gangs has expanded to encompass the new out-of-town and interstate drug trafficking operations.

members is expected on demand, and includes such things as lending money, fronting drugs, and providing guns for a "mission." In several of our most recent interviews we were told that the provision of this sort of support has gone beyond loans to include an expectation of outright gifts, usually of money or drugs but even of such things as clothes or a car. These gifts seem to be given under two circumstances — when a young apprenticing drug dealer has done particularly well he might be rewarded with gifts, or if a gang member goes to prison, largess is

expected both to keep him well-equipped in prison and to ease his transition back into the drug business upon his release. If a gang member fails to provide this sort of support to a fellow gang member in need, his reputation and thus standing are diminished:

"If you was my homeboy and I asked you for (some money) and he says "no I can't," but you know he got it, and he refusing to assist another one of his homeboys, he got to go. Either somebody's going to rob him, kill him, or kick him off the set."

Yet gang support, we found, does not stop here. It now also includes an expectation — in addition to the fronted or free drugs and cash — of provision of bail money when a homeboy is caught, to enable a recently freed homeboy to function in the neighborhood (and in business). Gang members can also count on a relatively secure immunity from being ripped off, or "being jacked" as it is called, by fellow gang members. Finally, as always, gang members enjoy a special priority in obtaining drugs from their fellow members. Thus, gang membership offers one of the most secure, reliably consistent supply of drugs.

Expanded Control of Drug Dealing Territories

The ultimate drug dealing benefit conferred on gang members has been expanded gang — cultural gang — control of drug selling territories. This control, in fact, appears to have intensified; so much so that it deserves independent consideration as a direct indication of the shift from the cultural towards the instrumental gang. Our

'Gangs, they control . . . they neighborhood. They control they neighborhood because it's gang territory.'

most recent set of interviews suggests that gang control of drug dealing in urban Los Angeles neighborhoods has intensified as compared to our research just last summer. Several respondents speak to the new authority of the gangs in regulating local drug peddling:

"If they knew you, it was ok. That's the thing about it, you can't go in nobody else's 'hood and sell — you signing your own death warrant, if you do that."

"Gangs, they control . . . they neighborhood. They control they neighborhood because it's gang territory. But a person can move a drug house in that neighborhood, as long as they show the gang respect . . . It's the way you present you'self."

"In our neighborhood, can't just anybody come up there and sell drugs and stuff. If you not a enemy of ours, and you on the cool side, everything's alright. But other than that the homeboys, they keep a tight lock on the neighborhood. They don't let everybody come up there . . ."

The organization of street drug dealing has evolved to where one must at least obtain the tacit consent of the neighborhood gang, if not a more formalized business understanding, like providing a cut of the proceeds, to continue to operate. This control is evidenced primarily in three respects: gangs uniformly prevent rival gangs from selling in their neighborhood; the purview of independent dealers now is limited, except for wholesale distributors, whom we discuss elsewhere; gangs enforce their control by providing organized, concerted responses to breaches of their power, as, for example, offering protection to neighborhood drug dealers who might otherwise be ripped off.

At the same time, no respondents reported that "sets" completely control the supply of drugs in the neighborhood. Sets, by virtue of their power in the neighborhood, might enjoy de facto control over drug supply, but this has never been reported as an explicit aim or accomplishment of a set.

The New Ambition of Cultural Gangs

Against these developments in the L.A. drug market we found an interesting and paradoxical counter-trend to the unabated rise of entrepreneurial values. Although the values of the cultural gang consistently protect and facilitate gang member participation in drug dealing, it now seems that the ascendance of drug dealing is undermining the cultural understanding of the gang. We note the emergence of this conflict in three key respects:

First, as we reported in The Social Structure of Street Drug Dealing, participation in cultural gang violence, or "gang banging," traditionally has been one of the primary means for younger gang members to accumulate respect and position within the gang. While the continued importance of engaging in such violence should not be underestimated, our research does pick up a subtle change in orientation which seems to be occurring. It seems youth

are now engaging in gang-related violence not simply to enhance their position within the gang, but rather to enhance their prospects in the drug trade, at least insofar as the trade is dominated by gang members in many neighborhoods.

This change of emphasis is supplemented by the fact that attaining status and respect within the gang — assisting and participating in the drug dealing activities of older gang members — now seems to have taken on an independent significance for the younger members. “Coming up” in the gang now has as much to do with the money one is making as the overt acts committed in fealty to the gang.

This shift away from the traditional activities of the gang may be undermining what is considered to be traditional conduct. Quite consistently it was reported that gang membership eventually culminates in the undistracted pursuit of drug sales. One older gang member reflected on this diminution of older gang members’ involvement in the gang in favor of full-time drug dealing:

“Like, . . . some of them [fellow gang members] see themselves as high rollers . . . they done got too old, so they not really into gang banging anymore. It’s the younger generation that’s comin’ up. The people my age [20], they kickin’ back now, they out selling drugs and kickin’ back now; they lookin’ to the future. You got the people under us comin’ up and they doin’ the drive-by’s and all that because they trying to make a name for theyself. They tryin’ to make a reputation The reputation helps them out . . . movin’ up the ladder.”

Another member put it more baldly:

“It’s hard to do it [gang banging] if you got a lot of money. Cause you can’t put all your time into trying to kill somebody else, and selling dope — you can’t do it. You goin’ to jail sooner or later for a long time. So either you gonna try and have some money and go to jail like that for a long time, or you’re gonna try and kill. People who got it good as far as selling dope, they stop gang banging, they don’t do it no more.”

Partners out of Enemies: The Rise of Inter-gang Transactions

Our most recent research suggests a decrease in gang loyalty in favor of drug dealing aims — ripoffs, snitching

— particularly in light of the tightening L.A. market and the increase of police pressure.

“I notice its [loyalty] changing a bit now, ‘cause now they givin’ out more time. If my homeboy did a crime, and I didn’t have no part of it, I’d tell now. You know what I’m sayin’, I’d tell now ‘cause I ain’t doing no time . . .”

It must be noted, however, that the threat to the individual from gang values is still present. The previous respondent continued:

“But the allegiance is still there to the homeboy . . . you tell the wrong person, that’s your life.”

‘The big change that came, came in 1984. . . . back in the old days it was like everybody was together, like a big old family. Now ever since the drugs hit the street, everybody wants to go their own way, forget about the neighborhood . . .’

Protection from robbery — and its equally important corollary of trusting your fellow gang members not to rob you — is crucial to the support gangs offer drug dealers. But precisely this security is now being called into question. Ripoffs between gang members are on the rise. In the words of one gang member:

“The big change that came, came in 1984. That’s when the drugs started hittin’ the street, [and] everybody gettin’ into it. It’s just like, back in the old days it was like everybody was together, like a big old family. Now ever since the drugs hit the street, everybody wants to go their own way, forget about the neighborhood . . . People get a lot of money, [and] sometimes the homeboys get jealous and stuff . . . and sometimes my own homeboys take from the homeboys.”

Gang members are also no longer immune from the violence which often accompanies robberies, including

robberies by fellow gang members. In the words of another respondent:

"It's changed [since 1982] because the dope — crack — has got everybody runnin' around with their head cut off. Your own homeboy's turning against you — shootin' you, killin' you for it, for the drugs. Especially the one's that's using it. They kill you."

Gang Migration

Against a backdrop of escalating violence, declining drug prices, and intensified law enforcement, Los Angeles area gang-related drug dealers are seeking out new venues to sell the Midas product — crack cocaine. According to Frank Storey, head of the FBI's field office in Kansas City, Mo., Bloods and Crips "have set up crack operation there and in 45 other cities, including Tulsa, Omaha,

In fact, it appears difficult to overstate the penetration of Blood and Crip members into other states.

Denver, and St. Louis."¹⁴ These operations have also gone beyond urban areas. As a recent New York Times headline proclaims, "Drug Gangs Are Now Operating in Rural States."¹⁵

Our research this summer confirms such reports. Respondents claim to have either participated in or have knowledge of Blood or Crip crack operations in 22 states and at least 27 cities.¹⁶

In fact, it appears difficult to overstate the penetration of Blood and Crip members into other states. As one Blood respondent put it:

"They got homeboys . . . you know, Crips? . . . It's got to the point where they're in every state now. Nine times out of ten, when I get out of town, I know somebody that's out there."

A Crip respondent corroborated this observation:

"Everywhere you go, you know what I'm saying, anywhere you go, you're gonna see some people from L.A. If they got, you know, a dope house out there, or a dope street out there, you gonna see somebody . . . you'll run into somebody on that street from L.A."

Further, every respondent that belongs to an L.A. area Blood or Crip set reports either travelling themselves or having knowledge of individuals in his set that do.

This finding has led us to conclude that travelling or going "out of town", as it is commonly referred to by gang members, has become an intrinsic part of the decisional fabric of the L.A. drug business. That is, just as drug dealers decide whether to "curb" sell or "house" sell; to have partners or sell alone; or to sell "weight" or just rock, they also decide whether to migrate or stay put.

It is difficult to pinpoint precisely when migration became an institutionalized aspect of drug dealing. The recent Justice Department report on the expansion of crack operations into rural states dates the phenomenon as beginning in 1988. Among our respondents, one reports having travelled to several states as early as 1981-82, but of course, he was selling cocaine as powder. A more accurate estimation, based on our interviews, suggests that the most ambitious and skilled drug dealers may have started as early as 1985, but most didn't begin until 1986-87.

This development appears to have had a significant impact on African-American Los Angeles gangs. Travelling to sell drugs is one more indication of the transformation of gangs from a 'cultural' orientation to an instrumental or entrepreneurial orientation. Or as one respondent explained:

"Back in the earlier days, you know, the values of drugs was never overriding the values of gangs."

Why Travel?

Like an object poised between a closing door and a magnet, Los Angeles area gang members experience push and pull pressures to abandon the streets of Los Angeles. What pushes? Competition is one factor. It is widely reported that the Los Angeles area drug market is either already saturated or fast becoming so.¹⁷ With a reported gang membership population of 80,000, it is easy to understand why and how competition would reduce crack prices in Los Angeles. A respondent describes the economic pressure:

"There's competition, man. Like, say I'm selling my ounces for, like seven fifty. Man, I'm making a killing. This motherfucker comes from L.A., you know what I'm saying, with ounces for five fifty. You know what I'm saying? And then . . . and probably his double prices 'blow up dope,' you know what I'm saying? B-12's, you know what I'm saying."

But still, man, they go to buy that shit 'cause it's cheaper, you know what I'm saying? Next thing you know, everybody . . . trying to sell at five fifty, I'm going to lower my prices down. You know what I'm saying. Or, you know, like, I'm giving out a big five 0 sale. And my five 0 is big. And he come with a bigger five 0 . . . So I got to bigger mine, you know what I'm saying?"

One respondent offered an overabundance of supply explanation for lower prices:

"Four ounces gonna cost you on street value today, like \$2,500. Back then, four ounces would cost you like three or four thousand dollars. [Why has the price come down?] Because it's so easy to get now. It's coming in so much large quantity that everybody's gettin' it, everybody wantin' to make they money, you know."

There is no doubt that the street price of cocaine in Los Angeles declined dramatically between 1988 and 1989. In 1988, we reported that the price of a kilo of cocaine had fallen from \$50,000 to \$60,000 to \$12,000. In the late summer of 1989 the price apparently declined to between \$9,000 and \$10,000 per kilogram — this despite heightened law enforcement activity at every level of government. Price reduction has made drug markets outside of Los Angeles much more attractive. As one respondent commented:

"Out of town where nobody else ain't at . . . that's where the money's being made because there's too much competition in Los Angeles. It's got too many dope dealers in Los Angeles competing against each other. So they take it out of town. The profits are better. Here you can sell an ounce for \$600, over there you can sell it for \$1,500."

If competition serves as one of the propelling factors, intensified law enforcement is another. When drug selling in a neighborhood becomes too extensive and too visible, a concentrated police response is often the result. One respondent describes gang member perceptions of and reaction to a police response:

"Probably my neighborhood would get hot or something like that, you know. The law would be death on the neighborhood. They just crack down and come like every other day . . . just make a whole sweep and just take everybody to jail. You know all the time you look up and see the police. You can't be in that neighborhood without the police coming. So you go somewhere else."

"And you go somewhere else and get that one hot. Until you just get the whole city hot, once you know the whole city is hot . . . that the police ain't playing, you get out of the city. Go to another city. And then burn that city out, just like everywhere that's been burnt out, that's why people's going out of California."

Of the informants who made this point, all referred to either police sweeps or raids upon crack houses as the major factor "pushing" them out of town. Whether other police tactics, such as undercover buying and police presence in a neighborhood, are also effective to the same degree is not clear. In sum, both competition and police pressure motivate migration. None of our respondents suggested, however, that anyone committed to selling drugs is about to seek out an honest job. As one respondent summarily explained:

"You get too known, it get too competitive, it get too hot . . . a lot of police crack down. Then again, the people just want to make money. They say, "It's too much competition here, hey man, let's go out, like to Iowa, Iowa and Utah."

The Pull to Travel

The pull to travel is best understood as a pursuit of higher prices although there are other advantages to travelling which will be discussed later. Ultimately, the draw is simply the flip side of the declining street value of crack in Los Angeles.

"The gangs are gettin' bigger, they gettin', I'd say, more sophisticated to selling drugs . . . They expanding their organization out of town. First it was just in the L.A. area and in their neighborhood. Now they takin' it out of town because there's more money to be made there."

As this respondent suggests, areas adjacent to Los Angeles and other cities in California¹⁸ generally, early experienced the effects of this pursuit of higher prices. Two respondents related their experiences in these areas:

"[Describing condition in 1985] In Lancaster you make more money. It is better to go to L.A. to buy your drugs and then go to Lancaster to sell them."

"You can charge a lot more, you know, like when I went to the San Fernando Valley, what they was charging for \$50, you know what

I'm saying?, I'd give it to them for \$20 [in my neighborhood]."

This condition is now duplicated in out-of-state drug markets:

"I can come out [t]here, you know, cause they might sell a twenty dollar rock . . . a twenty-five dollar rock . . . small, real small compared to what we might sell out here. We might sell it bigger than what they sell it out there. We can go out there and double our money . . . See, the dope out here . . . is, like, lower . . . than the dope out there."

"You go to Phoenix . . . like, with a rock out here that I would sell for \$25, I'd go to Phoenix and make it sell for \$50."

Apart from the higher prices that Los Angeles area gang drug dealers can exact from out-of-town markets, they maintain four additional advantages when they migrate.

1) They can exploit a reputation for violence thus diminishing threats from local out-of-town drug dealers. Two respondents explained the attitude that local dealers take towards Los Angeles visitors:

"Because other cities, they consider L.A. a crazy city which it is. You know what I'm saying? . . . Like Chicago, like cities with gangs not like us, they look at us like, 'you motherfuckers is crazy', . . . you get a lot of respect."

' . . . they see the news, and they think everybody going to come out here and shoot them up.'

"Out there you not going to get into it with anybody from L.A., especially South Central L.A., because, everybody knows what goes on, or they see the news, and they think everybody going to come out here and shoot them up."

2) Los Angeles travellers perceive themselves as enjoying accesses to more resources — money, firepower and skill — than local competitors. Respondents offered the following comments regarding this advantage:

"We faster than they are, we from the city, see. So they would have to watch us first, because we knew what we were doing. It's

like if a business-person were to go to a slower town and start up a business putting computers in. They had to learn from us."

"They [local dealers] couldn't do nothing. They're too slow. And if there are any of them that got heart and that want to stand up . . . Well, we got some on our team that are straight killers that will kill."

3) Los Angeles travellers have access to larger quantities of cocaine than local dealers. One respondent described the out-of-town drug market in the following way:

"Out there [Minnesota], it's quick to sell, it didn't even take us a week [to sell 7 kilos]. We sold by the ounce, the quarter key, the half key. The dealers from out there started buying from us."

4) Los Angeles travellers have developed more sophisticated arrest avoidance techniques than local police usually encounter. A respondent gave us an example of one technique he used while selling in Las Vegas, Nevada.

"The police was trying, but they couldn't do nothing about it [drug sells]. They got some police out there called 'nasty boys', they wear all black. You can't see them coming unless you really look out. So we said, 'yeah, that's a slick idea.' So we got to wearing all black so they couldn't see us, so they didn't know what was going on."

Stay at Homes

Despite the compelling inducements and the many advantages gang members enjoy when they do migrate, many gang members travel only selectively, within California, or not at all. Respondents indicated four reasons for declining to sell drugs outside Los Angeles:

1) **Foreign Prisons.** Respondents discussed the quality of prison life. They fear doing time in prisons outside of California. In California, gang members already retain ties to inmates, while they do not in other venues. As one respondent put it:

"I'd rather go to jail here than go to jail way up there [in this case, Seattle, Washington]."

But this fear goes deeper, expressing the danger of being in any prison without comrades. The respondent continued:

"They [inmates in other states] are gonna fuck with us . . . They've never been to Los Angeles County. They got them hinky, honky, motherfuckers up there, man. Fucking kill off my fucking ass or something, man."

They fear doing time in prisons outside of California.

(2) **Sentence Severity.** Respondents fear that in some other states and in the federal system, sentences will be higher than they are in California for comparable offenses. Some states merited explicit identification. "I'd hate to get caught in Texas or Alabama or Mississippi with a cocaine charge."

Others were opposed to travelling regardless of the destination:

"That's dangerous, you're talking about a lot of time. And if you just do it in California you're cool."

(3) **Distance from Friends and Family.** Respondents expressed a fear of the unknown, of leaving the security, familiarity and recognized relationships of the neighborhood. One respondent, discussing others who declined to leave the neighborhood, addresses their timidity in somewhat disparaging terms:

"They is addicted to the 'hood, you know what I'm saying? They don't want to leave home . . . move away from the 'hood, you know?"

Other respondents explain their disinclination to travel not so much as timidity, but as caution in anticipation of the dangers of the unknown; as well as a lack of confidence in those who claim to know the dangers of the outlying territory:

"I ain't never been nowhere. I don't believe in going out of town. I be thinking something is going to happen to me. I just stay in an area that I know about."

"I always wanted to be around my 'hood . . . I want to know where I can run to. I don't like following a motherfucker hoping he knows where he is going, I want to know where I'm going."

(4) **Satisfaction.** Some respondents report that some gang members are satisfied with the income derived from

current drug selling operations in Los Angeles. Almost all consider traveling, but don't feel that the pressures warrant the risk associated with travel.

Making the Move

Whatever the pressures to leave the comfortable environs of Los Angeles and strike out to sell in unfamiliar venues, travelling usually does not commence following anything like a formal meeting and strategic planning by informed associates. According to our respondents, all inclinations to travel of course begin with the expectation of acquiring income, even wealth, from the new local drug trade. But these are the travels of provincials, not cosmopolitans. The expectation of unaccustomed drug income offers many of them their first opportunity to travel outside their neighborhood, city, and state. Indeed, the idea of selling drugs out of town may be activated from ordinary extended family visits to distantly located relatives:

"A family member probably say something, like you know . . . 'Drugs is out here' . . . they got drugs here but it's not a lot of drugs, like out there in South Central."

As the operation expands it usually becomes more sophisticated, depending on actual market opportunities, plus the skill and ambition of the gang member who 'discovers' it. Generally, the longer the travelling phenomenon continues the more sophisticated it becomes as Bloods and Crips begin to develop an extensive network of contacts in cities and counties throughout the nation.

Among those who do decide to travel, plans are usually made according to the network of the individual planning to migrate and the word on the street about the potential of a market. That is, most of those who venture out of South Central choose a locale either because a trusted homeboy is already on the scene or he hears from a trusted homeboy that money can be made out there. The former mode is illustrated by a respondent who describes his introduction as follows:

"Yes, I had people who was already out there, already knew the ropes and shit, you know, what's going on, and shit, because if you just go out there and you don't know a damn thing you'll go to jail quick."

Three respondents reported that they choose an out-of-state destination based upon what they had heard on the 'street'. One of them illustrates the conversation as follows:

"'Hey, what's been goin' on homeboy? I been out here and here . . . 'what's been

goin' on out there?' '... There's money out there.' 'Where about?' And he tell me . . ."

Or they were recruited to sell drugs for someone else out of town:

"Well my homeboy tell me . . . one of my big homeys come over there and say, 'Yeah, I just got this spot from this, you know, base head. You know, we got a spot over there from a base head.' So we go over there and make money."

Occasionally, risk accepting homeboys who are feeling the heat or the competition in South Central decide, like immigrants seeking a promised land, to venture somewhere, anywhere, that seems to promise economic opportunity and adventure. One reported that he had been selling in Arizona. Did he have connections there? His answer:

"Nah, we just got on the airplane. Paid them the money, went out and got on a airplane. [You didn't know anybody, have any prior information?] Didn't know nothing. Just looking for, you know, the dope . . . the dope smokers, you know."

Although the homeboys are in one sense, provincials, in another they are sophisticates. They know the culture of, and feel comfortable within, the confines of an inner city's drug dealing world. If a homeboy has neither contacts in a particular city nor information about the nature of its drug market, he often understands how to scout it out:

"We went out there and got our own area. We had to peep things out first. There's ways to go about it. Got out there, get with some girls or something, talk to girls, find out information; girls done talk, you know. You got to know how to do it."

"I went like on a scouting mission. Me and two other homeboys, check it out. We'd go down there with all the flash, you know, my big homeboy would have all the dope, all the money. He'd get us down there, we'd lease a Corvette or Mercedes or something, you know, we have all this jewelry and the flashy clothes and the loud sound in the car and we'd just ride around different high schools. And people, say like in Kansas, they see that and they like 'Oh man, you know they from LA, they from LA, from California' and they come to you."

"You meet [a] girl and you get in good with her . . . like there's been cases where we met a girl, got in good with her, let her hold money for you and stuff, let her see how there's money . . . and then, you know, you're selling dope out of her house, or she's selling dope for you or she tell you where all the dope spots is, you know, she's telling you who's who in that town, you know, and then you get yourself established. She's glamorized by the car, the jewelry, the money, you young, beepers, you know, they used to see beepers out there and just go nuts."

Once the expansion decision has been made, the issue shifts to the potential hazards posed by illegal drug transfer. Few respondents counted occasional transportation of drugs across state lines as being extraordinarily difficult. But those who transported drugs on a regular basis invested considerable thought and energy into avoiding capture. One respondent mailed his cocaine to a P.O. box or an address, since police were using dogs at airports. Others usually drove or flew with or near the drugs to the out-of-state locale. Tactics to avoid arrest varied. Those who drove to the new venue might employ the following:

"All right, in the car, we had the back seat made, so you could pull it out and put the drug there . . . We pack it in regular plastic, then in tinfoil, then in a vacuum-packed bag that's supposed to take the smell out, so the dog can't smell it."

"In the Benz, there's this hole, but I put powder there. I rock it up when I get there. Then I take it in the first aid kit in the Benz, put it in the headrest, put powder up there where the zipper is. Put it in the door panels."

Those who flew to new venues employed other tactics.

"We had it like this: the guys would dress ordinary . . . like off the street. The police got hip to us. So we started dressing good — the fancy clothes, the big jewelry — so the police would get us and the girls would go through. The police would say 'hey, you're drug dealers' and hassle us; the girls would dress ordinary and get through."

"That worked for a while, then the police started getting hip to it. So we got white girls . . . We go up to Hollywood. If the girls liked us we'd start talking to them: 'Hey, will you do us a favor?' . . . girls our age . . . they'd do it . . . we'd pay them \$500-\$600. They'd do it for the money."

"Eventually the rumor was, don't use the airport, they taking everybody's money. So we [then] started taking the bus . . . I be scared to get on the bus, but that's part of the risk. She sit up in front, I sit in the back, just like that. She get off the bus, get in cab. I already gave her the address. She was paid up front."

As the remarks of the above respondent illustrate, an elaborate and well conceived transportation plan must be developed for most ongoing crack operations. Drugs must be dispatched to the new market and proceeds returned to Los Angeles. One group of travellers began training their runners or couriers:

"Most likely the runner be a female, an older woman, in her thirties. We'd have a woman, and she'd have to get trained — I guess you would call it trained — we just told her how to do it, then she would do it if she wanted to . . . We was paying our runner \$9,000-\$10,000 a month."

Through these various methods our respondents were transporting as little as an ounce to as much as six to ten kilos a month to cities in Nebraska, Missouri and Louisiana.

Once there, crack operations varied in quantity of drugs sold, frequency of visits, and nature of selling (e.g. curb selling vs. house selling). Typically, Los Angeles area gang members will adopt the same selling practices as locals. Thus, in Detroit, travellers generally sold out of houses, while in Minnesota travellers sold at the curb.

Eventually, at the high-end, these operations, advantaged as they are by modern communications technology, can become quite sophisticated. As this occurs, they come more closely to resemble the organized crime model. One advanced drug entrepreneur describes his operation as follows:

"Every house I ever had I [went] about it in the same way . . . I hire anybody — Bloods, Crips, Hispanics . . . I had different people in different spots . . . What I used to do, I used to just kick back and ride around, spend time with my wife and kids. I got a beeper, okay, you know, with a beeper service. I got a beeper that's, you can be in Cleveland and get beeped from out here [Los Angeles]. It's what you call 'round the world' beeper, one for LA, one for all around. So . . . if I had to go do something — pick up some money or something, or take someone stuff out there — they'd just call."

In one gang, members had established out of town spots in five cities. They then began pooling their money together:

"All the homeboys put all their dope together, and send it like that; then all the money come back and then it's how much everybody should get . . ."

Operations such as this are well-organized, low profile, and if possible, non-violent. These characteristics, exhibited among high level dealers are also manifested among more casual travellers. In particular, efforts to maintain peace with other Los Angeles gangs and local drug dealers, and low profiles with regard to law enforcement agencies are shared by all travellers, irrespective of their ambition and sophistication.

Taken together, these characteristics may represent the 'New Rules of Drug Dealing.' In sharp contrast to the rules prevailing in Los Angeles, Bloods and Crips are not interested in gang banging with one another or with locals when they are out of town.

"As for that Crip and Blood thing, that's not going on outside of town."

"Everybody trying to keep a low profile. Everybody like, 'there's enough out here for everybody. Just don't step on nobody's toes'. We never got into it. It's all about money; money come first. You can gangbang anytime."

Indeed, gang members will leave a locale rather than risk conflict with another set, even a rival.

"If we go to Louisiana, another set can come to Louisiana, but they can't come to the city we at, they have to go to another city, they have to be far away from us . . . If you go out of town, and you a Crip set and there another Crip set, then you have to move out; that's respect. If we go out to a state and there's Bloods out there, then we choose if we want to leave or not. But most likely we'll leave because we don't want to be shooting a fight with no others, in no different state, because we out there to do one thing: make money . . . We're out there to sell drugs not for the killing."

These instrumental values implicit in the "new rules of drug dealing" are not easily apparent to younger gang members, who are used to the traditional Los Angeles gang rules. They, in effect, need to be resocialized to understand and conform with the emerging entrepreneurial goals of distant markets.

"But see out there you got these 16 and 17-year olds want a name for themselves . . . Some of them that went out there with me want to know 'where the Bloods at? Where the slimes at? Let's go get off on them.' I said, 'I'm not goin' nowhere, I'm not showing you how to get around out here . . . I . . . care because it bring the heat on me if they do something outside a one of my houses."

In some instances, gang members do not merely avoid inter-gang fighting, but report active cooperation.

"See like Chick (a Blood), he was calling the shots out there (Minnesota), with the Crips too. I ain't going to lie, he was like calling the shots, but we had like our own little section and shit. We stayed out they way, they stay out our way. They apartment was next door, right next door, to us and shit, you know, . . . They stayed in they little corner and we stayed in ours, we stayed out their way."

The same deference that Los Angeles gangs display towards one another also applies to locals, provided the local dealers don't attempt to resist Blood and Crip intrusions in the drug market.

"Once we get outside of town we not thinking about trying to kill one another. Everybody trying to have money. Once we get out of town that's the thing — we got to be together. In an environment we don't know nothing about. What about these local assholes, we got to watch out for these assholes, we don't know about them . . . But then again, all we got to do is find one dude from that area, and we get to know him and he put us up on a lot of things on that area."

"We didn't came up there to fuck with no gangs or nothing. We came out there to make our money to get on about our biz, we ain't come out there [to gangbang] because that's how a bunch of shit gets started. You go out there with a gangbang attitude, you won't never have shit. You'll get killed . . ."

This more purposively rational attitude also applies to avoiding notice and identification by the police. Los Angeles gang members will alter their dress when out of town in an effort to be less conspicuous.

"We don't go out there all ganged . . . We, like, wear casual, like, corduroys, you know, little T-shirt or some little hat, you know, and that's it."

Dealers make efforts to avoid police and especially to avoid areas which have a reputation of stiff law enforcement and sentencing.

"People don't want to go to Texas, because I heard when you go to Texas, you hang . . . You really won't catch anybody that will go down, down South, because if you get caught here you will only spend time."

"They wanted to go to Louisiana, I was, like, 'you crazy.' Won't get me to go to no shit like that man. That's real man. That's the way I see it."

These "new rules", however, are or will be challenged by several developments. These developments are: the saturation of out-of-town markets, imitation of Los Angeles gang structure by youth in out-of-town drug markets, and increased law enforcement effectiveness as locales begin to share information and techniques to combat gang migration.

Perhaps foremost of these developments is a perception of tightening of competition in out-of-town markets. Whether this is attributable primarily to an increase in supply — or to a reduction in demand — is difficult to estimate. In any event, one respondent reported:

"I went to all of them [Cleveland, Kansas City, Tacoma, Las Vegas, Indianapolis, Milwaukee, Alaska, and Texas] . . . I was making a lot of money, but it got to the point where, the dope dealer call it 'this body gettin' burnt out'. Right? There's too many people out there, you know. And the one's [customers] that's coming to you ain't comin' to you no more. The money that was comin' to you ain't comin' to you no more. It's still there but you got to be patient to get it."

The possibility of renewed hostility grows as out-of-town markets tighten. These are unstable markets serviced by young men who know how to respond violently in situations where they perceive challenge or "disrespect." One respondent offered the following observation on how easily gang hostilities can begin.

"When I go out into another state and shit, I let the niggas know right here I'm from Compton because I got tattoos all over me, so it ain't shit I can hide. So I tell them you know, 'I'm from Compton Crip man, I ain't coming out here to disrespect you, you all just giving me my respect' . . . I ain't going to say 'fuck you all set' because I don't want them

to say that to me and shit. But if they say that shit, you know it could start a gangbang. All I do is make one phone call, call my cuz, call some of the homeboys, they'll come out and see what's going down. Then the gang shit starts."

In terms of duplication, we can only speculate on the probability of mass proliferation of gang formation and identification. One respondent related the following incident to us about the reaction of local youth to his presence in their neighborhood.

"They was young and shit, you know, they wanted to be in a gang. I used to try and tell them . . . man it's too late to join [a] gang, that shit is old now. They still don't want to listen to me, so I said 'fuck, all you got to do is go fuck that nigga up and shit and you're in the 'hood.' "

Gang Organization and Migration Patterns

The willingness to assume risk is not the primary difference between Northern (entrepreneurial) and Southern California (cultural) "gang" related crack selling operations. And as Bruce Johnson et. al., have pointed out "inner-city minority youths working in the illicit cocaine economy are selling their labor, sales skills, and willingness to risk very substantial prison penalties. The willingness to take such risk is the only service which middle class persons value and pay for [when buying drugs]."¹⁹

A more important distinction is in organizational structure. The Los Angeles cultural gang is horizontally organized while the Northern California is vertically organized. The only purpose of Northern California "gangs" is to facilitate profitable criminal activity. The distinctive features of these gangs are: 1) members consider them a business organization; 2) the business is drug dealing; and 3) as a consequence, the use of violence is limited to intentional and directed towards protection or promotion of business interests.

In addition, we observed the structure of such organizations to be vertical. There are three elements of vertically organized crack operations.

First, one person usually controls the supply of drugs to a turf. As one respondent put it: "There's always a big man somewhere around. As far as being in a dope gang, there's always a big man." Several respondents referred to specific turfs as being run by one or a small group of individuals. One respondent reported playing such a role in his turf:

"I was passed the torch from my brothers, as far as leadership. I have some O.G. (Original Gangsters) homeboys, but they in jail. Everybody in Hunter's Point (San Francisco) pretty much listens to me. I had that respect coming to me from my brothers, and I had it coming to where I could say 'we goin' do this, that.' "

Second, this person determines who can sell drugs in a turf, that is, he determines in an organizational sense, membership. According to one respondent:

"The whole Acorn (in Oakland) don't get along. Now it's different. [When] Larry P. was running the whole Acorn, we didn't fuck with him. Larry P. was like 'Man, tell your fool, I catch you down here, you or any of your boys down here selling some more dope, fool, and it ain't any of mine, I'm going to break arms or whatever.' "

And third, within the organization, several roles are created and filled on the basis of age and expertise. One respondent described his introduction and matriculation through an organization.

"Around ten, that's when they started liking me, hooking me up. I keep their dope on me when the police come and shit like that. Gradually I got hooked up and I started selling dope for them, my older partners, my OGs. And then I grows up and my little partners, they look up to me. They started getting hooked up with me. And it goes on and on like that."

While the above sounds relatively efficient, the vertical structure of most crack operations generates competition within the organization. There are only a limited number of "spots" at each level of the organization. As a consequence, distrust, betrayal, and sometimes violence occurs among members.

"In Oakland . . . , when you in the dope game you can't really trust nobody, you can't trust nobody; even you motherfucking brother . . . I started feeling I couldn't trust him [his father] and he couldn't trust me. Even though he was my father, we was blood. Then came the point when I was getting so big on my turf and he was hearing about it and I was crossing so many of his partners that he had people come and jump me. So you really can't trust nobody in the dope game."

One respondent reported ripping off fellow turf members to rise up. In general it seems a truism that "The next man

is tryin' to come up off the next man." Indeed, one respondent reported:

"I didn't want to get that high up. I done seen too many folks be called big dope dealers, die. They feel like they kill him, they can move up. It's tight to get up there. You need to do a lot of stepping to get up there."

This intra-turf competition poses serious problems for those in leadership. Typically, two methods are employed to maintain the leader's authority. The first involves the provisioning of rewards for members, such as drugs, luxury items, or clientele. As pointed out in our previous report, "the fealty of membership depends on the opportunities offered by leaders, usually those who can claim a reliable connection to a source of drugs."²⁰

Members are also rewarded with clientele. According to one respondent, "My big partners, they be tellin', like 'yea, we want you all to go to such and so house.' They be givin' us their clientele so we could come up."

At the other end of the spectrum, authority is maintained by physical coercion, which in extreme cases may result in deadly violence. One respondent who "employed" 30 or so people described how he maintained fealty.

"They [his little partners] be trying to come up for themselves. But we didn't play it like that. You worked for me or you didn't work for nobody. You get caught buying some dope, you better buy it from me. They were like sneaky little motherfuckers though. They make their little money and then they go buy like two ounces from somebody else, while I get another count."

"[What would happen if you caught them?] They get fucked up. They ain't going to get killed, but they'll get beat up. Take their car, take their jewelry, slap their bitch in the face, spit on them. 'Get on fool, why don't you get with another group. You can be as dead as they are.' They like 'that's okay man.' They be scared to leave."

In sum, vertically organized crack operations generate intra-turf competition, which sometimes results in violence. This occurs both as low-level dealers attempt to displace higher level ones, and horizontally, as "the next man tries to come up off the next man."

This competitive attitude extends to rival crack selling operations and is the primary cause of violence. As our respondents reported:

"[We] fight over money, turf."

"There's violence in a way, because some people, they have little spots. 'Only my people sell here, you'all can't sell here.' "

"Gangbanging for the people of the Bay Area isn't really like Los Angeles — it's a little turf dispute. What we're fightin' over is money and power . . . I wouldn't say it's gangbanging."

As we reported in our earlier research, "the frequency of instrumental gang violence depends on territorial stability."²¹ One respondent described what occurs when territorial stability is compromised:

"That's when it really started gettin' deep. They were coming by, driving by and shooting and so were we. That started because, you could say, at the time, and now at the present, Hunter's Point is fightin' for control of the drug game in San Francisco. Fillmore was like wasn't goin' for it. They didn't want this to happen because, if it was to happen Fillmore wouldn't be making that much money. That's why it's still pretty much the same as far as the drive-by shooting and all the killings. It's because Hunter's Point almost got control of the drug trade in San Francisco."

According to another respondent, what is at stake in turf wars is who gets most of the money. This respondent, after detailing how the Fillmore turf took over the Sunnydale turf, asserted that Sunnydale dealers were still making money, but "they were selling dope for the next man."

The picture of Northern California crack selling operations outlined above may be summarized as business-like, hierarchal, and dependent upon the liberal use of coercive mechanisms against both internal and external competitors.

By contrasting this state of affairs in Southern California we will be able to see the distinctive effect that cultural gang organization has upon the structure of crack selling operations. This effect helps to explain why Southern California drug dealers migrate and Northern California drug dealers do not. As the cultural features of Southern California gangs persist, so, likely, will migration.²²

Southern California Gangs: The Horizontal Structure Explored

Northern and Southern California "gangs" do not deal drugs differently. Both employ curb and house selling techniques to distribute their product. Both rely on violence to protect their "market share" and guard against rip-offs from desperate crack users. However, the attitudes and behaviors that Southern California drug dealers hold towards members of their own gangs are markedly different than those of their Northern California counterparts.

Southern California gangs instill in members trust, loyalty, and identity. In many ways they serve to create whole individuals and thus play an important role in the lives of members regardless of whether they sell drugs or even actively remain in the gang. Many respondents described what the gang gave them:

"Well a gang, it like gives you something, it gives you something on the inside. You feel, when you join a gang, you feel like somebody. Especially in South Central, people feel like if you not a movie star or a professional sports player, you not nothing. And it's too hard to start a business, like Famous Amos or somebody. If you not a movie star or something like that, you not nothing. So a gang, it like gives you something. You hanging out with the fellas; you accepted; you somebody — it gives you something on the inside."

"It's like a family to me, they like brothers. The attention, the name, the glory. To escape reality from my family . . . to seek adventure . . . to find something different in life."

"[Why do people join gangs?] Just to be in, you know what I'm saying . . . just to be part of something."

Further, drug dealing within the gang is optional. According to our respondents;

"[Gangs] didn't have nothing to do with selling no drugs. That's just something you do on your own. You straight gangbang. You ain't got to get into the drug deal, you know."

"They say it's peer pressure to get in a gang. It ain't peer pressure to get in no gang. It ain't peer pressure to sell no drugs either. If you decide you gonna sell drugs, you gonna sell drugs."

Finally, Southern California gangs don't have leaders.

"There's never a leader . . . A gang, you know, is just a group of people. They just hang together and nobody tell nobody what to do."

"There's not really one designated leader. You just all together. If a person has an idea, or suggestion, then we look into it. Follow through with it. But there's not a designated leader."

"There was no one person that called the shots on everybody. But there were several of my homeboys that was older than us that usually set the pace for us."

The implication of course, is that the structure of the gang is more horizontal. People still "come up" in the drug trade and within the gang, but this occurs not as a consequence of competition with other members, but with age, experience, and knowledge.

Conclusion: A Theory of Gangs and Gang Migration

Although gang migration has attracted government²³ and media²⁴ attention, it still remains opaque. One explanation is that the desire for greater or renewed profits motivates dealers to travel to other states. This presupposes a transfer of drugs from "old markets" (i.e., Los Angeles, San Francisco, New York, Miami, Philadelphia) to "new markets" (i.e., Seattle, Phoenix, Kansas City, St. Louis, Tennessee). While probably correct, this line of reasoning doesn't answer why do some "old markets" generate gang migration and others don't?

Nor does an explanation grounded in the skill and focus of law enforcement. That line of argument implies that Los Angeles police are more effective than those in San Francisco and Oakland and the target cities; and that New York and Miami police treat Jamaicans differently than indigenous African Americans. There is little evidence to suggest that is the case. Police in all cities we have studied have evolved and are developing a variety of sophisticated enforcement structures — buy-bust teams, neighborhood police units, tactical units, undercover units — to address drug selling. Gangs everywhere try to avoid police apprehension.

Arrests for selling crack have increased dramatically in New York City, from 3,000 per month in 1986 to 6,000

per month in the fall of 1988.²⁵ Similar figures can be found in Los Angeles, Miami, San Francisco, Kansas City and Seattle. Street drug sellers experience law enforcement pressure all over the country.

As the rise in arrests and enhanced police activity was occurring, the price of cocaine was perceptively dropping in all of these cities. According to Terry Williams, the price of a kilo in New York fell from \$60,000 in 1980 to \$20,000 in 1988.²⁶ A similar price decline is chartable in San Francisco where a kilo sold in 1989 for \$12-\$13,000. So street sellers also experience market pressures. All of these — the increased number of drug dealers and the increased supply, the decline in price, the pressure of law enforcement — all serve to encourage travelling to “new markets.”

At the same time, migration seems to occur mainly among Jamaican, Haitian, Dominican and African-American street gangs in Los Angeles.²⁷ And only Jamaicans and Southern California gangs apparently travel regularly to the midwestern United States. Both the Dominican and Haitian operations appear to be regional, albeit large markets. Why should that be?

We conclude that the cultural and structural organization of gangs, rather than law enforcement or market pressures, offers the most compelling explanation of why members of some gangs migrate while others do not. Los Angeles crack selling operations appear to be horizontally organized (although this may be changing). San Francisco gangs, on the other hand, are vertically organized. And according to Williams and Johnson, New York's crack operations are also vertically organized.

These two different structures of crack dealing express conspicuously different values — one promoting trust and loyalty among equals, the other promoting competition and deadly ambition within a local hierarchical structure. Horizontally organized cultural gang structures, we conclude, furnish the individual gang member with

resources — access to source of drugs, confidence, belief, courage, attitudes toward risk — all of which facilitate venturing into new marketing territories.

As Southern California gangs move into new territories their adventuresome and entrepreneurial members implicitly recognize that their operations do not permit the continuation of the cultural gang values so familiar to them in Los Angeles. South Central remains the base, the home territory, and its values cannot be routinely transported along with drugs. Likely, that is because the gang was not initially organized to sell drugs. Still, those values and understandings offer support. Thus, the data from our interviews suggest that symbolic values implicit in the “cultural” gang support drug marketing migration while, paradoxically, “purposive-rational” entrepreneurial values do not.

Neither the Northern nor Southern California gangs are comparable to the La Cosa Nostra. If we compare these drug selling gangs to the “mafia” we see similarities and differences. By identifying itself as La Cosa Nostra (our thing) the Mafia generates and attempts to enforce symbolic interactionist norms of identity and loyalty, while at the same time implementing a vertical table of organizational authority. But these gangs, depending on whether Northern or Southern, enjoy either cultural resources or vertical organization, not both.

Is it likely that they will evolve into Mafia-like organizations? The Northern California gangs do not seem to incorporate the cultural grounding for that kind of development. And the Southern California gangs seem to rest on norms of horizontal organization which would be difficult to overcome. Nevertheless, an innovative Southern California leader might understand how drug selling has undermined some of the gang's normative base, but not so much as to make it inoperative. Such a person might figure out how to combine the cultural grounding of the gang, with the efficiency potential of vertical organization. Should that happen, a Mafia-like organization might develop in Southern California.

ENDNOTES

- ¹ Frederick M. Thrasher, The Gang: A Study of 1,313 Gangs in Chicago (Chicago: Phoenix, 1927, abridged, 1963).
- ² Malcolm W. Klein and Cheryl L. Maxson, "Gang Involvement in Cocaine "Rock" Trafficking," Center for Research on Crime and Social Control, Social Science Research Institute, University of Southern California, May 1988.
- ³ Bob Baker, "FBI, Police of 9 Cities to Plan Battle Against Gangs that Sell Drugs," Los Angeles Times, June 23, 1985.
- ⁴ Jurgen Habermas, Toward a Rational Society (Boston: Beacon, 1970), p. 93.
- ⁵ Interview with Lt. Ron Herrera, LASD.
- ⁶ Jerome H. Skolnick, et al., The Social Structure of Street Drug Dealing (Sacramento: Office of the Attorney General, 1988) p. 3.
- ⁷ Skolnick, p. 21.
- ⁸ According to local DEA spokesman Ralph Lochridge, "This seizure [20 tons of cocaine] should put to rest any further speculation that Los Angeles is, in fact, the major pathway for cocaine entering the country." Reported by Michael Connelly and Eric Malnic in The Los Angeles Times, September 30, 1989, p. 24. Note the dramatic increase in currency flowing through LA banks, 1985-1988 — \$4 billion a month to \$21 billion, rivalling Miami as the money laundering capital of the U.S.
- ⁹ Skolnick, p. 6.
- ¹⁰ Skolnick, p. 8.
- ¹¹ Skolnick, p. 6.
- ¹² Skolnick, p. 11.
- ¹³ "Doubling-up" is the standard street term for receiving a quantity of drugs on consignment, the street value of which is roughly double the amount required to be returned to the supplier.
- ¹⁴ Larry Martz, "A Tide of Drug Killing," Newsweek, January 16, 1989, p. 45.
- ¹⁵ Julie Johnson, "Drug Gangs Are Now Operating in Rural States, Justice Dept. Says," The New York Times, August 4, 1989, p. A1.
- ¹⁶ These cities and states are: Alabama; Alaska; Arkansas; "a small town near Phoenix" and Phoenix, Arizona; Denver, Colorado; Indianapolis, Indiana; Iowa; Kansas; Shreveport, Louisiana; Detroit, Michigan; Minnesota; St. Louis and Kansas City, Missouri; Las Vegas, Nevada; New York City; Cincinnati and Cleveland, Ohio; Oklahoma; Portland, Oregon; Tennessee; Texas; Utah; Seattle and Tacoma, Washington; and Milwaukee, Wisconsin.
- ¹⁷ Aldore Collier, "To Deal and Die in LA," Ebony Special Issue: War! The Drug Crisis, August 1989, p. 110.
- ¹⁸ According to our respondents, Los Angeles area gang-related drug dealers have travelled to 16 California cities. Those cities are: Bakersfield, Chino, Claremont, Fresno, La Verne, Modesto, Montclair, Oakland, Ontario, Perris, Redlands, Rialto, Riverside, Sacramento, San Diego, and Stockton. There is little question that our figure is a gross underestimate since we were primarily concerned with out-of-state travel and so didn't ask respondents about intrastate travel routinely.
- ¹⁹ Bruce Johnson et. al., "Drug Abuse in the Inner City: Impact on Hard Drug Users and the Community" in DRUGS AND THE CRIMINAL JUSTICE SYSTEM, ed. Michael Tonry and James Q. Wilson (Chicago: University of Chicago Press, forthcoming), p. 28.
- ²⁰ Skolnick, p.3.
- ²¹ Skolnick, p. 9.
- ²² Both THE COCAINE KIDS: The Inside Story of a Teenage Drug Ring by Terry Williams, (New York: Addison-Westely, 1989) and Bruce Johnson et. al., "Drug Abuse in the Inner City: Impact on Hard Drug Users and the Community" describe a vertical organization of crack selling very similar to the picture which emerges from our interviews of Northern California drug dealers. The implications of these two models (horizontal vs. vertical) for national policy may be significant and will be explored in subsequent writings.
- ²³ The Department of Justice recently released a report on the migration of gangs and crack to rural states.
- ²⁴ On NBC's GANGS, COPS AND DRUGS, the second hour of the program was devoted to exploring the gang migration phenomenon.
- ²⁵ Johnson, p. 51.
- ²⁶ Williams, p. 7.
- ²⁷ Johnson, p. 23.

DRUGS, GANGS, AND LAW ENFORCEMENT

Illegal drug trafficking is unquestionably the criminal justice system's highest priority and most intractable problem. From a practical perspective, traditional criminal law concerns — degrees of homicide, robbery, theft, fraud, justification and excuse — the nuts and bolts of the common law and courses in criminal law, pale by comparison.

What is the connection between crime and drugs? There is of course a tautological link. Violations of the drug laws are themselves crimes. In 1983, around 20 percent of felony arrests in California were for drug law violations. By 1988, that figure had risen to 30 percent.¹ But there is more than a tautological connection. A 1989 National Institute of Justice's Drug Use Forecasting (DUF) study found that surprisingly large percentages of persons arrested for serious street crimes test positive for drugs. In New York and Chicago 78 percent and in San Diego 80 percent of those arrested for burglary, larceny and assault were found to have ingested illicit drugs in the previous 48 hours.²

These statistics are consistent with the findings from other data bases. Thus, the California Legislative Analyst's Report on the 1990-91 Budget, after analyzing National Institute of Drug Abuse (NIDA) Household Survey data, the California Department of Alcohol and Drug Program's (DADP) estimate of problem drug use; the Drug Abuse Warning Network (DAWN) data as well as DUF and the California Drug Abuse Data System (CAL-DADS) concludes that the drug using population comprises two distinct groups — "casual users whose numbers have been decreasing and heavy users whose numbers have been increasing."³

The DUF data show that street criminals are among the heavy users of drugs. It does not follow, however, that most drug users commit street crimes. That inference would of course be illogical. It would be similar to inferring falsely that most alcohol users are reckless drivers from a finding that most reckless drivers were under the influence of alcohol.

The correlation between drugs and criminality raises more questions than it answers: Do career street criminals commit crimes to satisfy an addiction? Do others commit crimes because they are under the influence of a powerful drug? Or are drugs a recreational activity popular among people who commit street crimes? And does it much matter? I suggest it does from both a jurisprudential and

social policy perspective. If drugs are regarded by street criminals as just another expensive commodity — like furs or leather jackets — then whatever punishments we impose on other criminals should apply equally to those who use drugs.

But if street crimes are being committed largely to finance an addiction, or in reaction to the drugs effects, then lengthy prison terms make little moral or practical sense. Those who are addicted will be disposed to commit illegal acts to satisfy a craving for the drug. Moreover, to the extent that addiction limits freedom of choice, addicts may be less deserving of punishment.

Given the extraordinary relationship between drugs and street crime, it is hard to believe that drug addiction does not play a major causal role in motivating such criminality. One scholar, after reviewing the quantitative information produced by government agencies, clinicians and medical researchers, concludes that the majority of cocaine users consume only sporadically, while addicts generate the greatest individual and collective demand.⁴ This perception is supported by NIJ/DUF interviews where arrestees are asked if they need drug or alcohol treatment and to specify the type of treatment needed. The percentages who request treatment vary from city to city, from a high of 41 percent in Philadelphia to a low of 11 percent in Houston. Most of these requests are for cocaine treatment, although in five of the 16 cities, more than one-third of those requesting treatment said they were hooked on heroin.⁵

Criminal justice statistics also suggest that addicts rather than casual users of drugs are those who are committing crime. Contrary to the popular impressions presented by the media, criminal justice statistics show a decline in victim crime such as robbery and burglary since 1980. In 1980, the U.S. robbery rate per 100,000 was 251. By 1987 it had dropped to 213. The burglary rate was 1,684. In 1987, it dropped to 1,330.⁶ Since reported robberies and burglaries seem to be declining; and since most of those arrested for those crimes are drug ingesters — but by no means most of the drug ingesters — it seems reasonable to assume that drug addiction rather than use is a major cause of crime.

What is the relation between heavy cocaine use and trafficking? Are these largely overlapping populations or are they separate? Our seller interviews suggest that, unlike heroin sellers of an earlier time, they are largely

separate populations; that is, those who sell drugs are mainly illegal entrepreneurs who are selling not to maintain a habit, but to earn money. For them, the opportunity to market the drug is valued highly, so highly that they will fight and even kill to maintain market control. As a result, drug trafficking has become increasingly associated with both street violence and the decline of neighborhood civility.⁷

Finally, the prevalence of drug selling, itself a felony in every jurisdiction in the United States, surely undermines the accuracy of estimates of the amount of felonious crime in this country. Criminologists have traditionally identified two sources of error in crime statistics. One, the so-called "dark figure" of crime, addresses the limitations of the Uniform Crime Reports and refers to crimes undisclosed to police. Since many victimizations are not divulged to the police, these statistics, gathered in the Uniform Crime Reporting System, substantially underestimate the kind and amount of criminal victimization. The National Crime Survey attempts to correct for this distortion by asking people to report their victimizations to survey researchers rather than the police. Crimes which are underreported to the survey researchers are sometimes said to constitute the "double dark" figure of crime.⁸

There is also, however, a "triple dark" figure involving consensual but felonious crime. At the white-collar level, this may include bribes and kickbacks. Still, drug sales must far outnumber these, and by how much we can only guess. The triple dark figure of crime may be our most elusive crime statistic. Its magnitude can only be suggested indirectly by the huge amounts of illegal drugs confiscated by law enforcement authorities⁹ and the complaints of local citizens complaining and reporting a sharp rise in neighborhood drug selling.

In sum, although burglaries and robberies appear to have declined in the past decade the public has not become less concerned about crime. Why not? Obviously, it is because both the actual and perceived violence associated with drugs and gangs has become a major area of public concern. As reports of gang migration from Los Angeles to other cities become increasingly evident during 1989, communities outside of Los Angeles became increasingly concerned about the invasion. It seemed worthwhile to study law enforcement responses to gangs and their role in the drug dealing picture.

Police Strategies

In 1989, I spent two weeks in Kansas City and approximately one week in Seattle, Los Angeles and New York interviewing and where possible participant observing with police and prosecutors. Police officials in

all of these cities reported that drug distribution was their principal criminal justice problem, although in Los Angeles the gangs themselves, and inter-gang violence, constituted an independent public safety problem. Two of the cities, Kansas City and Seattle, had experienced a significant "gang" migration problem and were therefore selected as sites to observe.

Neither city's police force could claim a "solution" to eradicating drug dealing from their cities, although each was able to increase arrests and to apply pressure to drug dealers. I observed in Los Angeles because it is the locus of the migrating gang members; and New York — which had not been invaded by West Coast gangs. In all of these cities, police were actively struggling to counter the drug problem with a variety of tactical approaches. In what follows, I shall report on my observations and interviews with police in each of the cities, although I shall focus mainly on Kansas City and Seattle, since these were the principal responders to the Los Angeles gangs outside of Los Angeles. I shall try to summarize the most innovative features of these approaches and then discuss the structural conditions — beyond the control of police and prosecutors — which limit the effectiveness of drug law enforcement in controlling drug trafficking.

The Problem

In his 1988 Annual Report, Kansas City Chief Larry Joiner points to "the increase of violent crimes associated with the influx and use of crack cocaine" as the major crime problem facing the Kansas City Police Department. This increase in drug trafficking is attributed to "a new challenge for the department — the infiltration of Los Angeles gangs." As in other cities, Kansas City employs a variety of drug enforcement tactics which I observed during my two visits over ten days. These included buy bust operations, observation arrests, warrants served on crack houses by a full-time team and specialists in community involvement. But because I was considering drug enforcement tactics directed specifically toward Los Angeles based gangs, in this part of the report on Kansas City, I shall limit my discussion to the apprehension and federal prosecution of these gang members. A similar federal - local strategy is also occurring in Seattle.

The migration of Crips and Bloods to Kansas City should largely be understood as a displacement-replacement phenomenon. About three years earlier, in 1985 and 1986, 30 or 40 Jamaican drug dealers arrived in Kansas City and successfully introduced crack cocaine. The Jamaican cocaine connections were from south Florida and the Jamaican dealers were able to deliver a steady supply of the drug. The Jamaicans controlled the crack trade at every level and were reputedly very violent.¹⁰

In response to the influx of the Jamaicans, the Kansas City Police Department set up a special narcotics enforcement unit with the Federal Government in which the local officers were deputized as Federal agents. This unit was able to convict 23 Jamaicans of serious drug offenses.

The Jamaicans were sentenced under Federal law to long sentences — 10, 15, 25 year sentences — with no bail. Chief Joiner, among others, stresses that the no bail provision acted as a major deterrent to the Jamaicans. Under the Bail Reform Act of 1984 (18 USCA par. 3142) bail may be denied when there is a serious risk that the accused will flee; or will threaten or intimidate potential witnesses; or will be a danger to the community.

Since the Jamaicans were reputedly violent, were financially well-to-do, and had a place outside the U.S. to flee to, it was not difficult for the Federal prosecutors to persuade the Federal judges to deny bail. As a result, whenever a Jamaican drug dealer was charged, and later convicted, he remained in custody from the time of the arrest; and, once convicted, was imprisoned for lengthy terms. According to the local police, Kansas City came to be known among the Jamaican drug dealers as a "Black Hole," because once arrested and convicted, a dealer would not see the street again for long years. As a result, the flow of Jamaicans to Kansas City was substantially reduced or stopped; or they were far more circumspect in their dealings and especially in their violence. After the convictions, there were few, if any identifiable Jamaican homicides. But the relative absence of Jamaicans did not result in the end of drug commerce in Kansas City. In the summer of 1989, the Department's Jamaican specialist believed that Jamaicans were distributing drugs in Kansas City, but from a much lower profile. The vacuum left by the Jamaicans was filled by Crips and Bloods.

Kansas City, of course, is in the Midwest, and its non-indigenous drugs must be supplied from some other place, either from Florida or New York or Los Angeles, some other place in the United States where drugs are imported, processed and sold. In 1989, the narcotics officers I interviewed estimated that the majority of the crack cocaine in Kansas City — perhaps 60 to 70 percent — originated in Los Angeles. This is of course only a guess. As with the triple dark of crime, the amounts brought in and the source of the cocaine traffic can only be estimated.

Why did Los Angeles gang members migrate to Kansas City? The explanations offered by the gang members we interviewed in prison and the Kansas City narcotics police were entirely consistent. Kansas City was not selected as the result of a strategic decision or a marketing survey. Although drug distribution demands a degree of organization — surely a legal "conspiracy" — it is not

that well organized. The Crips and Bloods who migrated to Kansas City operated in a world of kin organization rather than an overarching criminal organization. Those who migrated had friends or relatives, informal social connections in both cities.

Major David Barton, Kansas City's narcotics chief, described one convicted drug dealer as typifying the pattern. When "Jones" had been in the Marine Corps, he had been stationed near his LA relatives, with whom he became increasingly friendly. He adopted the LA lifestyle, had a cousin — "Brown" — who was an original gangster. They, but not the "gang," recognized the potential for profit in the Kansas City market — that they could sell drugs in Kansas City for at least twice the price of what comparable drugs might sell for in Los Angeles.

"Jones" and "Brown" were typical in another sense. One was a former Marine, the other an original gangster. These are not youthful gangbangers. The Crips and Bloods who transport drugs from Los Angeles are people who are older than the typical gang member. They are young men in their 20's who have survived gang-banging, who are original gangsters, quite savvy and experienced in criminal activities and in dealing with and usually avoiding the police.

When they first arrived, they and their gang associates exhibited their colors, and graffiti appeared in various neighborhoods. The police believed that this was a strategic move, an effort to mobilize local youngsters impressed with the aura of the Los Angeles gang. It was, in a sense, a way of expanding the values and loyalties prevailing in the Los Angeles gangs to Kansas City.

But the tactic partly backfired. When drug dealers wear gang colors or use graffiti, they bring unwanted police attention to themselves. Rational drug dealers try to deflect police attention and so the show of gang symbols has diminished. Nevertheless, graffiti do appear and kids who sell drugs on the street do sometimes call themselves Crips and Bloods. But these are usually not California kids. They are Kansas City youngsters, "wanna bees" who are using these symbols as a way of marking out their turf and of showing some identity with Los Angeles gangs.

At the same time, the actual Crips and Bloods supply Kansas City with a regular supply of drugs. In Kansas City, the Crips and Bloods are generally inconspicuous, very quiet. When they are arrested, their original domicile is traceable through their social security number, which identifies region of issuance. Occasionally, but rarely, a California Crip or Blood will sell drugs on the Kansas City streets.

Police do not discern a pattern to all of this. As one of them said, "When they leave California, they're either tired or maybe they're fearful of being killed in LA, or they just come out freelancing. We've seen graffiti from the 69th Street Crips and the Inglewood Family Gangsters in Kansas City, but it doesn't mean all that much." At the same time, the title of Crip or Blood is said to enjoy a positive association among Kansas City street drug dealers. The Crips and the Bloods are known to be capable of murder. That association and that reputation intimidates potential competitors.

Law Enforcement

Certain key features of police work and of prosecution involved in apprehending and convicting interstate drug dealers are worth stressing: (1) that these Crips and Blood cases — as well as other cases involving middle and upper level dealers — required infiltration by undercover police of what is usually a conspiracy; (2) that every drug offense is potentially a Federal case. Because these cases involved interstate shipments of substantial amounts of cocaine (the largest seizure was ten kilos) the cases were considered appropriate for Federal jurisdiction; and (3) Federal drug, sentencing, and bail statutes are highly disadvantageous to defendants in drug cases and are not necessarily "typical" of drug enforcement in Kansas City and (4) that the mechanism for Federal - local policing was initiated in response to Jamaican gangs including persons identifying themselves as Muslims as well as Crips and Bloods.

So the challenge of the Los Angeles gangs was responded to by developing increasingly cooperative investigations between the Drug Enforcement Unit of the Kansas City Police Department, headed by Major David M. Barton and various federal agencies, and coordinated by the United States Attorney in the Western District of Missouri, particularly Assistant U.S. Attorneys Linda Parker and Peter Ossorio. As a result of these investigations, 26 cases involving Crips and Bloods gang members had been submitted as of May 24, 1989.¹¹ In 17 of these, convictions had already been obtained; and the remaining were either being charged, appealed, or the accused was a fugitive.

Undercover Work

Narcotics police work at this level is not significantly different from traditional vice squad enforcement, but with more resources, partly because local drug enforcement is more highly supported than it was in the 1960s; and partly because the Federal connection offers both more resources and a potentially higher penalty structure.

But the enforcement pattern is similar. Undercover agents work their way into the mid-level hierarchy and police the gangs or any drug organization similarly. Although the gangs are thought to bring most of the crack cocaine to Kansas, other local drug dealers still maintain sources in the East and South. Typically, then, police do not target gang members. They target mid-level drug dealers who often but by no means always turn out to be LA gang members.

Although undercover policing cannot be directly observed by an ethnographer, as warrant service and search procedures can, it is possible to review undercover tape transcripts and to interview undercover officers. Two of the most successful undercovers in Kansas City are Detectives Mary Brown and Donald Birdwell. Both know Kansas City well, are street smart, know how to make drug deals and to reassure dealers that they are not police — the first concern of the dealer.

"Targeting," according to Mary Brown, is the first task of the undercover officer. Mary Brown explains:

"I target my subjects. When I target an individual I look for people who are associated but beneath him . . . You start from the bottom and try and work your way up to the top to get to the big fish. Then you conduct surveillances, get license numbers, use the computer. I'm a firm believer in using that computer terminal, in digging out any and all intelligence information that the computer may have on the individual."

The undercover officer is usually introduced to the "target" by an informant who may be enlisted by the undercover officer, or who informs the undercover that he has a prospect. Birdwell describes how he was introduced to one of Kansas City's most notorious dealers, Abdul Shakur:

"One day this informant calls up and he lays out Abdul Shakur's operation. We'd already done some background on Shakur via the IRS and we'd heard about him from other agencies. So we interviewed the caller in person, confirmed that he had the information and took a go at it."

Birdwell's "go" resulted in three taped conversations in which Shakur incriminated himself into what, with other evidence of a drug conspiracy, became a life sentence without possibility of parole. In one of these conversations, Shakur offered to sell Birdwell (disguised as Big Damon) as much as a kilo of cocaine, to "rock" it up for him, and to advise him how to conceal the profits through real estate purchases. Shakur's assurance that his

cocaine is of the highest quality was clearly recorded by Birdwell. Shakur, the dealer, says:

"That's one thing I like to do is keep good quality stuff and then you can deal with the people fairly because it's good. It ain't they smoke it up and they don't feel nothin'. It's gone in 2 or 3 minutes. You see what I'm saying, they get mad then. . . Keep your customers happy. 'Cause they're the ones spending the money man."

The undercover officer experiences a double problem. He or she must appear to be enough part of the drug dealing community to be credible. But she also has to develop new appearances. Mary Brown does this well. She describes "working" subsequent drug houses of a major dealer who "had dope houses set up every place . . . Each time I'd go in and work on his dope houses, they'd bust it, and I'd move on to the next."

Didn't they get to know you?" I asked.

She replies:

"No. I wear curlers in my hair. I change the color of my eyes with contact lenses. I wear different wigs, nail polish, jewelry — or I may not wear makeup at all . . . It depends on who I'm dealing with. If he's a slickster, and likes gold, I put rings on every finger. Sometimes I use a southern accent, and say I'm from Houston. My main problem is always to remember how I looked the last time I saw the dealer. One time I forgot which color eyes I wore last time. So what I did was put my sunglasses on. He never questioned me on that."

The information provided by the undercover officer is used to invoke the first step of the conviction process, which is to establish probable cause for a search. Assuming that the search will produce illegal drugs and possibly, guns, the accused will be taken into custody. U.S. Attorney Linda Parker describes drug enforcement as "run and gun" investigations in contrast to long-range complex investigations that are sometimes conducted by the FBI.

Long-term investigations are valued by Federal authorities but on the whole are not considered appropriate for drug dealing, even where wider range conspiracies are thought to exist. Long-term investigations may be more successful because undercover buyers can work their way up the organization. At the same time, as buys are made, the dealers remain active and "in place." Criminal activity is

permitted, thus generating a dilemma for law enforcement authorities. The longer the investigation endures, the more successful it might be — but the more crimes will be committed by the perpetrators. In general, drug selling is regarded as so serious, authorities try to remove drug dealers as expeditiously as possible.

Once a Federal arrest is made, drug dealers rarely if every qualify for bail under the Federal guidelines. It is not difficult to convince a Federal magistrate under a complaint and a motion for detention that a drug dealer, found with a sizeable quantity of drugs and guns, is likely to flee or to pose a danger to the community if returned there.

The prosecutor is required to present for indictment within 30 days of the filing of the complaint. The indictment is presented to the Grand Jury with, in effect, all of the charges. The Grand Jury will hear the appropriate witnesses against the accused, but since neither the accused nor his attorney is present, there is no cross-examination. Rarely, if ever, do Grand Juries fail to bring an indictment in a drug case. The trial date will be set for no less than 40, nor more than 70 days following the return of the indictment. Given the terms of the indictment, an accused can contemplate what his sentence will be, if convicted under the Federal Sentencing Guidelines before the trial.

The Federal Sentencing Guideline Manual is a complex "grid" system which offers little discretion to the sentencing judge. Under it the sentence is determined by the offense level, on the left side of the grid, and the defendant's criminal history on the right. A mid-level dealer caught possessing 2-3.4 KG of cocaine is a level 28. Criminal History Category's range from I through VI. Someone with a IV criminal history and a 28 level offense is looking at a sentence of 110 to 137 months, with no parole. Should that person have been found with possessing a gun, two offense levels would be added, resulting in a sentence of 135-168 months.

Congress enacted the Anti-Drug Abuse Act of 1986¹² while the guidelines were being developed. This Act effectively restricted the commission's discretion in establishing guidelines for drug trafficking offenses.¹³ Thus, the Guidelines are even more severe if the cocaine has been processed into crack. Possession for sale of half a kilo of crack will bring a sentence of 15 to 20 years. And under the Federal statute there is no parole, although "good time" is available to the convict.

Plea bargaining is said to be rare in Kansas City since the introduction of Federal Guideline sentencing. Judges have little discretion and Justice Department policy offers little discretion to prosecutors who are advised to support the Guidelines. Prosecutor Linda Parker observes:

"Right now we're seeing a lot more trials than we did a year and a half ago. I imagine that will change because people tend to get used to whatever is around for awhile. Right now everyone says there's no benefit to plea bargaining and you might as well go to trial. They're still remembering the benefits before the sentencing guidelines went into effect. Once they've forgotten those there might be a return to plea bargaining."

The trial still disadvantages many defendants. In addition to the usual problems faced by defendants — appearance, revelation of past criminal record if they testify, the possibility of perjury — during the trial the defense attorney is not allowed to inform the jury of the size of the penalty, e.g., "If you find my client guilty, she will be put away for 25 years." Thus, in the Shakur case, he, the principal drug dealer, was sentenced to life without the possibility of parole. His wife and his girlfriend were charged as part of the conspiracy and were sentenced to 20 and 25 years. Whether a jury, or even a prosecutor, would think them deserving of such punishment is open to question. Under the guidelines, such penalties are prescribed by the Congress, and the judges have little authority to change them.

The Criminal Sanction

Do such severe penalties as the Sentencing Guidelines impose for drug trafficking make sense? That depends on one's theory of the criminal sanction, and where drug trafficking fits into it. Presumably, such penalties deter potential dealers. Doubtless they do. The question may not be whether they deter, however, but rather how much additional deterrence is drawn out of each additional month of sentencing and whether mandatory minimum sentences make sense.

Are traffickers familiar with the guidelines, other than to know that stiff penalties await the convicted dealer? Do dealers calculate finely as between 90 or 120 months? Based on our interviews with dealers, it seems unlikely that dealers make fine calculations. They know that penalties are stiff, and they develop tactics for avoiding them — not always successfully, or they would not be in prison to be interviewed. Mandatory minimum sentences may make sense insofar as they send a "tough time" message to potential drug traffickers.

At the same time, traffickers seem motivated less by the threat of penal severity than by the commitment to selling drugs. Like commuters who are daily faced with the threat of accident and injury, but are committed to working, drug dealers "absorb" the potential threat of penalty. It is likely that an individual who has been imprisoned will

experience some deterrence in the future, should he be released. Yet amounts for sale are more likely determined by market opportunity and norms of the drug trade than by a careful assessment of the federal penalty structure.

Our interviews with police suggest much the same — that in the face of severe penalties dealers will take more precautions, be less blatant in making sales, less violent, operate with a lower profile. Should that happen they will be less publicly intrusive, but likely more elusive. As Detective David Starbuck, the Kansas City Police Department's Jamaican "specialist," commented:

"There was kind of a lull here in 1988 because we really stepped hard on the Jamaicans after they arrived here in 1985. At that time, what they were doing is bringing in dozens of young kids — Jamaicans, illegal aliens — out of Miami and New York to be dope house workers. We were frustrated, we would raid these houses and get nobody except the bottom of the ladder people."

"More recently they've kind of changed their tactics and they're more involved in wholesaling quantities of cocaine to mid-level dealers . . . They have established enough contacts with mid-level dealers where they'll come in here and wholesale their product and then be out."

It is hard to say what the effect of the heavy Federal penalties has been. A recent article in the San Francisco Chronicle suggests that gang infiltration of American cities has been growing rather than diminishing, despite the best efforts of police and prosecutors to eliminate the drug trade.¹⁴ According to this article, some communities are experiencing the culture of gangs — "with its secret world of nicknames and hand signs, fierce territorialism and violence over the color of shoelaces" — as an even more dangerous problem than the drugs exported from Southern California.

This article and our own research in Kansas City suggest that these "gangs" are actually not Southern California gangs but local youngsters who model themselves on Southern California gangs. At the same time, Southern California gang members are the wholesalers and sometimes mid-level dealers who distribute drugs to the local sellers. Clearly, those who market the product are advantaged when locals identify with their gang affiliation. And equally clearly, committed drug dealers are willing to accept the risk of imprisonment as a cost of doing business.

If the threat of long prison sentences does not seem to significantly deter drug dealers, especially perhaps those

associated with Los Angeles gangs, from distributing the profitable product, is incarceration effective? Theoretically, incarceration should be effective because drug dealers cannot distribute drugs while they are imprisoned. As an anti-crime strategy, the theory depends upon two assumptions: one, that high level dealers will not be involved with street selling while they are in prison; and, second, that there is a relatively short supply of replacement dealers.

The first assumption is probably true. We did interview a high level dealer in Northern California imprisoned for a parole violation who claimed that he continued to make the major decisions for his gang while he was imprisoned. Nevertheless, incarceration must have some impact on an individual's ability to function as a leader. The second assumption, of non-replacement, is far less sustainable. We know that gangs continue to operate after their leaders are imprisoned. Not only that, we also know that street violence may arise when gang leaders are imprisoned. Incarceration thus may have the paradoxical effect of generating violence, with little impact on diminishing drug selling.

A "just desert" rationale is probably the most sustainable justification for severe sentences. Yet even that rationale is questionable. If we regard penal sanctions as moral judgements, they are rather like a ratio scale. When we think of common law crimes such as burglary, robbery, rape and homicide, we immediately recognize that they form such a scale. That is, we intuit that a robber "deserves" to be punished more severely than a burglar, and so forth.

Do we have similar common intuitions about the relation between burglary and the sale of half a kilo of crack cocaine? I suggest that we do not. Difficult as it is to intuit the relative deserts as between classical victim crimes and drug trafficking, an even more difficult "just desert" question is posed by the penalties attached to trafficking in different amounts and varieties of drugs. For example, under the Anti-Drug Abuse Act, any person who distributes, or possesses with intent to distribute, one kilogram or more of a mixture or substance containing a detectable amount of heroin, or five kilograms or more of a mixture or substance containing a detectable amount of cocaine, is subject to a ten-year mandatory minimum term of imprisonment.¹⁵

But why should we consider these to be equally deserving? Arguably, the distribution of a kilogram or more of cocaine is more socially destructive than the distribution of a kilogram of heroin. The Federal drug penalties may seem appropriate to some, inconsistent to others, and needlessly severe to still others, particularly if their deterrence value is relatively slight compared to the cost they impose on the Federal taxpayer.

How do we measure the effect of such severe penalties as mandatory five- and ten-year sentences on the drug trade? I asked undercover officer Donald Birdwell that question and he replied:

"I think we have to measure our success by what the prices are on the streets. If we're holding the line, then prices will stay up. We've seen (summer, 1989) an eighth of an ounce of cocaine — that's called an eightball — go from \$350 to \$200. The more we are saturated the lower the prices. I'd say we still have a lot of work to do."

"What kind of work?" I asked. "People ask me if I have any solutions. What would you say?" He answered:

"It's obvious who they are using to distribute the cocaine. They're mostly using poor black youths. You have to present them with a different alternative or method to make a viable living. You've got some kid living in the projects who doesn't have anything, no food to eat and he learns that he can make \$200 a day selling crack cocaine on the corner, he's going to do it. So is the older guy who's got kids at home whose only alternative is a minimum wage job at McDonald's. The public has to be made aware of the importance of presenting different alternatives. . . The only thing we can do is try to stop the demand, attack it on that front, and present alternatives to those that are likely to become involved in selling drugs."

I asked what he thought of "boot camp" sentences of 90 days for first time or small time sellers. He replied:

"That won't solve the problem either. I have seen it happen here where if there is a group of five sellers, and we arrest four, the fifth will continue to sell. If there's one left, and he doesn't have any alternatives, he's going to continue to sell cocaine. Arresting may be a temporary solution, but I don't think it will greatly diminish cocaine trafficking."

Our interviews with police in Kansas City and elsewhere suggest two sorts of attitudes being expressed. One, that police cannot be held responsible for solving the drug problem in the local community or in the United States. At the same time, police often express pride in their own work, or the work of the department. This is certainly true in Kansas City where the Department takes pride in its resourcefulness and professionalism, while recognizing that drugs are freely available in some sections of the city;

and that, despite the best efforts of law enforcement, prices declined in 1989. It is also true in Seattle.

Seattle

As a west coast city, Seattle is perhaps even more vulnerable to gang migration than midwestern cities. According to police chief Pat Fitzsimons, the crack phenomenon and gang migration began late in 1986 or early 1987, when police began to make arrests of California residents. They discovered, by checking on them, either that they were recognized by California police as being gang members, or that they were associated with California gang members.

These arrests were not necessarily for drug dealing. Some of the arrests were for disorderly conduct. Several California dealers had moved in with Seattle women and were arrested on charges of domestic violence. Both police and press began to identify this as a movement of Los Angeles gang members to the Seattle area. And the media began to run series on "invasion" of the Los Angeles gangs.

This sort of media attention typically offers a double message: one prong deplores the rise in drug dealing, its negative impact on the community, and the need for community awareness; at the same time, media attention publicizes the gangs and their significance, particularly among youngsters who might be inclined to sell drugs. Chief Fitzsimons estimates that there were in Seattle at least 500 "gang members, their associates and people who look like gang members who were not on the California gang files." The Chief, however, distinguishes between the migrating group who are "older" by which he means in their early 20's, versus the local "kids" who are legally "juveniles," that is, below the age of 18.

The local gang is called the BGD's (Black Gangster Disciples). They are not, however, considered to be the middle level dealers. Much, perhaps most, of the crack cocaine is smuggled into Seattle by Crips and Bloods. But police informants reported that drugs are increasingly being purchased, even by LA gang distributors, from the Yakima, Washington area where there is a sizeable population of Mexican Americans and Mexican nationals. The cocaine moves from central America, through Mexico, to Yakima — and from there passes into the Seattle area.

Just as in Kansas City, genuine Crips and Bloods characteristically will not identify themselves to the police. "If they say they are, they ain't" says an intelligence officer. But among some local youngsters, there is a cachet to seeming to be a member of a gang. Gang affiliation is said to offer a sense of status and

identity. "They're not academic and they're not athletic," says Chief Fitzsimons. He continues, "They're looking for something they can say about themselves and gain a little status — but the real operators are not going to broadcast who they are, what they are, or what they do." And he adds, just as did one of the gang subjects we interviewed in prison, when we asked about gang affiliation outside of Los Angeles, "The color is green, money."

The Seattle Department responded to the drug trafficking infiltration of California gangs in several ways:

First, the Chief, who is sensitive to the importance of public and police coalitions for reducing neighborhood crime, and especially drug dealing, has created citizen advisory boards in each of four precincts. The main program is the South Seattle Precinct's Police/Community Crime Reduction Pilot Program, implemented in January, 1988. The idea is to work with members of the community to identify crime problems — especially those arising out of illegal drug selling in the neighborhood. The project, according to Chief Fitzsimons, was "the result of many meetings and great effort to focus the concerns of the community and the limited resources of the Department on the local impact of a national epidemic and proliferation of illegal drug use."¹⁶

The community advisory boards grow out of the two ideas that have become increasingly prevalent in United States policing in recent years: community-oriented policing and problem-oriented policing.¹⁷ In keeping with what have by now become traditional community-oriented policing ideas, the Department initiated committees to address a number of issues: business and block watch, community contact and support, vandalism and special projects, the development of volunteers. South Seattle residents were especially encouraged to join the block/business watches, and to report illegal activity through an anonymous hotline staffed by members of the South Seattle Council.

Two of the residents, Jean Veldwyk and Norm Chamberlain, were recently cited by William J. Bennett as "national heroes" in the "war on drugs." "They," wrote the Director of the Office of National Drug Control Policy to Chief Fitzsimons, "are living proof that uniting with the police and fighting the drug problem can restore these seemingly dismal places to health and safety."¹⁸

As an illustration of problem-oriented policing the police department rearranged patrol staffing so that more than two officer cars were available for proactive patrol in the area. In addition, the Precinct Commander was afforded additional resources in equipment and personnel, including a four officer "Anti-Crime Team" to address specific crime problems as these arose in the area. One of

the more publicized innovations has been a 21 man mountain bike patrol who brave the hills of Yesler Terrace, a subsidized housing complex. The police department says that open drug dealing and gang activity have dropped in areas patrolled by the bikes.¹⁹ The South Seattle area reported a 7.1 percent reduction in crime from 1987, as compared with a 1.3 percent increase among the other three precincts during the same time period.

Second, in addition to community-oriented and problem-oriented policing, the department emphasizes crime prevention with juveniles.

The Chief says:

"We want a lot more done with schools, with truants, with programs that might help families and kids. The emphasis is on mobilizing all the local resources to say that this is my responsibility. We want to identify the kids who are at risk with the assistance of school security people and counselors."

"The message we will try to bring to the kids is their own accountability for their actions. These kids are trying to gain respect, but the message we want to bring is that there are certain things you cannot do, and you will not gain respect if you do them. We will treat you as an individual, and help you as an individual, with your individual needs. But we will not do anything to build up the importance of your group or gang. And I strongly oppose recognizing your gang and assigning a social worker to it."

The emphasis on juveniles is partly embodied in a proactive anti-gang unit. Called the Coordinated Criminal Investigations squad, the unit started officially in 1985 in response to an Asian gang massacre where 13 Chinese victims were hog-tied and shot in an after-hours gambling club. The unit, initiated primarily to monitor Asian gang activities, expanded both its size and jurisdiction in 1985 to include police problems arising with Samoan and Philippine groups. Lt. Al Gerdus, who heads the unit, comments:

"Whether they (the Samoan and Philippine groups) were legitimate gangs is a debatable issue. By most standards they wouldn't be, but they were ethnic groups that were running together and were occasionally involved in criminal activities." He adds, "Identifying a gang is a complicated business. Where does a social group turn into a criminal gang? Where is the magic line of demarcation? You have to avoid identifying a bunch of kids that run together and sometimes fight with another

bunch as a criminal gang. You want to avoid calling a football team a gang."

Members of the gang unit work with school officials, truant officers, and families of youngsters who appear to assume a gang identity. A related intelligence unit identifies persons, many of them not juveniles, as gang members or affiliates. Thus, the anti-gang unit maintains a wall with a visible photo gallery identifying such persons. Finally, the unit will send out a team of ten or 12 officers to monitor and contain gang activity in the neighborhoods. I spent an evening riding with and observing such a team.

When a researcher moves from the interview as a research tool to participant observation, things happen. Concepts like "proactive," "gang" and "gang affiliated" become infused with reality — which, in practice, means uncertainty. When I began to practice participant observation with police nearly 30 years ago, I coined the concept of "the symbolic assailant." I wrote:

"The policeman, because his work requires him to be occupied continually with potential violence, develops a perceptual shorthand to identify certain kinds of people as symbolic assailants, that is, as persons who use gesture, language, and attire that the policeman has come to recognize as a prelude to violence. This does not mean that violence by the symbolic assailant is predictable. On the contrary, the policeman responds to the vague indication of danger suggested by appearance."²⁰

The police of another era were concerned primarily with burglars, robbers, and rapists. Recall Officer McFadden, the legendary Cleveland plainclothes detective, whose observation that "crime was afoot" when he observed three suspects casing a jewelry store, led to the landmark decision in *Terry v. Ohio*, 392 U.S. 1 (1968). The officer, whose observations led him to believe that the suspects were planning a stickup, asked Terry to identify himself. When Terry only mumbled something, Officer McFadden spun Terry around and patted his breast pocket. McFadden felt a pistol, which he removed. The officer frisked Terry's companions and uncovered another pistol. Terry was charged with carrying a concealed weapon, and moved to suppress the evidence on grounds that he was unreasonably searched and seized.

Chief Justice Earl Warren deferred to the expertise of the experienced officer and authorized police to "stop and frisk" when they do not have "probable cause" to believe that a crime has been or is being committed, that is, to make an arrest; and to use evidence obtained from the frisk.

However ambiguous traditional criminal procedural concepts like "stop and frisk" or even "probable cause" may be, they are grounded in situations described in cases, and are continually being retested in the courts. But the activities of a proactive anti-gang unit are not so constrained, particularly if the objective is not necessarily to arrest, but to be a presence in the community. In this situation, the prevailing norms for police conduct do not derive primarily from the Fourth Amendment and cases interpreting its sometimes arcane clauses.

The norms are those communicated partly by management cops, partly by understandings within the unit itself, and partly by a few of the more aggressive officers within it. The norms governing the unit's purpose and operational style were not entirely clear. The Chief viewed the unit as a community- and problem-oriented policing unit. A mid-level officer, speaking informally, described the unit as quite different from a narcotics enforcement unit, which develops informants, makes buys and serves narcotics search warrants. It was described instead as follows:

"It is proactive on the streets. Inside the department it is informally called the B-team because it deals with black gangs on the streets. And it uses an in-your-face approach to these gangs."

Here is what my notes and recollections show that this was an accurate description of the unit's approach. The notes say:

Several black teenagers are standing on a street corner outside a neighborhood grocery. One of them is holding a brown paper bag. The officers I am riding with, one black, one white, stop the car, take away the bag (it contains an unopened can of beer) and frisk the young man. He is ordered to kneel on his knees, with his hands behind his head; then to remove his sneakers and socks, turn his socks inside out. His ID reveals that he is 19 years old, and a neighborhood resident. He is told to go home and not to return to the corner.

Similar searches are made by the same group of officers of other black teenagers. One group is gathered around a bench in a public park. They are similarly instructed to kneel, remove shoes and socks, aggressively questioned and searched. No weapons and drugs are found, although one of the young men who was searched possessed a beeper and \$200 in cash — strongly suggesting that he was involved in dealing drugs.

When I interviewed the police about the tactics I had observed, they believed that they were carrying out the

mandate of the unit — which was to "harass" teenagers congregating on the streets in areas where drug dealing gangs were thought to operate. When I asked the Chief about the tactics, he was visibly concerned, and attributed the tactics partly to a misinformed understanding by the rank and file in the unit as to the unit's mandate, and in larger part to the over-aggressiveness of some individuals assigned to the unit.

However one interprets these observations, several things are clear: first, patrol policing has always offered enormous discretion to the individual officer or to groups of officers working together. This discretion is informed by the officer's values and understandings of the nature of the job. During the 1960s and '70s police departments and individual police became increasingly sensitized to inner city needs and demands for even handed enforcement. In part, this resulted in the community-oriented policing movement.

But the rise of crack dealing in the late 1980s has complicated the whole issue of police discretion and community relations. The organized South Seattle community demands that the police "crack down" on the drug dealers and criminal gangs in general. Thoughtful police chiefs find themselves on the horns of a dilemma. The problem crack dealing poses for a responsive police chief is how to effectively police the gangs — who do exist but for whose existence it is difficult to draft criminal statutes — and yet not routinely harass teenagers, particularly black teenagers, whose only crime is street socializing.

There is no problem in enforcing the criminal law. Police know how to make a buy in a crack house, obtain a warrant, search, seize evidence and convict.

Far more problematic is the mandate of a proactive anti-gang unit. If the mandate is to "take back the streets" rather than to enforce the criminal law, such a unit may pose a threat both to the civil liberties of individual citizens and to police-citizen relations as a whole. If the police are reluctant to employ such measures, many residents will predictably criticize the police for failing to insure the public safety that neighborhood residents often demand. Police may succeed in deterring some street drug dealers when they employ "in-your-face" tactics. But they may also inflame anti-police attitudes at a time when more than ever police need the support and cooperation of the communities they are overseeing. In any event, the possibilities and limitations of proactive anti-gang policing are an important policing issue, which surely needs more observation and discussion.

Los Angeles

The drug problem, with associated street dealing, has spread from the inner city of Los Angeles, places like Watts and neighboring Compton, the indigenous home of Crips and Bloods, to the San Fernando Valley. Street drug dealing has become a major problem in these populous bedroom communities of greater Los Angeles, places like Van Nuys, Blyth and Panorama City. These communities are not the glamorous Los Angeles typically portrayed in movies and television, not Beverly Hills, Belair or Malibu. The San Fernando Valley is in hot and smoggy East Los Angeles, at best a 45 minute drive from the beaches of Malibu and Santa Monica. Houses and apartments suggest neither wealth nor poverty. The San Fernando Valley is a heartland residential area where a range of ordinary people — some with families, working people, professionals — make their home. The Valley is the bedroom of Los Angeles as Brooklyn, Queens and Long Island serve that function for Manhattan.

On August 11, 1989, reporter Tracey Kaplan, herself a Valley resident, reported in the Valley edition of the The Los Angeles Times on an interesting and controversial strategy for addressing the street drug dealing problem.²¹ "Apartment owners along a notoriously crime ridden street," the lead reported, "took the unprecedented step Thursday of offering private money to increase police patrols in their neighborhood." Five apartment owners came forward with the money and said they could raise comparable funds from another 30 apartment owners along a half-mile stretch of Blythe Street between Van Nuys Boulevard and Brimfield Avenue. That stretch has been inundated by drug dealers who rent local apartments and then sell their wares from the curb. Police had for two years campaigned to crush the drug trade, but with little success.

The story went on to report that a City council member, Ernani Bernardi, was enthusiastic about the idea and said that he would try in every way to get the money through to the city council. A special narcotics task force, composed of 13 uniformed officers borrowed from police divisions throughout the San Fernando Valley, had combed the area for nearly two years, and had succeeded somewhat in controlling the drug traffic. But when the funds ran out, the unit had to be disbanded and the dealers returned.

"You've got a prison on Blythe Street right now, and your guards are the drug dealers. A lot has been done to clean up the area already, but we had to cut back when the money ran out. These people feel that added security is going to help them," said Councilman Bernardi.

But a police official who attended the meeting, Valley Bureau Cmdr. Chet Spencer, was skeptical of the idea. He

praised the apartment owners and managers for coming together to fight the Blythe Street drug problem. But he feared that allowing property owners to donate money for increased patrols might set an unfair precedent, since, if enacted, such a proposal could allow wealthier neighborhoods to buy more security at the cost of less protection to poor neighborhoods.

A similar, but not identical, initiative arose later in the year. Police responded to another of the Valley's "hot spots" by barricading a 12-square block area to curtail drive-by drug sales. The barricade resulted in some inconvenience to residents, but they apparently felt the cost was worth the advantage in reducing drug sales in the area. According to another Los Angeles Times report, a group of Sepulveda apartment owners formed a committee to study the possibility, not only of retaining the barricade, but of establishing a guard station at the entrance. The City Council was faced with two issues: should it approve permanently removing streets from public use?; and could the apartment owners pass on part of the maintenance of the guardhouse — which might cost from \$6,000 to \$9,000 per month, depending on whether the guard was armed? One of the property owners said, however, that the cost of the guardhouse should be borne by the taxpayers, who pay for police services, rather than the neighborhood apartment owners, and ultimately the renters.

Police Captain Mark D. Stevens favored payment by the apartment owners, according to the Los Angeles Times story. He reported that in the two weeks since police put up the sawhorse barricades, drug traffic has virtually been wiped out in the area.²² He added, however, that some property owners expressed concerns about the appearance of the guardhouse, since the area would no longer look like a neighborhood, not the kind of place you or I would want to live in.

The "barricade" initiative received considerable media attention in the Los Angeles area. This author was asked by the Los Angeles Times to offer an opinion of the barricade idea. Rather than offer an opinion I decided to visit the area and talk further with the police since the barricade was both an intriguing and controversial idea, which raised fundamental questions about the limits of community policing.

First, it raised questions about how we as a society properly define public and private space. Public and private seem to be defined not by ownership, but by norms regarding the propriety of function. Thus, the Pentagon or an Army base, or a police station, or a courthouse, all of which are publicly owned, clearly are permitted to maintain guardposts to achieve security. Those who enter may be required to identify themselves and to be searched. But would it be permissible to erect a

fence around Central Park in New York City, and search everyone who enters in the interest of security? Under those conditions, Central Park would surely be a safer place, but would it be a "park?" Is a neighborhood threatened by drug dealing more like an army base or more like a park? This seemed to be a central question regarding the barricade initiative.

Second, even if the barricade was permissible, who should pay for it? And especially who should pay for additional security measures such as a guardhouse? Should it be the responsibility of the local community who will benefit from it and inconvenience other members of the public; or should it be the responsibility of the local community?

Third, what measures, if any, should a community be forbidden to employ to increase public safety? Can it add other security measures, such as secret cameras? Could it exclude persons from residency based on certain social characteristics which are shown to be correlated with crime?

Fourth, assuming that a barricade is effective in a given community, what will its effect be on the larger community. Suppose the drug dealers are driven out of a particular 12-square block area, but they move to another area a mile or two away? Who should determine whether the first barricade should be allowed to continue? Should it be the residents of the first community; or the second; or the police? What is the obligation of the police assigned to that community? Should it be to the interests of the local community, or the broader community, should those interests diverge?

These are issues on which the police obviously are themselves divided. I interviewed Lt. Gary Rogness of the LAPD's narcotics division stationed in Van Nuys, who described the development of the Sepulveda barrier, and who is himself somewhat divided on the barrier as a tactic. Describing the area where the most recent barrier was constructed, he said:

"Well, it's what we term a 'hot spot' down there, we have many of them in the Valley. That one was just getting so far out of hand. We've tried, we have been down there in a very aggressive enforcement posture, making lots of arrests, not only against the dealers but we've done operations against the customers as well. There's a new law on the books here in California that allows us to arrest customers just for merely soliciting to buy drugs. So we've really attacked both sides of the equation, both supply and demand. That was augmented by uniformed foot beats, special details to go in there and have more

visible presence and that still didn't seem to be driving the drug dealers out."

"I think drug sales in that particular area are almost non-existent now. But it's like, so typical of law enforcement. You put a lot of pressure on one particular area and it just springs up someplace else, so now we have a problem three blocks over on Orion Street."

I asked him how the residents of the barricaded area had responded. How did they feel about being inconvenienced? He replied:

"Well, if it gets rid of the dope dealers out there on the streets, the little bit of inconvenience you have I'm sure is worth it. I know if I lived there I'd like it. But it's kind of a sad commentary on the state of affairs right now in this country, this city where you get to the point where you're blocking off public streets. But if that's what it takes . . . It seems to be working."

At the same time, he stressed that although the barricade might prove to solve the immediate problem of a particular community or neighborhood, it created problems for the larger residential area. He observed:

"Let's just take a hypothetical case study in the San Fernando Valley, just the valley and now we end up barricading every known hot spot. OK, I've got a list of about 35 or 40 of them. And then a month from now we find out the problem has sprung up in adjacent areas so we go and we barricade them. And then it springs up over there and pretty soon we've got the entire valley in this maze . . . The only real solution to this problem is to get rid of the demand."

New York

New York City does not have a cultural gang problem but it surely has a huge and largely intractable drug problem. More than 1,800 NYPD officers are assigned to the Narcotics Division, a force larger than many entire police departments for middle and larger sized departments in the United States. (The entire Kansas City Police Department reports 1,136 sworn officers, while Seattle's Police Department is of similar size with 1,148 sworn officers.)

NYPD's Narcotics Division is primarily responsible for narcotics enforcement, although nearly half of those arrested for narcotics violations are arrested by the patrol force, who may actually be arresting for some other

violation. After the arrest is made, the officers may discover a quantity of narcotics in the possession of the arrested person. The following table shows Narcotics Division Activity for October 1988 and October 1989.

The Narcotics Division of the NYPD engages in a broad spectrum of enforcement activities, ranging from a Career Drug Felony Offender Program, which, by pulling together information from a variety of agencies, targets recidivist drug distributors whose career drug activities might otherwise remain obscure; a Drug Enforcement Task Force, which works with the DEA to target higher level dealers; and a Joint Organized Crime/Narcotics Task Force, which similarly works alongside the FBI.

Nearly half the officers who work in the Narcotics Division are assigned to Tactical Narcotics Teams (TNT). From the NYPD's perspective TNT is an "enforcement overlay" that contributes powerfully to the Department's capacity to enforce narcotics laws.

Each TNT "team" is composed of 117 Narcotics investigators, who in turn are divided into working

"modules" composed of a sergeant, five casually attired plainclothes officers, and two undercover officers. One functions as a buyer and the other as a "ghost" who monitors the buyer on the street, and relays messages back to the other officers, particularly the sergeant. This communication is often tense. This is partly because activities and scenes shift quickly. TNT arrests are often made on crowded New York streets. The seller is described as precisely as possible by the ghost, but a corner on upper Broadway may have ten or 15 people walking in four different directions. The police want to focus on the perpetrator, not an innocent bystander.

Besides, undercover buying can be extremely dangerous to the police, the sellers and bystanders should shooting occur. I have witnessed, on a surveillance tape, an undercover officer shoot a seller who reached for his gun after the buyer pulled a gun, and then announced that he was a police officer. Did the buyer believe the seller actually was a police officer?; or did he think he was being robbed by a drug dealer who was going to pay for his drugs with a bullet? In a lawless setting of false identities, how does one tell who are the cops and who are

ARRESTS

	1988	1989	Number change	Percent change
Heroin	333	806	473	142
Cocaine (crack)	2,266	2,299	33	1
Cocaine (other)	626	589	-37	-6
Marijuana	706	862	156	22
Other drugs	141	135	-6	-4
Total drugs	4,072	4,691	619	15
Total non-drugs	175	151	-24	-14
Grand total	4,247	4,842	595	14

SEIZURES

	1988			1989		
	lbs.	oz.	grs.	lbs.	oz.	grs.
Heroin	1	13	250	1	7	320
Cocaine (crack)	11	11	152	6	14	43
Cocaine (other)	77	9	220	174	12	36
Marijuana	33	0	315	30	3	103

	1988	1989
Guns	103	78
Currency	\$448,253	\$3,749,137
S/W executed	134	103

OVERTIME HOURS

	1988	1989
Hours	30,463	42,985

Source: NYPD Narcotics Division Activity Report, October 1989.

the crooks; and who are the "legitimate" crooks — buyers and sellers who are actually buying and selling — rather than robbers who say they want to buy or sell drugs? Recently, in New York City, three DEA Task Force officers were shot and one killed, while attempting to make an undercover buy. Apparently, the drug sellers were trying to rob the buyers, whom they apparently did not suspect of being police.

What is the theory behind TNT? At one level, the TNT approach to drug enforcement attacks street drug dealing by employing traditional "buy-bust" operations. By working with other government agencies and local community groups, TNT teams develop a list of drug dealing sites to explore. In some areas in NYC, as in Washington Heights, the street drug dealing can be fairly evident even to the casual observer. Still, TNT will investigate citizen complaints that drugs are being sold from a particular location. Manhattan North's Lt. Sullivan explained TNT's function as follows:

"Our function is basically this: If somebody walks out of their door or gets off a bus from work and goes to walk to their house, our job is to see to it that some guy isn't going to stuff the dope in his face, want him to buy it; or tell him to get lost for an hour, they're busy selling dope in front of his house."

Sometimes reports of drug selling in front of houses can be verified, sometimes they cannot. Drug dealers may shift their location, or sell when they have a supply. Selling may go on for a couple of hours at a time, and then cease for any number of reasons. Drug dealers cannot openly advertise their wares, they may run out of drugs, they may decide to close down for dinner, they may decide to move to a different location. The reality of "buy-bust" as I experienced it riding with two different teams is like much of police work, involving long periods of boredom and waiting, periods of disappointment when tips do not prove fruitful, and interspersed by briefer periods of tense activity when they do.

But TNT aspires to be more than an ordinary "buy-bust" tactic. On a strategic level, the team concept is area focused. For example, I accompanied a unit working in Manhattan North's 28th Precinct, a very small precinct of approximately one-half square mile. The 117 officer team will "saturate" that area for a period of approximately 90 days, arresting street dealers and those who sell out of houses and apartments. These arrests may produce evidence or information for a warrant search as well. As one officer I interviewed stated: "We will effectively take the blatant sellers off the street for a period of time."

What happens in an area when the TNT unit leaves? Officers acknowledge that sellers return to the area,

although perhaps fewer than were street selling prior to the TNT "saturation." TNT officers understand that their effect is limited, and that their presence may displace dealers to adjoining areas. So when they leave the area, and move on, they return periodically to continue enforcement and to communicate to the street dealers that the area still remains under TNT surveillance.

How effective is TNT? The program, in enhanced form, is currently being evaluated by the VERA Foundation. The enhancement consists of deploying a squad of 20 foot patrol officers on the main street of a neighborhood, to remind both the residents and the dealers of a police presence. They are doubtless effective, and law abiding residents and small business people are doubtless grateful for their presence.

The question for a TNT evaluation is not whether it is effective, but rather how it compares to alternative law enforcement tactics. Do TNT "modules" make significantly more arrests than foot patrolmen would in comparably drug infested areas? (TNT officers average about an arrest per officer in an eight-hour shift). Would foot patrolmen make significantly fewer arrests? Even if they did not, would the presence of foot patrolmen deter dealers more effectively than undercover buyers? TNT thus raises a question that has long bedeviled police managers, especially regarding street drug dealers: to what extent should arrest and conviction be the goal of police, and to what extent should public feelings of safety and civility be the goal. If the former is the primary goal, TNT is a useful strategy, but if the latter is the goal, an enhanced foot patrol presence, e.g., Operation Pressure Point and other forms of enhanced patrol, ought to be the primary narcotics enforcement strategy.

The Limits of Law Enforcement

In larger perspective, the law enforcement response to drug distribution in the United States, whether by one strategy or another, must be understood to be structurally limited. A variety of structural factors impede the law enforcement response to gangs and to drug trafficking more generally. These limitations are virtually inevitable in the context of enforcing the criminal law: (1) in a democratic, free society; (2) against crimes based on a market economy, and; (3) involving entrepreneurs who sell products that are popular and illegal.

The United States Constitution, as well as our traditions of fairness and due process of law flowing from that Constitution, limits the discretionary authority of law enforcement. In a totalitarian society, operating outside constitutional restraints, police could enforce a rule that anyone possessing or selling illegal drugs, or even

suspected of possessing or selling illegal drugs, will be summarily executed by a special police narcotics unit.

But that hypothetical totalitarian society's narcotics police would not constitute what we in this society mean by "police." For although it is true that under the Constitution police are invested with awesome powers — to arrest, detain, search and use deadly force — all of these are monitored and constrained by our Constitution. One would hope that few of us would choose to live in a totalitarian society, which offers boundless discretion to law enforcement. At the same time, we must realize that there is always a tension between due process and crime control, and that the Constitutional framework within which law enforcement operates properly limits law enforcement in its capacity to control illegal drug sale and use.

But if Constitutional norms place limits on the efficiency of law enforcement, economic imperatives may impose equal or greater ones. In evaluating our law enforcement efforts we must be sensitive to the relationship between demand and supply in the illegal drug market. The National Drug Control Strategy, published in September 1989, acknowledges that "[d]espite interdiction's successful disruptions of trafficking pattern, the supply of illegal drugs entering the United States has, by all estimates, continued to grow."²³ Why should that have happened? One part of the reason is that demand generates supply — for drugs just as for video cassette recorders.

United States and European demand for drugs has contributed to a rise in the number of producers from a variety of producing countries. Some of these are political allies, others are not. Key is the fact that demand has generated multiple drug producers, followed by a rise in production, with a subsequent drop in price. As Edmundo Morales observes, "Unquestionably, drug production and traffic in Peru have addicted thousands of people to illegal sources of hard cash."²⁴ Price reduction in turn further invigorates demand — which stimulates the whole cycle over again.

Closely related is what might be termed the Darwinian Trafficker Dilemma. "As we have expanded our interdiction efforts, the Strategy continues, "we have seized increasing amounts of illegal drugs. Stepped up interdiction has also forced drug traffickers to make significant operational changes . . . Every time we disrupt or close a particular trafficking route, we have found that traffickers resort to other smuggling tactics that are even more difficult to detect."²⁶ So as we develop increasingly sophisticated tactics for reducing both narcotic production and smuggling, only the stronger and more efficient producers and smugglers survive. This in turn heightens supply and lowers cost. As this occurs, suppliers seek

wider markets, particularly in distressed populations, just as segments of the alcohol and tobacco industries do.

It is difficult to achieve successful interdiction for another reason as well. According to Rand Corporation economist Peter Reuter, who studied whether our borders can be sealed against illegal drugs for the Department of Defense, our Mexican border is especially permeable. There are few barriers from the south to bringing drugs into that country, and the drugs can be "brought across by small plane, private vehicle, or even by boat."²⁶ A Mexican-American California narcotics agent made a similar observation to me in an interview in 1989: "Four hundred thousand of my people cross the border every year. How can you stop a much smaller number who are carrying a kilo or two of cocaine on their back?"

A related issue discussed by Reuter is the limited costs which interdiction can impose. Interdiction is supposed to reduce street sales by increasing production and smuggling costs — in effect, taxing these — and thus raising the street price. This assumes that production and smuggling costs constitute a significant percentage of street price. But it is relatively cheap to produce and refine a kilo of cocaine, perhaps around \$1,000 for a kilo that might eventually, when broken down into quarter or even eight gram units, retail for \$250,000. Smuggling costs might amount to an additional few percent of the retail price. Most of the retail price is divided among those who distribute it on this side of the border. Rand economist Peter Reuter writes, "Fully 99 percent of the price of the drug when sold on the streets in the United States is accounted for by payments to people who distribute it."²⁷ We found a similar pattern in our study of gang migration. As we reported above, gang members migrate because they can double or triple their prices in the Midwest over what they can demand in central Los Angeles. Thus, a doubling or tripling of smuggling costs would have a negligible impact on street price anywhere in the U.S., but especially when gangs double or triple their profits by extending the marketplace.

During the summer of 1989, police reported that gangs (and others) were primarily marketing crack cocaine, although other illegal drugs were available as well. In any event, crack cocaine was the marketing preference of the LA street gangs, upon whom our attention was focused, as well as the Dominican and Jamaican gangs in NYC. From a longer range policy perspective, however, we should not assume the stability of drug preference among those who enjoy faster living through chemistry. We know from history that drug preference, the epidemiology of drug use, is less related to the intrinsic properties of a drug than to the social definition of a particular substance as the drug of choice. Twenty or 30 years ago, heroin was the "problem" drug in American society.²⁸ Today it is crack cocaine.

Suppose we actually could destroy the Peruvian, Bolivian and Columbian cocaine fields? Lurking in the background are a variety of manufactured drugs. It is likely that underground chemists could design and manufacture what addicts would consider the ideal drug — one with the kick of crack and the longevity of crank (methamphetamine). If we succeed in destroying agricultural drugs, we may find ourselves looking at a designer drug problem more potent and destructive than anything we have yet seen. Indeed, a powerful new drug, a colorless and odorless form of crystal methamphetamine — street name “ice” — is said to be sweeping Hawaii and is threatening to invade the West Coast ports of San Francisco, Los Angeles and Portland.²⁹ Should that happen it would only be a matter of time before the drug found its way across the country to replace “crack” as the drug of choice during the 1990s. The only good news “ice” will bring is its economic challenge to the Medellin Cartel — but it is doubtful that the distributors of the new drug will prove more concerned for public health and safety than the cocaine producers.

Moreover, as we attempt to put pressure on foreign producers we will have to work with authorities in such countries as Columbia, Bolivia, Panama and Peru. The bribe is a familiar part of law enforcement in these countries. Thus, the State Department’s Bureau of International Narcotics Matters found that Jorge Luis Ochoa, a major Columbian drug trafficker, “was able to buy his freedom through the intimidated and vulnerable Columbian judicial system.”³⁰ Tina Rosenberg observes:

“In general, the closer an institution gets to the traffickers, the more corrupt it becomes. Cocaine’s new income opportunities for judges have been well documented. Prosecutors are less corrupt, but it is a matter of logistics, not morals: it is simply easier to win cases by bribing judges, or the police. . . . Policemen, the infantry in the war on drugs, are usually young men from slum neighborhoods with third grade educations — exactly the profile of a drug dealer, and the line between the two tends to blur on the job.”³¹

No matter how honest US drug enforcement agents, they may find themselves operating in a climate of official corruption.

What of our urban police? Unfortunately, we are all too familiar with the legendary narcotics scandals which have bedeviled the police in various cities. Perhaps the most famous have occurred in New York City beginning with the Knapp Commission investigations, including not only narcotics, but other forms of vice as well. Patrick V. Murphy was recruited as a reform police Commissioner in

New York in the wake of the scandal uncovered by the Knapp Commission. In his autobiography he writes:

“[W]e ultimately discovered that the narcotics units under the previous police administration had made major contributions to the city’s drug traffic. It was this area of corruption more than anything else which most shocked me.”³²

Narcotics corruption is not confined to New York City or to the east coast. Deputies in the Los Angeles County Sheriff’s Department were recently involved in what the Los Angeles Times called “one of the worst corruption cases” in the Department’s history. Videotape shows one deputy hurriedly taking three \$10,000 bundles of \$100 bills from a dealer’s shoulder bag and putting them into his partner’s leather briefcase.³³ Although the possibilities of corruption obtain in any form of vice enforcement, only in drug enforcement do we encounter large sums of cash and drugs held by perpetrators who are in no position to complain against being ripped off by police.

By no means am I suggesting that all narcotics police are corrupt. On the contrary, any number of aware police managers, for whom Patrick Murphy has served as an example of the thoughtful and honest police executive, struggle with the potential problem. The Los Angeles deputies were caught in a sting operation instituted by Sheriff Sherman Block. High level New York City narcotics officials, whom I interviewed, stressed that integrity and police safety were the two paramount features of narcotics enforcement in New York City. I am suggesting that it is difficult to uncover narcotics corruption particularly when a small number of individuals are involved; that whatever is discovered is likely to be the tip of the corruption iceberg; and that corruption needs to be counted as one of the anticipated costs of drug law enforcement.

Prison overcrowding offers an additional limitation on the capacity of law enforcement to incarcerate drug offenders. State and Federal prison populations expanded in unprecedented numbers during the 1980s. The Bureau of Justice Statistics reported at the end of 1988 that the number of U.S. prisoners set a new record for the 14th consecutive year. The Bureau counted 329,821 inmates in 1980. By 1988, that figure had risen to 627,402. Projected from Department of Justice figures by The Sentencing Project of Washington, D.C. the total for 1989 will include 731,978 in Federal and State prisons, and 341,851 in local jails — 1,055,829 altogether.³⁴ Overcrowded jails and prisons are caused partly by newly convicted criminals, but also by criminals whose probation and parole were revoked largely because they failed their drugs tests when released to the community.

California, for example, had a 3,200 percent increase of parole violators returned to prison between 1978 and 1988.³⁵

As our advanced drug testing technology consigns more parolees and probationers to prison, we find we cannot continue to convict and impose longer sentences without building new prisons. The need for prison and jail capacity is widely recognized. The National Drug Strategy thus recognizes the critical lack of prison space as we expand law enforcement. It observes that "Most state prisons are already operating far above their designed capacity." And also that "many states have been forced under court order to release prisoners before their terms have been served whenever a court-established prison population limit has been exceeded."³⁶ In recognition of the shortage of prison space to house convicted offenders and probation and parole violators, state governments must persuade their citizens to support new prisons. "The task of building prisons remains with state governments, who poorly serve their constituents when prison construction is stalled or resisted."³⁷ Unfortunately, such exhortation may not prove to be practical. Even those citizens who demand longer and more certain sentences are reluctant to pay for prisons and sometimes even more reluctant to live next door to them. Thus, highly publicized plans for a 700 bed Federal prison to house convicted Washington, D.C. drug dealers at Fort Meade, MD. were withdrawn the day after they were announced, The New York Times reported, because "there was too much public resistance."³⁸

Even if we could build new prisons, imprisonment is not necessarily stigmatic, nor entirely foreboding for those who sell drugs. In our interviews with imprisoned California drug dealers³⁹ we found that imprisonment may offer a kind of "homeboy" status, especially for gang youth, for whom the prison can become an alternative neighborhood. Moreover, imprisonment often motivates prisoners in their troublesome ways. Consigned to the margins of society anyhow, in prison they join gangs, use drugs, and make useful connections for buying and selling drugs. The penitentiary was perhaps once a place for experiencing penance. Today's correctional institutions, overcrowded as they are with short term parole violators (many of whom have failed their court mandated drug tests) often serve functions similar to those conventions perform for academics and business people — as an opportunity for networking.

When we incarcerate drug dealers in prisons, we also encounter what might be termed the Felix Mitchell Paradox, in honor of the West Coast's formerly most infamous drug distributor. In the mid-1980s, a Federal Strike Force, with considerable assistance and dogged investigation by an incorruptible Oakland Police vice

squad, succeeded in convicting and imprisoning the East Bay's three leading drug dealers. Among these was the legendary Felix Mitchell, who was later killed in Leavenworth Federal Prison and was a hero to the thousands who turned out for his funeral.⁴⁰ Theoretically, Oakland's streets should have been cleansed of drugs. Did that happen? Hardly. The main result was a drop in price and a rise in street homicides and felonious assaults by gang members as they challenged each other for market share. As territorial arrangements have stabilized, so has the homicide rate — but the street price of crack has remained about the same or declined.

Peter Reuter makes a similar observation concerning the District of Columbia's soaring homicide rate. Reuter argues that when the supply of drug dealers exceeds the demand for drugs, "one obvious way to raise earnings is to eliminate the competition through violence." Inactivity by the District's police during the 1980s might be an alternative explanation. But the arrest data show the opposite, that is, a sharp rise in activity. Only 58 juveniles had been arrested for dealing offenses in 1981; by 1987 that figure had reached 1,550. In 1981 adult arrests — usually of men in their early twenties — totaled 408; by 1987 it was 5,297.⁴¹

Similarly, the escalation in drug selling and violence in Oakland, California, persuaded the legislature and the Governor to provide four million dollars from 1985 to 1987 to bolster and expand prosecution, probation and the courts. UC Berkeley's Center for the Study of Law and Society was contracted to evaluate the initiative. Malcolm Feeley, Richard Berk, Roseann Greenspan and I formed a research team to undertake the evaluation. Following an ethnographic and statistical study, we concluded that all of the law enforcement agencies carried out their mandate thoroughly and professionally; and that the intermediate goals of more prosecutions, more convictions and more probation violations were met. Unfortunately, crime, and narcotics crime in particular, continued to increase. So we concluded that, contrary to popular mythology, "The rise in narcotics crime in Alameda County cannot be attributed to inefficient courts, prosecutors, probation officers or police."⁴²

Still, of all the enforcement initiatives, the least effective will be those aimed at military interdiction, the most satisfying — at least initially — those which involve the community and local police. The Strategy argues that "The first challenge facing our criminal justice system is to help reclaim neighborhoods that have been rendered unsafe by drugs." How we do that is not entirely clear. In a recent National Institute of Justice publication Mark Kleiman, a proponent of street level drug enforcement, points to two special threats that street drug dealing poses: that children may become users, and that street dealing may become disruptive or violent.⁴³

There is much disagreement, however, about the effectiveness of neighborhood police crackdowns.⁴⁴ In the same publication, prosecutor Kevin Burke favors street level enforcement, arguing that "[W]hen balanced against the environment of an open drug market, a visible, active police presence is not a tremendous intrusion and therefore not a significant cost of a street-level operation."⁴⁵ Thus, although initiatives like New York City's Operation Pressure Point and other buy-bust enterprises are limited in their effectiveness, at least they are directly responsive to citizen calls for assistance. Of course, drug dealers may displace their operations in response to police initiatives, but a police presence may be valuable in reducing fear of crime if not crime itself.

At the same time, some law enforcement officials are skeptical about the positive effects of crackdowns. Minneapolis police chief Anthony Bouza writes:

"Focused, saturation street enforcement will clean up an area, but it is costly and inefficient. It robs other areas of their fair share of scarce resources and it does not eliminate the intractable problem of drug dealing, merely displaces it. It also focuses, inefficiently, on the lowest level of the criminal chain and is sure to lead to abuses and repression, with sweeps and round-ups."⁴⁶

So it is not clear how law enforcement will be able to repair the damage drug dealing imposes on local communities, and what the larger social costs are of an expanded police effort in this direction. Everywhere we looked police are seeking counsel and support from private citizens and community organizations, both for identifying the problem and for taking steps within the community itself to resolve at least a portion of it. Everywhere police departments are, with greater or lesser success, trying to organize community-based crime

prevention activities, ranging from organized public surveillance such as Neighborhood Watch, to informational newsletters, to groups which will wipe out graffiti. In addition, most police departments have reoriented a portion of traditional patrol activities in favor of pro-active anti-drug and gang enforcement.

These activities are media favorites. Nothing is more telegenic than a raid on a crackhouse. The television media and the police seem to be in an almost symbiotic relationship in this respect. The raid shows the police actively and forcefully engaged in anti-drug activity, while the media's need for dramatic action to capture the viewers attention is fulfilled.⁴⁷ At the same time, in every community we studied, the police are themselves increasingly and acutely aware of the limits of law enforcement. New York's Narcotics Chief John Hill summarizes a theme we heard time and again when he says, "The easiest thing to do is make an arrest for drugs. The hardest thing is to stop the drug trafficking." Increasingly, it would seem, police are coming to see the drug problem as a social, economic and educational issue, rather than primarily as a law enforcement responsibility.

So too does the public. A Gallup poll released on June 21, 1989, found that although crime is not on the rise, it is a major public concern, with 84 percent of the public believing that crime has risen in the past year. Fifty-eight percent of those interviewed believed that drugs are the major factor responsible for crime, but have little confidence in either the courts or the police to do anything about the problem. Although the public favors tough anti-crime measures — for example, 54 percent favor tougher parole standards — only a minority (32 percent) advocate improved law enforcement as the best method to reduce crime. The overwhelming majority (61 percent) seem to appreciate the limits of law enforcement and advocate attacking social problems as the best method to reduce crime.⁴⁸

ENDNOTES

- ¹ California Bureau of Criminal Statistics and Special Services, Crime and Delinquency in California in 1988, p. 150.
- ² NIJ Reports, No. 215, U.S. Department of Justice, July/August 1989.
- ³ "Drug Use in California," The 1990-91 Budget: Perspectives and Issues, Report from the Legislative Analyst's Office to the Joint Legislative Budget Committee, p. 155.
- ⁴ A. Morgan Cloud, III, "Cocaine, Demand, and Addiction: A Study of the Possible Convergence of Rational Theory and National Policy," 42 Vanderbilt L. Rev. 725, 752 (1989).
- ⁵ NIJ: RESEARCH IN ACTION, Drug Use Forecasting, December 1989, p. 6.
- ⁶ U.S. Department of Justice, Sourcebook of Criminal Justice Statistics, 1988, Table 3.115.
- ⁷ James Q. Wilson and John D. DiIulio, "Crackdown" in The New Republic, July 10, 1989, p. 21.
- ⁸ Joseph G. Weis, "Crime Statistics: Reporting Systems and Methods," in Enc. of Crime and Justice, Sanford Kadish, ed., (New York: The Free Press, 1983) 378-392.
- ⁹ On September 29, 1989, 20 tons of cocaine were seized in a San Fernando Valley warehouse by local and federal drug enforcement officials. And on November 4, 1989, eight tons of cocaine were seized by officials in New York City. Also see Miami brief.
- ¹⁰ Based on interviews with Chief Larry Joiner, Major David Barton, and Assistant U.S. Attorney Linda Parker, as well as a number of other Kansas City police officers who conveyed essentially similar historical information.
- ¹¹ Letter from then Captain David M. Barton to me.
- ¹² Publ. L. No 99-570 (Oct. 27, 1986).
- ¹³ Ronnie M. Scotkin, "The Development of Federal Sentencing Guidelines for Drug Trafficking Offenses," 26 Crim. L. Bull. 50 (Jan.-Feb. 1990).
- ¹⁴ San Francisco Chronicle, Sunday Punch magazine, February 18, 1990, p. 8.
- ¹⁵ Scotkin, op. cit. 53.
- ¹⁶ Seattle Police Department, Annual Report, 1988, p. 15.
- ¹⁷ For a discussion of these ideas, see Jerome H. Skolnick and David H. Bayley, The New Blue Line, (The Free Press, 1986); and Community Policing, Issues and Practices in Criminal Justice Series, NIJ, May 1988.
- ¹⁸ Letter from Director William J. Bennett to Chief Patrick Fitzsimons, February 9, 1990.
- ¹⁹ The New York Times, January 5, 1990, National Ed., A10.
- ²⁰ J.H. Skolnick, Justice Without Trial, (New York: Wiley, 1966, 1975) p. 45.
- ²¹ "Blythe Street Group Offers to Finance Police Patrols," The Los Angeles Times, August 11, 1989.
- ²² Op. cit. November 22, 1989. Valley edition, p. 3.
- ²³ P. 73.
- ²⁴ Edmundo Morales, Cocaine: White Gold Rush in Peru, University of Arizona Press, Tucson, 1989, 174. This book offers an outstanding ethnographic description of the Peruvian cocaine economy and effect on the Peruvian people.
- ²⁵ Strategy, 73.
- ²⁶ P. Reuter, "Can the Borders be Sealed?" 92 The Public Interest, (1988) 51, 55.
- ²⁷ Reuter, op. cit. p. 56.
- ²⁸ J. Kaplan, The Hardest Drug: Heroin and Public Policy. University of Chicago Press, 1983.
- ²⁹ San Francisco Chronicle, August 31, 1989.
- ³⁰ United States Department of State: Bureau of International Narcotics Matters, International Narcotics Control Strategy Report. (March 1988), p. 86.
- ³¹ Tina Rosenberg, "The Kingdom of Cocaine: A Report from Columbia," The New Republic (Nov. 23, 1989) 28.
- ³² Patrick V. Murphy, Commissioner: A View from the Top of American Law Enforcement, 245.
- ³³ The Los Angeles Times, October 24, 1989.
- ³⁴ The New York Times, Tom Wicker, October 13, 1989.
- ³⁵ In 1988, about 47 percent of the admissions to California state prisons were of parole violators returned to prison by the Parole Board without a conviction for a new charge. See Sheldon Messinger, et.al., Parolees Returned to Prison and the California Prison Population. Sacramento, CA: California Bureau of Criminal Statistics, 1988.
- ³⁶ Strategy 26.
- ³⁷ Id.
- ³⁸ April 18, 1989. The Wall Street Journal reported on October 20, 1989, that Mr. Bennett has attributed the halting progress of the Washington, D.C. war on drugs to "local officials" whose "politics" has blocked new prison construction.
- ³⁹ Jerome H. Skolnick et. al., The Social Structure of Street Drug Dealing, California Bureau of Criminal Statistics Reports, 1988.
- ⁴⁰ The story of Felix Mitchell and his drug operation is told by Michael Covino, "How the 69th Mob Maximized Earnings in East Oakland," California, November 1985, 83.
- ⁴¹ Peter Reuter, "The D.C. Crime Surge," Washington Post, March 26, 1989.
- ⁴² R. Greenspan, R.A. Berk, M.M. Feeley and J.H. Skolnick, Courts, Probation and Street Drug Crime, Center for the Study of Law and Society, 1988.
- ⁴³ Mark A.R. Kleiman, "Crackdowns: The Effects of Intensive Enforcement on Retail Heroin Dealing," in Marcia R. Chaiken, Street Level Enforcement: Examining the Issues, NIJ, August 1988, 3, 9.
- ⁴⁴ See the critiques of Kleiman's article by Arnold Barnett and Anthony V. Bouza in Chaiken, op. cit.
- ⁴⁵ Kevin M. Burke, "Comments on Street Level Enforcement Activity," in Chaiken, op. cit. 53.
- ⁴⁶ Anthony V. Bouza, "Comments on Street Level Drug Enforcement" in Chaiken, op. cit. 47, 49.
- ⁴⁷ For further analysis of media distortions of police activity, see Jerome H. Skolnick and Candace McCoy, "Police Accountability and the Media," 3 American Bar Foundation Research Journal (Summer 1985) 521.
- ⁴⁸ San Francisco Chronicle, June 21, 1989.