ABSTRACT
                Those who try to deal with violence in U.S.
communities and schools have tended to concentrate on suppression of
violence, rather than real prevention, particularly as violence is
associated with youth gangs. This discussion focuses on
multiculturalism as a policy for reducing gang violence, rather than
strategies that have been used to deal with youth gangs, which
include community organization, social intervention, provision of
social and economic opportunities, organizational development, and
suppression. Institutional racism is perhaps the most important issue
involved in the formation of gangs and their inappropriate
activities, although it is by no means the only cause. The
incorporation of the process of multiculturalism into the concept of
community policing may assist in reduction of all forms of violence
in our society, including gangs. The racial and ethnic character of
the police force must reflect the composition of the community.
Education to make students more sensitive to different cultures will
also help to reduce violence. This will require more cultural
awareness on the part of teachers, and more sensitivity in curriculum
design and implementation. Practices of teachers can go a long way to
alleviating violence by encouraging respect for all. Appendixes
contain a section of the California penal code, a House Bill on gang
violence, and a sample school board policy. (SLD)

MULTICULTURALISM AS A POLICY FOR DISARMING GANG VIOLENCE IN COMMUNITIES AT LARGE AND IN SCHOOLS

By Christine Clark, Ed.D. and Morris Jenkins, J.D., Ph.D.

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Introduction

The complex and multifaceted entity of violence invades, violates, and destroys especially urban communities in increasing proportions in the 1990's. While policy-makers, law enforcement officials, and educators, among others, try to contend with the reality of violence in communities at large and in schools, their strategies for so doing converge around their collectively distancing themselves and their work from violence and its manifestations, in essence suppressing it. Even when violence prevention strategies have a lower fiscal bottom line and effect a substantially greater reduction in violence than suppression ones, suppression strategies are still championed.[1]

In attempting to understand why violence reduction has been and continues to be approached in this manner we must consider how the concept of violence has been constructed in society. For example, while gang-related violence accounts for less than 3% of all violent crime committed annually, because it is 95% of the violence the media reports, mainstream society has come to perceive it as the most threatening.[2] As such, constituents have begged policy-makers to develop responses to protect them from this threat; responses that put their minds at ease (suppression), not solve the problem.

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The following discussion is aimed at solving the problem of violence, specifically gang violence, in communities at large and in schools. Hopefully, it will put some minds to good use as well as at ease.

Recent Strategies Used To Deal With Gangs

According to the recent study of youth gangs by Irving Spergel, there are five basic strategies that are used nationwide to deal with the "social problem" of youth gangs. These strategies are: community organization (or neighborhood mobilization); social intervention; social and economic (or opportunities) provision; organizational development and change; and suppression.[3]

According to Spergel, "community organization is the term used to describe efforts to bring about adjustment, development, or change among groups and organizations in regard to community problems and/or social needs."[4] Efforts to mobilize individuals, groups, and institutions around the issue of gangs and their activities would fall within this category. An example of an organization that employs this strategy is the Massachusetts Adolescent Violence Prevention Project in Boston. This is a joint city (Department of Health and Hospitals) and state (Department of Public Health) initiative, funded by the federal government (Office of Maternal Childcare Health Bureau), to build a community-based coalition to deal with issues of adolescent violence.

Spergel describes social intervention as, "the
systematic effort of an agency worker, through social work or
treatment techniques within the neighborhood context,
primarily to help a group of young people who are described
as delinquent or partially delinquent to achieve a
conventional adaptation."5 Recreational, entertainment,
advocacy, and educational improvement programs would fall
within this category. An example of an organization that
employs this strategy is the Dorchester (Massachusetts) Youth
Collaborative which offers "at risk" youth alternatives to
the "action" on the streets.

The social and economic provision strategy focuses on
providing jobs and job training. Here Spergel describes,
"large scale resource infusions and efforts to change
institutional structures including schools, job
opportunities, political participation, and the development
of a new relationship between the federal government and
local neighborhoods in the solution, not only of delinquency
but of poverty itself."6 An example of an organization that
employs this strategy is the Massachusetts Career Development
Institute in Springfield which offers both youth and adults
vocational training in a variety of areas.

The organizational development and change strategy is
where, according to Spergel, new procedures and mechanisms or
adaptations are put in place by existing organizations and
agencies to address the specific issue of youth gangs. An
example of an organization which employs this strategy is the

Boston Police which has developed specific gang units within police departments.7

Spergel's final strategy is suppression, "a new strategy which appeared to emerge in the 1970's and 1980's, and is still dominant today."8 With this strategy, gang members are arrested, prosecuted, and removed for long prison sentences. And, since only players in the criminal justice system are active with respect to policies and legislation, the main vehicles used to effect suppression are substantive criminal law and criminal procedure.

Substantive Criminal Law

Substantive criminal law is the body of rules that defines what crime is.9 Over recent years, many states and municipalities have enacted bodies of laws that either directly or indirectly deal with gang membership and gang activity. The constitutionality of all of these laws has been questioned from time to time and their effectiveness in reducing gang violence has yet to be determined.10 Some examples of these laws will help to illustrate how they are at least intended to suppress gang violence.

In the Community at Large

Many jurisdictions, responding to studies which go as far as to suggest that a lack of parental responsibility causes gang activity, have either enacted or attempted to enact laws holding parents criminally responsible for the actions of their children.11 In doing this, the state hopes that there will be a reduction in both criminal activity and

the number of gangs. It is clear that, disproportionately,
the female, often single, parent of the child engaged in the
illegal activity is most often the parent held criminally
responsible.12

Many jurisdictions have also imposed clothing
restrictions upon youths in various settings, including
public parks. These restrictions are an attempt to prohibit
youth from wearing what is assumed to be gang-related
clothing, further assuming that this will ease tensions
between gangs, prevent gang violence, and make parks more
conducive to recreation.13

Many jurisdictions have also enacted curfews and
loitering ordinances to deal with gang activity, due to the
fact that much of the violence thought to be gang-related
occurs at night. Minors are usually the targets of these
laws and they are usually only applicable in emergency
situations.14

Many jurisdictions have also attempted to deal with
gangs and their activities by focusing on the one agent that
produces most of the violent deaths in our society, guns.
Efforts here focus on reducing illegal access to and the
availability of guns through the enactment or proposal of gun
control ordinances and statutes or gun buy-back policies.15

And, a few jurisdictions have even enacted laws to deal
directly with urban street gangs. The state of California
has the Street Terrorism and Prevention Act16 that adds
additional penalties for individuals convicted of acts that

are defined as gang activity, very similar to the
Racketeering Influence and Corrupt Organizations acts (RICO),
while other states have simply incorporated gang activity
within RICO statutes.[17]

In Schools

Many schools, following the lead of their jurisdictions,
have imposed clothing restrictions on students while in
school or on school property. Here too, as in the community
at large, these restrictions are an attempt to prohibit
students from wearing what is assumed to be gang-related
clothing, further assuming that this will ease tensions
between gangs, prevent gang violence, and make schools more
conducive to learning.[18]

In the Community at Large and In Schools

Many jurisdictions and schools, who view drug usage and
distribution as the main type of gang activity, have teamed
up to deal with this aspect of gangs. Together they champion
the "drug-free school zone"[19] law which imposes severe
penalties on individuals convicted of distributing controlled
substances in or within five hundred to fifteen hundred feet
(depending on the jurisdiction) of schools and playgrounds,
yet not within five hundred and one to fifteen hundred and
one feet.[20]

Conclusions

All of these laws attempt to deal with the problems of
gangs without making membership in a group illegal. However,
the application of these laws through criminal procedure may

give society, especially youth, the perception that gang membership is illegal.

Criminal Procedure

Criminal procedure is broadly defined as the methods by which the criminal justice system function. The rules that guide the methods are applicable to all players within the criminal justice system.21 If any player, police, counsel, or judge, fails to follow the rules of procedure, a conviction of any individual may not occur.

Criminal procedure rules are in place to protect the public from abuse by agents of the states. One of the foundations of criminal procedure is the Fourth Amendment of the United States Constitution. This amendment says:

> The right of all people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particular describing the place to be searched, and the persons or things to be seized.22

Recently, many exceptions to the protections guaranteed by this amendment have been made under the rules of criminal procedure. These exceptions are used as tools by the criminal justice system in developing policies to deal with gangs.23 Some examples of these policies will help to illustrate how they are at least intended to suppress gang violence.

In the Community at Large

Starting in 1988, the Los Angeles Police Department has used non-arrest investigatory detentions or "sweeps" and

"stop and frisks" to combat gang activity.24 To many legal
scholars and others, the policies upon which these practices
are based are contrary to the intent of the Fourth Amendment.
The government justifies this increased power of the police
by stating that gangs are a major public safety issue and
therefore the power is necessary to ensure the welfare of
citizens in high crime areas. Other policies include the
use of undercover agents and drug-sniffing dogs.25 There is
even a proposed policy to suspend our most valued right under
the Fourth Amendment by implementing a "no-knock warrant."26
Again the argument is that the need for public safety
outweighs the right of privacy.

The expansion of prosecutorial power under the rules of
evidence in many states is also used as a policy tool to deal
with the issue of gangs. In the past, evidence of an
accused's membership in an organization was considered
inadmissible evidence because "membership in an organization
does not lead reasonably to any inference as to the conduct
of a member on a given occasion."27 Today however, there has
been a move to allow evidence of gang membership and gang
activity in court proceedings. One other proposed policy to
expand prosecutorial power would allow a district attorney to
work in the field with police to gather evidence of the gang
membership and gang activity of individuals.28

There are also court policies designed to address gangs.
One such policy is the use of pre-trial preventive detention
of a juvenile if the court believes that there is a risk of

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future criminality by that juvenile.29 Another proposed
policy in this area advocates for the restructuring or
abolishing of the juvenile court and the trying of all
juveniles as adults.30 The power to try an individual
juvenile as an adult has already been given to judges and in
some cases to prosecutors as well.

One last proposed policy aimed as an assault on gangs
and their activities focuses on the Miranda rights
established by the United States Supreme Court and guaranteed
by the Fifth Amendment.31 This policy, championed by many
conservatives and strict constructionists, suggests that the
abolition of Miranda rights would assist law enforcement's
efforts to deal with criminality in general and, more
specifically, gang violence.

In Schools

Policies to deal with gangs and juvenile delinquency in
schools include the expansion of state powers to search
lockers, to use metal detectors, as well as to conduct body
and property searches of students on school grounds. They
also include the use of undercover agents and drug-sniffing
dogs as employed in the community at large.32

Conclusions

The use of all of these policies have led to many legal,
moral, and political obstacles. In particular, there is a
constitutional problem which revolves around the Fourth
Amendment.33 While adults are generally afforded certain
protections under this amendment from illegal searches and

seizures, one legal model proclaims that juveniles are persons-in-the-making and so are not entitled to full protection from certain searches and seizures by the state. According to this model, school administrators are not acting as state agents when searches occur but are acting in the place of parents or guardians to ensure the safety of "their" children. In contrast, a counter-model suggests that juveniles are rational persons and should be afforded the same rights and responsibilities as adults.34 The bottom-line question here for both the community at large and schools becomes: Should we as a society sacrifice freedom of expression, personal security, equal protection, and personal liberty for public (community at large and school) safety, or is there a viable alternative?

Equal Protection?

> All persons born or naturalized in the United
> States, and subject to the jurisdiction thereof,
> are citizens of the United States and of the
> state wherein they reside. No state shall make
> or enforce any law which shall abridge the
> privileges or immunities of citizens of the
> United States; nor shall any state deprive any
> person of life, liberty, or property, without
> due process of law; nor deny any person within its
> jurisdiction the equal protection of the laws.35

The Fourteenth Amendment, more specifically this equal protection clause within the amendment, is the legal foundation that is used to ensure that the application of laws and policies does not adversely impact citizens because of ascribed status. This amendment guides both the substantive criminal law and the criminal procedure used by

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the criminal justice system to apply the law. The original

intent of this amendment was to heal the wounds that were

caused by the enslavement of people of African descent and,

more recently, the effects of all discriminatory, especially

racist, practices of societal institutions.36

In order for a law to be valid, the words in it must be

"prima facie," or on their face, race neutral. In other

words, a law cannot be made to single out an individual for

an arrest and subsequent prosecution solely because of the

individual's race or ethnicity. The trend in the judiciary

and society then is to employ a colorblind approach to the

concept of equal protection.37 In essence, it is assumed

that when a legislator drafts a bill, when a policy-maker

implements a policy, and when a "street level bureaucrat"38

applies the policy, all of this can be done in a context

devoid of racism.

Theoretically, if laws, more specifically criminal laws,

are drafted under the colorblind paradigm, they could be

perceived by society, either consciously or unconsciously, as

a group of words protecting the interest of all citizens.

However, many times these laws themselves as well as their

application under the colorblind approach protect only the

interest of a certain class of people, while adversely

impacting another. Because the structure of our society,

including the legal system, is historically grounded in

racism (manifest both passively and actively), by employing

the colorblind approach we are ignoring the issue of

institutional racism and the role it plays in all aspects of the law. Derrick Bell, in his book <u>And We Are Not Saved: The Elusive Quest for Racial Justice</u>, explains this dynamic through his fictional character, Geneva Crenshaw. Ms. Crenshaw says:

> Racism is not a group of bad white people whose discriminatory propensities can be controlled by well-written civil rights laws, vigorously enforced. We underestimate when we entirely ignore the fact that there is a deeply held belief in white superiority that serves as a key, regulative force in an otherwise fragile and dangerously divided society. Indeed, it is difficult to think of another characteristic of societal functioning that has retained its viability and its value to social stability from the very beginning of the American experience down to the present day. Slavery and segregation are gone, but most whites continue to expect society to recognize an unspoken but no less vested property right in their "whiteness."39

Therefore, one can logically assume that the laws are made by and, more importantly, for individuals who benefit from the fruits of institutional racism. (As a result, these laws may even contribute to the deviant behavior they are intended to stop.40) An example will help to illustrate this point.

The gang profile is one of the more popular tools used, both officially and unofficially, by law enforcement agencies in public and private settings to identify individuals who are gang members. The profile is based on the stereotypes of the physical appearances of urban gang members initiated by all societal institutions, including the social sciences, the law, and the media, within the context of institutional racism. And, more often than not, the stereotype is of a

young Black, Latino or Asian man. Many of the police manuals
even use racial categories as an identifying characteristic
in the gang profile.41

It is interesting to note that on the criminal law end
of the spectrum, the trend is to move from a race neutral
approach to a race conscious approach, while on the civil law
end, especially with respect to affirmative action policies,
the trend is to move from a race conscious approach to a race
neutral approach as a remedy for the social problems that
have been identified as causes of criminality42; the opposite
of what is needed in both areas to eradicate institutionally
entrenched racism and the ensuing deviant behavior. This
attitude of the legal system towards its own institutional
racism can best be placed in perspective by Supreme Court
Justice Scalia:

> There [are] many white ethnic groups that came to
> this country in great numbers relatively late in
> its history--Italians, Jews, Irish, Poles--who not
> only took no part in, and derived no profit from,
> the major historic suppression of the currently
> acknowledged minority groups, but were, in fact,
> themselves the object of discrimination by the
> Anglo-Saxon majority. [To] be sure, in relatively
> recent years, some or all groups have been the
> beneficiaries of discrimination against blacks, or
> have themselves practiced discrimination. But to
> compare their debt--I must use this term since the
> concept of "restorative justice" [in affirmative
> action legislation] implies it; there is no
> creditor without a debtor--with that of those who
> plied the slave trade, and who maintained a
> formal caste system for many years thereafter, is
> to confuse a mountain with a molehill.43

So, which is it? Should an individual be punished for
participation in a group or solely and directly for their

illegal activity? Are we, as a society, more fearful of the
group or with its activities?

Even if we were to assume that the law was prima facie
race neutral, any application of any anti-gang policy
necessarily singles out individuals based on racial and
ethnic characteristics since, by definition, gangs are
composed of individuals from the same race and ethnicity,
almost invariably young Black, Latino, or Asian men.44
Additionally, there is the perception that most individuals
in our society have that gangs are so comprised.

The laws and policies used previous to anti-gang laws
and policies can deal with the illegal activities that are
allegedly carried out on both an individual and group basis
by suspected gang members.45 The enactment of anti-gang
statutes leads to the perception that such are only designed
to deal with a specific racial or ethnic group. If this
perception is accurate, this is a violation of the equal
protection clause of the Fourteenth Amendment. Given this,
it is not surprising that the corrections components of the
criminal justice system in particular are "viewed as last
resort methods of socialization for youth of dominant groups
but as primary agencies of socialization for young persons
from subordinate groups."46 Through the enactment and
application anti-gang laws and policies, the placement of
Young Men of Color into this socialization agent is only
hastened.

Multiculturalism as a Policy

During the past twelve years, the perceived division
between the races has become wider.[47] This division became
apparent after the Rodney King beating and the subsequent
riots in Los Angeles. Gangs, their alleged illegal
activities, and the institutional responses to both are but
symptoms of the persistence and pervasiveness of racism in
our society.[48] The media's portrayal of gangs, the actions
taken or lack thereof by both governmental and private
agencies, and anti-gang laws and policies enacted by public
officials have been catalysts for broadening the division
between the races.[49]

We should not be surprised to find that institutional
racism lies at the core of this social problem. It cannot
only and in large measure explain why gangs form and may
engage in certain activities, but is also with great
certainty a determining factor in why particularly
ineffective responses have be employed in attempts to tackle
the problems posed by gangs.

Over the past thirty years, there have been attempts to
remedy the divisions and, hence, conflicts between the races
as well as many of the discriminatory practices of Whites in
the political and legal arenas which have led to these
conflicts.[50] Despite well-intentioned policy and
programming, both the perception and the reality of racism
and the residual effects of both have negatively impacted
upon Communities of Color. Blacks, Latinos/as, Asians, and

Native Americans have yet to benefit from the fruits of capitalist society in any significant way. Economically, politically, and socially, these groups have not realistically attained equality at any level.51 The voice of the oppressed and disadvantaged citizenry is either not being taken seriously or is being completely ignored by policy-makers.

In the past we looked solely to the federal government to remedy many social problems, including crime and racism. But, due to the dismantling of many governmental programs and a desensitization towards human and civil rights by the federal administration over the last twelve years, we began to look towards private foundations and state government to join in battle against racism and other discriminatory practices. Today we see that, due to general and pervasive ignorance concerning what is needed to whole-heartedly eradicate racism, we must look elsewhere still.

While the United States legal system is only able to take a reactive and suppressive stance against the activities of gangs or groups of juveniles that are deemed inappropriate or illegal, federal, state, and local governments can be proactive in responding to the causes of illegal activities. In fact, there are many laws and policies already in place which address the issues of both individual and institutional racism and much of the discriminatory behavior that reflects racism. Effective application of these laws and policies

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will provide the impetus that all sectors of society need to
become active in the quest for equality for all citizens.

While suppression is a strategy used to deal with gangs,
it is certainly not the only one and perhaps the least
effective. Any serious attempt to deal with gangs must be
addressed by many institutions in and at various level of our
society. And, while institutional racism is perhaps the most
important issue involved in the formation of gangs and the
activities we, as a society, deem inappropriate, it is not
the only one. And yet, a comprehensive effort by this
society to remedy the problem of institutional racism could
have a significant impact not only on the illicit activities
of gangs and other juveniles, but could, in turn, remedy
other social problems.

Multicultural Community Policing

> Multiculturalism is the process of recognizing,
> respecting, and valuing cultures other than
> one's own, stressing and appreciation for the
> impact of difference, especially across races
> and ethnicities.52

The incorporation of the process of multiculturalism into the
concept of community policing may assist in the reduction of
all forms of violence in our society, inclusive of
institutional racism, gangs, and crime.53 Multicultural
community policing can only occur if there is a true
understanding by both police and citizens of the cultures
involved in their relationship to each other. In most cases
this involves the monoculture (usually race and/or ethnicity)
of the neighborhoods in a community and the monoculture

(police subculture[54]) of the officers. In both camps there
exists a fear of the other that many times far outweighs the
fear of criminality.

Under the concept of multicultural community policing
the racial and ethnic composition of a police force must be
reflective of the community it is assigned to protect and the
attitudes of officers must further be reflective of the
attitude of the community. The "policing powers" of the
community are shared by its police force and the citizens
within its neighborhoods. This concept not only improves
community/police relations and reduces the fear of
criminality, but also politically and socially empowers
otherwise disenfranchised citizens, like those prone to join
gangs.

But, this concept should not only be employed in
Communities of Color for People of Color. On the contrary,
it should also be employed in mixed as well as all White
communities and for Whites to actively involve all
communities and people in the process of multiculturalism.

In Schools

The concept of multicultural community policing should
also be employed in schools. Many schools already have
police or security officers on their premises. In those that
do not various school personnel take on the responsibilities
normally assigned to police and security officers on some
level. To enhance these efforts, all the administrators,
faculty, staff, students and parents, and police or security

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officers of a school should be actively involved in both the
development and implementation of a multicultural safety
policy.

Multicultural Education

> Multicultural education is a process of
> comprehensive school reform and basic education
> for all students. It challenges and rejects
> racism and other forms of discrimination in
> schools and society and accepts and affirms the
> pluralism (ethnic, racial, linguistic,
> religious, economic, and gender, among others)
> that students, their communities and teachers
> represent. Multicultural education permeates
> the curriculum and instructional strategies used
> in schools, as well as the interactions among
> teachers, students, and parents, and the very
> way that schools conceptualize the nature of
> teaching and learning. Because it uses critical
> pedagogy as its underlying philosophy and
> focuses on knowledge, reflection, and action
> (praxis) as the basis for social change,
> multicultural education furthers the democratic
> principles of social justice.[55]

Of urban teenagers, not that unlike non-urban teenagers, some
are actively involved in their education, others are
relatively disinterested, and still others have dropped out
of school completely. But somewhat more unlike non-urban
teenagers, any or all may be influenced by gang activity. It
is interesting then, that these same urban teenagers (in
addition to their parents and teachers, the lawyers who
defend or prosecute them for alleged criminal wrongdoing, the
judges who sentence them if and when they are convicted of
criminal wrongdoing, and the probation officers and
therapists among others to whom they are assigned) are
identifying the need for some form of multicultural education
to address issues of violence, gang and otherwise, both as

they are manifest in the community at large and in schools
and the connection between the two.56

In conducting interviews with a group of urban high
school students, one researcher found that, "Most of the
students contended that fights between students of different
racial groups erupt outside of school because of a lack of
knowledge about each other's culture. Hostilities are
exacerbated by the lack of a school environment and
curriculum that fosters understanding among students of
various racial groups and academic classifications."57
Elaborating on this theme one student stated his belief that,
"`If you clean the school system to where it is more of a
multicultural diversity in areas of learning, then the
streets will start to clean up.'"58 And, in an effort to
respond to these issues of violence, "the students agreed to
work together toward increasing communication and sensitivity
between school staff and students and toward changing the
school curriculum to reflect more religious and cultural
diversity."59

In developing multicultural education as a tool for
disarming violence, especially gang violence, a number of
multiculturally oriented professional development initiatives
are needed. The goal of these initiatives would be to better
equip all school personnel in their interpersonal and
curricula development and implementation endeavors to
positively affirm all students.

Interpersonal Endeavors

Of critical importance is Jawanzaa Kunjufu's research on
how mainstream (eurocentric) schools are destroying Black
male students.60   In particular, Kunjufu identifies that
Black male students are the most likely to be placed in
special education programs while White female students are
the least likely to be. Not coincidentally he reveals, White
female teachers, who comprise the overwhelming majority of
both public and private elementary and secondary school
teachers, are the ones most likely to place Black males and,
correspondingly, the ones least likely to place White
females.

Kunjufu aptly concludes that the negative side of this
dynamic is a function of cultural misunderstanding. The
White female teachers are most different from their Black
male students with respect to both race and gender culture
and, to a lesser extent, socio-economic class background
culture as well. They therefore experience the greatest
difficulty in engaging them in learning because not only do
they share different academic and behavioral expectations,
but their expectations for how academic and behavioral
guidelines will be communicated are also different. To
complicate things further, teachers are often not consciously
aware that they have these differences in expectations. On
the other hand, the positive side of this dynamic is a
function of cultural understanding. The White female
teachers who are most similar to their White female students

with respect to race, gender, and socio-economic class background culture, experience the greatest ease in engaging them in learning. Not only do they share similar academic and behavioral expectations, but their expectations for how academic and behavioral guidelines will be communicated are also similar. Usually neither are conscious that they have similar expectations. Kunjufu goes on to suggest that, while Black female students, other Students of Color both male and female, and White male students are also negatively impacted by this dynamic to varying degrees, Black male students bear the brunt of the dynamic because of the combination of gender difference and racism. That is, not only are they male where the teachers are female, they are also furthest in color from that of the teachers.

Quite clearly then, White female teachers need professional development initiatives to better prepare them to affirm male students and Students of Color, especially Black male students. More generally however, all school personnel need professional development initiatives to help them acquire basic, intermediate, and advanced multicultural awareness, then knowledge, and finally profound understanding.61

Such initiatives must necessarily include opportunities for personnel to develop cross-cultural interaction competencies.62 For example, there must be the opportunity for a White male teacher to come to understand that when a Latina student looks down at the ground when he is chastising

her behavior, she might actually be showing him respect, not disrespect, from her cultural perspective.

Such initiat.ves must also include opportunities for personnel to develop cross-culturally appropriate intervention strategies.64 For example, a Black male counselor working with an Asian female student, must come to understand many things about her race and gender cultures before determining the best strategy with which to approach her (which ultimately may not directly involve him) about why she has not yet, in the first semester of her senior year, signed up for the mandatory sex education class.

Such initiatives must also include opportunities for personnel to more consciously learn about their own cultures.64 In this way they may come to recognize aspects of their cultures that they disaffirm for survival (by force), inadvertently (unconsciously), or by choice (to "pass"), as well as aspects of their cultures that they take for "normal" or "just the way things are" rather than understanding them as culturally entrenched. For example, a woman may come to realize that having worn dark colored, conservatively styled business suits to conform to the White male administrative culture in the school in which she has worked for ten years has been negatively impacting her ability to feel positive about expressing aspects of the culture of her gender and/or race both in and outside of work. Or perhaps the school administration might come to

recognize that their culture is in fact White and male and
not "ju t the way things are."

Curricula Development Endeavors

Other professional development initiatives speak more
directly to all faculty. In particular, faculty need
opportunities to learn how to develop multiculturally
oriented curricula content in all grade levels and all
disciplines.65

Professional development initiatives in this area must
focus faculty on revising monocultural curricula content to
include the representation of those traditionally under or
unrepresented in it as well as on innovating altogether new
curricula that, from its nception, is already
multiculturally inclusive. There are four parameters which
guide both the revision and innovation processes.66 The
first parameter focuses on oppression, the second on lives,
cultures, and countries of origin, the third on contributions
and works, and the fourth on designers and implementers.
With respect to all four of these parameters, it is important
to note that changes made in curricula content must be
comprehensive. To get students to understand a mathematical
concept we do not give them cne example and expect them to
have grasped it; on the contrary we give them several
examples. This is because just as with tokenism in
employment, tokenism in curricula does not work. For
students to truly grasp the concept of multiculturalism they
must be presented with a multiplicity of examples of it that

are well integrated into all the curricula they are exposed
to throughout their educational career.

Within the first parameter, the experiences of
oppression of the traditionally underrepresented are
emphasized, like the enslavement of Africans by Europeans.
But, while it is very important to detail histories of
oppression, it is equally important to detail information
about the lives, cultures, and countries of origin of those
oppressed. This second parameter is particularly critical
because to detail only a peoples' oppression leaves them at
the level of victim or object, lacking authorship, agency, or
subjectivity in their own lives. Understanding the everyday
life, cultural traditions, and economic, social, political,
and geographic conditions of existence, among others, of a
people gives them this authorship, agency, and subjectivity.
But, this understanding must not be superficial. That is, it
must not illustrate other peoples as exotic, fantastic or
peculiar; rather it must illustrate them as "regular people."
Their day-to-day existence, practices, and environment must
be presented as as normal to them as ours are to us.

Within the third parameter, the contributions that
underrepresented peoples have made to our everyday lives, to
our academic disciplines, and to our professional world (as
well as those they have made to that of others), that we take
for granted and that we know nothing of, must be articulated.
This includes their theories, inventions, equations and the
like. And too, we must teach their works; their textbooks,

novels, poetry, films, music, art and so on. But, in
accordance with the fourth parameter, it should not be only
"us" or members of overrepresented peoples who teach about
the underrepresented with respect to any or all of the first
three parameters. Underrepresented peoples should likewise
be designing and implementing curricula about themselves as
well as everything else.

Often there are only members of overrepresented groups
present to design and implement such curricula. In addition,
it should not be assumed that a member of an underrepresented
group will necessarily design and implement such curricula
for any number of reasons ranging from them not possessing
the knowledge to do so (just because they are a member of an
underrepresented group does not automatically make them a
multicultural curriculum development expert), to their not
wanting to call attention to themselves, to them not being
supportive of such, and so on. What is most important is
that the designing and implementing of multicultural
curricula is being done by someone genuinely supportive of
and knowledgeable about multicultural education. In some
circumstances however, it is necessary for this to be done
only and always by a person from an underrepresented group.
It can be inappropriate and largely impossible for a member
of an overrepresented group to attempt to educate members of
an underrepresented group about aspects of their history
that, because of their experience as a member of an
overrepresented group, they cannot fully understand. But, in

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other circumstances it is necessary for this to be done, at least initially, only by a member of an overrepresented group. It would be wholly unlikely to even find a Person of Color in an exceptionally racist school district. Ideally, this should be being done by members of under and overrepresented groups together.

In the final analysis, to be the most successful in revolutionizing curricula content in this and other manners, we especially need genuinely multiculturally supportive White male role models.67 Because of their power and conditioned by it, many will follow their lead in this endeavor who will not follow the same lead championed by the underrepresented. This is a function of the fact that White men are perceived to support any initiative for the "objective" good it will do all people, whereas the underrepresented are seen as supporting only those initiatives that will promote their own "agenda."68

Multicultural curricula content must additionally include life skills preparation, discussion of current events, particularly those directly effecting the lives of the students, more extensive drug and alcohol education, violence prevention, conflict resolution, and mediation training, and instruction in the psychology of self.69 It must also include the same kinds of initiatives previously suggested for all school personnel but geared for students. That is, initiatives designed for students to acquire basic, intermediate, and advanced multicultural awareness, then

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knowledge, and finally profound understanding.70 This could
be accomplished through the development of cross-cultural
interaction competency, a repertoire of cross-culturally
appropriate intervention strategies, and increased
consciousness of one's own cultural memberships and the
impact of these memberships cn, in particular, interpersonal
interaction and task and goal orientation.

Additionally, since much of the tension delineated
between teachers and students seems to be race and gender
based, if White female teachers are being required to learn
how to positively affirm all Students of Color and White male
students, but especially Black male students, then
multiculturally oriented curricula content for all students,
but especially male students must likewise require that they
learn to respect their female teachers including their
authority.71 Since violence against women is so condoned in
our society, merely replacing female teachers with male
teachers would only perpetuate the notion that male authority
is the only valid authority and further confirm to both male
and female students that violence agains women is
acceptable.72 Instead, students must be taught to condemn
violence against women, respect them, and accept their
authority as valid. But, as discussed above, women cannot
teach this by themselves, and so the presence of men and
their assistance in this endeavor is also required.73

All students must learn, from nursery school to the
completion of doctoral degrees, the value of the

participation of all peoples in the creation/evolution of our
world. They must also learn that they are as important as
anyone else but no more important than anyone else. With
this information foremost in their minds, the way they come
to view and interact with others will be positively
transformed.

Curricula Implementation Endeavors

Once faculty have developed multicultural curricula
content they will need to implement it. Having gone the
distance to develop this state-of-the-art curricula content
they cannot revert to monocultural strategies to implement it
and expect to achieve its full effectiveness. Here they need
professional development opportunities aimed at helping them
acquire a repertoire of strategies to implement their
multiculturally oriented curricula content.

Professional development initiatives in this area must
focus faculty on developing ways to provide students with a
vast array of alternatives to the traditional didactic
pedagogy to address differences in their learning styles.
There are ten parameters which guide this acquisition
process. The first four parameters focus on teaching
philosophy, the organization of the learning environment, the
assessment of student needs, and the use of organizational
tools. The other six parameters focus on varying the
instructional materials and their use, the instructional
model, the instructional strategies, the learning activities,

and the methods by which student learning and teaching
effectiveness are assessed.

First and in accordance with Paulo Freire's research,
teachers must give up the notion of teaching as mastery.74
While teacher education often trains one to think of oneself
as a master of one's discipline, this education is in large
measure monocultural. Given this, at best a teacher could
only be a monocultural master of their discipline, highly
skilled at imparting knowledge about their academic specialty
from a largely eurocentric perspective. Even someone who was
highly multiculturally competent in their discipline could
not really be considered a multicultural master of it because
so much multicultural information in every discipline has
historically been obscured that what we have begun to uncover
today is likely but a fraction of what there is to know. As
our classrooms become increasingly diverse, we must confront
the reality that our students will undoubtedly have more
knowledge about particular subjects than we do simply because
of their different life experiences, although we should not
assume that they do just because of these life experiences.

Given all this, it makes more sense to think of
ourselves as facilitators of the process of learning and
actively involve students in this process. To do this we
must begin by asking students what they already know about a
particular subject to make sure that the information they are
exposed to is new and at a level that challenges them, and
also to demonstrate to them that they already have knowledge

about many things of which they may be unaware. We must also
ask them what they want to learn about the subject.75

With this mindset and information in hand, we can engage
students in a dialogue by posing questions to them that cause
them to think critically, relative to knowledge that they
already possess, in order to arrive at answers to the
questions about this new body of information.76 In this way
we no longer look upon students and they no longer see
themselves as empty receptacles into which we make deposits
of information, but rather as critical agents in their own
education.77

Second, teachers must be attentive to the impact of the
physical and aesthetic organization of the immediate learning
environment on learning. For example, is the classroom clean
and neat? Should the chairs be set up in rows or in a circle
to best facilitate the learning of the day's lesson? Do the
pictures on the wall and the resources in the classroom
affirm the representation of all the students in the class as
well as those they may meet in the world beyond it?78

Third, teachers must vary the methods by which they
assess student needs. For example, they can alternate the
use of written assessment tests, computerized assessment
tests, student oral or written self assessment with peers,
teachers, or parents, and teacher observation.79

Fourth, teachers must use organizational tools. For
example, they can use a "weekly format" that is consistent:
every Monday review reading assignments, every Wednesday have

a class discussion, and so on. They can use a "daily
format," by beginning each class collecting homework, then
introducing new information, and so on. They can use
"motivators" to get the immediate attention of students at
the beginning of a class, such as wearing a top hat to class
the day they discuss the fashion of a particular historical
period. Similarly, they can use "closers" to signal the end
of class, like a review of important lecture points. In
addition to the syllabus, they can provide students with a
class agenda for each class so that students will know what
is going to happen that day. They can also use handouts to
help students structure lecture notes or which define key
concepts or technical vocabulary with which they may be
unfamiliar.80

Fifth, teachers must use an array of instructional
materials. These can include traditional texts, books,
newspapers, journals, audiotapes, workbooks, games,
magazines, plays, and videotapes.81

Sixth, teachers must vary the use of instructional
materials. For example, they can use texts that have
multiculturally representative pictures, names, situations
and language, or traditional (monocultural) texts and
encourage students to think critically about, dissect,
question what is being presented, or not use texts at all and
use a variety of other resources instead, or use all
of these in combination.82

Seventh, teachers must vary the instructional model. For example, they can use a thematic approach in which students are encouraged to look for recurrent trends in United States history. They can also use an interdisciplinary approach to teach philosophy in which students are encouraged to understand how the economic situation, political climate, geographic location, and cultural traditions of a people or an era influenced the development of a particular branch of philosophic discourse. Or, they can use an immersion approach to teach humanities in which students are encouraged to eat the food of a particular civilization, attire themselves in their fashion, listen to their music, copy their art, and so on.[83]

Eighth, teachers must vary their instructional strategies. For example, they can have students engage in whole class discussions, small group work, partner work, individual work, one-on-one work with the teacher, peer teaching and learning, student teaching of the whole class, and debate.[84]

Ninth, teachers must vary the learning activities. For example, they can have students engage in assignments that require them to develop and employ in varied measure affective, cognitive, and motor skills through reading, writing, speaking, listening, and problem-solving initiatives.[85]

Tenth, teachers must vary the methods by which they evaluate student learning and, hence, teaching effectiveness.

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For example, they can vary the use of multiple choice tests, essay tests, short answer tests, take home tests, oral tests, term papers, and creative projects.86

Students should be engaged in self evaluation of their academic performance and effort. When involved in this way, students are amazingly honest about what they think their grade should be and are less inclined to express animosity to a teacher for giving them a grade they do not like because they had a hand in determining it and therefore know what it is before it comes in the mail.87

And, students should also be involved in the evaluation of the course content, the instructional materials, and the teaching of it, as well as in making recommendations for improving it the next time it is taught. In this way they become more invested in learning because they have helped to determine what and how they learned while simultaneously becoming better at learning as they become more aware of their learning style and of how to prepare differently for evaluation in different subject areas and by different methods. This also has the effect of improving the quality of instruction because student feedback lets the teacher know directly what did and did not work. In so doing it encourages teachers to continually revise and refine the teaching of a subject they teach, making it and them ever-fresh in the process and perpetuating the dialectical and reciprocal nature of teaching and learning.88

Learning must also be made more active, interactive, and experiential. This is confirmed by Kunjufu's research in which he found that most male students regardless of race, but especially most Black male students, learn best when learning activities are shifted every twenty minutes.89 So, for example, the first twenty minutes of a class might be a short film, followed by twenty minutes of discussion, and then perhaps a twenty minute writing assignment summarizing the film and pertinent discussion points.

Certainly, Kunjufu points out, while this organization may most favor the learning style of most Black male students, all students will benefit from exposure to it in some ways. There are two fundamental reasons why multicultural education focuses, in particular, on varying methods of implementing curricula content rather than trying to teach a particular way to particular groups of students. The first reason is because not all students in a particular group learn the way their group is said to learn. The second reason is because all students benefit from exposure to multifaceted approaches as such challenge them to broaden their repertoire for learning in some ways while affirming their preferred learning style in others.

Researchers at the University of California at Berkeley also point to the importance of creating a learning interest "culture" to facilitate students in broadening their repertoire for learning at the same time effecting positive cross-cultural interaction between students.90 In a series

of studies these researchers found that White students normally associate with other White students who are performing at the same academic level regardless of learning interest. Here peer associations were founded on similarities in race and academic performance. A low achieving White student in biology would tend to associate with a low achieving White student in English, while a high achieving White student in physics would tend to recreate with a high achieving White student in history. On the other hand, they found that Students of Color normally associate with other Students of Color (and most often those from their own racial and ethnic group) regardless of academic level or learning interest. Here, peer associations were founded essentially on similarities in race and ethnicity only. A low achieving African American student in philosophy would tend to associate with a moderate achieving African American student in chemistry and a high achieving African American student in art.

In creating a learning interest "culture," through the development and implementation of "workshops" where an individual student's evaluation is based on the collective performance of their workshop group members, students come to associate with other students with the same learning interests as themselves regardless of race or academic performance. This has had the overall effect of enhancing the academic performance of all the students across the learning interest, encouraging the development of cross-

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cultural relationships and peer teaching, and ultimately broadening the repertoire for learning of all involved. Not surprisingly, this initiative has also had the effect of reducing racial tensions on the school, college, and university campuses where it is employed.91

It is important to note that Kunjufu, while supportive of multicultural education, is more supportive of African American malecentric education and afrocentric or Africancentric education, not for all students like eurocentric education has been applied, but for Black male students and all Black students, respectively.92 And here Kunjufu is not alone as Latino/acentric, specifically Puerto Rican and Mexican American or Chicana/o, educational models and schools have as well been championed.93 These initiatives, some of which are branches of and others precursors to multicultural education, have developed in direct response to mainstream (eurocentric) schools' resistance to dealing with issues of diversity, especially to developing and implementing multicultural curricula.

Although it may be wonderful to talk about the pluralistic process of building multicultural schools and to participate in it, the stark reality is that these schools are needed now. This is because there have already been too many casualties, students lost because they were "educated" by the "methods employed by the oppressor [which] deny pedagogical action in the liberation process."94 There are more of these casualties waiting to happen. And yet, we must

still champion multicultural education over all forms of centrism because reminiscent of the Booker T. Washington/ W. E. B. Du Bois debate we know that separate, whether by imposition or choice, never means equal.95

Conclusions

Gang criminality is a limited percentage of total criminality nationwide and is a limited portion of the activity of the groups that are classified as a gang.96 Much of these groups' other behavior could be deemed legal. In fact, the organizational structure of a large number of these groups, mirrors the structure of many of our legitimate capitalist businesses.97 Indeed, if one looks at gangs involved in drug activity, one could say, not withstanding the ethical and moral issues, that in this endeavor they are among the few in business that remain true to the concept of laissez-faire.

When one reads about or discusses the issues of gangs, the phrase "social problem" and the word "crime" usually surface. Academic studies' popular portrayals of gangs seldom focus on their positive side. While some of their activities are criminal, at times even heinous (but the system has always had policies in place to deal with deviant behavior), their structure, behavior, and characteristics are not much different from those of other societal organizations.

According to some scholars, communities go through a
stage of denial about the existence of gangs within their
borders.98 Denial may also occur with reference to the issue
of racism. Recognition and acceptance of the problems of
gang violence and institutional racism and the connection
between the two must occur and every citizen and institution
must participate in their solution.

All forms of violence are on the rise in society as a
whole, in communities at large, and in schools. As a result,
especially students, parents, and educators but also the
general population, business, and government must actively
and collectively pursue extremely broad-based multicultural
approaches to disarm this violence.

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NOTES

1. S. Baldauf, "Prison Education Rankles Critics," <u>The Christian Science Monitor</u> (13 October 1992), 12.

2. These statistics vary depending on the source and the geographic area considered. Our statistics are based on a national average extracted from data compiled by the American Sociological Society. See American Sociological Society, "National Trends in Violent Crime," Reprint (Washington, D.C.: Economic Research, Inc., 1993).

3. I. Spergel, "Youth Gangs: Problem and Response," Reprint (Chicago: University of Chicago, The School of Social Service Administration for the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 1990).

4. Ibid., p. 119.

5. Ibid.

6. Ibid.

7. Ibid.

8. Ibid.

9. H. C. Daudistel et al, <u>Criminal Justice: Situations and Decisions</u> (New York: Holt, Reinhart & Winston, 1979).

10. T. Weinstein, "Visiting the Sins of the Child on the Parent: The Legality of Criminal Parental Liability Statutes," <u>Southern California Law Review</u>, 64 (1991), 859. See also K. J. Parsley, "Constitutional Limitations on State Powers to hold Parents Criminally Liable for the Delinquent Acts of their Children," <u>Vanderbilt Law Review</u>, 44 (1991), 441.

11. Ibid.

12. There have only been approximately ten cases nationwide and in all ten the charges were dropped.

13. P. Murphy, "Restricting Gang Clothing in Public Schools: Does a Dress Code Violate a Student's Right of Free Expression?," <u>Southern California Law Review</u>, 64 (1991), 1321. See also S. Burrell, "Dress Codes and the Schoolhouse Door," <u>The Recorder</u> (12 February 1992), 8.

14. D. R. Veilleux, "Validity, Construction, and Effect of
    Juvenile Curfew," Fourth Annotated Law Review, 83
    (1991), 1056.

15. M. Kauffman, "Many Say Buy-Back of Guns Worth a Try,"
    The Hartford Courant (6 May 1992), D1.

16. In fact, policies have been enacted by public school
    boards to eliminate gangs. See APPENDIX C.

17. See APPENDIX B.

18. See supra note 13.

19. F. M. Padilla, The Gang as an American Enterprise (New
    Brunswick: Rutgers University Press, 1992).

20. When these zones are established, drug-related activity
    merely moves to the outside edge of the zone if at all.
    The problem is not eliminated, only relocated.

21. See supra note 10.

22. Amendment IV, United States Constitution.

23. D. R. Shultz, "The Right to be Let Alone: Fourth
    Amendment Rights and Gang Violence," Western State
    University Law Review, 16 (1989), 725.

24. Ibid.

25. "Crackdown on Gang Crimes Near Schools Proposed:
    Lawmakers Have Unveiled a Plan to curb Street Gang
    Crimes Particularly on School Grounds," United Press
    International (27 January 1985), A1.

26. D. B. Allegro, "Police Tactics, Drug Trafficking, and
    Gang Violence: Why the No-Knock Warrant is an Idea Whose
    Time Has Come," Notre Dame Law Review, 64 (1989), 552.

27. J. E. Theuman, "Admissibility of Evidence of Accused's
    Membership in Gang," Fourth Annotated Law Review, 39
    (1991), 775. See also S. Burrell, "Gang Evidence:
    Issues for Criminal Defense," Santa Clara Law Review, 30
    (1990), 739.

28. W. A. Williams, "The Case for Proactive Prosecution,"
    Criminal Justice Journal, 13 (1992), 389.

29. C. E. Frazier and D. M. Bishop, "The Pretrial Detention
    of Juveniles and Its Impact on Case Dispositions,"
    Journal of Criminal Law, 76 (1985), 1132.

30. J. E. Ainsworth, "Re-Imagining Childhood and Reconstructing the Legal Order: The Case for Abolishing the Juvenile Court," North Carolina Law Review, 69 (1991), 1083. See also R. O. Dawson, "Future Trends in Criminal Procedure: The Future of Juvenile Justice; Is it Time to abolish the System?," Journal of Criminal Law & Criminology, 81 (1990), 136.

31. J. Agronsky, "Meese V. Miranda: The Final Countdown," American Bar Association Journal, 73 (1987), 86.

32. See supra note 25.

33. See supra note 22.

34. While this model supports the trying of juveniles as adults position, it favors the maintenance of laws and policies that are only applicable to juveniles.

35. Amendment XIV, United States Constitution.

36. T. A. Aleinifoff, "The Constitution in Context: The Continuing Significance of Racism," University of Colorado Law Review, 63 (1992), 325. See also M. S. Sheffer, "Did the Framers Intend Their Intentions?: Civil Rights, the Fourteenth Amendment, and the Election of 1866," Capital University Law Review, 12 (1982), 45.

37. R. Fallon and P. Weiler, "Firefighters v. Stotts: Conflicting Models of Racial Justice," Supreme Court Review, (1984), ?.

38. Street level bureaucrat is a term coined by Michael Lipsky. It defines the "true" policy-makers as the individuals who work face-to-face with clients. According to Lipsky, due to the discretionary powers afforded these workers, it is they who actually make the policies. See M. Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services (New York: Russell Sage Foundation, 1980).

39. D. Bell, And We Are Not Saved: The Elusive Quest for Racial Justice (New York: Basic Books, Inc., 1987).

40. G. T. Marx, "Ironies of Social Control: Authorities as Contributors to Deviance through Escalation, Nonenforcement, and Covert Facilitation," Social Problems, 28 (1981), 221.

41. For discussion on the various racial and ethnic gang profiles see M. M. Russell, "Entering Great America: Reflections on Race and the Convergence of Progressive Legal Theory and Practice," Hastings Law Journal, 43 (1992), 749 at 759.

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42. The trend of the courts and the subsequent Civil Rights Act sends the message of racism as usual. See R. Belton, "The Civil Rights Act of 1991: The Future of Affirmative Action; A Preliminary Assessment," <u>Depaul Law Review</u>, 41 (1992), 1085. Justice Marshal, in one of his final dissenting opinions, states, "this nation's battle against pernicious racial discrimination or its effects is nowhere near won." p. 1114.

43. A. Freeman, "Antidiscrimination Law: The View from 1989," <u>In The Politics of Law: A Progressive Critique</u>, ed. D. Kairys (New York: Pantheon Books, 1990), p. 137.

44. We ran the words "gang" and "violence" in the LEXIS/NEXIS database paper file. Most of the articles we found detailed situations in the inner-city. Those that detailed situations in suburban settings referred to Young Men or Women of Color. Given this, it is particularly interesting to note that a recent youth homicide (in suburban Dartmouth, Massachusetts) was described as a "clique-related killing." The perpetrators of the crime were members of a "clique" referred to as the "skaters" or "burners" and had Neo-Nazi affiliations, while the victim of the crime was a member of a "clique" referred to as the "wiggers" or "White niggers" because they were known to emulate Blacks. While this was as much a gang-related homicide as any that occur in the inner-city or which involve Youth of Color in the suburbs, the administrators of the school that both the perpetrators and the victim attended stated that this incident was not gang-related even though it might appear to have been. See S. Koch and M. Caruso, "No Remorse: Alleged Teen Killer Idolized Cult Boss," <u>The Boston Herald</u> (14 April 1993), A1; I. Spergel et al, "A Survey of Youth Gang Problems and Programs in Forty-Five Cities and Six Sites," Reprint (Chicago: University of Chicago, The School of Social Service Administration for the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 1989).

45. Laws are currently on statutes dealing with accomplices and accessories.

46. D. F. Hawkins and N. E. Jones, "Black Adolescents and the Criminal Justice System," Reprint (Boston: Urban League, n.d.), p. 416.

47. A. Pinkney, <u>The Myth of Black Progress</u> (New York: Cambridge University Press, 1984).

48. Racism is one of the top fifteen "American" values. See R. Williams, _American Society_ (New York: Knopf, 1970); J. P. Dean and E. A. Suchman, _Strangers Next Door: Ethnic Relations in American Communities_ (Englewood Cliffs: Prentiss-Hall, 1964).

49. M. E. Cronin, "Struggling Against Gang Label: Some Eastside Parents Question Police Tactics Toward Minority Teens," _The Seattle Times_ (17 July 1991), B1.

50. Including the Civil Rights Bill, affirmative action policies, and other types of political pressure.

51. A. Hacker, _Two Nations, Black and White, Separate, Hostile, and Unequal_ (New York: Charles Scribner's Sons, 1992).

52. We are indebted to Dr. George Smith, Dean of Non-Traditional Services at Quinsigamond Community College in Worcester, Massachusetts for this definition.

53. R. Trojanowicz and B. Bucqueroux, _Community Policing: A Contemporary Perspective_ (Cincinnati: Anderson Publishing Co., 1990).

54. B. L. Berg, _Law Enforcement: An Introduction to Police in Society_ (Boston: Allyn & Bacon, 1992).

55. S. Nieto, _Affirming Diversity: The Sociopolitical Context of Multicultural Education_ (New York: Longman, 1992), p. 208.

56. M. Jenkins, _Black Urban Street Groups and Institutional Racism: Weed and Seed, But Did Law Enforcement Add Too Much Fertilizer?_, Dissertation (Boston: Northeastern University, 1993).

57. W. Wiley, "Students Raise Concerns in Fight Against Weapons," _Telegram & Gazette_ (16 December 1991), A3.

58. Ibid.

59. Ibid.

60. J. Kunjufu, _Countering the Conspiracy to Destroy Black Boys, Volume i_ (Chicago: African American Publishing Company, 1983).

61. C. Clark, _Multicultural Education as a Tool for Disarming Violence_, Dissertation (Amherst: University of Massachusetts, 1993).

62. Ibid.

63. Ibid.

64. Ibid.

65. Ibid.

66. Ibid.

67. From comments made by Dr. Beverly Tatum at the
    Massachusetts Teacher's Association (MTA) Conference on
    Civil and Human Rights in Marlborough, Massachusetts,
    January 9, 1993.

68. K. Marx, The Economic and Philosophic Manuscripts of
    1844 (New York: International Publishers, 1964).

69. See supra note 61.

70. Ibid.

71. Ibid.

72. Necessities/Necesidades, "Violence Against Women In
    Education," Reprint (Northampton, MA: Massachusetts
    Battered Women's Coalition, 1985).

73. See supra note 61.

74. P. Freire, Pedagogy of the Oppressed (New York:
    Continuum Publishing Company, 1970).

75. Ibid.

76. Ibid.

77. Ibid.

78. See supra note 61.

79. Ibid.

80. Ibid.

81. Ibid.

82. Ibid.

83. Ibid.

84. Ibid.

85. Ibid.

86. Ibid.

87. Ibid.

88. See supra note 74.

89. See supra note 60.

90. R. Asera, "The Mathematics Workshop: A Description,"
     Reprint (Berkeley: Professional Development Program,
     University of California, 1988).

91. Ibid.

92. See supra note 60.

93. See H. Giroux, Theory and Resistance in Education: A
     Pedagogy for the Opposition (South Hadley, MA: Bergin &
     Garvey Publishers, Inc., 1983); C. Lucas, Foundations of
     Education: Schooling and Social Order (New Jersey:
     Prentiss-Hall, 1984); C. Walsh, Pedagogy and the
     Struggle for Voice: Issues of Language, Power, and
     Schooling for Puerto Ricans (New York: Bergin & Garvey
     Publishers, Inc., 1991).

94. See supra note 74.

95. From comments made by John Bracey, Professor of African
     American Studies at the University of Massachusetts at
     Amherst, at Christine Clark's Comprehensive Evaluation,
     July 9, 1992.

96. See APPENDIX A.

97. M. S. Jankowski, Islands in the Street: Gangs and
     American Urban Society (Berkeley: University of
     California Press, 1991). See also, C. S. Taylor,
     Dangerous Society (East Lansing, MI: State University
     Press, 1990).

98. C. R. Huff, "Denial, Overreaction, and
     Misidentification: The Postscript on Public Policy," in
     Gangs in America (Newbury Park, CA: Sage Publications,
     1990).

PENAL CODE
PART 1. Crimes and Punishments
TITLE 7. Crimes Against Public Justice
CHAPTER 11. Street Terrorism Enforcement and Prevention
Act
Cal Pen Code @ 186.22 (1992)

@ 186.22. (Second of two; Operative January 1, 1993; Operative until January 1, 1997) Participation in criminal street gang; "Pattern of criminal gang activity"; " Criminal street gang"

(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in the state prison for one, two, or three years.

(b)
(1) Except as provided in paragraph (2), any person who is convicted of a felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or three years at the court's discretion. However, if the underlying felony is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school related programs or when minors are using the facility, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of the sentencing.

(2) Any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished

by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in the county jail.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) As used in this chapter, "pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after the effective date of this chapter and the last of those offenses ccurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offe to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(7) The intimidation of witnesses and victims, as defined in Section 136.1.

(f) As used in this chapter, " criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts

enumerated in paragraphs (1) to (7), inclusive, of subdivision (e), which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) This section shall become operative on January 1, 1993.

(h) This section shall remain in effect only until January 1, 1997, and on that date is repealed, unless a later enacted statute which is enacted before January 1, 1997, deletes or extends that date.

APPENDIX B

<div align="center">

HOUSE BILL 1084

1991 IN H.B. 1084
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DATE-INTRO: JANUARY 7, 1991

LAST-ACTION: MAY 12, 1991

SYNOPSIS: Prohibits membership or participation in criminal gangs
that require as a condition of membership the promotion, participa-
tion in, or commission of a felony or battery. Makes it a Class D
felony to knowingly or intentionally actively participate in a
criminal gang.   Amends the **Racketeer Influenced and Corrupt
Organizations (RICO)** law to expand the definition of "racketeering
activity" to include the: (1)commission; (2) conspiracy to commit;
or (3)aiding and abetting in the commission of gang activity.
More

 STATUS:
01/02/91 PREFILED.
01/07/91 INTRODUCED.   To HOUSE Committee on COURTS AND CRIMINAL
CODE.
01/31/91 From HOUSE Committee on COURTS AND CRIMINAL CODE: Do pass
as amended.
02/11/91 Passed HOUSE.   *****To SENATE.
03/07/91 To SENATE Committee on JUDICIARY.
03/28/91 From SENATE Committee on JUDICIARY: Do pass as amended.
04/04/91 Passed SENATE.   *****To HOUSE for concurrence.
04/16/91 HOUSE refused to concur in SENATE amendments. *****To
CONFERENCE
Committee.
04/26/91 CONFERENCE Committee Report adopted by HOUSE.
04/26/91 CONFERENCE Committee Report adopted by SENATE.
05/12/91 *****To GOVERNOR. **Signed by GOVERNOR.**

APPENDIX C

Policy of the Board of Education of School District No. 228, Cook County, Illinois Prohibiting Gangs and Gang Activities (Adopted on 4-24-84) This Board of Eduction feels that the presence of gangs and gang activities can cause a substantial disruption of or material interferences with school and school activities. A "gang" as defined in this policy is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board of Education acts to prohibit existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1.   Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang.
2.   Shall commit any act or omission, or use speech, either verbal or non-verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang
3.   Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
    a.   soliciting others for membership in any gangs
    b.   requesting any person to pay protection or otherwise intimidating or threatening any person
    c.   committing any other illegal act or other violation of school district policies
    d.   inciting other students to act with physical violence upon any other person.