

**Statement From Common Council President Willie L. Hines, Jr.
June 20, 2007**

**Calls on Mayor to Veto "Anti-Gang Loitering"
Ordinance**

Names and titles often carry power – even if they do a very poor job of describing what they represent. That’s why Alderman Zielinski’s choice of “Anti-Gang Loitering” as the title of his recent resolution, which passed yesterday in a 9-5 (8-6, really), was a brilliant selection. Despite the fact that this resolution will do nothing to curb gang violence, the title alone has managed to attract a significant following.

This does not come as a surprise. On a simplistic level, everyone knows it’s wrong to be in a gang, and everyone knows it’s wrong when the criminal activities of gang members are left unchecked.

Unfortunately, the ordinance that passed yesterday does nothing to address criminal activity. It does nothing to address gang activity. What it does, rather, is punish people for simply existing and assembling.

Any and every group of individuals has the Constitutional right to peaceably assemble, whether that group is the NAACP or the Ku Klux Klan. Former gang members who have not had their tattoos removed have the right to peaceably assemble. (There are more than a few gang members-turned-pastors in the city who fit this model.)

On the other hand, if a group is intimidating local residents, creating a nuisance, engaging in prostitution, selling drugs or participating in any other form of illegal behavior – including loitering – then our police force is

empowered by law to take action. Those laws are already on the books. They are good laws, because they address behaviors, not supposed identities.

As former District Three Police Captain Glenn Frankovis aptly wrote in a public online forum recently, “The proposed anti-gang loitering ordinance isn’t necessary and is only a way of posturing on the part of some elected officials so that their constituents feel like they’re doing something.” The City Attorney believes the resolution will create excess paperwork and tie up the court system to determine “gang status.” John Chisholm, the Milwaukee County District Attorney, is on record as saying that this ordinance is unnecessary. In addition, tax dollars will be wasted because of the additional hours that police officers will spend in the courts.

In light of these significant concerns, I urge Mayor Barrett to veto the resolution, as he promised he would do last year.

If any individual – gang member or not – is not committing a crime, then he or she should be left alone. I do not write this exhortation because I endorse the criminal behavior of gang members. I do not. I am against this resolution because people should be punished for illegal activities, not for who they are or who we imagine them to be.

###