

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON CONSUMER AFFAIRS AND PUBLIC SAFETY

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October 20, 2008

Start: 10:40am

Recess: 11:40am

HELD AT: Hearing Room
 250 Broadway, 14th Floor

B E F O R E:

PETER F. VALLONE, JR.
LEROY G. COMRIE, JR.
Chairpersons

COUNCIL MEMBERS:

Charles S. Barron
John C. Liu
Melinda R. Katz
Daniel R. Garodnick
Anthony Como
Helen D. Foster
Vincent Gentile

A P P E A R A N C E S (CONTINUED)

Deanna M. Rodriguez
Kings County District Attorney's Office

Edward Carroll
Kings County District Attorney's Office

Johnny Rivera
President
Coalition to Save Our Children

Paul Schubert
Community Activist

CHAIRPERSON COMRIE: Good morning.

I'm sorry. My Land Use Committee was supposed to start at 9:30. It didn't start until 10:30. I am Leroy Comrie. I chair the Committee on Consumer Affairs. I'd like to begin by acknowledging and thanking my Co-Chair for today's hearing Council Member Peter Vollone, Jr., for his efforts in addressing the scourge of gang apparel and gang culture in our society and especially within New York City. In locations across the City, retailers are openly selling hats and shirts broadcasting gang colors, symbols and philosophies. Some of their customers are gang members, eager to have stylishly produce apparel touting their affiliation. Many other those, are innocent bystanders, drawn to the design of the product but unaware of the dangerous message that's conveyed. The sale of these items is irresponsible on many levels from the corporation that authorizes their production to the company that designs and markets them and to the retailer that sells them to our youth. Many of the involved parties are aware of the ongoing sale of gang related apparel, but few have taken proactive

steps to truly rectify the problem. Two months after this issue first gained attention, again in the news, members of my staff visited several urban apparel stores in the City and found the offending items still on sale. This weekend as I moved around I went to three different places in my district and one outside, and clearly this is an issue that is still being marketed by stores all around the City. If it's an oversight by some of the retailers, it's a gross one. We first addressed this issue last December. Though all the parties associated with the production and the sale of these pieces of gang apparel failed to attend our hearing, we were fortunate enough to be joined by the New York City Police Department as well as such groups as Peach on the Street, Scan New York, Coalition to Save our Children and the Power of Faith Ministry. Today we are particularly delighted to be joined by the Brooklyn District Attorney's Office. In March, just three months after our own Council hearing on the subject, the Brooklyn District Attorney's Office conducted its own investigation into the sale of gang paraphernalia. Despite assurances

that we received from New Era and Major League Baseball that they were going to discontinue the sale of any apparel that might be gang related, the DA's Office found that stores were still selling the offending goods. The sales clerks are not ignorant with respect to the gang symbolism that accompanies the merchandise, with one undercover investigator being informed by a clerk that the hat he was purchasing represented the Bloods, which is a major gang in this City and throughout this country. My own office has revisited many of the stores that prompted our original hearing and found that gang related apparel was still up for sale in many neighborhoods. It is therefore difficult to take New Era and Major League Baseball at their word, when they promised to stop producing dangerous apparel, but then do not take any proactive steps to remove the offending merchandise from the stores it supplies. As a matter of fact, three other cap manufacturers, City Hunter Cap Company, KB Ethos Cap Company and Global Headwear Cap Company have begun to follow in New Era's example by producing caps with blatant gang symbolism. It

1
2 is time for New Era, Major League Baseball and all
3 other companies that tolerate and encourage gang
4 activity through inaction to walk the walk and
5 make a sincere effort to keep symbols of violence
6 out of the hands of our City's youth. We thank
7 everyone for joining us today. I look forward to
8 hearing from all parties that will be speaking and
9 I'll now turn over the floor to my esteemed
10 colleague, Council Member Vollone for some
11 comments.

12 CHAIRPERSON VOLLONE: Thank you,
13 Chair Comrie and thank you for your leadership in
14 this very important issue. It's been an honor to
15 work with you on this. This is a New Era cap.
16 These are the Blood colors. This is a Blood
17 bandana. New Era is marketing the gang culture of
18 violence and death to our youth. Now we got a
19 letter from New Era saying that they were upset,
20 that they were offended that we accused them of
21 marketing death to our youth. Well, you know who
22 should be offended, the parents of the kids who've
23 been killed by gangs in the drive-bys or by
24 wearing a hat like that. That's who should be
25 offended. New Era, spare us the indignation and

stop selling these hats to our youth. Now, it's not just New Era. It's the other companies that Leroy Comrie mentioned also, and it's Major League Baseball. Now Major League Baseball is associated with New Era Cap Company. When we had this hearing almost a year ago, everybody said they were unaware that these were gang colors. Well, now they're aware. It's been a year. These things are still for sale and Major League Baseball is still using New Era Cap Company. I watched the game last night. On top of every dugout it said NewEraCap.com. Major League Baseball needs to cut its ties to these irresponsible companies or they are also culpable of selling death to our youth. The excuses proffered a year ago are no longer valid-- they said they didn't know that these were gang colors or that these things have been discontinued and the stores somehow got a hold of them-- don't hold any water any longer. It's too late for that. You're still selling death to our youth. You're still culpable. It wasn't too long ago that I went up with some other Council Members and the Speaker to paint over graffiti that said Stop

1 Snitching up in Harlem. It's bad enough that
2 there's graffiti. There's only so much we can do
3 to control that. But these shirts that say Stop
4 Snitching Now are just despicable, despicable.
5 And that these companies are allowed to do this; I
6 guess it's they're-- they have a constitutional
7 right, but that doesn't mean that we should not be
8 out there as good people standing up against it
9 and telling everyone do not support these
10 companies. We are going to hear today again from
11 the Brooklyn DA's office, who we're happy to
12 partner with on this. This has been going on now
13 for over a year and a half. I believe MLB, Major
14 League Baseball and New Era were invited again.
15 Once again, they're not here to explain how they
16 can possibly continue to sell this death to our
17 youth. I would like to at this point, I guess
18 we're going to call up the DA's office? Again,
19 Mr. Chair, thank you for your leadership on this
20 issue, and also, this oversight, the continuous
21 oversight hearing. It's not something that we
22 just had a hearing about and are going to let
23 these people get away with. We are going to
24 continue to follow up until we get some action.
25

Thank you.

CHAIRPERSON COMRIE: Thank you. I want to acknowledge the colleagues that are here, Council Member Como from Queens and Council Member Helen Foster from Brooklyn--

COUNCIL MEMBER FOSTER:
(Interposing) The Bronx.

CHAIRPERSON COMRIE: Oh, sorry; the Bronx. It's a borough with a B.

[Laughter]

CHAIRPERSON COMRIE: I haven't had my coffee yet. We are here today knowing that there's freedom of speech laws and knowing that there is an opportunity to educate people, which is our primary goal, to make sure that our innocent children, people that are coming from other areas that are purchasing these items innocently do not wind up in critical harmful situations. We're here today to continue to call to get New Era to remove these items from all the shelves that are still out there proliferating. We also are trying to get the parents, before we move into the next holiday shopping season, that they're not picking up merchandise like this,

1 which will clearly put their children in harm's
2 way; especially now that we have other
3 manufacturers that have picked up on the trend and
4 are making gang apparel, gang-related apparel, and
5 creating more opportunities for our children to be
6 put in harm's way. I want to thank the DA. We
7 did reach out to New Era and we reached out to
8 Major League Baseball for them to participate.
9 Apparently they've sent a letter responding that
10 they could not attend. And they also sent a
11 letter that I should have and that I'll have in a
12 few minutes, that we'll read into the record. But
13 I want to thank the Brooklyn DA's Office that has
14 picked up this effort and has put together an
15 additional effort on their own, when they went out
16 as I said earlier. And right now we're going to
17 have Ms. Deanna Rodriguez from the DA's office and
18 Mr. Edward Carroll from the Brooklyn DA's office.
19 They're going to come forward and share their
20 information with us. Thank you for being here
21 this morning.

23 DEANNA M. RODRIGUEZ: First, we'd
24 like to thank you so much for having us here and
25 inviting us to share with you something that is of

great concern to the District Attorney of Kings County, and something that the Gang Bureau, that's now in it's 13th year of existence unfortunately, has been dealing with for quite some time. There is no issue that these hats and the t-shirts and the jackets that are being made and sold are gang related, that they are being utilized by gang members, that clearly it becomes very simple for them to use them in order to represent the gangs that they are affiliated with. Maybe I'm dating myself, but the Yankees were the team in my house. You weren't allowed to like any other baseball team. And for all the years that I've known of the Yankees, their colors are pinstripe, blue and white. And we now have this phenomenon and corporations claim that it is this generation's style of using the color coordination. So now we have Yankee hats that are red and Yankee hats that are black and gold and we have Yankee hats that are blue, but the blue that are rocked by the Crips in this city. We all know that it's an issue and we all know that it's a problem and we all know that we can't legislate against corporations making these things and we can't ban

stores from selling them. What we can do is hold people accountable for what their doing, and most importantly is to educate the adults and the young people who are utilizing these new hats and this whole new style for stylistic purposes. We have too many cases in Brooklyn, and I'm sure in other counties they're seeing the phenomenon as well, where the motive for the assault or the motive for the murder is that a young person was wearing a hat that was red and happened to have the misfortune of walking through Crip territory. And many times, we're finding that these youths are not gang affiliated, that in fact they weren't aware that wearing this hat in this area was going to put them in danger. So what do we do? As you all know in March 2008, the DA of Kings County, Joe Hynes said this is not okay in my county. And he called out Major League Baseball. He called out New Era. And what has happened as a result of that has been a number of meetings with Major League Baseball, which Ed Carroll will be talking about. As head of the gang investigations portion of our Bureau, Ed is a walking encyclopedia of all of these outfits. But really what I want to

impress is the importance-- information is power. And one of the things our Bureau does is we spend a lot of time going throughout Brooklyn, to churches; we go to PTA; we go to schools; we go to anywhere we're asked to go to begin to educate parents on what it is that's happening. We need to hold not only Major League Baseball and these companies accountable, but we also need to hold the retailers, the stores that are selling these things in our neighborhoods. They are literally making money off the blood of our kids. And they're doing it knowing what they're doing. One thing that was most horrifying for me during our investigation was the understanding that there were salespeople in these stores that knew exactly what they were selling and were schooling our youth about it. That's a problem. While we can't stop them from selling it, we certainly can empower parents not to buy it. And the way to do that is to continue to educate them. We have met with Major League Baseball several times. Ed Carroll is going to-- I'm going to turn it over to Ed to talk to you about the things that have come up in those meetings and what we think is going to

be the future in terms of their helping us with this situation.

EDWARD CARROLL: Again, I want to thank you this morning for having us. I have been speaking with Major League Baseball. Based on our investigation, the one good thing that came out of is actually Major League Baseball has opened their doors to the Brooklyn DA's Office. We actually have their ear now. So I want to thank the City Council for bringing that issue to the front and again to my office for carrying the ball even a step further. Based on our meetings with Major League Baseball, I tentatively have a meeting in November where we're going to go up actually to New Era to their plant, meet with their designers. Because what we're hearing is what the City Council heard, they're not aware of certain symbols, certain different uses of numbers. So it's our job, it's my job, in the Brooklyn DA's Office to educate people on those issues. And they've been wholly receptive to that idea, to what we've been bringing to the table. I do know at one of the meetings I called out Major League Baseball on a hat that the design itself was

called Original Gangster. In that meeting, the Head of Major League Baseball Marketing turned to that company and said, the fact that name of the hat is even Original Gangster is unacceptable. I was on their website as recently as last week. Just the name of the design of that hat has been changed. So it's a small step, but it's still a step in the right direction. We, as gang investigators, have to be vigilant. Because the gangs, if they're nothing, they are innovative and they change up some color schemes here and there. The numbers and things generally are always going to be the same. But, they're innovative. They know the police. They know that law enforcement is looking for certain indicators, so they change it up. So it's our job to be on that. But again, we need to continue our education of Major League Baseball, of these companies that are making these products. And that's the best thing that's come of this is that we have ear. We've had two meetings with them so far. One thing that Major League Baseball has committed to me is that aside from the products that are being put out there, they want to take an anti-gang message nationwide.

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2 They want to market and they want to mandate that
3 the teams in Major League Baseball have a
4 proactive anti-gang message. They want to put out
5 posters against gangs, against gang affiliation,
6 against joining a gang. And they're working
7 towards getting some high-profile major league
8 baseball players on board with that effort. So I
9 want to thank the City Council for giving us this
10 issue to work with and for bringing it to the
11 public's attention. I will tell you that we're
12 going to keep on this. We're going to keep doing
13 it until we have kids stop killing each other over
14 the color red, the color blue, green, whatever it
15 may be.

16 CHAIRPERSON COMRIE: I want to
17 thank you for your efforts and I'm glad that you
18 are at the table with Major League Baseball and
19 I'm glad that they're claiming to put together now
20 a national effort to deal with the gangs and the
21 gang colors to try to make sure that New Era is
22 focusing on cleaning up their act. The question
23 that I would want to first ask you-- and they're
24 telling me I've got to go back across the street
25 to vote. Charles, did you vote?

COUNCIL MEMBER BARRON: Yes.

CHAIRPERSON COMRIE: Okay.

COUNCIL MEMBER BARRON: Vote the other way.

CHAIRPERSON COMRIE: Yeah, all right.

[Laughter]

CHAIRPERSON COMRIE: Can you just describe what you saw out there the last time you were out doing the investigation, which was after you had your initial meeting with New Era and what you saw as far as product and what do you think the impact of those products are as far as our young people are concerned?

DEANNA M. RODRIGUEZ: The fact of the matter is there are products still out there that are being sold. From our investigation, there was a community outreach in terms of mothers in Brooklyn and Mothers Against Gangs was born. It is a young organization that is right now going through their respective neighborhoods in Brooklyn and pinpointing which stores are still selling these things. They are galvanizing, trying-- you know, educating mothers throughout our county and

preparing to picket these stores that refuse to take these items off of our shelves. Like we all say, they can sell it; we don't have to buy it. And the Mothers Against Gangs organization is very concerned about getting the message out to other mothers and other parents, not to mention the offensive price that the parents are paying for this. You can go and for \$20 get a New York Yankee hat in the right colors, and yet our investigation revealed that merchants were making double, sometimes triple the profits, which was reprehensible. You have parents working as hard as they are wanting to give their children better than what they had, and without knowing it they're endangering the lives of their children. In the last meeting we had with Major League Baseball, Ed was very good at going at them and is constantly on the websites of all of the different other cap companies. It's a weekly thing we do, because it's important to keep abreast of what they're selling so that we can confront when those meetings happen. It's still an issue. It's still something that's endangering our kids. And Ed and I do the majority of gang awareness workshops for

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2 parents and it's still very frightening to know
3 that we have so many parents in our state that
4 don't know. They just are ignorant of what these
5 caps are representing and the danger that these
6 kids are in.

7 EDWARD CARROLL: One other issue
8 that we found during our investigation was the
9 local merchant was not only selling the officially
10 licensed program, but they were utilizing etching
11 machines and they were drawing, adding their own
12 gang symbols. They have a whole catalogue of
13 different symbols that the company could etch
14 right into the hat. During our investigation we
15 bought a Crip hat. It was a blue bandanna Yankee
16 Hat and the officer went in and he asked to have a
17 six pointed star, commonly the Star of David; it
18 should be in the packet that I handed up to you
19 guys earlier. And we brought that to Major League
20 Baseball's attention as well. What they did is,
21 they did issue a letter to national chains that if
22 they did have these kind of etching machines, that
23 that sort of practice is to be stopped, otherwise
24 they're going to stop supplying those stores,
25 that's a message that Major League Baseball told

us.

CHAIRPERSON VOLLONE: To your knowledge, has Major League Baseball severed it's relationship with anyone as a result of these hats or this merchandize?

EDWARD CARROLL: No, I don't believe they've severed. I think the dynamic-- they're trying to change the relationship. Major League Baseball, again, it's like any other group that we go out and do this gang awareness with, they're unaware of certain signs or symbols or--

CHAIRPERSON VOLLONE: [Interposing]
You know what? This is no knock on you, but I don't believe that for a moment. I can understand where some of this might be confusing, but this is not confusing. Okay, this is a hat with a red and white bandanna that's clearly a Bloods hat. There is no excuse for Major League Baseball to associate with any company that's still doing this. They don't need to have any meetings. They don't need to have any negotiations. They need to sever relationships with these companies to send a clear message that we won't put up with it; and they haven't. They haven't. Now again, no knock

on you at all. I mean you're doing more than anyone I know, other than maybe us. And it's an honor to work with you on this to get this done. But for them to continue to say a year and a half after we brought this to their attention that they don't know what sort of death that they're selling to the kids, it's just not something I find acceptable.

EDWARD CARROLL: I have to agree with you 1,000 percent. I think that our mission in this from the inside out is to change the culture that's allowing these things to be produced. And the strides that have been made in our two little meetings, like I said earlier, it's a small step, but I feel it's a step in the right direction, and we're going to keep at it.

CHAIRPERSON VOLLONE: I want to recognize that we're joined by Council Member Dan Garodnick, Charles Barron, John Liu, and I think we were joined for a second by Council Member Katz, who is Chair of Land Use-- oh, stole some of my Committee Members. And she came back without them so that's...

COUNCIL MEMBER KATZ: The staff is

still there.

CHAIRPERSON VOLLONE: Staff is still there? There's an investigation we have to hold into that. Can you tell us, Deanna, you alluded to this when you spoke, but you mentioned that there have been-- do you know of any cases where someone has been injured or killed as a result of unwittingly wearing a gang color?

DEANNA M. RODRIGUEZ: Absolutely. I mean as early-- as recent as a couple of months ago we had a murder in Brooklyn, young man, 26 years of age, was wearing a black cap with a gold crown, was mistaken to be a member of the Latin Kings; 26 year old young man who was a rising start in the rap world is dead. And he's dead because he was wearing a hat. Clearly he had no gang ties. He was not in-- he was not identified as a gang member. He was a young man that in his earlier youth had some issues and had some contacts with the criminal justice system, but clearly in the last few years had really cleaned up his act and was a rising star in the music industry. He was killed because he wore a hat that another gang member, a rival gang, believe

marked him as a Latin King. That's just a recent murder. I can give you case after case of assaults that are kids are being victimized in. And a lot of our youth are afraid to report, because the gang members that are beating them up live down the block. This has become a situation that it's not just the stop snitching, that's a big problem in terms from a prosecutor's point of view. But also we have to deal with the very real reality that a lot of the gangs are not just coming from another location. They're operating within that particular area and our kids are terrified to go to the precinct and report that they've been assaulted or report that they've been robbed because they were wearing something and had the misfortune of going into the wrong area.

CHAIRPERSON VOLLONE: As a former prosecutor, I couldn't agree with you more about the stop snitching shirts. Every time someone doesn't cooperate with law enforcement, that means there's one more gun that's on the street, which may then very well kill a young child.

DEANNA M. RODRIGUEZ: Absolutely.

CHAIRPERSON VOLLONE: And it's

despicable. But I understand, and you said, about all the times people are attacked for wearing gang colors, we're aware of that. But I was wondering whether you had any specific instances of someone who unwittingly bought one of these, some of this paraphernalia and wasn't aware that it was a gang color and then wound up in some sort of trouble.

DEANNA M. RODRIGUEZ: Well I mean like I said, we have a number of cases where clearly the victim is not a gang member. And let me just say this, I take as seriously the case where the victim is a gang member as the case where it's a young person who's not. We can't make those distinctions in terms of prosecuting cases. And our youth, you know, we're now dealing with second-generation gang members. And a large part of this has to be to begin to educate our youth both that have joined the gang worlds and the ones that haven't. And there are clearly a lot of young people in our communities that are not part of the gang. To say that young people are not aware of the gang stuff is ludicrous. They could give us a better education of what they deal with on a daily basis. I tell parents all

the time, if you really want to get a good idea of what your kid is looking at, talk to your kid.

They can give you a better education of the gangs that are operating in their schools, the gangs that are out in their neighborhoods and the gangs that are threatening them. You know, 13 years ago when we started our Gang Bureau at the Brooklyn DA's Office, you could profile that young person who was at risk, that person who maybe came from that dysfunctional home, wanted to be a part of something. Today, it's not that simple. This gang phenomenon is hitting us on every economic strata. It is pervasive through every ethnic group. So for young people, I know young people will wear a red Yankee cap with no stars on it, with none of those other-- what's the word?

EDWARD CARROLL: Identifiers.

DEANNA M. RODRIGUEZ: Identifiers.

Thank you, Ed. But sometimes in some neighborhoods, literally just wearing the red hat is enough to endanger their lives, because like I said, if they're wearing that red hat and they go to school in a Crips school, you know, we can pretty much guess what's going to happen.

CHAIRPERSON VOLLONE: And you make a great point, but in other areas that may not be so gang savvy, you see parents, grandparents buy these things and they have no idea what they're buying.

DEANNA M. RODRIGUEZ: Absolutely.

CHAIRPERSON VOLLONE: And neither does the eight year old they're giving it to. And that kid is in jeopardy because of that, because of these hat companies. Council Member Barron.

COUNCIL MEMBER BARRON: You know, I really-- is this on?

[Pause]

COUNCIL MEMBER BARRON: You know, I'm really outraged how we're sitting here, there's gangs in the streets and there's gangs in the suites, and we're sitting here letting Major League Baseball and New Era get away with selling this paraphernalia to our communities that are leading to death and leading to people getting hurt and they're getting off the hook. And we're talking about Bloods and Crips, what about New Era and Major League Baseball? If you're participating like that, just like we said to the

dealers of guns, that if you're going to sell guns to manufacturers or allow guns to hit our neighborhoods, you should be connected to the results of your products. So why can't the DA's Office, because they're not listening to our hearings, you know, short of boycotting baseball and hurting them in their pockets, you need to consider, and it may be a stretch, but how do you legally connect them to some of this stuff in the neighborhood. If you can sell apparel that leads to, and you sat here and told us, leads to the death of a youngster, how come Major League Baseball isn't being considered as a suspect or some kind of connection or responsibility, some responsibility for that? And it may be a legal stretch, but I do think that we need to consider putting some pressure on them to stop this.

Because obviously telling them to come to hearings and they're playing games with us, all they have to do is cut the contract with New Era, say if you produce anything more like that you will not have another contract with Major League Baseball. This is not rocket science stuff; this is very simple. For them not to do that, some pressure, legal

1
2 pressure; they should be under investigation. We
3 should get creative with the law and see if we
4 could connect them and their responsibility to
5 some of this that's happening in our neighborhoods
6 as they sit in their suites acting like they're
7 confused or playing games with us. Is there a
8 connection you can make?

9 DEANNA M. RODRIGUEZ: We certainly
10 have looked at this. We certainly have looked at
11 the law, looked at in all facets is this something
12 we could criminally prosecute. And the answer is
13 no. The answer's no. The law is very clear.
14 There is no statute; there is no law under which
15 we could bring them to task under a criminal
16 prosecution. Had that been so, sir, we certainly
17 would have done it because we know the effects of
18 what's happening. What we've learned is that
19 because the first amendment will protect this kind
20 of merchandise, the only thing that we could come
21 up with in response was to educate and really push
22 our neighborhoods to not buy it. Right now, that
23 is our greatest power is in educating the adults.
24 Because really it is the adults, the parents who
25 are working so hard and who are spending this

1
2 money-- once parents have learned what these
3 things signify-- I've had parents come up to me
4 after a gang awareness workshop that we've done
5 and say, I'm going home and confiscating all of
6 these things from my kid's room. They're
7 horrified about it.

8 COUNCIL MEMBER BARRON: I don't
9 mean to--

10 DEANNA M. RODRIGUEZ: [Interposing]
11 But legally, Mr. Barron, you can't do it.

12 COUNCIL MEMBER BARRON: I don't
13 know if that's correct. There are people who are
14 looking into that further, particularly with the
15 gun manufacturers. I don't think you should give
16 up on that that easily, because the law is very
17 murky and there's a lot of interpretations of law.
18 Law is never that emphatic that you just can't,
19 this is a first amendment right. There are
20 certain things that you can't even do and hide
21 under the first amendment. But I think that you
22 should not give up on that because there are some
23 people who are still looking into the gun
24 manufacturers and people have not given up on
25 that. So I don't think you should come and say it

can't happen. Especially--

DEANNA M. RODRIGUEZ: [Interposing]
I didn't say that. I said the law was clear in
terms of what it is now.

COUNCIL MEMBER BARRON: Even that.
Even that.

DEANNA M. RODRIGUEZ: Okay.

COUNCIL MEMBER BARRON: Saying that
the law is clear. Because law is never clear.
Law is about interpretation. Law is never black
and white. It's never clear. And I think even if
there's an inkling of a point to stand on, maybe
they will get that better if there's some pressure
either economically or there's pressure legally.
Because obviously trying to appeal to their sense
of humanity is not working. So we've got to come
in another direction.

DEANNA M. RODRIGUEZ: We always
will. We're always looking and we're always--
you're right. And if there is ever an opportunity
where that kind of a prosecution would withstand
constitutional muster, absolutely. Joe Hynes
would be behind that, as I think you know that.
And you're right, we never stop looking. But I do

think that there is something to be said about continuing our efforts in educating the adult population in really making our merchants, our neighborhood merchants, accountable as well.

COUNCIL MEMBER BARRON: No, we're definitely going to do that. There's always a battle between supply and demand.

DEANNA M. RODRIGUEZ: There you go.

COUNCIL MEMBER BARRON: And if we go to cut back on the demand but we let the supplier off the hook, it makes it very difficult to just keep saying education, education, and just looking on the demand side and letting the suppliers off the hook. Thank you.

CHAIRPERSON VOLLONE: Thank you, Mr. Barron, and I agree completely with what you said about Major League Baseball. If they said to these companies, if there's one more of these hats for sale in a month, we're severing our contract, it would happen.

COUNCIL MEMBER BARRON: That's right.

CHAIRPERSON VOLLONE: But they haven't and they've had over a year and a half to

do that at least. You gave us this--

DEANNA M. RODRIGUEZ: [Interposing]
Uh-huh.

CHAIRPERSON VOLLONE: I believe it
was from your office?

EDWARD CARROLL: Yes.

CHAIRPERSON VOLLONE: It's full of
pictures of different gang paraphernalia,
different colors.

DEANNA M. RODRIGUEZ: Right.

CHAIRPERSON VOLLONE: Can you
explain to us a little bit about what these things
signify?

DEANNA M. RODRIGUEZ: Well these
were the ones that-- these were some of-- these
photographs represent some of the items we bought
during our investigation. And we used this as our
template as well going into these stores on a
continuous basis and checking. Mothers Against
Gangs uses this as their little bible to see
what's out there in our neighborhoods that the
neighbor merchant stores are-- if you notice when
you, the Don Diva magazine, which is very much
promoting the gangster lifestyle, which I'll let

Ed talk about in a few minutes because, like I said, he's the walking encyclopedia with these things. If you look at the Rodriguez, the first photograph you see, Mexican gangs, they utilize numbers instead of colors necessarily. And one of the-- well the 13, number 13 is the gang, is the Mexican gangs that we deal with, right? That's the--

EDWARD CARROLL: [Interposing]

Well, it's the number 13 correlates directly to the letter M in the English alphabet, which is the 13th letter. So sureno gangs, Mexican gangs, will affiliate with the number 13 to show that they are what are known as sureno Mexican gangs.

DEANNA M. RODRIGUEZ: So you'll see a lot of, in our Mexican gangs, you'll see them all wearing different, it could be different teams, but the number 13 becomes significant for them. And we're seeing it done in belts, we're seeing in the baseball hats. We're seeing them utilize the t-shirts or the shirts of a particular team and the person on that team who wears that number, they'll utilize. The third page in was another Major League Baseball collection. This

was a true Major League Baseball item was certainly geared to the Latin Kings. I mean, we have the New York Yankees in black and gold but then you have the crown, and the red, which is one of the colors that they utilize in memory of King Blood, the King who brought the Latin Kings here to New York. If you go on, you'll see that there's a variation on that flag that's before you, Council Member Vollone, is the paisley red hat, and them making complementing jackets. And on this particular one, this is the one where the undercover was schooled, he was a Latino undercover and was schooled by the merchant, the person selling in the store that he might not want that one because that represented Bloods, and then took him to the Latin King hat that's on the page before. It was very kind of the merchant to give the undercover a deal. He says, oh, you want the jacket; I'll give you a break. And he did. It was very nice of him. But you know, you keep on going-- clearly these things you have to ask yourself the question what is the significance of creating and selling a paisley bandanna looking hat? They took the bandanna off as a strip and

they made the whole hat a bandanna-looking thing and we have it in blue for the Crips and the other colors to support the other gangs.

COUNCIL MEMBER BARRON: Excuse me, Chair Vollone. How come we didn't have maybe some description of what this is on the back of the pictures? Because we just have the pictures. This would be good to distribute to our communities. With just the pictures and no description of what's going on in the pictures, it's difficult for a person to understand with the paraphernalia. So is there anywhere you have something like this that describes, you know, on the back of it, you know, each picture?

DEANNA M. RODRIGUEZ: We could certainly provide you with that, sir.

COUNCIL MEMBER BARRON: I would be very interested in that.

DEANNA M. RODRIGUEZ: Sure.

CHAIRPERSON VOLLONE: Council Member Como?

COUNCIL MEMBER COMO: Good morning and thank you. As Council Member Vollone pointed out, as myself a former prosecutor, I know how

difficult it is day in and day out to combat-- how difficult it is. What I must say to begin with his how--I guess the best word, the most polite word would be annoying, the fact that New Era is upset and slash and or offended. I think they have no right to even utter those words and I think it's atrocious as us sitting here for them to even say those words in the face of my constituency. And I'm sure I'm speaking on behalf of the entire city, is cause enough to be, you know, for the real citizens to be offended and upset. But one of the things that was pointed out was that we are upon a-- coming upon the cusp of a holiday season. And I know, as you mentioned before, in regards to initiatives and forums that you've hosted. What I'm interested in is working with the school system. When I was in the Queens DA's Office we were part of a program, and I believe your office also does it, in which we would go and speak to public schools and once a week or once a month. It seemed that in certain districts and all over Queens County, but I was assigned to a school in Rockaway, and it seemed that when the kids would see you and they knew

1
2 that you were returning, they built a confidence
3 and they worked with you. I'm wondering if
4 there's some kind of program in effect or can we
5 do something along the lines of educating the kids
6 with the City schools and what initiatives do the
7 schools have as a whole, if you would know,
8 whether Kings County or Citywide to say that, you
9 know, of course teachers recognize it, to put a
10 stop to it and then to also start with the young
11 children. Because my belief, as part of
12 prosecuting you have to educate.

13 DEANNA M. RODRIGUEZ: Absolutely.

14 COUNCIL MEMBER COMO: And I know
15 that's been on the benefit of the Kings County DA
16 also. But how can we work with the schools and
17 try in combating the problem?

18 DEANNA M. RODRIGUEZ: Well, you
19 know, the DA of Brooklyn has had since just about,
20 since 1990 the Legal Lives program, where young
21 prosecutors, we adopt a fifth grade class and the
22 whole year, school year, they deal with one or two
23 prosecutors who come to that class and deal with
24 legal related issues. We've stepped that up even
25 more in terms of the gang issues. We do very-- we

do gang awareness workshops for adults, which is, you know, gangs for dummies. Basically A, B, C and D. We also are now, I think our list has doubled; our requests from schools are now asking us can you come in and talk to our kids.

EDWARD CARROLL: I would say actually, I don't mean to cut you off, I think from now until really the week leading up to Christmas, either myself or Ms. Rodriguez is out at least once a week with a parent group, a teacher group, a student group doing this sort of gang awareness. We have very different presentations--

DEANNA M. RODRIGUEZ: [Interposing]
Right.

EDWARD CARROLL: That we do for parents than we do for the students. With the students we're definitely trying to target the results should you join a gang, this is what you face. With the parents we're doing very much, like Deanna said, a gangs 101, gangs for dummies to keep them aware of what's going on.

DEANNA M. RODRIGUEZ: But the ones that we do for the students and what I think is

really just to pinpoint a little more of what you've just spoken about is, we've been in elementary schools. And really we need to continue to be there because those are our greatest victims are our elementary school kids. They are-- there is such a battle to recruit them at the young age of seven and eight years old. But right now we've had a lot of requests from high schools. And really as Ed said, we don't go and talk to them about what a Blood is or a Crip is or Latin King is. They know all of that. What we talk to them about is this is the reality of the life that you're going to choose. And you know, the average lifespan of a hardcore gang member is in his early 20s. As far as I'm concerned, that's just too young. And we're losing some of the best and the brightest of this generation that's coming up. So our PowerPoint presentation to the high schoolers is filled with photographs of homicide cases, of what they look like at the end of it and how in the end they'll forget you in as much time as it takes to bury that youth. Only their parents remember. Only the families continue to cry and to miss what that

young person might have been for us as a society. We keep doing those-- they've stepped up in terms of the schools themselves asking us to come in and have those kinds of very serious and direct conversations with the youth.

EDWARD CARROLL: And one other thing; we're not just limiting ourselves to the New York City public school system. I've done many presentations in the parochial school systems.

COUNCIL MEMBER COMO: Oh, absolutely.

EDWARD CARROLL: So, we are basically, whoever asks and wants us, we go out.

DEANNA M. RODRIGUEZ: We go.

COUNCIL MEMBER COMO: And that includes, like you stated before, PTAs. That's again also, as you pointed out, very important. Because, you know, if the parents are aware, like you stated before, the parents-- the best source of information would be their children, but sometimes, you know, for certain reasons they may not understand that. And the fact that PTAs are contacted and so forth before the holiday seasons

in hopes of curbing some of these purchases.

DEANNA M. RODRIGUEZ: Absolutely.

COUNCIL MEMBER COMO: Thank you.

DEANNA M. RODRIGUEZ: Thank you.

CHAIRPERSON VOLLONE: I would just like to thank you both, obviously, Ms. Rodriguez, Mr. Carroll. Our next witness, who's been very helpful, needs to leave. So I'm going to just put him up. I'll ask you to stay though because it won't be that long, in case when Chair Comrie comes back he has any follow up questions you'd be able to answer them. Is that okay?

DEANNA M. RODRIGUEZ: Sure, sure.

CHAIRPERSON VOLLONE: Thank you both. You've been very helpful. I'd like to call Mr. Johnny Rivera from the Coalition to Save Our Children.

JOHNNY RIVERA: Thank you and good morning. I am so happy to see that the New York City Council and the Brooklyn DA's Office has taken this issue so seriously. Back in the summer of 2007, I was shopping with my son for back to school wear. And we came across this King hat. And to my knowledge, he was 11; he told me what it

probably represented. And when I learned of that, not knowing as a parent, I consulted with others in the East Harlem community. And we decided to go ahead and take a look at this matter, purchase three hats that were then and as are deemed as such, gang hats, and walk around the neighborhood and ask kids what they thought it meant. I had not known the significance of these hats. And when we did an impromptu survey of ten-year-old girls and boys, they told us what it meant, what it symbolizes. They told us which hat they would prefer. An older woman, a mother or a grandmother was walking by, heard us and thought we were probably selling the hats and asked how much and could she buy one. That was the beginning of this effort. That was the moment when we discovered how awful this situation is. We live in the community of East Harlem, where we know what gang and violence is all about and the last thing any parent would expect is a corporation capitalizing on this in any way. How outrageous this was and is.

CHAIRPERSON VOLLONE: Mr. Rivera,
just for the people that don't know who you

represent, just identify yourself and who you represent.

JOHNNY RIVERA: I represent the Coalition to Protect our Children. I am the president of that body that was brought together in response to that incident of the summer of 2007. And it was that entity, a group of clergy, non-profit, civic organizations that came together and decided to hold a protest around those hats. We went, and I'm glad to hear about the Mothers in Brooklyn, God bless them, to the local merchants as a group and demanded that they pull these hats away. The merchants, to their credit, independently of New Era or any pressure, once they discovered what they had in their midst, made a decision to withdraw those hats. And to this day, to our knowledge, those hats have not been brought back into the community. However, in a trip separate and apart from what's going on in New York City, I was this summer in Honduras, Central America, and at a mall those hats were there. But those hats don't have any significance, I believe, there just yet as they do in New York City. My concern is that these hats,

you know, those who are 18 and over and close to it and make conscious decisions to buy these hats for whatever reason certainly have that right.

But when an 11 year old, ten year old, wants this hat and walks into the Wagner Housing Projects or the Johnson, and those are territories that belong to other gang affiliations, it is horrendous what can happen. We knew that this was potentially dangerous. We reached out to New Era Corporation and to Major League Baseball. Neither one of them wanted to respond to us. We found out that New Era Corporation in another city, in another locale, had experimented with a local housing gang and created hats appropriate for that group. And apparently, this is my assumption, saw a sale boom and decided consciously that there is a market here. And so what that my boy, the kids in the community kill each other at the expense of them profiting. I am so happy that the City Council has decided to give us, the parents of this City some relief in communicating this concern. I ask civic groups to cooperate with the City Council, with the Brooklyn DA, informing watch groups. We are a powerful entity when we work together,

inviting our churches, our community-based organizations, our schools, to monitor our communities. And when we find these outrageous symbols of gangs being sold, we need to tell the merchants. And if the merchants refuse, then we need to just demonstrate, which is our civil right to do so. Over the course of the summer I became associated with this issue, I was approached by two Latin King members on 1st Avenue and 109th Street. And they approached me to say why are you talking about the Latin Kings? And then they went on to espouse a very wonderful philosophy of brotherhood, sisterhood, family; ideals that any one of us would really endorse. I didn't buy the entire presentation, but I liked the ideas. And these were grown men. And the one thing I tell them is, has New Era consulted with you? Clearly these were your symbols put together by you, but I guess because you're not an incorporated body, you don't get to benefit from this rip off, that New Era takes in. And I'm glad to hear that the Brooklyn DA's Office is negotiating with New Era to promote anti-violence information. But that they are not culpable, it's a sham to say the

1 least. While they may not be committing a crime
2 against New York City laws, we understand deep in
3 our hearts that it's a crime against humanity. It
4 is a crime waiting to take place on our young
5 kids, the 10, the 11, the 12 year olds, the very
6 innocent ones. And those are the ones who do not
7 have the money, but the parents who don't know.
8 In an effort, we held a series of very similar
9 workshops, again, to debunk this whole
10 association. And yes, gangs are clever and they
11 change around, but when a corporation associated
12 with an important all American game, baseball,
13 associated with Major League Baseball, knowingly
14 after having experimented in the past, and I'd be
15 happy to provide that information in what city--
16 and it was against, there was another group there
17 called Peace On the Street in that neighborhood
18 that discovered it and made a ruckus of it. So
19 this dates back several times. But to the credit
20 of the leadership of the City Council, this is the
21 first time that it's been elevated to such
22 attention. Folks, people will always capitalize
23 and try to make a buck on the back of our misery.
24 I live in East Harlem. Just this past weekend
25

there were two incidences where there were murders that occurred. As a father walking through the streets with my son, I worry every day. And so, I ask the City Council to please continue your vigilance, your watchfulness and as Mr. Barron said, while maybe there isn't a law per say, you know, there are different ways of fighting back. And certainly on the streets, exercising our constitutional rights as parents, we can certainly keep fighting back. And I hope that everyone hears the message. Again, applause and commend the leadership of this united hearing here and the Brooklyn DA's office, and that we go forward. They have a right to produce gang wear. They have a right to produce almost anything. But we don't have a right-- or we also have a right of not buying any of their blood related wear.

CHAIRPERSON COMRIE: Thank you, Mr. Rivera. I want to apologize to the DA's Office. I had to go across the street. I'm not going to hold you. I'd like to have an opportunity to-- well, we will be in contact by phone. But I know it's late already and you've been here on time. And than you for being on time. Thank you. Mr.

Rivera, I thank you for being here also. We don't have any specific questions for you, I don't think, from any of the members. But I appreciate you being out there and doing the things that you're trying to do to make your community safer and to reach out to children. It's important that we do everything we can to reach out to parents, especially when we have so many parents that are unaware of the things that their children are asking them to do. So thank you for being here this morning. We've been joined by Council Member Vincent Gentile from Brooklyn, that's the right B, and then we'll have our final person that's signed up, Mr. Paul Schubert from the Rockaways.

[Pause]

CHAIRPERSON COMRIE: Is he here, Mr. Schubert? Yeah, did you want to speak to this issue?

PAUL SCHUBERT: Yeah, sure.

CHAIRPERSON COMRIE: Okay.

PAUL SCHUBERT: My name is Paul Schubert. I am from the Rockaways. I've been a community activist for many years. Now-- let me get a little winded here. I've seen the Honorable

Councilman Peter Vollone testify before on this matter. I was at home watching City Council on TV. And the number one way that we can stop gang violence is the way we've been somewhat successful in Redfern Houses in Far Rockaway, which is in Councilman Sanders's district, by keeping it open. We are a communal species, we will gather together for mutual support. It's a well-known fact that many gangs have different groups depending upon age. Showing mutual support by supporting every community center, every youth center, give the kids a place to go. Don't leave them on the streets. As a community organizer, I'm asked every week, Paul, where can we put the kids? We don't want them wandering on the streets and wandering on the boardwalks and getting drunk and getting into, you know, petty crimes just for the thrill of it. We need places to go. 1950s, New York City had a wonderful gang program, actually hired ex-cons who were in gangs, who were in prison, who knew how to relate to the kids, became father figures and stopped the gang violence. The only way we're going to do it successfully is we need more opportunities for the kids. We need to

go on to New York City Housing Authority and say, reopen every youth center in the City in everyone's borough, everyone's council district. We need the Councilmen to write discretionary letters to the Department of Youth and Family Services Commissioner, have her take out her checkbook for discretionary funds, and fund all youth projects. Contact Youth and Family Services New York State Rodney; there's 59 million dollars in Albany for youth projects of grant money anywhere from \$5,000 to \$24,000. 40% of the projects are \$24,000. There's money there. There's money in youth family services, there's money in Albany. And you know, I want to emphasize we can do this, but if we don't give the kids a place to go, they're going to gather together in their groups, call them what you will, and they're going to go from one age group to another, start around 10, 11, maybe even 8 years old. Then they're going to graduate to 12-year-old class, 16-year-old class and eventually to felony class. Because after 16 young people, you are considered a secondary adult and you can be charged adult time for adult crimes. And they

reach 18, they can definitely be charged as adults. We need top this and this is--

CHAIRPERSON COMRIE: [Interposing]

Thank you for coming out, Mr. Schubert. I appreciate you taking the time to be here this morning and sharing with us your insight. And clearly we are doing everything to deal with the issues of NYCHA and maintaining the community centers. It's a major problem in NYCHA's budget as you know. The City Council has been the only entity so far to step up and try to supplement NYCHA's budget in a time of crisis. And hopefully we can continue to get our colleagues in the State, and hopefully once we get a new federal government we can get more money and support for NYCHA and their activities, especially their after school centers. So thank you for coming out.

PAUL SCHUBERT: Leroy, I've spoken on the phone with the Commissioner for Youth and Family Service. She's told me, with a letter from a councilman, she can reach into her discretionary budget and write checks. And I've had numerous communications with the Commissioner at Department of Youth and Family Services concerning this.

There is money there. There may be ten percent less, but there's still some money there.

CHAIRPERSON COMRIE: Thank you for coming down this morning. With that, I want to thank all of the people that were involved with putting this hearing together. I want to thank my co-chair, Council Member Peter Vollone, Jr. for doing everything he can in terms of Public Safety dealing with not just this issue but issue to try to make our City better and people more responsible. I want to thank the Brooklyn DA's office for coming down and sharing their insights about the issues and concerns and methodology that they're trying to do to let parents know. Because again, I want to appeal to the public that while we cannot take legal action against people for selling these materials, we need to make parents aware that these materials exist so that they're not buying them or allowing their children to walk around with them. They need to be very careful about the apparel that their children are wearing, the style that they're wearing. We need to do more to get the information out. We also need to work on any company that is selling this apparel

at a profit and try to find some kind of way to at least make them feel guilty about what they're doing and what they're purveying in our society. So with that, Council Member Vollone, did you have a closing statement?

CHAIRPERSON VOLLONE: I just also wanted to thank you, Mr. Chair. This is a very important time to have this hearing, before the shopping season begins. We hope that someone watched this and will not buy one of these pieces of trash for these kids and perhaps we will be able to save a life or an assault based on this hearing. I want to continue to work with you on this because it is not done. We will no longer take excuses from Major League Baseball or New Era Cap Company that they were not aware. Because you'd have to be an idiot not to be aware that this cap in front of me is not a gang cap. If they wanted to stamp this out, they could. They have not tried hard enough and we are going to keep their feet to the fire until they do. And it will be an honor to work with you to get that done, Mr. Chair. Thank you.

CHAIRPERSON COMRIE: Thank you.

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With that, I will state that this hearing is

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closed and thank all for attending. Thank you. I

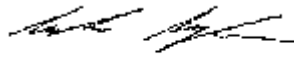
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don't have a gavel, so I'll use my fist.

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C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date October 30, 2008 _____