

Prosecuting Pimps Under RICO:

The Story of the Nation's First Federal Prosecutor to Fight Child Prostitution through Organized Crime Laws

SUBMITTED BY "A FUTURE, NOT A PAST," A GROUP THAT WORKS TO STOP THE SEXUAL EXPLOITATION OF YOUNG GIRLS IN GEORGIA.

THE DOMESTIC PROSTITUTION of children has become a high profile subject in the media, in state legislatures and among advocacy groups. With online sites such as Craigslist and Backpage recently coming under fire as key facilitators in the sex trade industry, individuals are now taking notice of an issue once perceived as mostly an international dilemma. As a result, many states—most recently Texas¹—have turned attention to the domestic victims of these crimes, changing law to reflect a child's status as a victim—not a criminal or a prostitute.

Indeed, the adults who torment and sell young girls have also seen a change in the way courts view their crimes. For example:

- **California, 2010:** A man was sentenced to 10 years for Interstate Transportation of a Minor for Sex, to be served concurrently with the 51-year sentence he is currently serving for murder. His victim was a 15-year-old runaway from Montana, who he offered as a prostitute on Craigslist.
- **Oregon, 2010:** A Seattle resident was sentenced to nearly 15 years in prison after pleading guilty in March to Sex Trafficking of a Minor. He forced a 15-year-old to post ads on Craigslist and drove her to “meetings” in the fall of 2008.

- **Michigan, 2009:** A man was found guilty on eight counts of child prostitution and child pornography and sentenced to 35 years in prison. He was also charged with Running a Child Exploitation Enterprise. This was the first conviction nationwide under the Adam Walsh Act, created by Congress in 2006. He forced the victims to list themselves “on craigslist.org and other Internet websites.”

The path to pimping prosecution has not always been an easy one to tread, however. From 1997–2001 in Atlanta, the prostitution of children was on the rise on the streets and through escort services. Under state law, pimping was only a misdemeanor offense; yet, stories of the abuse suffered by girls and women at the hands of pimps permeated the media and fueled advocacy groups to fight for change.

At that time, Assistant U.S. Attorney Janis C. Gordon (now Judge Janis C. Gordon, State Court Judge, Dekalb County, Georgia) was no stranger to criminal prosecution. During her 20 years as an assistant U.S. attorney in the U.S. Attorney's Office in Atlanta, she prosecuted various cases involving violent crimes and drug conspiracies and eventually became a member of the Organized Crime Strike Force.

When U.S. Attorney Richard Deane came to her in 1999 in frustration and asked if, as part of the federal

government, anything could be done about the pervasiveness of the domestic commercial sexual exploitation of children in Atlanta, Gordon simply replied, “Of course.”

According to Gordon, it was at that time she began to research possible avenues to pursue and punish the men who sexually victimized and abused young girls for monetary gain. She looked to the 1970 Racketeer Influenced and Corruptions Act (RICO Act), a federal law providing extensive criminal penalties and civil forfeiture for acts performed as part of an ongoing criminal organization. Although RICO was intended to prosecute Mafia members and others actively engaged in organized crime, could it be used to bring down sexual criminals?

The answer was a resounding “yes”—but only if the existence of a criminal enterprise could be proven, made up of numerous pimps acting together in concert. Although the original purpose of the RICO Act was to eliminate “the infiltration of organized crime and racketeering into legitimate organizations operating in interstate commerce”² the statute had been broadened to encompass illegal activities relating to any enterprise affecting interstate or foreign commerce.

MAKING A FEDERAL CASE

Gordon knew that in order to successfully pinpoint and prosecute Atlanta-based pimps, law enforcement had to become involved. The Federal Bureau of Investigation agreed to assist in the case, and working with Special Agent Barbara Brown, Gordon interviewed dozens of adolescent female victims of prostitution in order to identify the most notorious pimps operating on the streets of Atlanta.

Gordon carefully identified acts of racketeering involving 15 target pimps whose prostitution activities not only claimed Atlanta but also areas across state lines. After discovering the identities of the victims of these men with the assistance of advocacy groups, law enforcement officials and the media, Gordon expedited the interviews of the victims, who were in some

instances offered protection and services in exchange for information and testimony.

Through these interviews, she was able to pinpoint a number of racketeering acts, some of which covered the same conduct but required proof of different elements:

- Using interstate facilities to entice juveniles into prostitution
- Transporting prostitutes across state lines
- Using interstate facilities to carry on the business of prostitution
- Extortion (affecting commerce)
- Involuntary servitude (no interstate requirement)
- Kidnapping (under the theory that minors cannot consent)
- Transferring false identification documents
- Providing drugs to minors

To initially bring the men into custody, she obtained a 265-count indictment for conduct spanning from 1997 to November 2001. The challenge now was to prove that these men were operating as a unit, a “street family.”

PROVING RICO

Of the 15 men, 13 of them pled guilty and received prison sentences of up to five years in exchange for their pleas and testimony. The other two pimps, one notorious for being the grandfather of the ring’s pimps by training younger men on how to exploit females, and another who was notorious as the most violent of the group—proceeded to jury trial.

The key to successfully bringing about convictions based on the RICO law hinged on one integral aspect: organization. It was up to Gordon to unequivocally demonstrate that these pimps worked together, provided mutual assistance and protected each other’s interests for greater profit. She identified a code of conduct and procedures within the pimping ring, all of which pointed to each man not operating alone, but rather as a unified interstate commerce business operation. For example:

- At least two of the pimps took girls across state lines to Tennessee and Alabama—together
- Three of the pimps attended the Detroit Players Ball (an annual gathering of pimps)—together
- At least two of the pimps provided girls for private parties—together
- One pimp had a rooming house, renting rooms to other pimps to facilitate prostitution
- The pimps bonded out and traded each other's girls
- The pimps made a training video for other pimps in the circle
- The pimps warned each other of the presence of law enforcement
- When one pimp undercut prices, others stepped in to discuss fees
- The pimps worked together to “catch” girls and “turn them out”
- Older, more experienced pimps trained the inexperienced ones to control the girls mentally
- One pimp provided a cell phone to another for business transaction purposes
- The pimps reviewed fake birth certificates for each other's girls
- One pimp sold condoms to all other pimps in the circle
- One pimp sold drugs to the other pimps, to be distributed to the young girls

The defendants claimed that they each worked as independent contractors, which, outside any other defense strategy, would eliminate any basis for a RICO conviction. Gordon argued that the law did not give individuals the ability to define themselves; their actions spoke far louder than their words.

By proving that these actions were a demonstration of the existence of a loosely connected organization, the U.S. Attorney's Office achieved the racketeering verdict on February 7, 2002. One pimp was sentenced to 30 years in federal prison, and another was sentenced to 40 years in prison. Despite the fact that many attorneys, politicians and media had criticized the expanded use of RICO laws in the past, not one opposed their use in this case.

THE RESULTS

Prior to this case, a pimp once told a witness, “The feds will lock you up for dope, but they won't lock you up for pimping.” Gordon changed that cultural perception.

As a result of the convictions, 15 of Atlanta's most notorious pimps were taken off the street for five to 40 years. In Georgia today, state law now makes the pimping of a minor a felony—not a simple misdemeanor.

Most importantly, however, many of the brave girls whose testimonies brought about these convictions have turned their lives around and gone on to college or are currently in treatment, off the streets and safe from those who commercially exploited them through countless transactions.

¹ *In the Matter of B.W.*, No. 08 1044, Supreme Court of Texas (2010).

² *S.Rep. No. 617*, 91st Cong., 1st Sess. 76 (1969)

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