

NCOC Statement: Why Motorcycle Clubs Are Not Gangs



There has been a war going on between law enforcement and motorcycle clubs for many years. This war has been one-sided. Up to this point in time, only law enforcement has been on the offensive. This war is not a literal physical conflict in the traditional sense, but rather a war of words. A war over perception. And there is no better example than government authorities using the media to apply the term “gang” to vilify and persecute motorcycle clubs and their members.

Authorities understand those that control language control much in society. Indeed, this war of words and the perceptions they create will be a determining factor shaping the future of motorcycle club culture because words have tangible impacts. In fact, the gang label has caused some law enforcement to unconstitutionally use membership in a motorcycle club as probable cause or reasonable suspicion for investigation or arrest without any particularized or specific justification. The practice of targeting and arresting members of clubs for possessing legal firearms for their association with organizations labeled gangs by authorities is an alarming example.

The National Council of Clubs (NCOC), representing the interests of thousands of motorcycle clubs and their members, is adamantly opposed to using the term “gang” to describe motorcycle clubs. All media outlets and public officials should discontinue the practice. The most reliable data available disputes the accuracy of the term. The demographics of club culture are alone enough to indict the gang label. Most motorcycle clubs and their members are politically active, dedicated to charity, not criminals, and many served in the US military. Just as the highly publicized criminal actions of a few officers doesn’t mean all cops are bad, the criminal acts of the few do not justify applying the term “gang” to all members of a motorcycle club. That’s simply inconsistent with the First Amendment.

The Term “Gang” and the First Amendment

The term “gang” in the legislative or legal arena has a much more specific definition than in social or media circles. In the legal context, an individual must be directly connected to criminal activity of the alleged gang before they are considered a gang member.

In fact, when prosecuting a member of an alleged gang, evidence of criminal wrongdoing by other members of an organization that don’t involve the defendant are

properly excluded by the Federal Rules of Evidence because such evidence is unduly prejudicial. This interpretation of the term “gang” or “gang member” is consistent with the First Amendment to the US Constitution. On the other hand, the term “gang” being applied to an individual for mere membership in any organization is unconstitutional.

Motorcycle clubs, including those clubs labeled organized or criminal gangs by authorities, are First Amendment protected associations. Restrictions solely based on association in a motorcycle club violate the First Amendment. *There is "no evidence that by merely wearing [motorcycle club] "colors," an individual is "involved in or associated with the alleged violent or criminal activity of other [motorcycle club] members. It is a fundamental principle that the government may not impose restrictions on an individual "merely because an individual belong[s] to a group, some members of which committed acts of violence." In fact, the Supreme Court has long "disapproved governmental action . . . denying rights and privileges solely because of a citizen's association with an unpopular organization." Healy v. James, 408 U.S. 169, 185-86 (1972).*

To permit [law enforcement officers] to impose restrictions on any person *"who wears the insignia of [motorcycle club], without regard to or knowledge of that individual's specific intent to engage in the alleged violent activities committed by other members, is antithetical to the basic principles enshrined in the First Amendment and repugnant to the fundamental doctrine of personal guilt that is a hallmark of American jurisprudence. see Coles v. Carlini 162 F.Supp.3d 380 (2015)*

Demographics Demonstrate Why Motorcycle Clubs Are Not Gangs

The 2016-2019 National Motorcycle Profiling Surveys demonstrate that members of motorcycle clubs simply do not fit the demographic profile of gangs or gang members. The NMPS, the only statistical attempt to quantify the Motorcycle Profiling epidemic in America, is an extremely reliable data set, with 99% reliability and a 1.4% margin of error.

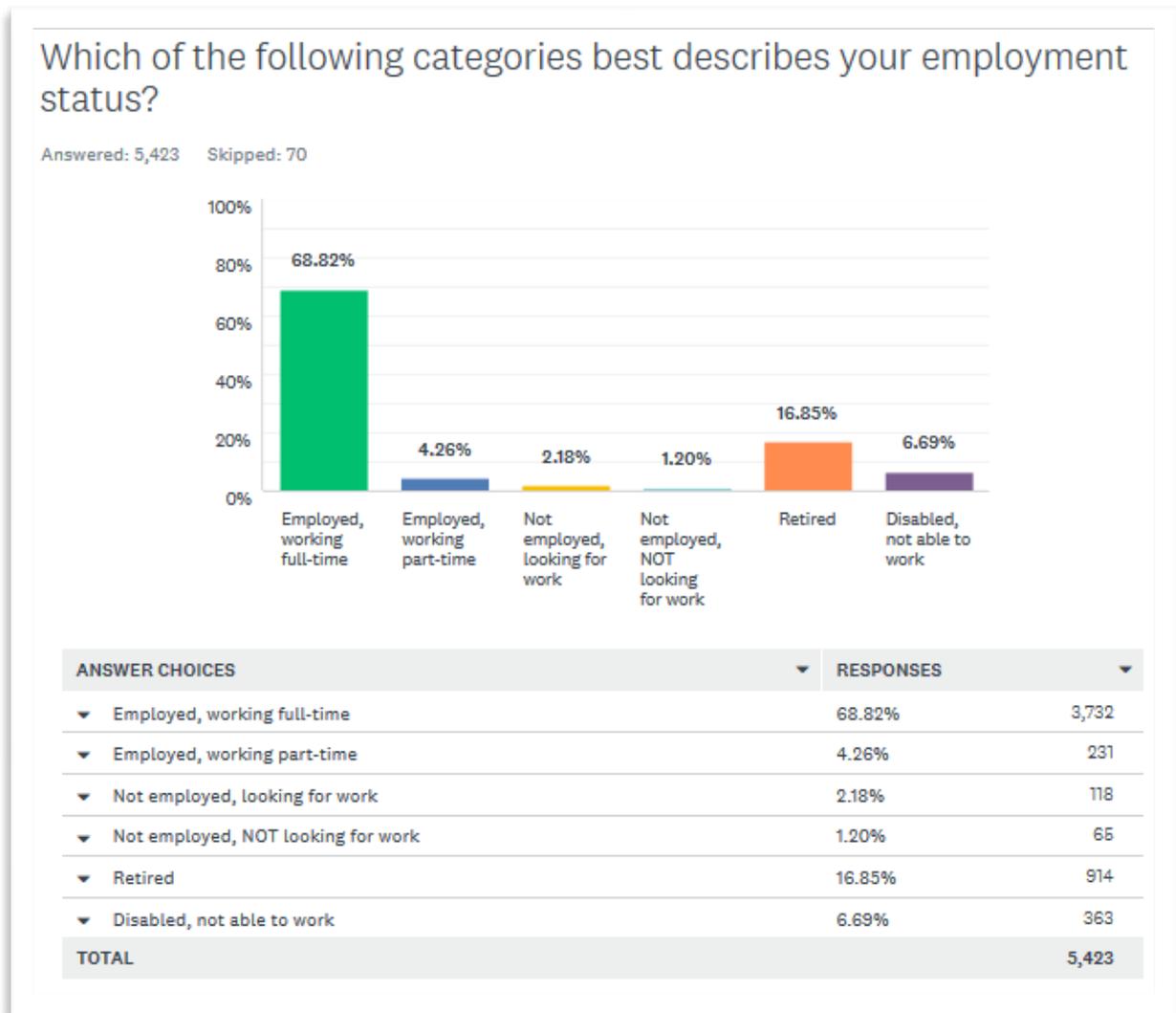
Motorcycle Club members are employed- Most gang member are not.

Academic and government studies have long established that gang members are “less likely to be employed and more likely to not participate in the labor force.” See <https://www.ncjrs.gov/pdffiles1/nij/grants/239241.pdf>

According to the NMPS, 73% of survey participants are employed, 68% of them on a full time basis. Only 3% of the community is unemployed, and many of them are actively seeking employment. Interestingly, nearly 17% of survey participants are retired.

Employment demographics in motorcycle club culture are simply not consistent with gang membership or the broadly applied gang label by law enforcement or the news and entertainment media.

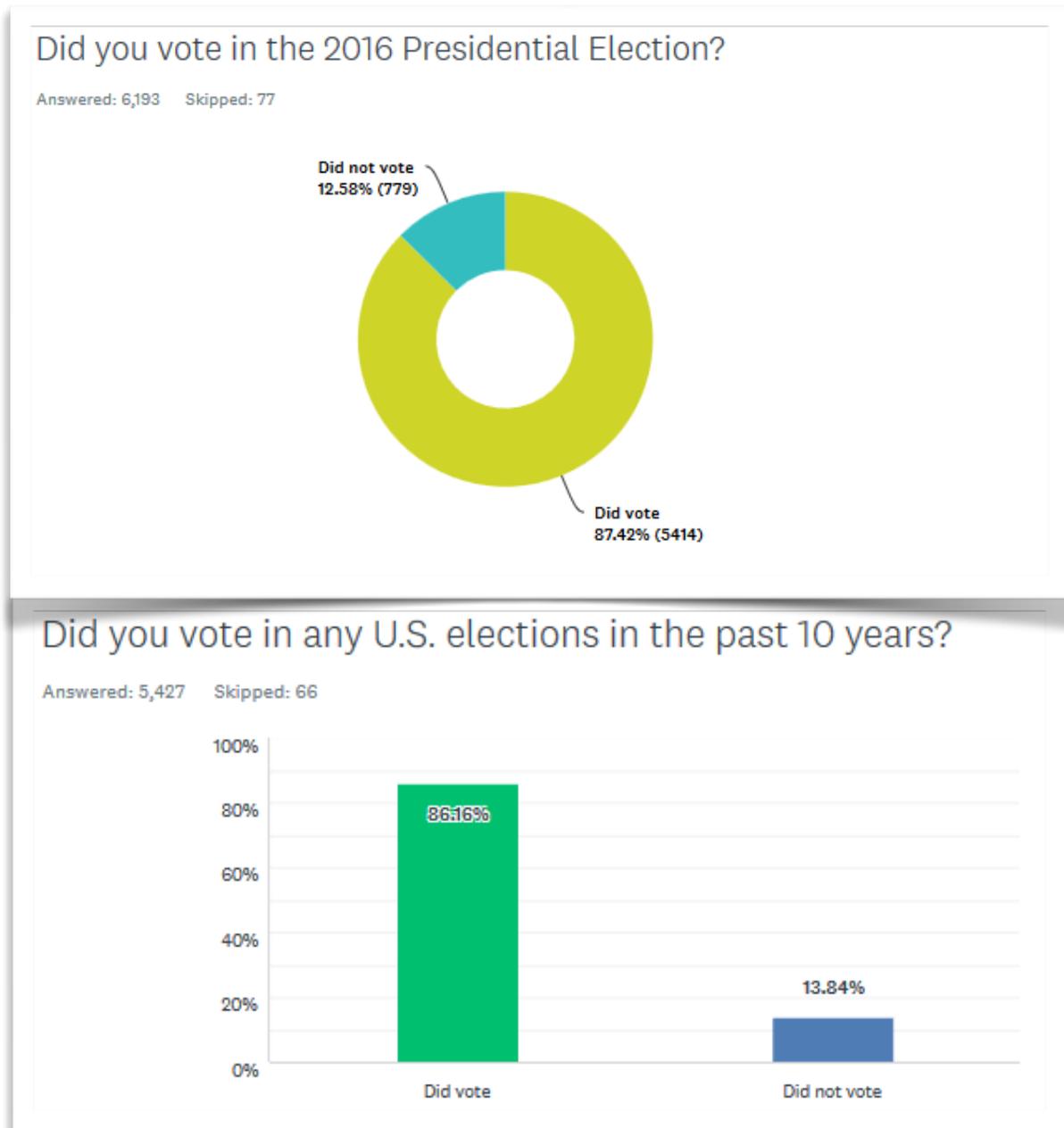
Although far less sensational than Sons of Absurdity or Gangland, the reality is that most members of motorcycle clubs, including 1% clubs, wake up in the morning, put their boots on, and go to work.



Motorcycle Club members vote- gang members don't.

Political activism is protected expressive conduct under the First Amendment, not gang activity. Motorcycle clubs and their members are a very politically active constituency. In addition to an irrefutable dedication to charities ranging from veterans benefits to toy runs, motorcycle clubs participate in the democratic process.

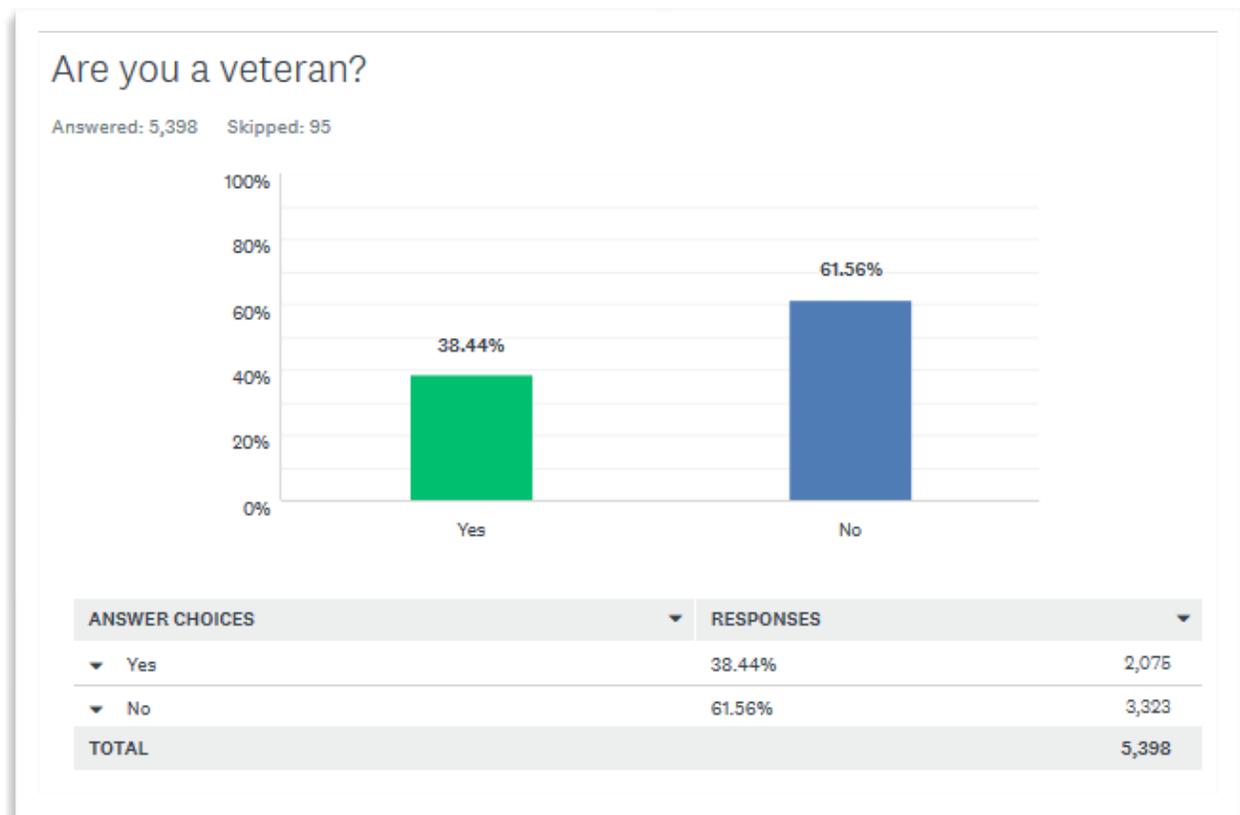
NMPS data establishes that 87% of motorcyclists voted in the 2016 presidential elections and that 86% voted in national elections over the last decade. The US DOT estimates that there are 8.6 million motorcyclists in the United States.



38% of motorcycle club members are Veterans.

According to the NMPS, 38% of survey participants were Veterans of the US Military. Such a large percentage of veterans, also politically active post their service, is simply not indicative of gang membership. Instead of being vilified, the NCOC believes that these Veterans should be celebrated and appreciated for their sacrifices and service.

Individuals exercising their First Amendment rights of expression and association should not be labeled gang members merely because they are members of a motorcycle club, even a club in which some members have been convicted of criminal activity. Employing that standard would mean that every member of law enforcement and every US and State legislator would be criminal gang members based on the criminal actions of the few.



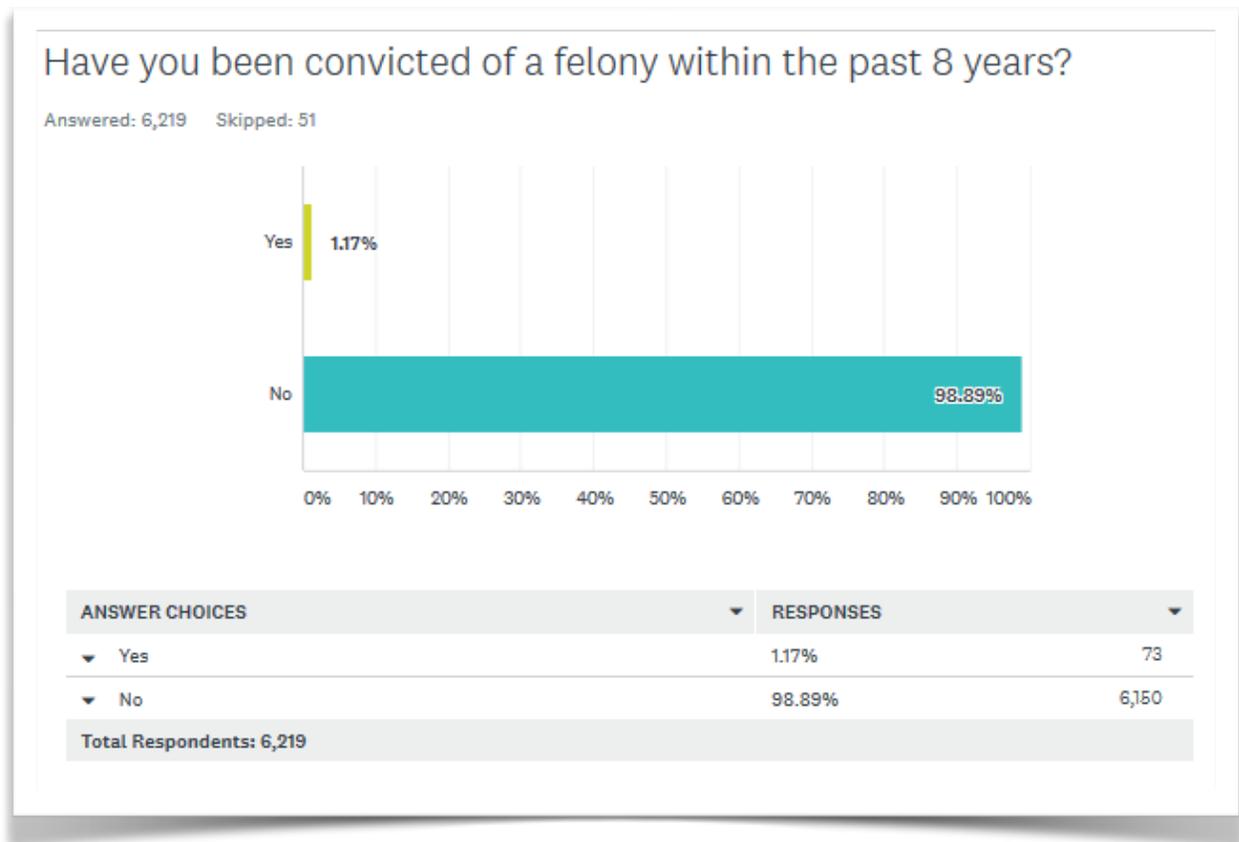
Only 1.7% of club members are convicted felons

Despite the stereotype law enforcement and the media attempt to sell regarding motorcycle clubs, only 1.17% of members of motorcycle clubs are convicted felons. That percentage is extremely low in such a large demographic, yet the gang label persists.

Certainly all law enforcement officers are not criminals despite recently published statistics such as the 85,000 officers investigated for misconduct nationwide, or the 30,000 officers banned from law enforcement in one state, many of which are still officers in another state, all reported by USA Today.

<https://www.usatoday.com/story/news/pr/2019/04/26/usa-today-exposes-system-allowing-officers-troubled-records-run-police-agencies-across-u-s/3580223002/>

<https://www.usatoday.com/in-depth/news/investigations/2019/04/24/usa-today-revealing-misconduct-records-police-cops/3223984002/>



Final Thoughts

The First Amendment to the US Constitution protects an individual's right to associate with whomever they choose, and express that association free from government discrimination or persecution.

Although the gang label is a convenient way to characterize and vilify thousands of people simultaneously, the only statistical data in existence suggests that the gang label as applied to motorcycle clubs is highly inaccurate.

The NCOC strongly asserts that 87% of actual gang members did NOT vote in the 2016 presidential elections, that 73% of actual gang members are not employed, and that far more than 1.17% of actual gang members are convicted felons.

Despite the stereotype, motorcycle clubs are not gangs. Simply do the math.