

VOLUME XVI, NUMBER 3, SUMMER 2016

CLAREMONT

REVIEW OF BOOKS

A Journal of Political Thought and Statesmanship

Michael Knox

Beran:
Brexit and
All That

Patrick J.
Garrity:
Henry
Kissinger

Linda
Bridges:
The Comma
Queen

Cheryl
Miller:
Jonathan
Franzen

Joseph
Epstein:
Isaiah
Berlin



Richard
Samuelson:
Hamilton
on
Broadway

David P.
Goldman:
Flailing
Abroad

Mark
Bauerlein:
Queer
Theory

Douglas
Kries:
Augustine's
Confessions

Richard
Talbert &
Timothy W.
Caspar:
SPQR



A Publication of the Claremont Institute

PRICE: \$6.95

IN CANADA: \$8.95

Book Review by Joseph M. Bessette

ALL LIVES MATTER

The Rise and Fall of Violent Crime in America, by Barry Latzer.
Encounter Books, 424 pages, \$27.99

The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe, by Heather Mac Donald.
Encounter Books, 240 pages, \$23.99



“AMONG THE MANY OBJECTS TO WHICH a wise and free people find it necessary to direct their attention,” John Jay wrote in *The Federalist*, “that of providing for their SAFETY seems to be the first.” Although public concern with the crime problem ebbs and flows (largely tracking the crime rate), no function of government is more indispensable to securing the “Blessings of Liberty” promised by the architects of the American constitutional order. Fortunately, the crime rate in the United States is much lower today than it was a few decades ago, when crime dominated the news. Even so, in 2014 (the most recent year with complete published data), the FBI reported 14,249 murders; 116,645 rapes; 325,802 robberies; 741,291 aggravated (felony) assaults; and more than 1.7 million burglaries. And we know from victimization surveys (which ask about crimes whether or not the victim contacted the police) that these figures from official police reports understate the number of crimes by about 40% for robbery, aggravated assault, and burglary, and by about two-thirds for rape. Thus, adding simple (mis-

demeanor) assaults (not reported by the FBI) and counting crimes whether or not reported to the police, the National Crime Victimization Survey estimated a total of 5.4 million violent crimes and nearly 3 million burglaries in 2014. Put another way, each day in the United States more than 14,000 persons become victims of a violent crime and more than 8,000 homes or businesses are burglarized. That there were many more crimes not long ago should not blind us to just how large the crime problem remains, and just how many innocent Americans continue to fall prey to the depredations of the lawless.

IN *THE RISE AND FALL OF VIOLENT CRIME in America*, Barry Latzer, emeritus professor at John Jay College of Criminal Justice, presents a sweeping “synthesis of history and criminology” to document and explain the great changes in the rate of violent crime in modern America: the drop in violent crime after World War II into the “golden years” of the 1950s, the “great crime rise” that began in the mid-1960s, and the “great downturn” that characterized

the mid-1990s through 2014. The book grew out of his essay “The Great Black Hope,” which first appeared in the Winter 2008/09 *CRB*. Although Latzer acknowledges that “sophisticated statistical techniques, such as multiple regression analysis,” have made significant contributions to criminological research, he insists that quantitative criminology cannot “replace a deep knowledge of a society, its particular history, and the workings of its criminal justice system.” That deep knowledge is on display in this impressive volume.

What, then, accounts for the rather dramatic changes in crime rates throughout the 20th century? Crime theorists, writes Latzer, “tend to fall into two camps.” One group attributes crime to “economic and social adversities,” while the other sees the key in culture. Latzer places himself firmly in the latter camp: “Because there is no consistent correlation between the extent of a group’s disadvantage and its violent behaviors, it is reasonable to conclude that culture (or subculture for groups in a large collective) is the ultimate causal factor.” Along the way, he assesses a variety of specific

variables that affect crime rates. Lower alcohol consumption in the 1950s helped reduce crime, while the crack cocaine epidemic of the late 1980s and early '90s drove it up, especially violent crime. When the nation's proportion of teenagers and young men grew in the 1960s and '70s, so did crime; yet this demographic change accounted for relatively little of the overall crime increase. Though crime went up in the 1960s as poverty went down, seemingly disproving the simple connection between poverty and crime, the growth of the American middle class throughout the 20th century helped reduce violent crime, because serious violence is largely the domain of impoverished neighborhoods. Urbanization in itself did not increase crime overall—American cities used to be safer than the countryside (especially the rural South)—but urbanization apparently increased robberies by putting offenders in close proximity to numerous strangers carrying cash and valuables.

CENTRAL TO LATZER'S ACCOUNT IS THE huge disparity in violent-crime rates between the nation's white and black populations. Despite large-scale economic, social, and demographic changes, homicide rates "over the entire twentieth century and into the twenty-first" were at least seven times higher among blacks (both as offenders and as victims) than among whites. When crime was dropping, members of both groups enjoyed the benefits; when crime was increasing, both groups suffered. Yet throughout, black criminals' greater propensity to murder and commit other violent crimes endured. It would appear that culture is indeed "the ultimate causal factor." Drawing on earlier insights of political scientist James Q. Wilson and homicide historian Randolph Roth, Latzer attributes this cultural difference to "the distinctive history of blacks in the United States," including the resentment and alienation fostered by Jim Crow, the exposure of blacks to the "acceptability of interpersonal violence in the South," the movement of former slaves to Southern cities where they occupied the bottom of the economic order, the availability of cheap handguns, and "the social and economic turmoil of the post-Reconstruction years." "All of these conditions," he concludes, "created the criminal culture associated with lower-class African Americans for more than a century."

Social or cultural histories of crime like Latzer's can be hampered by their failure to account for the impact of criminal justice policies and practices. It is as if the deeper forces that move crime rates up or down are impervious to how police, prosecutors, and courts respond to crime. For example, when I received my edu-

cation in criminal justice in the 1980s in the Cook County, Illinois, State's Attorney's Office and the U.S. Department of Justice's statistical agency, the dominant view among academics and criminal justice researchers was that crime was largely a function of demography, and that to explain the crime explosion of the late 1960s and '70s all you really had to know was that the baby boomer generation was then reaching the crime-prone age of 15-25. How police, prosecutors, and courts went about their tasks, the experts said, had little effect on crime rates. The criminal justice system itself neither effectively deterred crime, nor suppressed it by incapacitating repeat offenders, nor (giving up an earlier hope) rehabilitated criminals while they were behind bars.

LATZER'S OWN ACCOUNT HAS NOTHING to say about the impact of criminal justice policies and practices on crime trends prior to the 1960s. In that fateful decade, however, the crime explosion overwhelmed the resources of the criminal justice system. Because police, prosecutors, and courts could not keep up, "the chances of apprehension and incapacitation declined." This "created incentives for even more crime," and, as a result, "crime soared." Thus, even a largely cultural theory of crime must take account of the rational incentives that explain some amount of predatory behavior. The public itself responded rationally to the crime explosion by demanding a tougher criminal justice system: "Starting in the 1970s, more offenders were incarcerated, prison sentences grew longer, parole policies were tightened, and the death penalty was reinstated." (In Cook County, the number of felony courts more than quadrupled in the decade before I arrived there in 1981.) Not surprisingly, crime rates leveled off and then began dropping around 1980. The decline was interrupted by the crack epidemic at the end of the decade, which pushed violent crime to new heights. In the 1990s Congress and President Bill Clinton responded with tough new anti-drug laws and federal funding to expand local police forces. A "great downturn" in crime began in the mid-1990s and lasted for two decades. Latzer attributes the drop primarily to three factors: the "boomers" began to age out of crime and were replaced by a less violent generation; the crack epidemic ran its course; and a "retrenched criminal justice system responded aggressively instead of caving in as it had in the late 1960s and early '70s." Minority Americans disproportionately benefited from the "great downturn": "the crime drop unquestionably saved countless black lives and spared thousands of African Americans from nonlethal victimizations."

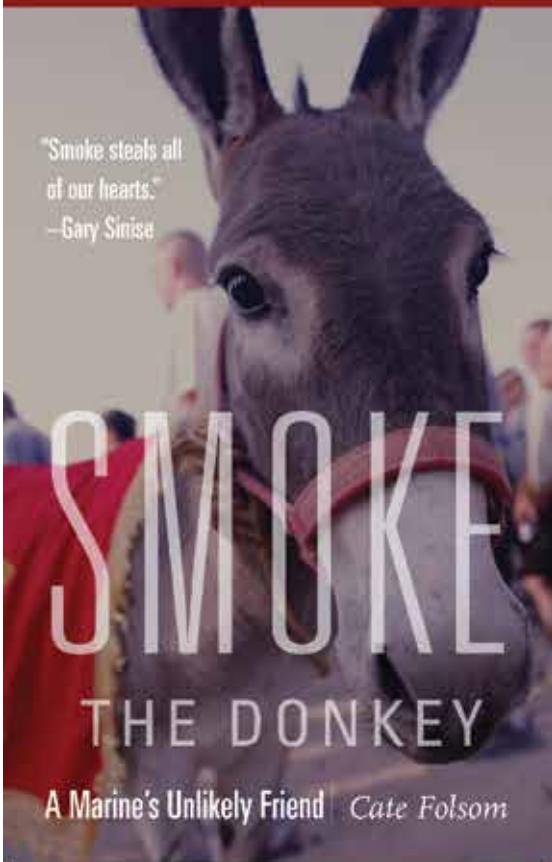
HEATHER MAC DONALD'S SCINTILLATING collection of essays, *The War on Cops*, essentially picks up where Latzer's book leaves off. A fellow at the Manhattan Institute and prolific social commentator, Mac Donald focuses on the renewed national debate on crime, justice, and race generated by aggressive policing tactics (such as "stop and frisk"), police shootings of blacks (much in the news lately), and state and federal incarceration policies and practices. The book begins with her forceful explanation of the "Ferguson effect" (a term coined by the St. Louis chief of police), which holds that violent crime is up in big cities because the firestorm that erupted over the fatal police shooting of 18-year-old Michael Brown in Ferguson, Missouri, on August 9, 2014, led police to pull back from the kinds of proactive tactics that had proven successful since the 1990s in reducing crime and restoring public order. As a New York City emergency-services officer told Mac Donald, "I'm deliberately not getting involved in things I would have in the 1990s and 2000s.... I won't get out of my car for a reasonable-suspicion stop; I will if there's a violent felony committed in my presence." "Slandered in the media and targeted on the streets," Mac Donald writes, "officers [have] reverted to a model of purely reactive policing," resulting in a "[v]iolent crime surge...in city after city, as criminals began reasserting themselves."

Although, as she notes, some academics have challenged the reality of a "Ferguson effect," no less a figure than FBI Director James Comey told students at the University of Chicago Law School in October 2015 that "a chill wind [has been] blowing through American law enforcement over the last year. And that wind is surely changing [police] behavior." It took only a few days for the president's spokesperson to challenge the FBI director's conclusion. Comey reiterated his point in May 2016 (well after Mac Donald's book was completed) upon reviewing FBI crime data for 2015. As reported by the *New York Times*, Comey told reporters that "he believed after speaking with a number of police officials that a 'viral video effect'—with officers wary of confronting suspects for fear of ending up on a video—'could well be at the heart' of a spike in violent crime in some cities." "There's a perception," he said, "that police are less likely to do the marginal additional policing that suppresses crime—the getting out of your car at 2 in the morning and saying to a group of guys, 'Hey, what are you doing here?'"

As Mac Donald ably shows, the original charge that officer Darren Wilson had shot Michael Brown in cold blood as he stood with his hands up trying to surrender was a complete lie from the very beginning. The U.S.



**HOW ONE DONKEY
BECAME THE MASCOT,
AMBASSADOR, AND
BATTLE BUDDY FOR
THE MARINES**



\$24.95 HARDCOVER

"Smoke the Donkey is a wonderful, refreshing, heartwarming, and true story that will bring joy and delight for generations to come."—Tim Winter, president of the Parents Television Council

UNP UNIVERSITY OF
75 NEBRASKA PRESS
ESTABLISHED 1941

f i W p
NEBRASKAPRESS.UNL.EDU
UNPBLOG.COM

Department of Justice report on the shooting, based on extensive interviews and physical evidence, entirely corroborated the officer's self-defense claim. Yet Attorney General Eric Holder and major media outlets "massively misrepresent[ed]" the department's findings by affirming only that the investigation "did not support" the charges and that the department decided "not to file charges." Rather, says Mac Donald, the evidence "eviscerate[d]" virtually every aspect of the pro-Brown, anti-Wilson narrative." This example is part of a recurring theme in the book: the Obama Administration's willful encouragement of the myth of a racist criminal justice system.

THE PRINCIPAL OFFENDER IS OBAMA himself. In November 2014, after a grand jury refused to indict Officer Wilson, the president "betrayed the nation" in a national television address that failed to defend the criminal justice system and the rule of law. After the Baltimore riots in April 2015 that followed the death of Freddie Gray after his arrest and transportation in a police van, the president told college students that black men are "treated differently by law enforcement—in stops and in arrests, and in charges and incarcerations. The statistics are clear, up and down the criminal justice system. There's no dispute." (Hillary Clinton had made the same charge a few days earlier.) As Mac Donald rightly notes, "[t]his claim of disparate treatment is simply untrue." And then in July 2015, the president told reporters during a visit to a federal prison in Oklahoma that prisoners he had met with there "made mistakes that aren't that different than the mistakes I made and the mistakes that a lot of you guys made," implying that federal prisons were filled with casual users of marijuana or cocaine. "This conceit was preposterous," responds Mac Donald. "It takes a lot more than marijuana or cocaine use to end up in federal prison." But the facts seemed not to matter to the president, who was contributing to "the biggest delegitimation of law enforcement in recent memory."

Like Latzer, Mac Donald frequently reminds the reader that the greatest beneficiaries of an effective criminal justice system are the poor and minority Americans who live in high-crime neighborhoods. "[T]housands of black men are alive today," she writes, because of data-driven proactive policing tactics introduced in the 1990s. Indeed, during the crack epidemic of the late 1980s, it was elected black officials who pushed hardest for toughening the drug laws. If few such politicians today defend the police against charges of racism or indifference, the law-abiding poor know better. A 2015 survey of New York City voters

found that 61% of blacks (compared to 59% of whites) wanted the police "to actively enforce quality-of-life laws in their neighborhood." At police-community meetings, local residents frequently complain that the police are not doing enough to control disruptive behavior of teenagers and young men, to regulate blaring car stereos, to dislodge encampments of vagrants, and to shut down open-air drug markets. "The targets of these complaints may have been black and Hispanic," she notes, "but the people making the complaints, themselves black and Hispanic, didn't care. They just want orderly streets." Criminologists and "street-level agitators" alike ignore the evident truth that the law-abiding poor yearn "to enjoy the same civility and order in their neighborhoods as the residents of Park Avenue take for granted in their own." As one elderly minority woman exclaimed at a police-community meeting in the South Bronx after a huge spike in shootings, "Oh, how lovely when we see the police! ...They are my friends."

ALTHOUGH MAC DONALD IS BEST KNOWN lately for her writings on police, she devotes the final quarter of *The War on Cops* to the incarceration debate. Here she effectively refutes the charge that racism explains the overrepresentation of minorities in prison, and she provides a detailed account of California's current "prison litigation nightmare." The activists have one goal: "to make incarceration so expensive that law-enforcement authorities will have to abandon it for all but the most heinous crimes." "America," she counters, "does not have an incarceration problem; it has a crime problem. And the only answer to that crime problem is to rebuild the family—above all, the black family.... The demonization of the police and the criminal justice system must end."

Debates in criminal justice are especially susceptible to the distorting effects of widely accepted, if factually unsupported, myths. When the president himself is one of the chief myth-makers, the job of refuting the myths and restoring facts and reason to a central place in the deliberative process will be all the more daunting. Barry Latzer and Heather Mac Donald are very much up to the task. If policymakers pay heed to the information, arguments, and insights of these two excellent new books, our neighborhoods and communities will become safer places to live and work, and more Americans will enjoy the "Blessings of Liberty" that our governments were created to secure.

Joseph M. Bessette is the Alice Tweed Tuohy Professor of Government and Ethics at Claremont McKenna College.

The CLAREMONT REVIEW OF BOOKS is a publication of the CLAREMONT INSTITUTE
FOR THE STUDY OF STATESMANSHIP AND POLITICAL PHILOSOPHY.

Subscribe to
the *Claremont Review of Books*

“Eye-opening,
mind expanding,
the *Claremont Review of Books*
is a haven of lucidity and
literacy in an academic
world gone mad.”

—David Frum

Subscribe to the CRB today and save 25%
off the newsstand price. A one-year
subscription is only \$19.95.

To begin receiving America's premier
conservative book review, visit
www.claremont.org/crb
or call (909) 981-2200.

CLAREMONT
REVIEW OF BOOKS
1317 W. FOOTHILL
BLVD, SUITE 120,
UPLAND, CA
91786

NON PROFIT ORG.
U.S. POSTAGE PAID
PERMIT No. 504
UPLAND, CA