

SPECIAL ISSUE

# NATIONAL REVIEW

## LAW AND DISORDER

AMERICA'S CRIME CRISIS AND WHAT TO DO ABOUT IT

WILLIAM J. BRATTON & RAFAEL A. MANGUAL • CHARLES FAIN LEHMAN • ANDREW C. MCCARTHY • HANNAH E. MEYERS  
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# Contents

## NATIONAL REVIEW

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Ryan Mills on police recruiting  
p. 22

ON THE COVER Page 14

## Forgotten Lessons of the War on Crime

Calling for more enforcement may not seem fashionable in today's polarized political climate. That's somewhat understandable given the extent to which we, as a society, overcorrected in the punitive direction in our haste to address the bloodshed that plagued American cities in the '80s and '90s. That, however, is less of a risk today. *William J. Bratton & Rafael A. Mangual*

### SPECIAL ISSUE ON CRIME

**14 FORGOTTEN LESSONS OF THE WAR ON CRIME** by *William J. Bratton & Rafael A. Mangual*  
History tells us how to win again.

**16 'SYSTEMIC'? SIMPLISTIC** by *Hannah E. Meyers*  
Charges of monolithic police racism are mistaken and distracting.

**18 FICTIONS OF THE 'CARCERAL STATE'** by *Andrew C. McCarthy*  
The incarcerated population is falling, and it's mostly hardened criminals.

**20 THE LEGITIMACY HYPOTHESIS** by *Charles Fain Lehman*  
Examining the effect of the public's attitudes toward police.

**22 OFFICER EXODUS** by *Ryan Mills*  
Departments around the country are losing staff and struggling to recruit.

**26 THE PATH TO REFORM** by *Tim Scott*  
A personal and political perspective.

**28 GUN CONTROL FOR CRIMINALS** by *Kevin D. Williamson*  
Why don't we enforce the laws that exist?

**29 CRIME FAMILIES** by *Robert VerBruggen*  
Long-term changes in domestic structure are a reality with which to cope.

**31 NEW YORK STORIES** by *Jay Nordlinger*  
On the rise and fall—and rise again?—of a city.

### BOOKS, ARTS & MANNERS

**35 THE ANTI-UTOPIAN**  
*Phillip W. Magness reviews*  
*Maverick: A Biography of Thomas Sowell, by Jason L. Riley.*

**36 THE ENIGMA OF ROBERT E. LEE**  
*Mackubin Thomas Owens reviews*  
*Robert E. Lee: A Life, by Allen C. Guelzo.*

**38 FROM PILLAGING TO PROSPERITY**  
*Andrew Stuttaford reviews*  
*The Viking Heart: How Scandinavians Conquered the World, by Arthur Herman.*

**40 SPICE WARS**  
*Jack Butler on the science-fiction epic Dune.*

**42 THE PEOPLE THAT (WHOM?) YOU KNOW**  
*Bryan A. Garner traces the history of a linguistic superstition.*

**43 HIGH STAKES**  
*Ross Douhat reviews*  
*The Card Counter.*

### SECTIONS

- 2 Letters to the Editor
- 4 The Week
- 33 Athwart . . . . . *James Lileks*
- 34 The Long View . . . . . *Rob Long*
- 41 Poetry . . . . . *Rex Wilder*
- 44 Happy Warrior . . . . . *David Harsanyi*



**B**etween 1965 and 1995, out-of-control violent crime was the most salient domestic issue in America. Born from the chaos and upheaval of the Sixties-era cultural revolution, the decades-long crime wave caused untold economic damage to our cities and unleashed waves of misery on the American people. Then the tide began to turn in the 1990s thanks in part to innovative crime-fighting strategies in New York and other large American cities. Crime rates plummeted and many of our cities were reborn. Now, with many of the same failed soft-on-crime policies of the past seeing an encore, it is no coincidence that violent crime is again on the march. Here, in this special issue, we examine what is to be done.

—RICHARD LOWRY



## Forgotten Lessons of the War on Crime

*History tells us how to win again*

BY WILLIAM J. BRATTON & RAFAEL A. MANGUAL

**I**n 1990 one of us was arriving in New York City to serve as chief of the Transit Police Department. The other was in pre-K. Crime, however, was on both of our minds. One of us was formulating a plan to fight it underground. The other was hoping a “bad guy” wouldn’t get the drop on his NYPD dad. That year, more than 2,260 New Yorkers were murdered—a hair under 10 percent of the more than 23,000 murdered throughout the country. Over the next decade, the country’s homicide

rate fell by more than 40 percent—driven downward in no small part by the homicide decline in New York City, where the trend toward less violence continued long after the turn of the century. But in 2015, some American cities, such as Chicago, Baltimore, and Philadelphia, saw violence start to tick back upward. Others, including Los Angeles, San Francisco, and Portland, saw public spaces fall into terrible states of disorder, bringing to mind the “broken windows” our late friend George Kelling wrote so eloquently about over the course of his life.

Many of us who follow such things began expressing concern about rising violence in the wake of those spikes. Then, on the heels of last year’s nationwide protests sparked by the murder of

George Floyd in Minneapolis, homicides and shootings exploded across the country, leading to America’s deadliest year since 1995.

Homicides and shootings seem to be leveling off in some places (such as New York). Still, far too many cities across the U.S. are struggling with elevated levels of serious criminal violence and disorder as 2022 approaches.

The decline in homicides and other violent crimes between 1990 and 2000 constitutes one of the greatest achievements in the history of urban America. Like all great achievements, it did not come easy. It took a strong political will and many years of hard work. The *deterioration* of that progress, by contrast . . . well, that process is a lot less involved. That some cities have seen their homicide numbers near and, in some cases, even *surpass* their 1990s peaks illustrates just how quickly a quarter century of progress can be undone.

Twenty to 30 years may not sound like a long time, but even a few years of relative peace can shorten a country’s memory, which seems to be what’s happened since the turn of the century.

The recent spikes in serious violent crime were, in many places, preceded by mostly well-meaning, if in some cases misguided, police and criminal-justice “reforms.” Rather than consider the possibility that some of these initiatives made cities more vulnerable to crime, activists have doubled down on de-policing and decarceration—in some cases going so far as to call for the abolition of police and prisons.

The calls to “defund” or “reimagine” the institutions (police departments, prosecutor’s offices, and correctional systems) that played such prominent roles in America’s victory in the War on Crime are, to put it mildly, foolish. This is not to say that there do not exist

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inefficiencies and inequities within criminal-justice systems or that these shouldn't be addressed. No one with any credibility would argue that America's criminal-justice systems are so perfect as to be exempt from critical examination. But, from where we're sitting, it seems quite clear that when many of the loudest voices calling for police or criminal-justice reform say they want to "reimagine" public safety, they really mean relentlessly pursuing an approach that seeks to dramatically reduce the size, scope, and strength of the institutions that were central to America's comeback a generation ago.

This is the wrong approach. A better one would be to refine and then redeploy the strategies and tactics we know worked, and to do it in light of the lessons we've learned from past successes and failures, the technological advancements we've since made, and the knowledge we've since acquired.

Among those lessons is that police have an enormous capacity to both detect and *prevent* crime and disorder—

hiring of many tens of thousands of new officers. Many, if not most, of those hires left policing in recent years as they became eligible for retirement. Now would seem an appropriate time for Congress and the Biden administration to consider a similar program to address the workforce crisis that so many police departments face. At the local level, politicians should communicate their support for police, the vast majority of whom do their best to make their communities better every single day. This, of course, doesn't mean that they should stand silent when an officer misbehaves. But neither does the pursuit of justice demand the derision and disinvestment so many departments have been subjected to. That derision has no doubt demoralized police to an enormous extent.

Another lesson learned in the '90s is that addressing disorder in public spaces is a worthwhile endeavor. Trusting police to use their discretion in responding to offenses such as public urination, property defacement, open-air drug dealing, etc., would be responsive

and playing loud music in front of her stoop if she has confidence that the police will back her up. So too are the teens more likely to disperse. Moreover, strategic, targeted enforcement of laws against open-air drug dealing, gambling, and alcohol consumption—which have been associated with violent crime—can also have outsized impacts on safety. By pushing potential targets and offenders off the street, police can help make crime in those spaces less likely.

Now, neither of us is advocating a "zero tolerance" approach to fixing broken windows. Nevertheless, the reality is that for police to be effective on this front (and others), they need to have a credible answer to the question "Or what?" Sometimes, asking nicely doesn't work. In those situations, cops need to be empowered to make arrests, and those arrests should be backed by prosecutions.

Calling for more enforcement may not seem fashionable in today's polarized political climate. That's somewhat understandable given the extent to which we,

## If cities are going to get violent crime back under control, they are going to need more cops to do it.

sometimes simply through their presence. Making the most of that capacity, however, requires an investment, which, in turn, requires public support.

Over the past several years, the capacity of police to prevent crime has been significantly diminished for a multitude of reasons. For one thing, the number of sworn officers across the country has been declining for nearly a decade. In 2013, there were more than 720,000 cops on American streets. By 2018, that number had fallen below 690,000. For another, because of explicit and implicit discouragement from both the public and political leaders, officers in many jurisdictions seem to be growing wary of being proactive in the field, despite the benefits that such proactivity has been shown to produce.

If cities are going to get violent crime back under control, they are going to need more cops to do it. The 1994 "crime bill" reflected a recognition of this reality among policy-makers by funding the

to what has been, in the experience of us both, one of the top concerns of residents in the cities we've lived in, worked in, and visited. Taking the concerns of residents seriously is core to the legitimacy of police departments in the eyes of the public they serve.

Order-maintenance can also produce meaningful public-safety benefits. According to the criminological theory of "routine activities," crime requires three things to thrive: motivated offenders, vulnerable targets, and an absence of what the theory's developers referred to as "capable guardians." By addressing quality-of-life offenses, police signal to the community that they are being vigilant "capable guardians," which can discourage both serious and petty criminal activity. Signaling vigilance can also help restore the confidence that residents need to reinforce pro-social norms in their neighborhoods. A senior citizen, for example, is more likely to wave off the teenagers drinking

as a society, overcorrected in the punitive direction in our haste to address the bloodshed that plagued American cities in the '80s and '90s. That, however, is less of a risk today. Not only do we have a history to learn from, but new technologies and years of study have positioned us to undertake enforcement efforts with more precision, so that we are much less likely to ensnare those whose arrest, prosecution, and incarceration would hurt more than help.

One of the things we've come to learn is that crime is hyperconcentrated. In New York City, for example, less than 5 percent of all street segments see 50 percent of violent crimes, the most serious of which tend to be carried out by a small subset of the population that is often involved in street gangs. Concentrating enforcement efforts on the people and places most closely associated with violent crime can produce massive crime reductions. This point was nicely illustrated by a study published this summer,

showing that “gang takedowns explain nearly one quarter of the decline in gun violence in New York City’s public housing communities over the last eight years.” Our ability to incorporate rigorous risk assessments into decision-making processes at all levels of the criminal-justice system can help mitigate the risk of over-enforcement that perhaps informs some of the skepticism about calls for a tougher approach.

Finally, just as we rightly worry about the prospect of over-enforcement, recent history also gives us good reason to worry about the risks associated with *under-enforcement*. Because crime is so concentrated, the social costs of crime are not evenly distributed. Every year in New York for more than a decade straight, at least 95 percent of shooting victims have been black or Hispanic. Nationally, black men are more than ten times more likely than their white counterparts to be the victim of a homicide. And because people of color—particularly black men—are disproportionately impacted by crime, they disproportionately benefit from crime declines. Between 1991 and 2014, the U.S. experienced a sharp decline in homicides. A recent analysis of that drop-off showed that “the decline of homicide-specific mortality led to increases” in life expectancy of 0.14 years for white males versus 1.00 years for African-American males. To contextualize that data, that same study’s lead author, Patrick Sharkey, wrote in his 2018 book, *Uneasy Peace*, that “the impact of the decline in homicide on the life expectancy of black men is roughly equivalent to the impact of eliminating obesity altogether.”

Losing sight of *these* racial disparities in the pursuit of more parity in terms of other criminal-justice outcomes is no way to pursue justice.

This is a crucial moment for policing and criminal justice in America. As the institutions that were once regarded as the noble guardians of the public’s safety have come under attack, we’ve seen the alarmingly rapid erosion of the progress those institutions made. Whether the tide of rising violence is stemmed will depend on what our society does next. Luckily, we don’t have to decide in the dark. History’s lessons are right there for us to apply. Here’s hoping we do just that. **NR**

## ‘Systemic’? Simplistic

*Charges of monolithic police racism are mistaken and distracting*

BY HANNAH E. MEYERS

**T**HERE are 8 million stories in the naked city. Each crime is the story of individual guilt and individual suffering. Each action by the police—for good or for ill—can be an individual story of heroism or wrongdoing. There is nothing more deeply personal than crime and punishment. And as we know, whether from Sherlock Holmes or Harry Bosch, each character is a mix of imperfections, to be judged not by his purity but by his actions and intentions and where these fall on the scales of justice.

The charge of “systemic police racism” relies on a stereotype that obscures these individual stories by insisting that racism runs through all police behavior and thinking. Yet rather than condemn this overgeneralization, many have treated it as a moral imperative: We *must* view all cops as racist, and we *must* view all blacks as their victims. Stereotyping now is virtuous—and it is crippling our ability to consider the individual and put him at the forefront of policing.

Do cops deserve to be treated as a racist monolith? Since Minneapolis police officer Derek Chauvin mercilessly killed a black suspect, must we now believe that all officers wish to do the same? In reality, cops vary in their morals and behavior. Virtually none are like Chauvin, who was duly convicted of murder for ignoring his training and protocol and committing an unthinkable abuse of power.

Yet data show that the public wildly overestimates how often police use

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physical force and how often they use force against blacks. Monolithic thinking makes it perversely difficult for the public to accept how rarely the police use force, and how rarely they use it against blacks relative to racially varying rates of violent crime.

A report published as part of the *Civil Unrest and Presidential Election Study* in February 2021 found that 13 to 27 unarmed black men were recorded as killed by police in 2019, but the public almost universally believed that number to be far higher. More than half of those reporting “very liberal” views believed that 1,000 or more unarmed black men were killed by cops in 2019; their estimate was off by a factor of about 50. Further, while 24.9 percent of all people killed by police in 2019 were reportedly black, survey participants across the political spectrum assumed a much higher percentage. Those who self-identified as “liberal” or “very liberal” were particularly blinkered, estimating the proportion to be 56 percent and 60 percent, respectively.

Similarly, a 2019 paper from the *Proceedings of the National Academy of Sciences* found that black men ages 25 to 29 were killed by police at a rate between 2.8 and 4.1 per 100,000—a small fraction of their death rates from murder (22) and accidents (76.6). Studies show that blacks consistently fear that they are more likely to be hurt in a police encounter than in incidents such as car accidents. But the data indicate that this is far from reality. These distorted fears have negative consequences for blacks; they may hesitate to call for police assistance when it’s needed, for instance.

If we could look beyond the monolithic image of the bad cop, we would see individual cops who should be trusted to use their own judgment and rely on their training but who are being incapacitated by a crippling regime of new regulations. Overreaction to the negative stereotype of cops has led to thousands of new policy proposals widely limiting police actions and initiative. Laws now overcorrect for the dangers of chokeholds such that New York City’s 2020 ban, recently overturned by a state judge, prohibited cops from applying any pressure at all to a suspect’s chest or back—effectively making even



appropriate grappling impossible without risking physical harm or legal consequences to officers. The nationwide 45 percent increase in officer retirements and 18 percent rise in officer resignations last year give a sense of cops' individual responses.

But cops aren't the chief victim of this monolithic thinking. The police-racism narrative also treats black people as a monolith. Just as there is pressure to think of all cops as Chauvin, there is pressure to think of all blacks as George Floyd. But, of course, very few blacks are like Floyd, a man who spent his 20s and 30s in and out of prison for, among other things, storming into the apartment of a pregnant black woman and violently robbing her at gunpoint. Security-camera footage just before he was heartlessly killed shows Floyd passing counterfeit cash while apparently flipped out on drugs—fentanyl and methamphetamine, as the toxicology report later revealed. Like so many human stories,

Sadly, monolithic thinking, which certainly existed before Floyd's killing but is worse now, makes productive civil discourse rare. The simple cops-versus-blacks paradigm is a safe way of avoiding the possible "triggers" of more personal, nuanced discussions about people's actual experiences, values, and desires. And the obsession with "systemic racism"—which has affected discussion of issues far beyond law and order—makes it all the harder to discuss policing with nuance and complexity.

A prime example of our national hunger for easy stereotypes that obscure individual agency is the popularity of the "slave patrol" narrative. This account—trumpeted loudly by politicians such as Representative Ayanna Pressley (D., Mass.) and promoted by *Time*, *USA Today*, *The New Yorker*, and the American Bar Association—asserts that there is a direct link between today's police and the posses that hunted runaway slaves hundreds of years ago.

where our laws aim to be color-blind, making policing less racist and reducing crime requires an individual approach. It requires us to step away from the bottomless rhetorical pits of "black lives matter" and "blue lives matter" and engage civilly. It requires respect exchanged on a one-to-one level. Community policing, proactive policing, neighborhood policing—and, yes, "broken windows" policing—have gained popularity precisely because they encourage officers to walk around, interacting with community members as individuals and creating relationships ahead of tense emergency situations. These types of policing require that cops and civilians recognize each other's individual personhood. They're not about administering purity tests to cops' psyches for traces of bias, but about demanding that respect be shown on all sides.

The concept of respect runs through the often-cited nine principles of Sir Robert Peel, the 19th-century visionary

## The racially skewed statistics of crime in the United States increase the tension in the population at large and between police and blacks in particular.

his is complex: He was a tragic victim and also a criminal.

Blacks tend to have complex feelings about policing. But the insistent message that blacks, as a mass, oppose law enforcement—or even that they want fewer police in their communities—is not borne out by the data. In fact, most blacks in the U.S. still want robust police protection for themselves and their communities, even if they want police reform more generally. A nationwide Gallup survey last summer found that 81 percent of black Americans want the same amount of policing in their neighborhoods or more, and a *USA Today*/Ipsos poll this spring found that 72 percent of blacks do not support the "defund the police" movement. In fact, this year, a Civis Analytics poll found that 60 percent of black Americans support hiring more police officers in high-crime areas.

Those who make this claim observe that official bands of white enforcers existed—primarily in the rural South—to prevent and catch escaping slaves prior to Emancipation, and they hold modern police responsible for the sins of those gangs. But this ignores the fact that today's roughly 18,000 U.S. police departments developed as a response to urban crime in the North, associated more with Irish immigrants than with blacks. This development began in 1845 when New York City codified a modern force modeled after London's, which was then copied by other American jurisdictions. So even as we acknowledge that slavery and prejudice tainted law enforcement, as they did so many other American institutions, we should be able to see that nothing in today's police codes is a holdover from that terrible injustice.

Civil discourse brings all dialogue back to the *individual*. And in an era

who is considered the father of modern policing. Peel insisted that, to be effective and correct, police must earn the respect of the public, which is also key to minimizing the need to use force. As with other aspects of criminal justice, respect is deeply personal; it's forged between individuals.

The realities of crime commission in the U.S. make these one-on-one respectful interactions that much more crucial. The racially skewed statistics of crime in the United States increase the tension in the population at large and between police and blacks in particular. The tension then impedes people's ability to see one another clearly. That blacks commit crimes at a higher rate than other demographic groups means that blacks as a group will, on average, come in contact with police more frequently. This is in part because crimes tend to be intra-racial. Homicide and robbery rates among black

Americans are more than four times higher than the rates for whites; the rates are even more skewed in some major cities. The natural consequence is that blacks call on the police for help much more often than members of other racial groups do. Suspects will disproportionately be described by victims and witnesses as black—and therefore detained and questioned by police in response.

Monolithic thinking about policing has had a crippling effect on the ability of policy-makers and the media to acknowledge and discuss the tragic rise in crime since last year. In 2020, the homicide rate nationwide rose faster than at any time in recorded American history. And because blacks are overrepresented among the victims of murder and other violent crime, it was black communities that suffered the most. Yet it took months of shootings for public figures to accept that the crime wave was happening. Even then, most observers blamed the rising violence on the spike in legal gun sales during the pandemic and the prevalence of firearms. This narrative persists, even though a new study in *Injury Prevention* fails to find a geographic link between the increase in levels of legal firearm purchasing and the rise in gun-violence rates. And it's well documented that criminals rarely acquire firearms through licensed dealers. Only slowly and grudgingly are pundits discussing the possibility that restrictions on policing may have contributed to the violence.

With something as consequential as criminal justice, it can be scary to allow for complexity and to accept that we each—whether criminal, victim, or officer of the law—have our own unique, messy story. But stereotypes are getting in the way of building the respectful, trusting relationships necessary to keep us all safe and to hold racist and vile wrongdoers to account. Allowing the simplistic narrative of systemic police racism to silence individual voices has cut short the stories of thousands of black Americans who died in street violence last year while pundits argued about slave patrols.

There are 330 million stories in our nation: Let's make sure that each gets a chance to be heard. **NR**

## Fictions of The 'Carceral State'

*The incarcerated population is falling, and it's mostly hardened criminals*

BY ANDREW C. MCCARTHY

**W**E take the big sellers, you take the small sellers." It was a sensible division of labor, the kind that needs to be made when the federal and state governments have "concurrent jurisdiction" over a crime category, such as drug-trafficking.

Controlled substances are regulated under the police power that states exercise over their internal affairs. Simultaneously, drugs fall under federal purview, pursuant to penal statutes enacted under Congress's interstate-commerce authority. In theory, then, any illegal act involving narcotics could be prosecuted by state and federal prosecutors. Since there are many more criminal acts than resources to prosecute them, the feds and the states try to maximize efficiency. Justice Department components (mainly the Drug Enforcement Administration and Federal Bureau of Investigation) prioritize large-scale drug enterprises that import big quantities of drugs or distribute across state lines. State and local law-enforcement officers, who are far more numerous than their federal counterparts but confined to policing their communities, concentrate on street-level sales and—ever more rarely owing to decriminalization initiatives—simple possession.

In both cases, the target is illegal drug sales, not use; felonies, not misdemeanors. And because big-money illegal enterprises are inherently dangerous—requiring firearms and muscle to protect product, cash proceeds, and territory—the enforcement focus is on violent street gangs, organized-crime groups, and international cartels.

As a result, virtually no convicts are sentenced to prison for mere use of illegal

drugs or possession of them in personal-use amounts. Not in the federal prison system, where nearly half of inmates have been convicted for drug crimes (often in addition to other crimes); and not in the state system, which is far bigger—housing 88 percent of the nation's incarcerated population—and in which violent crimes far outstrip drug offenses as the bases for imprisonment.

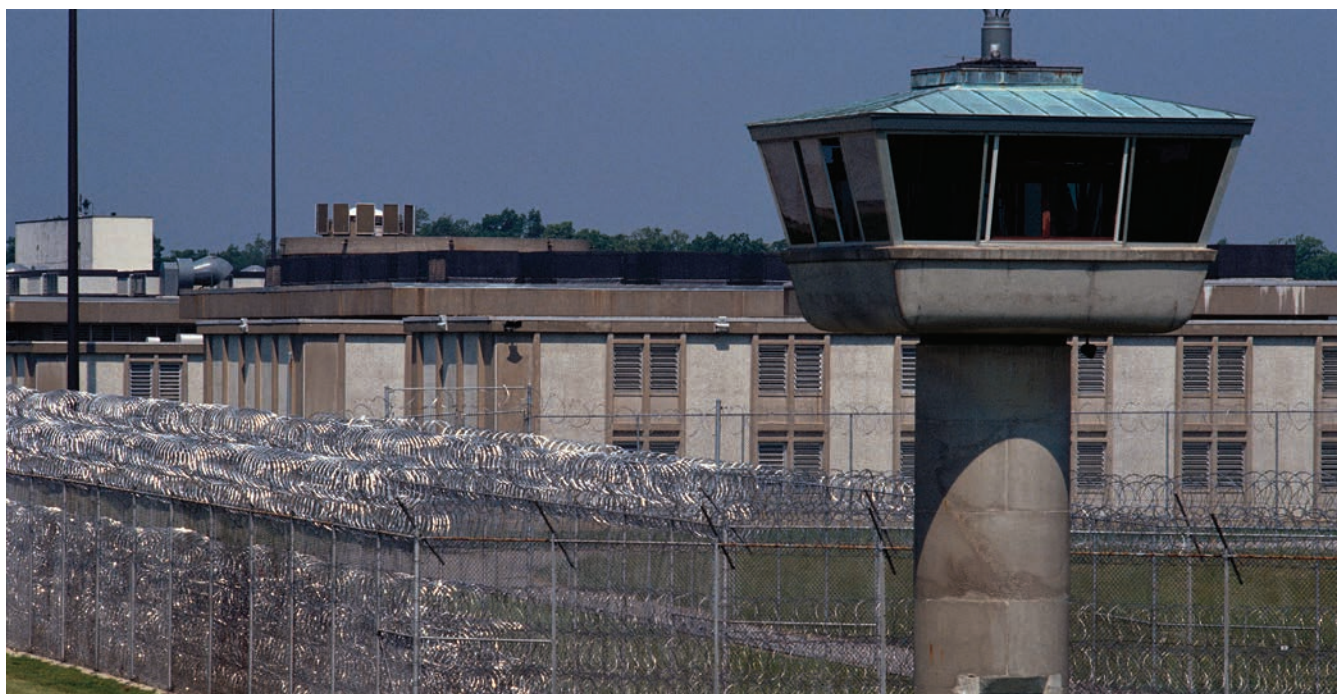
That is to say: Just about everything you've been told by self-styled criminal-justice "reformers" about who is being detained in our "carceral state" is fictitious. The notion that the jails are teeming with nonviolent drug offenders is nonsense—though it may be marginally less ridiculous than the companion narrative that blames this imaginary outrage on "systemic racism."

In point of fact, our prisons are not teeming at all.

In general, the incarcerated population in the United States is divided between prisons and jails. The former, in which about two-thirds are detained, are long-term-confinement facilities—from high-security penitentiaries to low-security prison camps—that are run by state and federal governments. Jails, which house the remaining third, are mainly holding facilities run by counties, cities, towns, and law-enforcement agencies. Pretrial defendants who are denied or do not make bail are detained in jails, as are convicts sentenced to short stints, usually a year or less.

The incarceration *rate* in the United States—i.e., the percentage of our national population that is confined, as opposed to the total number of people in custody (the incarcerated population)—has been decreasing for well over a decade. It peaked at 1,000 inmates per 100,000 people between 2006 and 2008. With the decline that began in the Obama years, the incarceration rate has dropped nearly 20 percent, to 810 per 100,000. That's its lowest level since 1995, a time at which, not coincidentally, crime rates were beginning to fall as detention rates inched up.

Even in absolute terms, the incarcerated population is plunging. In 2019, it was 2.1 million—about 1.4 million in prisons, the rest in jails. That is about the same as it was in 2003, even though our current national population (over 330 million) has grown since then by 40 million.



*United States Penitentiary, Marion, Ill.*

For comparison: Two years ago, we were confining the same number of criminals that we did 16 years ago, even though our population has since swelled by the size of Iraq or Poland.

The numbers have continued to plummet, despite significant upticks in violent crime. As the Bureau of Justice Statistics reports, concerns about controlling the potentially calamitous spread of COVID-19 infections induced federal and state governments in 2020 to shed an additional 208,000 inmates—mostly by not making arrests for comparatively minor crimes and by granting early release to inmates in the late phases of their sentences. At about 1.8 million, the incarcerated population in the United States is now lower by about half a million than it was in 2008, when violent crime was in the midst of stunning reductions from its frighteningly high levels from the 1970s into the mid '90s.

Fewer prisoners means more violent crime. That is reality.

The reformers' myth notwithstanding, the jails are filled with recidivist criminals, most of them violent. As the Manhattan Institute's Heather Mac Donald puts it with characteristic pith, "prison remains a lifetime achievement award for persistence in criminal offending."

It is not difficult to see why. In the 1980s, to address scandalous disparities

in sentencing, the criminal-justice system was transformed by the implementation of "sentencing guidelines." They were adopted by the federal government in 1984, accelerating a trend that had begun in Minnesota in 1980 and has since spread across most states.

Prior to the implementation of guidelines, sentencing was essentially indeterminate, within broad parameters. Virtually every crime is codified by a penal statute that prescribes a broad sentencing range. Take robbery, where the statute might provide for a penalty of zero to 20 years' imprisonment. In an indeterminate regime, the court's sentencing discretion is limited only by Congress's statutory range of years—it can't go over the maximum of 20 (or, obviously, under zero). The term imposed upon conviction thus depended largely on the judge: The tough law-and-order types would typically hammer defendants with terms of 15 or more years; the softer bleeding-heart types might impose no prison term at all, or a minimal one at most. Consequently, two defendants of comparable backgrounds who'd committed the same offense would be treated vastly differently.

The system lent itself to credible claims of racism and arbitrariness. It also placed too much control in the hands of prosecutors, whose charging discretion

was boundless. For example, say two defendants collaborated to sell a kilogram of cocaine in two installments. The prosecutor might charge one drug-conspiracy count; or one distribution count that included both installments; or separate distribution counts; or a drug-conspiracy plus one or two distribution counts; or, if the prosecutor was in a generous mood (i.e., trying to make the case go away on a sweetheart plea), all conduct covered by one minor conspiracy charge (rather than invoke the harsher conspiracy statute Congress enacted specifically for drug cases). In this scenario, the defendants might be facing a maximum of five, 20, 40, or 60 years' imprisonment, depending on how the prosecutor decided to draft the charges. And there was no requirement that two defendants in that same case—or, for that matter, any two similarly situated defendants—be treated equally. The prosecutor could package an attractive minor-conspiracy plea deal for one while throwing the book at the other by stacking as many counts as could be culled out of the offense conduct.

Sentencing guidelines put a stop to such capriciousness. They endeavor to impose uniformity and determinacy. This way, similarly situated defendants receive roughly the same sentences for the same type of criminal conduct; and, at the time



they decide to plead guilty (as the vast majority do) or go to trial, they have a more realistic idea of what the sentence will be—within a range of months, rather than something like the zero-to-20-year crashout described above.

Furthermore, the guidelines install a system of “real offense” sentencing, which assesses criminal conduct as an objective transaction (or series of transactions) rather than as what the prosecutor, by adding or subtracting formal charges, subjectively depicts the conduct to have been. The guidelines prescribe exacerbating and mitigating factors that apply to the heartland of offenses in a crime category. With fraud, for example, it instructs courts to consider the total dollar amount of the scheme; the dollar amount actually stolen; the number of victims; the scheme’s level of sophistication; whether the particular defendant was a leader or a subordinate; whether violence, intimidation, or obstruction came into play, and so on.

To calculate sentences, each offense transaction is assigned a “base offense level,” ranked from 1 to 43, reflecting its relative seriousness. (In the federal guidelines, for example, trespass is 4, while kidnapping is 32.) Adjustments are then applied based on the factors typical of that offense, including a reduction, for “acceptance of responsibility,” that is routinely afforded to a defendant who pleads guilty, admitting guilt and sparing the public the burden of a trial. That computes to a total offense level, which translates to a range of months. For example, an offense that computes to level 27 presumptively calls for a sentence of 70 to 87 months’ imprisonment.

We must say “presumptively” because the *offense* is only half of the sentencing calculus. There is also the *offender*. The principal driver of sentencing is criminal history: the defendant’s prior record of arrests and convictions, along with the personal circumstances under which the charged offense was committed—e.g., whether the accused was on parole, probation, or bail from another offense; whether he has a violent-gang or organized-crime affiliation; whether there is a pattern of forcible misconduct or substance abuse. The federal sentencing guidelines prescribe six criminal-history categories of increasing seriousness. That offense-level-27 sentence of 70 to 87 months

described above is for a Category I offender. It balloons as we pass from the aberrational first offender to the habitual offender to the gangbanger and career criminal—78 to 97 months, 87 to 108 months, 100 to 125 months, 120 to 150 months, and 130 to 162 months, as the chart moves from Category II to Category VI.

Notice what is never considered in either the offense factors or the offender characteristics: race. It has nothing to do with sentencing—and, very basically, sentencing is what determines who goes to prison. Of course, in a corrupted era in which critical race theory is taken seriously, some progressives would tell us that even math itself is racist. And certainly the Justice Department has swallowed the narrative uncritically: The Bureau of Justice Statistics catalogues the rise and fall of the black, other non-white, and white demographics of the prison population—as if these levels were intentional outputs despite their absence as relevant inputs.

It is a canard. The legal profession, including most prominently judges and leading criminal-justice practitioners, predominantly educated in elite law schools, is among the most self-avowedly progressive in the world. The notion that it would preside over a “systematically racist” process of prosecution, sentencing, and incarceration is ludicrous.

Overwhelmingly, inmates in our thinning prison population are there because they break the law, serially. And the inconvenient truth we’re not supposed to notice is that young African-American men offend at significantly higher rates than any other racial or ethnic demographics of comparable age. That is a fact we know, not because of theorizing by “systemically racist” police departments but because *crimes have victims*. Victims make formal reports describing who has preyed on them—and, because crime tends to be local, the victims include disproportionately high numbers of black Americans, typically residing in urban centers that are plagued by gang violence.

It is trendy to turn a blind eye to these facts. It remains remorselessly true, however: American prisons are substantially populated by hardened criminals. When fewer of them are in custody, there is inevitably more crime on the streets. **NR**

# The Legitimacy Hypothesis

*Examining the effect of the public’s attitudes toward police*

BY CHARLES FAIN LEHMAN

**W**HAT’S driving up violent crime? As evidence mounts that the current surge began after last summer’s protests, many on the right have linked the two. Those on the left have a counter: High-profile police violence, such as the killings of George Floyd and Breonna Taylor, set off both the protests and the crime wave.

Law professor John Pfaff has argued that violent crime “is the product of anger at police forces that kill far too many Black men, as well as at the remarkably violent, riotous way the police responded to last summer’s protests.” Criminal-justice-policy analyst Jonathan Blanks advanced a similar notion last summer, writing that the protests show that the police have lost public trust—a loss linked to rising crime. Thomas Abt, a senior fellow at the Council on Criminal Justice, has explicitly argued that reduced trust has made violence more common.

Each of these arguments invokes the “legitimacy hypothesis,” which holds that the primary reason people follow the law is not that they fear punishment but that they believe in its “legitimacy”—its deservingness of respect and compliance. In this view, police actions, such as killing innocent people, that reduce their legitimacy in the public eye weaken the rule of law and therefore lead to more crime.

The legitimacy hypothesis found widespread support during the 2015–16 homicide spike, which the view’s proponents argued was a product of declining police legitimacy following the killing of Michael Brown and the Ferguson protests. In general, the argument is a redoubt of those most critical of the police as an institution.

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Does legitimacy play a role in the current crime spike? The answer is both yes and no. The traditional formulation, wherein police misconduct breeds community mistrust, does not stand up to closer inspection. At the same time, the past year has seen a concerted effort by politicians, the media, and activists to delegitimize the police. This effort has likely reduced police manpower and activity, which in turn has likely led to more crime. Police legitimacy, then, does play a role—just not the way it is usually framed.

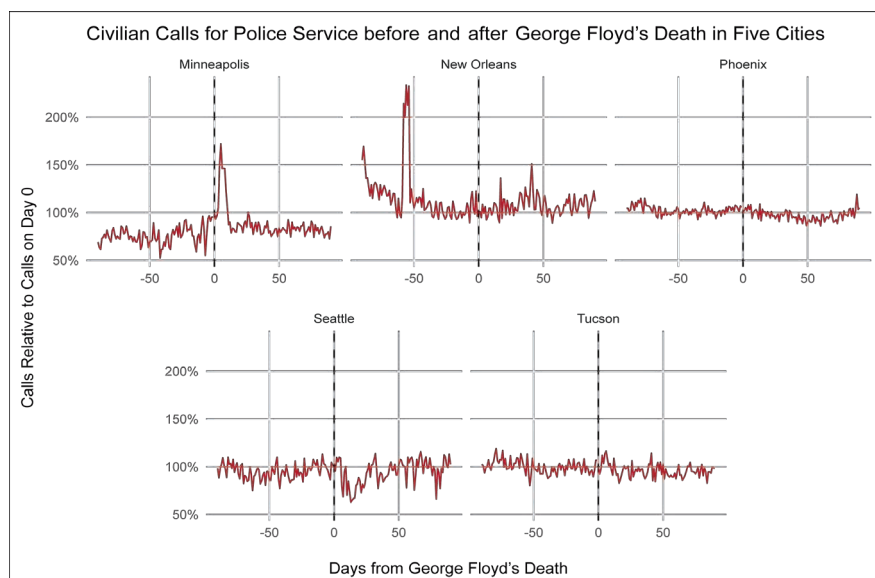
There are two standard explanations for why police illegitimacy causes crime. One is that if the law is less respectable, the average person will be more likely to break it. The other is that illegitimacy affects the community's willingness to work with the police, leading to fewer tips, crime reports, and other uses of the formal legal system to resolve disputes.

In 2016, three researchers released a study seemingly vindicating this theory. Using data on 911 calls, the authors argued that the 2004 beating of Frank Jude by the Milwaukee police dramatically reduced crime reports, particularly in the city's black neighborhoods. Thus, they concluded, police violence can “thwart the suppression of law breaking, obstruct the application of justice, and ultimately make cities as a whole, and the black community in particular, less safe.”

Reporting suggests something similar happened last summer. New York City's leaders warned against calling 911, which they said endangered black residents. A white Minneapolis neighborhood profiled by the *New York Times* vowed to stop calling the cops. Could these stories help explain the crime spike?

Be skeptical. The 2016 finding doesn't bear scrutiny: In a 2020 reanalysis, Harvard's Michael Zoorob found that the results were driven by a single outlier, 47 weeks after Jude's beating. Remove the outlier and the effect vanishes.

In a separate study, Zoorob found 27 well-publicized cases of police brutality that had no effect on calls; Harvard's Tanaya Devi and Roland Fryer produced a similar finding as part of a larger study. Similarly, George Floyd's death and the ensuing protests seem to have had no effect on 911 calls in five cities for which I obtained data, nor in data from Denver obtained by criminologist Justin Nix.



Calls for police service are, as criminologist Richard Rosenfeld recently put it, “one of the few quantitative indicators we have to evaluate the legitimacy hypothesis.” If they are unaffected by police violence, that's a blow to the community-engagement theory.

What about illegitimacy driving people to commit more crimes? It's hard to say, because we don't know whether the violent-crime spike was driven by more criminals or by more crimes among the same number of criminals. But there are a few reasons to think the latter.

One is that criminal offending is a highly concentrated phenomenon—10 percent of the most criminally active people account for two-thirds of crimes—suggesting that an increase in crime is usually driven by prior offenders. A second is that the weight of the evidence suggests that procedural-justice policing—an approach that emphasizes treating citizens with dignity and respect and preserving officer neutrality and perceived compliance with due process—improves community relations and respect but does not actually lead to a reduction in crime rates.

In short: It's hard to square the traditional legitimacy hypothesis with the evidence on the ground. But that doesn't mean the legitimacy of the police as an institution isn't important to the story of the 2020 violence wave.

One way to understand this evidence is that misconduct does not shape people's judgments about how they, personally, should interact with the police. Polling more generally shows that people's views about the police do not change easily. Last

year's events reduced confidence in the police by only about five percentage points—a loss that was almost completely recovered, among white and black Americans, this year. Even last summer, 86 percent of all Americans and 81 percent of black Americans said they wanted police to spend the same amount of time or more in their neighborhood, suggesting that even when the cops are an object of political outrage, people still want to engage them personally.

The polling actually shows, however, that people both trust individual cops personally and believe policing as an institution is in need of deep reform. Last July, 58 percent said that policing needs “major changes,” 65 percent said cops are treated too leniently, and 79 percent called police violence a serious problem. Those concerns have diminished, but as recently as March a majority supported “reforming” the police, and nearly half asserted that police misconduct reflects “systemic racism.”

This sort of personal-political mismatch is common in polling—Americans notoriously dislike Congress but love their congressman. But it suggests that even if the perceived legitimacy of the police does not affect people's personal behavior, it could still affect their political views.

In a prescient 2015 article, criminologist Philip J. Cook argued that illegitimacy not only could lead to increased criminal activity and decreased cooperation but also could indirectly boost crime by creating political pressure that reduced cops' budgets and thus their

crime-deterrent effect. Police illegitimacy, in other words, can stimulate demands for reform, as shown in the polling above and manifested in calls to “defund the police.”

Americans do not support defunding the police, and relatively few cities have cut police budgets. But political pressure on cops, in the form of both public rhetoric and policies curbing their discretion, has increased enormously over the past year. It’s hard to call, for example, Minneapolis’s push to dismantle its police department anything other than a challenge to the police’s legitimacy.

So are the legitimacy hypothesis right? Again, yes and no. This legitimacy challenge may play a role in the crime spike. But that doesn’t mean cops are ultimately at fault for the changing political headwinds.

Proponents of the legitimacy hypothesis argue that if police did not do all the horrible things they are accused of, then their legitimacy would not fall and crime would not rise. The standard examples are high-profile police killings. These are taken to be proof of widespread systemic abuse.

But such anecdotes are unrepresentative. In 2018, just one in four Americans over 16 reported any contact with the police; of those, just 2 percent experienced any force. Ninety-nine percent of arrests involved no force; among those that did, 98 percent resulted in mild or no injury. Police shootings of black people, in particular, actually got rarer between 2015 and 2019.

Obviously, any unjustified use of force is bad. But much of the public has a distorted sense of how common it is. A survey from the Skeptic Research Center found that many Americans dramatically overestimate both the number of unarmed black men killed by police and the share of those killed by the police who are black. My Manhattan Institute colleague Eric Kaufmann has shown that voters across the spectrum, particularly white and black liberals, inaccurately believe that police kill more young black men than car crashes do.

These misperceptions reflect that many Americans’ judgments about the police’s legitimacy are a by-product of a handful of rare but emotionally powerful stories. As both police critics and supporters have noted, Black Lives Matter would not have been possible without the spread

of smartphones, which capture moments of brutality in high resolution. Such videos can strongly affect crime. Devi and Fryer, in their previously mentioned paper, show that federal investigations of police departments led to steep reductions in crime, except when the investigation was preceded by a “viral” incident of police violence, in which case crime skyrocketed.

Individual police officers are always responsible for their own misconduct, including deadly violence. But the changes in public perceptions of police legitimacy are driven not by a change in the level of police violence but by a change in the perception of it—a shift toward fixation on specific events that obfuscates rather than clarifies.

Some of this is a necessary by-product of the digital age. But some of it is a conscious choice by the media and by politicians who benefit from being perceived as “tough on cops.”

Increasing hostility from those parties is why cops I’ve spoken to joined hundreds of others in quitting their jobs last year, fearing that a single incident could ruin their lives. It’s likely why many cities have seen declines in police activity—there isn’t enough manpower, and what manpower there is is less willing to fight crime, fearing that, if they make a mistake, they’ll be thrown under the bus.

It is fine to say the police should be “reformed,” and legitimacy-enhancing interventions such as procedural-justice training do seem to improve community relations. But there has been a comprehensive war on police legitimacy over the past year, one that has stigmatized policing and made our streets less safe. The hypocrisy of people such as Representative Cori Bush (D., Mo.), who hires private security as she calls for defunding the police, is not merely a childish error—it costs lives.

As mentioned, people’s views about the police are resistant to change. Just as the last protest-induced homicide spike abated, this one is likely to do so in a year or two’s time. But another surge of anti-police sentiment is similarly likely, costing tens of thousands of unnecessary lives. Until we acknowledge the role that the campaign against police legitimacy plays, this cycle will continue: It is the deadly dividend of “defund the police.” **NR**

## Officer Exodus

*Departments around the country are losing staff and struggling to recruit*

BY RYAN MILLS

*Asheville, N.C.*

**A**FTER the police department in this midsize mountain city lost more than a third of its force to resignations and retirements last year, bringing in seven new academy graduates in December seemed like a small step in the right direction.

As its roster fell from 238 officers to only about 150, the department had to drop some community services and saw its response times climb. Department leaders gutted detective units to put more officers on road patrol. Officers were forced to triage calls, and they stopped responding in person to some they deemed low-priority.

Did someone break into your car or mark up your fence with graffiti? File an online report. Noise complaint? Expect a significant delay. Funeral escort? No longer a priority.

While the seven new officers clearly weren’t enough to restore the department to full force, adding them still seemed like a good way to start the new year. But nine months later, only one of them remains on the job. Some of the officers may have had unrealistic expectations, Chief David Zack explains. But others, he says, were unprepared for the on-the-ground realities of the current anti-police climate.

In the wake of George Floyd’s death under a Minneapolis officer’s knee last summer, Representative Ilhan Omar (D., Minn.) called local police “beyond reform.” Representative Ayanna Pressley (D., Mass.) compared cops to “slave patrols.” Even Joe Biden, during his campaign for president, said there is “absolutely” systemic racism in law enforcement. Young police officers and the people interested in being police officers digested it all.

“When you enter this profession, you want to be the good guy,” Zack says. “And suddenly, when you’re cast in this



light of being the bad guy, that wasn't the expectation."

Police departments like Asheville's are used to having new recruits in the pipeline to fill vacancies when officers retire, resign, or are fired. But now, in a city that endured nine days of sometimes violent protests last summer, "the pipeline is drying up," Zack says. And, as he's learned, even when he's lucky enough to add a recruit to the force, that's no guarantee the recruit will stick around very long.

The Asheville police department is not alone. Agencies nationwide are facing a recruiting and retention crisis, and it's not limited to departments in big progressive cities, or in places such as Minneapolis and Portland, centers of last summer's unrest, where rioters burned buildings, fought nightly with police, and threw rocks, cans, and bottles of urine at them. It's also real in places such as Morgantown, W.Va., Fayetteville, Ark., and Aurora, Colo.

In Springfield, Mass., the police department set up a booth at a recent university career fair. The one person who stopped by did so by accident, the *Springfield Republican* reported.

In a June survey of 194 police agencies by the Police Executive Research Forum, midsize departments with 250 to 499 officers reported a 26 percent drop in their year-on-year hiring rate, while larger departments, with 500 or more officers, reported an even more dramatic 36 percent decrease. Some respondents saw 40 and 50 percent drops in applications.

Departments increasingly are turning to firms that specialize in recruiting police officers to help them to fill their ranks and out-compete neighboring departments. In years past, the folks at Epic Recruiting could count on getting three or four calls a month from law-enforcement agencies looking for help attracting job candidates. "I think I got three or four calls in one day last week," says Alex Johnston, co-founder of the Scottsdale, Ariz.-based firm.

This all has many law-enforcement leaders and academics concerned that the profession could be pushed into a spiraling decline: As more police officers flee their departments and crime increases, the officers who remain face burnout, have less time to engage with the community, and are more prone to making mistakes, leaving department leaders

desperate to fill positions. Some may relax hiring standards and bring in more unqualified cops who get into trouble, creating the next viral encounter, ratcheting up the anti-police climate, leading to more laws that make policing harder, prompting more officers to flee the profession, and on and on.

"Nobody wants that," said Gregg Pemberton, chairman of the Washington, D.C., Metro Police union. "The way that you fix that is that you get better police officers who are better educated, and better trained, and can reason their way out of situations. They're not always reaching for the tools on their belt all the time."

But that approach takes money and patience. Instead, politicians and anti-police activists are "proposing to sort of destroy policing by taking away its funding, taking away its members, making it look like a terrible job," said Pemberton, whose department hasn't hired a new recruit since before the pandemic and has lost more than 300 officers in that time.

Last June, D.C. city leaders passed a sweeping police-reform law that, among other things, puts new limits on how officers can respond during a riot, prevents officers from viewing their own body-camera footage, requires that officers' names be released to the public within five days in serious use-of-force cases, and requires additional training for officers on topics including racism and white supremacy. A proposal to eliminate qualified immunity—a legal doctrine that shields officers from some civil lawsuits—did not pass.

For all the recent headlines, the police-recruiting crisis is not new. Police departments have been struggling for years to attract educated young talent. And while the anti-police climate is a significant factor in the crisis—maybe the most significant factor recently—it's not the only reason young people are increasingly turning their backs on the profession.

In 2019, almost a year before Floyd was killed, the International Association of Chiefs of Police surveyed its members about their recruiting struggles. The association published the results in a report, "The State of Recruitment: A Crisis for Law Enforcement." According to the report, even before last year's riots and the January 6 uprising at the U.S. Capitol, 78 percent of the responding agencies reported having difficulty

recruiting qualified candidates, 65 percent reported having too few candidates, and 50 percent reported changing agency policies to increase the chances of getting qualified applicants.

In addition to a tarnished public image of law enforcement and often drawn-out hiring processes that can turn job candidates off, the report also noted generational differences that can make it hard for police departments to hire and retain Millennials and members of Generation Z. These younger workers put a higher premium on work-life balance than previous generations, according to the report, and are more interested in jobs with flexible hours and guaranteed time off (i.e., not police work).

Zack says he's seen that dynamic play out in Asheville. When he was a young officer, he spent eight years on the midnight shift. Officers he came up with worked as many hours as they could to build their pensions, often to the detriment of their family lives.

"I missed the dance recitals and the softball games, and things like that, holidays, where I had to go in and work on Christmas Day," he says. "I think for my generation that it was just understood that that's just the way it is, and this was the career you chose."

Young people today "see it differently."

Bright, young, educated job candidates with clean criminal histories—the kind of people police departments are desperately trying to recruit—often have plenty of job opportunities. And there are, and always have been, good reasons to forgo a career in policing: the long hours, including nights, weekends, and holidays; the inherent dangers of the profession (more than 2,000 police officers have been killed in the line of duty over the last ten years); and the increased risk of suicide, divorce, and substance abuse—all for a public servant's paycheck and pension.

Historically, the selling points of police work have been the ability to get out from behind a desk and the opportunity to make a positive contribution and be a role model. "With this constant carping, there's an erosion of the level of respect for police officers, therefore one of the biggest motivators to become a police officer is pulled out of the equation," said Jim Pasco, executive director of the Fraternal Order of Police.



Police leaders acknowledge that the recruiting crisis is multidimensional, but almost all point to the current anti-police climate—hyperpolitical efforts to defund police departments, end qualified-immunity protections, and make policing harder and more personally perilous—as the most significant factor at the moment. Many look at the anti-police riots in Ferguson, Mo., in 2014 as a key turning point in the way the public views police officers.

“I’ve devoted my entire life to the profession. I wouldn’t want to be a police officer today,” said Maria Haberfeld, who chairs the department of law, police science, and criminal-justice administration at John Jay College of Criminal Justice in New York City. “I wouldn’t want to endure the constant criticism and accusations of racism and excessive force.”

Jerry Granderson, director of the Oregon Public Safety Academy, has seen a drastic drop in the number of recruits coming for basic police training in his state. A NATIONAL REVIEW analysis of his academy’s recruiting list found that in the four years from 2016 to 2019, an average of 494 students attended either basic-police or officer-development courses at the academy each year. That dropped to 290 in 2020. They’ve had only 177 so far in 2021, according to data provided in late August.

Granderson thinks law-enforcement leaders need better messaging for potential recruits. “This is a profession that belongs to the people, and the people should be a part of it,” he says. “I think we need to do a better job to say, ‘Hey, please join our profession.’”

It used to be that law-enforcement agencies didn’t really have to market themselves to bring on quality recruits, says Johnston, the Epic Recruiting co-owner. Despite the longstanding downsides of the profession, “this has just been a career that, ‘Hey, you know what, I think it would be fun to be a cop. Or I’m in the military and I’m looking to transition my career.’” But that’s not the case anymore, at least for now.

Policing agencies need to take control of the narrative that’s emerged around their profession, and around their departments, Johnston says. Departments increasingly are competing with one another for local and national talent. Agencies that have built strong relationships with residents and city leaders have a leg up in the recruiting competition.

Epic works with agencies to develop a recruiting plan, and then sends in a crew to shoot, edit, and produce recruiting videos. The videos do show officers aiming guns, making arrests, and riding motorcycles, but they also show officers

playing basketball with kids, meeting with local business owners, and simply engaging with people in the community.

It’s this community-service aspect of the job that Johnston said agencies increasingly are trying to sell. “People are not interested in SWAT teams throwing in flash-bangs and apprehending suspects,” he says. “What we need to tell people, and what needs to attract a new generation of police recruits, is, ‘This is an opportunity for you to make a difference.’”

Selling that opportunity to make a difference and to meaningfully engage with a community is one thing; affording new officers the time to do it is another. With a staffing crunch, community-engagement efforts can take a back seat to more pressing, immediate needs—responding to calls, making arrests, writing reports.

Zack, the Asheville chief, says new officers often don’t have the time they need to build relationships with neighborhood leaders, residents, and kids. Instead of being school resource officers—an increasingly in-demand gig—they’re patrolling the streets at night and encountering people who resent them.

“Suddenly, it’s like, ‘Man, I thought I was going to be building relationships,’” Zack says. “No, that other work still has to get done.”

NR

# The Path to Reform

*A personal and political perspective*

BY TIM SCOTT

**O**NE of the most important people in my life is my mom, Frances Scott. As a single mother raising two boys, she worked grueling hours to put food on the table and keep a roof over our heads. Most days she'd work two shifts at her job as a nurse's assistant. The long hours put her home late at night.

When I was a little kid, one of my dreams was to buy my mom a house with a garage—not as much for the house as for the garage. I wanted her to be able to come home and drive into a place where she was safe. I didn't want to worry about her late-night walks from

It's no coincidence that this alarming spike in violence comes on the heels of the Democratic-led campaign to defund police departments across the country. As someone who grew up in some of the poorest parts of South Carolina, I think defunding the police is one of the most idiotic and immoral ideas I've ever heard. Putting poor people in a position to live without security is just plain wrong.

Unfortunately, it took a year of avoidable violence for liberals to accept the horrible failure of the defund experiment and begin re-funding the police. After cutting \$1 billion from the police budget last year, New York City reinvested \$200 million this year. The mayor of Baltimore, who as a city councilman led efforts to cut the police budget by \$22 million last year, proposed a \$27 million increase. Los Angeles's mayor proposed an increase of about \$50 million after the city cut \$150 million from its police department last year.

Though liberal politicians are now attempting to distance themselves from the defund movement, we know that the progressive Left remains in the driver's

leant crime precipitated by an ill-conceived political reaction to that tragedy.

There is no doubt that the video of Derek Chauvin kneeling on George Floyd's neck caused an awakening among the American people, as many witnessed for the first time the inconsistencies in our justice system. While some folks retreated to their political corners, the newfound national self-awareness that resulted from the tragedy sparked many valuable conversations across the country about how to improve our system of policing. I knew then that this was a moment to harness this wave of opportunity to make a real impact with meaningful reform.

To that end, I introduced the JUSTICE Act, a comprehensive police-reform bill aimed at bringing Americans together to solve the serious problems we face. The bill would have incentivized law-enforcement agencies to ban chokeholds, improved data collection and record-keeping on use of force that results in death or serious harm, increased funding for de-escalation training, strengthened penalties for falsifying police reports, and much more.

## The sad reality is that the communities the Democrats claim to be helping in their defund efforts are the very folks most harmed by under-resourced police departments.

her car to an apartment building or through a parking lot. That peace of mind is something I want for every American family.

Yet it seems like that sense of safety is farther out of reach than it's been in recent memory. Three-quarters of Americans believe that violent crime is increasing and that it's a major problem plaguing our country. The data, unfortunately, support this growing concern.

Homicide rates in our country's largest cities increased by more than 30 percent last year—and rose again by another 25 percent this year. Murder rates shot up by 82 percent in Portland, 72 percent in Minneapolis, 36 percent in Los Angeles, 44 percent in Phoenix, 40 percent in Philadelphia, and 45 percent in New York City, to say nothing of the increase in violent crime more broadly.

*Mr. Scott represents South Carolina in the U.S. Senate.*

seat guiding the Democrats' agenda. The sad reality is that the communities the Democrats claim to be helping in their defund efforts are the very folks most harmed by under-resourced police departments.

Take Minneapolis. Last summer, the Minneapolis City Council took several steps toward defunding the city's police department, and in December, the council voted to reallocate around \$8 million away from the police budget. Faced with limited resources and no support, officers resigned in droves. As crime spiked in the absence of police, the city's poor neighborhoods suffered the most. The Fifth Ward—an area with one of the highest concentrations of poverty in the city—saw a marked increase in homicides, robberies, shootings, and stabbings.

It is heartbreaking that this neighborhood, just miles from the site of George Floyd's murder, became a hotbed of vio-

My team and I worked tirelessly to put together a thoughtful response to the tragic deaths of Walter Scott, George Floyd, Breonna Taylor, Eric Garner, and too many others. We included provisions that were important to both Democrats and Republicans. We got buy-in from members of the law-enforcement community.

Despite all that, Senate Democrats blocked my bill from even being debated on the Senate floor. I offered them at least 20 amendments, and they still walked out. As I said at the time: They wanted the conflict to continue in order to win the Senate and White House in 2020 more than they wanted a solution to help the American people.

House Democrats have also engaged in political games on this topic. After the Senate unanimously passed my bipartisan anti-lynching legislation in 2018, Nancy Pelosi sat on the Senate bill for more than a year. Then, in what can only



be described as political trickery at its worst, House Democrats introduced and passed identical legislation under a different name in order to claim ownership of the issue. Rather than simply passing my bipartisan Senate bill and finally getting anti-lynching legislation across the finish line, Democrats prioritized a political win.

After Democrats blocked debate of my JUSTICE Act, I warned my colleagues about the danger of failing to act. It's the same warning I gave six years ago when Walter Scott was shot in the back by an officer in my hometown of North Charleston, an event that shook our city.

Up until that point, our community was inclined to take the word of police officers based on a police report—to assume that it was an accurate depiction of what happened. Bystander video of then-officer Michael Slager shooting Walter Scott in the back quickly disabused folks of that notion. If a picture is worth a thousand words, a video is worth a thousand pictures. That video led me to the conclusion that we need body-worn cameras on every officer and better reporting on officer-related shootings.

From there I started down a long path pursuing reforms—a path I'm still on today. Each time we kick the can down the road, we not only risk more lives lost but also miss crucial opportunities to help mend the eroding relationship between police officers and communities of color.

I have not been shy about sharing many of my interactions with the police. I've talked about being stopped and questioned at the Capitol, as a senator, even though I was wearing my member pin. I, like many black men, can recall the sting of humiliation that comes with being pulled over simply for driving while black.

But for every one of these unfortunate interactions, I've had dozens of positive encounters with police officers. The empathy of the officer who helped me when I got into a dangerous car accident as a teen. Going door to door with North Charleston police officers to deliver presents on Christmas Day. Just as the negative interactions hurt my soul, those positive experiences have an impact on the heart.

I weigh all my experiences honestly and have used them to come up with solutions that address the issues fairly. Having been on both sides, I've come

out a champion of officers, the vast majority of whom I know put on their uniforms every day and go to work with a servant's heart.

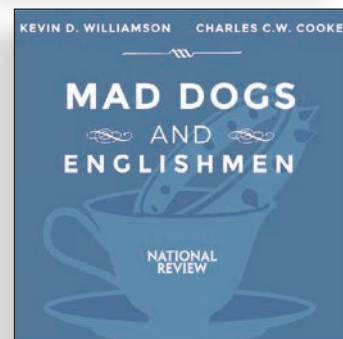
If more people can arrive at that understanding, I believe we will be able to accomplish meaningful reform. We should not make police officers the antagonists of this story by painting with a broad brush. We need more character-driven men and women to come into these high-pressure, high-crime areas. Moving the conversation away from demonizing officers and instead toward strengthening relationships between officers and the communities they serve means talking about allocating more resources so that departments can recruit more officers, train them better, and create a culture of accountability that ensures the bad officers are rooted out. These are things that both sides want. In fact, more than 80 percent of African Americans have said they want the same level of policing or a higher one.

And while the two largest police groups in the country—the Fraternal Order of Police and the International Association of Chiefs of Police—railed against House Democrats' partisan bill, which they said would have a negative impact on policing amid the current crime wave, they've affirmed my efforts with Democratic senator Cory Booker to find a compromise solution.

For too long the liberal media have convinced folks that there is a binary choice between the police and communities of color. It's clear that this couldn't be farther from the truth. An investment in bettering our police is an investment in the communities they serve. You have to help one to help the other.

There's no reason Congress can't get this done. A number of the issues we're negotiating are the same things I proposed in my JUSTICE Act, and many enjoy bipartisan support. If we let another year go by without action, I fear the preventable tragedies we'll have to endure as a nation. If we let another year go by, I fear the continued violence we'll see in increasingly lawless cities that take their marching orders from a vocal minority of anti-police elites. And most critically, if we let another year go by, I fear we will have failed to seize the opportunity to begin healing our country. That's why I'm still at the table.

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# Gun Control For Criminals

*Why don't we enforce the laws that exist?*

BY KEVIN D. WILLIAMSON

**G**UN-CONTROL advocates sometimes complain that, when it comes to guns, it's the Wild West out there. And they are right—but not in the way they think they are.

There is lots of law for the law-abiding. There is practically no law for the lawless—and few consequences for lawbreaking.

There isn't anything about voting in the Bill of Rights, but the right to keep and bear arms is right there in the text—no extraction from some dodgy penumbra required. But exercising that constitutional right requires a little administrative work, if you are a law-abiding type. You need government-issued photo ID, and the information on the ID has to be correct—having your last address on your driver's license after you move will not fly. You have to fill out some paperwork, including sworn statements to the federal government, the falsification of which is, on paper, a serious crime. Your immigration status will come up. When the paperwork is done, you will be subjected to a federal background check, during which time you can just cool your heels while Washington gets around to deciding whether you still have your civil rights. In the past year or so, I've had background checks clear in as little as a few seconds, I've had checks that went days and days, and I've had checks that were *never* approved, even though I am eligible. Why the variability? No one knows.

The occasional boneheaded Democrat will say: "We should make it as easy to vote as it is to buy a gun." If some Republican state were to take them up on that—"You can wait a while for me to do this background check, which I may not finish if I don't feel like it, in which case, tough!"—Democrats would sue. They would literally make a federal case out of it.

It takes a little work to acquire a gun legally. It's damned near impossible to get prosecuted for acquiring one illegally.

There are three broad categories of crimes that U.S. police and prosecutors—particularly those in big, Democratic-controlled cities—rarely prosecute with success and often fail to prosecute at all. (1) Illegal possession, including possession by a person prohibited from owning a firearm because of a prior felony conviction. (2) Straw purchasing, meaning using a person with a clean record to buy a firearm on behalf of someone prohibited. (3) "Lie and try," falsifying information on federal background-check paperwork at a gun dealer.

Chicago, where murder rates remain persistently high, is the poster child for the first of these categories, to such an extent that the Trump administration stepped in with Operation Legend to help beleaguered Illinois manage some of its gun crime. Illinois police seize tens of thousands of firearms every year, but only around 8,000 people a year are arrested in Illinois on gun charges, according to the Center for Criminal Justice Research, Policy, and Practice. The vast majority of those arrests (72 percent) are simple possession cases, with another 22 percent being for the use of a gun in the commission of a crime and 6 percent for illegal discharges. Those thousands of arrests typically produce only a little more than 1,300 convictions, mostly on felon-in-possession charges.

Possession cases are relatively easy to bring to trial, because they involve a simple charge: Either you had the gun or you didn't, and either you were legally permitted to have it or not. But thousands and thousands of those cases get dismissed every year. According to the *Chicago Reporter*, felony gun cases are dismissed by Cook County courts more than any other kind of charge. In the 2006–13 period surveyed by the paper, more than 13,000 such cases were dismissed, with the number continuing to grow by the year. The Cook County state's attorney's office says that in most of these instances, the case was thrown out for Fourth Amendment reasons—the firearms were discovered and seized by police in a way that would not stand up in court. The problem is poor policework.

Shootings with four or more victims are commonplace in Chicago, but, apparently,

nobody can figure out how to prosecute them. As the *Chicago Sun-Times* runs the numbers, Chicago has more than 500 mass-shooting victims for every conviction in such a case.

None of this should be a surprise.

More than half of those arrested for gun-related crimes in Illinois already have a prior criminal conviction, and in more than half of those cases it is for a violent or gun-related crime—felony drug charges account for only 26 percent of those convictions.

Among those with no prior convictions, a substantial share have prior arrests. But with no prior convictions, almost all of them are eligible for a diversion program for first-time offenders.

In Illinois, an offender with two or more felony convictions found to be in possession of a gun can be charged as an "armed habitual criminal" and face a six-year mandatory minimum and up to 30 years of total time in prison.

Illinois has some pretty stiff laws on the books, but writing laws is the easy part—the hard part is done by police and prosecutors, by the criminal-justice bureaucracy and allied social-services agencies. In Illinois, these are failing—starting with the police, but also everyone from prosecutors to parole officers.

Illinois is a dramatic case, but there are others that are not radically different—some a little better, some a little worse. Eventually, somebody has to ask why we're getting only one or two convictions for every hundred guns police pull off the streets.

That brings us to our second category: straw buyers.

One of the problems is that many of the people who are responsible for putting those guns into the hands of convicted criminals are people police and prosecutors don't want to see thrown in prison—straw-buyer cases produce a lot of sympathetic offenders. If you've spent much time in gun shops, you've seen it: a young woman with her boyfriend, buying a .40-caliber automatic, swearing that she is buying it for herself even as she makes it clear that she barely knows which end of the thing points forward, sometimes paying cash. The clerk will explain to her that she has to be the *actual* buyer, that she can't be buying it for someone else, that it's a federal crime to lie about this on the ATF form, etc.

# Crime Families

*Long-term changes in domestic structure are a reality with which to cope*

BY ROBERT VERBRUGGEN

**B**ROKEN homes didn't cause the shocking increase in shootings and homicides this country has seen since last year. Crime rates changed abruptly, at a time wracked by the murder of George Floyd, the attendant protests and riots, and a deadly pandemic. Family structure has changed gradually for decades.

But those slow-moving changes create a new reality that all our crime-control efforts must struggle against. Children are much less likely to grow up in married two-parent households than they were decades ago. And the decline of stable families is an ever-present risk factor for crime.

The basic statistical trends are striking. There was a large shift away from married parenthood that unfolded over several decades, and then mostly stabilized—with minor improvements in some measures lately.

In the early 1960s, fewer than 10 percent of American kids were born to unmarried mothers. That number rose to about 40 percent in the mid 2000s and remains there in the most recent Centers for Disease Control data. The share of all minors living in non-two-parent families followed a similar trajectory. It started around 12 percent in 1960, rose to nearly a third in the 1990s and 2000s, and has fallen a little since. Notably, in these data from the Census Bureau, many kids classified as “living with both parents” are living in stepfamilies or have parents who are cohabiting instead of married.

Elevated rates of single parenthood are especially pronounced for the demographic groups that struggle the most. Education is one stark dividing line: Per the CDC, only about 10 percent of births to moms with a bachelor's degree or higher, but more than half of births to moms with less education, are to the unmarried. Race is another: Among African Americans, just 30 percent

This takes us back to Chicago: For years, the U.S. attorney in Chicago maintained, as a matter of publicly stated policy, that his office would not prosecute straw-buyer cases unless they were part of a larger organized-crime gun-trafficking investigation. (For comparison, the federal government initiates thousands of criminal tax cases each year, including criminal cases for the simple failure to file tax returns.) That has changed recently, after a great deal of reporting and commentary in *NATIONAL REVIEW* and elsewhere, and a handful of federal straw-buying cases have been filed.

Operation Legend produced about 500 arrests and ended when Trump left office. Now, the Biden administration is setting up a Chicago firearms task force, too. But don't expect too much from the feds: Day-to-day crime is mostly a state and local job rather than a federal one.

But much of that job goes undone. A review of the data by ProPublica found that while Chicago police made some 27,000 arrests for gun possession in the decade from 2007 to 2017, they made only 142 arrests for illegal gun sales—and zero arrests for gun-trafficking or gun-smuggling. All the laws in the world aren't going to do any good if they go unenforced.

Even the easiest, slam-dunk cases go unprosecuted. That's our third category: try-and-lie cases. It is surprisingly common for people with felony convictions or other disqualifying factors to walk into an ordinary, licensed gun dealer, pick out a firearm, and buy it, filling the required ATF paperwork with falsehoods. And, too often, those sales get approved. Sometimes, they get approved simply because the data in the database are incomplete, but, more often, they get approved because the system takes too long to run the check and the application times out, at which point the retailer may, if it chooses, proceed with the transaction. Some dealers, including some of the big sporting-goods chains, won't do that—if they don't get an affirmation from the system, they won't proceed with the sale. But most will. And why wouldn't they? Lots of eligible buyers see their applications time out—as I myself have.

Most of the time, the people who are supposed to get rejected get rejected. But, sometimes, they squeak past. Why not try? If it works out, you get a gun. If it doesn't work out, the consequences are likely to

be nothing at all—because we almost never prosecute people for lying on ATF forms, a felony that in theory can bring ten years. I'm no Andrew C. McCarthy, but I don't imagine it would be too hard to prove a case in which you walk into a store that almost invariably has a camera, show a valid government ID to a guy who makes a copy of it, and then sign your name on the instrument of crime. But, every year, thousands of people do just that with impunity.

According to an ATF briefing document obtained by CNN, between 10 percent and 21 percent of those lie-and-try offenders go on to commit a serious gun-related crime. We have the opportunity to snatch them up and put them away for ten years on an easy-to-prosecute, nonviolent offense—and bear in mind that a felony conviction is why most of them cannot buy a gun legally to begin with—but, instead, we wait until they shoot somebody to go after them, because Joe Fed is not willing to make the effort to bring these outlaws in.

And in cases in which the government discovers that a sale has been mistakenly approved, nobody even goes and picks up the illegal gun. They just pretend like it never happened.

We are constantly proposing laws to restrict firearms, such as so-called assault rifles, that are rarely used in crimes. We go to extraordinary lengths to license and control accessories such as noise suppressors, which are sold over the counter in much of Europe, where some shooting ranges *require* them. We engage in a lot of silly talk about “weapons of war” that are, in fact, a good deal less powerful than your granddad's .30-06 deer rifle. And we focus almost all of our regulatory attention on federally licensed firearm dealers and the people who do business with them—because they are, by nature, easy to police.

Violent criminals, who buy their weapons on the black market or steal them, hardly have to notice any of that. On the off chance they get arrested with a gun they are not supposed to have, the legal odds are very much in their favor. And the people who insist we need more restrictive gun laws are often the ones who do their best to stop us from enforcing the laws we already have.

One might be forgiven for thinking that they are not quite serious about all this. **NR**



of births are to married mothers. White minors are about twice as likely as black minors to live with two parents.

And just as it's undeniable that stable two-parent families have declined, it's abundantly clear that kids who grow up in unstable homes are more likely to have trouble with the law. For example, one recurring government survey asks prison inmates what family situation they lived in "most of the time" while growing up. About 60 percent say they *didn't* spend it with two parents, including stepparents. Recall that, at any given time over the past few decades, fewer than a third of American kids have lived in non-two-parent families.

Of course, it's notoriously difficult in social science to move from correlation to causation. Family structure correlates with all sorts of other things related to crime, including—as we just discussed—education and race. Is it possible that family instability doesn't really matter all that much in itself?

Possible, but not too likely. There's always room for doubt in social science, but there are strong reasons to believe that family instability is bad for kids when it comes to many things, including crime.

First there's common sense to contend with. Not only do kids experience an immense amount of stress if their parents split up or switch partners, but having a second parent around on a permanent basis means more supervision, more income, and more adults available to serve as role models and help when things go wrong. If a person who's biologically connected to a child and legally responsible for the kid's well-being doesn't make a difference in the child's life, it's awfully hard to imagine what could.

Additionally, when researchers statistically control for confounding variables such as race and education, there's still an incredibly strong link between family structure in childhood and later crime. In a 2004 study, Cynthia C. Harper and Sara S. McLanahan looked at a data set that had tracked a group of American teens starting in 1979. Harper and McLanahan then accounted for variables including the mothers' education, both parents' income, the race of the children, and more. They found that while including these variables reduced the correlation between family structure and incarceration, kids from single-mother and stepparent families still

had more than double the odds of being incarcerated between ages 15 and 30.

W. Bradford Wilcox and Wendy Wang of the Institute for Family Studies (where I am a research fellow) did a similar exercise with a newer version of the survey Harper and McLanahan had used—it tracked a group of kids starting in 1997. They controlled for maternal education, the children's own scores on a cognitive test, and a few other variables, and still found about double the odds of incarceration for kids who grew up in non-intact families.

Some study designs go a bit farther, seeking to find "natural experiments" or other clever ways to tease apart correlation and causation. For instance, siblings are generally similar in their genetics and the environment they grow up in—but in a divorce, the older sibling lived longer in a two-parent family, so researchers can check to see whether older siblings in divorced families tend to have better outcomes. In an important literature review published in 2013, McLanahan, Laura Tach, and Daniel Schneider rounded up studies with stronger designs like this that addressed the relationship between father absence and various outcomes, including delinquency and "externalizing" behaviors such as aggression. Overall, they concluded that "studies using more rigorous designs continue to find negative effects of father absence on offspring well-being"—though weaker effects than less rigorous studies do. This was true of 19 of the 27 studies they reviewed on externalizing behaviors and delinquency.

Now, even these stronger studies are difficult to draw firm conclusions from, and they have their limitations and legitimate criticisms. For example, if a happy marriage turns bitter and acrimonious, perhaps that will have an outsized effect on the youngest child whether the parents divorce or not. (If so, studies with the design mentioned above still measure the effect of a volatile family environment, but they don't necessarily suggest that *divorce in itself* is the problem.) Moreover, it's not the case that *every* child is best off with both of his or her parents around; some research suggests that child outcomes *improve* when a parent is incarcerated, for instance, and no one is suggesting that abusive parents are good for kids.

National crime trends also caution against overzealous claims here. As crime

rose from the 1960s through the early 1990s, some pointed to the parallel trend of rising single motherhood as *the* prime driver of the problem. At the end of that period, some worried that an even more troubled generation of "superpredators" was coming of age. But crime dropped in the 1990s, despite no improvement in family structure. Father absence is a risk factor for crime, but it's not the sole determinant of crime rates nationwide.

Still, why did this happen? How did we end up with so many kids being born out of wedlock and growing up apart from at least one of their biological parents?

A number of different changes all pushed in the same direction. Women advanced in the workplace, making them better able to support children on their own and better able to leave marriages they no longer found worthwhile. Divorce laws liberalized, and America got richer, making it easier for couples to split and then keep two households running simultaneously. The welfare state expanded, as did child-support enforcement. Norms around sex and family shifted.

We're unlikely to roll much of that back, so to a large extent, the current situation is just a new normal we'll have to deal with. Yet there are a handful of ways we could try to nudge things back in a healthier direction—bearing in mind that, however slightly, some family metrics have already started to improve recently.

We could eliminate "marriage penalties" in the welfare state, which cause single people on government programs to lose benefits if they wed. We could even give *extra* benefits to married parents, as Scott Winship of the American Enterprise Institute has proposed, though I doubt the political prospects of that idea. We could try to reduce unwed childbearing by encouraging the use of "long-acting, reversible" contraception, as I suggested in a 2014 piece in this magazine ("On a LARC," December 31). We could also keep experimenting with programs that encourage marriage, though these generally show weak results. These kinds of measures could at least have some effect on the margin and communicate society's endorsement of the married, two-parent model.

A half century of family breakdown is not the only reason America struggles to contain crime. But it's one reason, and we should take it seriously. **NR**

# New York Stories

*On the rise and fall—and rise again?—of a city*

BY JAY NORDLINGER

**C**RIMINOLOGISTS can give you lots of data—social science. I can give you stories, mainly. But they're not nothing. I have the evidence of my own eyes, ears, and nose. Don't forget that last organ: Smells can tell you something about how a city is going.

And I will talk about New York.

In July 2020, a friend of mine invited me over to dinner. He lived at 77th and Broadway; I live at 69th and Broadway. He and his fiancée proposed a rooftop, socially distanced dinner. (The pandemic was roaring.) My friend is a European; I figured he would want to eat late.

"What time are you available?" he texted. I said, "Anytime after 5:30." He said, "Great. Why don't you come over at 6? That way, you'll be home before dark."

Readers, I can't tell you how strange that sentence was. For the previous 25 years or so, that stretch of Broadway had been utterly peaceful and delightful—as had New York, for the most part.

After dinner, when I was leaving, my friend said, "Text us when you get back home, just to let us know that you made it okay." Again, that sentence was astounding. When I got back home—eight blocks—I did not text them. But they texted *me*, just to be sure.

You can forgive them their nervousness. In previous weeks, hundreds of homeless people had been moved into hotels around 77th Street. These included the drug-addicted and mentally ill. Plus convicted sex offenders. Maybe this was right—a necessary, humane measure in a pandemic—maybe it was wrong. I don't know.

In any case, my friends could scarcely walk the streets, even during the day. It was disturbing at best, dangerous at worst. They were paying a pretty penny to live in their building, mind you.

They found themselves in Central Park, listening to Curtis Sliwa talk about



*A stretch of Times Square, September 2021*

neighborhood safety. Sliwa is the leader of the Guardian Angels, which he founded in 1979. Their purpose is to fight crime where the police can't. Sliwa had been asked to speak by a newly formed group called "Upper West Siders for Safer Streets."

If Sliwa and the Guardian Angels had been summoned; if they were needed—then the old days had definitely come back, at least for a while.

My friends, now married, moved from 77th and Broadway to a different neighborhood of Manhattan.

I myself moved to New York—69th and Broadway—in November 1998. For more than 20 years—November 1998 until June 1, 2020—I did not look over my shoulder, once. You may not believe me, but it's true.

How can you be aware that you're not looking over your shoulder? I would occasionally visit other cities: Philadelphia, St. Louis, Chicago, San Francisco. *Then*, I would look over my shoulder. And it would occur to me: "I don't have to do this at home. Isn't that remarkable?"

I mentioned a specific date: June 1, two summers ago. You will recall the national atmosphere. Riots, looting, and

other criminality had broken out. This was an offshoot of peaceful protests following the death of George Floyd, in Minneapolis. (He was killed while in police custody.)

Concerning June 1, I could give you details. But suffice it to say, I had to run that night. Run home, I mean. This was so weird—so jarring—in view of what life in New York had been.

I jotted a few notes on Twitter, and some responded, "Oh, poor, privileged whitey, getting a taste of what others have had to go through for a long time." Okay. Interpret as you wish.

As I said at the top, I've got stories. Incidents. How many do you want to hear? Hoodlums have menaced people on the streets, where no one had been menaced in recent memory. Some of us found ourselves taking cabs home from Midtown Manhattan—because suddenly, walking was a problem.

In the 1990s, some people complained of the "Disneyfication" of Times Square. The area had always been gritty and "edgy"; now it was nauseatingly family-friendly. "You might as well be in the suburbs!" Well, here is a headline from June 28, 2021: "2nd Times Square Bystander Shot in Broad

Daylight in 2 Months, Mayor Vows More Cops.”

How do you like Times Square now? Better? More “authentic”? Less suburb?

Mass social protests, and accompanying criminality, are rare. Pandemics are rarer. It is only right to cut governmental authorities some slack. But I can tell you that life in my part of New York had been going down, down, well before the onset of the pandemic.

There were ever more vagrants. There was a lot more camping out. More begging, including of the aggressive sort. More urination and defecation, out in the open. Obvious, tragic mental illness—people literally barking at the moon.

## It was as though the authorities—the police, primarily—had withdrawn. Been *ordered* to withdraw, or ‘stand down.’ They were not present. There was a sense of ‘anything goes.’

Trash piled high, and scattered about. Overall degradation.

It was as though the authorities—the police, primarily—had withdrawn. Been *ordered* to withdraw, or “stand down.” They were not present. There was a sense of “anything goes.”

Here is something small, but maybe telling: For the first time in my experience, people started camping out in the vestibule of my bank, after hours. The vestibule is where the ATMs are. This was not when the weather was cold, I should say, but when the weather was nice. Sometimes you wanted to bank and thought twice about it.

One night, I wanted to bank and saw that a man was in the vestibule. I was hesitating whether to go in. But then I noticed: The man seemed to be wearing an insignia of some sort. He was a security guard.

I went in and conducted my transaction. As I was leaving, I said, “Sir, I hope you don’t mind my saying this, but I’m glad you’re here.” He said, “Everyone is saying that.”

Next door to the bank was a French bakery and café. It closed sometime last year—to be replaced by a cannabis dispensary. Have I mentioned the weed yet? It is everywhere, choking New York. Not the pot of the dorm rooms of yore. New stuff, “skunk weed,” I think they call it. It is harsh, obnoxious, repellent. I don’t

think the dispensary, unlike the bakery and café, will be closing anytime soon.

In a September 2013 issue of this magazine, I published a piece called “Freedom from Fear, for Now: A personal reflection on living in New York.” I expanded that into a four-part series, online: “The Fate of New York.” For 20 years—under Mayors Rudy Giuliani and Michael Bloomberg—the city had been a model. A model city, demonstrating broad peace and prosperity. Now we were on the eve of another mayoral election, bringing the Giuliani–Bloomberg era to an end. What would happen?

When I moved to the city, back in ’98, people would regale me with tales of the

bad old days. I knew about them already, actually: through newspapers, magazines, TV shows, movies, a Tom Wolfe novel . . .

Outside my window, I’m looking at Verdi Square and Sherman Square, which are in the general area of 72nd and Broadway. These squares, together, were once known as “Needle Park.” In 1971, there was a movie, *The Panic in Needle Park*, starring Al Pacino.

By the time I got here, “Needle Park” was heavenly—no needle park at all. The biggest danger was being bumped by a baby stroller, pushed by a happy young mom (or her nanny).

In 2004, the *New York Times* moved to publish an article titled “Is New York Losing Its Street Smarts?” There were young people and newcomers who had no idea about urban dangers. They had been given no occasion to learn.

When I wrote in 2013, I had a question, and many other people had the same question: Would New Yorkers go back? Now that they had seen what a city could be, would they again “tolerate the intolerable,” in a phrase of Norman Podhoretz? Some said no. There is no going back to staying in your apartment, out of fear, or putting a “No Radio” sign in your car. I had a different view.

“People can be convinced to tolerate the intolerable,” I wrote. “Convinced they have to. After all, it happened

before.” And “everything Giuliani and Bloomberg have done is reversible. None of their gains is permanent.”

Government is important. (Forgive an elementary-school point, which will turn into a homily.) Government makes a difference, whether that government is good or bad. We can debate, as we always do, what government is for. What the scope of its responsibilities is. But almost everyone agrees that government is responsible for law and order. And when government sleeps on the job?

Back in 2013, I quoted the Bible (which you can do in *NATIONAL REVIEW*): “Yet a little sleep, a little slumber, a little folding of the hands to sleep: So shall thy poverty

come as one that travelleth; and thy want as an armed man.”

A broken window here, a graffito there; a jumped turnstile here, an encampment there—pretty soon, you’re talkin’ real trouble.

In New York, I am a single-issue voter: crime, or public order. Everything else flows from public order: commerce, tourism, vibrancy, beauty (or at least non-ugliness)—all the things that inhabit the phrase “quality of life.”

I have given you a lot of impressions in this piece, not data. Here’s another impression: The decline in New York has been arrested. You look over your shoulder less. You may not like what you see around you—or hear or smell—but you look over your shoulder less. Moreover, there will be a new mayor next year: Eric Adams, an ex-cop who has promised law and order.

“Nothing is inevitable,” said Charles Krauthammer in a famous 2009 speech. “Nothing is written. For America today, decline is not a condition. Decline is a choice.” He was talking about this country’s position in the world: its foreign policy, its military strength, its security strategy. The same is true, I think, of city life.

And here’s something encouraging: If people choose—in some vague, collective sense—to decline, they can choose, after being fed up or rousing themselves, to un-decline. **NR**