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My Black Crime Problem, and Ours

Why are so many blacks in prison? Is the criminal justice system racist? The answer is disquieting.

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Violent crime is down in New York and many other cities, but there are two big reasons to keep the champagne corked. One is that murder, rape, robbery, and assault remain at historic highs: the streets of Manhattan, like those of Houston, Philadelphia, Detroit, Chicago, and Los Angeles, remain much less safe today than in the 1950s and 1960s. Worse, though policing and prison policies matter, nothing affects crime rates more than the number of young males in the population—and by the year 2010, there will be about 4.5 million more males age 17 or under than there were in 1990: 8 percent more whites and 26 percent more blacks. Since around 6 percent of young males turn out to be career criminals, according to the historical data, this increase will put an estimated 270,000 more young predators on the streets than in 1990, coming at us in waves over the next two decades. Numerous studies show that each succeeding generation of young male criminals commits about three times as much serious crime as the one before it: the occasional fatal knife fight of 1950s street gangs

has given way to the frequent drive-by shootings of 1990s gangs.

The second reason to keep the champagne corked is that not only is the number of young black criminals likely to surge, but also the black crime rate, both black-on-black and black-on-white, is increasing, so that as many as half of these juvenile super-predators could be young black males. But just when we need to think most earnestly about black crime, the space for honest discourse about race and crime is shrinking. The evidence of that shrinkage is everywhere: in the lickety-split O.J. verdict and its racially polarized aftermath, in the utter certitude of many blacks that the justice system is rigged against them, in the belief of many whites that violent crime is synonymous with black crime and the fear they feel of every young black male passerby not wearing a tie or handcuffs.

What has made our views on race and crime so polarized—and often so out of touch with reality? What *are* the facts about race and crime? And what are Americans, blacks and whites together, to do about it? Many blacks, and some whites, believe that the justice system is biased against blacks, at worst purposefully racist or even “genocidal.” Take a recent *New Yorker* article, in which Henry Louis Gates Jr., leader of

Harvard University's black studies program, chronicled "Thirteen Ways of Looking at a Black Man," namely, the acquitted O.J. Simpson. Gates writes: "Perhaps you didn't know that Liz Claiborne appeared on *Oprah* and said she didn't design her clothes for black women—that their hips were too wide. Perhaps you didn't know that the soft drink Tropical Fantasy is manufactured by the Ku Klux Klan and contains a special ingredient to sterilize black men. . . . Perhaps you didn't know these things but a good many black Americans think they do. . . .

Never mind that Liz Claiborne has never appeared on *Oprah*, [or] that the beleaguered Brooklyn [soft drink] company has gone as far as to make an FDA assay of its ingredients. . . . If you wonder why blacks seem particularly susceptible to rumors and conspiracy theories, you might take a look at a history in which the official story was a poor guide to anything that mattered much, and in which rumor sometimes verged on the truth. Heard the one about the L.A. cop who hated interracial couples, fantasized about making a bonfire of black bodies, and boasted of planting evidence?"

Gates, like the renowned sociologist William Julius Wilson, one of the prominent black Americans whose views of the O.J. verdict he cites,

was convinced that O.J. was guilty. But he recounts a story Wilson told him about once being stopped near a small New England town by a policeman who wanted to know what he was doing in those parts: “There’s a moving violation that many African-Americans know as DWB: Driving While Black,” notes Gates. As “older blacks like to repeat,” when “white folks say ‘justice,’ they mean ‘just us.’” In other words, blacks really do experience enough casual, reflexive racism from law enforcement officers to make them understandably fearful that racism permeates the criminal justice system.

A point well taken. But then Gates’s article goes astray: it never makes plain that, in spite of these reasonable anxieties and resentments, some ways of “looking at a black man”—at any man—are right and reasonable while others are wrong and malicious. Some of the people who burst into jubilation over the O.J. verdict were celebrating the release of a man whom they believed to be innocent. With due regard for the fact that two families have lost loved ones, that’s okay. But other blacks partied to a he-killed-the-blonde-and-got-away-with-it tune. For example, a sign held by a woman whose picture appeared in the *New York Times Magazine* read: “Guilty or Not We Love You O.J.”

Gates quotes film director Spike Lee as follows: “A lot of black folks said, ‘Man, O.J. is *bad*, you know. This is the first brother in the history of the world who got away with murder of white folks, and a blonde, blue-eyed woman at that.’” Lee, Gates reports, “wasn’t happy” at the verdict. But some black folks were thrilled—and for morally indefensible reasons that Gates needs to condemn, not artfully explain.

Nevertheless, the ambivalence and mistrust that many blacks feel toward the justice system is a social reality that whites can’t ignore. *The Weekly Standard’s* deputy editor, John Podhoretz, wrote in the magazine about the O.J. verdict and race relations under the double-meaning heading “Yes, We Do Understand”: “How can most black Americans believe (or say they believe) that O.J. Simpson is innocent of a crime science tells us there is a one-in-a-billion chance he did not commit? . . . We—that is, we upper-middle-class whites—must, by a process of study and observation, come to *understand*. And it will be ‘white’ institutions, from the Ford Foundation to the *New York Times* to America’s corporations, that will insist on fostering this *understanding*. . . . For the American liberal establishment, this has

become the stock response after a public outrage that divides Americans by color. . . . Is black America so lost in its own resentment . . . that they feel closer kinship to a killer because of his skin color than to the killer's victims? I can understand how this has happened, but it makes me sick.”

Like Gates, Podhoretz never arrives at the right moral point. The point is that to *understand* is neither to forgive any criminal his crime nor to sit still when “racism” is used as an all-purpose excuse for morally abhorrent or socially pathological behavior. Like Podhoretz, I have little patience with liberal elites of whatever color who are nothing better than well-funded nihilists. I could not care less about understanding what they have to say, and I would not be the least bit concerned—if they were the only ones saying it.

But they aren't. All of us, “upper-middle-class whites” included, are morally required to understand and ponder what so many black folks have to say—not only the knee-jerk liberal pundits and politicians, but also world-class professors (like Wilson), plumbers, postal workers, paramedics, prosecutors, preachers, and (in my case) former students. Many of them are saying that they feel the justice system is as much a

foe as a friend. As I will summarize below, I find almost nothing in the empirical research literature on racial disparities in sentencing to justify their fears and frustrations. But that does not mean their fears and frustrations are without any sort of empirical basis, including the kind that, for most of us, counts more than any other—our own lived experiences and those of our family and friends.

As Gates recalls, Norman Podhoretz, the father of John Podhoretz and until recently the editor of *Commentary*, wrote a famous soul-searching 1963 essay, “My Negro Problem, and Ours.” Gates describes the essay as “one of the frankest accounts we have of liberalism and race resentment,” a plainspoken tale of “a Brooklyn boyhood spent under the shadow of carefree, cruel Negro assailants, and of the author’s residual unease when he passes groups of blacks in his Upper West Side neighborhood.” In one key passage, the elder Podhoretz noted: “I know now, as I did not know when I was a child, that power is on my side, that the police are working for me and not for them.” But I knew. Growing up in rough-edged, white-ethnic, working-class neighborhoods of Philadelphia in the 1960s and 1970s, I knew—as all the kids I grew up with knew—that when push literally came to shove,

the police would be “working for me and not for them.” Each morning on my way to high school, I stood by myself at a bus stop, surrounded mainly by black teenagers from adjacent neighborhoods. I was by myself, but I was not alone. I knew that the cop in the cruiser was looking out for me in case “they” started trouble that I could not handle.

My old neighborhood had its biracial, but strictly segregated, parks and playgrounds. When interracial fights did break out, everyone ran when the cops came. But we white boys knew that if we got caught and showed due deference to the officers (*never* mouth off to a panting cop), we’d get lectured, get our hair pulled, or (at most) get our fathers called. We also knew the black boys would get that and worse—slapped, clubbed, and maybe arrested.

Once when I was unloading 100-pound flour bags at a downtown pizzeria where I worked, the cops came zooming up the sidewalk, got out of their cruiser, and pushed my pal and co-worker, Willie Brown, against the wall. They did not touch me. Willie, an illiterate black man then in his forties, had done nothing. I protested, and the cops sped off as quickly as they had come: “Sorry, kid, we got a call that somebody

was stealing.” But the only “somebody” they grabbed was the black man, and the only apology they issued was to the white boy.

I recall the second time my father, a retired deputy sheriff, ran a citywide race for sheriff and appointed me his manager (mainly to teach me something about politics before I “bought whatever they think they know about it at Harvard”). He ran on a real rainbow-coalition ticket with former deputy mayor Charles Bowser, Philly’s first major black mayoral candidate. We lost the election (no surprise) as well as good relations with some neighbors (sad surprise), one of whom loudly scolded me that “we’ll never be safe from crime if *they’re* in charge of it.”

Even though I am now a card-carrying elite professor and “upper-middle-class white,” I have stayed close to home. I hang out with the same white working-class relatives and friends I’ve known all my life. I live a few minutes by car from some of Philadelphia’s worst black neighborhoods. So I have a very different perspective from that of most white intellectuals, both on the white ethnics who turn into the cops blacks fear and on the everyday reality of life in black communities. And as little as the white policy elites, liberal or

conservative, know about “the black experience,” believe me, they know less about what race means in the lives of those Italian-American bricklayers, Irish-American gas pumpers, and Polish-American salesclerks whom the U.S. Census bureaucrats have baptized “non-Hispanic whites.” We need to understand these folks, too—and especially how their experience of black-white relations leaves a tangle of powerful contradictions and ambivalences, as I know vividly from my own experience.

I indelibly remember taking a jump shot on the playground when I was ten. As the ball left my hand, instead of invoking, for luck, the name of a white star (as was customary), I unthinkingly shouted the name of a black star. “Nigger lover!” snapped a scandalized playmate. But the following week, the same kid punched out a white schoolyard bully for bothering a black girl who wandered by. I’ll never forget how much, when my frail grandmother got kicked, punched, and robbed in broad daylight for the third time (on her way to church, no less), the fact that her assailants were (once again) black boys got under my white skin. The memory of the anger is still there—along with the image of her in her hospital bed, imploring her strapping grandsons,

some of us cops, to “love all God’s people.”

So it’s no mystery to me that blacks tense when they see a white cop coming: they know the Willie Brown experience well enough, and how could they possibly know the sense of justice regardless of race, even the Christian *caritas* transcending race, that can lie beneath the blue uniform and the white skin? Just that white ambivalence is as familiar territory to me as it was to Norman Podhoretz. I grew up with it; I know that casual racism is there; I know the anger and shame you feel at seeing it all around you—and I know the competing anger, no less familiar: the anger at the knowledge that when real violence erupts, all too often the assailants are (once again) black.

Honest blacks know this, too. In a recent issue of *The New Republic*, Boston University economist Glenn Loury writes of inner-city black communities: “‘What manner of people are you who live like this?’ The question is unavoidable. . . . It does no good to say that these are a minority of black persons; that there are good and sufficient reasons for their troubling behaviors; that others, who are not black, have also fallen short.” Of middle-class blacks, he admits: “We are afraid to go into these communities. We do not recognize these kids as us; the

distance is great and difficult to bridge.”

My black crime problem, and ours, is that for most Americans, especially for average white Americans, the distance is not merely great but almost unfathomable, the fear is enormous and largely justifiable, and the black kids who inspire the fear seem not merely unrecognizable but alien. Not that we can't understand where they come from, when we stop to consider. After all, the child is father to the man: and think how many inner-city black children are without parents, relatives, neighbors, teachers, coaches, or clergymen to teach them right from wrong, give them loving and consistent discipline, show them the moral and material value of hard work and study, and bring them to cherish the self-respect that comes only from respecting the life, liberty, and property of others. Think how many black children grow up where parents neglect and abuse them, where other adults and teenagers harass and harm them, where drug dealers exploit them. Not surprisingly, in return for the favor, some of these children kill, rape, maim, and steal without remorse. And around goes the negative feedback loop: reasonable fear feeds unreasonable white race hostility, whose reality in turn feeds unreasonable black paranoia

about the justice system.

Is there anything social science research can do to help dispel all the ambivalence and confusion crowding around the subject of race and crime? At least it can tell the truth, as the data disclose it, about the reality of black crime and black punishment. The bottom line of most of the best research is that America's justice system is not racist, not anymore, not as it undoubtedly was only a generation ago—in spite of the Driving While Black experience. If blacks are overrepresented in the ranks of the imprisoned, it is because blacks are overrepresented in the criminal ranks—and the violent criminal ranks, at that. Yes, there are ways in which the justice system is failing all Americans, including black Americans. But to the extent that the justice system hurts, rather than helps, blacks more than it does whites, it is not by incarcerating a “disproportionate” number of young black men.

Rather, it is by ignoring poor black victims and letting convicted violent and repeat black criminals, both adult and juvenile, continue to victimize and demoralize the black communities that suffer most of their depredations.

Consider the data. A 1993 study of the racial impact of federal

sentencing guidelines found that the imposition between 1986 and 1990 of stiffer penalties for drug offenders, especially cocaine traffickers, did not result in racially disparate sentences. The amount of the drug sold, the seriousness of the offender's prior criminal history, whether weapons were involved, and other such valid characteristics of criminals and their crimes accounted for *all* the observed interracial variations in prison sentences.

Similarly, a 1991 RAND Corporation study of adult robbery and burglary defendants in 14 large U.S. cities found that a defendant's race or ethnic group bore almost no relation to conviction rates, sentencing severity, or other key measures. In 1995, federal government statistician Patrick A. Langan analyzed data on 42,500 defendants in the nation's 75 largest counties and found "no evidence that, in the places where blacks in the United States have most of their contacts with the justice system, that system treats them more harshly than whites."

A 1985 study by Langan of black-white differentials in imprisonment rates demonstrated that "even if racism exists, it might explain only a small part of the gap between the 11 percent black representation in

the United States adult population and the now nearly 50 percent black representation among persons entering state prisons each year in the United States.” An otherwise typically liberal-leaning 1993 National Academy of Sciences study voiced the same basic conclusion. It is often asserted that the 1980s war on drugs resulted in a more racially “disproportionate” prison population. The data tell a different story. In 1980, 46.6 percent of state prisoners and 34.4 percent of federal prisoners were black; by 1990, 48.9 percent of state prisoners and 31.4 percent of federal prisoners were black. In 1988, the median time served in confinement by black violent offenders was 25 months, versus 24 months for their white counterparts. The mean sentence lengths were 116 months for blacks and 110 for whites, while the mean times actually served in confinement were 37 months for blacks, 33 months for whites. These small differences are explained by the fact that black violent crimes are generally more serious than white ones (aggravated rather than simple assaults, weapon-related crimes rather than weaponless ones).

Indeed, the evidence on the race-neutrality of incarceration decisions is now so compelling that even topflight criminologists who rail

against the anti-drug regime, mandatory sentencing laws, three-strikes laws, and other policies with which they disagree are nonetheless careful to contend that racial biases are “built into the law,” are “America’s dirty little secret,” or constitute “malign neglect.” In other words, they do everything but challenge the proposition that blacks and whites who do the same crimes and have similar criminal records are now handled by the system in the same ways.

In this vein, liberal experts contend that the penalties for crack cocaine possession and sale are excessive compared with powder cocaine penalties. I concur. And liberals are also right that blacks are far more likely than whites to use and sell crack instead of powder cocaine. But they go badly wrong on two key counts. First, they feed the conspiratorial myth that federal anti-crack penalties were born of a white conspiracy led by right-wing Republicans. Go check the *Congressional Record*: in 1986, when the federal crack law was debated, the Congressional Black Caucus (CBC) supported it, and some CBC members pressed for even harsher penalties. A few years earlier it was CBC members and other Democrats in Congress who pushed President Reagan, against his considered judgment, to create

the Office of National Drug Control Policy (better known as the drug czar's office). And it was President Clinton who recently refused in no uncertain terms to change the federal penalty structure for drug crimes.

Second, liberal experts and advocates of drug legalization cloud the facts about who really goes to prison for drug crimes. As I and several other researchers have concluded, society gets little return on its investment in locking up low-level offenders who possess or even traffic in small amounts of drugs and commit no other crimes. But most drug offenders, both those behind bars and those who have served their time, do not fit that description.

As a recent study funded by the National Institute of Justice and other federal agencies acknowledged, in "an important sense the label 'drug offender' is a misnomer." Few "drug offenders" are in prison for mere possession. In 1991, for example, only 2 percent of the 36,648 persons admitted to federal prisons were in for drug possession. Moreover, as for imprisoned drug *traffickers*, most have long and diversified criminal records—only their latest and most serious conviction offense is a drug-trafficking offense. Even in the much-maligned federal

system, few convicted drug traffickers, whether they handle crack, powder cocaine, or pot, are black college kids or white white-collar types arrested on the interstate by a state trooper who found a small stash under the driver's seat. The average quantity of drugs involved in federal cocaine trafficking cases is 183 pounds, while the average for marijuana traffickers is 3.5 tons.

In an ongoing study of who really goes to prison in Wisconsin, George Mitchell and I are examining the complete criminal records, adult and juvenile, of a randomly selected sample of imprisoned felons from Milwaukee County. We are finding that the imprisoned "drug offenders," black and white, like most of the rest of the sample, have committed many times more property, drug, and violent crimes than the latest entries on their prison rap sheets would indicate. This is not to mention all the crimes swept completely under the official-records rug by plea bargaining, or all the wholly undetected, unprosecuted, and unpunished crimes the prisoners have committed while free.

Of course, there are cases of truly petty drug dealers, black and white, being hit with long, hard time. But such cases are the exception that proves the rule, and the rule is that the system is neither harsh nor

racist in dealing with “drug offenders” or other criminals.

Some experts will come *almost* to the point of agreement with all that, but still will insist that the system is anything but color-blind when it comes to two important tasks: punishing juveniles and dishing out death sentences. But here, too, the evidence does more to exonerate than to indict the system.

Out of hundreds of post-1969 studies of minorities in the juvenile justice system, barely two dozen offer evidence of any pattern of racial discrimination. Even so, liberal strongholds like the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP)—which made a cavalierly fragmentary and outdated examination of only 46 of the 250 relevant studies—continue to purvey the myth that young black offenders are treated more severely than young white ones.

Notwithstanding OJJDP and its race-baiting minions, the truth is not that the juvenile system is racist, or that the states incarcerate too many minority juvenile offenders—or, indeed, too many juvenile offenders of whatever background.

Rather, as the National District Attorneys Association and other law enforcement officials have said for years, the juvenile system is an

even worse revolving door than the adult system. For example, in 1991 fewer than 20,000 male juvenile violent offenders were in public juvenile facilities—but in 1992 alone there were more than 110,000 juvenile arrests for violent crimes, and more than 1.6 million juvenile arrests for other crimes. In most states, police, prosecutors, and judges do not even have complete access to juvenile records, and some states still forbid fingerprinting juveniles, including kids charged with weapons offenses that would be grade-A felonies if committed by adults.

Over the coming decade, juvenile arrests in California and many other states are projected to increase by some 25 percent, even more for minority juveniles. By the year 2005 we will probably have 200,000 convicted juvenile criminals, half of them black males, in secure confinement, including adult prisons and jails—over three times more than the number of incarcerated juveniles today. The reason for this will not be racism or what OJJDP calls “disproportionate minority confinement.” The reason will be that more black boys grew up without adults who were willing and able to save them—and their victims—from tragedy.

What should be done with cold-blooded killers of whatever race? Like most other Americans, the majority of black Americans favor the death penalty. Yet around that punishment swirls the most acrimonious of all racial disparity controversies. Here too, though, the data disclose no trace of racism.

Reviewing the evidence in 1994, Professors Stanley Rothman and Stephen Powers concluded that after controlling for all relevant variables, one finds simply no evidence of racial disparities in post-1972 capital sentencing. The crucial variable is the severity of the crime. Though the vast majority of murders are committed by someone of the same race as the victim, black-on-white murders are more likely than black-on-black murders to be cases of strangers killing strangers and to “involve kidnapping and rape, mutilations, execution-style murders, tortures, and beatings,” according to Rothman and Powers. “These are all aggravating circumstances that increase the likelihood of a death sentence.”

Even the raw statistics don't show much sign of racism. From the day the U.S. Supreme Court reinstated the death penalty in 1976 through the end of 1993, more than 400,000 Americans were murdered. Over

the same period, only 226 killers were executed, 38 percent of them black. In 1993, blacks were 40 percent of the 2,716 prisoners on death row and 36 percent of the 38 convicted murderers executed. The scandalous truth is, most of the thousands of murderers behind bars don't face too harsh but too lenient a punishment. Most get out of prison. Murderers released from state prisons in 1992 served an average of only 5.9 years. There is no evidence that black murderers get out any less quickly than comparable white ones.

Yet, as with juvenile justice, anti-death penalty partisans, including congressmen, promote racially charged falsehoods like those that flew during the 1994 debate in Congress over the so-called Racial Justice Act (RJA). Though this disgraceful bill, which would have established a de facto racial quota system in murder cases, was defeated, it got very serious consideration. It was based on the shoddiest possible research, purporting to show that because of racism, more blacks than whites are executed for similar crimes, and that the law values white victims' lives more than black victims' lives. But in fact, contrary to the fevered fantasies of the RJA's supporters that we have hardly progressed beyond the days of racist lynchings, we actually have

arrived at a day when in murder cases generally, and in black-on-white murder cases in particular, “going for the death penalty” has become such a political, judicial, and media nightmare for big-city prosecutors that many urban DAs do not even try. Many, like L.A. District Attorney Gil Garcetti—the man who spared O.J. a death sentence even faster than the jury spared him any sentence at all—not only avoid the death penalty but seem more concerned with preempting any possibility of false but damaging accusations of racism than in following the rule of law, protecting the public, doing the work, and taking the heat.

Recently a page-one story in the *Wall Street Journal* tackled the question of “jury nullification” in cases involving black defendants. It is increasingly common for black jurors to “side with African-American defendants against a mostly white-dominated justice system,” even to the point of acquitting black defendants whom the jurors know to be guilty on the legal merits—and even when the victims are black. More black jurors “are choosing to disregard the evidence, however powerful, because they seek to protest racial injustice and to refrain from adding to the already large number of blacks behind bars.” The story noted that in the Bronx, where juries

are more than 80 percent black and Hispanic, black defendants are acquitted in felony cases 47.6 percent of the time—three times the national acquittal rate of 17 percent for all races. In Washington, D.C., where virtually all defendants and 70 percent of jurors are black, 28.7 percent of all felony trials end in acquittals. Similar patterns hold in Detroit and several other cities where black jurors predominate. Paul Butler, a black criminal-law professor at George Washington University, was quoted as arguing that in cases involving black defendants charged with nonviolent crimes, black jurors should “presume in favor of nullification.”

A response to racism? Something more is at issue, for this isn’t happening just in cases where black jurors are hearing white cops testify against black criminals. Black jurors’ resistance to police witnesses has grown even as virtually every big city has increased the percentage of blacks on its police force, moved the force ever nearer to mirroring the racial composition of its citizenry, and seen blacks become precinct captains, deputy chiefs, commissioners, and mayors. Between 1983 and 1992, the percentage of blacks on big-city police forces increased in each and every one of the nation’s ten biggest

police departments—rising 50 percent to 67.8 percent in Washington, D.C., to take one example, where blacks were 65.8 percent of the local population.

Most whites and blacks now accept living, working, shopping, playing, side by side—every interracial interaction save marriage. And yet on crime, America seems closer than ever to becoming two nations separated by race rather than one nation under God. Why? At least part of the reason is that we are inundated with statistics about race, crime, and punishment that needlessly fan black concerns about white racism.

In 1993 the National Center on Institutions and Alternatives (NCIA), an advocacy group that opposes mandatory sentencing and favors making a greater use of probation, parole, and rehabilitation programs, publicized its finding that “43 percent of all young black men in Washington, D.C.—and 56 percent in Baltimore—are firmly in the grip of the justice system.” The press broadcast the numbers far and wide. As was later revealed in an analysis by the American Alliance for Rights and Responsibilities, the statistics were a bit inflated, but even after appropriate correction, the NCIA study would

still have found about 35 percent of Washington's young black men in prison, in jail, on probation, or on parole. Indeed, in a highly publicized 1995 report, the Sentencing Project, a Washington-based counterpart of NCIA, found that nationwide about one in three black males age 20 to 29 was under some form of correctional supervision. As the Sentencing Project reported, in 1989 about 610,000 black males in their twenties—23 percent of the cohort—were in custody. But by 1995 that number had risen to over 827,000—32.2 percent of the nation's twenty-something black males. One could quibble with the estimates, but the finding is valid; in fact, my own estimates would indicate that the number is already closer to 50 percent in some places, and that nationally it will be nearer to a half than a third by the year 2000.

As the Sentencing Project boasts, “the report has had a major impact in the media and among policymakers.” Oddly, however, its “major impact” has been to divert attention from the big truth that one in three young black males is under correctional supervision because young black male rates of serious crime are so high. Instead it has focused attention on the half-truths and outright distortions long

purveyed by the Sentencing Project, other anti-incarceration advocacy groups, and their funders and allies in the drug legalization movement, the liberal foundations, the politically correct universities, and the elite media. The mantra goes like this: how shameful to America that one in three young black males is in custody . . . most of those in custody are in for petty drug crimes . . . revolving-door justice is a right-wing myth . . . the justice system is racist . . . America has been on an imprisonment binge . . . prisons don't cut crime in the least . . . imprisonment is not only an ineffective response to crime but a racist one.

Predictably, the Sentencing Project and its turn-'em-loose comrades-in-arms have now begun to dig for more such racially polarizing pay dirt. For example, the Center for Juvenile and Criminal Justice in San Francisco recently "found" that 40 percent of black men in their twenties in California were under some form of correctional supervision. Representative Maxine Waters held a news conference in which she declared the study proof that in California the color of your skin dictates whether you will be arrested or not, prosecuted harshly or less harshly, or receive a stiff sentence or gain probation or entry

into treatment. The report itself called for a moratorium on prison construction in California until the state's penal code is "overhauled." It also called for mandating "racial impact statements" in all new crime legislation, and for a state commission to study black "overrepresentation." Except for a very few dissenting voices, including the nation's leading crime-policy scholar, UCLA's James Q. Wilson, virtually all the published and broadcast "expert" commentary on this report followed the radical-liberal party line.

The Sentencing Project and its supporters can pretend all they want that racism and the "war on drugs" have put too many harmless young black males in prison. But are racist drug laws responsible for the fact that *weapons arrest rates* during 1993 were five times greater for blacks than for whites? Do they explain the fact that 47 percent of all black men in prison in 1995 were in for a *violent crime*, and that most black state prisoners, like most state prisoners, have committed one or more violent crimes in the past? Do they explain the fact that the black men in prison for a drug crime were, like virtually all prisoners, *repeat offenders* with non-drug crimes on their rap sheets?

There are Washington monument-sized fallacies and contradictions in

what the Sentencing Project and its allied spin doctors have argued about “1 in 3.” For example, the system is supposedly “racist” because it hammers black drug dealers. But who wants them hammered? Look at the survey data on decriminalizing or legalizing drugs. Without fail, blacks are every bit as opposed to weakening anti-drug enforcement efforts as whites. Only 30 percent of blacks would even consider legalizing marijuana; virtually none will even debate legalizing harder drugs. My dear friend and former colleague Ethan Nadelmann is director of the Lindesmith Center and the country’s leading proponent of turning down the volume on the drug war. His most vehement, unyielding critics are not middle-class whites led by right-wing Republicans. Rather, they are poor and working-class blacks led by folks like New York’s black Democratic Representative Charles Rangel. What if, for argument’s sake, one swallows the notion that the system now “over-punishes” black drug dealers, and that most of these “drug dealers” are not, in fact, plea bargain–gorged persons with long adult and juvenile records of criminal mischief against persons and property? What then? Which drug-crime 911 calls from black neighborhoods are the police to ignore? Which black drug dealers

should be released back to their communities tomorrow morning?

You can't have it both ways—protesting that police are less responsive to black crime victims than to white ones in one breath, charging that “too many” black victimizers get caught, convicted, and sentenced, in the next; spinning out conspiratorial theories of white acquiescence in letting drugs flow into black communities in the morning, complaining that efforts to crack down on the drug trade are motivated by racism in the afternoon.

Take a look at the chart on page 27. Based on its latest crime victimization surveys, the U.S. Bureau of Justice Statistics estimates that in 1993 alone blacks committed 1.29 million violent crimes against other blacks—80 percent of all violent crimes against blacks. Blacks also committed 1.54 million violent crimes against whites—18 percent of all violent crimes against whites.

As a number of analysts have begun to notice, blacks are about 50 times more likely to commit violent crimes against whites than whites are to commit violent crimes against blacks. Like the Sentencing Project's “1 in 3” number, this “50 to 1” statistic is technically correct.

If you divide the total number of black-on-white violent crimes in 1993

(1.29 million) by the number of black males age 20 to 29 in the population in 1993 (3.94 million), you get a ratio equal to 1,013 violent crimes against whites per 10,000 young black males. If you do the same calculation for the total number of white-on-black crimes (186,000) divided by the total number of twenty-something white males (22.9 million), you get a ratio of 17.6 violent crimes committed by whites against blacks for every 10,000 young white males. Thus, the incidence of interracial black-on-white violent crime by young black males (1,013) is 57.5 times the incidence of interracial white-on-black crime by young white males (17.6). Using different denominators (for example, white versus black males age 15 to 29) moves the statistic down a bit (in the example given, to 48 to 1). But it clusters around “50 to 1.”

In his recent essay in *The New Republic*, Glenn Loury explains that “there are roughly eight times as many whites as blacks; and there are about six times as many violent criminals per capita among blacks as among whites. So, if criminals chose their victims at random, without regard to race, one would expect the black-on-white victimization rate per black person to be 48 times as large as the white-on-black rate per

white person. Thus, it does not appear that black criminals take affirmative action to find white victims.”

Loury is absolutely right, and he or I or any other competent analyst could fashion a half-dozen fancier ways of minimizing the “50 to 1” statistic. In the end, however, nothing we could produce would be other than cold comfort to white victims of black criminals. For every such “explanation” merely underlines the reality behind *both* “1 in 3” and “50 to 1”: namely, that young black males *do* commit serious crimes at a much higher rate than whites. Worse, where the growing problems of black juvenile and “wolf pack” crimes are concerned, it may well be that young black criminals really are targeting white victims. For example, as even OJJDP has noted, while about 95 percent of all violent crimes committed by white juveniles in 1991 were against whites, 57 percent of all violent crimes committed by black juveniles also were against whites.

The simple if unpalatable truth, therefore, is that even if we decriminalized black drug-dealing, there would still be racial “disproportionalities” in the justice system. Even if we also decriminalized all black crime save black-on-black violent crime, racial

“disproportionalities” would persist.

Here’s a suggestive calculation. In 1991, 372,200 black men were in prison, along with 363,600 white men. About 60 percent of all prisoners in 1991 had committed one or more violent crimes in the past. Suppose that we released 40 percent of the black prisoners—the 40 percent, say, with either no official history of violence or the least severe records of it. That would leave 223,320 black men behind bars. Then, because slightly more than half of the violent crimes committed by blacks are committed against whites, let’s release, say, 55 percent of the remaining black violent male offenders. That would leave 100,494 black males in prison, 27 percent of 1991’s actual total. They would be doing time with 3.6 times as many white males. But since whites in the general population still would outnumber blacks by roughly 8 to 1, the racial “disproportionality” would persist. To make it disappear completely—to get an 8-to-1 white-black ratio in prison—we would have to release all but 45,450 of the 372,200 black men in prison in 1991.

Similarly, 605,062 black adults were on probation in 1993, compared with 1,132,092 white adults, and 240,767 black adults were on parole,

compared with 236,083 white adults. Thus, the total black adult community-based corrections population (probation plus parole) numbered 845,829, compared with 1.36 million whites. Let's say we believed that fully 70 percent of all black probationers and parolees, but none of the white ones, were innocent victims of a racist "war on drugs" and should never have been arrested. That would leave 253,749 black adults on probation and parole. We would still have only 5.3, not eight, times as many white adults as blacks "in custody" in the community. To eliminate entirely the racial "disproportionalities" in probation and parole, all but about 170,000 of the more than 800,000 black adults under community-based supervision in 1993 would have to be expunged from the rolls.

Even if, therefore, the justice system punished only those blacks who commit violent crimes—indeed, even if it punished only black violent criminals whose victims were themselves black—blacks would still be "overrepresented" in prison, in jail, on probation, and on parole. Thus, instead of all the ideological nonsense about "1 in 3" and the like, we should begin to focus in common on how revolving-door justice harms all Americans, most especially blacks. As the bipartisan Council on

Crime in America has reported: “America’s violent crime problem, especially the rage of homicidal and near-homicidal violence, is extremely concentrated among young urban minority males. . . . A study of murders committed in the nation’s 75 most populous counties found that blacks were 52 percent of all murder victims and 62 percent of all murder defendants,” but “they were only 20 percent of the general population in these metropolitan jurisdictions. . . . Between 1985 and 1992 the rate at which males ages 14 through 17 committed murder increased by about 50 percent for whites and over 300 percent for blacks. Between 1973 and 1992 the rate of violent victimizations of black males ages 12 to 24 increased about 25 percent; for example, black males ages 16 to 19 sustained one violent crime for 11 persons in 1973 versus one for every six in 1992.”

For God’s sake, let’s be truthful. Especially in urban America, white fears of black crime—like black fears of black crime—are rational far more than reactionary or racist. If Americans are to learn how to deal in common with black crime as a problem of “sin, not skin,” as Glenn Loury puts it—as a correctable moral defect of individuals, not some ineradicable racial fate—then we must hear and heed those leaders,

black and white, liberal and conservative, who are speaking and doing something about it.

Hear Robert L. Woodson Sr., leader of the National Center for Neighborhood Enterprise. A veteran of the civil rights movement and an organizer of community- and faith-based groups that reach poor blacks and their children, Woodson speaks not of white racism but of “moral vagrants” in the black community who prey upon their disadvantaged neighbors.

Hear John W. Gillis, another prominent black, who heads California’s parole board and is a member of the Council on Crime in America. On the day the council’s first report was released to the press, Gillis stared into the cameras and implored responsible journalists to remember who normally puts black convicted criminals where they are, and why: black victims, black witnesses, and black communities—in order to do justice and to protect themselves from murder, mayhem, and deadly drug dealing.

Hear the grief-stricken family of Philadelphia police officer Lauretha Vaird, the city’s first female cop—and first black woman—to be killed in the line of duty. Officer Vaird was murdered in cold blood,

execution-style. Two of her three alleged killers are 26-year-old local black “gangsta” rappers who apparently practice the hate they sing. Vaird’s family members are calling for justice—life in prison or the electric chair for the killers.

Hear Debra Dickerson, the self-described liberal black sister of a young black man paralyzed from the waist down in a drive-by shooting. Read her intensely gripping, highly personal essay published in *The New Republic*, “Who Shot Johnny?” Therein she rages at the black assailant who shot her brother and left him for dead. His “crime”? Waving hello at a car full of boys whom he mistakenly thought he knew. The assailant stood over his bleeding, barely conscious body and said, “Betch’ou won’t be doin’ nomo’ wavin’, motha’fucker.” The vicious attacker was never caught.

Hear Harvard law professor Randall Kennedy, who in a 1994 *Wall Street Journal* op-ed described as “dangerous” the response “that cries ‘racism’ as part of an all-out defense of any black accused of wrongdoing by ‘white’ authorities, regardless of the facts of the case,” and as “troubling” the “position of some blacks that they will refuse to help send any black person to prison.”

Hear the Reverend Jesse Jackson. For over a decade, no national black leader has argued more eloquently against policies that offer blacks jails instead of jobs—and none was quicker to make hay of the Sentencing Project’s “1 in 3” finding. But recall Jackson’s own tortured words on November 27, 1993: “There is nothing more painful for me at this stage of my life than to walk down the street and hear footsteps and start to think about robbery and then look around and see it’s somebody white and feel relieved. How humiliating.”

Above all, hear the Reverend Eugene Rivers of Boston. In the 1960s, Rivers was a member of one of Philadelphia’s most violent black street gangs. Then the Reverend Ben Smith, a legend in the City of Brotherly Love, set him on the right path. As the Harvard-educated Rivers preaches: “For the people of God, every crisis, no matter how grim, presents a unique opportunity that can only be seen with the eyes of faith. For example, in racially war-torn Boston, black, Roman Catholic, and Jewish clergy have come together by faith to develop concrete strategies” for reducing crime and violence among black youth. In particular, under Rivers’s leadership, dozens of black churches have begun moving together to look after abused or neglected inner-city

black children, to stand up to drug dealers and gangsters, to spark local business development, and to reclaim the streets and end the terrors.

Rivers, his wife, and his two young children live in the Four Corners section of Dorchester, one of Boston's most violent black neighborhoods, where in 1991 three bullets from a gang shoot-out flew into Rivers's three-year-old son's bedroom. In 1993, Rivers grabbed a local crack merchant by the collar and told him not to deal at the local playground. "I told him, brother, I'll get you a job, I'll get you up for college—the whole nine yards," he says. "He told me to kiss his ass. So I did like I promised: I busted him—called the cops and probation and said, come get him now. They did." A week later, back on the streets and out for revenge, the kid drove by Rivers's house at 2 am and pumped it with gunfire. No one was hurt.

As Rivers recalled: "The question from all the hoodlums in the neighborhood after that was, 'Is the minister going to cut and run?'" He stayed. He reformed the kid who shot up his home. He branched out, developing alliances with other churches, setting up neighborhood crime-watch programs, and developing a host of

practical, tough-love programs, including “adopting a gang” for evangelistic outreach, and commissioning “missionaries” to go to court with juveniles, to make sure both that they get a fair shake and that they comply with the court’s requirements. Rivers and his small group of talented volunteers work closely with city officials, the local police, the Catholic Church and schools, and just about everyone else who might make a positive difference in the lives of the kids he’s trying to save.

Rivers styles himself a “Christian black nationalist.” No one in America is less romantic about the record of inner-city black churches; no one is more realistic about their dwindling congregations, often near-empty coffers, and negative attraction to today’s angry young black males. At the same time, no one understands better that when you get right down to it, a resurrection of the inner-city black churches is the one and only key to the resurrection of civil society in crime-and-drugs-ravaged black inner-city neighborhoods. A moral problem—a deficit of conscience, of values, of connectedness—requires a moral solution, and only a moral institution that comes out of the black community, such as the black church, can bring to bear the

moral authority to solve it. “It’s barbed wire and more black juvenile super-predators,” observes Rivers, “or civil society and stronger black churches. It’s that simple.”

Since November 1994, conservatives have been talking lots about civil society. Now, however, comes the test. Rivers, Smith, and others aren’t out there talking; they’re out there doing. In Smith’s case, he’s been doing it for 50 years, a textbook example of the self-reliant, family-centered, church-based, community-strengthening, not-a-penny-from-government approach today’s conservative theorists applaud. Conservative elites who are pushing welfare cuts should be putting their own money and influence into supporting the Riverses and the Smiths of inner-city America.

As Rivers exhorts, we must “together embrace the youth, disciplining our young people.” In particular, he implores Christians to remember that “whatever you do for the least of these brothers and sisters, you do for Jesus.” Amen.